

Islamic Law

Books One and Two

Handbook of Islamic rulings on Muslims' duties and practices

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Foreword

Islam is a complete way of life, and as such it addresses every aspect of human life ranging from personal and family matters to social, economic, political, and spiritual issues. The teachings of Islam are devised, therefore, to enable mankind attain prosperity in this life and in the hereafter.

As part of the measures to attain that prosperity, an adult Muslim needs to conduct his or her affairs according to the teachings of Islam and behave and respond accordingly in all aspects of life. Those issues and affairs range from matters concerning acts of worship to other matters such as family, culture, current affairs, financial transactions, etiquettes, and ethics.

An adult Muslim thus has a duty to learn the teachings of Islam on those issues that he or she might come across in life. Some of those teachings may be readily available, and if not, he or she must learn or seek the answers to one's queries.

Although every conduct that an adult Muslim performs according to the teachings of Islam constitutes an act of worship, no matter what aspect of life it may concern, traditionally by 'acts of worship' it is meant issues such as ritual cleanliness, the obligatory daily prayers, fasting, the hajj pilgrimage, *zakah* or the Islamic tax, as well as the Islamic doctrine ('*aqa'id*).

Acts of Worship or '*ibadat*', as referred to in Arabic, regulate the individual's association with his Creator, while *mo'amalat*, which is the term used to refer to such issues as contracts, deals, or mutual agreements such as trade, lease, loan, and marriage regulate the individual's relationship with others.

Islam gives significant importance to these two categories of relationships, and in order that mankind is aware of his duties and responsibilities before his creator and with respect to his fellow human beings, Islam lays down detailed laws to regulate those relationships. The significance that Islam attaches in these respects is such that those

laws are not only restricted to the obligatory duties, i.e. the *wajib* and the *haram*, but they also define and address optional issues; which are categorised as the *mostahab* (recommended/encouraged), the *makrooh* (undesirable/discouraged), and the *mobah* (permissible; *mobah* is referred to anything that is not categorised as either obligatory or prohibited).

It is adherence to the teachings of Islam in these categories; observing all aspects of obligatory duties and abstaining from all those prohibited that pave the way for the individual's spirituality and prepare him or her to seek closeness to the Almighty. Other matters that need to be observed are Islamic doctrine and Islamic ethics. It is emphasised in the hadith of the prophet and Ahl al-Bayt that through total adherence to fulfilling the obligatory duties and abstaining from the prohibition that Islamic spirituality is acquired. The quest for seeking nearness to the Almighty and day-to-day conduct or observance of the teachings of Islam go hand in hand. Adherence to all the teachings of Islam as taught by Allah's Messenger and his pure Ahl al-Bayt, peace be upon them all, prepares the individual to acquire nearness to the Almighty. To show the effect of observance of halal and haram, Imam Rida, peace be upon him, narrates from his father, grandfather, and forefathers that Allah's Messenger, peace be upon him and his pure family, said: "He who purifies his conduct and is sincerer in worship for Allah for forty days, Allah would burst the wells of wisdom in his heart, thus flowing on his tongue."¹

What is required is complete adherence to His teachings if we are to attain any degree of nearness to Allah Almighty, and there is simply no alternative to that.

Experts in Islamic Law, i.e. the *mujtahids* amongst the Muslim scholars, use such sources as the Holy Qur'an and the *sunnah* or teachings of Allah's messenger for deriving the Islamic rulings concerning various domains. In turn, the general public, those who are not experts in Islamic law, seek clarification about their Islamic duties

¹ Bihar al-Anwar, 53/326; 67/242; 67/249

and responsibilities by referring to the *mujtahids*. It is obligatory for every adult who is not a *mujtahid* himself to refer to a *mujtahid* who is fully qualified – i.e. *marje' taqleed* – for identifying and fulfilling his or her duty and responsibility. In a bid to make them more accessible, when a fully qualified *mujtahid* assumes the office of a *marje'* he collates his decrees and rulings concerning the Acts of Worship (*'ibadat*) and Contracts (*mo'amat*) in a book known as al-Risalah al- 'Amaliyyah.

Normally the Risalah 'Amaliyyah work is detailed and they may contain more than 3500 queries and postulations, all of which may not be immediately required or necessary for most people. Furthermore, sometimes the material is traditionally in technical manner and they may not be as user-friendly as the layman or novice reader may wish them to be, in which case the reader may need to refer to an expert for explanation.

The compilation prepared in this presentation is designed to be more practical for a broad spectrum of readers particularly the layman or the novice user. This is realized through selecting only the queries and postulations of the Risalah 'Amaliyyah that are required or encountered more often by the average user, while explaining and clarifying the topics concerned if required. Furthermore, also included in this presentation are those queries that are not normally found in the traditional Risalah 'Amaliyyah but are frequently asked by the faithful.

The Risalah 'Amaliyyah of most scholars, past and present, are generally very similar in structure. However, the presentation of this collection of Islamic law has somewhat different arrangement to the traditional works.

1. This compilation covers all topics that are normally covered in a traditional Risalah 'Amaliyyah, but presents a selection of materials, which are frequently needed by a broad spectrum of users, and in particular the non-expert and novice user. Book

One of this work covers issues such as *ijtihad* and *taqleed* (emulation), ritual cleanliness, daily prayers, fasting, *haji*, *khums* and *zakah*.

٢. In addition to the classical structure of such work, new topical chapters are also added that are not normally found in the traditional *Risalah*. These are topics such as culture and development, freedom, human rights, social and personal reform, peace and non-violence, medicine, immigration, morality and ethics. These topics are covered in Book Two.
٣. Furthermore, some of the questions that have been submitted by the faithful to the office of the *marje*‘ together with their corresponding answers are also presented in this work. Such Q&A are not normally given in the traditional *Risalah*.
٤. On the issue of the presentation of this work, some restructuring have been made compared with the traditional *Risalah*, and thus relevant issues are grouped together. For example, the rulings concerning women, *hijab*, marriage, divorce, and marital issues, will, inheritance are grouped under the title of the Family. The reason for this restructuring is the topical categorisation of the subject matter and the ease of use.

This work therefore combines the essence of the traditional *Risalah* together with benefits of contemporary additions.

Book One has already been published separately, and this work is the combined books One and Two.

Although the technical terms used in this work are normally defined on first occurrences, also presented is a glossary of technical and Arabic terms used in the work, which serves as a useful and informative table of the terminologies. Explanatory notes given within [], in the footnotes are the editors’, and so too are the materials given in the Appendix.

Z Olyabek
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BOOK ONE

ACTS OF WORSHIP

**IJTIHAD and TAQLEED (EMULATION), RITUAL
CLEANLINESS, DAILY PRAYERS, FASTING,
HAJJ, KHUMS and ZAKAH**

Bismillah al-Rahman al-Raheem

Part One

Ijtihad and Taqleed

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Ijtihad and Taqleed

Case: It is imperative that a Muslim's belief in the fundamentals of religion (*Osool al-Deen*) be based on reasoning and proof. It is not permissible for one to follow the taqleed (of others) on these issues; in the sense of accepting someone's words on these issues without reason, explanation, and rationale. *Osool al-Deen* or "the fundamentals of the religion" are five:

١. *Tawheed*, or Oneness of Allah.
٢. *'Adl*, or Divine Justice.
٣. *Nobowwah*, or Prophethood.
٤. *Imamah*, or Leadership.¹
٥. *Me'ad*, or Resurrection.

The same applies to the essentials of "*foroo' al-deen*" or "the teachings and practices of the religion" such as the obligation of the daily prayers (*salah*) and fasting (*sawm*).²

As for the Rulings of Islam (*ahkam*) and *foroo' al-deen*, it is obligatory upon the *mokallaf*³ to be one of a *mujtahid*,⁴ a *moqallid*,¹ or a *mohtat*.²

¹ This refers to *Imamah* or leadership of the Muslim nation after the Prophet Muhammad by the 12 infallible Imams, as appointed by Allah's Messenger during his lifetime on instructions from the Almighty.

² *foroo' al-deen*, are many; there are the well-known ten such as prayers, fasting and hajj, and also other aspects of the teachings of Islam that are significantly relevant in modern times; issues such as human right, social order, politics, economics, the armed forces, the justice system, culture, media, education, health, and individual and social freedoms.

³ *mokallaf*, literally meaning "duty-bound" or "one who is under obligation", is in reference to religious obligations that are applicable to a sane individual from the age of adolescence.

⁴ A *mujtahid* is a fully qualified scholar/jurist, who is competent to deduce rulings and legal matters from the Holy Qur'an and the teachings of the Prophet and Ahl al-Bayt, and thus is qualified to issue verdicts and judgments (fatwa) on relevant issues so that the rulings are in accordance with the teachings of Allah, the Prophet, and the ma'soom imams of Ahl al-Bayt peace be upon them.

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One who is not a *mujtahid* and is not able to practice *ihtiyat*, it is obligatory for him follow (or perform taqleed of) a *mujtahid*.

Taqleed covers all rulings (*ahkam*) on acts of worship and contracts, on obligatory, prohibited, recommended (*mostahab*), discouraged (*makrooh*), and permissible (*mobah*) acts.

This is the duty of the believers during the era of the Greater Occultation (*al-ghaybah al-kubra.*) as far as obtaining the Islamic rulings are concerned, when there is no specific representative of the Awaited Imam – may Allah hasten his honourable reappearance – as reported in the honourable hadith from Imam al-Hujjah [Imam alMahdi] may our souls be his sacrifice:

“As for current events, refer them to the narrators of our hadiths,³ for they are my hujjah (authority) upon you, and I am Allah’s hujjah upon them.”⁴

Thus it is absolutely forbidden to refer to anyone else (to seek Shari‘ah rulings).

¹ A *moqallid*, or follower, is one who fulfils his religious duties in accordance with the verdicts of a *mujtahid*.

² A *mohtat* is one who acts upon the most cautious verdicts (*ihtiyat*) in order to assure himself that he has fulfilled his religious obligations. By being on the ‘safe side’ he always take the ‘more cautious’ route of the possible ruling concerned. A *mohtat* is one who has a good background in *fiqh* and the process of reaching verdicts, and not just anyone who is selective when it comes to acting upon different rulings.

³ By “narrators of our hadith” it is meant the “religious authority” or Maraje‘ Taqleed who adhere devotedly and conscientiously to the hadith of Ahl al-Bayt.

⁴ Bihar al-Anwar, vol.53/p180. Sheikh al-Tousi, *al-Ghaybah*, p290. al-Erbili, Ali ibn ‘Esa, *Kashf al-Ghummah*, vol.2/p531. al-Sheikh al-Sadouq, Kamal al-Deen, vol.2/p483.

Definitions

Ijtihad

Ijtihad is the deduction of Shari‘ah rulings from its detailed evidences. He who is able to perform such deductions is called a *mujtahid*. The permission or confirmation of other *fuqaha*’ is not the only way to confirm the qualification of a *mujtahid*, rather his *istidlali fiqh* (evidential jurisprudence) according to its scholarly criteria is sufficient to prove that, and so too his scholarly debates and discussions.¹

Ihtiyat

Ihtiyat is the fulfilling of one’s duties such that the Mohtat is sure that he has discharged his duties. For example, if a group of Mujtahids decree that a certain act is haram, and others decree that it is not; he takes the side of precaution (*ihtiyat*) by not committing that act. On the

other hand, if some decree that a certain act is mandatory, while others prescribe it as mostahab (desirable/recommended) he would take the side of precaution and perform that deed.²

Taqleed

Taqleed is to act according to the judgements/verdicts of a fully qualified Mujtahid. He who does so is referred to as Moqallid.

Case: The *mokallaf* accomplishes his *taqleed* by discharging his duties [according to the verdicts of the Mujtahid], and not just by claiming to be in the *taqleed* of a specific Mujtahid only.

Case: One who forgoes learning the Shari‘ah rulings of those cases that one often comes across, and [thus] deviates from the right path, is considered disobedient.

¹ *fiqh* is jurisprudence, *faqih* jurisperdent or jurist, pl. *fuqaha*’.

² Therefore the one who practices ihtiyat takes the burden of the safe side and practices the “more cautious”. Needless to say such individual would normally have some insight knowledge of jurisprudence and its rulings.

Case: One who does not act according to the fatwa or verdict of a particular Mujtahid, but rather would suffice asking about those cases he comes across from seminary students [studying *fiqh*], his action [i.e. fulfilment of his duties] would be tantamount to he who acts without taqleed. This is due to the mandatory nature of *taqleed* concerning the Shari‘ah rulings, and the obligation of inferring them to a Mujtahid.

Case: It is not permissible for a Muslim to practice ‘personal’ Ijtihad, on the grounds of his [limited] Islamic education and general knowledge, and perhaps encouraged by the impetus of freedom of expression in Islam; for this matter requires extensive expertise and experience in the deduction of Shari‘ah rulings.

Difference between Fatwa and Ihtiyat

Case: If the *a‘lam* Mujtahid gives a fatwa concerning an issue, then it is not permissible for his moqallid to follow another Mujtahid on that matter, as per obligatory precaution. However, if he gives his judgement or ruling on the basis of precaution, then it is permissible for the moqallid to act according to the fatwa of another Mujtahid.

Mujtahid and Moqallid

Criteria of a Mujtahid

Case: A Mujtahid must be:

١. Male,
٢. Adult,
٣. Sane,
٤. Free,
٥. Twelve-Imam Shi‘a [who believes in the authority of the twelve divinely-appointed Imams of the Ahl al-Bayt, peace be upon them],

٦. Of legitimate birth,
٧. Alive, for it is not permissible for one to begin with the taqleed of a deceased,
٨. *'Adil*. An *'adil* or righteous individual is one who adheres to and acts upon the obligatory duties and refrains from the prohibited acts, such that if his neighbours, or his colleagues were asked about him, they would testify of his good nature, commitment, and piety.
٩. He should be *a'lam* or 'most learned', as per obligatory precaution. In other words, he should be more learned than all other Mujtahids of his time and he should be the most pronounced in deduction. The authority and criteria in identifying him are those of expertise and deduction. If the identification of the 'most learned' proves difficult, it is mandatory, as a precaution, to do the taqleed of one who is believed to be the most learned. Similarly one should do the taqleed of a mujtahid if there is a small probability that he is the most learned, and one knows that there is no other mujtahid who is more learned [than him], as per mostahab precaution. However, if there were a group [of Mujtahids] who, in one's opinion, were equal in learning he should practice the taqleed of anyone of them, but if one of them is more pious (*awra'*) [than the rest] one should do the taqleed of this particular [mujtahid], as per mostahab precaution.

Superiority in Learning

Q: Is the criterion of "superiority in learning" (or *a'lamiyyah*) that some of the Fuqaha' require for the Marje' al-Taqleed,¹ restricted to matters of "Acts of Worship", and "Contracts" that are discussed in the "Risalah

¹ The fully-qualified *mujtahid* who assumes the office of authority and leadership or *marja' iyyah* is referred to as Marje' al-Taqleed.

al-‘Amaliyyah”¹? Or should this “superiority in learning” (*a‘lamiyyah*) also cover general affairs such as Politics, Economics, and suchlike amongst the various domains that affect people’s life?

A: Rather it must cover all (matters of life).

Q: Is one’s fulfilment of one’s duties considered void, if one follows the taqleed of a mujtahid who is not the most learned (*a‘lam*), if there could be a probability that some of the required criteria for *taqleed* may not be available in the person who is “most learned” (*a‘lam*)?

A: He must investigate the matter forthwith, and what has passed of his deeds and acts in fulfilling his duties are deemed to be valid.

Q: Is it obligatory to follow (the taqleed of) the “most fitting” for the leadership of the nation, or the “most learned” about the book of Allah and the most able to endure this task, as Imam Ali, *peace be upon him*, commanded, “The one who has more priority to this affair is the one who is most learned about the book of Allah, and most competent of it.” And if the answer is in favour of following the most learned, would it still be mandatory to follow him while there is a more fitting and more competent one for the leadership of the nation? Especially if the most learned is not able to lead the nation, given his lack of knowledge about its affairs, so is it still obligatory to follow him despite that?

A: As an obligatory precaution the most learned must be followed, and as for the leadership of the Ummah, it should be in the hands of The Council of Maraje‘ Jurists [*Shura al-Fuqaha’ al-Maraje’*].

Q: Is the criterion of “superiority in learning” (*a‘lamiyyah*) determined by the scholar’s excellence in the deduction of Shari‘ah rulings, authoring Islamic books, and his name being renowned in scholarly circles?

A: Scholars have mentioned that the meaning of superiority in learning (*a‘lamiyyah*) is that the scholar is the best in the deduction and understanding of the Shari‘ah rulings, and having greater insight in

¹ This is another term for Tawdeeh al-Masa’el.

them, being more aware and better informed of similar jurisprudential cases and their equals, and having greater competence in referring particular cases to their roots and sources.

Q: What is the Shari‘ah evidence for the requirement of following the most learned (*a‘lam*)? And assuming that this is obligatory, is it practically realistic? And if that proves difficult because of the lack of a comprehensive study of all the scholars of the Ummah, and realizing their status and their works, what should then be done?

A: The requirement of following the *a‘lam* is as per obligatory precaution, and the reason for it is based on the prudence and the judgement of the discerning, the judicious and such like. Identifying the *a‘lam* may be achieved through the testimony of the reliable and trustworthy experts, and if that proves difficult or is excused, one may follow [the taqleed of] the one who is believed to be the *a‘lam*.

Q: If I was following one of the Maraje‘, who was not the *a‘lam* amongst present ones, and I was not sure of this until the *a‘lam* Marje‘ passed away, what is the validity of my taqleed?

A: It is obligatory, as a precaution, to follow the *a‘lam* from now on, and the passed deeds are deemed valid.

Q: If there are two *faqih* individuals; one of them is more learned than the other in Politics and Jihad, is it obligatory to refer to him?

A: It is obligatory, as a precaution, to refer to the *faqih* who is more learned in rulings (*ahkam*). As for political affairs and such general issues, the authority is the judgment of The Council of Maraje‘ Fuqaha’.

Q: Is it permissible to switch from one living Mujtahid to another living one, if it becomes evident that the other Mujtahid is more learned.

A: Yes it is permissible.

Identifying a Mujtahid

1. If one is convinced of the ijthad of a candidate; this is achieved if one is himself a religious scholar and thus he can identify a Mujtahid,

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٢. If two pious scholars, who are able to identify a Mujtahid, confirm this – provided that their testimony is not contradicted by two other pious scholars.
٣. If a group of learned and expert individuals who are competent to identify a Mujtahid, who also are reliable and trustworthy, testify to the ijthihad of an individual.

It would even be sufficient that one person testifies to the ijthihad of the individual, if he is reliable and trustworthy.

Who is the moqallid?

Case: The *moqallid* is the sane, adolescent *mokallaf* whether man or woman.

For the male, adolescence is established through one of three signs:

١. The growing of rough hair under the armpits and the pubic hair. The soft hair is not deemed applicable.
٢. Ejaculation, in that the phenomenon of semen ejaculation begins to take place; whether during sleep or when awake, willingly or unwillingly.
٣. The completion of fifteen lunar years.

As for the female, adolescence is established by the completion of nine lunar years.

Obtaining the Mujtahid's views

Case: It is mandatory upon the *mokallaf moqallid* to learn the issues that he would often need to know, and to obtain the fatwa of the Mujtahid and his rulings on those issues. The fatwa and ruling may be obtained through one of the following four:

١. Hearing the fatwa or ruling from the Mujtahid directly.
٢. Hearing them from two righteous individuals.
٣. Hearing them from one whose word is trusted and his conveying may be relied upon.

٤. If the fatwa and rulings are available in his Risalah al-‘Amaliyyah, provided one is sure of the authenticity of the Risalah and accuracy of its content.

Miscellaneous Queries

Q: Can modern communication means such as telephone and email be relied upon to obtain the fatwa of the Marje‘?

A: Yes, if one can be assured of them.

Q: Can the fatawa that are given on internet websites be relied upon, and are they a reliable source that can be acted upon just like the Risalah al-‘Amaliyyah?

A: Yes.

Q: Is it considered a reliable source if the fatwa is obtained via fax or email where it does not carry the seal of the Marje‘?

A: Yes, if one is assured that it has been issued from the office [of the Marje‘].

Q: Is it permissible to do *mosalahah* (settling khums/zakah matters) with the Marje‘ or his representative via the telephone, fax, or email?

A: Yes.

Q: Is it permissible to act on your fatawa or verdicts in your Jurisprudent books instead of taking them from your *Risalah al-‘Amaliyyah*? And is it sufficient/permissible to take the fatwa from [your] commentaries on ‘Orwatol-Wothqa?

A: It is permissible to take the fatwa from the jurisprudence books if there is no other fatwa in *al-Risalah al-‘Amaliyyah* or in *al-Istifta’at* that counters it. As for what is in the commentaries of the ‘Orwatol-Wothqa, it is permissible to act upon.

Q: What is the meaning of the Absolute Representative, (*al-Wakeel al-Mutlaq*) and what are the limits of his authority?

A: This depends on the authorities given to the appointee.

Q: Is it permissible to act according to *al-Risalah al-'Amaliyyah* of other than one's own Marje' – deceased or alive – when one is not able to obtain that of his Marje', and it is difficult to contact him?

A: If it is not possible to reach the verdict of the Marje', and it is not possible to postpone the issue, nor to act on ihtiyat, it would be permissible to act according to the *al-Risalah al-'Amaliyyah* of another Mujtahid, and if this is not possible he may act according to *al-Risalah al-'Amaliyyah* of those of the past, may Allah bless them.

Ignorance of the ruling while in Taqleed

Case: If there was a case that one did not know its ruling, he should refrain from acting on that matter, if the matter can wait, until he obtains the fatwa of his Marje'. Alternatively he should discharge his duty through practicing Ihtiyat if he can do so.

Not in Taqleed

Case: If the *mokallaf* discharged his duties without practicing taqleed for a period of time, his duties would be valid if they were in accordance with the fatwa of a Mujtahid that he should have followed, or if they were in accordance with the fatwa of a Mujtahid that he is currently obliged to follow. It is a mostahab precaution that they are in accordance with the fatwa of the current Mujtahid.

Switching and Opting out

Case: There is no objection to *tab'eed* or 'opting out',¹ provided the relevant criteria are observed, such as the two mujtahids being equal in knowledge, ability or *a'lamiyyah*.

On the other hand, '*odool* or 'switching' from one mujtahid to another runs contrary to precaution, except [when one switches] to the *a'lam*, i.e. superior in knowledge, in which case it is mandatory as a precaution.

¹ *tab'eed* or 'opting out' is to act according to the opinion of another mujtahid when one's own marje' has not given a fatwa on the matter concerned.

The term ‘contrary to precaution’ means ‘not permissible’ as a precaution. If one switches [to another Mujtahid] knowing that switching is not permissible, he must return to the first one, and his past deeds are deemed correct.

Case: It is not permissible to opt out in matters that are subject to fatwa, [i.e. a fatwa has been given by the marje‘ on the matter concerned] except if the ‘opting out’ is from the outset of the taqleed – while the [ijtihad] criteria are met by the two mujtahids between whom the opting out is exercised.

Miscellaneous queries

Q: If a moqallid acted according to your fatwa, then wanted to opt out to another fully qualified Mujtahid for this particular case for the purpose of easiness, is he allowed to do that?

A: Only if it was based on precaution, it is permissible.

Q: A certain individual used to follow a fully qualified Marje‘, but as a result of political and publicity influence on him at the time, he switched to another Marje‘. Then after those circumstances faded away, he returned back to the first Marje‘. Is there any problem regarding this matter?

A: There is no problem with that.

Q: Is it permissible to switch from the deceased *a‘lam* to a living one purely on the grounds of common acceptance amongst the people?

A: It is permissible to switch to the living.

When a Mujtahid Dies

Case: If the Mujtahid that one follows dies, then one must either:

- Remain in the taqleed of the deceased Mujtahid for all his fatawa, and that is with the permission of a living Mujtahid who allows remaining on the taqleed of the deceased. For new cases and developments, he must refer to this living Mujtahid,
- Or switch to a living Mujtahid.

Miscellaneous queries

Q: There are some followers (*moqallids*) of a deceased Maraje' who have remained on the taqleed of the deceased without referring to a living Marje' to seek his permission to remain on the taqleed of the deceased. This is of course until they investigate and identify a qualified living marje'. What is the state of their acts and to whom should they pay their Khums?

A: It is not permissible to remain on the taqleed of the deceased without following a living one on this case. So it is obligatory for one whose Mujtahid has died to follow a living Mujtahid who approves remaining on the taqleed of the deceased. Furthermore, it is obligatory for such individuals to pay the Khums to the living Mujtahid who is fully qualified.

Q: There is an individual who used to follow one of the Maraje' – may Allah protect them – and then that Marje' passed away, and the individual remained on the taqleed of the deceased Marje' for a while, with the permission of a living Marje'. Should he continue to remain on the taqleed of the deceased Marje', or switch to a living Marje', or one who is more knowledgeable?

A: It is permissible to remain on the *taqleed* of the deceased, with the permission of a living one, and it is permissible to refer to a living one, who should, as an obligatory precaution be *a'lam*, most knowledgeable. The *a'lam* is identified with the aid of the experts.

Q: It has been mentioned in your Risalah al-'Amaliyyah that it is not permissible to begin with the taqleed of the deceased. What is the reason for this?

A: The reason for this is the evidence [we have from various sources] to this effect, that one should begin the taqleed of a living mujtahid not a deceased one.

Shura al-Fuqaha' or Wilayat al-Faqih

Wilayat al-Faqih or the “Authority of the Jurist” is bound by the Islamic framework, and as far as public affairs such as peace, war, international treaties, and suchlike are concerned, they are decided upon according to the decision, judgment, and decree of Shura al-Fuqaha', or the Council of Jurists. [This topic is addressed in the section of Governance in Chapter5 of Part5 of Book Two, page 641.]

The Faqih is *hujjah* or authority upon his followers (*moqallids*) and not upon another Mujtahid¹ or his followers. It is not permissible for a Faqih to coerce the followers (*moqallids*) of another Mujtahid – who is fully qualified – to act according to his own fatwa. There is no difference in authority between *fatwa* and *hukm*.²

It is possible to implement the concept of Shura al-Fuqaha' despite the plurality of the Maraje', and their geographical dispersion. This may be realised through their respective representatives, and on every suitable occasion the Maraje' themselves may meet, the example of which are many in the world today.

Miscellaneous Queries

Q: Do you consider it necessary to raise the idea of *Shura al-Fuqaha'* which is in fact realistic and on the basis of Shari'ah, while doing so might cause social tension, given that there are views that oppose it? Or rather one should abstain from bringing up the issue at the moment until when the level of awareness for such ideas elevates further?

A: It should be brought up, but with wisdom and beautiful exhortation.

Q: Does the authority (*walayah*) of the Faqih continue after his death?

A: The authority of the Faqih does not continue after his death.

¹ The terms Faqih and Mujtahid are interchangeably used to mean the same thing.

² Fatwa is to do with rulings such as the obligation of fasting, but Hukm is to do with issues such as, say, the declaration of the first day of the holy month of Ramadan.

ACTS OF WORSHIP

Part Two

Taharah

ACTS OF WORSHIP

Chapter One: The Unclean or Najasat

Najasat or the inherently najis things are as follows:

Categories of Najasat

1&2) Urine & faeces

Case: The urine and faeces from every human being is najis, and so too is that from every haram-meat animal whose blood gushes out when slaughtered. However, the excreta from haram-meat animals that does not have gushing blood when slaughtered, or that which has no meat such as insects, or from halal-meat animals is tahir.

Case: It is mostahab to keep away from droppings of haram-meat birds, especially from bat's droppings and urine.

Case: The excreta of *jallal* animal¹ are najis, and so too those of the animal that has been defiled by a human, or those of the lamb that was nursed or fed from pig milk until its body flesh took form.

٣) Semen

Case: Human semen is najis, and so too is that of the animal that has gushing blood when slaughtered.

٤) Carcass

Case: The carcass² of an animal whose blood forcefully gushes out when slaughtered is najis regardless of whether the animal died a natural death or was slaughtered in a non-shari'ah way. However, the carcass of fish, which has no gushing blood, is tahir even if it dies in water.

The parts of the animal that have no life such as wool, hair, bone, and teeth are all tahir except those of land dog and pig.

¹ A *jallal* animal is that which has got used to consuming human faeces.

² By carcass it is meant the body of a dead animal that has not been slaughtered according to the procedure prescribed by Islamic shari'ah.

If a piece of living tissue, flesh or limb is detached or cut by someone from the body of a living human being or from a living animal that has gushing blood [when slaughtered], that piece is najis.

•) **Blood**

Case: Human blood is najis, and so too is that of every animal that has gushing blood when slaughtered. However, an animal that has no gushing blood such as fish and mosquito, or the animal that is not certain whether it has gushing blood or not such as snake, is tahir.

Case: If a halal-meat animal is slaughtered according to the shari‘ah and the usual amount of blood leaves the animal body as per normal, then the remaining blood in the carcass is deemed tahir.

The blood in the egg

Case: If the amount of blood in an egg is small, and the membrane that is on it is not pierced, and if the blood is removed such that it does not mix with the egg, then the egg is tahir.

The clotted blood under the fingernail

Case: The blood clot that is formed under the fingernail or the skin as a result of a blow, if it is not called blood then it is tahir, but if it is said that it is blood then it is najis. And if it is not known whether it is the blood that became clotted under the skin or the fingernail, or it is the flesh that came into that state as a result of the blow, then it is [considered] tahir.

Blood falling into boiling water

Case: If a drop of blood falls into food [that is being cooked] – while it is boiling – the entire food becomes najis, as well as the containing pan; for boiling, heat, and fire are not purifiers.

The yellow sweat around the wound

Case: The yellow sweat that appears around a wound and above it, and occasionally forms a hard black layer on top of a wound when recovering, if it is not known that it is mixed with blood, then it is tahir.

And so too if it were known to have mixed with blood, but has been transformed into skin.

6 & 7) Dog and Pig

Case: Land dogs and pigs are najis, even their hair, bones, paws, and the moisture from them. However, sea dogs and pigs are tahir [though not halal to consume].

^) The Unbeliever

Case: The unbeliever (kafir) is najis. The unbeliever is one who denies the existence of God, or associates a partner for Him, or denies the Prophethood of the Seal of the Prophets, Muhammad, peace be upon him and his pure family. Furthermore [an unbeliever is] anyone who denies any one of indispensable aspects of the religion such as the [obligatory] prayers and fasting, which the Muslims consider as part of the religion, provided that he knows that these are indispensable aspects of the religion, and provided that his denial leads to the denial of Allah's Messenger, peace be upon him and his pure family. This is also applicable if one denies the resurrection and the great sins such as adultery and drinking of wine. All of the Kafir's body is najis, including hair, fingernail, and moisture, on the basis of an obligatory precaution.

The child of kafir and Muslim

Case: If the father of a non-adolescent child, and his grandfather, mother and grandmother were all unbelievers, then the child would follow them in being najis too. However, if one of them is a Muslim, then the child would follow that Muslim and is tahir.

The opponent and the blasphemer against the Ahl al-Bayt

Case: If any of the Muslims blasphemed against the Noble Prophet peace be upon him and his family, or Fatima al-Zahra' peace be upon her, or one of the 12 Imams peace be upon them, or showed animosity towards [any one of] them, he would be najis.

٩) Wine

Case: Wine and every intoxicant that is originally liquid is najis, and if it is originally non-liquid such as *banj* or *hashish* (narcotic), then it is haram but it is not najis, even if something is added to it to make it liquid.

Industrial Spirit

Case: The spirit/thinner that is used in paint for painting doors, tables, chairs, etc. is tahir if it is not intoxicant.

Boiled Grape, Date, Raisins, Sultana

Case: If grape or its juice came to boil on its own, then its consumption is haram but it is tahir. The same applies if it was boiled through cooking. If dates, raisins, apricot, or their juice were boiled, their consumption is halal.

١٠) Beer

Case: *Fuqqa'* or Beer, the drink that is made from fermenting barley, is najis. However, the barley drink that is prepared according to physicians' prescription and is used as a treatment, and is called *ma' al-sha'eer* is tahir.¹

١١) Jallal Animal Sweat

Case: On the basis of obligatory precaution, the sweat of the *jallal* camel and any other such animal should be avoided. The *jallal* animal is that which has got used to consuming human faeces.

Identification of Najasah

Case: The occurrence of najasah is identified in one of three ways:

- a) That one is certain something is najis. However, if one suspects something is najis, one is not bound to refrain from it.

¹ Needless to say, beside beer, other alcoholic beverages derived from other products are also najis, but barley in particular is singled out because, historically, it is the most used.

- b) That a person who is in possession of something, or is handling it, notifies and asserts that it is najis. So if someone said the platter or the thing that is in his/her hand is najis, then one must refrain from it. This is called assertion by one who is in possession.
- c) That two righteous (*'adil*) men notify that something is najis. So too if only one righteous person notifies that something is najis, and one is confident of his word, then one must refrain from that thing.

Doubt about taharah

Case: A najis object that is doubted whether it has become tahir or not, is najis. The tahir article that is doubted whether it has become najis or not, is tahir. If it is possible to establish whether it is tahir or najis, it is not binding for one to investigate.

One of two is known to be najis

Case: If one realised that one of two platters or items of clothing became najis, both of which he was using, and he does not know which one of the two became najis, it is obligatory for him to refrain from both. However, if he does not know whether it was his garment that became najis or another that he never uses – for it belongs to another person – then it is not mandatory for him to refrain from his garment.

How tahir things become najis

Case: If the najis object came in contact with a tahir object, and both, or one of them were moist such that the moisture of one could seep to the other, the tahir thing would become najis. However if the moisture was too little such that it could not seep through to the other, the tahir object would not become najis.

Earth and textile

Case: If the ground soil, textile and suchlike were wet and came into contact with a najis object, or if they were dry and a wet najis object

came into contact with them, the place of contact becomes najis, and the rest remains tahir.

Oil and Syrup

Case: Oil, syrup, and suchlike – that if an amount of it is removed from it, the vacant place would fill in immediately – would become najis in its entirety as soon as najasah comes into contact with it at any point. However, if it were such that the vacant place would not fill in immediately when an amount of it is removed from it, only the area of contact would become najis, as the vacant place would fill in sometime later. So for example, if a mouse dropping fell in such substance, the area of contact with the dropping would become najis and the rest would be tahir.

Mucus

Case: If the mucus emitted from nose and throat contained blood, the area containing the blood would be najis and the rest would tahir.

Insertion into the body

Case: If something that was inserted into a body came into contact with najasah, and if after retracting it from the body it was not polluted with najasah it is considered tahir. For example, if the tool of enema was inserted into the rectum, or if a needle, knife and suchlike were inserted into the body, and after retracting them from the body they were not polluted with najasah, then they would not be najis. The same is applicable to saliva and mucus if they came into contact with blood in the mouth or in the nose and on spitting out or emission they were not polluted by blood.

Some of the Rulings of Najasah

On the Prohibition of Defiling the Qur'an

Case: It is haram to defile – to make najis – the script or any writing of the Noble Qur'an. It would be obligatory to immediately remove the najasah from it if it were defiled. It is prohibited to give the Noble

Qur'an to the kafir if that constituted a slur to the Qur'an, and it is obligatory to take it from him.

Case: If a piece of a page of the Qur'an or anything that warrants reverence, such as a piece of paper on which the name of Allah, or the Prophet, or the Imam is written falls in the toilet, it would be obligatory to recover it and purify it, even at a cost. If it were not possible to recover it, on the basis of an obligatory precaution, one should abstain from going to that toilet until one is confident of the annihilation and break up of that piece of paper.

The same is applicable if some of the soil of the site of Imam Husayn (The Husayni *torbah*) fell in the toilet, and was impossible to recover it, it would be obligatory to refrain from using that toilet until the break up and eradication of the torbah.

Prohibition of Eating Najis Thing

Case: It is prohibited to eat or drink something [inherently] najis, or [something that] has become najis, such as water that has become najis. Similarly it is prohibited to give such a thing to someone else [to eat or drink] even to children if it were the [inherently] najis thing only. But if the child ate something [that is not inherently najis] but has become najis, and this does not constitute harm to the child, it would not be obligatory to stop him.

Case: If someone see a person eating something that is najis or praying in najis clothing, it is not mandatory for one to notify that person.

Case: If during eating food, the host realised the food is najis, it is obligatory for him to notify the guests. However, if one of the guests learns of this, it is not obligatory for him to notify others.

Accepting the word of a young person on taharah

Case: If a young person who is near the age of adolescence says he has made something tahir, and his word was reassuring, his word is accepted. The same is applicable if he notified something to be najis, and his word was reassuring.

Using Parts of Najis Animal

Case: It is not permissible to use parts of najis animals, such as pig, [as utensils] for eating and drinking, but for other applications such as treating the sick, etc. there is no objection, and one must make oneself tahir from them for prayers.

Space Intoxicants

Case: If as a result of being in space or on some particular planets a non-intoxicant liquid develops intoxicating qualities, it would be haram to drink, because “every intoxicant is haram”.¹ On the other hand, if the intoxicating quality of an intoxicant ceases to exist because of it being in space or on some planets, it would still be haram to drink.² However, it would not be prohibited to use it for other than drinking since it is not intoxicant.³ This is because the evidence points to the prohibition of drinking and not using an intoxicant.

Injection an inherently-najis blood

Case: If the blood of an inherently najis animal were injected into a tahir animal, such as the injection of the blood of a dog into a sheep, if it [the injected blood] becomes part of the animal such that it would be said it is the sheep’s blood, then it is tahir, after the normal amount of it has left [the body] through slaughtering. If the tahir blood was injected into an animal that is inherently najis such as a dog, or into a najis-blood [being] such a human being, the blood would become najis as soon as contact is made in the case of the former. As for the latter case, if we accept that the blood is tahir when in the veins – since it is said that as long as blood does not leave the body it is not najis – if [injected] blood becomes part of the human body it would be considered as tahir so long as it is within the veins, otherwise it is najis.

¹ Al-Kafi, vol.6 p407

² This is because the evidences point to the obligation of absolute abstention from drinking liquor/wine (*khamr*), even if does not intoxicate.

³ For example, using it say as a sterilising substance or a disinfectant.

Blood colour change and transformation

Case: If blood was treated so that it turned white coloured, if [as a result] it departed from its actual characteristics, then it is tahir for this is an example of *istihalah* or transformation. And if it does not depart from its actual characteristics, it remains najis, for the changing of its colour alone is not one of the purifying factors.

If it were supposed possible to change blood into milk, then it would be halal and tahir, and it is the same whether it is inside the body or outside, for it is similar to the transformation of wine into vinegar.

Urine alteration

Case: If one had an illness or took such medication that made his urine pure water, in which there was no reality of urine at all, that would be tahir, for the criterion is not the secretion from a particular part but rather the fact that it is considered urine as commonly accepted. If it were presupposed that the water that is drunk is secreted from the urinating part without any change, and by common acceptance it is not recognised as urine, then there is no grounds to rule it as being najis.

Chapter Two: The Purifiers or Motahhirat

Categories of Motahhirat

The Purifiers, or *motahhirat*, that purify or render tahir the najis things are twelve:

١. Water
٢. Earth
٣. Sun
٤. Transformation
٥. Elimination / Evaporation of two-third of grape juice
٦. Transferring
٧. Islam
٨. Ensuing
٩. Eradication of the najasah itself
١٠. The purification of the Jallal animal
١١. The absence of the Muslim
١٢. The emission of the normally accepted amount of blood from the animal (when slaughtered).

1. Water

Categories of Water

Case: Water is classified as either motlaq (intrinsic, innate, pure or natural) or mudaf (mixed or added to). The mudaf is referred to [liquids such as] juice extracted from fruit or rosewater, or if it was mixed with mud etc. such that it is not called water. The motlaq water is other than mudaf.

[Mudaf water does not render tahir anything that is najis and it is not valid to take ritual bath (ghusl) or to perform ablutions (wodu') with it.]

Classifications of motlaq water

[There are five kinds of motlaq water: (i) kurr water, (ii) 'little' water, (iii) running water, (iv) rain water, (v) well water.]

i) Kurr water

Kurr is a volume of 3 span long by 3 span wide by 3 span deep; thus the Kurr water is the water volume of 27 cubic span.¹

Case: The Kurr water is not made najis if it comes into contact with blood, urine or with anything najis, or with an object that has become najis, such a garment that has become najis, except if [the water] changes and acquires the colour, smell, or taste of the najasah, but it does not become najis if it does not change.

Case: If something that has become najis is washed under tap water that is connected to the Kurr, the water falling from the najis article is tahir if it is connected to the Kurr and it has not acquired the colour, or taste, or smell of the najasah, and the najasah itself is not in it.

Kurr Water Proofs

١. That one satisfies himself that water is Kurr,
٢. That one or two '*adil* (pious) men confirm to that,
٣. That one who is in charge of the water confirms that it is Kurr, for example one manages a public bath asserts that the water in the 'pool' is Kurr.

ii) 'Little' Water

'Little' Water is the water that does not gush out from the ground and is not of Kurr volume.

Case: If the Little water is poured on something najis, [the poured water] becomes najis, and so too if something najis comes in contact with it.

¹ The span of the extended hand is the distance between the tips of the stretched thumb and the little finger. Using metric measurement units, on average a span is about nine inches or 23 cm; thus the Kurr water volume is about 330,000 cubic centimetres (cc), 0.33 cubic metres, or nearly one-third of a cubic metre.

iii) Running Water

Running water is the water that torrents from the ground and flows like spring water, rivers, streams, and canals.

Case: If the running water is less than Kurr, and najasah contacted it, it would be tahir so long as its colour, taste, or smell does not change due to the najasah.

Case: If the najasah reaches the running water and changes some of it, the amount that had its colour, taste, or smell changed due to the najasah would only be najis.

Case: The ruling of the torrent water that is not flowing but gushes out when some of it is taken has the same ruling as that of the running water.

Case: The stagnant water close to rivers, which is connected to running water is governed by running water rulings.

Case: If tap water and shower water in bathrooms and other parts of buildings are connected to Kurr [or more], for example the main pipe network, then it is governed by running water rulings.

iv) Rain Water

Case: If rain water falls on something najis that does not contain trace of the najasah (najis matter), the parts the rain reaches become tahir. It is not conditional that the garment, sheets, and suchlike are wringed, whether they are washed by rain water or other than that. It is not sufficient that the rainfall is only a few drops, but it is imperative that it constitutes rain [proper in order for the najis object to become tahir].

Case: If rain drops fall on the najasah (najis matter) and some of it scatter to another place, those splashed around are tahir as long as they do not contain anything from the najasah itself, nor have they acquired the colour, smell, or the taste of the najasah.

Case: Rainfall on the najis ground soil purifies it – i.e. renders it tahir.

Case: The najis dust, which turns into mud by rainfall, is rendered tahir.

Case: If rain falls on a tahir textile sheet covering a najis earth and water flows on the surface of the earth, the najis earth would turn tahir and the sheet would not become najis.

v) Well Water

Case: Well water that gushes from the ground is tahir even if it is less than Kurr, so long as its colour, smell, or taste do not change by najasah. If najasah is poured into the well, and its colour, smell, or taste changes, then the amount of water that has undergone changes becomes najis. If those changes vanish, then the water would be tahir. However, as a mostahab precaution, [it is better] that the [existing] water mixes with new water that gushes from the well.

Criteria for water to purify najis things

١. That water is motlaq (i.e. pure). Mudaf water such as rosewater does not purify najis things [i.e. does not render them tahir].
٢. That the water itself is tahir.
٣. That the water does not become mudaf when washing the najis article, and that it does not acquire the colour of the najasah, nor its taste, or its smell.
٤. There remains no trace of the najasah itself after the purification process.

The rulings of purification with Water

Najis utensil

Case: When using Little water to render a najis utensil tahir, it is imperative to wash it three times – as a precaution – while it is sufficient to wash it once with Kurr water.

Case: The utensil that a dog lapped in and drank water or any other liquid from, or licked by its tongue, should be scrubbed with tahir soil first, and then rendered tahir in the Kurr or running water once, or with Little water twice. As an obligatory precaution, the same should be done if dog's saliva falls in a utensil.

The utensil used by a pig

Case: The utensil that a pig lapped in and drank a liquid from, or that in which a rat dies must be washed seven times if using Little water, and once would be sufficient if using Kurr. It is not imperative to scrub it with soil, although, as a mostahab precaution, it should also be scrubbed with soil.

Najis clay

Case: Vessels and utensils made of najis clay, or those into which najis water has penetrated, if immersed in Kurr or running water such that water reaches all their parts, they would become tahir. If it was intended to render tahir their inside, then they should be left or soaked in the Kurr or running water for a while so that water would penetrate into all of their body.

Ways of rendering utensils tahir

Case: Najis utensils may be rendered tahir with Little water in two ways:

١. To fill up the utensil with water and then empty it. This process should be repeated three times.
٢. To pour some water in the utensil, and move the water around to all its parts using a hand or something else, or shake the water [inside the utensil] such that water reaches all najis parts, and then poured out. This process should be repeated three times.

Using kurr water

The najis article, whether it is a utensil or anything else, and whether it became najis with urine or anything else, becomes tahir as soon as it is immersed in Kurr water, or it is engulfed, once, by tap water that is connected to Kurr water, after the najasah itself is removed from it, and water reaches all najis parts. It is not necessary to wring the garment or the sheet of clothing, etc. although it is as per mostahab precaution.

Rendering tahir something made najis by urine or other things

Case: The item that has been rendered najis by [human] urine, it is mandatory for it to be washed twice.

Case: If something is rendered najis by something other than urine, it becomes tahir by first removing the najasah itself and then pouring water on it once allowing the water to run off the item being washed. It also will be rendered tahir if the najasah itself is removed in the course of the first wash, and after the elimination of the najasah water is poured on it for a second time. In the same way, something that has become najis by the urine of an infant who has not started taking solid food, it is sufficient to pour water on it once, twice as a precaution.

Rendering tahir Wheat, Rice, and Soap

Case: If the surface of wheat, rice or soap and suchlike becomes najis, by immersing it in Kurr or running water it becomes tahir. It is also rendered tahir if Little water is poured on it once, and the water runs off it. If the interior of such items had become najis, they must be put in a piece of cloth and placed in Kurr or running water until water penetrates the interior, and so the interior would be rendered tahir.

Remaining colour, taste, or smell of the najasah

Case: Anything that has become najis is not rendered tahir except after the removal of the najasah itself. However there is no objection if the colour, taste, or smell of the najasah remains on the article. For example, if the blood is removed from [bloodstain on] a garment and it is rendered tahir, but the colour of blood remained on the garment, the latter is tahir. However, if from the colour or smell particles of the najasah were identified on the object, or one doubts that they are still present, [the object] is najis.

Rendering meat/fat tahir

Case: Meat and fat that have become najis may be rendered tahir like other things, and so too if the body or the clothing were slightly greasy such that it does not prevent water from reaching them.

Doubt about something being tahir

Case: If one washes something that has become najis, and one is certain of rendering it tahir, but later doubts as to whether or not the najasah itself was removed, the object is tahir, even if during the wash one was not attentive that the najasah itself was removed.

Rendering a covered floor tahir

Case: If the floor that is covered with rocks or bricks, and the floor which is hard [and solid] such that water does not seeps in become najis, they may be rendered tahir with ‘little’ water. Water must be poured on them such that the water flows on them [the floors] and if the poured water seeped into the ground, the najis floors become tahir. However, if the washing water does not drain away, the locality where the washing water gathers remains najis. To render it tahir, a small hole in the ground must be dug for the washing water to gather, then it should be removed [from there] and the hole is then filled up with tahir soil. Alternatively, the water [used for washing] may be absorbed by a piece of cloth, and then [some more] water is poured on the floor and collected again by another piece of cloth.

۶. Earth

Criteria for Purification by Earth

Case: The ground renders tahir the najis soles of feet and shoes with the provision of three conditions:

- i) that the ground is tahir,
- ii) that the ground is dry,
- iii) that the intrinsic najasah (such as blood or urine), or the article that has become najis (e.g. the najis mud stuck to the sole of the foot or shoe) is eradicated as a result of walking on the ground or scraping on it. In purification by ground, it is imperative that the ground is soil, rock, and suchlike; for the najis sole of the foot or shoe will not render tahir by walking on carpet, straw mat, grass, or other vegetation growths. As for brick, chalk, cement made from pebbles, they have the same ruling as the ground, i.e. they render najis things tahir [if walked upon].

Rulings of Purification by Earth

Case: The najis sole of a foot or shoe does not become tahir by walking on a grass-covered ground [e.g. lawn] or a wood-covered ground, as an obligatory precaution.

The amount of walking that attains purification

Case: To render the sole of the foot or shoe tahir, it is preferred that one walks on the ground for fifteen strides or more, even though the najasah itself would be eradicated with less than that. In order to render it tahir, it is not necessary for the najis sole of the foot or shoe be moist, for it becomes tahir even if it is dry.

Crawling

Case: One who moves on the hands and knees, if the sole of his hands or knees became najis, they would render tahir by crawling on them. As for the end of a [walking] stick, or the bottom of artificial legs, animals shoe/h hoof, wheels of vehicles, and the likes are rendered tahir by movement on the ground.

Remaining Smell or Colour

Case: If after walking on the ground, the smell of the najasah or its colour, or particles that cannot be seen by the naked eye remain on the sole of the foot or shoe, there is no objection to that, although it is preferred that one walks [further] until these are eliminated too.

۳. The Sun

Conditions of Purification by the Sun

Case: The sun renders the ground soil, buildings, and such things as doors, windows, etc. that are used in the buildings tahir if they become najis. Similarly for a nail that is fixed on the wall. This is with the provision of five conditions:

- i) that the najis object is moist or wet such that if something touches it, its moisture would seep to it. If it were dry, it should be made wet so that the sun would dry it up.

- ii) that the intrinsic najasah vanishes from it [the najis object] before the sun shines on it, [for the sun does not render tahir the najasah itself, only the thing that has been rendered najis through contact with a najasah is rendered tahir with sunshine].
- iii) that nothing blocks the sunshine, for [the najis object] will not become tahir if the sun shines through a covering or from behind the clouds, etc. and dries it up. However, if the clouds or the covering were thin such that they do not block the sunshine, then there is no objection to that, [i.e. the najis article is rendered tahir.]
- iv) that the sun alone dries up the najis object, for it will not become tahir if the wind helps it dry. However, there is no objection if the wind were too light such that it would not be said the wind together with the sun dried it up.
- v) that the sun dries up the part of a building into which najasah has seeped in one go (i.e. in one course of shining). If the sun shines on the najis ground or building and dries up their surface, and then shines a second time and dries up their inner parts, [then] the surfaces are rendered tahir but their interiors would remain najis.

4. Transformation

Case: If a najis object was transformed into another tahir thing then it is considered tahir. The process of undergoing such a transformation is referred to as Istihalah. For example the najis wood when it turns into ash [through burning]. Or when a [dead] dog submerges into a salt marsh and is transformed into salt. However, if the essence or nature of the najis article does not change it does not become tahir. For example when wheat is ground into flour or baked as bread.

Case: If wine turns into vinegar on its own accord or through a treatment, such as by adding vinegar or salt to it, it becomes tahir.

•. Reduction of grape juice by two thirds

Case: Grape juice is not rendered najis if boiled by fire, but it would be haram to consume. However, if it were boiled until two thirds of it was evaporated, it would then be halal to consume. If it came to boil on its own accord it would not be halal [to consume] unless it turns into vinegar.

Case: The grape juice that is not known whether or not it has boiled is halal and tahir, but if it were boiled by fire, it would not be permissible to consume so long as it is not certain that it has been reduced by two thirds. On the other hand if it came to boil on its own accord, it would not be permissible to consume so long as it is not certain that it has turned into vinegar.

Case: If in a cluster of sour (unripe) grapes there were one or two grains of ripe grape, and if the juice of that cluster is referred to as sour grape juice and there was no trace of the sweetness of the grape juice in it, then if this was boiled it would be tahir and its consumption permissible.

Case: If a grain of grape fell into something being boiled by fire, and the grain boiled with it, and it [the grain] underwent transformation (istihalah), it would not be mandatory to refrain from it.

Case: It would not become najis by boiling that which is not known whether it was sour grape or [ripe] grape.

٦. Transferring

Blood Transfer

Case: The human blood, or that of an animal whose blood gushes out when slaughtered, when transferred to or transplanted into an animal that does not have gushing blood, is rendered tahir provided that it is considered thereafter as the blood of the recipient animal. This is known as intiqal or transfer (transplant). The human blood sucked by an insect, which is not considered as the insect blood but rather as human blood, is najis.

Human or insect blood

Case: If one kills a mosquito that sat on his body and does not know whether the blood that came out of it is that sucked from him by the mosquito or its own, it would be tahir. Similarly if one knows that the blood is that sucked from him but it has become part of the mosquito's body. However, if the period between the time the blood was sucked and the killing was very short such that it would be said, this is still human blood, or if one did not know whether it would be called human blood or insect blood, it would be najis, as per precaution.

√. Islam

Case: If a kafir – or an unbeliever – declares the two testimonies, i.e. says “I testify that there is no god but Allah and that Muhammad is the messenger of Allah”, he becomes a Muslim, and so after embracing Islam his body, saliva, mucus, and sweat becomes tahir. However, if an intrinsically najis thing was on his body when he became Muslim, it is mandatory for him to remove it and wash its location. If the najis article was removed before his Islam, as per mostahab precaution, he should render tahir its location.

Case: If an unbeliever utters the two testimonies of faith, but one does not know if Islam has entered his heart or not, he is tahir. However if one knows that he did not embrace Islam by heart in that he did not submit to [the teachings of] Islam, but rather declared Islam superficially, he is najis. However, the hypocrite who has not embraced Islam by heart, but submits to Islam is [deemed] tahir.

∧. Consequence

Case: ‘Consequence’ is [in reference to a process] when a najis object becomes tahir as a result of, or in consequence to another najis article becoming tahir. As an example, a non-adolescent child of the unbelievers is rendered tahir when one of his parents or grandparents embraces Islam. [i.e. the child is rendered tahir ‘as a result of’ or ‘in consequence to’ one of his parents or grandparents embracing Islam.]

Wine turns into vinegar

Case: If wine turns into vinegar, the container is rendered tahir, as a consequence to it, up to the level the wine reached while boiling. The lid or textile cover that is normally placed on the container is also rendered tahir, if wetted by the same moisture.

The plank and the washer's hand

Case: The wooden plank or the slab of stone upon which the dead is placed for the ritual washing (*ghusl*), the cloth that covers the deceased's private parts, and the hands of the person performing the wash are all rendered tahir when the *ghusl* is complete.

Separation of washing water

Case: The small amount of water that remains in a container that was najis and is rendered tahir with Little water – after the washing water is allowed to run off the container – is tahir.

٩. The annihilation of the najasah itself

Body of the animal

Case: The body of the animal is rendered tahir through the elimination of the najis thing from it. So if it were rendered najis by an [intrinsically] najis thing such as blood, or by something that had become najis, such as najis water, and then the najis thing, or that that had become najis disappears from it, it would become tahir. In the same way the interior of the human body, such as the inside of the nose or mouth, is rendered tahir through the disappearing of the najasah itself from them. Thus if bleeding occurs between the teeth and the blood diffuses in the mouth's saliva, it would not be obligatory to wash the inside of the mouth. The same is applicable for artificial teeth, though it is preferred to wash them.

Blood inside the mouth

Case: If bleeding takes place inside the mouth, and there were remnants of food between one's teeth, these remnants are tahir.

Najis dust or soil

Case: If najis dust or soil settles on garment, clothing, sheets, etc. it does not render them najis, if by shaking or jerking the item the najis dust will be removed from it and it would be tahir.

١٠. Istibra'

Case: Istibra' is purification of an animal that feeds on faeces. The urine, dung, and any sweat of a Jallal animal – that is an animal that is habituated on feeding on human faeces – are all najis. If the animal were to be rendered tahir, it must be put through the Istibra' process, in that the animal is confined and prevented from feeding on faeces and made to feed on tahir food for a period of time such that it is no longer considered to be a Jallal animal.

On the basis of mostahab precaution, a camel should be confined for forty days, a cow for thirty days, a sheep for ten days, a duck for seven days, and a domestic chicken for three. They should be prevented from feeding on najasah, and given tahir food during this period. If after this period, the animal was still considered to be a Jallal animal, it should be confined for another period so that it would not be considered to be Jallal anymore.

١١. Absence of a Muslim

Criteria for a Muslim's belongings being tahir in his absence

Case: If the body of a Muslim was rendered najis, or his clothes, or any of his belongings such as utensils, beddings, and suchlike that are at his disposal, and then that Muslim leaves [the scene], those items are deemed tahir if six criteria are met:

١. That the Muslim considers najis the thing that rendered his body, clothes, etc. najis. Hence for example, if some wine is poured on his clothes, or his body, and he does not consider wine najis, then his absence does not render them tahir.

٢. That the Muslim knows that the najasah has reached his body or clothes, etc.
٣. That the Muslim was seen using those things in matters that require them to be tahir, for example, seeing him praying in that garment.
٤. That the Muslim is aware of the requirement of *taharah* [i.e. being tahir] for that function, for example if one does not know that it is mandatory for the garment of the one performing the prayers to be tahir, and he performs prayers in the najis garment, it is not permissible to consider that garment tahir in his absence.
٥. That one gives the probability that the Muslim has rendered the najis item tahir. Furthermore, if in the opinion of that Muslim there is no difference between tahir and najis, then to consider that item to be tahir in his absence is not valid, [i.e. that item is not tahir as per obligatory precaution].
٦. That the Muslim has reached the adolescence age, as per an obligatory precaution.

Rendering tahir by proxy

Case: If someone assigns another person to render tahir his garment, and the latter says, “I have rendered the garment tahir”, then the garment is tahir.

For the Fastidious

Case: If someone is “over-particular” and “excessively fastidious” about rendering something tahir, and is never satisfied that he has done so, for such a person it is sufficient if he thinks that something has been rendered tahir.

۱۶. Emission of normal amount of blood from animal

Case: If the halal-meat animal is slaughtered according to the Shari‘ah method and the normal amount of blood leaves the body, the remaining blood in the body of the animal is tahir.

Chapter Three: Queries on Taharah

Rulings for household utensils

Gold and silver utensils

Case: It is haram to eat or drink from gold or silver utensils, and as per mostahab precaution, any use of them should be avoided even if for decoration. It is haram to manufacture gold or silver utensils, and is also haram to accept the wage for that. There is no objection to using gold- or silver-plated utensils. As for utensils made from an alloy of gold mixed with another metal or an alloy of silver, if the quantity of the other metal is more than gold or silver such that it cannot be said the utensils are made from gold or silver, then there is no objection to using them, otherwise it is not permissible to use them.

Case: There is no objection to using gold or silver utensils when forced to [by necessity or otherwise].

Case: There is no objection to using utensils when it is not known whether they are made of gold or silver, or of another material.

Utensils made from animal hide

Case: A household utensil made from land dog or pig hide is najis, and it is haram to eat or drink from. It may not be used for wudu', ghusl, or for any other use where it is conditional that the water should be tahir. As per a mostahab precaution, the hide of dog, pig, or *maitah*¹ should not be used at all, even for other than utensils.

a) On the rulings of najasah

Conduction of najasah from bottom up

Q: If there were moisture on the wall, and najis moisture met the wall at a lower place of the wall, would the wall become najis?

¹ *maitah* is the animal that has been slaughtered contrary to the Islamic way, or that has died a natural death, or killed by a predator.

A: The upper [part] is not rendered najis by the lower.

Sweat of jonob from haram

Q: Is the sweat of a jonob [person who is in a state of janabah] of a haram act tahir or not?

A: The sweat of a jonob from haram is not najis, although practicing ihtiyat (i.e. treating it as najis) is preferable, regardless of whether the sweat was perspired during intercourse or after it, the person was man or woman, if this were through *zina*, or anal intercourse, or that with an animal, or through masturbation.

Vapour from an intrinsically najis thing

Q: Is the vapour or steam from an intrinsically najis thing such as urine or the garment that has become najis, which may form into drops on the wall or glass najis?

A: It is considered tahir.

Public washing machines

Q: There are public washing machines, where everyone uses them to wash their clothes. Are these washing machines tahir? i.e. is it obligatory to render tahir clothes washed in those washing machines?

A: Everything is tahir until you are certain of it being najis.

Public dryers

Q: Are the clothes that are dried in public dryers that various people use najis?

A: Everything is tahir until you definitively know it is najis.

Surgery instruments

Q: When a surgeon inserts a surgery instrument in the human body, where it meets the najasah inside the body, but when withdrawn there is no evidence of najasah on it, is the instrument considered tahir?

A: The instrument is considered tahir.

b) Blood

Blood of Insects (mosquito & flea)

Q: What is the ruling concerning the blood that a mosquito/flea sucks from the body?

A: If it enters its body and is considered to have become part of its blood, it is tahir.

Separated blood constituents

Q: In laboratories blood constituents are separated from each other. When are the constituents said to be tahir?

A: When transformation (istihalah) has occurred.

Caesarean blood

Q: Is the blood of a caesarean operation, where the abdomen is cut open to facilitate childbirth, considered nifas?

A: Vaginal bleeding [immediately after child birth and for a maximum of ten days] is considered nifas, other [bleeding] is not.

c) Dead skin

Dried lips skin

Q: What is the ruling concerning the thin skin of the lips and of other body parts that fall off?

A: They are tahir, even if they were peeled off, although as a mostahab precaution they should be avoided if they were peeled off before they were due to fall off.

Imported leather

Q: What is the ruling concerning the leather imported from non-Muslim countries of animals whose meat is not normally used for eating such as fox, lion, and suchlike?

A: It is najis, if the animal is of gushing blood.

d) Wine

Perfume alcohol

Q: Is the alcohol used in perfumes najis?

A: It is tahir.

Distilled industrial alcohol

Q: It is said that industrial alcohol is derived from intoxicating alcohol in that it is steamed and distilled and in this way it turns into deadly poison not suitable for drinking. Is this considered najis?

A: It is considered tahir.

e) Menstruation

Entering holy places

Q: Is it permissible for a woman who is going through her menstruation period to enter the arcades of the holy shrines of the Ma'soomeen?

A: Yes, but without entering the shrines themselves.

Manipulation of occurrence of menstruation

Q: Is it permissible for a woman to use such pills to cause menstruation so that she is not required to perform the daily prayers, fasting, etc.? Also is it permissible to use such medications to prevent the occurrence of menstruation so that she is able to perform the prayers, fasting, and suchlike?

A: Yes, it is permissible.

f) Non-believer

Foreigners in Muslim countries and Muslims in foreign countries

Q: Is it permissible to treat workers, who come from countries such as India to Muslim countries, as tahir and marry from them when it is not known whether they are Muslim or kafir? What about the workers from western countries (when in doubt as to whether or not one is Muslim)?

A: Given the above assumption, they should be treated as non-Muslim [from the taharah point of view, i.e. observing the taharah issues and avoiding the najasah in every aspect]. On the other hand, people originally from Muslim countries who live in non-Muslim countries are treated as Muslims.

Muslim and non-Muslim integration in foreign countries

Q: For Muslims living in non-Muslim countries, when it comes to dealing with non-Muslims, it becomes difficult to avoid contact – in terms of observing the tahir and najis aspects – to the extent it sometimes proves awkward, or this may even lead to misunderstanding and discomfort. What is the ruling concerning observing these concepts?

A: The need for abstention is excused, and in order to [be able to] perform the prayers; the najis parts must be washed.

Non-Muslims entering the mosques

Q: Is it imperative to prevent non-Muslims – people of the book or others – from entering the mosques? And what is the ruling if this is for the purpose of learning about Islam and perhaps accepting Islam?

A: Yes it is obligatory, but if it is for a more important matter, then there is no objection [to it].

Moisture

Q: What is the ruling concerning the moisture that is transferred from non-Muslims to the items they handle in shops such as milk cartons and suchlike, considering the awkwardness that this causes if they were to be prevented from touching these items?

A: The moisture is najis,¹ and awkwardness is assessed on its own merit.

Christian or Buddhist servants

Q: Is it permissible for the servant to be Christian or Buddhist?

¹ Only those wet items certain to be touched are considered najis.

A: There is no objection to this provided the tahir and najis aspects are observed.

Certainty about their religion and adherence

Q: If one wishes to deal with foreign or non-Muslim people in matters that require one to be tahir or Muslim, is it mandatory for one to ask about their religion?

A: If it is in a Muslim country there would be no need to ask, unless one knows the individual to be from a non-Muslim country.

g) Purifiers

(motahhirat) Street

puddles

Q: Are the small puddles formed by rainwater on the roads tahir or najis? This is specially when dogs and their faeces are often seen in them before and during the rainfall, and sometimes they are not seen in them but it is known with certainty of being there previously.

A: If one does not know for certain, or if they [the puddles] were of Kurr quantity, or if contact is during the rainfall not after, then they are tahir.

Rendering tahir by walking on asphalt and wood

Q: Is the sole of the foot or shoe rendered tahir by walking on asphalt or on wooden floor? What is the limit for the sole of the foot or shoe being rendered tahir?

A: The asphalt renders tahir [a najis object], but wood does not, as an obligatory precaution. It is recommended that one walks fifteen strides or more, even if the najasah itself would be removed with less than that. It is not necessary that the najis sole of the foot or shoe be wet, for it would be rendered tahir if it were dry too.

Rendering large carpets tahir

Q: How is a large carpet rendered tahir?

A: By using tap water. The najasah itself must be removed, the locality that has become najis encircled or barricaded and then water that is connected to the tap poured on it once [such that water covers that area]. The [washing] water should then be collected, absorbed and removed with sponge, cloth or suchlike.

Seats in public transport

Q: In non-Muslim countries sometimes one finds wetness on the seats of a bus, train, and suchlike and it is not known whether this wetness is from dogs, or spilt liquor, or rain. Furthermore, the seats are not rendered tahir but cleansed with detergents or with Little water, which could be polluted with najasah. What is the ruling for such wetness?

A: It is considered tahir, so long as one is not certain it is najis.

Furniture in rented accommodation

Q: Is it mandatory to treat the furniture and utensils of rented accommodations in non-Muslim countries as najis or not?

A: By default [should be treated as] tahir unless certain about the najasah.

Mats being rendered tahir by the sun

Q: Does the sun render tahir only the type of mats that were available at the time of stating the hadith, or is this applicable to every type that is used today, such as those made from nylon material, and other carpets?

A: It is applicable to all types of carpets.

h) Transformation (Istihalah)

Transformation of fat used in soap

Q: The ingredients of some of the detergents and soaps include fat derived from pigs or *maitah* [i.e. animal not slaughtered according to the Shari‘ah] but this is after transformation into something else. Would this transformation render the intrinsically najis thing tahir?

A: If it constitutes transformation (istihalah) as commonly accepted, then it is rendered tahir.

Cattle bone material in products

Q: What is the ruling concerning products from Muslim and non- Muslim countries such as biscuit, chocolate, chewing gum, etc. when one of their ingredients is extracted from the bones of cattle and suchlike? Does this constitute istihalah or a transformation that renders a najis thing tahir?

A: If that is considered as istihalah, according to commonly accepted description, then it would be tahir, and if there is a doubt it would be najis.

i) The Sacrosanct

Touching the Names of Allah

Q: Is it permissible for someone who is not tahir [i.e. does not have wudu'] to touch the word "God" in English or its equivalent in other languages that signify the word Allah in Arabic?

A: It is not permissible to touch a word that has the meaning of His Name exalted be He.

Computer disc in lavatory

Q: If a computer disc that has the holy Qur'an stored on it, fell in the lavatory, is it mandatory to salvage it?

A: If the content is deleted, then it is not mandatory to salvage it, otherwise it is.

j) Food & Drink

Bone material in sugar

Q: What is the ruling concerning sugar that has been processed – for whitening purposes – with animal bone imported from Muslim or non-Muslim countries?

A: There is no objection to this.

Consuming non-intoxicant barley drink

Q: Is it permissible to drink the non-intoxicant barley drink that is free from alcohol, which is sold in Muslim countries?

A: There is no objection to the medical barley drink that is not intoxicant and is free from alcohol.¹

k) Miscellaneous

Imported shoes and leather

Q: Are the shoes, leather belts, and wrist-watch straps that are imported from non-Muslim countries and sold in Muslim countries, permissible to wear during prayers?

A: If one does not know whether they are made from natural or man-made leather, or if one knows they are in fact made from man-made leather, they would be permissible to wear during prayers.

Place of separation of part of the body

Q: If a part of the human body is separated from it, whether it is skin, flesh or bone, would the place of separation on the body be considered najis if no bleeding takes place or would it be tahir?

A: It would be considered tahir.

Food remnants mixing with sewage

Q: These days household washing up water ends up mixing with the sewage. Would it be haram to throw food remnants in those water outlets? And if haram, what would be the ruling concerning those remnants sticking to the hands?

A: [In this case] one should not throw. As for those pieces sticking to the hands and suchlike, there is no objection, for they will be annihilated.

¹ The medical barley drink is prepared according to physicians' prescription.

Treatment and reuse of water

Q: Some countries resort to treating the water used by people in their home for all their needs. The question is that after treatment of the sewage water could that be considered tahir, and can it be treated as motlaq water, given that chemical materials are used for the water treatment?

A: There is no objection to use that so long as it does not carry the previous label, and it is not less than Kurr.

Rendering milk tahir

Q: Is [najis] milk rendered tahir when it turns into cheese, or do we have to soak it in water so that it seeps into it and renders it tahir?

A: It must be soaked in Kurr water.

Ruling of taharah of those who do not know it

Q: Many Muslim people do not know the rulings of taharah or do not make the effort to apply them [in the various aspects of their daily lives]. Would it be mandatory upon us to avoid their food, or render our clothes tahir if we came in wet contact with them?

A: No, except if we know [of a particular thing being] najis.

Touching the internal organs of a deceased

Q: What is the ruling concerning touching with bare hands the internal organs of a deceased that are not attached to the bone – such as the heart, liver, etc.?

A: If this is after the body having gone cold, and before it is washed the ghusl wash, it would be mandatory to perform a ghusl for touching them/it.

Chapter Four: Lavatory and Toiletry

The rulings concerning the use of lavatory

Case: It is obligatory for the individual to cover one's private parts from every one who is adolescent and *mokallaf*, whether while using the toilet or at any other times, even if they were his blood relatives such mother or sister. Similarly, it is obligatory to conceal one's private parts from the insane and the child who can discern between good and bad. However, husband and wife are exempted from this requirement.

Case: It is mandatory not to face the Qiblah, or have one's back to it, while emptying one's bowels or bladder. That is the frontages of the person – i.e. his chest, abdomen, and knees – should not be in the direction of the Qiblah or directly opposite it.

Case: If one is facing the direction of the Qiblah or its opposite direction while emptying one's bowels or bladder, it is not sufficient to divert one's private parts away from those directions. If one is not facing the direction of the Qiblah or its opposite direction, as per obligatory precaution one should not direct his private parts in the direction of the Qiblah or its opposite direction.

Case: It is not required to observe precaution by not allowing a child to sit in the direction of the Qiblah or its opposite direction, and for emptying his bowels or bladder if the child himself sat in the direction of the Qiblah or its opposite direction, it is not required to prevent him from that.

Places where relieving oneself is prohibited

Case: Relieving oneself is prohibited in the following five places:

- i. Dead-end narrow streets, if the people who live there do not allow. Similarly for free passage paths (with no dead-ends) if this constitutes nuisance for the passers-by.
- ii. In the property of a person who does not give his permission for this purpose.

- iii. In places that are dedicated to a particular group of people, such as some of the religious schools.
- iv. By the graveside of a believer, if that constitutes indignity to him.
- v. In respected places, whose sanctity will thus be violated.

Rendering the anus tahir using water

Case: In three circumstances the anus will not be rendered tahir except with water only, as per precaution in some of them:

- i. if some external najasah reaches the anus,
- ii. if another najasah such as blood appears with the faeces,
- iii. if the faeces spreads around the anus more than usual.

In other than the above cases, it is permissible to render tahir the anus either with water or with tissues, cloths, stones, etc. although washing with water would be preferred.

Washing the urine outlet

Case: The urine outlet is not rendered tahir with other than water. If it is washed once with Kurr or running water – such as tap water – it would be sufficient (this is after the removal of the urine itself). If using Little water, it should be washed twice, preferably three times.

Cleansing clods

Case: It is permissible to render the anus tahir using stones, clods, toilet paper, and such like if they were dry. There is no objection if there is some moisture such that it would not be transferred to the anus. It is mandatory that the wiping is done no less than three times, even if the anus was cleansed after the first or the second.

Istibra'

Case: Istibra' is a mostahab practice that men do after urinating in order to ensure that no urine has remained in the urethra.

The procedure of Istibra'

Case: There are different ways, the preferred is:

First to render tahir the anus (if one had emptied the bowels too),

After urination has ended, with the middle finger of the left hand one is to firmly press and move his finger from anus to the foot of the penis. This should be done three times. Then placing his thumb on and his forefinger below the penis he should firmly press and move along the penis to its tip. This should also be done three times. The last stage is to squeeze the tip of the penis, three times.

Categories of the male liquid discharge

١. The liquid discharged from a man after foreplay, is called Madhiy and is tahir,
٢. The liquid discharged after semen [discharge], is called Wadhiy and is tahir,
٣. The liquid discharged after urination, is called Wadiy and is tahir as long as it is not contaminated by urine.

Case: If one performs Istibra' after urination, and then a liquid is discharged from him and he is in doubt whether this is urine or one of the above-mentioned liquids, it is considered tahir.

Constraining excretion

Case: It is makrooh to constrain one's urge to excretion, and it would be haram if this constraining constitutes significant harm to the body.

It is mostahab to urinate before performing the prayers, perform Wodu' or ghusl and then pray. Similarly it is mostahab to urinate before retiring to sleep, before sexual intercourse, and after ejaculation.

Chapter Five: Categories of Personal Taharah

A) Wodu'

Case: In Wodu', it is mandatory to wash the face and hands (forearms), and wipe the front part of the head and the upper parts of the feet.

What wodu' is mandatory for

Case: Wodu' is mandatory in five cases:

١. for the obligatory salah, other than the prayer for the deceased,
٢. for the forgotten sajdah or tashahhud, if a hadath occurred for him such as wind emission or urine between them and the salah. Wodu' is not mandatory for the *sajdat-as-sahw* (prostration for inadvertent act or oversight), although performing it with wodu' is a good practice.
٣. for the obligatory tawaf around the sacred Ka'bah,
٤. if one pledges (a *nadhr*), or swore, or made a covenant with Allah to perform wodu',
٥. if one wants to touch the script of the holy Qur'an with his hand or a part of his body, and so too if one wants to render tahir a copy of the Qur'an that has become najis, or wants to salvage a Qur'an from the lavatory or suchlike. However, if the delay in performing the wodu' would constitute further desecration for the holy Qur'an, it would be mandatory to salvage it without performing wodu'.

Case: It is mostahab to perform wodu' in order to perform the prayer-of-the-deceased, to visit the cemetery, enter the mosques and the shrines of the Ma'soom Imams, peace be upon them, also to carry the holy Qur'an, write it, or touch its margins, and before one retires to sleep. [One who has performed wodu' is said to be in a state of tuhr.]

Case: If one performs wodu' for one of the above-mentioned purposes, it is permissible for one to perform any act that requires wodu' such as salah.

Things that invalidate wodu'

Case: There are seven things that invalidate wodu':

١. The discharge of urine.
٢. The discharge of faeces.
٣. The emission of wind from the anus.
٤. Falling asleep, if sight and hearing are overcome, such that the ear does not hear and the eye does not see. However, if the ear can hear and eye can see, the wodu' is not rendered void.¹
٥. The state in which the mind is undermined, such as intoxication, insanity, or unconsciousness.
٦. Istihadah (undue menses).
٧. Any condition that necessitates ghusl, such as Janabah.

Procedure of Wodu'

[The wodu' procedure consists of two sets of washes, and two sets of wipes; the washes of the face and of the forearms, and the wipes of part of the head and of the feet. This is specifically stated in the Holy Qur'an (O you who believe! when you rise up to prayer, wash your faces and your hands as far as the elbows, and wipe part of your heads and your feet to the ankles). 5:6]

١. Washing of face

Case: It is mandatory to wash the face, lengthwise from the uppermost of the forehead, where hair grow, to the end of the chin, and in breadth [the extent] reached by the span of the hand between the thumb and the middle finger. If any part of this extent is not washed, the wodu' will be void.

¹ One's wodu' is not rendered void if one responds when spoken to even if one's eyes are shut. However, if one falls asleep, even for a second, one's wodu' is rendered void.

Case: If the face or the palm of the hand of a person is larger or smaller than normal, one must note the amount washed by people of average face or hand size and thus wash like them. Similarly, the same criterion applies if the hair of the front part of the head exceeded its normal limit and covered part of the forehead, or vice versa.

Case: If one suspects that there may be dirt or anything else in his eyebrows or around his eyes or lips that could prevent the wudu' water reaching the skin, and if that suspicion is reasonable, then as a precaution he is required to examine and remove it if it were there before wudu'.

Case: If the skin of the face is visible from under the hair, it is mandatory to make the water reach skin, but if it is not visible, it is sufficient to wash the hair and it is not required to make the water reach under the hair.

Case: It is not mandatory to wash inside the nose, nor what is hidden of the lips or eyelids when closed.

Case: It is obligatory to wash the face and hands from top to bottom, and if one washed from the bottom to the top his wudu' is rendered void.

Case: If one wets his hand palm and wipes it over his face and hands, and the amount of wetness is such that a small amount of water would run down his face or hands when he wipes his hand, that would be sufficient.

۲. Washing the forearms

Case: After washing the face, it is mandatory to wash the right forearm and then the left forearm, from the elbow to the tips of the fingers.

Case: In wudu', the first wash of the face – and the hands – is mandatory, and the second is mostahab, and any more than that is haram. As to which wash constitutes the first or the second depends on the intention of the person performing the wudu'. If one pours water on one's face, say, ten times with the intention of it being the first wash, there is no problem with that and that constitutes the first wash.

۳. Wiping the head

Case: After washing the hands, it is mandatory to wipe the front part of the head with the wetness of the wudu' remaining on the palm of the hand, and as per obligatory precaution, one should wipe with the right hand palm from the upper part downwards.

Case: The wiping should be done on the front-quarter of the head adjacent to the forehead. It is sufficient that any section of this part is wiped and by any amount, though, as an obligatory precaution, the width of the wiping should [at least] be that of one finger. As per mostahab precaution, the wiping should be the length of one finger and the width of three joined fingers.

Case: It is not mandatory to wipe on the skin of the head, and it is valid to wipe on the hair of the head. However, if the hair of front part of the head were so long that they cover the face or fall on another side, then it is mandatory to wipe on the root of the hair, or to part the hair and wipe on the skin of the head.

۴. Wiping the feet

Case: After wiping the head, it is mandatory to wipe the feet with the remaining moisture of the wudu' on the hand palms. The wiping of the feet should be from the tiptoes to the talus or ankle-bone, and as mostahab precaution, the wipe should be up to the joint.

Case: The width of the wipe on the feet can be anything that can be called a wipe, but as mostahab precaution it should be that of three joined fingers. It is preferred to wipe the entire upper side of the feet.

Case: When wiping the head and the feet it is mandatory to move or wipe the hand on those locations, for if one places his hand on the head or the foot and moves his head or foot instead of moving his hand, his wudu' would not be valid, as an obligatory precaution. However, there is no objection if there are slight movements of the head or the feet when wiping them.

Case: It is mandatory that the location of the wipe is dry, and if it were moist such that its moisture would affect the moisture of the hand palm that would be against obligatory precaution. However, there is no objection if the moisture [of the location] is so insignificant that if the moisture on it is seen after the wiping it could be said, “it is from the hand palm”.

Case: If the moisture of the hand palm dries up and there remains no wetness to wipe with, it is not permitted to take wetness from outside [the wudu’], but must take [the moisture] from the locations of wudu’ and wipe with them.

Case: If the upper side of the feet is najis, and it is not possible for one to render it tahir to wipe on it, it would be mandatory for him to perform tayammum.

Criteria of Wodu’

Case: In order for the wudu’ to be valid, fourteen conditions must be satisfied:

١. that the water used for wudu’ is tahir,
٢. that the water used for wudu’ is motlaq (innate, pure) and not mudaf (mixed or added to). Wodu’ with mudaf or najis water is batil (invalid), and if one performing the wudu’ is not aware of it being mudaf or najis or forgets that it is so, and if he performs the prayers (salah) with that wudu’, it is obligatory for him to repeat those prayers with a valid wudu’.
٣. that the water used for wudu’ and the space in which the wudu’ is performed is mobah or permissible for him to use. Wodu’ with usurped water is invalid – and haram too – and so too if the wudu’ water falls from the face and hands on usurped ground. If one forgets that the water is usurped and uses it to perform wudu’ with, his wudu’ would be valid.
٤. that the container of the water used for wudu’ is mobah or permissible for him to use.

- . that the container of the water used for wudu' is not made from gold or silver.

Case: If the wudu' water is in a gold or silver vessel or in a vessel that is usurped, and one has no other water save this, it is obligatory for him to perform tayammum (instead). It is not permissible for him to perform the wudu' with the water of those vessels. If he were to perform wudu' with that water – by immersion (irtimasi) or by pouring from those vessels on his face and hands – his wudu' would be invalid. However, if one takes some water from those [vessels] with his hand palm or with another receptacle and pours it on his face and hands, his wudu' would be valid.

- ٧. that the parts of the body on which wudu' is performed is tahir at the time of washing and wiping. If one of the parts of washing or wiping becomes najis after it being washed or wiped and before the completion of the wudu', the wudu' is valid. If one performs the wudu' and a location on his body is najis – that is other than one of the wudu' parts of the body – the wudu' is valid. [Needless to say, one still needs to render tahir that najis part of the body.]
- ٧. that there should be enough time to perform the wudu' and the prayers. If time is so short that if one performs the wudu', all or some of the prayers would be outside the allotted time, one should perform tayammum. However, if the time for wudu' is the same as that for tayammum, then one must perform the wudu'.
- ٨. that one performs the wudu' with the intention of *qurbah* [i.e. seeking nearness to and abiding by the orders of Almighty Allah]. So if one performs the wudu' in order to cool down or for any other intention, his wudu' would be void. It is not necessary to utter the intention of wudu', nor to make a mental note of it, but it is sufficient to be attentive during the entire wudu', such that if one is asked what he is doing, he would say, I am performing wudu'.

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٩. that one should be sincere in his intention, for if it is accompanied with *riya'* (an element of show or boast), the wodu' would be rendered void.
١٠. that one observes the sequence of the wodu' procedure mentioned above. That is to begin with washing the face, then the right forearm, the left forearm, wiping the head, followed by the two feet. If one does not perform the wodu' in this sequence, the wodu' would be invalid.
١١. that the sequence of the wodu' procedure is done one after the other [without a gap in between]. If there is a significant gap between the events of the wodu' such that if one were to wash or wipe the following part, those previously washed or wipe had dried up one's wodu' would be void. There is no objection to taking a few steps during wodu', e.g. if one washed his face and two hands then took a few steps and then wiped his head and two feet, one's wodu' would be valid.
١٢. that one performs the wodu' himself, i.e. one should wash one's face and hands, and wipe the head and feet without the help of others. If someone else performs the wodu' for him, or helps him get the water to his face or hands, or wipe his head or feet, his wodu' would be void. He who cannot perform the wodu' on his own must appoint someone to help him perform the wodu', even if by paying him [if necessary], when it would be mandatory to pay the wage, if it is possible for him. But it is upon him to make the *niyyah* – intention – of the wodu' himself, and that he should wipe his hands on the places to be wiped. If he could not perform the wiping himself, he must appoint someone to hold his hand and with it wipe the areas to be wiped. And if this is not possible, then his appointee should take some moisture from his hand and wipe over the areas to be wiped.
١٣. that there is no constraint for one to use water. If there were a fear of catching a disease if one performed wodu', or feared

thirst if he did not drink the water but used it to perform wudu', it is mandatory for him not to perform wudu'. However, if one does not know whether or not water harms him and he performs wudu', his wudu' is valid, even if one later learns that water is harmful to him.

١٤. that there is no obstacle on the parts wudu' is performed that prevents water from reaching the skin.

Case: There is no objection to the part that is required to be washed or wiped in the wudu' process to be dirty so long as the dirt does not prevent the water from reaching the skin.

Case: There is no objection to the dirt residing under the fingernails. However, if the nails were cut, it is necessary to remove the dirt. Also if the fingernails were unusually long, it is mandatory to remove the dirt under them [before performing wudu'].

Case: If one doubts whether there is an obstacle on the parts wudu' is performed, if his doubt is plausible, for example if he doubts after working with mud whether or not some mud has stuck to his hand, it is necessary to investigate, and if there is any, he must scrub it until he is sure none remains, alternatively he must ensure that water reaches underneath it.

Case: If after performing the wudu' one doubts whether or not there is any obstacle on the parts the wudu' is performed, his wudu' is valid.

Rulings of Wodu'

Doubt about the Acts of Wodu'

Case: A person who doubts too much about the acts of wudu' or its criteria; such as the water being tahir, permissible to use, whether or not it is usurped, etc. must not pay attention to his doubts.

Case: If one doubts whether or not his wudu' has been rendered void, he should treat it as valid. However, if he has not performed istibra' after urination, and after that he performs wudu', and then he notices a fluid

is discharged from him, and he does not know whether it is urine or something else, his wudu' is rendered void.

Case: One who doubts whether or not he has performed wudu', must perform wudu'.

Case: One who is sure that he has performed wudu', and has committed an act that invalidates wudu', such as urinating, but is not sure which was first:

- i. if [this doubt arises] before [starting] the salah, he must perform the wudu' anew,
- ii. if [this doubt arises] during the prayers, he should break the salah and perform the wudu' anew,
- iii. if [this doubt arises] after [finishing] the salah, the salah would be valid but must perform wudu' to perform any subsequent salah.

Case: If after performing a salah one doubts whether or not he had performed wudu' beforehand, his salah is valid, but must perform the wudu' for any subsequent salah.

Case: If while performing a salah one doubts whether or not he has performed wudu', his salah would be void, and must perform the wudu' and the salah.

Incontinence and wudu'

Case: In the case of the one who suffers from incontinence, which is the inability to control one's bowels or bladder, if one knows that his condition allows him enough time to perform the wudu' and salah during the prescribed time of the salah, it is obligatory for him to perform the salah during that time. However, if the said time was only long enough to perform the mandatory acts of the salah, it is obligatory for him to perform the mandatory acts only during the said time, and leave out the mostahab acts such as the Quonoot, Adhan and Iqamah.

Case: An individual who suffers from incontinence and cannot control himself, if it is not difficult for him to perform wudu' every time, he should have a vessel of water next to him so that every time urine or stool is discharged from him, he immediately performs wudu' and continue with his salah. If it was too difficult for him to perform wudu' every time, then he should perform one wudu' for every salah.

Case: An individual who suffers from Incontinence must perform wudu' for every salah, and engage in the salah immediately. However, it is not mandatory for him to perform wudu' in order to perform a forgotten sajdah, or a forgotten tashahhud, or the Ihtiyat salah that must be performed immediately after the salah – provided it is performed immediately after the salah and without delay.

Case: An individual who suffers from incontinence such that urine is discharged from him continually must [take the necessary measures to] prevent the urine from reaching other parts of his body while performing the salah by, say, using a cotton-filled bag. As per obligatory precaution, the bag and the urine outlet should be rendered tahir before every salah, if this does not constitute [undue] discomfort. Similarly, he who cannot control his bowels must [take the necessary measure to] prevent his faeces from reaching other parts during salah, if it were possible, and as per obligatory precaution, he should render his anus tahir for every salah if this does not constitute discomfort for him.

Case: An individual who suffers from a condition that renders him unable to control emitting wind, should act according to the duties of one who suffers from incontinence.

Case: It is not obligatory for the individual who has recovered from one's incontinence condition to offer qada' (in lieu of) prayers for those salah he had performed during his illness, if he had performed those prayers according to his duties outlined.

Mixing of wudu' water

Q: If when wiping the head, the fingertips touch the forehead, or the face water mixes with the hand water, is it satisfactory to wipe the upper

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side of the foot with the palm of the hand with which the face water has not mixed?

A: Yes it is satisfactory.

Q: If one finishes washing his face, and then without adding further water over his face wipes his hand over the entire face, does this constitute a second wash? In other words, does adding new water constitute an additional wash?

A: Yes, [only] pouring new water [over the face] constitutes an additional wash.

Q: What is the ruling regarding the hands touching the water remnant on the water tap during wudu'?

A: There is no objection, if that water is exceeded by the hands' water.

Q: What is the ruling concerning the mixing of water of other than the palm? For example when water of the forearm mixes with that of the face, and suchlike?

A: There is no objection to that.

Q: When performing wudu', if one wipes his head twice; once with the right hand and once with the left hand – in ignorance of the ruling concerned – and this had gone on for a period of time, as much as ten years, what is the ruling concerning his past wudu' and salah?

A: Both are valid, but from now on he should perform it in the standard manner.

Q: If one washes one of the parts on which wudu' is performed, and after finishing with it, the moisture of another part touches it, would the wudu' be rendered void?

A: His wudu' would not be rendered void.

Q: If one wants to perform wudu', is it mandatory for the parts which are to be washed to be dry?

A: It is not mandatory.¹

Q: If the person performing the wudu' wipes his head, but doubts whether or not his hand touched the moisture of his forehead, does he treat his wudu' as valid or void?

A: He should treat it as valid.

Performing Wudu' before Salah Time

Case: If one performs wudu' or ghusl before salah time, but with the intention of being tahir (i.e. being in a state of wudu') then one's wudu' or ghusl is valid, and it is permissible for one to perform salah with it. [The ruling is] Similar if one performs wudu' just before salah time, if one does so with the intention of 'being obligatorily ready' [for salah].

The Niyah or intention of wudu'

Q: If one normally performs all his wudu' with the intention of being tahir or in the state of wudu', and he goes about his business and at the onset of the salah time, he forgets the intention of his wudu', is his wudu' valid or not?

A: If the intention of being tahir or in the state of wudu' was the default [to the wudu'], his wudu' is correct, and similarly if it was close to the time of adhan such that it can be said this is in readiness [for salah].

Q: Is the same ruling applicable to every action one intends to do and then inadvertently one makes an intention counter to that?

A: If the intention of a certain action was the default in his mind, then – even if one inadvertently intended something to the contrary – his action would be correct. [For example, if after having performed the Duhr prayer, he intended to perform Asr prayer, but he inadvertently uttered the word 'Esha' prayer, his prayer would be valid for Asr.]

Q: Is the wudu' valid if it is performed with the intention of "in readiness for salah" an hour before the onset of the salah time?

¹ When performing wudu' the wiping parts should be dry; the washing parts do not have to be.

A: If that constitutes one of the criteria of “being ready” then there is no objection to that, like for example if the distance to the mosque is far and there is no water available in its vicinity, and suchlike.

Q: What is the exact period that is acceptable for the duration of “being ready”?

A: It is that which is commonly accepted as the norm, for example if one’s house is two hours away from the mosque, and no water is available nearby.

Q: Is it different from one person to another?

A: Yes it is.

Obstacles in wudu’

Q: When a hand is stained with ink, is it considered an obstacle to washing and wiping in wudu’?

A: Colour is not an obstacle, unless it is of such mass that constitutes an obstacle between water and skin.

Q: Do contact lenses render wudu’

void? A: No they do not.

Q: Do hair crème and oil used for hair care constitute an obstacle to wudu’?

A: They are not an obstacle if thinly worn, but if they were such that they would hinder water from reaching the skin or the hair, then the wudu’ would be void.

Q: If one performs wudu’ for prayers and after that he remembers that before wudu’ there was small blood remnant on one of the wudu’ parts, due to a wound, would he be required to repeat the wudu’, or is it valid?

A: If there were no blood when he remembers, and considered it likely that the blood was eliminated during the wudu’, his wudu’ is valid, otherwise it is not.

Wiping and wodu' water

Q: When wiping the head as part of the wodu', is it sufficient to do so with three fingers?

A: It is sufficient to wipe any part of the forward quarter of the head adjacent to the forehead by any amount, although as per obligatory precaution the wiping should be by the width of one finger. As per mostahab precaution the length of the wiping should be that of one finger and the breath that of three joined fingers.

Q: When performing wodu', some drops of water may fall on the feet before they are wiped, whether from the face or the hands. Is it permissible to wipe the feet without drying them?

A: Precaution dictates that they should be dried, unless the quantity of the moisture [on the feet] does not undermine that of the wiping hand, in which case there is no objection.

Q: Is it sufficient to wipe the hair, or is it necessary to reach the scalp?

A: It is sufficient to wipe the hair.

Q: When performing wodu', is it permissible to lift up the foot when wiping it?

A: Yes it is permissible. [Though the foot must be stationary. Indeed one must make sure that the wiping is due to the movement of the hand not the foot.]

Q: If a person is standing next to one who is performing the wodu', and he informs the latter that water has not reached part of his hand, is it necessary to take his word, even if one had finished with that part or from the wodu' entirely?

A: It is not necessary to take his words if he doubts the matter after finishing the wodu', except if he is certain of the person's word or if he [believes he] is a righteous (*'adil*) person.

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Q: In the process of performing wudu', when moving the hand over the arm from the elbow to the wrist, does moving the hand backwards spoil the wudu'?

A: It must not go beyond the norm.

Q: If one used to wipe his head front to back, and this went on for a long period of time, what would be the ruling concerning his past wudu' and salah, and is one required to repeat the salah?

A: Both his wudu' and salah are valid, no repetition of salah is required, but from now on he should perform his wudu' in the standard manner.

Q: Is the wudu' valid if the hair of the head is wet?

A: The wiping location should be dry, and if the moisture is little such that it does not obscure the moisture of wiping hand, then there is no objection.

Q: If the person performing the wudu' thought that the wiping of his feet was not complete, may he repeat the wiping?

A: Yes, he may.

Q: When performing wudu', is it permissible to wipe the feet simultaneously, or is it mandatory to start with the right one first?

A: It is permissible, although it is preferable and recommended to wipe the right foot first.

The substance of wudu'

Q: Is it permissible to perform wudu' with ice, if it produced moisture or drops when touched by hand?

A: If the water moves from one part [of the body] to another, the wudu' is valid.

Q: Is the wudu' or ghusl performed with water that is extracted (pumped) with usurped fuel or electrical [power] valid?

A: Yes it is valid.

Q: What if the tool [e.g. bucket] itself was usurped?

A: If the wudu' itself is not performed with that tool, then the wudu' is valid.

Q: Is it permissible to perform wudu' with Zamzam water? A: Yes it is permissible.

The ruling of hadath

Q: During salah, I felt a twitch in the rectum but I do not know if this was emission of wind or not. Do I need to perform the wudu' anew and repeat the salah? It should be said that the event occurred without the feeling of emission of wind or anything else.

A: You are not obliged to repeat the wudu' or salah.

Q: What is the ruling regarding wudu' for the individual who cannot control emission of wind.

A: If it is possible for one to perform the salah during a period of time when one can perform the salah without invalidating his wudu', it would be obligatory for one to do so during that period. If that is not possible, then if it is possible to perform the wudu' after every occasion of wind emission during the salah, as a precaution, he should have water within his reach and redo the wudu' as necessary and complete the salah. If it proves difficult for one to perform wudu' every time [wind is emitted], one must perform one wudu' for every salah one performs.

The Prohibition of touching the Qur'an without Wudu'

Case: It is haram to touch the script of the Qur'an with any part of the body without having wudu'. As per obligatory precaution, one should not even touch the Qur'an with one's hair, unless the hair is long. However, there is no objection to touching the translation of the Qur'an in English or other languages.

Case: It is haram to touch the name of Almighty Allah without having wudu' in any language. As per mostahab precaution, one who does not have wudu' should not touch the name of the Noble Prophet, the

Ma'soom Imams, and the name of Fatimah al-Zahra' peace be upon them all.

Case: It is not obligatory to prevent the child or the insane from touching the script of the Qur'an, but if this constitutes desecration to the Qur'an, they must be stopped.

Woman Performing Wodu' in Public

Q: When travelling by car or train between cities, there are sometimes no facilities to wash other than water taps in public. In such circumstances should a woman perform wodu' in public in front of other men?

A: If it is possible to perform wodu' without any men seeing that part of her that is haram, she should do so, otherwise she must perform tayammum.

Wodu' and discomfort

Q: What is the ruling concerning a *mokallaf* who deliberately performs wodu' despite it causing discomfort to the individual? Also what is the ruling concerning one who performs wodu' when it is haram, such as performing wodu' when time is very short [to perform an obligatory salah before its time expires]?

A: If it causes severe discomfort, the bearing of which is prohibited, [the wodu'] would be void. As for performing wodu' [instead of tayammum] when time is short, if his intention is to discharge the duty associated with it [wodu'] with respect to a salah in particular, then the wodu' is void too. However, if he performs the wodu' for another purpose, or with the intention of *qurbah* [seeking nearness to the Almighty] or his intention was for salah – but in general, as a mostahab act, not in particular [for performing this salah] – then his wodu' is valid, even though in this way he has committed a sin by abandoning his duty, which is performing tayammum.

Jabirah Wodu'

Jabirah is the dressing of a wound, or the splint (i.e. the strip of wood etc.) bound to a broken limb for support.

[The procedure of the *jabirah* wodu' is that one performs the wodu' as normal, and in the case of the wodu' limbs/parts that have the *jabirah* (wound dressing) on and they may not be removed, one should:

- a) in the case of the washing-parts, i.e. the face and hands (forearms), one should wash over the *jabirah* or pass his wet hand over the entire dressing of that wodu' limb/part, as if there is no dressing on that limb/part.
- b) In the case of the wiping-parts, i.e. the front part of the head and the upper parts of the feet, one should wipe his hands over the *jabirah* covering that part.]

Rulings of Jabirah Wodu'

Passing wet hand over open wound

Case: If there is a wound, a sore, or a fractured bone on one of the parts on which wodu' is performed, and if there is no dressing on it, and it is harmful if water is poured on it but not if a wet hand is passed on it, then as per obligatory precaution, one must pass his wet hand on it [as part of the wodu' procedure]. If this too is harmful to the wound, or if the wound is najis and it is not possible to render it tahir, it is necessary to wash the surrounding of the wound from top to bottom, and as per obligatory precaution place a tahir piece of cloth on the wound and wipe over it with a wet hand. If placing a piece of cloth is not possible, it is necessary to wash around the wound, and then perform tayammum too, as per mostahab precaution.

Case: If the wound, sore, or broken bone is on the front of the head or on the feet, with no dressing on it, and if it is not possible to wipe on it, it is mandatory to place a tahir piece of cloth on it and wipe on the cloth with the wetness of the wodu' remaining on the palm. However, if placing a cloth on the wound is not possible, it is not necessary to wipe

but it is obligatory to perform tayammum after the wudu', as a precaution.

Case: If the *Jabirah* covered the entire face, or an entire hand, or both hands, it is mandatory to perform the Jabirah wudu', and then to perform tayammum as well, as per obligatory precaution.

The *Jabirah* that goes beyond the wound

Case: If the *Jabirah* or the wound dressing goes beyond the actual wound and covers an area around the wound greater than usual, and if removing the extra dressing proves difficult, it should be treated in accordance with Jabirah wudu'.

Harm to the parts on which wudu' is performed

Case: If there is no wound, sore, or broken bone on the parts on which wudu' is performed, but they are harmed by water in some way, it is mandatory to perform tayammum, and as per mostahab precaution one should perform Jabirah wudu' too.

Difficulty in removing obstacle from wudu' part

Case: If something is stuck to some of the parts on which wudu' is performed, and if removing it is difficult, or constitutes a normally unbearable discomfort, it is mandatory to act according to the Jabirah wudu', and to perform tayammum as a mostahab precaution.

Tayammum or Jabirah wudu'

Case: If one does not know whether his duty is to perform tayammum or Jabirah wudu', one must perform both, as per obligatory precaution.

B) Ghusl

Obligatory Ghusls

The obligatory ghusls are seven:

١. Ghusl of Janabah [the state of being ritually unclean that is acquired after sexual intercourse, etc.]
٢. Ghusl of Hayd (menstruation)

٣. Ghusl of Childbirth
٤. Ghusl of Istihadah (undue menses)
٥. Ghusl of touching a corpse
٦. Ghusl of the corpse
٧. Ghusl that becomes obligatory on account of a Nadhr, pledge, covenant, etc.

Ghusl of Janabah

Case: The state of Janabah is acquired as a result of two issues:

- a) Sexual intercourse – whether or not using condoms and suchlike.
- b) Discharge of semen – regardless of when asleep or awake, a small or large amount, with lust or without, voluntarily or involuntarily.

Case: The Janabah ghusl is mostahab in itself¹, obligatory for the mandatory salah and suchlike, but it is not obligatory to perform the ghusl in order to perform the Salah for the Deceased, Prostration for Thanksgiving (Sajdat-al-Shukr), and the obligatory prostrations of the Qur'an, although it is recommended as per mostahab precaution to perform ghusl for the Salah for the Deceased.

Case: At the time of ghusl, it is not obligatory to have the intention – *niyyah* – of obligatory or desirable (mostahab), but it is sufficient for the *niyyah* to be seeking closeness, i.e. by performing the ghusl one is seeking nearness to Almighty Allah and abiding by the divine orders.

Issues prohibited for Jonob

Case: One who is in a state of Janabah is referred to as Jonob. Five acts are forbidden for a Jonob:

¹ For example, if one performs the janabah ghusl that one is required to do, but it is a time that one is not required to perform the salah then performing the ghusl is mostahab in itself.

ACTS OF WORSHIP

- i. Touching the script of the Noble Qur'an, or the name of Almighty Allah with any part of the body. Furthermore, as per obligatory precaution, the names of the Prophets, the Ma'soom Imams, and Fatima al-Zahra' peace be upon them, must also not be touched.
- ii. Entering Masjid al-Haram and Masjid al-Nabiy – peace be upon him and his pure family – or even passing through them.
- iii. Stopping and staying in other mosques, and the shrines of the Ma'soom Imams peace be upon them. There is no objection to passing through them, i.e. entering through one door and leaving from another, or entering them to take something from them.
- iv. Entering a mosque with the intention of placing something in it, or – as per obligatory precaution – it is prohibited even to place something in it without entering it.
- v. Reading the Sajdah ayah from the 'Aza'im Surahs, (The 'Aza'im Surahs (chapters) are those that contain verses (ayat) for the reading or listening of which sujood or prostration is obligatory). These are four surahs:
 ١. Surah al-Sajdah (Prostration), #32,
 ٢. Surah Fussilat (Explained), #41,
 ٣. Surah al-Najm (Star), #53,
 ٤. Surah al-'Alaq (Clot), #96.

Case: As per mostahab precaution, one must not read even one letter of these four Surahs, and as for ayah of Sajdah it is haram to read it, but it is permissible for the jonob to listen to the 'Aza'im Surahs, and if one hears the Sajdah ayat one should prostrate.

Methods of Performing the Ghusul

The ghusul – whether mostahab or obligatory – may be done in two ways:

- a) *Tartibi* or sequential
- b) *Irtimasi* or by immersion

a) *Tartibi* or Sequential Ghushl

Procedure

Case: In the *Tartibi* or Sequential ghushl, after making the *niyyah* of the ghushl, it is required to wash the head and neck first, then the right half of the body, and then the left half of the body. If the said order was altered deliberately, or by forgetting it or on account of ignorance of the ruling concerned, as per obligatory precaution, the ghushl is void. This is in the case that in performing the ghushl one pours the water on himself by his hand or using a vessel. However, if one performs the ghushl under the rain or under a ‘shower’ and suchlike, where water engulfs the entire body, the order is not binding, although, as a precaution, the order of the ghushl should be observed.

Case: It is recommended to wash the entire belly-button and private parts fully when washing the right side of the body, and so too when washing the left side.

Case: If after the ghushl one learns that a part of the body is not washed, if this part is in the left side of the body it would be sufficient to wash that part [only], but if the unwashed part is in the right side of the body, after washing that part, as per mostahab precaution, one should also wash the left side too. If the unwashed part is in the head or neck, that part should be washed and then the right and left sides of the body should in turn be washed again. If the ghushl is performed under the rain or ‘shower’ and suchlike and the entire body is engulfed by water, the requirement for washing the subsequent parts of the body is not obligatory.

b) *Irtimasi* or ghushl by immersion

Procedure

Case: In the case of ghushl by immersion, it is obligatory to have total bodily immersion such that water surrounds the entire body at one time.

In the ghusl by immersion if one is standing on the floor, one must move or lift his feet slightly to ensure that water reaches the sole of the feet.

Case: If after performing the ghusl by immersion one learns that water had not reached some parts of one's body, regardless of whether or not one knows which part, one must perform the ghusl again, as a precaution.

Rulings on Ghusl

Obligatory rulings of the Ghusl

Case: In the ghusl by immersion it is obligatory that the entire body is tahir, [before performing the ghusl], but in the Sequential ghusl it is not necessary for the entire body to be tahir; for if the entire body is najis, but one renders tahir each part of it before performing the ghusl [on that part], it suffices.

Case: In the Janabah ghusl, if there remains a small area of the body not washed, even by the size of the end of a hair strand, the ghusl will be void. However it is not required to wash the immediately non-visible parts of the body such as the interiors of the ears and nose.

Case: It is mandatory to remove any obstacle that might prevent water from reaching the body.

Case: It is mandatory to wash the short hairs that are considered part of the body, but it is not necessary to wash the long hair such that if it were possible to reach the water to the skin without wetting the hair, the ghusl is valid. However, if it is not possible to reach the water to the skin without washing the hair, then it is mandatory to wash the hair in order to get the water to the skin.

Case: All the criteria cited for the validity of the wudu', such as the water being tahir, and permissible for use, etc. are required for ghusl too. However, in ghusl it is not required to wash [in the specific direction] from top to bottom, and also in the sequential ghusl it is not required to wash the following [part] immediately after the previous

one, but rather, it is permissible for one to wash, say, the head and neck and then wait a while and then wash the right side, and after a while wash the left side.

Case: If one notices semen on his clothes, and is certain it is his, and he had not performed the ghusl for this, it is obligatory for him to perform the ghusl and perform the qada' for all the salah that he is sure he has offered after the discharge of the semen.

Doubts in Ghusl

Case: If one doubts whether or not he has performed the ghusl, it is obligatory for him to perform the ghusl. However, if after performing the ghusl, one doubts whether or not his ghusl was valid, he is not required to repeat the ghusl.

Case: If a Jonob person doubts whether or not he has performed the ghusl, the salah that he has [already] performed is valid, but must perform the ghusl for the forthcoming salah.

Case: If a fluid is discharged from an individual, and he does not know whether it is semen, urine, or something else, one can conclude it is semen if it is associated with three characteristics: if this is discharged with lust, results in ejaculation, and also in the body becoming slack. If it is not associated with all these three characteristics or some of them, it is not deemed to be semen. However, in the case of someone who suffers from an ailment, it is not necessary for the discharge of that fluid to be associated with ejaculation, but if it is discharged with lust and resulted in the slacking of the body, it is deemed to be semen, even if it is not ejaculated.

Case: If one had sexual intercourse and penetrated by the amount of the glans or more, regardless of whether this was with a woman or a man, vaginal or anal, baligh (pubescent) or prepubescent, semen was discharged or not, it is obligatory for one to perform the [Janabah] ghusl.

Case: If it is doubted whether or not penetration occurred by the amount of the glans, it is not necessary to perform ghusl.

Case: It is mostahab to urinate after the discharge of semen, and if one does not urinate and after performing the ghusl notices a moisture/fluid discharged from him – not knowing whether it is semen or another fluid – it is deemed to be semen.

Case: If semen is excited from its place but is not discharged, or if one doubts whether semen is discharged or not, it is not mandatory for him to perform ghusl.

Legitimacy of water

Case: If one uses a public bath [to perform ghusl] and pays the fee from haram or un-Khumsed money, his ghusl is void – unless the owner of the bath agrees not accept payment, partly or fully, for the ghusl.

Janabah ghusl replaces wodu’

Case: He who performs Janabah ghusl, [this suffices as a wodu’ and thus] he does not need to perform a separate wodu’ in order to perform salah. However, for other ghusls – whether obligatory or optional (mostahab) – it is mandatory to perform wodu’ [in order to perform salah].

Case: It is permissible for someone who is required to perform a number of ghusls to perform one ghusl with the intention of all of them. He may also perform each one of them separately.

Q: For a period of time a person used to perform Janabah ghusl instead of wodu’, while he had not been Jonob. What is the ruling about his salah?

A: Must repeat all the salah he knows he had performed without wodu’.

Q: Is it permissible for someone who has performed a mostahab ghusl to do things that are permissible to do for someone who has done Janabah ghusl or wodu’, other than salah, such as touching the script of the Qur’an, or the name of Allah?

A: No, it is not permissible.

Repeating the ghusl

Case: If while performing the ghusl one commits an act that invalidates a wudu', such as urinating or emitting wind, one may [either] continue with the ghusl and then perform wudu', or alternatively abandon the ghusl and restart it again with the intention of what is mandatory for him, e.g. Janabah, and he does not need to perform wudu'.

Ghusl and Tayammum

Case: If someone is not able to perform ghusl, but is able to perform tayammum, it is permissible for him to have sexual intercourse with his wife, even if the prescribed time of a particular salah has begun.

Q: Is it permissible for the Jonob, to perform his salah with tayammum and with his body and clothing being najis, when time is very short? Or should he wash and perform ghusl and then perform the salah as qada'?

A: He should offer the salah after washing the najis part [of his body] if that is possible. And if that is not possible, [performing the salah in] time has priority over all other criteria.

Q: If someone is not able to perform ghusl, but is able to perform tayammum, is it permissible for him to have sexual intercourse with his wife, even if the prescribed time of a particular salah has begun?

A: Yes, it is permissible.

Friday ghusl and Janabah

Q: If one is required to perform the Janabah ghusl, but forgot this and instead performed the Friday ghusl or some other mostahab ghusl, would that satisfy the requirements for the Janabah ghusl?

A: It satisfies, although as per mostahab precaution he should repeat [the ghusl].

Washing the long hair

Q: Is it mandatory for a woman to wash her long hair during the ghusl, and if water does not reach some parts of the full length of the hair, does this constitute the invalidity of the ghusl?

A: that is not required, but what is mandatory is to wash the scalp.

Investigating the water and the body

Q: For the obligatory ghusl, is it required to investigate the water [level] in the reservoir to see whether or not it is less than Kurr?

A: No, for it is permissible to perform ghusl with little [i.e. less-than-Kurr] water.

Q: Is a hole in the ear pierced for earrings considered a feature of the body and thus must be washed specifically in the ghusl?

A: If the hole is wide enough such that its interior can be seen, it is mandatory to include it in the washing of the ghusl, otherwise it is not.

Q: When performing the ghusl is it necessary to bring together some of the loose parts of the body so that water can reach them, or is it sufficient to just pour water on them?

A: It is sufficient that water reaches all the skin.

Q: Is it necessary to take off the contact lenses worn on the eye for wudu' or ghusl?

A: It is not necessary to take them off.

***Niyah* and award of Ghusl**

Q: When performing a body wash, if one says, "I perform this ghusl seeking closeness to Almighty Allah", will one be awarded for it, or it has no value, given that this ghusl has no particular significance or requirement – neither obligatory nor mostahab – but it is only a ghusl?

A: Any action whose intention is seeking closeness to Almighty Allah is awarded InSha'Allah.

Janabah of the patient and woman

Case: If there is doubt as to whether or not the discharged fluid is seminal, it should be examined in the light of ejaculation, slacking [of body], and lust. If these three features are established, then it is deemed to be semen. In the absence of one of them it cannot be deemed to be

semen, unless one definitively learns it to be semen. In the case of a patient and a woman, the association of lust and slacking of the body is sufficient to deem it to be semen.

Friday ghusl for the menstruating

Q: Is it permissible for a woman who is going through hayd (menstruation period), or istihadah (undue menses) to perform Friday ghusl?

A: Yes it is.

Sufficiency of the Ziyarah Ghusl?

Q: I have read in some publication that you have decreed that the ghusl for the Ziyarah of Imam Husayn – peace be upon him – replaces the need for wudu'. Is this a true quote of your verdict? What about the Friday ghusl about which there are many hadith?

A: No, this is not true. The only ghusl with which you need no wudu' is the Janabah ghusl.

Ghusl of the three bloods

Case: The 'three bloods' are the bloods that are discharged from a woman's womb. These bloods are:

١. Hayd (menstruation)
٢. Istihadah (undue menses)
٣. Nifas (childbirth)

At the end of her hayd cycle, it is mandatory for a woman to perform a ghusl for the salah and her other acts of worship that necessitates wudu', ghusl or tayammum. The procedure for the hayd ghusl is similar to that of the janabah ghusl, but if she wishes to perform salah it is mandatory for her to perform wudu' too – before or after the ghusl.

More details on the rulings of the three bloods are presented in the following Chapter Six (page 95).

Ghusl of touching the corpse

Case: If one touches a dead person's corpse that has gone cold and has not yet been washed [the ghusl of the corpse] with any part of one's body, it is obligatory for him to perform the ghusl of "touching the corpse". This is mandatory regardless of whether one touches the corpse when awake or asleep, voluntarily or involuntarily, even if one touches the corpse's fingernail or bone with his fingernail or bone. The same is applicable if one's hair comes in contact with the corpse's hair, provided that the hair of neither is not unusually long. However, the ghusl is not mandatory if one touches the corpse of a dead animal.

Case: It is not mandatory to perform the ghusl if one touches a corpse that has not gone entirely cold, even if the point of contact itself was cold.

Case: It is mandatory to perform the ghusl if one touches the corpse of a child/baby even if it was a miscarried foetus that had completed its fourth months.

Case: If one touches a corpse that had its three ghusls completed, it is not mandatory for one to perform the ghusl. However, if one touches a part of the corpse before the three ghusls [of the entire corpse] are complete, it is mandatory for him to perform the ghusl, even if he had touched a part [of the corpse] for which the third ghusl had been completed.

Case: If an insane or a prepubescent individual touches a corpse, it is mandatory for the insane to perform the ghusl after he regains his sanity, and for the youngster when he reaches adolescence, as a precaution.

Case: If a part/limb that contains bone is amputated from a living person, or from a corpse that has not been given its ghusl, and one touches the amputated part/limb before being given its ghusl, it is obligatory for the person who touched it to perform the ghusl of "touching a corpse". However, if the amputated part/limb does not contain any bone, it is not mandatory for the person who touched it to perform the ghusl.

Case: If someone touched a corpse but did not perform the required ghusl for the touching, there is no objection to him stopping in a mosque, engaging in sexual intercourse, and reading the Qur'an including the 'Azaim surahs, but it is mandatory for him to perform the ghusl and wudu' if he wants to perform the salah and suchlike.

Procedure for “touching the corpse” ghusl

Case: The procedure for “touching the corpse” ghusl is like the Janabah ghusl, except that if one performs ghusl of “touching the corpse”; and intends to perform salah he is required to perform wudu' too.

C) Tayammum

Case: Tayammum is obligatory to be performed instead of wudu' or ghusl in seven circumstances:

١. Unavailability of water
٢. Excused for not being able to reach water
٣. Use of water constitutes harm
٤. Fear of thirst
٥. Scarcity of water for washing
٦. Non-permissibility of use of water
٧. Time being too short

١. Unavailability of water

If obtaining sufficient water for wudu' or ghusl is not possible.

Case: If one makes reasonable effort to search for water but does not find it, and therefore performs tayammum and salah, but after finishing his salah learns of the availability of water in the locality where he had sought it, his salah is valid. However, if there is enough time, as per mostahab precaution, he should [perform wudu' and] repeat the salah.

Case: If one has a small quantity of water, enough to perform wudu' or ghusl, and knows that if he throws it away he will not find any more

water, thus if the time of salah had began it would be haram for him to throw away the water, and as a precaution he should not do so even before the onset of salah time.

Case: If one knows that he would not be able to find water and invalidates his wodu', after the onset of the time of salah, or spills the water he has with him, he has committed disobedience and sin, but his salah with tayammum is valid, although – as per mostahab precaution – he should repeat that salah [when he has access to water].

۲. Excused for not being able to reach water

Case: If it is not possible for one to reach water because of old age, fear of assault or wild animal, etc. or for non-availability of the means to draw water from a well, it is obligatory for him to perform tayammum. The same applies if procuring water is intolerably difficult.

۳. Use of water harmful

Case: If [because of a particular condition] one fears harm if he uses water, or would develop a physical defect or an ailment, or his condition would be prolonged or its treatment complicated, it is obligatory for him to perform tayammum. However, if he can avoid the harm by using warm water, it is mandatory for him to use warm water to perform wodu' or ghusl, and not resort to tayammum.

Case: It is not necessary to be absolutely certain that using water constitutes harm to him, but if one believes there is a probability of harm, and that probability is reasonable in common perception, giving him cause for concern, he should resort to tayammum.

۴. Fear of thirst

Case: If one fears that if one uses the water for wodu' or ghusl, he or his dependents, or companions will die of thirst or fall ill, or face intolerable discomfort due to thirst, it is mandatory for him to perform tayammum instead of wodu' or ghusl. Also, if one fears his animal would die of thirst, it is mandatory for him to perform tayammum and give the water to the animal. The same applies to anyone whose life must be protected;

if someone were to get thirsty and may die if not given the water. Similarly if one fears that one would face thirst later on.

•. Scarcity of water for washing

Case: If the clothes or body of a person is najis, and he has a small quantity of water such that if he uses it to perform wudu' or ghusl, there will be none left to render his clothes or body tahir, it is mandatory for him to use that water to render his clothes or body tahir, and perform tayammum for salah. And if there is nothing for him to perform tayammum with, it is mandatory for him to perform wudu' or ghusl with that water and perform salah with najis body or clothes.

٧. Non-permissibility of use of water

Case: If one has nothing but the water or the vessel the use of which is prohibited, such as usurped water or vessel and suchlike, it is mandatory for him to perform tayammum instead of ghusl or wudu'.

٨. Time is too short

Case: If time is too short such that if one performs wudu' or ghusl part or all of the salah would be outside the designated time, it is mandatory for one to perform tayammum.

Case: If one deliberately delays [performing] the salah until there is little time for him to perform wudu' or ghusl, he has committed disobedience and sin, but his salah with tayammum is valid.

Things on which Tayammum is valid

Case: Tayammum is valid on ground soil, sand, clod; which is lump of earth or clay, pebbles and rocks, but it is recommended not to perform tayammum on other than soil so long as it is possible. If soil is not available, then sand, and in the absence of sand, clods, and in their absence it may be done on pebbles or rocks.

Case: Tayammum is valid if performed on gypsum and limestone, and it is also valid on baked limestone, but it is not valid on mineral stones such as agate ('aqeeq).

Case: If none of the above are available, it is mandatory to perform tayammum on the dust that gathers on the clothing, carpets, and suchlike. And if there is no dust on these things, one should perform tayammum on mud, and if there is no mud available, one should perform the salah without tayammum, and as per mostahab precaution should perform the qada' of the salah afterwards.

Case: The thing on which tayammum is performed should be tahir, and if one has nothing tahir that he may perform the tayammum on, it is obligatory for him to perform the salah, and, as per mostahab precaution, perform the qada' of the salah afterwards.

Case: It is essential that the thing which tayammum is performed on, and the place it is in are not usurped. [For example] if one performs tayammum on usurped objects like some usurped ground soil, or if the soil was his own property but places it in an area belonging to another person – without his leave or permission – and performs tayammum, his tayammum would be void.

Case: It is mostahab that the object on which tayammum is performed has dust particles that would stick to the palms. It is also mostahab to shake off his hands – after striking them on that object – so that the dust particles fall off.

Case: In the case of manufactured/artificial water or soil, if they were water or soil in reality, they would carry the rulings of water and soil, and if they were water or soil [only] in appearance they would not have the rulings of water and soil for rendering things tahir and suchlike.

Procedure of Tayammum instead of wodu'

Case: In performing tayammum instead of wodu', four issues are mandatory:

١. The *niyyah*,
٢. To strike both palms of the hands simultaneously on an object that tayammum is valid on,

٢. To wipe the entire forehead and its sides with the palms beginning from the hair growth [on the head] up to the eyebrows and the top of the nose, and as a precaution to wipe over the eyebrows as well.
٤. To wipe the back of the right-hand with the left palm, and wipe the back of the left-hand with the right palm.

Procedure of Tayammum instead of ghusl

Case: In performing tayammum instead of ghusl, after stating the *niyyah*, one must strike his palms on the soil and wipe them over his forehead and the back of his hands, as given in the previous case, and as a precaution, it is mandatory to strike his palms on the soil a second time and wipe over the back of his hands.

Case: It is recommended to perform the tayammum, whether it is instead of wudu' or instead of ghusl as follows:

To strike his palms once on the soil and wipe them over his forehead and on the back of his hands, and then to strike them on the soil a second time and wipe them again over the back of his hands.

Rulings of Tayammum

Obligations of Tayammum

Case: When stating the *niyyah*, it is mandatory to specify whether the tayammum is instead of wudu' or ghusl, and if it is ghusl the kind of ghusl must be specified.

Case: It is mandatory to wipe the forehead and the back of the hands from above downwards. It is also mandatory to perform the steps of the tayammum in sequence and one after the other, and if there is a gap between them such that it could not be considered tayammum, the tayammum would be *batil* (void).

Case: In tayammum, it is mandatory that the forehead and the palms of the hands and their backs are *tahir*, and if the palms of the hands were

najis and it is not possible to render them tahir, it is sufficient to perform the tayammum with the najis palms – unless the najasah is such that it would seep/transfer into the object on which the tayammum is being performed, and it is not possible to dry it, in which case it is mandatory to perform the tayammum with the back of the hands.

Case: For tayammum, it is mandatory to remove a ring if one is wearing one, and must also remove any obstacle that might be stuck on one's forehead or back of one's hand.

Case: If there is any wound on the forehead or the back of the hands with dressing on, and it is not possible to take the dressing off, it is mandatory to wipe on the dressing. Similarly, if there is any wound on the palm of the hand with dressing on and it is not possible to remove the dressing, it is mandatory to strike the hands with the dressing on that which is valid to perform tayammum with and wipe them on the face and the back of the hands.

Case: If a person is required to perform tayammum but is not able to do so, it is mandatory for him to appoint someone [to help him with that]. The appointee must help him perform the tayammum with his [the appointing person's] hands. If this is not possible, neither by striking the soil nor by wiping, then the appointee must strike whatever is valid to perform the tayammum on and wipe them on the face and the back of the hands of the appointing person.

Ensure wiping all parts of tayammum

Case: If one leaves out wiping even a small part of his forehead or back of his hands in tayammum, his tayammum is void, regardless of whether this was deliberate, or on account of being ignorant of the ruling or due to forgetfulness. However, it is not necessary to be obsessive in ensuring this, rather it is sufficient if it is said one has wiped the entire of his forehead and the back of his hands.

Case: In order to ensure that one has wiped the entire of the back of his hand, it is mandatory to wipe from slightly above the wrist [to the finger tips/nails], but it is not necessary to wipe between the fingers.

Doubt in Tayammum

Case: If one doubts – after wiping the back of the left hand – whether his tayammum is valid or not, it is deemed valid.

Case: If a person who is required to perform tayammum, knows that his reasons [for opting for tayammum] will continue [until after a particular salah time], it is permissible for him to perform the salah with tayammum when there is plenty of time ahead of him. However, if he knows [for sure] that his reasons [for opting for tayammum] will not last until the end of the particular [salah] time, it is mandatory for him to wait until he can perform wudu' or ghusl and perform the salah. Also if one has reasonable cause to believe that his reasons [for tayammum] will not last, he must, as a precaution, wait and perform the salah with wudu' or ghusl, [If this prove impossible, his duty is] to perform the salah with tayammum towards the end of the particular [salah] time.

Invalidating the tayammum

Case: In the case of someone who is required to perform tayammum instead of ghusl, if after performing the tayammum he commits an act that invalidates the tayammum, such as urinating, it would be sufficient to perform wudu', and as per mostahab precaution, to repeat the tayammum that was performed instead of the ghusl.

Eradication of compelling reasons

Case: If someone performs tayammum due to some reasons or circumstances, or because of unavailability of water, and then that reason or circumstance is eradicated, his tayammum would be rendered void.

Case: The acts that invalidate the wudu' also invalidate the tayammum-instead-of-wudu', and those that render the ghusl void, render the tayammum-instead-of-ghusl void too.

Case: If someone who is required to perform tayammum, does so for a particular reason [e.g. water not being available], he is thus allowed to do those things that require wudu' or ghusl, as long as his tayammum and his reason and circumstance have not changed. However, if his

reason to perform tayammum was lack-of-time [for a particular salah], or to perform prayer-of-the-deceased, or for being in a state of tuhr before retiring to sleep, while water being available, it is permissible for him to do the act he performed the tayammum for only, and not any other acts.

Q: If one believes time is too short to perform wudu' or ghusl, and instead performs tayammum and prays his salah, and then afterwards it becomes clear that there is enough time, should he repeat his salah with wudu' or is it valid?

A: If there was enough time to perform the wudu', he should do so and repeat the salah, otherwise no.

Sufficiency of Tayammum Instead of Ghusls

Case: If one is unable to perform ghusl and is required to do a number of ghusls, one tayammum will suffice.

Case: If one performs tayammum instead of the Janabah ghusl, he is not required to perform wudu' in order to perform salah. However, if one performs tayammum instead of other ghusls, he is required to perform wudu', and if it is not possible for him to perform wudu', he must perform another tayammum instead of wudu'.

Q: If one does not perform the Janabah ghusl out of shyness or embarrassment, or for non-availability of hot water, is it permissible for him to perform tayammum instead of ghusl?

A: If use of water constitutes discomfort, awkwardness, or harm then there is no objection to tayammum.

Q: I serve in the army, and in the winter we are not allowed to go to the showers except once a week, and on occasions I have ejaculations while asleep during the week. Is it imperative for me to perform a tayammum for every salah, or is it sufficient to perform tayammum once?

A: Must perform one tayammum instead of ghusl, and perform wudu' for every salah.

Chapter Six: The Three Bloods

The bloods that an adolescent woman observes may be classified into three categories; they are hayd (the monthly menstruation), istihadah (undue menses), and nifas (the postpartum blood seen after childbirth). Each of these bloods has its particular characteristics/conditions, and each has its specific rulings as far as the woman's acts of worship are concerned.

Hayd or Menses

Case: The hayd or menstrual discharge is the blood that is discharged from the woman's uterus every month, often for a number of days, and during the menstrual period the woman is referred to as Ha'id. The menstrual discharge or hayd blood is often warm and thick – black or red coloured – and it is discharged with thrust and a burning sensation.

Duration and occurrence of Hayd

Case: The hayd or menstrual cycle is not less than three days, and it does not last more than ten days; so if a woman experiences menses for less than three days – even by a short time – it is not considered as hayd. [Short time is between half an hour to one hour.]

Case: As a precaution, the three days of hayd menstruation should be consecutive; so if menstruation takes place for two days, then stops for one day, and then starts again for another day, then it is imperative for the woman to observe precaution by acting on the abstentions of the Ha'id and the obligations of the mustahadah. That is she must abstain from intercourse, entering the mosques, touching the script of the Qur'an and of the name of Allah, and the recitation of the Aza'im¹ surahs of the holy book. At the same time she must act upon the duties

¹ 'Aza'im surahs are those surahs that contain verses the recitation or listening of which mandate sujood or prostration. The surahs are: surah al-Sajdah (Prostration) #32, surah Fussilat (Explained) #41, surah al-Najm (Star) #53, surah al-'Alaq (Clot) #96.

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of the mustahadah such as wudu', ghusl etc. for every salah. The duties of the mustahadah are mentioned elsewhere in this work. [See p108.]

Case: It is not necessary for the blood to discharge [externally] during the three days in order for it to be considered hayd, but it is sufficient for the presence of blood in the vagina. Furthermore, if a woman is clean for a very short period during the three days, but it can be said that, during the three days, blood was present in her vagina, then that is considered as hayd.

Case: It is not necessary, for the confirmation of hayd to have taken place, that a woman observes blood on the eve of the first night and fourth night for the three days, but it is essential that bleeding does not stop on the eve of the second and third nights. Thus, if blood is seen from the time of the Fajr adhan on the first day and continues without interruption to the sunset of the third day, it would be considered hayd. Similarly, if bleeding commences from the middle of the first day and stops at the same time on the fourth day, without interruption on the eve of the second, third, and fourth nights, it too would be considered hayd.

Case: If a woman observes blood for three days continuously and becomes tahir, then she observes blood again after that, and if the total number of days in which she observes blood together with the intervening tahir days is not more than ten days, then all the blood seen is considered hayd.

Case: If a woman observes blood for less than three days and becomes tahir, and after that observes blood for three days; the second blood is hayd, and the first blood is not considered hayd even if it occurred during days of her monthly period.

Case: If a woman observes blood and doubts whether it is of hayd or istihadah, it is imperative that she treats it as hayd if it bears the characteristics of hayd.

The Qurayshi and other females

Case: The Qurayshi female reaches menopause at the age of sixty, and thus she does not observe hayd blood after that age, but non-Qurayshi female reaches menopause at the age of fifty.

Case: The blood that a girl observes before the completion of nine years, or that seen by a woman after menopause, is not considered hayd.

Case: If a woman doubts whether or not she has reached menopause, if she observes blood and she is not sure if it is hayd, she must assume that she has not yet reached menopause.

Rulings of Hayd

Prohibitions for the

Ha'id

Case: A number of matters are prohibited for the Ha'id :

١. The acts of worship that require wudu', ghusl, or tayammum are prohibited. However the acts of worship that do not require wudu', ghusl, or tayammum such as prayer for the deceased may be performed while in the state of hayd.
٢. All the issues that are prohibited for someone who is in the state of janabah, which are mentioned in the section relating to the Rulings of Janabah.
٣. Vaginal intercourse, which is haram - prohibited - for both the man and the woman, even if penetration is to the extent of penis glans only, and even if ejaculation does not take place. As a precaution even penetration of less than the glans (the point of circumcision) should not take place. Anal intercourse is also prohibited with the Ha'id. However, other forms of courting, kissing, fondling, and suchlike are permissible.

Kaffarah of intercourse with Ha'id

Case: As a mustahab precaution, the husband should give the stated

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kaffarah (given below) if he has sexual intercourse with his wife

knowing that she is Ha'id. However, if he has sexual intercourse with her not knowing she is Ha'id then he is not liable to kaffarah.

Case: If he cannot afford to pay the stated kaffarah, it is mustahab for him to seek divine forgiveness, but if he can afford it but he could not pay it then, it is mustahab for him to pay it whenever he can.

Kaffarah according to Hayd stages

Case: If the woman's menstrual period is divided into three [chronological] stages then:

If he has sexual intercourse with her, while she is Ha'id, during the first stage of her period, as a mustahab precaution, he should give one Dinar to the poor. One Dinar is equivalent to 18 carats (3.6 grams) of gold.

If he has sexual intercourse with her during the second stage, he should give one half of a Dinar. For the third stage he should give one quarter of one Dinar.

So if the woman's menstrual cycle is six days for example, and her husband has sexual intercourse with her on the first night, the first day or the second day, as a mustahab precaution he should give one Dinar kaffarah. If he has sexual intercourse with her on the third night or the third or the fourth day, as a mustahab precaution he should give one half of one Dinar kaffarah. If he has sexual intercourse with her on the fourth night or the fifth or sixth day, as a mustahab precaution he should give one quarter of one Dinar kaffarah.

Discouraged acts for the Ha'id

Case: It is discouraged (makrooh) for the Ha'id to recite the holy Qur'an, keep it with her, carry it, or touch the space between its lines. Similarly it is makrooh for her to dye her hair with henna and suchlike.

Ha'id and salah

Case: If a woman's hayd cycle begins during the performance of the salah, her salah is void.

Hayd Ghusl

Case: At the end of her hayd cycle, it is mandatory for the Ha'id to perform the ghusl for the salah and her other acts of worship that necessitates wodu', ghusl or tayammum. The procedure for the hayd ghusl is similar to that of the janabah ghusl, but if she wishes to perform salah it is mandatory for her to perform wodu' too – before or after the ghusl.

Insufficient water for ghusl

Case: If the water available to her is not sufficient for both ghusl and wodu', but it is sufficient for one of them, then it is mandatory for her to perform the ghusl and then perform tayammum instead of wodu' as a mandatory precaution. However, if she had enough water to perform wodu' only and not ghusl, then it is mandatory for her to perform the wodu' and then perform tayammum instead of ghusl. If she did not have access to water at all, then it is mandatory for her to perform tayammum twice, one for ghusl and another for wodu'.

Missed prayer and fasting of the Ha'id

Case: The Ha'id is not obliged to perform the qada' of the salah she misses during the hayd period. However, it is mandatory for her to perform the qada' of fasting for the days she missed during the hayd cycle.

Case: If the time of the salah begins and she knows that if she delays the salah the hayd cycle will begin, then it is mandatory for her to perform her salah immediately.

Case: If a woman who is not in a state of hayd delays the salah after the start of the salah time by a period enough to perform the salah, and then her hayd cycle begins, she is liable to perform the qada' of that salah.

Case: If the Ha'id woman becomes tahir towards the end of the time slot for a particular salah, and there is enough time to perform the ghusl, wodu', and other preparatory measures such as clothing etc. and to perform one or more rak'ah of the salah, then it is mandatory for her to

perform the salah, and if she does not she remains liable to perform its qada'.

Case: If there is not enough time to perform the ghusl and wudu', but it is possible to perform the salah with tayammum in time, it is obligatory for her to perform that salah, and if her duty is to perform tayammum – regardless of the shortness of time – like if using waters constitutes harm to her, then it is obligatory for her to perform the tayammum and the salah.

Types of Ha'id

Case: Ha'id women are of six types:

١. Those of known timing and duration cycle.
٢. Those of known timing cycle.
٣. Those of known duration cycle.
٤. Those of unknown or disturbed cycles (*mudtaribah*).
٥. The first-timer (*mubtadi'ah*).
٦. The *nasiyah* or the one who has forgotten the timing and/or duration of her cycle.

١. Those of known timing and duration cycle

This is for the case when a woman observes the hayd blood in two consecutive months at a particular time, and for a particular duration. For example, she observes the hayd blood in two consecutive months from the first day of the month to the seventh.

Case: Those of known cycle timing and duration are further categorised into three groups:

- a) A woman who observes the hayd blood in two consecutive months at a particular time, and she becomes tahir (i.e. her hayd cycle ends) at a particular time too. For example, she observes the hayd blood in two consecutive months from the first day of the month to the seventh, thus her period is from the first day of every month to the seventh.

- b) A woman who observes blood for more than ten days, but in two consecutive months – during particular days – she observes blood that is characterised by the properties of the hayd blood, i.e. it is thick, black, warm, and exits with pressure and burning sensation. However, the blood she observes in other than those particular days is characterised by properties of the istihadah blood. For example, she observes blood characterised by the hayd blood properties from the first day of the month to the eighth in two consecutive months, and thus her period is from the first day of every month to the eighth.
- c) A woman who observes hayd blood at a particular time in two consecutive months and after three days or more of bleeding, it ceases and she becomes tahir for one day or more, and then she observes blood again. The total number of days in which she observes blood together with the number of days that she is tahir between the two bleeding periods do not exceed ten days, and in each month the total number of bleeding days and the number of intervening tahir days are equal. Therefore in this case her monthly period is the total number of days she observes blood, together with the intervening tahir days. It is not necessary for the intervening tahir days to be the same in each month. For example, if she observes blood in the first month from the first day to the third, and then she becomes tahir for three days, then she observes blood again for three days, and in the second month she observes blood from the first day to the third, becomes tahir for three days or more, or less, and then observes blood again, and the total number of bleeding days and the intervening tahir days do not exceed nine days in each of the two months, then the monthly period of this woman is nine days.

Changes in the timing of hayd

Case: In the case of the woman of known timing and duration cycle, if she observes blood before the period or after by two or three days, such that it can be said her hayd is delayed or advanced, it is mandatory for

her to act according to the rulings of hayd, even if that blood does not bear the hayd properties. However, if she learns afterwards that the blood was not hayd, for example she becomes tahir before three days, she is obliged to perform the qada' of the acts of worship she missed.

Case: If she observes blood before her period by a few days, and the blood continues during her period and after it by a few days, and the total does not exceed ten days, all is considered hayd.

Case: If it exceeds ten days, the blood seen during the days of her period only is hayd and that seen before and after the period is istihadah. It is therefore mandatory for her to perform the qada' of the missed acts of worship during the days before and after the period.

Case: If she does not see blood during the time of her period, but observes it at another time for the same duration as her period, then it is mandatory for her to treat the blood she observes in those days as hayd, regardless of whether this is before the period or after.

٢. Those of known timing cycle

This is for the case when a woman who observes the hayd blood in two consecutive months at a particular time, but the duration of her cycle in one month is different from the second. For example, she observes the hayd blood in the first month on the first day of the month and becomes tahir on the seventh, but in the second month she observes blood on the first day of the month and becomes tahir on the eighth.

Case: Those of known timing cycle are divided into three groups:

- a) A woman who observes the hayd blood at a particular time in two consecutive months, and she becomes tahir after a number of days, but the number of days in each of the months is not the same. For example, she observes blood in two consecutive months on the first day of the month, but in the first month her bleeding period continues for seven days and in the second month it continues for eight. This makes the beginning of her period to be the first day of the month.

- b) A woman who observes blood for more than ten days, but in two consecutive months, and at a particular time, she observes blood that is characterised by the properties of the hayd blood, i.e. it is thick, black, warm, and exits with pressure and burning sensation. As for other days, [she observes] blood that is characterised by the properties of the istihadah blood. The number of days in which she observes the blood characterised by the properties of the hayd blood is not the same in the two months. For example, in the first month she observes the blood characterised by the properties of the hayd blood from the first day of the month to the seventh, and in the second month from the first day of the month to the eighth. As for the other bloods, they are characterised by the properties of the istihadah blood. This makes the beginning of each month the start of her monthly period.
- c) A woman who observes the hayd blood at a particular time in two consecutive months for three days or more, then becomes tahir, and then observes blood again, but the total number of the two bleeding periods and the intervening tahir period does not exceed ten days. However, in the second month these days increase or decrease in number compared to the first month. For example, the number of these days in the first month is eight days, and in the second nine. The woman in this case makes the start of her monthly period on the first day of the month [if blood is observed on the first day of the month in two consecutive months].

۳. Those of known duration cycle

In this case the woman's menstruation cycle duration in two consecutive months is the same but the menstruation timings in the two months are not the same. For example, in the first month she observes blood from the fifth to the tenth day, and in the second from the twelfth to the seventeenth.

Case: Those of known duration cycle are categorised into three groups:

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- a) A woman whose hayd cycle duration in two consecutive months is the same but the timings of menstruation are different in the two months. In this case she should treat as hayd the blood she observes in all those days. For example, if she observes blood from first day to the fifth in the first month, and from the eleventh to the fifteenth in the second, her monthly menstrual cycle is five days.
- b) A woman who observes blood for more than ten days, but in two consecutive months she observes blood during particular days that is characterised by hayd properties, and another blood in other days that is characterised by istihadah. The number of days in which the hayd-type blood is observed is the same in the two months, but the timings of each period in the two months differ. In this case the days in which the hayd-type blood is observed constitute her hayd period. For example, if she observes blood in the first month from the first day to the fifth, and in the following month from the eleventh to the fifteenth, and the blood observed in these periods bears hayd properties, but the other blood is characterised by istihadah, her period would be five days.
- c) A woman who observes the hayd blood – in two consecutive months – for three days or more, becomes tahir for one day or more, then observes blood again, and the timing of observing blood differs in the two months, if the total number of days of the bleeding periods and the intervening tahir period do not exceed ten days, and the number of days is the same in the two months, then the total number of days she observes blood and the intervening tahir period constitute her period. It is not necessary for the intervening tahir days to be the same in the two months. For example, if in the first month she observes blood from the first day of the month to the third, becomes tahir for two days, observes blood for another three days, and in the second month she observes blood from the eleventh day of the month to the thirteenth, becomes tahir for two day, or more or

less than that, observes blood again; but the total number of days do not exceed eight days, her monthly period is considered to be eight days.

Case: If blood is observed beyond the monthly period, and exceeds ten days:

- i. If all the blood has the same property, she must treat it as hayd from the day it is observed for the duration of her period, and treat the rest as istihadah.
- ii. If the blood property does not remain constant but changes such that on some days it has the hayd characteristics and on others the istihadah; if the number of the days in which the blood has hayd properties is the same as the number of the days of her period, she must treat it as hayd and the rest as istihadah.
- iii. If the number of the days in which the blood has hayd properties is more than the number of her period days, she must treat it as hayd for the duration of her period and treat the rest as istihadah.
- iv. If the number of the days in which the blood has hayd properties is less than the number of her period days, she must treat it as hayd during those days and any extra days to make the total equal her period days, and the rest as istihadah.

٤. Those of unknown or irregular cycles

This is for the case when a woman observes blood for a number of months, but her period has no regularity in terms of timing or duration. Or it can also be said of a woman who used to have a regular period, but that period is disturbed, and she has not acquired a new regular period. She is referred to as *mudtaribah*.

Case: If the *mudtaribah* observes blood for more than ten days and all the blood has the same property, if her relatives have seven day periods, she should treat the blood as hayd for seven days and the rest as istihadah. If they have a period of less than that, for example five days,

she must assume hers to be five days too. If the period of her relatives is more than seven days, say nine days, she must treat seven days as hayd, and during the difference between seven and their period, which is two days, she should abandon the prohibitions of the Ha'id and act on the duties of the mustahadah, as a mustahab precaution.

Case: If the *mudtaribah* observes blood for more than ten days; on some days [she observes] hayd-type [blood] and on others istihadah-type; if the hayd-type days are less than three days or more than ten days, she must act according to the previous case, but if the hayd-type blood is not less than three days nor more than ten, then it is considered hayd throughout [these days]. Furthermore, if she observes hayd-type blood; and before the passage of ten days [of becoming tahir] she observes hayd-type blood again; for example she observes black blood for five days, yellow blood for nine, and then black blood for another five days – she must act according to the previous case.

◦. The first-timer (mubtadi'ah)

The *mubtadi'ah* is the woman who observes blood for the first time; if she observes blood for more than ten days and all the blood carries the same characteristics, it is mandatory to make her period the same as the prevailing period amongst her relatives, as mentioned in the case of the *mudtaribah* and treat the rest as istihadah.

٦. The nasiyah - one who has forgotten order of her cycle

The *nasiyah* is the woman who has forgotten [the time and duration of] her period; so if she observes blood for more than ten days, she must treat the days in which the blood is hayd-type as hayd days. If it is not possible for her to distinguish the hayd through the signs and characteristics, she must treat seven days as hayd and the rest as istihadah.

Miscellaneous

Certainty or otherwise

Case: The *mubtadi'ah*, *mudtaribah*, *nasiyah*, and those of known duration cycle if they observe blood that has hayd properties, or if they are certain that it would continue for three days, they are obliged to refrain from acts of worship. If later it becomes evident that it was not hayd they must perform as qada' the acts of worship they missed. If they are not certain that it would continue for three days, or if the blood does not have hayd properties they must as an obligatory precaution act according to the duties of the mustahadah for three days, during which they must abandon the prohibitions of the Ha'id. However if they do not become tahir before three days they must treat it as hayd.

Changes in timing and duration of period

Case: A woman of known duration, known timing, or known timing and duration, if in two consecutive months she observes blood contrary to her normal period in terms of timing, duration or both timing and duration; that in both months she notices the same change(s) in timing, duration or both, her period is considered to have changed to that observed in these two months. For example if she used to observe blood from the first day of the month to the seventh and then became tahir, but in two consecutive months she observed blood from the tenth day to the seventeenth and then became tahir, her period would be from the tenth to the seventeenth.

If blood is observed twice in a month

Case: A woman who normally observes blood once in a month, if she observes blood twice in a month, and both bloods have the hayd properties; then if the intervening tahir days are not less than ten days, she must treat the bloods as hayd.

Salah and fasting qada'

Case: If she deems a specific number of days as hayd period and therefore does not perform her acts of worship, but afterwards she learns

that it was not hayd, she is obliged to perform the qada' of the salah and the fasting she missed on those days.

If she performs acts of worship in the belief she is not Ha'id but afterwards she learns she was Ha'id, it is mandatory for her to perform the qada' of the fasting she did on those days.

Divorce and Ha'id

Case: Divorcing a woman during her hayd is not valid.¹

Istihadah

Case: The istihadah blood is one of the bloods that is observed by women, and the woman in the state of istihadah is called mustahadah. The blood of istihadah is often yellow, cold, and is emitted without pressure or burning sensation, and it is not thick. However, it is possible that at times the colour may be black or red, warm and thick, and is discharged with pressure or burning sensation.

Categories of istihadah

Case: The istihadah may be classified into three categories:

١. The *qalilah* or little (minor) blood, which is the case when blood remains only on the surface of the cotton wool or pad and does not penetrate in it when a woman places the pad on her vagina.
٢. The *mutawasitah* or medium blood, which is the case when blood penetrates the pad or cotton wool but the blood does not soak it to reach across it to the band or cloth supporting the pad.
٣. The *kathirah* or extensive (major) blood, which is the case when blood soaks the cotton wool or pad staining the band or cloth supporting the pad or cotton wool.

¹ Divorce is also not valid if sexual intercourse takes place between man and wife after her hayd period. She must observe her next hayd period and clears from it, when divorce can be initiated, and it only remains valid if no sexual intercourse takes place between them.

Rulings of istihadah

Case: In the case of the *qalilah* or slight istihadah, it is mandatory that for every salah a woman performs wudu', changes the pad or cotton wool, and renders tahir her vagina if blood has reached the outer surface.

Case: In the case of the medium istihadah, it is mandatory for a woman to perform the istihadah ghusl prior to the morning prayer (salat-al-sobh), and until the dawn of the following day she should act according to the duties of the *qalilah* mustahadah mentioned in the previous case, namely wudu' for every salah, the changing of the pad, and the rinsing.

Case: In the case of the extensive or major istihadah, it is mandatory for a woman, in addition to acting according to the duties of the medium mustahadah (which are namely the ghusl for the morning prayer, wudu', changing of the pad, and rinsing of the vagina for every salah) she is obliged to change the pad that supports the cotton wool or render it tahir, and also to perform another ghusl for the Duhr and 'Asr salah, and a third ghusl for the Maghrib and 'Esha' salah. She should not separate between the Duhr and 'Asr salah, nor between the Maghrib and 'Esha' salah; for if she separates between the two salah she must perform another ghusl for the 'Asr salah if she separates between the Duhr and 'Asr, and a fifth ghusl for the 'Esha' salah if she separates the Maghrib and 'Esha'.

Case: For the medium and extensive mustahadah who are obliged to perform ghusl and wudu', it is valid if they are performed in any order.

Case: If after the morning prayer, the *qalilah* or slight mustahadah becomes medium mustahadah, she is obliged to perform a ghusl for the Duhr and 'Asr salah, and if after the Duhr and 'Asr salah she becomes extensive (major) she is obliged to perform a ghusl for the Maghrib and 'Esha' salah.

Case: If after the Sobh salah the slight or medium mustahadah becomes extensive, she is obliged to perform a ghusl for the Duhr and 'Asr salah, and another for the Maghrib and 'Esha' salah.

Case: If the slight or medium mustahadah performs the ghusl for the Sobh salah before the onset of the time [of adhan] her ghusl is batil. However, there is no objection if she performs the ghusl to perform the Night salah (salat al-Layl) just before the Fajr adhan, and then performs salat al-Layl and at the onset of the time of the Sobh salah she performs the Sobh salah.

Case: It is mandatory for a mustahadah to perform a wudu' for every salah, whether the salah is optional (mustahab) or obligatory (wajib). The same goes if she wishes to perform a salah as a precaution (ihtiyat). If she wishes to perform a salah that she performed forada (solo) as jama'ah (congregation) she must perform all acts that have been mentioned for the mustahadah. However, it is not necessary to perform the duties of the mustahadah that have been mentioned for salat al- ihtiyat , the forgotten sajdah, the forgotten tashahhud, or *sajdat-as-sahw*, if she performs them immediately after salah and without delay.

Case: It is mandatory for the mustahadah whose bleeding has ceased to act according to the duties of the mustahadah for the first salah she wishes to perform, but it is not necessary to do that for subsequent salah.

Case: If the mustahadah cannot examine herself [for any reason], her duty is to act according to what she is certain about. For example, if she does not know if her istihadah is minor or medium, she must act according to the duties of the minor mustahadah, and if she does not know if she is medium or major mustahadah, she must act according to the duties of the medium. However, if she knows that she used to be one of the three categories, then it is mandatory for her to act according to the duties of that category.

Case: If the istihadah blood remains inside the vagina and does not emit outside, this would not render the ghusl or wudu' batil, but if it emits outside then her wudu' and ghusl is rendered batil.

Case: If the mustahadah examines herself after the salah and does not notice any blood, it would be permissible for her to perform salah with the same wudu' she has.

Case: When the medium and major mustahadah becomes tahir completely from blood it is mandatory for her to perform the ghusl. However, if she knows that blood has not been emitted since performing the ghusl for the previous salah, it is not necessary to repeat the ghusl.

Case: It is mandatory for the minor mustahadah - after wudu' - and for the medium and major mustahadah - after wudu' and ghusl - to engage in salah immediately and without delay. However, there is no objection in performing the adhan and iqamah and uttering supplications (du'a') before the salah, and similarly, it is permissible for her to perform the mustahab acts such as quonoot during the salah.

Case: If the mustahadah separates between the ghusl and salah and blood emits from her, she is obliged to perform the ghusl again and perform the salah without separation and delay.

Case: If blood does not cease during the ghusl, the ghusl is valid, but if during the course of the ghusl the medium istihadah becomes major, she must start the ghusl anew.

Case: The fasting of the mustahadah who is liable to perform a fast is valid if she performs the ghusl for the Maghrib and 'Esha' salah for the night of the day of which she intends to fast, as well as performing the obligatory ghusls required for the salah of that day. However, if she does not perform the ghusl for the Maghrib and 'Esha' salah, but performs the ghusl for the Night prayer (salat al-Layl) before the Fajr adhan, as well as performing the various day-time ghusls for her salah, her fasting would be valid.

Case: If she becomes mustahadah after the 'Asr salah and she does not perform ghusl until sunset (*ghuroob*), her fast remains valid.

Case: If the medium istihadah develops into a major one during the salah, as a precaution she should abort the salah, perform ghusl and wudu' and all other duties that are obligatory for the major mustahadah and then perform the salah. If time is too short to perform both the wudu' and the ghusl, she must perform two tayammums; one for the ghusl and the other for the wudu'. If time is too short for one of those

rites (ghusl and wodu'), it is mandatory for her to perform tayammum for one and also perform the other rite itself. However, if time is not enough even for tayammum, it is not permissible for her to abort the salah, but rather she should continue with and finish the salah, then as a mustahab precaution she should perform the qada' of the salah. The same ruling applies if the minor becomes medium or major mustahadah during salah.

Case: If the mustahadah misses out on one of her obligatory duties – even if it were, say, the changing of the pad/cotton-wool, her salah is rendered *batil*.

Case: If the mustahadah performs the ghusls that are obligatory for her, it is permissible for her to enter mosques, stop in them, recite the 'Aza'im surahs (which necessitate obligatory sujood/prostrations), and copulate with her husband even if she does not perform the other acts that she is liable to for salah such as changing the pad or the cotton wool.

Case: If before the time of salah the major or medium mustahadah wanted to recite one of the 'Aza'im surahs, or wanted to enter a mosque, she must perform ghusl as an obligatory precaution. The same applies if her husbands wished to have intercourse with her. However, if she wanted to touch the Qur'an with any part of her body, it is obligatory for her to perform wodu' too.

Case: Salat al-Ayat is mandatory upon the mustahadah and it is obligatory for her to perform for Salat al-Ayat all those acts that she is obliged to do for the daily obligatory prayers.

Case: If the mustahadah wishes to perform qada' salah for those she has missed, it is mandatory for her to do for every one of the qada' salah all those acts she is obliged to do for the salah that are performed on time (*ada'*).

Case: If she learns that the blood coming from her is not of a wound or a sore, and it is not characterised by hayd or nifas properties, as defined by the Shari'ah, she is obliged to act according to the duty of the

mustahadah. Furthermore, if she doubts as to whether or not it is istihadah blood or that of other types, if it does not bear the signs and properties of the other bloods, it is imperative for her to act according to the duties of the mustahadah as an obligatory precaution.

Case: If the clothing/garment worn by a mustahadah becomes stained by blood, it becomes najis, otherwise it is tahir.

Nifas

Case: Every blood a woman observes from the moment a part of the foetus exits from uterus, and which ceases before or on the tenth day is *nifas* blood and in that state a woman is called *nufasa'*. The blood that a woman observes before the appearance of part of a foetus is not nifas. It is not necessary for the foetus to be complete for nifas to be considered to have occurred, even if it emerges in the shape of a 'clot' or if she learns or four other women/midwives confirm that what is delivered is a human, the blood the woman observes from that moment is nifas. It is possible that the nifas blood is not more than an instance, but it is not possible to exceed more than ten days. [whatever is observed after the tenth day is not nifas.]

Rulings of Nufasa'

Case: It is prohibited for the *nufasa'* to stop in a mosque, touch the script of the Qur'an by any part of the body, and everything else that is prohibited for a Ha'id. Similarly everything that is mustahab and makrooh for a Ha'id is mustahab and makrooh for her too.

Case: Divorcing a woman during her nifas is not valid except under the conditions mentioned in the book of divorce. Furthermore, sexual intercourse with her (a *nufasa'* woman) is prohibited too.

Case: It is mandatory for a woman to perform ghusl after she becomes tahir from the nifas blood, and to perform her acts of worship. If she observes blood a second time, and if the periods of the two bloods and the intervening tahir days are ten days or less, all is considered as nifas,

and if she had fasted during the intervening tahir days it would be mandatory for her to perform the qada' for those days.

Case: In the case when the nifas blood exceeds the [maximum] ten days, if she is of a known hayd period, she should deem the blood she observes as nifas for the duration of her period and the rest [of the days] as istihadah. If on the other hand she is not of a known hayd period, she should treat the blood she observes as nifas for the duration of ten days and the rest [of the days] as istihadah.

Case: In the case of a woman – of a known hayd period – who observes blood continuously for a month or more after childbirth, she must treat the blood as that of nifas for the days equal to the duration of her period, and treat the subsequent ten days of bleeding - after the period of nifas - as istihadah, even if this coincides with her monthly menstruation period. For example, a woman whose hayd menstruation period is from the 20th to the 27th of every month, if she gives birth on the tenth day of the month and her bleeding continues for a month or more without cessation, it is mandatory for her to treat the blood from the 10th to 17th as nifas, and from the 17th for the duration of ten days as istihadah; that is even the blood she observes during her monthly period from the 20th to the 27th. However, after the lapse of the aforementioned ten days, if the blood she observes coincides with the days of her monthly period, this is considered as hayd regardless of whether or not the blood bears the properties of hayd. On the other hand, if the blood she observes (after the passage of the ten days) does not coincide with the days of her menstruation period, and it does not have the properties of the hayd blood, then it is istihadah.

Case: A woman who does not have a particular hayd period, if she observes blood after childbirth for a month or more, then the first ten days of this bleeding is nifas, the second ten days is istihadah, and afterwards if what she observes is characterised by hayd properties then it is hayd, otherwise it is istihadah.

Part Three

Salah

ACTS OF WORSHIP

Preamble

Case: Salah or the obligatory daily prayers is amongst the greatest of religious acts and the most important of them, rather it is the pillar of the religion; if it is accepted [all] other deeds are accepted, and if rejected [all] other deeds are rejected, as stated by Allah's messenger, peace be upon him and his pure progeny.¹

Salah is for purifying the soul and cleansing the self; just as bathing is for washing the body. If one washes and bathes everyday five times throughout the day and night, no dirt will be on one's body, similarly if one performs the five obligatory salah, one will be purified from sins a thorough cleansing.²

It is imperative that one performs the salah at the onset of its prescribed time, for he who treats his salah without due considerations and takes it lightly is like one who does not perform the salah, and will chastisement in the hereafter. The Messenger of Allah has said: "He is not of me he who treats his salah without due consideration".³ Allah's Messenger, peace be upon him and his pure progeny, also said, "Whoever treats his salah without due consideration will not attain my intercession, and will not [be allowed to] come to me around the pool [of Kawthar]."⁴

One day Allah's Messenger was in the mosque when a man came inside the mosque and began to pray. He performed his bowing and prostration hastily, and so the prophet said, "He pecks like a crow. If he dies and his salah is like this, he will die with other than my religion."⁵

¹ Wasa'el al-Shi'a, vol. 4, p34.

² Tahdheeb al-Ahkam, vol.2 p237, section12, hadith#7. Imam Baqir, peace be upon him, narrates from Allah's Messenger, peace be upon him and his pure family, saying: "If there was a river close to your house and you washed in it five times a day, will there be any dirt on your body? We said, No. He said, The example of salah is like that of the river, whenever one prays one's sins are expiated."

³ al-Kafi, vol.3, p269

⁴ al-Kafi, vol.6, p400

⁵ al-Kafi, vol.3, p268

Therefore, it is emphatically imperative for one to pay the strictest attention to one's salah; that one does not perform it in haste and hurry, but during the salah one should be humble before one's Lord – in fear and in dignity – and to pay attention as to whom one is talking and understand who one is addressing. One should see oneself little and insignificant before Allah's Greatness and His Majesty. If the person performing the salah realises this, one is bound to forget oneself before Allah Almighty, similar to the occasion when the arrow was pulled out of the leg of Amir al-Mo'mineen peace be upon him while he was praying without paying any attention as if he never noticed it.¹

It is essential that the person who upholds the salah seeks forgiveness from Almighty Allah; entirely devoting oneself to Him. That one abandons the sins and disobediences that prevent the salah from being accepted; such as jealousy, arrogance, backbiting, as well as eating, earning, obtaining haram things, drinking intoxicants, not paying Khums and zakah, and indeed absolutely any disobedience for that matter.

Similarly, it is essential for one to abandon those conducts that result in reducing the salah's reward (thawab); for example one should not pray while he or she is sleepy. One should not look to the sky during the salah. On the other hand one should take those measures that enhance the salah's reward, such as wearing aqeeq ring, clean garments, perfume, and also brushing the teeth, and brushing the hair,² and suchlike.

¹ Mar'ashi, Sayyid, *Ihqaq al-Haqq*, vol.8 p602. Bahrani, Sayyid Hashim, *Hilyat al-Abrar*, vol.2 p179-180. al-Daylami, Hasan, *Irshad al-Quuloob*, vol.2 p217. *al-Mahajjah al-Bayda'*, p397-398. 'Allamah al-Hilli, *Kashfal-Yaqeen*, p118.

² Bihar al-Anwar, Etiquettes of Salah, vol.81 p226

Chapter One: The Daily Obligatory Salah

Case: The daily obligatory salah are five:

١. The Duhr (noon) salah; which is four rak‘ah,
٢. The ‘Asr (afternoon) salah; four rak‘ah,
٣. The Maghrib (after sunset) salah; three rak‘ah,
٤. The ‘Esha’ (evening) salah; four rak‘ah,
٥. The Sobh (morning) salah; two rak‘ah.

Preliminaries of the Daily Salah

١. The Times of Salah

The Times of Duhr and ‘Asr

Salah Determining the

Noontime

Case: If a rod or a stick is positioned vertically on a flat ground surface, when the sun rises, the shadow of the rod on the surface points westwards, and as the sun continues to rise in the sky, the rod shadow shrinks, and at noontime [when the sun is at its highest point from the horizon] the shadow on the surface is at its shortest length [in other than polar regions]. After passing the noontime, the shadow begins to point in the eastern direction, and it continues to stretch as the sun sets towards sunset.

Therefore, when the rod shadow is at its shortest length, and afterwards it begins to stretch and increase in length, it can be said that the Shar‘ei noontime has taken place. However in some regions, such as the holy city of Mecca, where sometimes the rod shadow ceases to be visible at noontime, noontime is pronounced when the rod shadow becomes visible again. The Shar‘ei noontime varies throughout the year from being a few minutes before 12:00 hours to a few minutes after that depending on the time of the year.

The Specific Time

Case: The specific time of the Duhr salah is from the onset of noontime until such time that is required to perform the Duhr salah, such that if due to negligence one performs the ‘Asr salah during this time, his salah would be *batil* (void).

Case: As for the specific time for the ‘Asr salah, it is the required time to perform the ‘Asr salah before the sun sets. So if one does not perform the Duhr salah until that time, the Duhr salah becomes *qada*’ (i.e. time-expired), and one must perform the ‘Asr salah ‘in its specific time’ first, and then perform the *qada*’ (in lieu) of the Duhr salah.

The Common Time

Case: The common time for the Duhr and ‘Asr salah is the time between the specific time of the Duhr salah and the specific time for the ‘Asr salah, such that if one were to perform the ‘Asr salah in its entirety before the Duhr in negligence during this time, his salah would be valid and considered as ‘Asr, and he must perform the Duhr salah after that, and as per *mostahab* precaution he should perform it with the intention of *ma fil-dhimmah*, meaning fulfilling what one is liable to.

Performing the ‘Asr Salah before the Duhr Salah in negligence

Case: If one begins performing the ‘Asr salah before the Duhr one in negligence, and then in the course of it realises his mistake, if this was during the Duhr and ‘Asr common time, one must change the *niyyah* [of the salah] to that of the Duhr salah, that is to declare his *niyyah*, while he is in the course of the salah, that whatever he has performed and will perform shall be for the Duhr salah. He should complete this salah [the Duhr salah] and then perform the ‘Asr salah.

However, if this is during the specific time of the Duhr salah, whatever he has performed of the salah is *batil*, regardless of whether he recognises his mistake during the salah or afterwards.

The Times of the Maghrib and ‘Esha’ Salah

Determining the Maghrib time

Case: The Maghrib time is defined as the time when the redness of the eastern sky – that persists in the east for some time after sunset – disappears from the eastern half of the sky. [As such the redness would also disappear from mid-sky] directly above one’s head when one looks vertically upwards to the sky.

The Specific Time

Case: The specific time of the Maghrib salah is from the onset of Maghrib time until such time that is required to perform the Maghrib salah, such that if a traveller performs the ‘Esha’ salah [which is 2 rak‘ah] in its entirety during this time deliberately, his salah would be void.

Case: As for the specific time of the ‘Esha’ salah, it is the time required to perform three rak‘ah of the ‘Esha’ salah before midnight, such that if one does not perform the Maghrib salah until this time, one must perform the ‘Esha’ salah first and then perform the Maghrib salah.

The Common Time

Case: The common time for the Maghrib and ‘Esha’ salah is the period of time between the specific time of the Maghrib salah and the specific time for the ‘Esha’ salah, such that if one performs the ‘Esha’ salah before the Maghrib salah during this time out of negligence, his salah would be valid, and he must perform the Maghrib salah after that.

Performing ‘Esha’ Salah before Maghrib Salah out of negligence

Case: If, out of negligence, one begins with the ‘Esha’ salah before the Maghrib salah – during the common time – and he recognizes his mistake during the salah; if he has not arrived at the rukoo‘ of the fourth rak‘ah, he is obliged to change his *niyyah* to the Maghrib salah, and thus whatever he has performed is deemed as the Maghrib salah, and he should finish the salah, (i.e. sit down if he was standing without performing the rukoo‘ of the fourth rak‘ah), and then perform the ‘Esha’

salah after that. If, however, he engages in the rukoo‘ of the fourth rak‘ah, it is mandatory to finish the salah, and then perform the Maghrib salah after that. Furthermore, if he recognises his mistake after having performed the entire salah, he should perform the Maghrib salah after that.

Case: However, if one performs the entire ‘Esha’ salah within the specific time of the Maghrib salah – for example if one is travelling and performs the shortened form of the salah [which is two rak‘ah] – his salah would be batil (void) if done knowingly, and it is mandatory for him to perform the Maghrib salah and then the ‘Esha’ salah in the [normal] order.

Maghrib and ‘Esha’ Salah after midnight

Case: The end of the Maghrib and ‘Esha’ salah time is midnight, and the [boundaries] of night is from sunset until the Fajr – and not sunrise. Thus the end of their time is after approximately eleven-and-a-quarter hours have passed from the Shar‘ei noontime. This is for the case when one is under normal circumstances. However, in the case of one who was asleep, or forgot [to perform the salah] or was forced [by extraordinary circumstances or factors beyond his control], or in the case of a woman whose salah was delayed due to menstruation, the end of the Maghrib and ‘Esha’ salah time is the Fajr.

Case: If one delays the ‘Esha’ salah beyond midnight without any justification and in disobedience, one must perform it by the Fajr adhan without specifying *ada’* or *qada’ niyyah*, as per obligatory precaution.

Time of the Sobh Salah

Case: When brightness begins to appear in the horizon from the eastern direction that moves vertically, this is referred to as the First Fajr or the False Fajr, and the Sobh salah is not valid at this time. However, when the brightness begins to spread horizontally across the horizon, this is referred to as the Second Fajr or the True Fajr, and this is the onset of the time of the Sobh salah [and thus Fajr adhan]. As for the end of the time of the Sobh salah, it is the moment of sunrise.

Rulings of Salah's Time and Sequence

The Sequence of Salah

Case: It is obligatory to perform the 'Asr salah after the Duhr salah, and the 'Esha' salah after the Maghrib one, and if one deliberately performs the 'Asr before the Duhr or the 'Esha' before the Maghrib, his salah is batil (void). It is not permissible to change the *niyyah* [of a salah] from qada' to ada' or from a mostahab salah to an obligatory salah.

Case: If there is ample time ahead to perform the salah during their prescribed time period, it is permissible to change one's *niyyah* of an ada' salah to a qada' one during the salah; for example if one is performing the Duhr salah and remembers he is liable to perform a qada' Sobh salah, it is permissible for him to change his *niyyah* to that of a Sobh qada' salah provided he has not begun the third rak'ah.

If the remaining time is very short

Case: If the remaining time of the prescribed time period of a salah is very short such that if one were to perform some of the mostahab acts of the salah, the salah would end up outside the prescribed time, one must not perform those mostahab acts. For example if performing the Quonoot would push some of the salah outside its prescribed time period, one must not perform the Quonoot.

Time for one rak'ah

Case: If the time left [of the prescribed period] is sufficient for performing only one rak'ah of the salah, it is obligatory to perform the salah with the ada' *niyyah*, however, it is not permitted for one to delay his salah to this extent.

Waiting of the excused

Case: If one has an excuse [or reason for not being able to perform salah normally e.g. being in a state of Janabah], such that if s/he performs the salah at the outset of the prescribed period he would have to perform the salah with tayammum [rather than wodu' or ghusl], or perform the salah [wearing] najis clothing, and if one knows that his excuse would remain

intact until the end of the prescribed time, it would be permissible for him to perform the salah at the onset of the prescribed time. However, if one believes there is a probability that the excuse would be eliminated [before the end of the prescribed time in time for the salah], it is mandatory for him to wait until the excuse is eradicated, and if [it happens that] it is not eliminated [by then] one should perform the salah towards the end of the prescribed time.

Paying the debt

Case: If there is ample time to perform the salah, and a claimant demands his debt payment from the person, then the latter is obligated to pay his debt first – if it is possible – and then engage in salah.

Determining the times of Salah

Case: It is not permitted to begin performing salah unless one is certain of the commencement of the prescribed time period of salah, or if two righteous (*'adil*) men confirm the time, or one reliable and dependable individual gives notification to this effect.

Case: If two righteous (*'adil*) men confirmed the commencement of the prescribed time period, or one became certain of the commencement of the time and began the salah, but in the course of the salah it becomes clear that the time has not actually commenced, his salah is batil. Similarly it will be void if one learns after the completion of his salah that his salah took place entirely before the prescribed time. However, if one learns of the commencement of the prescribed time while he is performing the salah, or learns after he completes his salah that the prescribed time commenced during his salah, his salah is valid.

Case: If it is not possible for one to be certain of the commencement of the prescribed time of salah at its onset, on account of blindness, cloudiness, sandstorm, or for being in prison, it is mandatory for one to delay his salah until one is certain that the time has commenced.

Miscellany

Salah and Work

Q: In some of the European countries, the day shortens to the extent that the time of salah coincides with office hours, and it is often that the individual faces discomfort when performing the salah; either for non-availability of a suitable and tahir place, or for his body or clothes being non-tahir, or for being looked at and ridiculed. Is he required to perform the salah in such circumstances and as best as he can, or is it permissible for him to perform the salah as qada' later on?

A: He should perform the salah as best as he can.

Q: The employer prevents me from performing the salah during office hours, and I do not finish work until after expiry of the prescribed time of the salah. What should I do under such circumstances?

A: If it is not possible for you to perform the salah during office hours, it is obligatory for you to leave that job.

Q: Is it permissible to neglect the Sobh salah on account of sleep or tiredness? Is it essential to use an alarm clock to wake up?

A: It is absolutely not permissible to disregard or neglect any of the salah, and the use of alarm clock is obligatory if it is the only means to wake up.

Salah time in some Western countries

Q: Is the commencement of the prescribed time of the Maghrib salah conditional on the disappearance of the eastern redness from the middle of the sky towards the west? In northern Europe during certain periods of the year this redness does not disappear as quickly as normal.

A: No, it is not conditional, but whatever is accordingly appropriate.

Q: In the region where the Muslims are settled in Norway, the sun does not set for two consecutive months in a year. They face difficulty in determining the prescribed times for their daily salah such as the Fajr, Maghrib, and 'Esha'. The prescribed times of the salah are not known in

this area, and it is not possible to determine them. How should they pray during these two months?

A: They should perform their salah according to the average times of countries of normal horizons, as a precaution. [such as Karbala, Mecca, Medina.] Though one has the choice between that and the option of making the time gap between the three prescribed times for the five salah proportional to those of countries of normal horizons. The same is applicable for fasting. [Fatwa on fasting in such regions on page 244.]

Queries about Salah times

Q: What is the ruling for someone who performs the ‘Asr before the Duhr and he does not realise this until after finishing the salah?

A: His salah is valid, and it is mandatory to perform the Duhr salah after that. It is necessary to practice precaution and perform a four rak‘ah salah after the Duhr salah with the intention of *ma fil-dhimmah* [or discharging those that one is liable to].

Q: Is it permissible to stay up late if one knows that one would not wake up for the Sobh salah?

A: It is not compulsory to stay up late if one knows that one would not wake up for the Sobh salah.

Q: Is it permissible to be lax in waking up the newly adolescent youngsters for salah or other obligations that they may be slow to do to begin with, in order to avoid their negative reaction to them?

A: The obligation is to wake them up, and command them to do them, unless there is a valid Shar‘ie (religious) reason for not doing so.

Q: Is it permissible to wake up someone who is sleeping for salah without his [prior] permission?

A: If it is on the basis of “promoting virtue” (*amr bil-ma‘ruf*), yes it is permissible.

Salah time too short

Q: If [the remaining prescribed] time is too short is it mandatory for one to ‘lighten’¹ his salah, if by doing so the entire salah would be [performed] within the [prescribed] time?

A: [should] lighten.

Q: What is the ruling [for the case] if one performs the salah, say of Sobh, in a place where the Fajr had commenced, and then travels to a place where the Fajr has not commenced yet?

A: One should perform the salah again, as a precaution. The same is applicable for all other salah’s.

Some New developments

Case: If the rotation of the planet earth were to slow down such that a day would be a day-and-a-half, i.e. 36 hours, the ruling is that that phenomenon should be treated as the norm. However, if the day became one hundred hours or suchlike, then the normal [24-hour] day should be taken as the criterion.

Case: If the sun were to rise from the west – as mentioned in the ahadith that such phenomenon is amongst the signs of the time of the reappearance [of Imam Mahdi, *may Allah hasten his reappearance*] – and if the rise of the sun was for a short time it would not be mandatory to repeat the salah’s of Maghrib and ‘Esha’. However, if it were to be of considerable duration it would be mandatory.

۲. The Qiblah

Case: The Qiblah is [the direction of] the Holy Ka‘bah in the Holy City of Mecca, and it is mandatory for one who is performing the salah in the holy city of Mecca to face the direction of the Ka‘bah itself. However, for one who is distant from it, it is sufficient to stand in the direction such that it can be said that one is facing the direction of the Qiblah.

¹ i.e. not say the mostahab acts normally performed in the Salah, which would otherwise makes the Salah take longer to finish.

Determining direction of Qiblah

Case: It is mandatory for whoever intends to perform the salah to do his utmost to obtain the accurate direction of the Qiblah. If he is unable to obtain the accurate direction of the Qiblah it is essential for him to act according to his best knowledge, using clues such as the mosques' Mihrab, or the Muslims' cemetery, and suchlike. It is sufficient if one gains confidence from the word of one who knows the direction of the Qiblah through scientific means.

If one does not have any means to identify the direction of the Qiblah, nor does he find any clues or probabilities to this effect despite his attempts, if there is ample time for salah, he should, as a precaution, perform salah in four directions. If there is not enough time to perform the four salah, he should, as a precaution, perform salah as far as time allows, even though it is sufficient to pray one salah in any one direction.

Facing the Qiblah

Case: Whoever performs the salah in the [normal] standing position must face the Qiblah, i.e. with his face, chest, abdomen, legs, and, as per mostahab precaution, his toes in the direction of the Qiblah.

Case: If one's duty is to perform the salah in the sitting posture, if he cannot sit in the normal sitting position, but he places the sole of his feet on the ground, it is mandatory that his face, chest, abdomen, legs – as a precaution – be in the direction of the Qiblah.

Case: If it is not possible for one to perform the salah in the sitting position, it is mandatory for him to perform the salah lying on the right hand side, such that the front of the body is towards the Qiblah. If he cannot do so, he should perform the salah while lying on his left hand side such that the front of his body is towards the Qiblah. If he cannot do that, he should lie on his back such that the sole of his feet are in the direction of the Qiblah, just like the mohtadar [moribund – dying person].

Salah on the moon

Case: On the moon, when performing the salah, one should perform the salah towards the earth. If this is not possible, for example, the earth is not visible, one should perform the salah in any direction, and it is not mandatory to perform the salah in four directions.

۳. The Mosalli Clothing

Covering of body during Salah

Case: It is mandatory for a man to cover his private parts while performing the salah, even if no one observes him, and it is recommended to cover from the navel to the knees too.

Case: It is mandatory for a woman, while performing the salah, to cover all her body, even her head and hair and, as per mostahab precaution, to cover the sole of her feet too.

But it is not necessary to cover the part of the face that is washed during wudu', nor the hands – up to the wrists – or the upper surface of the feet up to the ankles. However, in order to ensure that those areas that need to be covered are [properly] covered; she needs to extend the covering on her face, or that on the hand to go further than the wrists.

Case: If during the salah one learns that his private part is uncovered, it is mandatory to cover it, and as per mostahab precaution, he should complete his salah, and repeat it a second time, especially if covering the part needed significant time. However, if one learns after finishing the salah that his private part was uncovered during the salah, his salah is valid.

Criteria of Mosalli Garment

The criteria of the garment of the mosalli¹ are six:

a) Taharah

¹ The person performing the salah is called mosalli.

b) Permissibility

c) That it is not made of *maitah* parts

d) That it is not made of parts of haram-meat animal

e) That it is not made from gold (for men)

f) That it is not made of silk (for men)

a) Taharah

Case: It is obligatory for the clothing or garment of the mosalli to be tahir, and if one deliberately performs the salah in najis clothing or with his body being najis, his salah is void.

Case: If one does not know that his body or clothing is najis, and learns of that after the salah, his salah is valid.

Case: If one forgets that his body or clothing is najis, and remembers that during the salah or afterwards, it is mandatory for him to repeat that salah or offer it as qada' if the prescribed time for that salah had expired.

Case: If one doubts whether or not his body or clothing is najis and performs the salah and then after the salah learns that his body or clothing is najis, that salah is valid.

Case: If one has two shirts and he knows one of them is najis but is not sure which one, if there was ample time, he should perform the salah in both shirts. For example if he is to perform the Duhr and 'Asr salah, he should perform each one of the salah in both shirts. However, if time was short, it is mandatory to perform the salah in either of the shirts, and as per mostahab precaution, he should also perform the qada' of the salah after the expiry of the time in a tahir shirt.

Case: If one does not have in his possession other than a najis shirt it is mandatory for him to perform the salah in that shirt, as per obligatory precaution – especially if one cannot take his shirt off on account of cold weather and suchlike – and his salah is valid.

b) Permissibility

Case: It is mandatory that the clothing and shirt of the mosalli is mobah (permissible for use).

Case: If one knows of the prohibition of wearing usurped clothing and deliberately performs the salah with a usurped shirt on, or with a shirt that has thread, buttons, or anything else that is usurped, his salah is batil (void). As a precaution, the same ruling applies to the moqassir ignorant.¹

Case: If one does not know, or forgets that his garment is usurped, and performs salah with that on, his salah is valid.

Case: If one performs the salah with a usurped garment on – in a bid to protect his life, or so that a thief would not take that usurped garment – his salah is valid.

Case: If one buys a garment with money the khums or zakah of which has not been paid, and performs the salah with that on, his salah would not be valid, as an obligatory precaution.

c) That it is not made of *maitah* parts

Case: It is mandatory that the clothing or garment of the mosalli is not made from parts of a *maitah*² of an animal whose blood gushes out when slaughtered, such as sheep. As per obligatory precaution, one should also not perform the salah in a garment that has parts of a *maitah* of cold-blooded animal, whose blood does not gush out when slaughtered, such as fish or snake.

¹ The *moqassir* ignorant is one who does not know the ruling of a case but is capable of seeking and learning it, but has not done so or does not do so, and thus remains ignorant of the ruling. It could be termed as “ignorance through negligence”. This is as opposed to the qasir ignorant who is not only ignorant of the ruling of a case but does not know how or where to find out about the ruling of the case and is not capable of doing so.

² *maitah* is any animal that has not been slaughtered according to the shari‘ah law. *Maitah* also applies to animals that die naturally, or those that are savaged by a predatory animal.

Case: If the mosalli has something on him of the *maitah* that is [normally] of living tissue, such as flesh or skin, his salah would be void, even if that [item] does not constitute a garment for him.

Case: If the mosalli had something on him of the *maitah* of a halal-meat animal, which is [normally] non-living, such as its hair, wool, or fur, or if he performs the salah in a garment made of such things, his salah is valid.

d) That is not made of parts of haram-meat animal

Case: It is mandatory that the garment of the mosalli is not made of [any] parts of a haram-meat animal, and the salah is also rendered batil (void) if one had anything of it on him, even if it was a strand of hair.

Case: If one doubts whether the garment is made of the hair, or wool of a halal-meat animal or a haram-meat one, it is permissible to perform the salah in it, regardless of whether it was manufactured in a Muslim country or a non-Muslim country.

Case: If one performs salah in a garment woven from parts of haram-meat animal, while he is neglectfully ignorant¹ of the matter or the ruling, as per obligatory precaution, his salah is batil (void). The same is applicable to the case of the one who has performed the salah in the najis item of the haram-meat animal on account of having forgotten the matter.

Case: There is no objection to wearing pure Otter or Squirrel fur when performing the salah.

e) That it is not made from gold (for men)

Case: It is haram for a man to wear clothing or garment with threads of gold woven in it, or with gold buttons on it, and with such a garment the salah is rendered batil. There is no objection to that for women, whether for salah or otherwise.

¹ Taqsiri.

Case: It is haram for men to adorn themselves with gold ornaments, such as wearing a gold ring or necklace, or watch, and with them the salah is rendered void. It is also mandatory to avoid the use of gold-frames for spectacles. However, there is no objection to the use of gold ornaments for women, whether during salah or otherwise.

Case: If one forgets he is wearing a gold ring or garment, or doubts that and performs the salah while wearing that ring or garment, his salah is valid. The same ruling applies to the qasir ignorant.¹ However, when in doubt, it would be mandatory to ascertain [the matter], and so too in all other cases unless proven otherwise.

f) That it is not made of silk (for men)

Case: It is mandatory that the clothing or garment of the male mosalli is not made from pure silk, and it is haram for him to wear silk for other than salah too. As for a [silk] cap, the trousers' line or lace, and suchlike with which the salah is not valid if performed in them alone, [their usage] runs counter to precaution.

Case: If one does not know if the garment is made of pure silk or not, there is no objection to wearing it for salah.

Case: There is no objection to a silk handkerchief and suchlike being in the mosalli's pocket, and it does not render the salah void.

Case: There is no objection to a woman wearing silk for salah or otherwise.

Case: If one is compelled by extraordinary circumstances, there is no objection to wearing a usurped garment, or that made of pure silk, or woven with gold, or made using *maitah* substance, and [- under those circumstances -] it is permissible for one to perform the salah in such a garment.

Case: In general, as a precaution, men should not wear women's clothing and women should not wear men's on long term basis. There is no objection to this for salah, or for wearing them on short-term basis.

¹ See above footnote about *moqassir* ignorant.

Cases when body and clothing not mandatory to be tahir

Case: When the garment or clothing of the mosalli is najis the salah is valid in two cases:

1. If minor clothing items such as socks and caps were najis: If minor clothing items such as socks and caps, which are not sufficient to cover the private parts, were najis the salah would be valid if worn by the mosalli, provided they are not made from *maitah* by-product or from haram-meat animal. Also there is no objection to the salah if the ring worn by the mosalli is najis.

Case: It is permissible for the mosalli to have on him items such as a small handkerchief, a key, or a knife that have been rendered najis.

2. If the garment of a nanny or a person normally caring for a baby becomes najis: If the garment of a lady who cares for her baby is rendered najis by the urine of her child, and she does not have another garment, and it is not possible for her to buy, hire or borrow another garment, if she washes the garment once in a day & night, it is permissible for her to perform salah in it even if it became najis by the child's urine until the following day, although it is recommended to render it tahir for the Duhr and 'Asr salah. Similarly, if she had more than one item of clothing, but she needed to wear them all, it is sufficient for her to render them tahir once in a day & night.

Case: When the garment and the body of the mosalli are najis, the salah is valid with the body and garment being najis in three cases:

1. If one is compelled to perform the salah with a najis body or garment.
2. If the body or clothing of the mosalli is stained with blood discharged from a wound, sore, or boil on his body, if it is difficult and is of some unease to render tahir the body or the garment, or change the latter, it is permissible to perform the salah in that state of body and garment as long as the wound, sore, etc. has not healed. The same ruling applies if pus is discharged

from the body accompanied by blood, or if medication is added to the wound but is rendered najis by it [i.e. blood].

۳. If the body or garment is stained by blood the size of less than a dirham coin – and the size of a dirham coin is, as per obligatory precaution, that of the upper part of the forefinger – and moisture comes in contact with it [the blood], and if the total area of the blood and the moisture that has contacted it is that of a dirham coin or more, and thereby staining its surroundings, the salah would be void with this. If the total area does not reach that of one dirham and does not stain its surrounding, as a mostahab precaution, one should avoid performing the salah with it.

Case: If there was on the body or garment of the mosalli a bloodstain, even the size of a needle point, of the blood of *hayd*, *istihadah*, *nifas*, or

a dog, a pig, a kafir, or a *maitah*, the salah would be void, as a precaution. The same applies if it was the blood of a haram-meat animal, as per mostahab precaution. However, [as far as the validity of salah is concerned] there is no objection to other bloods such as human or halal-meat animal, even if it were scattered on various parts of the body or the garment provided the total area does not exceed one dirham coin.

Miscellany

Q: If one performs salah while he has on him leather [of animal] that has not been slaughtered in the Shari'ah way such as belt or wallet, and realises this during the salah or after it, does he have to repeat the salah?

A: He should take it off [during the salah] and continue with the salah.

Q: Is it permissible for the mosalli to have on him a wrist watch that has a leather strap that is from an animal not slaughtered in the Shari'ah way (a *maitah*)?

A: If the mosalli has on him an item of an animal that has not been slaughtered in the Shari'ah way something that is normally a living tissue, such as skin, his salah is batil (void), even if that item is not classified as a garment or covering for him such as a wrist watch strap.

Q: What is the ruling concerning having something najis in the pocket, such as a handkerchief with blood stains, while performing salah?

A: There is no objection to that.

Q: If one places headphones over one's ears to block outside noise, does this renders his salah void?

A: That does not render his salah void.

Q: I have bought a belt made of leather produced in Western countries, but I do not know if it is of real leather or manmade. Is it permissible for me to perform salah wearing this?

A: It is permissible.

Q: If the hands of a watch are made of gold, is it permissible for a man to perform salah with it?

A: This runs counter to precaution.

Doubt about the garment

Q: If the mosalli is not sure whether the garment he has is made from wool, fur, hair of a halal-meat animal or haram-meat one, is it permissible to perform salah with it?

A: Yes it is permissible to perform the salah with it, regardless of whether it is made in a Muslim or a non-Muslim country.

Garment sewn with animal leather

Q: What is the ruling concerning a garment sewn with animal leather that is not known whether or not it is *modhakka*, i.e. tahir or that the animal is slaughtered in the *shari'ah* way?

A: If it is procured from the Muslim market and it is not known about it being *modhakka* then it deemed tahir and it is permissible to perform the salah with. However, if it is not taken from the Muslim market and nothing is known about it being *modhakka*, then it is considered not tahir and it is not permissible to perform the salah with.

Cat's hair on the garment

Q: What is the ruling of one who performs salah with clothing that has strand of cat hair on it, and he does not realise this until after the salah, or during it?

A: If he does not realise this until after the salah, then, there is no obligation on him, and if he recognised this during the salah, it is mandatory to remove it immediately, and his salah is valid.

Woman's hair and ornament

Q: Is it mostahab for a woman to adorn herself with jewellery for salah?

A: Yes.

Q: Is it permissible for a woman to perform salah without wearing socks, i.e. for the surface and sole of her feet to be uncovered?

A: There is no objection to that.

Q: If a woman realises during the salah that some of her hair is showing and covers it immediately, is it necessary for her to repeat the salah or not?

A: She should cover her hair and complete the salah.

New developments

Q: If it were possible to extract real silk from some animals by scientific means, will it still be subject to the same prohibition, as far as wearing it, as that of natural silk?

A: That is so.

Q: If the silk worm is fed a diet that causes its saliva not to be silk, will it still be liable to the same prohibition?

A: It is not subject by the ruling of silk, since the ruling is related to the subject matter, and the assumption here is that it is not silk, thus there is no prohibition for men to wear it.

٤. Place of Mosalli

Criteria of place of mosalli

First – that it is mobah or permissible to use. In other words it should be non-usurped:

Case: If one performs his salah in a usurped place, his salah is batil (void), even if one performs the salah on a carpet, bench, and suchlike that is not usurped.

Case: There is no objection to the salah performed under a usurped roof, or a usurped tent, if this is not considered in common customs (*'urf*) as handling a usurped item.

Case: If one performs the salah in a place where he does not know it to be usurped, but learns it to be after completing the salah, or if one performs the salah in a place where he had forgotten about it being usurped, but remembers it after finishing the salah, his salah is valid.

Case: If the owner of the place verbally gives his consent and permission to salah [to be performed] in his property, but one learns from some indications that the owner is not inclined to this wholeheartedly, his salah would be batil (void) in that property. On the other hand, if the owner does not give his permission [verbally] but one is certain of his consent at heart, his salah in that property is valid.

Case: If one usually sits in a place in a mosque, and then someone else usurps his place and performs salah in it, his salah would not be valid, as an obligatory precaution.

Shari'ah dues pending

Case: If one buys a property with the very money that has not been subjected to khums or zakah, one's handling/usage of that place would be haram and his salah in that place would not be valid, as an obligatory precaution.

Case: It is haram to utilise or handle a property whose owner has died, and who is liable to khums and zakah that he has not paid. Also the

salah in such a property would be invalid, as an obligatory precaution. However, if the dues are paid, or the heirs guarantee that they will pay the dues, then there is no objection to the salah that is performed in that place.

Case: It is haram to deal with a property whose owner has died but still owes others [money]. Also the salah in such a property would be invalid, as an obligatory precaution. However, if they guarantee to pay his debts, and his claimants, or heir, or the shari'ah authority [*hakim shar'*] give their permission, then there is no objection to that and performing salah is permissible in that place.

Second – to be stationary

Case: If one is compelled to perform salah in a moving place – on account of lack of time or for any other reason – such as performing salah in a car, train, aircraft, it is mandatory not to perform salah while [the vehicle is] moving, if possible, and if it is diverted from the direction of the Qiblah one must revert to the Qiblah direction.

Third – to be able to complete the salah in the place

Case: It is not permissible to begin the salah in places where one is not certain one would be able to complete the salah there on account of rain, crowd, or [strong] wind. However, if one is not sure of that [uncertainty], or there is a probability that he could complete the salah, it is permissible to begin the salah there, and if the salah is completed it is valid.

Fourth – that staying in the place is not haram,

Case: It is not permissible to perform salah in a place in which it is not permissible to stay, for example under a roof that is about to collapse.

Fifth – that standing or sitting on is not haram for him,

Case: It is not permissible to perform the salah in a place that is not permissible for him to stand or sit on, such as a carpet that has the name of the Almighty Allah inscribed on it.

Sixth – that he is able to perform the rukoo‘ and sujood and stand upright in the place.

Case: The place should not be of a low ceiling such that it is not possible for him to stand upright under it, and it should not be so small that it is not possible to perform the rukoo‘ and sujood. However, if one is compelled to perform the salah in such a place, he should carry out the rukoo‘, sujood, and standing up as best he can.

Seventh – he should not perform the salah ahead of or in line with the grave of the ma‘soom, peace be upon them.

Case: One should not pray ahead of the tomb of the Prophet, peace be upon him and his pure family, and the Imams, peace be upon them, and also should not perform the salah in line with them, as per obligatory precaution.

Eighth – that the place is not najis such that its moisture would seep to his body or garment.

Case: The salah is rendered batil if the place of sujood (prostration) of the forehead is najis, even if it is dry. As per mostahab precaution the place where the mosalli performs the salah should not be najis at all.

Ninth – that the place of sujood (prostration) of the forehead is not higher or lower ...

Case: It is not permissible to perform the salah in a place where the place of sujood (prostration) of the forehead is higher or lower than the level of the knees and toes by more than the breadth of four joint fingers.

Place of man and woman in Salah

Case: It is not obligatory for a woman to stand behind a man in other than congregational prayers (Jama‘ah salah), nor is it necessary for the place of her sujood to be slightly behind the man’s place of standing, although it is recommended.

Case: It is makrooh for a woman to stand ahead of a man, or in line with him for salah, or to begin the salah together, but it is not necessary to repeat the salah if they do so.

Places where Salah is mostahab

The best of mosques

Case: There is great emphasis in the holy Islamic teachings about performing the salah in the mosques, and the best of all mosques is Masjid al-Haram in the holy city of Mecca, followed by Masjid al-Nabiy (The Mosques of the Prophet, peace be upon him and his pure family), and then Masjid al-Kufah, then Masjid al-Aqsa, then the Grand Mosque of every city, then the local mosque and the market mosque.

Salah in shrines is superior to Salah in mosques

Case: It is mostahab to perform the salah in the holy shrines of the Imams, peace be upon them, and in fact the salah in them is superior to salah in mosques. The salah in the shrine of Imam Amir al-Mo'mineen, peace be upon him, is equivalent to two hundred thousand salah, and every rak'ah of salah at the shrine of Imam Husayn, peace be upon him, is equivalent to one thousand Hajj and one thousand 'Umrah, and equivalent to the freeing of one thousand slaves, and one thousand jihad with a *mursal* Prophet [who is sent to the masses].

Woman praying in the mosque

Case: It is preferred for women to perform their salah at home. However, if they are able to observe complete hijab from men, by setting up a screen between them, it is better for them to perform the salah in the mosque, especially in congregation.

Mosque neighbour Salah

Case: It is mostahab to go to mosques frequently, especially the abandoned mosques where salah is not performed. It is makrooh for the mosque neighbour to perform the salah in other than the mosque, save exceptional circumstances.

Rendering the mosque tahir

Case: It is haram to render a mosque najis; whether its floor, ceiling, roof, the interior of its walls, and as per obligatory precaution, it is also haram to render the exterior of the mosque walls najis. It is obligatory upon one who learns of such locations becoming najis to remove the najasah immediately. It is also haram to render najis the shrines of the Imams, peace be upon them, and if any one of the them were rendered najis, it is obligatory to render it tahir.

Building and decorating mosques

Case: It is mostahab to build and refurbish a mosque that is dilapidated, and if it is in such ruins that cannot be repaired and refurbished, it is permissible to demolish it and build it anew. It is also permissible to pull down a mosque that is not in ruins for expansion if it is needed by the [growing] congregation.

Case: As a precaution the mosques should not be decorated by gold, but there is no objection to that as far as the shrines of the Imams are concerned. It is mandatory, as a precaution, not to have pictures of creatures of souls such as human or animal, and it is makrooh to have pictures of soulless creatures such as flowers and suchlike.

Miscellany

Salah in Vehicle

Q: Is it permissible to board vehicles such as a coach or an airplane knowing that one would spend all of the prescribed time of a salah on board travelling, and one would not be able to get off the vehicle to perform the salah?

A: It is permissible, and one must perform the salah while onboard as best as one can.

Q: How should one perform the salah if one is moving – in a vehicle – that travels with the sun in speed and direction, on land or in space, such that one is always in a constant position with respect to the sun?

A: It is obligatory for him to perform five salah every 24 hours. The same time ratio [between the various salah] should be observed.

Q: If one knows that the train will not stop during the prescribed time of the salah in order to perform the salah, and thus one would have to perform the salah onboard the train, is it permissible to ride this train?

A: Yes.

People of the Books' places of worship

Q: Is it permissible to perform salah in Christian churches or Jewish synagogues?

A: Yes it is permissible, with the consent of their owners. (Unless praying there constitutes promotion for them, in which case it would be haram.)

Q: Jurists state that it is permissible to perform the salah in temples of Ahl al-Kitab but it is mostahab to spray with water the place where salah is to be performed. What is the purpose of this spraying? For if the place is tahir there is no need to the spraying, and if it were najis, this spraying would not render it tahir for it is normally Little water.

A: Principally it is [considered] tahir, and spraying it makes it cleaner.

Q: Is the salah valid if performed in the house of a person of the people of the book and on a fabric he says it is washed?

A: If one does not know it is najis, the salah is valid. (This is for when the fabric is moist, for otherwise the dry fabric does not render [the body] najis.)

Usurped or non-khumsed house

Q: If some parts of a house were usurped, such as the bricks with which the house was built, does this affect the validity of the salah?

A: If the land on which one performs the salah is not usurped, the salah is valid.

Q: Is the salah valid if performed in the house of a person who does not khums his wealth and earnings, if this is in aid of guiding him?

A: It is valid if this is with the permission of Hakim al-Shar‘ei, or his representative.

Woman praying ahead of man

Q: Is it permissible for a woman to perform salah ahead of a man performing salah, or next to him without a gap?

A: It is not permissible in congregational (Jama‘ah) prayers, and it is makrooh for other prayers.

Q: In the shrine of Lady Zaynab, peace be upon her, women perform salah in the courtyard next to men. Is this permissible?

A: There is no objection so long as it is not Jama‘ah salah.

Salah in public estates

Q: Is it permissible to perform salah in public schools or other places or lands that belong to the authorities?

A: Yes it is permissible.

Special cases

Case: There is no objection to performing salah on ice – in the Polar region – for the criterion in salah is stability and immobility, and that there is no evidence for requiring one to be or stand on a specific thing [during salah]. Of course if the ice is moving, such as flowing ice rivers, or melting ice, the salah [on it] is not valid for it breaches the immobility [requirement], except in compelling circumstances.

◦. Adhan and Iqamah

The ruling of performing them

Case: It is mostahab for a man or a woman to perform the adhan and iqamah before the daily obligatory salah, rather the iqamah should not

be neglected. It is mandatory to perform the iqamah after the adhan, and

it is not valid to perform it before the adhan.

Case: It is mandatory not to pause for too long between the sections or parts of the adhan, and also the iqamah, and if one did pause more than the norm, they must be repeated again.

The Parts of the adhan and iqamah

Case: The adhan consists of twenty parts:

Translation	Transliteration	Arabic	Repeat
Allah is greatest	Allaho Akbar	اللَّهُ أَكْبَرُ	4
I testify that there is no god but Allah	Ash_hado al-la ilaha il-lal-lah	أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ	2
I testify that Muhammad is the Messenger of Allah	Ash_hado an-na Muhammadan rasoolol-lah	أَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ	2
I testify that Ali is the <i>waliy</i> (authority) of Allah [over His creation]	Ash_hado an-na Aliy-yan waliy-yol-lah	أَشْهَدُ أَنَّ عَلِيًّا وَلِيُّ اللَّهِ	2
Hasten to Salah	Hay-ya ‘alas-salah	حَيَّ عَلَى الصَّلَاةِ	2
Hasten to prosperity and salvation	Hay-ya ‘alal-falah	حَيَّ عَلَى الْفَلَاحِ	2
Hasten to the best of deeds	Hay-ya ‘ala Khayr-il-‘amal	حَيَّ عَلَى خَيْرِ الْعَمَلِ	2

ACTS OF WORSHIP

Allah is greatest	Allaho Akbar	الله أكبر	2
There is no god but Allah	la ilaha il-lal-lah	لا إِلَهَ إِلَّا اللهُ	2

Case: As for the parts of the iqamah, they are nineteen; in that the first part is repeated only twice, [instead of four times required in the adhan], and the last is recited only once [as opposed to twice in the adhan], with the addition of the phrase *qad qamat-is-salah* after *Hay-ya 'ala Khayr- il- 'amal*.

Translation	Transliteration	Arabic	Repeat
Allah is greatest	Allaho Akbar	الله أكبر	4
I testify that there is no god but Allah	Ash_hado al-la ilaha il-lal-lah	أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللهُ	2
I testify that Muhammad is the Messenger of Allah	Ash_hado an-na Muhammadan rasoolol-lah	أَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللهُ	2
I testify that Ali is the <i>waliy</i> (authority) of Allah [over His creation]	Ash_hado an-na Aliy-yan waliy-yol-lah	أَشْهَدُ أَنَّ عَلِيًّا وَلِيُّ اللهِ	2
Hasten to Salah	Hay-ya 'alas-salah	حَيَّ عَلَى الصَّلَاةِ	2

Hasten to prosperity and salvation	Hay-ya ‘alal-falah	حَيَّ عَلَى الْفَلَاحِ	2
Hasten to the best of deeds	Hay-ya ‘ala Khayr-il-‘amal	حَيَّ عَلَى خَيْرِ الْعَمَلِ	2
The Salah is now being established	Qad Qamat-is-salah	قَدْ قَامَتِ الصَّلَاةُ	2
Allah is greatest	Allaho Akbar	اللَّهُ أَكْبَرُ	2
There is no god but Allah	la ilaha il-lal-lah	لَا إِلَهَ إِلَّا اللَّهُ	1

Case: The phrase “Ash_hado an-na Aliy-yan waliy-yol-lah” is the integral part of both adhan and iqamah, as some narrations point to.

Miscellany

Q: Are recorded adhan and iqamah sufficient to replace live ones?

A: They are deemed to have no value.

Q: Is it permissible to recite adhan and iqamah while sitting down?

A: Yes it is permissible, though it is mostahab to recite them in standing position.

Chapter Two: The Acts of Salah

Obligatory acts of Salah

The obligatory acts of salah are eleven:¹

١. the *Niyyah* or intention,
٢. Qiyam or standing upright,
٣. Takbirat al-Ehram or saying Allaho Akbar,
٤. Qira'ah or recitation,
٥. Rukoo' or bowing,
٦. Sujood or prostration,
٧. Dhikr or utterance [of rukoo' and sujood],
٨. Tashahhud or declaration of faith,
٩. Salam or salutation,
١٠. Order or sequence of the acts,
١١. Continuity of the various acts.

Some of the obligatory acts are also 'fundamental' or 'key-element' of the salah, such that if neglected or missed out altogether, or added to or deducted from – deliberately or inadvertently – the salah will be void. These fundamental obligatory acts are referred to as *rukun*. The non-*rukun* obligatory acts are those that if deliberately neglected, altered, added to or deduced from, the salah will be void, but if due to forgetfulness the salah will not be void.

Rukn or key-elements of the Salah

Case: The *rukun* or key-elements of the salah are five:

- a) The *Niyyah* or intention,
- b) Takbirat-al-Ehram,
- c) Qiyam, or standing upright while performing Takbirat-al-Ehram, and being in the state of Qiyam or the upright position prior to heading for Rukoo'. [known as Rukoo'-joined Qiyam]
- d) The Rukoo',
- e) The two prostrations (Sujood).

¹ A quick chart and procedure for salah is given in the appendix.

Details of obligatory acts of Salah

a) The *Niyah* or intention

Case: It is mandatory for the mosalli to perform the salah with the *niyyah* or intention of *qurbah* or seeking nearness to and abiding by the command of Almighty Allah. It is not necessary to verbally utter the words; “I perform the ‘Asr salah seeking nearness to Allah”, for example.¹

If one performs the salah with the intention of *riya*, i.e. so that others see him praying, his salah will be void, regardless of whether he performs the salah purely or [even] partially for show-off.

Case: It is mandatory for the mosalli to continue with his intention from the beginning of the salah to the end. So if he is inattentive during the salah such that if he is asked what he is doing, he would not know, his salah would be void.

b) Qiyam

Rukn and non-Rukn

Case: It is mandatory to stand upright (i.e. to be in the Qiyam position) while performing Takbirat-al-Ehram. It is also mandatory to be in the state of Qiyam or upright position before beginning to head for Rukoo‘. This latter Qiyam is known as Rukoo‘-joined Qiyam, which is also a *rukun* or fundamental act of the salah. However, the Qiyam standing position while reciting al-Hamd and surah, and the Qiyam position after rising from the Rukoo‘ are not *rukun*, and thus if one inadvertently misses out one of these, his salah remains valid.

To be stationary and motionless during Qiyam

Case: It is mandatory that the body is motionless during the Qiyam position, and it is not inclined to a side, nor leaning on something, but there is no objection to that if one is compelled to do these actions.

¹ but there is no harm in doing so though.

There is also no objection to these if one does them on account of negligence.

Case: There is no objection if one moves his feet when heading for rukoo‘.

To be stationary and motionless when reciting

Case: It is mandatory for the body of the mosalli to remain stationary and motionless when reciting anything, even the mostahab adhkar. If one needs to make a slight movement forward or backward, to the left or the right, it is mandatory that he stops reciting [during those moments]. However, motionlessness is not obligatory when reciting

<i>bihawli-llah wa qowwatihi</i>	By Allah’s might and	بِحَوْلِ اللَّهِ وَقُوَّتِهِ أَقُومُ
<i>aquoomo wa aq‘ud</i>	power I rise and sit	وَأَقْعُدُ

when rising up to the upright standing position.

Case: There is no objection if the hands or fingers are moved while reciting al-Hamd, although it is mostahab not to move either of them.

Sitting down when compelled

Case: It is mandatory that the mosalli does not revert to [performing the salah] sitting down as far as it is possible for him to stand upright. Even if he is such that his body involuntarily moves when standing upright, or is compelled to lean on something, or needs to spread his legs more than normal, it is mandatory for him to perform the salah in the standing position as best as he could, and his condition allows him. However, if it is not possible for him to stand up in any way, [not] even by standing and arching his back and supporting his knees, then he must sit upright and perform the salah in the sitting position.

Case: If one, who performs the salah in the sitting position, becomes able to – during the salah – to stand upright, he must stand upright as best as he can, but should not recite anything until he is completely motionless.

Lying down

Case: One must not perform salah lying down so long as he is able to perform it in the sitting position. If one is not able to sit upright, he must sit in any way he can, and if it is absolutely not possible for him to sit, he must lie down on his right side facing the Qiblah, as mentioned previously in the Qiblah rulings, and if this is not possible he should lie down on his left side, otherwise he should lie on his back with the sole of his feet in the direction of the Qiblah.

Miscellany

Q: What is the ruling concerning someone who moves forward or backwards while reciting?

A: If it is not deliberate, he should repeat that [part of the recitation] during which his body moved.

Q: Is the salah rendered void if someone bumps into the mosalli such that his place of salah changes?

A: It is not rendered void if one does not, as a result, lose his posture of salah.

Q: If the telephone or the door bell rings while the person is performing salah, is it permissible to abort the salah to answer the phone or door?

A: It is not permissible except in a mostahab salah.

Case: One who suffers from a chronic condition of uncontrollable laughter, his salah is valid with laughter, unless he is able to prevent himself for the duration of salah. Similarly, for the case of crying, or a bodily movement that counters motionlessness, and that of somnolence [the condition of sleepiness] if he slumbers during his salah on various occasions.

c) Takbirat-al-Ehram

Its wording

Case: It is mandatory to perform the Takbirat-al-Ehram, which is to declare

Allaho Akbar Allah is greatest اللهُ أَكْبَرُ

At the beginning of every salah, and it is one of the rukn's of the salah. There must be continuance between the words Allah and Akbar, and must say it in correct Arabic.

Case: If one doubts whether or not he has performed Takbirat-al-Ehram, if one has begun reciting, then he should ignore his doubt, but if he has not began reciting he should perform Takbirat-al-Ehram.

Motionlessness when performing it

Case: It is mandatory for the mosalli to be stationary and motionless when performing Takbirat-al-Ehram, for if he does so while deliberately moving, he invalidates the Takbirat-al-Ehram.

It is mostahab to raise (and then lower) the hands to the vicinity of the ears when performing Takbirat-al-Ehram, as well as all other Takbirat during the salah.¹

In the case of the dumb

Case: The dumb, and the person who suffers from a disability or an illness in his tongue such that he cannot utter Takbirat-al-Ehram properly, must say it in the best way he can. If one cannot utter anything at all, he must make it cross his heart/mind, and should identify the Takbirah by moving his tongue if possible.

¹ The raising and lowering of the hands should be done just before uttering the phrase of Takbirat-al-Ehram (i.e. Allaho Akbar), such that motionlessness is established during the uttering.

d) Recitation

Case: It is mandatory to recite surah al-Hamd, together with another complete surah in the first two rak‘ah of the daily obligatory salah. It is permissible – in the third and fourth rak‘ah – to recite al-Hamd only, or the four tasbeehat once. The four tasbeehat are:

Sobhan-Allah,	Glorified/Immaculate is Allah	سُبْحَانَ اللَّهِ
wal-hamdo lil-lah,	All Praise is to Allah	وَالْحَمْدُ لِلَّهِ
wa la ilaha il-lal-lah,	There is no god but Allah	وَلَا إِلَهَ إِلَّا اللَّهُ
wal-llaho akbar.	Allah is greatest	وَاللَّهُ أَكْبَرُ

It is mostahab to recite these four tasbeehat three times.

Case: It is mostahab, in all salah’s, to recite surah al-Qadr in the first rak‘ah [that is after surah al-Hamd] and surah al-Tawheed in the second.

Reciting the surah

Case: If in the salah one recites a surah [that is after al-Hamd] other than surah al-Tawheed or surah al-Kafiroon, it is permissible to stop [reciting that surah] and recite another surah, even if one has reached the midpoint of the surah.

Case: If the remaining salah time becomes too short if one were to recite the surah, or if the mosalli is compelled not to recite the surah – due to extraordinary circumstances such as if one fears being robbed by a thief, or attacked by a ferocious animal, etc. – then he is not required to recite the surah.

Case: It is not essential to recite the surah in the mostahab salah, even if that salah has become obligatory through a vow (*nadhr*). However, in some of the mostahab salah – such as al-wahshah salah [which is recited after the burial of the deceased, given in the burial section of this work] which has a specific surah recited in it, it is necessary to recite the surah, if one wishes to perform the salah according to its defined procedure.

The sequence of reciting the surah

Case: If one recites the surah before al-Hamd deliberately, his salah is void, and if one inadvertently does that and in the process realises this, he must stop [reciting the surah], recite al-Hamd, and recite the surah from its beginning.

Case: If one forgets to recite al-Hamd and the surah, or forgets one of them but then remembers it after reaching the rukoo‘, his salah is valid.

Case: If while reciting a surah, one forgets some parts of the surah while reciting it, or is compelled not to complete it due to insufficient time, or some other reason, it is permissible for him to abandon that surah and recite another.

Audibly and inaudibly

Case: It is mandatory for the male to recite al-Hamd and the surah audibly in the Sobh, Maghrib, and ‘Esha’ salah, and it is mandatory for the male and female to recite them inaudibly in the Duhr and ‘Asr prayers.

Case: It is permissible for a woman to recite al-Hamd and surah audibly or inaudibly in the Sobh, Maghrib, and ‘Esha’ salah but she must recite them inaudibly if a non-mahram¹ man can hear her, as a precaution.

Case: It is mandatory for man and woman to recite al-Hamd or the tasbeehat inaudibly in the third and fourth rak‘ah.

¹ Adult male and female are referred to as non-*mahram* if the adult female has to wear hijab from the male. To a woman people like father, grandfathers, uncles, brothers, sons, nephews are mahram to her, and she is not required to wear hijab from them. All other males are non-*mahram* to her; ranging from relatives such as all adult male cousins, brothers-in-law, etc. to all non-relative adult males; and she must wear hijab from. Normally, non-mahram male and female can marry; the exception is – for example – while married to his wife a man may not marry his sister-in-law (his wife’s sister). Individuals who are mahram to each other may never marry. [For the purposes of hijab, a woman needs to wear hijab even in the presence of discerning underage males (may be as young as 8) who can distinguish between right and wrong, or good and bad.]

If one recites al-Hamd in the third and fourth rak‘ah, as a precaution, one should recite the *basmalah*¹ inaudibly too.

Case: If a man deliberately recites inaudibly something that must be recited audibly, or deliberately recites audibly that that must be recited inaudibly, his salah is rendered void. But if he does this inadvertently, or on account of not knowing the ruling, his salah is valid. If he learns of his mistake while reciting al-Hamd and the surah, he must revert to that that is correct, but it is not necessary to repeat what he has read incorrectly. [The same applies to the recitation of the four tasbeehat.]

Case: If one recites al-Hamd and surah too loudly, say by yelling, his salah is rendered void.

***Dann* in reciting**

Case: If one recites the four tasbeehat in the first two rak‘ahs of the salah, believing (*dann*) he is doing the last two rak‘ahs, if he recognises his mistake before the rukoo‘, it is mandatory to recite al-Hamd and surah, and if one realises this during rukoo‘ or after, his salah is valid.

Case: If one recites al-Hamd in the last two rak‘ahs believing they were the first two, or recites al-Hamd in the first two believing they are the last, his salah is valid regardless of whether he learns of his mistake before the rukoo‘ or after.

Case: If one wanted to recite al-Hamd in the last two rak‘ahs but uttered the tasbeehat inadvertently, or if one wanted to recite the tasbeehat in those rak‘ahs but uttered al-Hamd inadvertently, it is not required to stop the recitation of those and begin reciting what he initially intended to, for it is sufficient to proceed with them.

Doubt (*shakk*) in reciting

Case: If one doubts as to whether or not one recited an ayah or a word correctly, if one does not engage in something else after that, it is

¹ *basmalah* is short reference for *Bismillah al-Rahman al-Raheem*, which is the first ayah of every surah of the holy Qur’an, with the exception of surah al-Tawbah (9), and the *basmalah* is recited at the onset of every surah in the salah.

mandatory to recite that ayah or word in the correct manner. However, if one engages in a part that follows the issue he has doubt about, and if this latter part is a rukn, he should disregard his doubt; for example he doubts while performing the rukoo‘ whether or not he recited the ayah or the word correctly, he should disregard his doubt. Furthermore, if the latter part is not a rukn, it is permissible to disregard that doubt too, for example if he doubts while reciting the verse “Allah_os-samad” whether he correctly recited the verse prior to that.

Miscellany

Q: In the obligatory salah, is reciting the [entire] surah obligatory, or is it sufficient to recite some verses (ayat) of a long surah, something that ‘Allamah Hilli and Sheikh al-Mohqqiqeen [i.e. Sheikh al-Ansari] were of the opinion?

A: Yes, it is obligatory to recite the [entire] surah.

Q: If the mosalli recited the last part of an ayah incorrectly, should he repeat the recitation of what was recited incorrectly or should he repeat from the beginning of the ayah? And similarly for recitation of other dhikr of salah.

A: It is sufficient to repeat what he had recited incorrectly.

Q: If one starts reciting a surah, but then forgets some of its verses (ayat), what should he do?

A: He should recite another surah.

Q: In the first year of becoming adolescent, I did not used to pay a lot of attention to my salah from the point of view of recitation, rukoo‘, sujood, etc. and I only began to appreciate it after one of the mo’mineen reminded me. Do I have to repeat those salah; especially that I do not know how many they were?

A: It is not obligatory to repeat, unless one knows some or all of them to be batil, in which case one should repeat those that are known to be batil.

Q: I noticed someone who was reciting the tashahhud incorrectly, and he was an elderly man, and I know that if I tell him of this he would not give due attention given his old age. Is it still obligatory for me to remind him?

A: You have no obligation [in this respect].

Q: If one used to pronounce the recitations [of al-Hamd and surah] and the dhikrs of rukoo‘ and sujood incorrectly for a long period of time, is it obligatory for him to repeat his salah after he learns of his mistake?

A: He is not obliged to repeat, but he should ensure to correct his pronunciations and recitations from now on.

Q: If one is reciting al-Hamd in the salah, or intends to recite [al-Hamd] after Takbirat-al-Ehram but does not remember some or all of its ayat, what is his duty? Is it permissible to perform the [four] tasbeehat instead, or should he read another surah instead?

A: His salah is rendered void, and should perform another salah, reading from a moshaf [i.e. a copy of the Qur’an] if necessary, unless during the salah itself he could reach a copy of the moshaf [to read from].

Q: I notice some of those performing the salah utter some dhikr in the salah, for example after the recitation of al-Hamd in the salah they say “al-hamdo-lil-lah rabbil-‘alameen”, or after al-Tawheed, they say “kadhhalika Allaho rabbona”, doesn’t this constitute addition to salah?

A: No. Indeed these particular dhikr are mostahab.¹

Q: Is it necessary to identify the surah when reciting the *basmalah*?

A: No.

¹ It is permissible to utter *dhikr* and/or supplications in salah, but not any other words. The *dhikrs* mentioned in the question are permissible, but not the word “amen” for example. Indeed, saying “amen” in salah is one of the invalidators of salah, i.e. saying “amen” in salah after the recitation of surah al-Hamd would render the salah null and void (*batil*). The invalidators of salah are discussed elsewhere in this work; see page 170.

However, if time is too short, or if one is compelled [under extraordinary circumstances] it is sufficient to say once:

Sobhan-Allah Immaculate is Allah

سُبْحَانَ اللَّهِ

Case: It is mostahab to say takbir [i.e. Allaho Akbar] while he is upright before heading for the rukoo‘. It is also mostahab to push the knees back during rukoo‘, and to keep his back straight, and stretch his neck in line with his back. He should look in the direction of his feet. It is mostahab to send greetings to the Prophet and his family after the rukoo‘ dhikr:

*Allahom-ma sal-li ‘ala
Muhammad wa-ali
Muhammad*

O Allah send your eternal mercy
and blessings upon Muhammad
and the progeny of Muhammad

اللَّهُمَّ صَلِّ عَلَى
مُحَمَّدٍ وَآلِ مُحَمَّدٍ

After rising from the rukoo‘ and standing upright, it is mostahab to say

*sami ‘a-Allaho
leman hamidah*

Allah hears/answers he who
praises Him

سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ

If compelled

Case: If one cannot bow down properly as required for rukoo‘, one must lean on something, and if even this is not possible, he must perform the rukoo‘ to the best one can. If it is not possible for him to bend at all, he should sit when performing the rukoo‘, and do it in the sitting posture, or nod his head to signify rukoo‘. If one performs rukoo‘ in the sitting posture, he should bend such that his face is facing his knees, and it is better if he bends until his face is near the place of sujood.

Case: If one’s hands and knees were abnormal in that his arms were too long such that if he bends slightly he reaches his knees, or if his were too short such that he would have to bend more than normal to reach his knees, he should bow and perform the rukoo‘ as normal.

Motionlessness during dhikr

Case: It is mandatory that the body of the mosalli is motionless during the obligatory dhikr of the rukoo‘. However, there is no objection if his body moves slightly such that it does not constitute a disturbance to the

state of motionlessness, and similarly if he moves his fingers; he does not need to repeat the dhikr [of the rukoo‘].

Case: If one deliberately utters the dhikr before bowing to the level required for rukoo‘, his salah is rendered void. Also, if one deliberately raises his head from the [state of] rukoo‘ before finishing the obligatory dhikr, his salah is rendered void. If one forgets [performing] the rukoo‘, and remembers [this] – before reaching the sujood – one must stand [upright] and then perform the rukoo‘. If one stands to perform the rukoo‘ in a bow-stature [i.e. without attaining the fully upright stature], his salah is rendered void.

f) Sujood

The procedure

Case: It is mandatory to stand upright after finishing the rukoo‘ dhikr, and once the body attains a state of motionless, he should head for sujood. If one performs sujood before the standing upright or before the aforementioned motionlessness his salah is rendered void.

Case: It is mandatory to perform two prostrations (sajdah) after the rukoo‘ in every rak‘ah of the obligatory and optional salah. A sajdah [is defined as] placing the forehead, the palms of the two hands, the knees, and the tips of the big toes of the two feet on the ground. It is mandatory to sit up after finishing the first sajdah dhikr, attain a state of motionlessness, and then go for the sajdah a second time.

Case: In sujood, as a precaution, one should say three times [the dhikr]:

Sobhan-Allah Immaculate is Allah

سُبْحَانَ اللَّهِ

or say once:

*Sobhana rab-biyal-a‘la-
wa-bihamdeh*

Immaculate and Praised
is my Exalted Lord

سُبْحَانَ رَبِّيَ الْأَعْلَىٰ وَ بِحَمْدِهِ

It is mandatory to observe continuity between these words, and one should say them in correct Arabic. It is mostahab to say this dhikr three, five, or seven times.

It is mostahab to send greetings to the Prophet and his family after the sujood dhikr:

*Allahom-ma sal-li 'ala
Muhammad wa-ali
Muhammad*

O Allah send your eternal mercy
and blessings upon Muhammad
and the progeny of Muhammad

اللَّهُمَّ صَلِّ عَلَى
مُحَمَّدٍ وَآلِ مُحَمَّدٍ

Fundamentality of Sujood

Case: Two sajdah's together are a rukn, such that if the mosalli misses them out in an obligatory salah, whether deliberately or inadvertently, or adds to them another two sajdah's, his salah is rendered void.

Case: If one deliberately performs one sajdah too many or too few, his salah is rendered void.

However, if one inadvertently misses out one sajdah, the ruling for this will be given in the forthcoming section. [See page 186.]

Motionlessness

Case: If one deliberately [begins to] say the sujood dhikr before his forehead reaches the ground and his body becomes stationary and motionless, or raises his head before having finished saying it, his salah is rendered void.

Case: If one deliberately raises one of his seven masajid¹ (or the elements of prostrations) from the ground while reciting the sujood dhikr, his salah is rendered void. However, there is no objection if one inadvertently raises one of his masajid – other than the forehead – outside the duration of reciting the sujood dhikr and then puts it back on the ground again.

Case: If one inadvertently raises his forehead from the ground before finishing the sujood dhikr, it is not permitted to place it on the ground

¹ The seven masajid or elements of prostration are those parts of the body that come in contact with the ground when one performs the sajdah or prostration, i.e. the forehead, the two palms, the two knees, the two big toes.

again, and he should consider it as one sajdah. However, if one inadvertently raises one of his other masajid from the ground – other than the forehead – he must return it to the ground and repeat the dhikr.

Case: In the first and third rak‘ah, where there is no tashahhud, such as the third rak‘ah of the Duhr, ‘Asr, and ‘Esha’ salah, one should, as per obligatory precaution, after the second sajdah sit and pause a little without motion, and then rise up for the following rak‘ah. This is known as the resting position.

Prostration of the compelled

Case: If one is not able to place his forehead on the ground, he should bow as far as he can, and place his forehead on an elevated *torbah* or anything that he performs the sujood on, such that it can be said that he has performed the sajdah. As a precaution he should place the palms of his hands, knees, and big toes on the ground as normal.

Case: If one is not able to bow at all, he must nod his head to signify sujood, and if this is not possible he should [signify sujood] with the movement of his eyes. In either case, as per mostahab precaution, he should assume a sitting position, and have the place of sujood elevated so that he can place his forehead on it if possible. If he cannot nod his head, or move his eyes, he should intend this in his heart, and as per mostahab precaution, to point with his hand to signify the sajdah.

Raising forehead involuntarily from point of sujood

Case: If the forehead is raised from the place of sujood involuntarily and without one’s control, one should prevent it from going back to the place of sujood again if possible, and this would count as one sajdah, regardless of whether or not one said the sujood dhikr. And if it is not possible to prevent it from returning, and it returns to the place of sujood without one’s control, all will be counted as one sajdah.

Taqiyyah and sujood

Case: It is permissible to perform sujood on a carpet and suchlike in cases of *taqiyyah*, and one is not required to go to another place to pray, although that would be preferable to do as a precaution. If it is possible

to perform the sujood on a straw mat or something else on which it is valid to perform the sujood, such that it would not constitute difficulty for him, as per obligatory precaution, he should not perform sujood on a carpet and suchlike.

Place of sujood

Case: The place of sujood must not be higher than the level of the two knees by more than four joined fingers, and also it should not be lower than the level of the big toes of the feet and the two knees by more than four joined fingers.

Case: It is mandatory that there is no obstacle between the forehead and the place of sujood. If there is some dirt on the torbah that prevents the forehead from touching the torbah, the salah is rendered void, but there is no objection if the colour of the torbah changes.

The place of sujood being tahir

Case: It is mandatory that the torbah or anything else that the sujood is performed on is tahir. There is no objection if the torbah is placed on a najis carpet, or if one of the two sides of the torbah is najis, but one should place his forehead on the side that is tahir.

Things that sujood may be performed on

Case: The best thing to perform the sujood on is the Husayni torbah (soil), and after that may be the ground, stone, and plant.

Plantation

Case: It is mandatory to perform the sujood on soil and anything that grows from it such as wood and leaves, with the exception of those used for eating and wearing. It is not valid to perform the sujood on edible things such as fruit, things that are used to make clothes from such as cotton, nor minerals or metals such as gold.

Limestone

Case: It is permissible to perform sujood on gypsum and limestone, and as per mostahab precaution, sujood should not be performed on baked

limestone and gypsum, nor on brick or earthenware/pottery and suchlike if one has the option.

Paper

Case: It is permissible to perform sujood on paper if it is made of material that is permissible to perform sujood on, such as straw. Sujood is also permissible on paper derived from cotton and suchlike.

Non-availability of valid things for sujood

Case: If one does not have a valid object to perform the sujood on, or one has such an object but cannot use it for some reason, such as extreme cold or heat, he can perform sujood on his clothes if they are cotton or flax fibre, and if they are not, he must perform sujood on the back of his hand, or on a mineral object such as an agate ring (aqeeq). As a mostahab precaution one should not perform sujood on the back of his hand as long as it is possible to perform the sujood on a mineral object.

Case: If during the salah one loses the object on which he performs the sujood, and he does not have an alternative, if there is enough time to perform the salah [again during the prescribed time for that salah] he should abort the salah [to obtain an alternative torbah etc.], and if time is too short, he must perform the sujood on his clothes if they are cotton or flax fibre, but if they are of a synthetic fabric or suchlike, he should perform the sujood on the back of his hand, or on a mineral object such as an agate ring.

Stability of the forehead during sujood

Case: Sujood on soft/loose soil or clay such that the forehead is not stable is invalid.

Case: If the torbah or any other object used for sujood, sticks to the forehead after the first sajdah, one must take it off for the second as a precaution.

Prostration before other than Almighty Allah

Case: Prostration or sujud before other than Almighty Allah is haram. Some people do when they place their forehead on the floor in the shrines of the impeccable imams, *peace be upon them*. If this is intended as thanksgiving to Almighty Allah then there is no objection to that, otherwise it is haram. As for kissing the floor steps in the shrines of the impeccable imams, it is permissible and indeed mostahab and it does not constitute sujud.

Miscellany

Q: Is it permissible to perform sujud on currency notes?

A: It should be avoided if there is an alternative, as an obligatory precaution.

Q: On some of the Husayni torbah there are patterns or names of impeccable imams embossed on them. Is it permissible to perform the sujud on them?

A: There is no objection to that.

Q: What is the ruling regarding [the validity of] the use of a torbah on which a dark spot has formed as a result of extensive use of it for sujud over a long period of time?

A: If this [black spot] does not constitute an obstructing layer over the torbah, then there is no objection.

Q: What is the ruling on performing sujud on non-tahir torbah?

A: Sujud on it is not valid.

Q: What is the ruling concerning someone who has for a long time performed the four tasbeehat three times with the intention of being obligatory, unaware of the ruling of this case?

A: There is no objection to that.

Q: Is it permissible to perform the salah without using a torbah or anything else?

A: It is permissible to perform the sujood on other than torbah such as soil or whatever grows in it other than that which is eaten or worn.

Q: Why is it not permissible to perform the sujood on an object that is used for eating or clothing?

A: It is reported in narrations from Ahl al-Bayt that it is mandatory to perform the sujood on soil and whatever grows in it other than that which is used for eating or clothing.

Q: Is it permissible to perform the sujood on a prayer mat?

A: It is not permissible to perform the sujood on a mat made from fabric, but it is permissible if it is made from material [such as straw] that is valid to perform sujood on.

Q: What is the ruling on performing sujood on coloured disposal tissues, and also marble and tiles?

A: It is permissible, if the marble is made from soil.

Q: What is the ruling on performing sujood on wet paper tissues?

A: As far as the validity of the object for sujood is concerned; no distinction is made whether it should be wet or dry.

Some New developments

Case: If some of the edible vegetables are rendered inedible due to [modification or genetic engineering], it would be permissible to perform sujood on them after the modification since it would no longer be edible.

Case: If inedible vegetables were rendered edible by modification or genetic engineering, would it be valid to perform sujood on those vegetables that used to be inedible? It is not valid, because the verdict concerns the status quo.

Case: The rulings of the previous two cases are also applicable to the case of plants that are used for clothing; in that a produce that was not usable for the manufacturing of clothing becomes usable [and it consequently may not be used for sujood], or that which was usable

becomes unusable for the manufacturing of clothing through modification or genetic engineering, [in which case it may be used for sujood].

g) Tashahhud

Case: It is mandatory to sit to perform tashahhud in the second rak‘ah of every salah, in the third rak‘ah of the Maghrib salah, and in the fourth rak‘ah of the Duhr, ‘Asr, and ‘Esha’ salah. One must sit after performing the second sajdah and say while in a stationary state:

<p><i>ash-hado al-la-ilaha il-lal-lah</i> <i>wahdahula shareekalah,</i> <i>wa-ash-hado an-na Muhammadan</i> <i>‘abduhu wa rasouluh</i> <i>Allahom-ma sal-li ‘ala Muhammadwa- ale Muhammad</i></p>	<p>I bear witness that there is no god but Allah, He is One and has no partner; and that Muhammad is His servant and messenger. O Allah send your eternal blessings and mercy upon Muhammad and the progeny of Muhammad</p>	<p>أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ</p>
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Case: If one forgets to perform the tashahhud, stands up, and then remembers – before the rukoo‘ – that he did not perform the tashahhud, he should sit down and perform the tashahhud, and then stand upright and continue with the salah as normal, and finish the salah. After the salah, he should perform *sajdatay-as-sahw* – the two prostrations of oversight – for the ‘out of place’ standing up, as an obligatory precaution.¹

h) Tasleem

Case: It is mandatory to perform *tasleem* [i.e. the salutation of Salam²] after the *tashahhud* in the last rak‘ah of the salah. It is mostahab to say, while in the sitting posture with the body being stationary:

¹ The procedure for *sajdatay-as-sahw* is given on page 185.

² Salam and tasleem are interchangeably used to mean the same act in salah.

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<i>as-Salamo 'alayka ayyohan-nabiyyo wa rahmatollahi wa barakatoh</i>	Peace and mercy of Allah and His blessings be upon you O Prophet	السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ
<i>as-Salamo 'alayna wa 'ala 'ebadel-lahis-saliheen</i>	Peace be upon Us and the righteous servants of Allah	السَّلَامُ عَلَيْنَا وَ عَلَى عِبَادِ اللَّهِ الصَّالِحِينَ
<i>as-Salamo 'alaykom wa rahmatollahi wa barakatoh</i>	Peace and mercy of Allah and His blessings be upon ye.	السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Criteria for validity of Salah

a) Order or sequence of Salah

Case: If one deliberately changes the sequence of the salah, for example recites the surah before al-Hamd, or performs the sujood before the rukoo', the salah is void.

Forgetting a rukn

Case: If one forgets to perform one of the rukns of the salah, and performs the rukn that follows it; like if one performs the two sajdah's without performing the rukoo', his salah is void.

Case: If one forgets a rukn and performs that which follows it, which is not a rukn – like if one forgets the two sajdah's and performs the tashahhud – it is mandatory to perform the forgotten rukn and then repeat what he had previously recited in error or negligence.

Forgetting a non-rukn

Case: If one forgets performing a non-rukn and performs the rukn that follows it, like if one forgets al-Hamd, and engages in performing the rukoo', his salah is valid.

Case: If one forgets a non-rukn and performs that which follows it, which also happens to be a non-rukn, for example if one forgets to recite

al-Hamd and recites the surah, and then if he engages in what follows that happens to be a rukn - for example if he remembers in rukoo' that he did not recite al-Hamd - he must continue with his salah, and his salah is correct. If one has not engaged in the following rukn, he must perform what he had forgotten and then recite what he had recited in error again.

b) Continuity

Case: It is mandatory for the mosalli to observe the continuity of salah, that is to perform the acts of the salah such as rukoo', sujud, tashahhud one after the other and without a gap [between them]. He must also observe continuity when uttering the dhikrs, and recite them as commonly accepted. If one leaves a gap between them such that it is not said he is performing the salah, his salah is rendered void.

Addition and deduction to the acts of the Salah

Case: If one deliberately adds to the obligatory acts of the salah, or deducts from them, even by one alphabetical letter, his salah is rendered batil.

Case: If on grounds of being ignorant of the case, one adds to the obligatory acts of the salah or deducts from them, his salah is rendered batil, as a precaution. However, if, on grounds of being ignorant of the case, one recites the al-Hamd and the surah silently in the Sobh, Maghrib, and 'Esha' salah; or recite them audibly in the Duhr and 'Asr prayers, or if on the same grounds, performs his salah complete while travelling, his salah is valid.

Quonoot in Salah

Occasion of Quonoot

Case: It is mostahab to perform Quonoot in all prayers, obligatory and optional, and it should be performed before the rukoo' of the second rak'ah, and as per mostahab precaution it should not be missed out in the obligatory salah. It is mostahab to perform the Quonoot in the Witr

salah even though it is one rak'ah. In the Friday prayer one Quonoot is performed in every rak'ah, in Salat al-Ayat there are five Quonoots, and in the 'Eid Salah in the first rak'ah there are five Quonoots to be performed and in the second rak'ah four, and as a precaution the Quonoots of the 'Eid al-Fitr and 'Eid al-Adha should not be missed out.

Procedure of Quonoot

Case: In performing Quonoot, it is mostahab to raise the hands to the proximity/level of the face, aligning the palms of the hands side by side, fingers joined, with the exception of the thumbs, with the palms of the hands facing skywards, and one should look into the palms of the hands. It suffices to recite any dhikr one wishes, even if one says SobhanAllah once.

Qada' of Quonoot

Case: If one deliberately misses out the Quonoot one does not have to perform its qada', but if one forgets performing it and remembers it before bowing sufficiently for rukoo', one should stand upright and perform the Quonoot. If one remembers while performing the rukoo', it is mostahab to perform the qada' of the Quonoot after the rukoo'. If one remembers it while in sujood, it is mostahab to perform the qada' of the Quonoot after the Salam. [i.e. while sitting in the same position one should raise one's hands to the state of Quonoot and recite the supplication one wishes.]

Ta'qeebat of Salah

Case: When one finishes a salah it is mostahab after that to engage in some of the ta'qeebat (follow-on's) such as dhikr, supplication, or reciting the holy Qur'an. It is recommended that one performs the ta'qeebat while facing the Qiblah, before moving from his place and before one's wodu', ghusl, or tayammum is invalidated. It is not necessary for the ta'qeebat to be in Arabic, and it is preferred to read the specific ta'qeebat as given in relevant books.

Case: One of the highly stressed upon ta‘qeebat is the tasbihat of [Fatimah] al-Zahra’ peace be upon her, which is as follows:

One should say:

Allah is Greatest	<i>Allaho akbar</i>	الله أكبر	٣٤ times
All praise belongs to Allah	<i>Al-hamdo lil-lah</i>	الحمد لله	33 times
Glorified/Immaculate is Allah	<i>SobhanAllah</i>	سُبْحَانَ الله	33 times

Invocation of Allah’s Blessings upon the Prophet

Case: It is mostahab to invoke Allah’s blessings upon the prophet, peace be upon him and his pure family, whenever one hears his sacred names such as Muhammad, Ahmad, or his title such as al-Mostafa, or his agnomen such as Abil-Qasim, or even when one hears the pronoun referring to him, peace be upon him and his pure family. This is also applicable even if one hears them while performing the salah.

Invalidation, abandonment and doubt

Conditions when Salah is invalidated

Case: Twelve cases invalidate the salah:

١. If one of the criteria of the salah ceases to exist, for example if one learns during the salah that the place (one is performing the salah in) is usurped.
٢. Something that spoils the wodu’ or ghusl to occur for the individual during the salah, regardless of whether this occurred deliberately, inadvertently, or under compelling circumstances, such as the discharge of urine.
٣. To hold *takfeer*, which is to place the hands over one another across the body.

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- ξ. To say 'amen' after reciting al-Hamd. However if one says this inadvertently, or on grounds of *taqiyyah*, to hide his faith and

protect himself [in dangerous surroundings], his salah is not rendered void.

٥. To turn one's back to the Qiblah, deliberately, inadvertently, or being ignorant of the ruling, or if one turns to the right or left of the Qiblah. If one deliberately deviates to the extent that it cannot be said he is facing the Qiblah, even if it is not completely to the right or left, his salah is void.
٦. To utter words [other than dhikrs]

A word of one or two letters

Case: Uttering a word of two letters or more, even if it is meaningless. However, if one does that inadvertently his salah is not void. If one deliberately utters a meaningful single-letter word, like the Arabic letter – the nearest equivalent in the Latin alphabet is Q which means 'to protect', if one knows its meaning his salah is void, and as per obligatory precaution, he should repeat his salah if he does not know its meaning, but said it knowingly.

Case: There is no objection if one utters a word of dhikr – with the intention of it being a word of dhikr, such as saying Allahu Akbar – audibly to alert someone to something.

Coughing, belching

Case: There is no objection to coughing, belching, sighing in the salah. However, to deliberately say 'Oh' or 'Ah' and suchlike that consists of two letters, renders the salah batil.

Repeating the words

Case: There is no objection to repeating some of the words in al-Hamd and the surah, or any of the dhikrs of the salah a number of times on grounds of precaution, and there is no objection if one repeats them intentionally, provided [the repetition] is not intended as being part of [al-Hamd, surah or the dhikr concerned]. However, if one repeats something several times on grounds of obsession (*waswasah*) [being

habitually or obsessively doubtful], as per precaution, his salah is rendered batil.

Salam during Salah

Case: To initiate the Salam (greeting) is mostahab, and there is great emphasis for the rider to say Salam to the walker, the standing to the sitting, and the younger to the elder. And to reply [to the Salam] is wajib, i.e. obligatory. If one salutes a group, it is wajib kifa'ei for the entire group to reply to his Salam, i.e. it would be sufficient if one of them replies to his Salam.

Case: A mosalli does not salute anyone, and if someone salutes him, it is mandatory for the mosalli to return his Salam in the same form as he salutes him. So if someone saluted the mosalli by saying "Salamon 'alaykum", the mosalli should reply "Salamon 'alaykum", but if he said "alaykum al-Salam", it is better for the mosalli to reply "Salamon 'alaykum".

Case: It is mandatory to reply to the greeting of Salam promptly, whether during the salah or other than that. If one delays responding to the Salam – deliberately or inadvertently – for a relatively long period such that if one then responds, it would not be considered a reply to that Salam, then if at the time, one is performing salah, he should not reply, and if one is not performing salah, it would not be mandatory to reply.

Case: It is mandatory to respond to the Salam such that the person who said the Salam can hear him, and if the greeting person was deaf, it would be sufficient to reply as necessary.

Case: If the mosalli does not reply to the person who said the Salam, he is considered to have committed disobedience and sin, but his salah is valid.

Case: It is not mandatory to reply to the Salam of one who said the Salam jokingly or in ridicule, and it is not permissible to reply to him if performing salah.

- ٧. To deliberately laugh audibly. The same applies to the one who is made to laugh. However, if one inadvertently laughs audibly, the salah is valid, unless one [shakes such that one] loses the state and posture of salah. Smiling does not render the salah batil.

If in an attempt to prevent himself from laughing audibly one's posture changes, for example his face turns red, as per mostahab precaution, he should redo his salah again, unless one loses the state and posture of salah in which case it is mandatory to repeat the salah.

- ٨. To deliberately cry audibly for worldly matters, and as per obligatory precaution one should not even cry inaudibly. However, there is no objection to crying/weeping out of fear of Almighty Allah, or for concerns of the hereafter, silently or audibly, and this is in fact amongst the best of deeds.
- ٩. Doing something that compromises the state or posture of salah such as clapping a lot, and making a big jump, and suchlike. However, there is no objection to doing something that does not compromise the form of the salah, such as pointing by hand.

Case: If one remains silent during salah for too long such that it cannot be said he is performing salah, his salah is rendered void.

- ١٠. Eating and drinking. If one eats or drinks during salah such that it cannot be said he is performing salah, his salah is rendered void, irrespective of the action being deliberate or inadvertent. If one swallows – during the salah – remnants of food that had been in his mouth or between his teeth, his salah is not rendered void. Also there is no objection if there remained in his mouth some sugar (grains), say, that slowly melted and was swallowed during salah.
- ١١. Any doubt that one might develop about the number of raka'at performed in a two-rak'ah and a three-rak'ah salah, or during the first two rak'ah of a four-rak'ah salah.

١٢. To add or deduct a rukn or a fundamental aspect of the salah – be it deliberately or inadvertently, [renders the salah batil], but, the inadvertent addition of Takbirat-al-Ehram does not invalidate the salah. Also, deliberate addition or deduction in cases of non-rukn aspects renders the salah batil.

Case: If one doubts after the salah whether or not he did something during the salah that renders the salah batil, his salah remains valid.

Aborting the Salah

Case: It is not permissible to deliberately abort the salah. However, there is no objection in aborting the salah if this is in aid of protecting property or to avoid physical or financial harm. If it is obligatory for one to abort the salah, but he does not do so and continues to finish it, he has committed disobedience but his salah is valid.

Not very important

Case: If it is possible for the mosalli to protect himself, or protect those he must protect, or protect the property or possession he is entrusted with without aborting the salah, then he must not abort the salah. It is *makrooh* to abort the salah to protect something that is not very important.

To pay off a debt

Case: If one begins the salah, with ample time ahead of him, and the claimant asks him for his debt, if it is possible for him to pay his debt while performing the salah, he should do so and should not abort the salah. If it is not possible to pay the debt without aborting the salah, it is mandatory to abort the salah, pay his dues and then perform the salah.

Doubts

Doubts of Salah are grouped in twenty three categories:

The invalidating doubts

Case: The doubts that invalidate the salah are eight:

١. To doubt about the raka‘at [performed] in two-rak‘ah salah such as the Sobh salah, or the traveller salah. However, if the doubt is in the case of a two-rak‘ah mostahab salah, or in the case of the ihtiyat salah, the salah is not invalidated.
٢. To doubt about the raka‘at [performed] in three-rak‘ah salah.
٣. To doubt, in a four-rak‘ah salah, whether he has performed one or more rak‘ah.
٤. To doubt, in a four-rak‘ah salah – before finishing the second sajdah – whether he has performed two or more raka‘at.¹
٥. To doubt [whether he has performed] two or five raka‘at, or between two and more than five.²
٦. To doubt between three and six, or between three and more than six.
٧. To doubt between four and six, or between four and more than six before finishing the second sajdah.³
٨. To doubt about the number of raka‘at one has performed in the salah, such that one does not know how many raka‘at one has performed.

Case: If one of the invalidating doubts (*shakk*) arise for the mosalli, it is permissible for him

- i. to abort the salah, or
- ii. to [pause and] think [about the matter in order to resolve his doubt] until the state or form of the salah is abolished, or
- iii. that he would have no hope to attain a certainty or *dann* (belief) [about that doubt].

¹ Needless to say, doubt after the second sajdah is a valid doubt, and it does not invalidate the salah, as given in Case1 of the valid doubts in the next few pages.

² This scenario arises when one stands up after tashahhud, and one doubts as to whether that was the first tashahhud or the second. If the second tashahhud, one would be about to perform the fifth raka‘ah.

³ Such cases may sound odd but these are the possibilities that some may have come across, hence they are presented here.

The doubts that should be ignored

Case: There are six doubts that should be ignored by the mosalli:

١. To doubt about something after moving on to the next stage; for example to doubt, while in rukoo‘, as to whether or not he recited al-Hamd.

Case: Or [in general] one doubts – during the salah – whether or not he performed some of the obligatory acts of the salah, such as whether or not he recited al-Hamd. If one does not engage in what follows that, he must perform the doubted act, but if he engages in what must be performed after the doubted act, then he should ignore his doubt.

٢. Doubt after the Salam

Case: If one doubts after the Salam as to whether or not his salah was valid; for example if one doubts whether or not he had performed the rukoo‘, or doubts after the Salam of a four-rak‘ah salah as to whether he prayed four or five rak‘ah, he should ignore his doubt. However, if his doubt goes outside this range, i.e. four or five, for example if one doubts after the Salam of a four-rak‘ah salah as to whether he prayed two rak‘ah or five, his salah is batil.

٣. Doubt after the expiry of the salah time

Case: If after the expiry of the prescribed salah time one doubts (*shakk*) as to whether or not he performed the salah, or if he suspects (*dann*) that he did not perform the salah, he is not required to perform the salah. However, if he doubts whether or not he performed the salah before the expiry of the prescribed time, or suspects that he did not perform the salah, he must perform the salah, rather, it is mandatory to perform the salah even if he suspects that he has performed the salah.

٤. Doubt of Excessive Doubter

Case: If one doubts three times in a salah, or doubts in three successive salah; such as Sobh, Duhr, and ‘Asr, he is considered Excessive Doubter (*Katheer al-Shakk*), and he should pay no attention to his doubt(s), if his excessive doubt is not due to [the state of] anger, fear, or unsettled mind.

Case: If one doubts whether or not he is an Excessive Doubter, he must act according to the duty of the normal doubter. The Excessive Doubter must pay no attention to his doubt so long as he is not certain that he has regained the condition of the normal people.

◦. Doubt of prayer leader and prayer follower

Case: If the congregational prayer leader (Imam Jama'ah) doubts the number of raka'at he has performed, like if he doubts if he has performed three or four raka'at, if the prayer follower (ma'moom) is certain that he performed four rak'ah, and indicates to the imam that he performed four rak'ah, it is necessary for the imam to finish the salah and he is not required to perform the ihtiyat salah. Similarly, if the imam is certain of the number of the raka'at, but the ma'moom has doubt about it, the latter must take no notice of his doubt.

٦. Doubt in mostahab salah

Case: If one doubts the number of raka'at [performed] in a mostahab salah, if the higher number renders the salah batil, he should assume the lesser; for example if one doubts whether he performed two or three rak'ah for the Sobh nafilah, he should assume that he performed two. If, on the other hand, the higher number does not render the salah batil, for example if one doubts whether he performed two or one rak'ah, he may act on either probability, and his salah is valid.

Case: If one has doubt about performing one of the acts of the nafilah, (the optional additional prayer) regardless of it being a rukn or non-rukn, he should perform the act if he has not moved on to the next stage, but he should ignore his doubt if has gone past that stage.

Case: If one does something in the nafilah that requires him to perform *sajdatay-as-sahw* – the two prostrations of oversight – or forgets a sajdah or tashahhud, it is not mandatory for one to perform *sajdatay-as-sahw* after the salah, nor to perform the forgotten sajdah or the forgotten tashahhud as qada', although it is preferred to perform the forgotten [acts] after the salah. [The procedure for *sajdatay-as-sahw* is given on page 185.]

The valid doubts

Case: It is mandatory for a mosalli to reflect and think about the doubt immediately if s/he doubts the number of raka‘at s/he has performed in a four-rak‘ah salah, as per the following nine scenarios. If his thinking and reflection leads him to a certainty or a *dann* (belief) on either side of the doubt, he should assume that side and complete the salah accordingly. However, if his thinking and reflection does not lead him to a resolution, he should act according to the following scenarios:

Scenario1: If one doubts whether one has performed two or three raka‘at, after raising his head from the second sajdah, one should base it on having performed three raka‘at, should stand up to perform a further rak‘ah, finish the salah, and then after the salah one should perform one rak‘ah of the ihtiyat salah – in the standing position – or two rak‘ah in the sitting position, as will be explained later.

Scenario2: If one doubts between the two or four, that is after raising his head from the second sajdah, in this case he should base it on four, finish his salah while he is sitting, and then after the salah, he should perform two raka‘at of the ihtiyat salah in the standing position.

Scenario3: If one doubts between the two, three, or four; i.e. he does not know whether he has performed two or three or four raka‘at, that is after raising his head from the second sajdah, in this case he should base it on having performed four raka‘at, finish his salah while he is sitting, and then after the salah, he should perform two raka‘at of the ihtiyat salah in the standing position, and two in the sitting position – as a precaution.

Scenario4: If one doubts between the four and five, that is after raising his head from the second sajdah, he should base it on having performed four raka‘at, finish his salah while he is sitting, and then after the salah, he should perform *sajdatay-as-sahw* – the two prostrations of oversight.

Case: If one develops one of the above-mentioned four doubts after reciting the dhikr in the second sajdah and before raising his head from the sajdah he should act upon the given ruling of the particular situation, and as per mostahab precaution, he should repeat that salah. On the

other hand, if one repeats the salah it would be sufficient for discharging one's duty.

Scenario5: If one doubts between the three or four at any stage of the salah, he must base it on four, finish his salah, then one should perform one rak'ah of the ihtiyat salah in the standing position, or two in the sitting.

Scenario6: If one doubts between the four and five while he is standing, he must sit, perform tashahhud and Salam, finish the salah, and then perform one rak'ah of ihtiyat salah in the standing position, or two in the sitting, and as an obligatory precaution he should also perform *sajdatay-as-sahw* – the two prostrations of oversight – for the extra standing up.

Scenario7: If one doubts between the three and five while in the standing position, he must sit, perform tashahhud and Salam, and finish his salah, and then after the salah he should perform two raka'at of the ihtiyat salah in the standing position, and as per obligatory precaution he should also perform *sajdatay-as-sahw* – the two prostrations of oversight – for the extra standing up.

Scenario8: If one doubts between the three, four, and five while in the standing position, he must sit, perform tashahhud and Salam, and finish the salah, and then after it should perform two raka'at of the ihtiyat salah in the standing position, and two in the sitting, and as per obligatory precaution he should also perform *sajdatay-as-sahw* – the two prostrations of oversight – for the extra standing up.

Scenario9: If one doubts between the five and six while in the standing position, he must sit, perform tashahhud and Salam, and after the Salam one should perform *sajdatay-as-sahw* – the two prostrations of oversight, and as per obligatory precaution one should also perform another *sajdatay-as-sahw* for the extra standing up.

The rulings for the states of doubt

Restarting the Salah after a valid

doubt

Case: If the mosalli develops one of the valid doubts, he must not abort his salah, as a precaution, and if he does so, and restarts the salah anew, the second salah is valid.

Case: If one develops one of the doubts that necessitates the ihtiyat salah, and if one completes his salah and repeats it anew without performing the ihtiyat salah, he has committed disobedience. If one repeats the salah before committing something that invalidates the salah, such as turning his face away from the Qiblah, his second salah is invalid as per mostahab precaution. However, if one engages in the second salah after committing something that invalidates the first salah, his second salah is valid.

When *dann* weighs more than doubt and vice versa

Case: If one's *dann* (belief) tends towards one of his doubt's inclinations at the outset, but then the two inclinations gained equal weight in his *dann*, he must act according to the rulings of doubt. On the other hand, if the two inclinations of his doubt carried equal weight in his opinion at the outset, and he based [his acts] on his duty accordingly, but then his belief (*dann*) weighed towards one side more than the other, he must act on the side which his belief (*dann*) favours and complete his salah.

Case: If one does not know if one's belief (*dann*) leans towards one side of his doubt or both sides carry equal weight, he must act according to the rulings of doubt.

One doubt replaces another

Case: If one's doubt is resolved and another develops for him, for example he doubts between the two and three and then doubts between the three and four, he should act upon the second doubt.

Doubt after the end of the Salah

Case: If one realises after the salah that he had a doubt during the salah, but he does not know whether it was one of the invalidating doubts, or the valid doubts, or if it was one of the valid doubts, which kind, it is sufficient for him to repeat the salah.

Doubt in the sitting Salah

Case: If one who [normally] performs the salah in the sitting position has a doubt that requires him to perform one rak'ah of the ihtiyat salah in the standing position, or two rak'ah in the sitting position [as an alternative], he must perform one rak'ah in the sitting position. If he has a doubt that requires him to perform two raka'at of the ihtiyat salah in the standing position, he must perform two in the sitting position.

Doubt, *dann* and inadvertent act in the daily and obligatory Salah

Case: There is no difference in the rulings of *shakk* (doubt), *dann* (belief) and *sahw* (inadvertent act or oversight) in the daily salah and other obligatory salah. For example, if one doubts in the Ayat Salah whether he performed one or two rak'ah, and since the Ayat Salah is a two-rak'ah salah, such a doubt in it renders it void.

Miscellany

Q: If one stands up to perform the tasbeehat of the third rak'ah, but performs them grammatically incorrectly, and then realises this, but before he corrects them he doubts if he had performed the tashahhud, is it obligatory for him to return to perform it [the tashahhud] since given the situation he has not yet engaged in the following obligatory act on account of not performing the tasbeehat correctly?

A: He should pay no attention to his doubt.

Q: What is the ruling if one develops a doubt about reciting al-Hamd while he is reciting the subsequent surah?

A: He should pay no attention to his doubt.

Q: What is the ruling if one develops a doubt about the correctness of the tashahhud [recitation] before the tasleem?

A: He should pay no attention to his doubt. However, if he has doubt before the tasleem about performing the tashahhud itself, he should perform it.

Q: What is the ruling concerning one who develops a doubt about the tasleem before the ta'qeebat while he is [still] in the same position?

A: He should perform the tasleem.

Q: What is the ruling concerning doubt about the correctness of the recitation of al-Hamd after completing the two sajdah's?

A: He should pay no attention to it.

Q: If the mosalli develops a doubt and his doubt is one of the valid ones, is it permissible to abort his salah and restart it anew?

A: It is not permissible.

Ihtiyat Salah

The ihtiyat salah is required to be performed if, for example, in the course of the daily obligatory salah one develops a doubt about the number of raka'at performed, as detailed in the section on doubts in salah.

Its procedure

Case: If it is required for one to perform the ihtiyat salah, it is mandatory – immediately after the salah – to declare the *niyyah* for the ihtiyat salah, perform Takbirat-al-Ehram, recite al-Hamd only, perform rukoo' and the two sajdah's. If he is required to perform only one rak'ah of the ihtiyat salah, then after the two sajdah's he should go on to perform the tashahhud and tasleem. If one is required to perform two rak'ah of the ihtiyat salah, after the two sajdah's he should stand up to perform another rak'ah, as he did in the first, and then perform the tashahhud and tasleem.

Case: In the ihtiyat salah, the surah – after al-Hamd – is not recited, nor is the Quonoot; one must recite al-Hamd silently, should not verbally utter its *niyyah*, and as a precaution should utter the *basmalah* inaudibly.

Before and after the ihtiyat Salah

Case: If one learns, before performing the ihtiyat salah, that the salah he has performed is valid, he would not be required to perform the ihtiyat salah, and if he realises this, while he is performing the ihtiyat salah, he does not have to complete the salah. If one learns, after performing the ihtiyat salah, that the missing raka‘at of his salah are equal to the ihtiyat salah, for example he performs one rak‘ah for the ihtiyat salah when doubting between the three and four, and then learns, after the ihtiyat salah, that he had prayed three raka‘at, his salah is valid.

Doubt about performing the ihtiyat Salah

Case: If one doubts whether or not he performed the ihtiyat salah he was required to do, if this [realisation] is after the time of the salah, he should pay no attention to his doubt. However, if there is time left, and if one does not engage in something else, and does not get up from the place of his salah, and does not do something that contravene his salah like turning his back to the Qiblah, he must perform the ihtiyat salah. If he does something that invalidates his salah, or there was a long time between the salah and when the doubt began to cross his mind, as per mostahab precaution, he should repeat the entire salah anew.

Addition or deduction in the ihtiyat Salah

Case: If a rukn is added to the ihtiyat salah, or if one performs two rak‘ah [of the ihtiyat salah] instead of one, the ihtiyat salah is rendered void, and one must perform the original salah anew.

If one inadvertently adds or deducts something that is non-rukn in the ihtiyat salah, he should, as a precaution, perform *sajdatay-as-sahw* – the two prostrations of oversight.

Dann (belief) in the ihtiyat Salah

Case: The ruling of dann (belief) about the number of raka‘at in the ihtiyat salah has the same ruling as that of *yaqeen* (certainty), unless the dann is about an issue that causes the salah to be invalid, in which case the dann will not have the ruling of certainty.

Precedence of the ihtiyat Salah

Case: If one is required to perform the ihtiyat salah and the qada’ of a forgotten sajdah or tashahhud, or *sajdatay-as-sahw* – the two prostrations of oversight – one must perform the ihtiyat salah first.

Miscellany

Q: If one is an Excessive Doubter in salah, if he doubts in the ihtiyat salah in the same way he doubts in the salah, should he take notice of his doubt?

A: He should pay no attention to his doubt.

Q: If one keeps repeating his salah given the state of inattentiveness that has overcome him, is repetition of salah permissible for him?

A: It is haram for him to repeat if it is on grounds of obsessive doubting (waswasah).

Q: After rising from the second sajdah of the second rak‘ah, the mosalli finds himself doubting about the number of the raka‘at between two and three, and he does not know if this doubt developed for him before finishing the two sajdah’s or after. On which should he act?

A: He should assume that the doubt occurred to him after the two sajdah’s and his salah is not invalidated.

Q: On one occasion I performed the salah of the eclipse of the moon in the house of the mo’mineen, and a doubt developed for me in one of the raka‘at, and I felt confused, and I based my act on the strongest probabilities and finished the salah, except that afterwards I was not certain, and that the people who prayed behind me were in sequence but not following [me] as the imam. I wanted to tell them to repeat the salah

but felt extremely embarrassed, and by now some of them have died. So is the *dann* (belief) I based my act on acceptable InSha’Allah, while Allah is merciful and forgives a great deal?

A: *dann* (or belief) in the acts of the salah is valid, in the same way that *dann* in the raka‘at of the salah is valid. In *salah*, *dann* carries the ruling of certainty.

Prostration of *sahw* (oversight)

If one makes a simple mistake while performing the salah and then realises his mistake and rectifies it, one must perform the two prostrations of oversight (*sajdatay-as-sahw*) after finishing the salah. for example, after the second sajdah in the second rak‘ah, if one forgets saying the tashahhud and stands up to perform the third rak‘ah and then remembers that, he should sit down and perform the tashahhud and proceed. After finishing the salah, one should perform *sajdatay-as-sahw* for the out of place “standing up”.

The Procedure for *sajdatay-as-sahw*

Case: The procedure for the two prostrations of oversight is that after the Salam of the salah, he must declare the *niyyah* to perform prostration of oversight, and places his forehead on what is valid to perform sujud on and say:

Bismillahi wa Billah wa salla-llaha ‘ala
Muhammadin wa alih.

بِسْمِ اللَّهِ وَ بِاللَّهِ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ وَ
آلِهِ

Or say:

Bismillahi wa Billah, Allahumma salli
‘ala Muhammad wa ali Muhammad.

بِسْمِ اللَّهِ وَ بِاللَّهِ، اللَّهُمَّ صَلِّ عَلَیْمُحَمَّدٍ وَ آلِهِ
مُحَمَّد

However, it is recommended to say:

Bismillahi wa Billah As-
Salamo alayka ayyoha-
Nnabiyyo wa
Rahmatollahe wa
Barakatoh.

In the name of Allah, and
by Allah, Peace be upon
you O prophet and the
mercy of Allah and His
blessings.

بِسْمِ اللَّهِ وَ بِاللَّهِ،
السَّلَامُ عَلَيْكَ أَيُّهَا
النَّبِيُّ وَ رَحْمَةُ اللَّهِ وَ
بَرَكَاتُهُ

Then he should sit and perform sujood a second time and say aforementioned dhikrs, and then sit again, recite the tashahhud and one Salam.

When *sajdatay-as-sahw* are obligatory

- i. If one inadvertently speaks during the salah,
- ii. If one performs the tasleem in other than its particular stage, like if one performs tasleem inadvertently in the first rak‘ah,
- iii. If one forgets one of the two prostrations,
- iv. If one forgets the tashahhud.
- v. If one doubts after the second sajdah in a four-rak‘ah salah as to whether he has performed four or five raka‘at,

If one inadvertently sits where he should stand up, for example if one sits by mistake while reciting al-Hamd and the surah, or stands up where he should sit, e.g. if one stands by mistake while giving the tashahhud. It is mandatory, as per obligatory precaution, to perform the *sajdatay-as-sahw* – the two prostrations of oversight. In fact, as per obligatory precaution, one should perform the two prostrations of oversight for every inadvertent addition or deduction in the salah.

Case: If one does not perform the prostration of oversight after the Salam of the salah deliberately, he has committed disobedience, and it is obligatory for him to perform it as soon as possible, but if one does not perform it inadvertently, he must perform it when he remembers it immediately, and he is not required to repeat the salah.

Miscellany

Case: If one recites the three Salam’s of the *tasleem* [given on page 166] in other than the tasleem stage, it is sufficient for him to perform the two prostrations of oversight (*sajdatay-as-sahw*) only once.

Case: If one repeats correctly what one had recited incorrectly, he is not required to perform the prostration of oversight for the incorrect recitation.

Q: If one recites the *basmalah* without identifying the surah, and then recites the *basmalah* anew with a particular surah [in mind], is one required to perform *sajdatay-as-sahw* – the two prostrations of *sahw*?

A: No it is not required.

Qada' of the forgotten sajdah or tashahhud

Case: When performing the qada' of the forgotten sajdah or the qada' of the forgotten tashahhud, all the validating criteria for the salah are required too, such as the body and garment being tahir, facing the Qiblah, and other such criteria.

Case: If one forgets one sajdah or the tashahhud and remembers that before the rukoo' of the following rak'ah he must return and perform the forgotten [acts] and continue the subsequent acts of the salah. Then, after the salah, one should perform the sujood-of-oversight for the out-of-place standing up, as a precaution.

Case: If one remembers in the rukoo', or after it, that he had forgotten a sajdah or the tashahhud of the previous rak'ah, it is mandatory that, after the Salam of the salah, s/he performs the *qada'* of the forgotten sajdah, or the forgotten tashahhud, then after that, s/he should perform the two prostrations of oversight (*sajdatay-as-sahw*). [The procedure for performing the forgotten sajdah or tashahhud is as follows: After the Salam of the salah, one must intend the *niyyah* (in one's heart, and must not utter it verbally) and perform the forgotten sajdah or recite the forgotten tashahhud.]

Sequence in Qada'

Case: If one forgets one sajdah and tashahhud, one should, as per obligatory precaution, begin with performing the qada' of that which one forgot first. If one does not remember which he forgot first, he should, as a precaution, perform a sajdah first, then tashahhud, and then perform another sajdah after the tashahhud; or perform tashahhud first, then a sajdah and then another tashahhud in order to be certain to have achieved the sequence in performing the qada' of the forgotten sajdah and tashahhud.

Repeating the Salah after the qada'

Case: If one does something after the Salam of the salah and before performing the qada' of the forgotten sajdah or the forgotten tashahhud, the deliberate or inadvertent act of which renders the [normal] salah batil, such as turning one's back to the Qiblah, he must, as a precaution, repeat the salah after performing the qada' of the forgotten sajdah or the forgotten tashahhud – if the forgotten sajdah or the forgotten tashahhud were of other than the last rak'ah. However, if they were of the last rak'ah, he must repeat the original salah.

Inattentiveness in the two-prostrations of oversight

Case: If one does something, after the Salam of the salah and before performing the qada' of the forgotten sajdah or the forgotten tashahhud of the previous rak'ah, the act of which during the [normal] salah necessitates the performance of *sajdatay-as-sahw*, such as inadvertent talking, one must perform the qada' of the forgotten sajdah or the forgotten tashahhud, and he does not have to perform additional *sajdatay-as-sahw* further to the *sajdatay-as-sahw* that he must perform after the qada' of the forgotten sajdah or tashahhud.

Other sojood too

Case: If one is required to perform the qada' of a forgotten sajdah or a forgotten tashahhud, if he is also required to perform the *sojood as-sahw* for some other reason, he must, after the salah, perform the qada' of the sajdah or the tashahhud first, and then perform the *sojood as-sahw*.

Doubt about performing qada' of sajdah and tashahhud

Case: If one doubts as to whether he has performed, after the salah, the qada' of the forgotten sajdah and tashahhud or not, if the salah time has not run out, it is mandatory to repeat the qada' of the sajdah or tashahhud, and if the salah time has run out, it is recommended to perform the qada' of the forgotten [sajdah or tashahhud].

Chapter Three: The Nafilah Salah

Case: The mostahab salah, known as the nafilah (pl. nawafil) are many, but from amongst them the ones emphasised upon are the nawafil of the daily prayers, and with the exception of Friday, they are 34 rak‘ah for every day of the week as follows:

Duhr nafilah is eight raka‘at and is performed before the Duhr salah.

‘Asr nafilah is eight raka‘at and is performed before the ‘Asr salah.

Maghrib nafilah is four raka‘at and is performed after the Maghrib salah.

‘Esha’ nafilah is two raka‘at and is performed in the sitting position after the ‘Esha’ salah,

The Layl (Night) nafilah is eleven raka‘at and is performed between midnight and Fajr.

Sobh nafilah is two raka‘at and is performed before the Sobh salah.

Since the ‘Esha’ nafilah is performed in the sitting position, it is counted as one rak‘ah.

And as for Friday, in addition to the Duhr and ‘Asr nawafil of sixteen raka‘at, there are also four more raka‘at.

All of these daily nawafil are performed in two-rak‘ah format, just like the Sobh salah.

Salat-al-Layl (Night Prayer)

Case: There is particular emphasis on the Night Prayer in the narrations reported from the *ma‘soom* imams, peace be upon them.

The Night prayer is eleven rak‘ah, eight rak‘ah are the Night prayers, two are *al-shaf‘* prayer, and one rak‘ah is *al-witr* prayer. Every two rak‘ah is performed with one Salam with the exception of the *witr* which is one rak‘ah, with one Salam. The time of the night prayer is between midnight and the break of Fajr. [Midnight is midpoint between sunset and the Fajr – and not sunrise.]

It is recommended that in each of the two rak‘ah of the first prayer the surah of al-Tawheed is recited thirty times [after al-Hamd], and in the rest of the two rak‘ah prayers, the long surahs are recited such as the Cattle, the Cave, the Prophets, if there is enough time. It is recommended to recite the long surah in the first rak‘ah and a short in the second [in the latter three prayers]. Otherwise one may even read al-Tawheed in all¹.

It is recommended to recite [the surahs of] al-Falaq, al-Nas, and al-Tawheed in the *al-shaf‘* and *al-witr*².

In the Quonoot of *al-witr* prayer one prays for forty believers, saying *Allahumma ighfir le* ‘so & so’, and instead of ‘so & so’ the name of the individual should be mentioned, [and if one wishes to pray for a minor, the minor] should not be counted as amongst the forty³. [After that] it is recommended in the Quonoot to say *istighfar* seventy times, better still to say it one hundred times. While saying the *istighfar* one may keep one’s left hand raised and keep count with the right hand. This *istighfar* is recommended to be as follows:

Astaghfirullah min jamee‘a dulmi wa jurmi wa israfi fi amri wa atoobo ilayh.

However, it is sufficient to say *Astaghfirullah wa atoobo ilayh.*

It is recommended to say seven times *hadha Maqam al-‘a’edhu bika min al-nar.*

It is recommended to say three hundred times *al-‘Afw*, and if one wanted to say them conjointly then it should be pronounced *al-‘Afw al-‘Afw* .

..

¹ i.e. one may read al-Tawheed [once after al-Hamd] in all [eight rak‘ah of the night prayer].

² In *al-shaf‘* prayer it is recommended to recite al-Nas [after al-Hamd] in the first rak‘ah, and al-Falaq in the second. In the *al-witr* prayer, which is one rak‘ah, it is recommended to recite [after al-Hamd] al-Tawheed three times and then al-Nas and al-Falaq, and then Qunut.

³ The minors should be prayed for on top of the forty adult individuals.

Virtues and merits of the Night Prayer

Almighty Allah revealed to Moses, “Rise up in the darkness of the night, and make your grave a garden of the gardens of Paradise”.

Amir al-Mo'mineen said, “The rising of the night gives health to the body”.

Imam Sadiq said, “the prayer of the night beautifies the face, beautifies manners, freshens up the breath, increases sustenance, pays the debt, repels sorrows, and strengthens the sight”.³

Imam Sadiq also said, “he says lies who claims he performs the night prayers and he goes hungry, for the prayer of night guarantees the sustenance of the day”.

Ghufaylah Salah

Case: One of the mostahab salah is the Ghufaylah salah, which is performed between the Maghrib salah and the ‘Esha’ salah, and is of two rak‘ah as follows:

In the first rak‘ah, after al-Hamd, one should recite the following verses:

<p><i>wa dhan-nooni idh dhahaba mughādiban, fadanna al-lān naqdira ‘alayh, fanādā fid-dulumāti al-la ilaha illa anta subānaka inni kuntu mina-<u>ad</u>-dālimīn. fastajabnā lahu wa najjaynāhu min-al- ghamm, wa kadhālika</i></p>	<p>And the Man of the Whale, when he left in a rage, thinking that we would not put him to discomfort. Then he cried out in the darkness, “There is no god except You. You are immaculate. I have indeed been among the wrongdoers. So We answered his prayer and delivered him from the agony; and thus do We deliver the faithful. 21:87-88</p>	<p>و ذَالنَّوْنِ إِذْ ذَهَبَ مُغَاظِبًا فَطَنَّ أَنْ لَنْ نَقْدِرَ عَلَيْهِ فَنَادَى فِي الظُّلُمَاتِ أَنْ لَا إِلَهَ إِلَّا أَنْتَ سُبْحَانَكَ إِنِّي كُنْتُ مِنَ الظَّالِمِينَ فَاسْتَجَبْنَا لَهُ وَنَجَّيْنَاهُ مِنَ الْعَمِّ وَكَذَلِكَ نُنَجِّي الْمُؤْمِنِينَ</p>
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In the second rak‘ah, after al-Hamd, one should recite the verse [6:59]:

*Wa ‘Indahu Mafātihul-
Ghaybi Lā Ya ‘lamuhā Illā
Huw*

*Wa Ya ‘lamu Mā Fīl-Bar-ri
wal-Bahr,
wa mā Tasqutu Min*

With Him are the
treasures of the
Unseen; no one knows
them except Him. He
knows whatever there
is in land and sea. No

وَ عِنْدَهُ مَفَاتِحُ الْغَيْبِ
لَا يَعْلَمُهَا إِلَّا هُوَ
يَعْلَمُ مَا فِي الْبَرِّ وَ
الْبَحْرِ
وَ مَا تَسْقُطُ مِنْ وَرَقَةٍ
إِلَّا يَعْلَمُهَا

Waraqatin Illā Ya ‘lamuhā,

leaf falls without His
knowing it, nor is

*WaLāHabbatin Fi
Dulumātil-Ard,*

*Wa Lā Ratbin Wa Lā
Yābisin, Illā Fi Kitābin
Mubin.*

there a grain in the
darkness of the
ground, nor anything
fresh or withered but it
is in a manifest Book.

وَ لَا حَبَّةٌ فِي ظُلُمَاتِ
الْأَرْضِ
وَ لَا رَطْبٌ وَ لَا يَابِسٌ
إِلَّا فِي كِتَابٍ مُبِينٍ

One should then say in the Quonoot:

*Allahumma inni as ‘aloka
bi-mafatih al- ghayb al-lati la
ya ‘lamuha illa ant, an tusalli ‘ala
Muhammad*

*an tusalli ‘ala Muhammad
wa alihi, wa an taf‘ala*

[mention your request].

You would then say:

*Allahumma anta
waliyyu ni ‘mati, wal-*

qadiro ‘ala talibati

ta ‘lamo hajati, fa

*as ‘aloka bi-haqqi Muhammad
wa alihi, alayhi wa alayhim*

O Allah I ask you by the
treasurers of the Unseen,
which no one knows
other than you, to send
your eternal blessings and
mercy upon Muhammad
and [mention your
request].

You should then say: O
Allah you are the patron
of my blessings and you
are able to give my
request – you know my
need – so I ask you by
the sake of Muhammad
and his progeny – peace
be upon him and upon
them

اللَّهُمَّ إِنِّي أَسْأَلُكَ
بِمَفَاتِحِ الْغَيْبِ الَّتِي
لَا يَعْلَمُهَا إِلَّا أَنْتَ
أَنْ تُصَلِّيَ عَلَيَّ مُحَمَّدٍ
وَ آلِ مُحَمَّدٍ
اللَّهُمَّ أَنْتَ وَلِيُّ نِعْمَتِي
وَ الْقَادِرُ عَلَيَّ طَلِبَتِي
تَعْلَمُ حَاجَتِي
فَأَسْأَلُكَ بِحَقِّ مُحَمَّدٍ
وَ آلِ مُحَمَّدٍ
لَمَّا قَضَيْتَهَا لِي

Salah

*al- salam, lamma qadaytaha
lee.*

– to fulfil it for me.

ACTS OF WORSHIP

Case: It is permissible to perform the nawafil in the sitting position, but it is recommended to count every two raka'at in the sitting position as one rak'ah. So if one wanted to perform the Duhr nafilah, which is eight raka'at, he should perform sixteen in the sitting position, and if one wanted to perform the Witr salah, which is the last of the Layl salah and is one rak'ah in the standing position, he should perform two raka'at in the sitting position.

Chapter Four: The Qada' or missed Salah

The Qada' or missed Salah

The obligation of performing the missed salah as qada'

Case: If one does not perform the salah in their prescribed time, it is mandatory for one to perform them as qada'. This is applicable even if one was asleep during the entire prescribed period of the salah. Or if one missed the salah due to drunkenness or due to being unconscious, either of which had been brought about by his own will/action. However, a woman does not have to perform the qada' of the salah she leaves out during hayd (the monthly menstruation period) or after nifas (childbirth). Also if one learns, after a salah's prescribed time, that one's salah has been void, it is mandatory for one to perform the qada' of that salah.

Order of the qada' salah

Case: In the case of [a number of] missed daily salah, their order have to be observed, such as the missed Duhr and 'Asr salah's of one day, or the missed Maghrib and 'Esha' salah's of one night. It is obligatory that their qada' are performed in the required order. In other than such cases, the order is to be observed as per mostahab precaution.

Case: The person who is required to perform the qada' of the salah he missed, is permitted to perform the optional (mostahab) salah.

Case: If one knows that he has missed a four-rak'ah salah but does not know whether it was a Duhr or 'Asr salah, it would be sufficient for him to perform a four-rak'ah salah with the intention of the qada' (in lieu) of what he has missed.

Setting forth or back qada' salah

Case: If one has missed one or more salah in previous days, it is not mandatory for one to perform them first before engaging with current salah. However, if one has missed one or more salah of his current day, if it is possible, he should perform the day's qada' ones first before engaging with the day's current salah, as per mostahab precaution.

Performing the qada' with congregation

Case: It is permissible to perform the qada' salah with congregation, regardless of whether the imam's salah is ada' (current) or qada' (in lieu of missed) one, and it is not necessary for the ma'moom salah to be the same as that of the imam; in that there is no objection if the ma'moom performs the Sobh salah with the congregation while the imam performs the 'Asr salah.

Non-permissibility of performing qada' on behalf of the living

Case: It is not permissible for one to perform the qada' salah on behalf of a living individual, even if the individual concerned is unable to perform the qada' salah himself.

The eldest son must perform the qada' or hire one to do so

Case: It is mandatory for the eldest son to perform his parents' qada' salah and fast, if they had not missed them in disobedience [i.e. deliberately] and it was possible for them to perform the qada' themselves. Performing the presents' qada' becomes obligatory after their death.

On the other hand one may hire someone to perform those qada' on their behalf. As for the fasting that they had missed due to travelling, even if it was not possible for them to perform the qada', as per obligatory precaution the eldest son must perform the fasting or he must hire someone to do so.

Doubt about missed duties

Case: If the eldest son is uncertain as to whether or not his parents had missed any of their salah or fast, he is not under any obligations to perform any qada'.

Hired to perform qada' in Will

Case: If a dying person makes a will that someone should be hired to perform his qada' salah and fast, and if the hired person performs them correctly, it is not mandatory for the eldest son to perform their qada'.

Duty of eldest son in qada

Case: If the eldest son wishes to perform the qada' of his deceased mother, he must act according to his own duty when performing them, e.g. to recite audibly in the qada' of the salah's of Sobh, Maghrib, and 'Esha'.

Hiring for qada' salah

Case: It is permissible for one to hire someone to perform the qada' of missed duties of a deceased, and if one volunteers to perform the qada' of the missed duties of a deceased free of charge, that would be valid.

Volunteering

Case: It is permissible for one to volunteer to perform mostahab acts such as visiting (Ziyarah) the shrine of the Prophet Muhammad, Allah's peace and blessing be upon him and his pure family, and the shrines of the ma'soom Imams, peace be upon them, on behalf of the living or the dead. It is also permissible for one to volunteer to perform mostahab acts and offer their rewards to the deceased or the living.

Identify at niyyah

Case: At the time of the niyyah it is mandatory for the hired person to identify the individual on whose behalf he is performing the acts, and it is not necessary for him to know his name, for it is sufficient to intend as follows: I perform the salah on behalf of whoever I am hired for.

Gender of the hired person

Case: It is permissible to hire a woman to perform the qada' of a male deceased. Similarly it is permissible to hire a man for a female deceased. In either case each one should act according to his/her own duty with respect to reciting audibly or inaudibly.

To be trustworthy

Case: It is mandatory to hire someone who can be trusted to perform the acts of worship correctly.

Queries on missed prayers

Q: If a mosalli used to recite al-Hamd and the surah [in the salah] incorrectly for a period of time, and then he realises this and corrects his recitation in the salah, what is the ruling concerning his past salah? Is it necessary to perform the qada' [of the past salah] given that this was going on for a number of years?

A: It is not required to repeat the salah, although doing so would be preferable as a precaution.

Q: A *mokallaf* at the outset of his adolescence did not use to care much about his daily obligatory salah, and years after his adolescence and his religious obligation, he began to adhere to his obligations. In this case is he required to perform the qada' of what he had missed, and how does he do it when he does not know exactly how many he has missed?

A: He should perform the qada', and work them out according to his best estimate.

Q: On my way to visiting the shrine of Imam Husayn, peace be upon him, one of my friends asked me to perform two rak'ah prayers by the tomb of the imam, peace be upon him, but I forgot to do so, and I remembered it only after I came back. Does that remain a responsibility of mine or should I perform it elsewhere?

A: No, it does not.

Q: After the father passes away, it is mandatory for the eldest son to perform his qada' salah, if the son is aware of them, but what if he does not know the number of the missed salah?

A: He should perform those he is certain of, although it is preferable to perform the qada' of what he thinks or assumes to have been missed.

Q: If one is required to perform the qada' of some salah, is it permissible to perform mostahab salah, or qada' salah for the deceased?

A: Yes.

Q: If a woman goes to sleep, and then when she wakes up after sunrise she finds herself to be in a state of hayd, and she does not know if the hayd began before Fajr or after Fajr – when the morning prayer is due - by a period of time that would have been enough to perform the salah if she was awake.

A: She is not bound to perform Fajr salah for that day after the end of her hayd period and after having performed the ghusl, though as a precaution it is recommended that she does.

Q: If one has a number of missed-salah to perform but does not know how many they are, nor which are first ones. Is he allowed to act upon hadith reported from Ahl al-Bayt, peace be upon them, that if one performs the salah, and he was liable to missed-salah, the Almighty would not hold him accountable for those?

A: He should perform the qada' of those he is sure of. As for those hadith, it may be in reference to those missed salah that one is not aware of.

Q: If one deems his acts of worship during his early adolescence may have been void, for example he thinks it probable that his wodu' may have been void, or that he is not sure that he used to perform the janabah ghusl correctly. Is he required to perform the qada' of his acts of worship of that period, such as salah and fast, or could he base his assumption that they were correct?

A: One should assume they were correct.

Q: What is the ruling concerning the elderly men and women who do not perform their salah correctly / perfectly from various viewpoints, which is due to old age and feeble mental power? Is it mandatory to perform the qada' salah on their behalf after their death?

A: It is not mandatory to perform qada' salah, but it is mostahab.

Q: If one dies while he has obligation to qada' salah for some five years, and his friends have divided those qada' salah between themselves such that each one performs the qada' salah for one month or more. Is the

order of performing those salah mandatory? In other words, can anyone of them start at any time he wants, or is it mandatory that one begins and ends the qada' salah for one month before another person begins his turn?

A: It is not required to follow any order.

Some New developments

Q: If one pledges a vow that if he misses a salah, he would give ten dollars to the poor, and he misses a Sobh salah, but he gets on an aircraft and reaches a place where the sun has not risen, and he performs the salah, is he still required to give the dollars?

A: He does not have to give the dollars.

Q: If the sun sets in the horizon where one is present, and then one boards an aircraft that takes off vertically until he can see the sun and he performs the salah as ada' in the craft. Is it permissible for such an individual to delay his salah until sunset and then perform it in such an aircraft?

A: It is permissible provided that he is confident he can do so, though it is imperative he should observe precaution [i.e. by performing the salah on time].

Chapter Five: The Congregational Prayer

Case: It is mostahab to perform the obligatory salah, especially the daily ones in congregation (Jama'ah), and this is especially emphasised for the Sobh, Maghrib, and 'Esha'; and in particular for the neighbours of the mosque, and those who hear the mosque's adhan.

Case: There is no objection for the imam or the ma'moom to repeat what salah they have performed individually, in congregation (Jama'ah).

Rewards of congregational prayers

Case: If only one person follows the leader of Jama'ah salah, every rak'ah of their salah carries the reward (thawab) of one hundred and fifty salah, and if two people follow, every rak'ah of their salah carries the reward (thawab) of six hundred salah, and as their number increase, their reward increases too, until if their number exceeds ten, then if all the skies were sheets, and the seas ink, and the trees pens, and the jinn, man, and the angels were writers, they would not be able to write the reward of one rak'ah of their salah.

Rulings of congregational prayers

No Jama'ah in mostahab Salah

Case: It is not permissible to perform a mostahab salah or the nawafil in Jama'ah or congregation, with the exception of the istisqa' salah (praying for rain), and the obligatory salah that has become mostahab for a particular reason, such as the salah of 'Eid al-Fitr and 'Eid al-Adha that are mandatory in the presence of the ma'soom Imam, peace be upon him, but mostahab because of his absence, may Allah hasten his honourable reappearance.

Following the Jama'ah Imam in qada' salah for others

Case: If the Jama'ah imam is performing his daily salah it is permissible to follow him in that, and perform a salah of the daily prayers behind him. However, if he is performing a qada' salah for himself on grounds

of *ihdiyat* (precautionary measure), or if he is doing so for others, then following him is not permissible, as an obligatory precaution, even if he does not receive a wage for performing the qada' salah for others – except if he is performing a specific qada' salah, [i.e. a qada' salah that is not on precautionary grounds (*ihdiyat*)].

Case: If the Jama'ah imam is performing his daily salah it is permissible to follow him in that, and perform a salah of the daily prayers behind him. However, if he is repeating his daily obligatory salah for himself on grounds of *ihdiyat* (precautionary measure), then following him is not permissible, as an obligatory precaution.

Overflowing

Case: If the rows of the Jama'ah salah reached the entrance of the mosques, the salah of those who stand behind the [last] row in front of the entrance is valid, and so too the salah of those who stand behind it [the entrance], as well as the salah of those who stand on either side of the entrance without seeing the front row.

Place of the Jama'ah imam

Case: It is necessary that the place where the prayer leader (Jama'ah imam) stands is not higher than that of the follower (ma'moom) by more than a 'span of the hand', which is about 20cm. There is no objection if the follower stands higher than the leader.

Discerning child

Case: If a child of discerning age stands between those [adults] who stand in one row, and if they do not know his salah to be batil [for one reason or another], it is permissible for them to follow [the imam with the child as one of the adjoining individuals in the row].

Sequence of rows and Takbirat-al-Ehram

Case: After the imam performs Takbirat-al-Ehram, if the people in the first row were about to perform Takbirat-al-Ehram, it is permissible for those in the second row to perform Takbirat-al-Ehram without waiting

for the person in front to finish Takbirat-al-Ehram. The same applies to other rows.

Imam does not meet criteria

Case: If the follower (ma'moom) learns after the salah that the imam is not *'adil* (righteous), or that the imam is kafir, or that the imam's salah was invalid for whatever reason, such as him not having wudu', the salah of the follower is valid.

Follower goes solo

Case: If the follower decides to leave the Jama'ah [to perform the salah solo] – with or without a reason – after the reciting of al-Hamd and the surah, it is not required for him to recite al-Hamd and surah, but if he decides to leave before the completion of al-Hamd and surah, he is required to recite the rest of al-Hamd and surah that has not been recited by the imam.

Case: If the follower decides to leave the Jama'ah during the Jama'ah salah, it is not permissible for him to return to the Jama'ah again. However if one is not sure whether or not he intended to leave and then decided to complete his salah with the congregation, his salah is valid.

Joining the Jama'ah while imam is in rukoo'

Case: If one joins the congregation while the imam is in the state of rukoo', and catches up with the rukoo' of the Imam, [i.e. bows for rukoo' while the imam is in the state of rukoo'], his salah is valid – even if the imam has finished the dhikr of the rukoo' – and that counts as one rak'ah for him. However, if one bows down to the level of the rukoo', but does not catch up with the rukoo' of the imam, he must repeat his salah as a precaution – if he did not know that he would catch up with the rukoo' of the imam – but if he was sure that he would catch up with the rukoo' of the imam, his salah is valid – although, as a mostahab precaution, [the salah] should be repeated.

Relative position of imam and ma'moom

Case: The ma'moom (follower) must not stand ahead of the imam [at any point], and there is no objection if they are aligned, however, if the follower is taller than the imam, then as per mostahab precaution he should stand such that if he performs rukoo⁴ or sujood, he will not be ahead of the imam.

Screen between imam and ma'moom

Case: There should be no opaque screen or barrier between the imam and the ma'moom, or between one follower and another, through whom a follower connects to the imam. However, if the imam is male and the follower is female, then there is no objection to a screen between the female ma'moom and the imam, or between the female follower and the male follower through whom she connects to the imam.

Joining in the second rak'ah

Case: If one joins the Jama'ah salah in the second rak'ah, one does not have to recite al-Hamd and surah, but he should perform the Quonoot and the tashahhud with the imam, as a precaution however, he should squat – during the recitation of the tashahhud [by the imam] – on the fingers of his hands and the forefront of his feet and he should lift his knees from the ground. After tashahhud he must stand up with the imam, and recite al-Hamd and the surah, but could leave out the surah if there is not enough time to recite it, in order to keep up with the imam. However, he should decide to go solo if there is not enough time to recite al-Hamd.¹

Case: If one lags the imam by one rak'ah [because he joined the congregation late], it is mostahab – when the imam performs the tashahhud of the last rak'ah – to squat as described earlier, and wait until the imam performs the salam and finishes the salah, before he stands up [to continue with his salah].

¹ i.e. if there is not enough time to finish reciting al-Hamd before the imam goes for rukoo⁴.

Joining in the second rak'ah of a four-rak'ah salah

Case: If one joins the Jama'ah salah in the second rak'ah of a four-rak'ah salah, he must, after performing the two sajdah's of his second rak'ah, which is the imam's third rak'ah, sit and perform the tashahhud as required, and it is permissible for him to perform the mostahab acts of the tashahhud too, and then rise up to perform the third rak'ah, and if there is not enough time to perform the four-tasbeehat three times, he should recite them once to keep up with the imam and join him in rukoo'.

Inability to catch up with imam in recitation

Case: If the imam is performing the third or the fourth rak'ah, and the ma'moom knows that there would not be enough time for him to recite al-Hamd and the surah if he joins the Jama'ah salah, as per obligatory precaution he should wait until the imam goes to rukoo' and then join the salah and perform the rukoo'.

Necessity of recitation in third and fourth rak'ah

Case: If one follows the imam [for the Jama'ah salah] in the third or the fourth rak'ah, he must recite al-Hamd and the surah if there is enough time to do so, and if there is not enough time to recite the surah, then he must recite al-Hamd and join the imam in rukoo'.

Not knowing in which rak'ah is the imam

Case: If the imam is in the standing position and the ma'moom (follower) does not know in which rak'ah is the imam, it is permissible for the ma'moom to follow the imam, but he must recite al-Hamd and the surah with the intention of Qurbah (seeking nearness to, and abiding by the command of Allah) and if he learns at a later stage that the imam was in the first or second rak'ah, his salah is valid.

The ma'moom not reciting where he should

Case: If one does not recite al-Hamd and the surah believing the imam to be in the first or second rak'ah and then after the rukoo' it becomes clear to him that the imam was in the third or fourth rak'ah, his salah is valid.

Criteria of Jama‘ah Imam

Case: It is mandatory for the Jama‘ah imam to be:

- Adolescent,
- Sane,
- Shi’a (or follower) of the twelve Imams,
- *‘Adil*,¹
- Of legitimate birth,
- Performs the salah in the correct way,

It is also mandatory for the imam [or leader of the congregational prayer] to be male if the ma’moom is male, but there is no objection to the imam to be a woman if [all the] ma’moom (followers) are women, or for the imam to be a distinguishing child if the follower is (are) a distinguishing child(ren).

Sitting or lying-down imam

Case: The person who is able to perform the salah in the standing position, it is not permissible for him to follow an imam who performs his salah in the sitting position, and the person who is able to perform the salah in sitting position, it is not permissible for him to follow one who performs his salah in the lying position.

‘Excused’ imam

Case: It is permissible to follow an imam who performs his salah in a najis garment, or with tayammum, or with Jabirah wodu’, if his wearing of the najis garment, or resorting to tayammum or Jabirah wodu’ is justifiable.

¹ An *‘adil* individual is one who adheres to and acts upon the obligatory duties and refrains from the prohibited acts, such that if his neighbours, or his colleagues were asked about him, they would report of his good nature, commitment, righteousness and piety.

Rulings of Jama'ah

Identifying the imam at the time of niyyah

Case: It is mandatory for the ma'moom to identify the imam when declaring the niyyah, but it is not mandatory to know the name of the imam. Thus if one says, "I follow the current imam", his salah is valid.

Performing various parts of the salah

Case: It is mandatory for the ma'moom to perform all the parts of the salah himself, with the exception of the recitation of al-Hamd and the surah. However, if one's first or second rak'ah coincided with the imam's third or fourth, then it is mandatory for the ma'moom to recite al-Hamd and the surah too.

Performing Takbirat-el-Ehram

Case: It is mandatory for the ma'moom not to perform Takbirat-el-Ehram before the imam, rather he must not, as per mostahab precaution, do so before the imam finishing the Takbirat-el-Ehram.

Tasleem prior to Imam's

Case: It is not mandatory for the ma'moom to lag behind the imam in performing the salam, and if one deliberately performs the salam before the imam, his salah is valid and he does not have to repeat the salam a second time with the imam's salam. However, if one performs the salam before the imam his thawab (reward) will be less.

Dhikrs before Imam

Case: There is no objection if the ma'moom recites the other dhikrs of the salah (other than Takbirat al-Ehram and the salam) before the imam reciting them. However, if one can hear them [being recited by the imam] or knows when the imam will say them, as per mostahab precaution he should not say them before the imam.

Rukoo‘ and sujud before or long after imam

Case: With the exception of the dhikrs, it is mandatory for the ma‘moom to perform [acts such as] the rukoo‘ and sujud with the imam or after him by a short time. If one deliberately performs them before the imam, or after him by a long time, his salah is valid, with the probability of committing disobedience through the unusual long delay or proceeding ahead of the imam.

Leaving rukoo‘ before imam

Case: If the ma‘moom inadvertently raises his head from rukoo‘ before the imam, if the imam is still in the state of rukoo‘, it is mandatory for him to return to the rukoo‘ and then rise and stand up with the imam, and his salah is not rendered void by an addition in rukn in this case. However, if one returns to the rukoo‘ but before reaching rukoo‘, the imam raises his head from the state of rukoo‘, his salah would be valid, though, as an optional precaution, he should repeat his salah.

Leaving sujud before imam

Case: If the ma‘moom raises his head from sujud inadvertently and notices that the imam is still in the sujud state, he must return to the sujud immediately, even if such a mistake occurs in both sajdah’s.

Going to rukoo‘ before imam

Case: If one inadvertently goes to rukoo‘ before the imam and it is such that if he returns back to standing upright he will not catch much of the imam’s recitation, if he waits until the imam goes to rukoo‘, his salah is valid. His salah will also be valid if he raises his head from the rukoo‘ with the intention of following the imam and then goes to rukoo‘ with the imam.

Imam’s oversight in Quonoot and Tashahhud

Case: If the imam inadvertently performs Quonoot in a rak‘ah in which there is no Quonoot, or performs tashahhud in a rak‘ah in which there is no tashahhud, it is not valid for the ma‘moom to follow him in that. However, it is not permissible for him to go to rukoo‘ before the imam,

nor to stand up before the imam, but rather he must wait until the imam finishes from that inadvertent Quonoot or tashahhud, and then finish with him the rest of the salah.

Being considerate of the weakest ma'moom

Case: It is mostahab (desirable) for the imam to be considerate of the weakest of the followers, and thus he should not prolong his rukoo', Quonoot, or sujud, unless he sure of the wishes of all the followers regarding such acts.

Mostahab acts of the Jama'ah salah

Case: It is mostahab for the ma'moom, if he is one male, to stand on the right hand side of the imam, and if one female, also to stand on the right hand side of the imam such that the place of her prostration is inline with the position of the knees or feet of the imam. If the ma'moom were a male and a female, or a male and several females, it is mostahab for the male to stand on the right side of the imam and the rest behind the imam, and if they were several men and women it is mostahab for them to stand behind the imam, with the men behind the imam and, as per mostahab precaution, the women behind the men.

Case: If the imam and the ma'moom were both female, it is preferred for them to stand in line and the imam should not stand ahead of the ma'moom.

Case: It is mostahab for the imam to stand in the mid-point of the row, and that scholars and pious individuals stand in the first row.

Case: It is mostahab for the rows to be in orderly form with no disorder or gap in them.

Case: It is mostahab for the followers to rise up after the imam recites [the phrase in the Iqamah] Qad Qamat al-Salah.

Case: It is mostahab for the imam if he learns while he is in rukoo' of the presence of a person wishing to join the salah and follow him, to prolong the rukoo' by twice as long, and to rise after that, even if he learns of the presence of another person wishing to join.

Makrooh acts of Jama‘ah salah

Case: It is makrooh for a ma‘moom to stand alone in a row, if there are empty spaces in other rows.

Case: It is makrooh for the ma‘moom to utter the adhkar such that the imam can hear them.

Case: It is makrooh for the ‘traveller’, who has to shorten his four-rak‘ah salah – such as the Duhr, ‘Asr, and ‘Esha’ – to follow, in these salah, an imam who is not ‘traveller’. It is also makrooh for a non-‘traveller’ to follow, for these salah, an imam who is ‘traveller’.

Queries on congregational prayers

Reputation

Q: Is good reputation sufficient for the establishment of the righteousness (*‘adalah*) of the Jama‘ah imam? i.e. is it sufficient for him to be known to be of sound conduct and adherence to the teachings of Islam (on the halal and haram) to be considered as righteous (*‘adil*)?

A: Yes.

Doubt about imam’s piety

Q: If the follower doubts the righteousness (*‘adalah*) of the imam or the correctness of his recitation, is it permissible to follow him?

A: In the case of doubting the righteousness (*‘adalah*) [of the imam] the Jama‘ah [salah] is not valid, and in the case of doubt about the correct recitation of the imam, the Jama‘ah [salah] is valid.

Doubts about congregation imam

Q: Is it permissible for me to perform Jama‘ah salah behind anyone who is trustworthy and meets all the criteria of the imam regardless of [which marje‘] he follows, and even if the marje‘ was a scholar about whom some doubts and questions are raised?

A: It is permissible to perform the salah behind anyone who meets the criteria for the congregation imam as mentioned in the criteria of the Jama'ah imam, stated previously [page 205].

Confirmation of imam's piety during travel

Q: Righteousness ('*adalah*') is a criterion that must exist in the imam [of the Jama'ah salah], and during travel it often occurs that we enter a mosque to pray and find a Jama'ah salah being performed. Is it mandatory for us to confirm the righteousness of the imam of the congregation before joining him [in prayer], or is the presence of the populous and his outfit is sufficient to assume his righteousness?

A: Righteousness ('*adalah*') is the observance of and discharging the obligatory duties and refraining from prohibited deeds. It is a nurtured inward quality [turned aptitude or *malakah* as it is known in Islamic terminology] that prevents the individual from committing sin and disobedience. It is recognised through good practice, which is revealed through one's own knowledge or assumption, and it is confirmed by the testimony of two righteousness individuals and through the widespread common knowledge.

Error in niyyah

Q: If one thought the Jama'ah imam is performing the Friday salah and [so he joined the salah] with that intention but it turns out that it was the Duhr salah, is it possible to correct his salah, on the grounds that he erred in the 'implementation' since his intention was to perform the duty in progress.

A: If it was of the type 'error in implementation' his salah as Duhr is correct.

A: Given the scenario in the question, his salah as Duhr is correct.

Q: If one follows the imam in salah but then after the salah it turns out that the salah of the imam was nafilah, is it obligatory for the follower to repeat the salah?

A: It is not obligatory to repeat unless if one contravenes the duty of the solo (*monfarid*) mosalli such as an addition in rukoo‘.

Error in pronunciation

Q: If the follower hears the imam reciting some of the words incorrectly, what is his duty?

A: He should recite those words correctly.

Doubt about imam’s recitation

Q: I once prayed the Maghrib with a Jama‘ah, but I doubted whether the imam’s recitation was correct or not. What is the ruling in this respect?

A: You should assume it to be correct.

Doubt about illegibility of pronunciation of letter R

Q: I pray behind an imam who, when reciting the surah of al-Qadr, the R at the end of each ayah is not clear [in his pronunciation], or it is not possible to hear it, and sometimes we doubt whether or not it is clear – all of this is because of the difficulty the imam has in pronouncing the letter r – what is our duty in this respect?

A: In the case of doubt about its validity, his act as carried out is correct.

Duty of the ma’moom in correct recitation

Q: If the ma’moom recognised that the imam does not pronounce some of the letters correctly, what is his duty?

A: He should recite the word [of those letters correctly].

Reminding the imam

Q: Is it mandatory for the ma’moom to remind the imam if he forgets an ayah, or to correct an ayah if the imam recites it incorrectly, and is it required for the ma’moom to perform the two *sajdatay-sahw*?

A: The ma’moom has the option of either reminding the imam, or reciting the forgotten or incorrect part himself, and he is not required to perform the *sojood-as-sahw*.

Forada salah vs. Jama‘ah

Q: What is the ruling of a forada salah in a mosque while at the same time a Jama‘ah salah is going on? This is when the individual who performs the forada salah is a prominent person in the village, and this could lead to doubt about the righteousness of the imam in the eyes of some of the faithful.

A: If this undermines the reputation of the imam it would not be permissible.

Praying solo in the presence of congregation prayer

Q: If congregational prayer is being performed in the mosque when I enter the mosque, is it permissible for me to perform my salah solo (*forada*), knowing that in doing so that could constitute insult to the imam?

A: Insult is haram.

Conversion of salah to forada

Q: If the salah of the front row is completed, and they join the imam for another salah [immediately] without a break, would the salah of the row behind be void?

A: The salah of the row behind changes into forada and it would be correct.

Switching to solo salah

Q: After the imam recited al-Hamd and began reciting a long surah, after reciting a few verses of the surah if one wants to revert to solo (*forada*) salah, is it sufficient to recite a short surah, or is it mandatory for one to finish the same surah that the imam recited?

A: He could recite a short surah and that would be sufficient.

Unintended detachment from the Jama‘ah

Q: If one did not know that one of the criteria of a valid Jama‘ah is that one must be joined to the imam or to those joined to the imam, and he

performed salah for a long period in such a state, is his salah deemed invalid, since he did not perform the recitation [of al-Hamd and the surah] relying instead on the recitation of the imam believing that his salah is Jama'ah while in fact it was—inadvertently—solo (*forada*).

A: His salah is valid.

Leaving the imam

Q: If one joins the imam in the last rak'ah but then leaves the imam [i.e. the Jama'ah salah] before the end of the dhikr of the second sajdah, does this constitute [having performed] a Jama'ah salah?

A: Yes it does.

Following a Ma'moom after reverting to solo salah

Q: Is it permissible for one who wishes to perform Jama'ah salah, after it has finished, to join a ma'moom who is completing what remains of his salah solo (*forada*)? For example is it permissible to join the ma'moom in the second or the third rak'ah.

A: Yes it is permissible.

Joining in rukoo'

Q: If the imam is in the second rak'ah, and the mosalli wishes to join him, obviously if this newly joined follower knows that he cannot recite al-Hamd [in time] he should wait until the imam goes to rukoo', and then he [follower] should perform Takbirat-al-Ehram. The question is: if the ma'moom performs Takbirat-al-Ehram while the imam had not yet gone to rukoo', but then he goes to rukoo' and the ma'moom goes to rukoo' without reciting al-Hamd, what is the ruling if the ma'moom: was ignorant of the ruling? And what is the ruling if he was negligent of the ruling even though he knew of it?

A: His salah is valid in both cases.

Too late to join

Q: What is the ruling of the ma'moom if he says the takbir to join in, while the imam is in rukoo', but the imam stands upright from rukoo',

before the ma'moom has the chance to join [in the rukoo'], and what is the duty of the ma'moom in this case?

A: The takbir is valid, and if he wishes he may opt for solo or *forada* salah, and if he wishes he may wait – in his standing up position – until the imam begins his following rak'ah, when he could count it as his first rak'ah – unless the imam takes too long [to stand up right again for the following rak'ah] such that the individual is no longer considered as 'following' [the imam] in which case he should change his niyyah for this salah to pray solo or *forada*.

Two non-Shi'a in the middle

Q: Is it permissible for two non-Shi'a side by side to be in the row of Jama'ah salah, and if they are together, is it mandatory to part between them so that it does not constitute a gap?

A: It is permissible, and it is not mandatory to part between them.

Salah with non-Shi'a

Q: If one is in presence of non-Shi'a where they pray Jama'ah, is it permissible for him to pray with them, even though it is possible for him to leave the place and pray somewhere else.

A: If one prays with them, his salah would not be accepted given the scenario.

Q: Is it permissible to perform salah behind a non-Shi'a imam? If it is permissible what are the conditions? And if not why not?

A: One of the conditions of the Jama'ah imam is righteousness, and righteousness is not accomplished except through following and adhering to the Haqq (Truth)¹, and the salah behind a non-righteous imam is batil. However, if one felt compelled, it is permissible to perform the salah behind him, but it is mandatory for him to repeat the salah afterwards.

¹ The Truth, or the true guidance, as taught by the Prophet and his pure Ahl al-Bayt; and anything other than the guidance of Ahl al-Bayt is false or batil.

Taking the Jama‘ah salah lightly

Q: It is stated that: it is not permissible not to attend the Jama‘ah salah, on grounds of not caring about it, and it is not permissible to miss it out for no reason. Does this point to the obligatory requirement of attending the Jama‘ah salah for one who is able to attend, and the prohibition of non-attending it for no reason? Or does it only point to it being highly recommended and mostahab, and the severe undesirability of non-attending it for no reason?

A: The Jama‘ah salah is mostahab, unless non-attendance constitutes taking it lightly.

The Imam is moqallid of another Marje‘

Q: Is the salah of your moqallid valid if he performs it behind an imam who is a moqallid of a marje‘ who considers the Friday Ghusl to be sufficient replacement for wodu’?

A: If one knows for certain that he does not perform wodu’ [beside the Friday ghusl], the salah is not valid [behind him], but if this is only one’s perception [that he does not] then there is no objection [to perform salah behind him].

Loud voice during congregation prayers

Q: There is one who raises his voice loudly in his prayers and during congregational prayers. What is the ruling of his coming to the mosque when he disturbs others, and that the imam and the followers have advised him against this?

A: If this constitutes violation and nuisance to the imam and the congregation, then it is not permissible.

The recitation of the follower after the imam goes to rukoo‘

Q: If a ma’moom performs Takbirat-al-Ehram while the imam is heading for rukoo‘ in the third or fourth rak‘ah, is the obligation of recitation waived for the ma’moom in this case?

A: Yes.

Performing Takbirat-al-Ehram before the front rows

Q: Is the salah valid if one who is in the first row performs Takbirat-al-Ehram before the one who is [immediately] behind the imam or close to him? Similarly, is the salah valid if someone in the back rows performs Takbirat-al-Ehram before those who are in the first row?

A: The salah is valid in both scenarios if the one who is closest to the imam was ready to perform Takbirat-al-Ehram.

Jama‘ah imam’s wage

Q: Is it permissible for the imam to be paid for the congregation salah?

A: It is preferred not to.

Chapter Six: Salah of Traveller

As far as the obligation of the daily prayers and fasting, the definition of a traveller, or a travelling person, is the one who intends to stay somewhere other than his hometown for less than ten days.

Case: It is mandatory for the travelling person to shorten his four-rak‘ah salah – which are the Duhr, ‘Asr, and ‘Esha’ – by performing them in two rak‘ah and leaving out their last two raka‘at.¹ This can be done if the following eight criteria are met:

١. That the designate distance to be travelled
٢. That one’s intention is to travel the designate distance
٣. That one does not retract from that intention
٤. That one does not cross the district of one’s residence
٥. That the journey is not for a prohibited purpose
٦. That one is not a nomad
٧. That one’s job does not involve frequent travelling
٨. To reach/leave the city’s limits.

Criteria of traveller salah

١. That the designate distance to be travelled

The first criterion: The distance to be travelled by the individual should not be less than the designate distance of a total of eight parasangs (also known as farsang and farsakh) – including the return journey – and each parasang is approximately 5.5 kilometres.

¹ It is permissible for the traveller to perform one’s salah in full in the Grand Mosques of the holy cities of Mecca, Medina, Kufah, and in the shrine of Imam Husayn, peace be upon him. For details see page 226.

The starting point

Case: If the town has a surrounding wall then that constitutes the starting point [of the journey], and if not, the distance travelled is calculated from the last houses of the town/city.

Doubt about the distance travelled

Case: If the distance travelled is less than eight farsangs, or if the traveller does not know whether or not his journey covers eight farsangs, he should not shorten his salah. However if he doubts whether or not he has reached eight farsangs, it is mandatory for him, as a precaution, to investigate the matter. If two righteous individuals confirm the distance being eight farsangs, or if it is commonly accepted that the distance is such and one is convinced of this, one should shorten his salah.

Case: It would be sufficient if one righteous individual informs him that the distance is eight farsangs. It would then be mandatory for one to shorten his salah and not fast on that day, and he must perform qada' fasting in lieu of this day.

Two routes to the same point

Case: If there were two routes to the same destination, one of which is less than eight farsangs and the other is eight farsangs or more, if one travels to that destination via the route of eight farsangs or more, then one should shorten his salah, and if one travels via the less-than-eight farsangs route, one should perform his salah complete.

۷. That one's intention to travel designate distance

The second criterion: One should have the intention of covering the distance of eight farsangs [or more] at the outset of his journey. Thus if one goes to a place which is less than eight farsangs away, and then from there he decides to go to another place such that the two distances combined would be eight farsangs or more, since he did not intend to travel this distance from the beginning of his journey, it is mandatory for him to complete his salah, and not shorten it.

Case: One who intends to travel a distance of eight farsangs, [when leaving the town/city] must shorten his salah if he reaches a point – known as *hadd al-tarakhus* – where the walls of the city are no longer visible, and the adhan cannot be heard. [*hadd al-tarakhus* means the “limit or boundary of a town/city” (where one must perform the salah as qasr or shortened)].

۳. That one does not retract from the intention

The third criterion: That during his journey, one should not retract from his intention of travelling the designated distance, for if one changes his mind, or become hesitant [about continuing the journey] before covering a distance of four farsangs, he would be required to complete his salah.

۴. That one does not cross the district of one’s residence

The fourth criterion: That in the course of his journey one does not intend to pass through his hometown before covering the eight farsangs, or does not intend to stay in a place for ten days or more. For if one intends to pass through his hometown before covering the eight-farsang distance, or if one intends to stay in a place for ten days or more, one must perform his salah in full.

۵. That the journey is not for a prohibited purpose

The fifth criterion: That the journey is not for a prohibited purpose.

Case: Travelling is not prohibited if it is for leisure, and one must shorten his prayers.

Prohibition of the travel itself

Case: That one does not travel for the purpose of a prohibited act or disobedience. If one travels for a prohibited act such as stealing, it is mandatory for one to perform his salah in full. Also one should complete his salah if the travelling itself is prohibited, such as the travelling of a wife without the permission of her husband, or the travelling of the son/daughter despite the objection of the father or mother causing their annoyance. This is in the case of their journey not

being obligatory, but in the case of an obligatory journey such as the obligatory hajj, they both must shorten their prayers.

a haram journey obligates the complete salah

Case: Travelling is prohibited if it constitutes harm/hurt/annoyance to the parents, if abandoning the journey does not constitute harm to the son/daughter. In this scenario the traveller must complete one's salah, and fast [if applicable]. If one's journey is not prohibited or one does not [specifically] travel for a prohibited act, one should shorten one's salah, [if other criteria are all met] even if one commits a prohibited act in the course of the trip such as backbiting someone or drinking an intoxicant.

٦. That one is not a nomad

The sixth criterion: That one is not a nomad who constantly roams the land in search of pasture and water; who would stay by source of water for a while and then move on. In such case one should complete the salah.

Case: If a nomad travels in search of a place and a pasture for his animals and the distance covered is more than eight farsangs, he would still need to complete his salah even if his belongings are not with him.

Case: If a nomad travels for trade, hajj pilgrimage and suchlike he must shorten his salah.

٧. That one's job does not involve frequent travelling

The seventh criterion: That the nature of his job is not travelling, and so the tour guide, driver, sailor, and suchlike should complete his salah on other than his first trip [of his business], even if he travels to arrange the shipping of his goods.

Tour manager

Case: If the tour manager's job is to travel, he must perform his salah complete, and if his job does not involve travelling then he should shorten his salah [when he travels].

The driver and the travelling salesman

Case: The driver and the travelling salesman who visit various places some two to three farsangs away from their hometown if on an occasion [with a prior intention] travel a distance of more than eight farsangs they must shorten their salah, but if it is deemed that the nature of their job is travelling, then even if they travel eight farsangs or more they should complete their salah.

The wayfarer

Case: The wayfarer travelling to various countries who has not designated a hometown for himself must perform his salah complete.

Leisure travel vs. Business travel

Case: If one whose job involves travelling travels for other than his job, such as for hajj pilgrimage, he must shorten his salah [during his trip, if not staying ten days or more in town], but if he leases his vehicle – like if a driver hires his car – for pilgrimage and he goes with the pilgrims, he must complete his salah.

If instead of his travelling job intended to stay in a place

Case: If a person whose job involves travelling stays in other than his hometown for ten days, he should shorten [his salah] on his first trip after those ten [days] and provided he made the intention of staying in this place at the outset. However, if he did not have the intention to remain in that place [but did stay] for ten days, he must perform his salah complete on his first trip after the ten days.

^ . To reach city limits

The eight criterion: That one leaves his hometown [or the place where he intended to stay for ten or more days] and reaches *hadd al-tarakhus* [or the “city limit” where one must perform the salah in shortened form]. *hadd al-tarakhus* of a city is the location where the ‘wall’ of the city is not visible [any more] and the adhan cannot be heard, provided the sky is clear and there is no dust in the air that blurs the view or prevents the adhan from being heard. It is not necessary to be so distant

that one cannot see the domes and minarets [of the mosques of the city] and that one cannot see the walls at all, but it is sufficient that one cannot see the walls properly.

If one can hear the adhan but cannot see the walls and vice versa

Case: After leaving the city, if one arrives at a place where he can [still] hear the city's adhan but cannot see its walls, or can see its walls but cannot hear its adhan, and he wants to perform the salah there, he must perform it in full. [i.e. he has not yet reached *hadd al-tarakhus* of the city where he should shorten his salah.]

Case: The traveller who is en route to his hometown must perform his salah in full if he can see the walls of his hometown or can hear its adhan [if he wishes to perform the salah at that location]. The same is applicable to a traveller who intends to stay at a city for ten days if [on his approach to the city] he can see its walls or hear its adhan.

Case: If one's eyesight or hearing is unusually [sharp] or the sound of the adhan is unusually high, one should shorten his salah at a place where the average eyesight cannot see the city's walls or the average hearing cannot hear the average sound of adhan.

Hometown and place of residence

Case: The place that a person chooses as his abode is considered as his hometown regardless of whether or not he was born there, or whether it was his parents' or he chose it to be his hometown, and is [now] considered to be as such by others.

The place that one intends to remain for a long period of time such as four or five years is commonly considered as his hometown, so if he needs to travel and then come back to that place again, he must perform his salah in full.

Multiple hometowns

Case: If a person adopts two places as hometowns, for example if he lives in one town for six months and in another for another six months,

both are considered as his hometowns. Similarly, the same is applicable if he adopts more than two towns for his abode, all are considered as his hometowns.

Case: It is permissible for one to adopt a number of hometowns as required by his job, activities, etc. and it is sufficient to intend to abandon the designation of a hometown to any of them.

Case: If one arrives at a town he used to take as his abode and hometown in the past but has now abandoned it, he may not perform the salah in full,¹ even if he has not yet adopted another place as his hometown.

Case: One must perform his salah in full and fast if one works in a place that is distant from his home or place of residence by the designated distance (of 4 farsangs or 22km) and he travels every day to and from there. However, if he goes to the area of his work for other than his job, for example to visit a sick person in hospital during the weekend, or for leisure, etc. then he must shorten his salah and not fast – unless he stays there for ten days [or more].

Intention of stay

Case: The traveller who intends to stay in a place for ten consecutive days, or knows that he would be obliged to stay there for ten days must perform his salah in full in that place.

Intention of stay in two cities

Case: A traveller who intends to stay in a place for ten days is not allowed to perform his salah in full unless he remains there for the full ten days. Thus if one intends to stay in two towns for ten days he must shorten his salah if the two towns are not joined together. However, if the two towns are joined then they would carry the ruling of one town; like the cases today of Kufah with respect to Najaf, al-Hurr with respect to Karbala, al-Kadimiyyah with respect to Baghdad, or Sayyidah Zaynab with respect to Damascus.

¹ unless one makes the intention to stay there for at least ten days.

Retracting after intention of stay

Case: If a traveller decides to remain in a place for ten days but then retracts, or doubts as to whether or not he would stay before he performs a four-rak'ah salah, then he must shorten his salah [so long as he is there], but if this change of plan or uncertainty develops after he performs a four-rak'ah salah, then he must perform his salah in full so long as he remains there.

Retracting After noon

Case: If a traveller decides to remain in a place for ten days, and he fasts, but then in the afternoon abandons the idea of staying there, if he abandons the idea after having performed a four-rak'ah salah in that place, his fast is valid and he must perform his salah in full so long as he remains there. And if he abandons the idea before performing a four-rak'ah salah, his fast is correct for that day, and he must shorten his subsequent salah, and he is not allowed to fast on the subsequent days.

Intention of stay in one place while visiting another

Case: A traveller who decides to remain in a place for ten days, if at the time of making his intention of staying [for ten days], he also plans to go for an excursion of less-than the designate distance, and to return on the same day without staying overnight outside the place of his stay, [i.e. at the excursion destination], this would not affect his intention of staying [i.e. he may continue praying his salah in full]. However, if he plans to stay overnight outside his place of stay, [i.e. at the excursion destination], then his intention of stay is not valid [any more], and he must shorten his salah. This is the position if he had planned to go for an excursion to begin with. However, if he had no plan to go out for an excursion at the time when he made his intention of staying, and then it transpired that he is going for an excursion of less-than the designate distance after the intention of staying has been realised – by performing a four-rak'ah salah – it is permissible for him to go on the excursion of less-than the designate distance, and it would not affect his intention of stay even if he stays there for one day or more. On the other hand, if the

excursion destination is four or more farsangs away, then one must shorten his salah when he sets off to go there, while he remains there, and he is on his way back, as well as when he arrives back at the original place.¹

Intention to stay inline with others

Case: If one decides to remain in a place for ten days in the belief that his travel companions also wish to stay there for ten days, and after performing a four-rak'ah salah learns that they do not intend to remain there for ten days, he must continue to perform his salah in full as long as he remains there, even if he also abandons the idea of staying there.

Renewing the intention to stay

Case: If a traveller decides to remain in a place for nine days or less, and if after the expiry of nine days or less he extends his stay by another nine days or less [he should perform his salah as short]. He may continue to extend his stay in this way [because of uncertainty] until thirty days, he must perform his salah in full on day thirty one.

Thirty days of uncertainty in one place

Case: A traveller who is uncertain of his stay for thirty days must not perform his salah in full after the thirty days except if he has spent all these thirty days in one place. If he has spent the thirty days in various places, he should shorten his salah even after thirty days.

¹ This means if a person arrives at point A, makes the intention of staying for ten days and starts performing his salah in full. Then on day three, say, and without a prior plan before his arrival, he decides to go to point B which is located less than 22km away, stays there for two days and comes back again to point A to stay for the rest of the ten days; such a person may continue performing his salah in full throughout.

Miscellaneous issues on salah

Special Places

Case: It is permissible for a traveller to perform his salah in full in Masjid al-Haram [The Sacred Mosque (of Ka'bah), in the holy city of Mecca], Masjid al-Nabiy [The Prophet's Mosque, in the holy city of Medina] and Masjid al-Kufah, in the city of Kufah.

It is also permissible for a traveller to perform his salah in full in the vicinity of the holy shrine of Imam Husayn, peace be upon him, but as a mostahab precaution one should shorten his salah if one performs his salah in locations over twenty-five *dhira'* (1 *dhira'* is about 75cm) away from the sacred tomb.

Deliberate performance of short salah in full

Case: The traveller who knows he must shorten his salah, if he deliberately performs his salah in full, in other than the aforementioned four places, his salah is batil (void). The same is applicable if one forgets that a traveller's salah is qasr (short) and performs it in full, it is obligatory for him to repeat the salah if there is enough time left for that timeslot, or must perform it as qada' if he remembers after the expiry of the timeslot for the particular salah, as a precaution.

On account of forgetting

Case: If one knows he is travelling and must shorten his salah, but performs it inadvertently in full his salah is void.

One who does not know whether or not he is obliged to shorten his salah [during travel], if he performs his salah in full, his salah is valid.

Case: If he forgets that he is a traveller and performs his salah in full, if he remembers that within the salah's prescribed time, it would be mandatory for him to repeat the salah in short form. However, if he remembers that after the expiry of the salah's prescribed time, it is not mandatory for him to perform the qada' of the salah.

Remembers in the middle of salah

Case: If one begins a four-rak‘ah salah and during the course of the salah realises that he is a traveller, or that he has covered a distance of eight farsangs in his journey, if he has not reached the rukoo‘ of the third rak‘ah, it is mandatory for him to finish his salah in two rak‘ah¹. If one reaches the rukoo‘ of the third rak‘ah, his salah is void.

Arriving at hometown before performing qasr

Case: A traveller who has not performed the salah [of current period] and arrives at his hometown or at a place where he intends to remain for ten days must perform his salah in full. On the other hand if one is not a traveller and has not performed the salah at the outset of its prescribed time in his hometown, and travels, it is mandatory for him to shorten his salah during the journey.

Traveller’s qada’ salah

Case: The traveller who must shorten his salah, if he misses [any of] the Duhr, ‘Asr or ‘Esha’ salah, it is mandatory for him to perform their qada’ as qasr (short) even if he is back in his hometown. On the other hand if a non-travelling person missed one of these three salah, it is mandatory for him to perform its qada’ in full even if he wants to perform it while travelling.

Travelling student and residence

Q: A student resides in a place and attends his daily classes in another place that is distant from the place of his residence by the prescribed distance. What is the ruling concerning his salah and fasting?

A: He should perform his salah in full and fast.

¹ If one remembers this before the rukoo‘ of the third rak‘ah, then one should immediately sit in the tashahhud position and perform the salaam, and after the completion of the salaam, one should perform the sajdalay as-sahw.

Q: A person, who used to reside and study in a city for sometime, goes to that city to visit an ill person or accompany one for medical treatment. What is the ruling concerning his salah and fasting?

A: He should shorten his salah and not fast, unless he intends to stay there for ten days or more.

Weekly visit

Q: A lady is married and lives with her husband in his hometown, and every week she visits her parents in their hometown. The distance between the two hometowns is more than the designate distance. What is the ruling concerning her salah and fasting while she is in her parents' hometown?

A: If she has abandoned her parents' hometown as a hometown of her own, her salah there should be qasr (short).

Soldier's salah

Case: A soldier in barracks may perform salah in full under one of the following conditions:

١. To intend to stay for ten days or more,
٢. That the barracks become his normal place of residence, by deciding to remain there, say for one year, and that he remains there for a period not less than one month (continuously) such that he is not considered as a traveller.

A soldier does not differ from others as far as the application of the rulings of a traveller and its particulars are concerned.

Distant from place of residence

Q: When it was salah time I was distant from my place of residence and when I returned to my residence, there was still time to pray. Do I perform the salah qasr, since at the time of adhan I was away the prescribed distance, or do I perform it in full as I am still within the salah time?

A: You should perform the salah in full.

Q: If it was salah time when I travelled away from my place of residence without performing the salah there, and then I arrived at my destination. Do I perform my salah in full for I left my hometown after the adhan time, or do I shorten because I have travelled the prescribed distance?

A: You should shorten your salah, unless you intend to remain there [for ten days or more] in which case you must perform salah in full.

Salah and new developments

Case: Space travel has the same rulings as travelling to any part of the earth; in terms of residence that mandates performing salah in full, fasting, etc. It makes no difference if travelling is in the perpendicular, horizontal, upwards, downwards or diagonal direction.

Case: The orbital movement of the moon is not considered travel. Thus if man colonises the moon, his ruling will be that of a resident, given that the ruling of travel is not applicable to its movement. However, if there are very small heavenly bodies such that their movements are commonly considered as travelling, then the ruling of travel would apply to them. If man resides on them for a month, say, the ruling of the frequent traveller would apply, given their continuous movement.

Case: If one is riding in a submarine, or on a satellite or a space station that continuously travels, his case would be that of the frequent traveller. If the vehicle is stationary for a period and travelling for another, the rulings of travel and residence apply to him as well.

Case: The rulings of ‘hometown’, ‘travel’, ‘residence’, and ‘frequent traveller’, and suchlike with respect to salah and fasting are applicable to space and planet travellers, as well as sailors on the sea surface, submarine, or deep sea [travel] such as submarine station and suchlike.

Chapter Seven: The Friday and Eid's Salah

Ruling of the Friday Salah

Case: At the time of the presence of the ma'soom Imam, peace be upon him, it is mandatory for one to perform the Friday Salah of two rak'ah on Friday, instead of the Duhr salah. However, at the time of his absence – like this day and age – as a mostahab precaution, one who performs the Friday Salah, should also perform the Duhr salah.

Miscellany

Q: What is the ruling concerning audible recitation in the Duhr [salah] on Friday?

A: As a mostahab precaution it should be audible.

Q: [When performing] the Friday Salah, as a mostahab precaution one should perform the Duhr [salah] too. Should it be before the Friday Salah or after or either way is permissible?

A: Either way is permissible.

Q: Is attending the two khutbah of the Friday Salah like attending the salah itself?

A: Yes, and it is mandatory, as a precaution, for the followers [of the prayer leader] to listen to the khutbah and not to talk such that it would prevent them from listening.

Q: Does the Friday Salah require the permission of the religious authority /Marje'/Hakim al-Shar'ei?

A: No, it does not.

Q: If one does not attend the khutbah and performs the Friday Salah (i.e. the two rak'ah only), what is the ruling regarding this salah? Should he perform the Duhr salah as a precaution?

A: It is mostahab precaution to perform the Duhr salah.

Q: Is the Friday Salah obligatory, and replaces the Duhr salah, if it is performed with all its criteria?

A: One has the choice between the Duhr and the Friday Salah, and if the Friday Salah is performed according to its criteria, then the Duhr salah is not mandatory.

Ruling of the Eid Salah

Case: The salah of the two ‘Eids are mandatory during the presence of the Imam of Time, *may Allah hasten his noble reappearance*, and it must be performed in congregation (Jama‘ah). However, during the occultation of the Imam, peace be upon him, it is mostahab and may be performed individually or in congregation.

Case: The time of the two ‘Eid salah is from sunrise to midday on the day of ‘Eid.

Procedure for Eid Salah

Case: The ‘Eid salah consists of two rak‘ah, in the first rak‘ah after reciting al-Hamd and a surah, one performs Takbirat al-Ehram five times, and performs Quonoot after each takbirah, and after the fifth Quonoot performs a takbirah and heads for rukoo‘, followed by two sajdah. After that he should stand upright again to perform the second rak‘ah, in which he should perform Takbirat al-Ehram four times [after reciting al-Hamd and a surah]. Here also he should perform Quonoot after each takbirah and then perform the fifth takbirah and then rukoo‘ followed by two sajdah, and then tashahhud and salam.

The Eid Sermon

Q: Is the khutbah (sermon) of Salat al-‘Eid mandatory? Is it done in the same way as the two khutbah of the Friday salah?

A: If the mandatory criteria of Salat al-‘Eid are all met, then it is performed like the Friday prayers, with the exception that the two khutbah are performed after the salah, and they are part of the obligation. If those criteria are not met, then it is permissible to perform

it forada or Jama'ah, and it is permissible to forgo the two khutbah during the time of occultation even if the salah is performed in congregation.

Salat al-‘Eid for ‘Eid al-Ghadir

Q: Is it permissible to perform Salat-al-‘Eid on the occasion of the Holy ‘Eid al-Ghadir? If it is, how should it be performed? Is it performed in the same way Salah is performed for the ‘Eids of al-Fitr and al-Adha?

A: It is permissible to perform Salat-al-‘Eid on the momentous occasion of the Holy ‘Eid al-Ghadir, and it is observed in the same way as the Salah is performed for the ‘Eids of al-Fitr and al-Adha. The two sermons after Salat-al-‘Eid on this occasion are also observed in the same way as those for the two ‘Eids.

Chapter Eight: Salat al-Ayat

Occasions of its obligation

Case: It is mandatory to perform salat al-ayat for a number of events:

١. Sun eclipse, even if partial and no one fears it,
٢. Moon eclipse, even if partial and no one fears it,
٣. Earthquake, even if no one fears it,
٤. Thunder, lightening, thunderbolt, fierce black and red winds, and suchlike if most people fear them.

Multiple requirements

Case: If a number of events take place that necessitate the salat-al-ayat to be performed, then it is mandatory to perform one salat al-ayat for each one of those events. For example, if there was sun eclipse and earthquake too, then it is mandatory to perform salat al-ayat twice.

Mandatory for people of affected region only

Case: If events that require salat al-ayat occur in a region, then it is obligatory upon the people of that region only to perform salat al-ayat, and not those of other regions. However, if the other region is nearby such that it is considered as part of the region, then the people of the other region should also perform salat al-ayat.

Immediate requirement

Case: When earthquake, thunder, lightening, and suchlike occur, it is mandatory for one to perform salat al-ayat immediately, and if one does not, he commits disobedience, but its obligation remains upon the individual until one performs it, and it remains *ada'*, [a requirement to be performed], whenever it is performed.

After the expiry of the event

Case: If after the expiry of the event one learns that the solar or lunar eclipse was total, then it is mandatory for one to perform salat al-ayat as

qada'. However, if after the event one learns that the solar or lunar eclipse was partial, it would not be mandatory to perform the qada' of salat al-ayat.

Repeating the salah if void

Case: If one learns that the salat al-ayat that one has performed was void, it is mandatory to repeat it if it is within the prescribed time, or perform it as qada' if it is outside that time.

While in a state of hayd or nifas

Case: If an event such as solar or lunar eclipse or earthquake takes place and a woman is in a state of hayd (menstruation) or nifas, it is not mandatory upon her to perform salat al-ayat, nor it is required for her to perform its qada'. As a precaution it is mostahab that she performs it after she becomes tahir.

Procedure of Salat al-Ayat

Case: Salat al-ayat consists of two rak'ah, in each rak'ah there are five rukoo'. The procedure for performing it is as follows:

After the niyyah, one performs Takbirat al-Ehram, recites al-Hamd and an entire surah, and then goes to rukoo' [and reads the rukoo' dhikr], [and then stands upright to] recite al-Hamd and an entire surah, and then goes rukoo' [as before], and so on until five times. After standing upright from the fifth rukoo', one then goes to perform the two sajdah. After performing the two sajdah, one stands up again for the second rak'ah, and does the same as one did in the first rak'ah. After the rukoo' and sujud of the second rak'ah, one performs the tashahhud and salam.

Dividing the surah

Case: In salat al-ayat it is permissible, after the niyyah and reciting al-Hamd, for one to divide the surah one wishes to recite in five, and recite one part – which can be one ayah or more – and then goes to rukoo', then stands upright to recite the second part of the surah – without reciting al-Hamd – and then goes to rukoo', and continues in this way until reciting the fifth part of the surah before going for the fifth rukoo'.

For example, intending to recite surah al-Tawheed, he recites the surah's *Basmalah* of the surah, then goes to rukoo' [and reads the rukoo' dhikr], then stands upright to recite *qul howa-llahu ahadd*, then goes to rukoo', then stands upright to recite *allahus-samadd*, then goes to rukoo', and then stands upright to recite *lam yalidd wa lam yooladd*, then goes to rukoo', and then stands upright to recite *wa lam yakon lahu kofwan ahadd*, then goes to rukoo', and after standing upright he goes to perform the two sajdah and then stand up to perform the second rak'ah in the same way as he did in the first, and then after the two sajdah he performs the *tashahhud* and *salam*.

Combination of complete and divided surah

Case: There is no objection to reciting al-Hamd and the entire surah after the rukoo' for five times in the first rak'ah, but reciting al-Hamd once and dividing the surah into five parts in the second rak'ah, or vice versa.

Mostahab acts of Salat al-Ayat

Case: All that is mandatory (wajib) or desirable (mostahab) in the obligatory salah is equally mandatory and mostahab in salat al-ayat too. However, it is mostahab in salat al-ayat to say instead of adhan and iqamah, "al-salah" three times.

Case: It is mostahab to perform Quonoot before the second, fourth, sixth, eighth, and tenth rukoo', but if one performs one Quonoot before the tenth rukoo' it suffices.

Doubt in salah

Case: Every one of the rukoo's in salat al-ayat is a rukn, and thus salat al-ayat is rendered void if they are increased or reduced deliberately or inadvertently.

Case: If one doubts in salat al-ayat as to how many rak'ah he has performed, and one does not reach a conclusion, one's salah is void.

Salat al-Ayat and multiple moons planets

Case: If one is on a planet that has one moon or more, or one sun or more, it is mandatory to perform salat al-ayat for every sun or moon eclipse.

Case: If one is on a planet that has several moons, and that every day one or two of the moons are eclipsed, is it mandatory to perform salat al-ayat for every eclipse? It is not mandatory. However, as an obligatory precaution, one salat al-ayat should be performed a day.

Case: If one is in an area on earth where earthquake occurs once or more everyday, it is not mandatory to perform salat al-ayat for every quake, and as per precaution it should be performed once a day.

Case: If one is in the sea and a quake occurs at the seabed such that its effect is visible on the sea surface, and if the seabed is close to the surface such that it can be considered as earthquake, then as a precaution salat al-ayat should be performed. Similarly if one is airborne and an earthquake occurs, if the individual is close to the earth surface then as a precaution he must perform salat al-ayat. The criterion is that the matter is commonly considered or accepted as such in both the ruling and the subject matter.

Case: If the solar or lunar eclipses are minimal such that they cannot be noticed by the naked eye, but [only] can be observed by telescopes and suchlike, it is not mandatory to perform salat al-ayat.

On the hypothesis that one is higher than the surface of the moon or the sun, and the sun or moon is eclipsed, salat al-ayat is not mandatory for him, for it is applicable only to those who are within the horizons of the two.

Part Four

Fasting

ACTS OF WORSHIP

Chapter One: Fasting

Case: Fasting is to abstain from acts (*muftir*) that break the fast, from the time of the Fajr adhan to that of Maghrib, in accordance with the command of the Almighty Allah. Fasting may fall in one of four categories; namely the obligatory, forbidden, *makrooh*, and *mostahab*.

Fasting the holy month of Ramadan is obligatory for every sane Muslim individual who has reached the age of adolescence (*boloogh*).¹ Fasting is forbidden on the days of Eid al-Fitr and Eid al-Adha. It is makrooh on the day of ‘Ashura’, and it is mostahab on various occasions.

Those for whom fasting is not mandatory

Case: An individual who cannot fast, or if fasting is very difficult because of old age, then fasting is not obligatory for him/her, but it is mandatory for the individual concerned to give to the poor one *modd*² of food (wheat) for every day not fasted.³

Case: The thirstful, i.e. one who cannot bear being very thirsty, and it proves very difficult for him, fasting is not obligatory for him and it is mandatory for him to give to the poor one *modd* of food for every day not fasted. It is mandatory for him to perform the qada’ of the fasting he has missed if he were able to do so afterwards.

Case: The fasting of the month of Ramadan is not obligatory for a pregnant or a breastfeeding woman if doing so would constitute harm to pregnancy or breastfeeding. Furthermore, it is not mandatory for her to perform the qada’ [of the fasting] if her condition continued to the month of Ramadan of the following year. However it is mandatory for her to give *fidyah* to the poor of two *modd* of food for every day not fasted; one for not fasting and the other for not performing the qada’.

¹ The age of adolescence (*boloogh*) is the completion of nine lunar years for the female, and fifteen lunar years for the male.

² A *modd* is a weight measurement unit equivalent to 750 grams approximately.

³ See also Health & Medical Conditions and fasting, p272.

Establishing the Beginning of the Month

Case: The beginning of the lunar month is established through five means:

١. That one sights the crescent [of the new moon] himself
٢. That a group of credible and trustable individuals confirm the sighting, and similarly if the sighting of the crescent is confirmed by reliable source.¹
٣. That two righteous ('*adil*) men report that they sighted the crescent at night, however, if they differed in the description of the crescent then the beginning of the month will not be established.
٤. That thirty days pass from the first day of the month of Sha'ban, in which case the first day of Ramadan is established.
٥. That the Hakim al-Shar'ie (the marje') issues a decree on (the citing of) the crescent of the month.

Case: If the Hakim al-Shar'ie (the marje') issues a *hukm* (decree) on the establishment of the beginning of the month, it would be mandatory to act according to his decree even for those who are not in his *taqleed*, provided another Hakim al-Shar'ie (marje') does not decree the non-establishment of the beginning of the month. Also if one knows that the Hakim al-Shar'ie (marje') has made a mistake in his decree, he may not act according to the decree of that Hakim al-Shar'ie (marje').

Case: The beginning of the month is not established by the predictions of astronomers; however if one could be confident of their observations, then it would be mandatory to act according to their predictions. This is applicable to other than the months of Ramadan and Shawwal. In the case of these two months, it is mandatory that the beginnings of the months are established and proven by sighting; given the hadith, "fast with sighting (the new moon) and break the fast with sighting".

¹ For example if another marje', other than one's own marje', who is reliable declares that the crescent is established for him.

Case: The altitude of the crescent or its late setting does not indicate that the previous night was the first night of the month.

Case: If the crescent was confirmed in one country, this does not apply to the people of another country unless the two countries are close, or that one knows that their horizons are the same.

Case: It is mandatory to fast on the day that one does not know whether it is the last day of Ramadan or the first day of Shawwal, and if one learns before *maghrib* that it was the first of Shawwal it would be mandatory for him to break his fast.

The Niyyah (Intention)

Uttering the niyyah

Case: It is not mandatory to utter the niyyah, or even make a mental note like saying: “I shall fast tomorrow”, but it is sufficient to refrain from any act that nullifies the fast beginning from the adhan of Fajr to that of Maghrib seeking nearness to Almighty Allah. In order to ensure that he is fasting throughout this period, it is mandatory to refrain from the *muftirat* (those acts that break the fast) from shortly before the adhan of Fajr and break his fast shortly after the adhan of Maghrib.¹

Time of the niyyah

Case: It is permissible to declare the intention [of fasting] every night of the month of the Ramadan for the following day, and it is permissible to declare the intention [of fasting] on the eve of the first night of the month for the fasting of the entire month.

Case: The time of declaring the intention of fasting the month of Ramadan is from the beginning of the night until the morning adhan.

Case: If one sleeps before the morning adhan without declaring the intention of fasting, if he wakes up before noon and declares the intention of fasting his fast is valid, whether his fast is mandatory or

¹ The adhan of Maghrib is 15-20 minutes after sunset depending on the geographical location.

mustahab. However, if one wakes up in the afternoon, [without having previously made a niyyah], it would not be valid for the purpose of discharging one's obligation to declare the intention of a mandatory fast.¹

Case: If one fasts with the intention of the first day of the month of Ramadan and then learns that it is the second or third of the month of Ramadan, his fast is valid.

Case: If one declares the intention of fasting before the morning adhan and then sleeps and he does not wake up until after Maghrib, his fast is valid.

Case: If one does not know or forgets that it is the month of Ramadan, and then learns of this before noon, if he has not committed one of the *muftirat* (acts that break or nullify the fast), then it is mandatory for him to declare the intention and his fast would be valid. On the other hand, if one commits one of the *muftirat* or realises that it is the month of Ramadan after noon his fast is invalid. However, he must, by obligation, refrain from committing any other *muftirat* until Maghrib. He must perform the *qada'* for that day after the month of Ramadan.

Case: If one fasts a *qada'* or a mustahab fast and suchlike on the day which is doubted whether it is the last day of Sha'ban or the first day of Ramadan, and then in the course of the day he learns that that day is the first day of the month of Ramadan, it is mandatory for him to change his *niyyah* (intention) to that of the month of Ramadan.

Case: If one hesitates whether or not to nullify a time-specific mandatory fast – such as the fasting of the month of Ramadan – or if one makes the intention to nullify his fast, then his fast is null and void,

¹ As with all other acts of worship, niyyah or intention is pivotal, without which the action concerned would be void. Thus in the case of fasting, it is a requirement that one makes the niyyah at the beginning of the month of Ramadan, or before dawn on the night concerned. If one fails to do so and sleeps only to wake up in the after noon, he would not have fulfilled his duties. In this case he must refrain from eating and must perform the *qada'* for this day. The same applies to the case of mandatory fasting, for example fasting in lieu of *qada'* or vow (*nadhr*).

as a precaution. Such a fast is void even if one changes one's mind and goes back on one's intention, and does not commit any of the *muftirat*. However, if the hesitation is because of an event that one does not know whether or not that event nullifies the fast, then his fast is valid if he does not commit any of the *muftirat*, provided no hesitation in the *niyyah* (intention) of fasting took place.

Queries on *Niyyah* or Intention

Q: If one sleeps before the Fajr adhan without making the *niyyah* of fasting, and wakes up before noon and makes the *niyyah* is his fast valid?

A: The fast is valid for both the mostahab and the mandatory; equally for the “non-specific obligatory fast” and the “specific obligatory fast” such as that of the month of Ramadan.

Q: If one fasts with the intention of fasting the first day of the month of Ramadan, but later learns that it was the second or the third, is his fast valid?

A: His fast is valid.

Q: If the month of Ramadan is ascertained and established by one marje' or his *wakeel* (representative), but not by the marje' that I follow, do I make the *niyyah* to fast the month of Ramadan or do I wait until my marje' announces the onset of the month?

A: Every *moqallid* follows his marje' in that matter, unless one observes the crescent himself, or if two righteous (‘*adil*) individuals give testimony to the citing (one acts on the basis of citing or testimony).

Q: There are two ways for the *niyyah* [of fasting] of the month of Ramadan; the first is to intend to fast the entire month from the onset of the month, and the second is to make the intention every night to fast the next day, when the beginning of the month is established. I opted for the first way, but the following day I learnt that it was not the month of Ramadan yet. So what is the ruling for my fasting and what do I do with regards to my *niyyah*?

A: You are not obliged to do anything further.

Q: If one wakes up in the month of Ramadan after [the time of] Duhr prayer, and he does not commit any of the *muftirat*, does he complete his fast? Or should he refrain from any of the *muftirat* and give kaffarah?

A: If he had made the *niyyah* from the beginning of the month or if it was his intention to fast before he sleeps, then his fast is valid and he does not have to give kaffarah.

Fasting in regions of abnormal horizons

Q: We live in northern European counties where the day is very long during the summer, and for fasting purposes, it could be more than twenty hours. What is ruling for fasting in such locations?

A: If the fasting period, at any location, is more than seventeen-and-a-half hours, then the faithful has two options:

١. To fast according to the default times of the location, i.e. fast prior to the Fajr time of that location, and break the fast after the Maghrib time of that location.
٢. To begin one's fast by refraining from food and drink prior to the Fajr time of that location, and break the fast after the duration equal to the fasting period of cities which have normal daylight hours. For example, the fasting period of the holy city of Karbala in the summertime is about 17 hours, and in order to fast, the faithful in Stockholm, Oslo, or London, may count for 17 hours from their local Fajr time and then break their fast.

So if the local Fajr time is, say, 3:00, then they may break their fast at 20:00. It should be noted that this is only applicable when the local fasting period is more than seventeen-and-a-half hours. As soon as it is equal or less than seventeen-and-a-half hours, then one should revert to option #1 above, and fast as per normal.¹

¹ Similarly, if the days are abnormally short, say during the winter, then the faithful must fast according to the then fasting period of cities of average or normal daylight hours, for example the holy city of Karbala, and **not** suffice to

Chapter Two: Invalidators of Fast

The invalidators or *muftirat* of a Fast are ten:

١. Eating
٢. Drinking
٣. Sexual Intercourse
٤. Masturbation
٥. Ascribing lies to Almighty Allah, to the Prophet, peace be upon him and his pure family, and to his family, peace be upon them
٦. Letting thick dust reach one's throat
٧. Immersing one's head in water
٨. Remaining in the state of Janabah, Hayd, and Nifas until the Fajr Adhan
٩. Enema
١٠. Vomiting

1 – 2 eating and drinking

Case: If the fasting individual deliberately eats or drinks something his fast is nullified, regardless of whether that thing was a normal thing such as bread or water, or an abnormal thing such as soil/dust or liquid extract from a tree, and regardless of whether the intake amount was very small or very large. The fast is nullified even by re-entering a wet toothbrush into the mouth, after having removed it from the mouth, and swallowing the moisture [from it], unless the moisture of the brush is faded away in the mouth such that it cannot be said that external moisture is swallowed.

Case: If the fasting individual inadvertently eats or drinks something, his fast is not nullified.

Case: As a mostahab precaution, the fasting individual should avoid using nutritional [saline] injections, but there is no objection to medicinal or local anaesthetic injections.

the short days of their locations as the fasting period. This ruling applies when the fasting period is less than 6 hours.

Case: If the fasting individual deliberately swallows food remnants that had remained between the teeth, his fast is invalidated.

Case: Swallowing the saliva that accumulates in the mouth, even if it is due to imagining sour things, does not invalidate the fast.

Case: There is no objection to swallowing the mucous from head and chest that does not reach the space of the mouth, but if it reaches the space of the mouth, it is mandatory, as a precaution, not to swallow it.

Case: Chewing the food to feed the child or a bird, or tasting it and suchlike, which does not normally reach the throat (i.e. swallowed) does not invalidate the fast, even if it is accidentally swallowed. However, if one knows from the beginning that the food will be swallowed, his fast would be nullified if it is inadvertently swallowed, in which case it would be mandatory to perform the *qada'* for it as well as giving the kaffarah.

Case: The fasting individual may not break his fast on grounds of weakness, but if the weakness was so much that one could not normally bear it, then there is no objection to breaking the fast.

۳. Sexual Intercourse

Case: Sexual intercourse invalidates the fast, even if the penetration has not been more than the penis glans, and no ejaculation has taken place. However, if one doubts whether or not penetration up to the penis glans has taken place, the fast remains valid.

۴. Masturbation

Case: If a fasting individual commits masturbation, his fast is null and void.

Case: If semen is discharged from him – without his control – his fast would not be invalidated, but if he does something that causes semen to be discharged from him without his control, his fast would be invalidated.

Case: If a fasting person engages in courtship and foreplay with the intention of allowing semen to be discharged, as a precaution, his fast will be invalidated even if no semen is discharged from him.

Case: If a fasting person engages in courtship and foreplay without the intention of allowing semen to be discharged, if he was sure that no semen would be discharged from him, his fast is valid even if accidentally and unexpectedly semen is discharged. However, if he is not sure that semen would not be discharged, his fast would be invalidated if semen is discharged.

• **Ascribing lies to Allah, the Prophet and his family**

Case: If a fasting person deliberately ascribes a lie to Almighty Allah, or the prophets, or the pure imams peace be upon them, verbally, or in writing, or by implication, and suchlike his fast is invalidated, even if he immediately repents and goes back on his words and says 'I lied'. As an obligatory precaution, ascribing lies to Sayyidah Fatimah al-Zahra' peace be upon her also renders a fast void.

Case: If one quotes something as the word of Allah or the Prophet or the ma'soom imam with the belief that it is correct but then it becomes evident to him that its ascription to Allah or the Prophet or the Imam is not true, his fast is not invalidated.

¶ **Letting dense dust reach one's throat**

Case: Letting dense dust reach one's throat invalidates the fast, regardless of whether the dust is of something that is permissible to eat such as wheat flour or not permissible to eat like soil. As an obligatory precaution, one should not allow thin dust to reach the throat either.

Case: As an obligatory precaution, a fasting individual should not allow dense steam, the smoke of cigarettes, tobacco and suchlike to reach the throat.

Case: If one forgets one is fasting and does not prevent the dust from reaching his throat, or the dust and suchlike enters his throat involuntarily, his fast is not invalidated.

Case: The gas in the mouth-inhalers used by asthma sufferers does not invalidate the fast, as it is not considered to be thick dust.

٧. Immersing One's head in water

Case: If one deliberately immerses his entire head in water his fast is invalidated, even if the rest of his body is outside the water, but his fast would not be void if he immerses all of his body but some of his head remains outside water.

Case: If one doubts whether or not one immersed all of one's head in the water, his fast is valid.

Case: If one falls in water involuntarily and all of his head is immersed in water, or if one immerses his head in water having forgotten that he is fasting, his fast is not invalidated.

٨. In state of Janabah, Hayd, and Nifas until Fajr Adhan

Case: If a jonob – i.e. one who is in the state of janabah – deliberately does not perform the Ghushl wash, until the Fajr adhan, or if he has to perform tayammum but deliberately does not do so until the onset of Fajr his fast is invalidated, regardless of whether this is in the month of Ramadan or the qada' fasting. Furthermore, as an obligatory precaution, the fast will also be invalidated in the case of the "specific mandatory fast",¹ but not in the case of the "non-specific" mandatory fast,² nor in the case of the mostahab fast.

Case: A jonob who wants to observe an obligatory fast such as the fasting of the month of Ramadan, if he deliberately does not perform the ghushl until time is very short, it would be obligatory for him to perform the tayammum and fast, and as a mostahab precaution he should also fast a qada' for that day too.

Case: One who wilfully causes himself to ejaculate in the nights of Ramadan at a time that is too short to perform ghushl or tayammum his fast is invalidated and it is mandatory to perform the qada' for that as

¹ Such as time-specific mandatory fast like the fasting of the month of Ramadan, or a fast that has become obligatory on a specific day through a vow. ² One that is not tied to a specific day.

well as liability to kaffarah. However if he does so when there is time to perform tayammum, he must perform tayammum and fast, and as mostahab precaution he should perform the qada' for that day.

Case: If someone becomes jonob – during the night – in the month of Ramadan and he knows that if he sleeps he would not wake up until the Fajr, it is mandatory for him to perform the ghusl before he sleeps, and if he sleeps and does not wake up until the Fajr his fast is invalidated and he is obliged to perform the qada' and give the kaffarah.

Case: If a jonob sleeps during the night in the month of Ramadan, and then wakes up, it is permissible for him to sleep again before performing the ghusl if he is habitually used to waking up again, but if he is not habitually used to waking up again, it is permissible for him to sleep again if he anticipates waking up again before the Fajr adhan, although, as a precaution, he should not sleep before he performs the ghusl.

Case: Someone who becomes jonob – during the night – in the month of Ramadan and is certain or is habitually used to waking up before the Fajr adhan, if after waking up he had the intention to perform the ghusl and falls asleep with this intention until the break of Fajr, his fast is valid.

Case: If the jonob sleeps at night during the month of Ramadan, and then wakes up, and he is certain or is habitually used to waking up before the Fajr adhan if he sleeps a second time, and then he goes on to sleep a second time having made the decision to do the ghusl when he wakes up again, but if he does not wake up in time before Fajr, he is obliged to do the qada' of the fast of that day. But if he wakes from his sleep a second time and then sleeps for the third time and does not wake up in time for the Fajr, then he is obliged to do the qada' of the fast, as well as the kaffarah, as per mostahab precaution.

Case: If ejaculation takes place while asleep (ihtilam) during the day, the fasting person does not need to rush to perform the ghusl.

Case: If the fasting individual wakes up to find himself mohtalim – in the month of Ramadan after the Fajr adhan – his fast is valid even if he learns that ihtilam took place before the adhan.

Case: If a woman becomes tahir from hayd – the monthly menstruation period – or nifas – postpartum bleeding period – before the Fajr adhan but she deliberately does not perform the ghusl, or if she is obliged to perform tayammum and deliberately does not perform the tayammum, her fast is invalidated in the month of Ramadan. The same ruling applies, as per obligatory precaution, for the qada' fast of the month of Ramadan, and for every “specific” mandatory fast too.

Case: If a woman becomes tahir from the blood of hayd or nifas after the Fajr adhan, or if she notices the blood of hayd or nifas during the day, her fast becomes void even if it occurs just before Maghrib.

Case: If a woman forgets to perform the ghusl of hayd or nifas, and remembers it after a day or two, her fast [during those days] remains valid.

Case: A woman who is going through istihadah, her fast is valid if she performs the required ghusls mentioned in the rulings of istihadah.

Case: If one touches the body of a deceased, it is permissible to fast without having performed the ‘deceased’ ghusl, and if one touches the deceased while fasting, his fast is not invalidated.

٩. Enema

Case: The use of liquid enema invalidates the fast, even if it were as a matter of necessity and if required for treatment.

١٠. Vomiting

Case: If a fasting person deliberately vomits, even if one were obliged to do so due to an illness and suchlike, his fast would be void but he does not have to give a kaffarah. However, if one vomits inadvertently, his fast is in order.

Case: If one inadvertently swallows something and before it reaches his throat remembers he is fasting, if it is possible to throw it out he must do so and his fast will be valid.

Case: If one belches and something ascends up to his throat or his mouth, he must throw it out, but if he inadvertently swallows it his fast will be valid.

Chapter Three: Rulings of Muftirat

Case: If a fasting person commits one of the *muftirat* deliberately and willingly his fast will be void, but not if that occurs unwillingly. However, if a jonob person goes to sleep – as detailed in the previous cases – and does not perform the ghusl wash before the Fajr adhan his fast will be void.

Kaffarah for not Fasting

Case: Whoever is obliged to give kaffarah for not fasting one day of the holy month of Ramadan must:

- Free a slave, or
- Fast two consecutive months, as mentioned later, or
- Feed sixty paupers or give to each one of them one *modd* of wheat, barley, and suchlike [i.e. wheat or its bread, barley or its bread, or a *modd* of raisins or dates].

If one cannot fulfil any one of them, one has a choice between fasting eighteen consecutive days or feeding whatever number of paupers one can. If neither fasting nor feeding is possible for him, one must seek forgiveness [istighfar], even by saying once *astaghfiru-llah*. As an obligatory precaution one must give the kaffarah if he could afford it [later on].

Case: If one wishes to fast two consecutive months as a kaffarah for [breaking a day's] fast of the month of Ramadan, he must fast 31 days consecutively. However, there is no objection if he does not fast the rest continuously. Furthermore, if one faces a situation during the days that one must fast consecutively, such as hayd, nifas, or an urgent trip, one is not required to start fasting anew but should continue to fast the rest.

Case: If in the month of Ramadan a fasting man has sexual intercourse with his wife who is also fasting, and if he compels her to that, and she had not consented to that, it is obligatory for him to give the kaffarah on

behalf of himself and his wife. But if she had consented to that it will be obligatory for each one to give one's own kaffarah.

Case: If the fasting person has sexual intercourse several times during the day in the month of Ramadan, he must give one kaffarah; although, as a mostahab precaution, he should give one kaffarah for each time, if the intercourse was halal. If the intercourse was haram for him – such as intercourse with the wife during her hayd – he is obliged to give one kaffarah; though as an obligatory precaution he should give the combined kaffarah, [which is freeing a slave, fasting sixty days, and feeding sixty paupers,] and as a mostahab precaution he should give the combined kaffarah for each time.

Case: If a fasting person commits an act that invalidates the fast during the day in the month of Ramadan several times, other than sexual intercourse, it would be sufficient to give one kaffarah for all.

Case: If a person vows (makes a *nadhr*) to fast on a particular day and if he deliberately breaks his fast on that day, he must free a slave, or fast two consecutive months or feed sixty paupers.

Case: If someone who is performing the qada' fasting of the month of Ramadan, deliberately commits an act to invalidate his fast in the afternoon, it is obligatory for him to feed ten paupers giving each one *modd* of food, and if he was unable to do that, he must fast three days.

Case: It is not permissible to be careless or slow in giving the kaffarah, but it is not mandatory to give it in haste.

Breaking fast with a haram

Case: If one invalidates his fast with a haram act/thing – regardless whether that was inherently haram such as liquor or adultery, or it became haram for a reason such as a food item that is prohibited to eat due to its extreme harm to the individual or having sexual intercourse with the wife while going through her monthly menstruation period – as a precaution one should bear all the three forms of kaffarah, i.e. he must free a slave, fast two consecutive months, and feed sixty paupers / or give them each one *modd* of wheat or its bread, barley or its bread, or a

modd of raisin or dates. If one is unable to give all three forms of kaffarah together, one should give whatever one can.

Case: If one ascribes a lie to Allah or the Prophet or the Imams, peace be upon them, one is not liable to the combined kaffarah, [which is freeing a slave, fasting sixty days, and feeding sixty paupers,] even though one has invalidated his fast with a haram thing, (i.e. ascribing a lie to Allah or the prophet or the imam peace be upon them).

Cases that necessitate qada' but not kaffarah

Case: It is obligatory to perform the qada' of a fast but not give kaffarah in a number of cases:

١. If the fasting person deliberately makes himself vomit during the day in the month of Ramadan, or deliberately immerses his head [and body] in water, or uses enema.
٢. If he becomes *jonob* during the night in the month of Ramadan, and he does not wake up from his second sleep until the Fajr adhan.
٣. If he does not commit a *muftir* that invalidates the fast, but he does not make the intention to fast, nor does he make the intention not to fast, or intend to commit an act which invalidates the fast.
٤. If one forgets to perform the janabah ghusl in the month of Ramadan and he fasts in a state of *jonob* one day or many days.
٥. It is obligatory for one to perform the qada' of fast if one commits a *muftir* [that breaks the fast]
 - a. without ascertaining the time of the Sobh in the month of Ramadan and afterwards learns that the Sobh has indeed set in,
 - b. after ascertaining the time of the Sobh and believing the onset of the Sobh, he learns that the Sobh has indeed set in,
 - c. after ascertaining the time of the Sobh and doubting the onset of the Sobh learns that the Sobh had indeed set in.

٦. If an individual informs one that the Sobh has not set in and he commits a *muftir* on the basis of the word of the individual and afterwards learns that Sobh had indeed set in.
٧. If an individual informs one that Sobh has set in but he does not trust the word of the individual, or he thinks that the person is joking with him, and so he commits a muftir, but afterwards he learns that Sobh had indeed set in.
٨. If a blind person breaks his fast on the basis of the statement of a person, and then he learns that Maghrib had not set in.
٩. If one was certain of the onset of Maghrib in clear weather and on grounds of the darkness and breaks his fast but then learns that it was not Maghrib. However, if one was certain of the onset of Maghrib in cloudy condition he is not required to perform the qada'.
١٠. If one rinses his mouth with water, to cool down, or for no reason, and some water inadvertently is swallowed.

Case: If one forgets that one is fasting and swallows some water, or if when rinsing one's mouth prior to wodu' some water is swallowed unintentionally and without one's control, qada' is not required.

Case: If one puts something other than water in his mouth and it is swallowed unintentionally and without his control, or if one inhales water through his nose and water gets into his throat without his control, he is not required to offer qada'.

Cases that necessitate qada' and kaffarah

Case: If one becomes jonob during the night and wakes up, as detailed in the case of remaining in the state of janabah, and then falls asleep again and does not wake up until the Fajr adhan, only qada' is obligatory upon him. But if one deliberately commits another act that invalidates the fast, and if one knows that that act invalidates his fast, he is obliged to offer the qada' and the kaffarah.

Case: If one ascribes a lie to Allah or the Prophet or the Imams, peace be upon them, even though one has invalidated his fast with a haram thing, one would not be liable to the combined kaffarah, but to a single kaffarah, as an obligatory precaution. One would still be obliged to observe the qada' fast for that day too.

Case: Someone who is able to identify the time of Maghrib but breaks his fast relying on the word of a person who is not reliable informing him that Maghrib has set in, but afterwards he learns that it was not Maghrib [when he broke his fast]. He is obliged to perform the qada' as well as give the kaffarah.

Queries on Fasting's Kaffarah

Q: What is the ruling concerning someone who deliberately breaks his fast in the month of Ramadan, and what is the ruling if one cannot give the kaffarah?

A: If one deliberately breaks his fast with something that is haram, such as if one breaks his fast with wine – God forbid – then one is obliged to offer the qada' and, as a precaution, one should give the combined kaffarah, which is freeing a slave, fasting sixty days, and feeding sixty paupers. If the breaking of fast was with something halal, such as if one drinks water, then he is obliged to offer the qada' and one of the three kaffarah's. If one is not able to give the kaffarah, then one should choose between fasting eighteen days or feeding whatever number of paupers one can, and if one cannot do that either then one should seek forgiveness from Allah even if [by saying it] once, and offer the qada' of that day. This is applicable to the one who – at the time of breaking the fast – was aware of the ruling or a moqassir (negligently) ignorant. But if one was ignorant and unaware of the ruling, then no kaffarah is applicable to him and one is obliged to offer the qada' alone.

Q: If a fasting person deliberately breaks his fast one day in the month of Ramadan – with a halal item or act – and wished to offer the kaffarah for it, and so he fasted forty days before the following month of Ramadan, and finished the remaining twenty days after it. Is he obliged to give another kaffarah?

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A: He is not obliged to give another kaffarah.

Q: What is the ruling for one who cannot give the three kinds of the kaffarah (compensation) for the month of Ramadan?

A: If he cannot do so he should fast 18 days or give what [food] he can.

Q: In my adolescence days I deliberately broke my fast one day in the month of Ramadan and I was ignorant of the ruling. Do I have any obligation?

A: You are obliged to offer the qada' and seek forgiveness (istighfar).

Chapter Four: Zakat-al-Fitrah

Zakat-al-Fitrah

Case: It is mandatory upon everyone who, by the sunset of the eve of the ‘Eid-al-Fitr, is adolescent, sane, conscious, not poor, and not enslaved to anyone, to give to the poor, on his behalf and on behalf of every one of his dependants, one sa‘ – which is approximately about three kilograms – of wheat, barley, dates, raisins, rice, corn, and suchlike. If one gives the cash price of one of these it would be sufficient.

Case: Those who do not have enough to meet their own expenses and those of their family and dependants throughout the year, and do not have a business which enables them to meet those expenses throughout the year are considered paupers and are not obliged to give Zakat-al-Fitrah.

Dependants’ Fitrah

Case: It is mandatory to give the Fitrah on behalf of whoever is considered to be one’s dependants by the sunset of the eve of the ‘Eid-al-Fitr; regardless of whether they are young or old, Muslim or non-Muslim, their livelihood being one’s responsibility or not, and living in the country of the giver or not.

After-Sunset Dependants

Case: If a child is born after sunset on the eve of the ‘Eid-al-Fitr, or if one becomes one’s dependant after sunset, it is not mandatory to give Zakat-al-Fitrah on their behalf; even though it is mostahab to give Zakat-al-Fitrah on behalf of every one who becomes his dependant after sunset on the eve of the ‘Eid-al-Fitr, until before noon on the day of ‘Eid-al-Fitr.

Guest's Zakat-al-Fitrah

Case: Zakat-al-Fitrah is mandatory upon the host of a guest who arrives before sunset of the eve of the 'Eid-al-Fitr, with the consent of the host, and is his guest at the time of the citing of the crescent. However, it is not mandatory upon the host if the guest arrives after sunset on the eve of 'Eid-al-Fitr, even if the host had invited him before sunset and he had his iftar at the host's house.

Pauper's Zakat-al-Fitrah

Case: It is mostahab for the pauper who owns one sa' or more of wheat and suchlike only to give Zakat-al-Fitrah.

If he is a man of [many] dependants and wanted to give Zakat-al-Fitrah on behalf of all, it is mostahab to give that one sa' to a member of his family, and then that person gives it to another member of the family with the same intention – i.e. with the intention of giving Zakat-al-Fitrah on his behalf – and so forth they give Zakat-al-Fitrah round until each has given it on their behalf and they give it to a person outside the family. If a member of the family is a minor, then the guardian should take it on his behalf and, as a mostahab precaution, he should not give what he takes on behalf of the minor to anyone.

On behalf of someone else

Case: A person whose Zakat-al-Fitrah is obligatory upon someone else, and the latter does not give the Zakat-al-Fitrah, it would not be obligatory upon this individual to give Zakat-al-Fitrah on his own behalf.

A person whose Zakat-al-Fitrah is obligatory upon someone else, but this individual gives Zakat-al-Fitrah on his own behalf, the individual upon whom Zakat-al-Fitrah is obligatory to give will no longer be obliged to do so.

Q: If a person who is not obliged to give Zakat-al-Fitrah pays it voluntarily, such as a son who gives it on behalf of his father, or a friend who pays it on behalf of a friend. Does this discharge his obligation?

A: Yes it does.

If one dies after sunset

Case: If one dies after sunset on the eve of ‘Eid-al-Fitr, it is mandatory to give Zakat-al-Fitrah on his behalf and on behalf of his dependants from his inheritance, but if one dies before sunset, it would not be mandatory to give Zakat-al-Fitrah on his behalf and on behalf of his dependants from his inheritance.

Disposal of Zakat-al-Fitrah

Case: It is sufficient to spend Zakat-al-Fitrah in one of the eight categories mentioned in the section of Zakah¹, but as a mostahab precaution, it should be given only to the poor of the Shi’a.

Criteria for Disposal of Zakat-al-Fitrah

Case: It is not mandatory requirement to give Zakat-al-Fitrah to a pauper who is righteous (‘*adil*),² however, as an obligatory precaution, it should not be given to one who drinks alcohol, nor to one who openly practices disobedience.

Case: It is not permissible, as a precaution, for one who is not a Sayyid to give his Zakat-al-Fitrah to a Sayyid, and similarly if his dependants were Sayyids, it is not permissible to give their Zakat-al-Fitrah to a Sayyid either.

Case: As an obligatory precaution, one should not give less than one sa‘ to each pauper, but there is no objection to giving him more than that.

Case: If one gives Zakat-al-Fitrah from a defective commodity, it would not fulfil [his obligation].

¹ 1-2 The poor and the destitute, 3. Collector of Zakah, 4. Those whose hearts are won, 5. For buying slaves and setting them free, 6. The debtors who are unable to pay their debts, 7. For the Cause of Allah, 8. The Stranded Traveller.

² One who adheres to the commandments of Islam, and does not insist on disobedience or sins.

Time of Giving Zakat-al-Fitrah

Case: It would not be valid if one gives Zakat-al-Fitrah before the month of Ramadan, and as a precaution, one should not give it during the month of Ramadan either, but if one gives money as a loan to a poor person – before or during the month of Ramadan – and afterwards when he is obliged to give Fitrah, it is permissible to adjust the loan against the Fitrah.

Case: The person who wishes to perform the ‘Eid prayer, should, as a mostahab precaution, give the Fitrah to the poor before the ‘Eid prayer, but if one does not wish to perform the ‘Eid prayer, it is permissible for him to delay the payment until noontime.

Case: The person who on the day of ‘Eid has money but cannot access it, e.g. he has money in the bank but the bank is shut, the Fitrah is still obligatory upon him; he should either borrow to pay the Fitrah before noon, or he should delay its payment until he has access to the money.

The Priority

Case: When giving Zakat-al-Fitrah it is mostahab to give priority to one’s poor relatives over others, and then to one’s poor neighbours, and then to the scholars who are poor. However, if there are other priorities, then it is mostahab to favour those with the highest priorities.

Setting aside the Fitrah

Case: If one sets the Fitrah aside from his money, then it is not permissible for him to use it for himself and replace it with another money for Fitrah.

Niyyat-al-Qurbah

Case: It is mandatory to give the Fitrah with Niyyat-al-Qurbah (the intention of seeking nearness) that is, the intention of abiding by the command of Almighty Allah, and that at the time of payment one should make the intention of paying Zakat-al-Fitrah.

Case: If one does not pay Zakat-al-Fitrah when it is mandatory to do so, and does not set it aside either, then it is mandatory to pay Zakat-al-Fitrah afterwards without the intention of qada’ or ada’.

Chapter Five: Rulings of Qada' Fasting

Case: If an insane recovers from his insanity, he is not required to offer the qada' of the fasting days he missed during his insanity.

Case: If an unbeliever becomes a Muslim he is not obliged to offer the qada' of fasting for the fast he has missed during the days he was not a Muslim. However, if a Muslim becomes an apostate and then reverts back to Islam, he is obliged to offer the qada' of what he missed during his days as an apostate.

Case: If a person is obliged to offer the qada' of fasts of several months of Ramadan, it is permissible to offer the qada' of any one of them, but if time was short to offer the qada' for the last month of Ramadan, for example if there are five days to the forthcoming month of Ramadan, and he is obliged to offer five days of qada' from the last month of Ramadan, then as a precaution one should give priority to offer the qada' of the last Ramadan over any other.

Case: It is permissible for a person offering the qada' of fasts of the month of Ramadan to break his fast before noon [if one needs to do so for a reason], if the time is not short to offer the qada' [before the onset of the following month of Ramadan].

Case: If a person misses fasting the month of Ramadan because of hayd, nifas, illness, and dies before the end of the month of Ramadan, it is not required to offer the qada' on the deceased's behalf for what was missed in that month.

Case: If a person misses the fasting of the month of Ramadan because of illness, and his illness continues to the Ramadan of the following year, it is not obligatory for him to offer the qada' of fasting that he missed in that month, but it is obligatory for him to give to the paupers for each day [of fasting he missed] one *modd* of food, e.g. one *modd* of wheat or its bread, barley or its bread, raisin, or dates. However, if one misses the fasting for a reason such as travelling this reason continues to the following Ramadan, as an obligatory precaution, he must offer the qada'

of the fasts of the days he missed and give one *modd* of food to the poor for each day.

Case: If a person misses the fasting of the month of Ramadan due to illness and after the month of Ramadan he recovers from the illness but continues to miss fasting for other reasons such that one cannot offer the qada' of what he missed until the following Ramadan, as per mostahab precaution, he should offer the qada' of the fasting he missed and must give one *modd* of food for every day he missed to the poor. Similarly, if one misses the fasting of the month of Ramadan for a reason other than illness and that ended after the month of Ramadan but one is unable to offer the qada' of what he missed until the following Ramadan due to illness, then as per mostahab precaution, he must offer the qada' of the fasts he missed and he must also give one *modd* for each day he missed to the poor.

Case: If the illness continues for many years, it is obligatory for him to offer the qada' of the last Ramadan only, after having recovered from his illness, and give one *modd* of food for every day he missed from the previous years.

Case: In the case of the person who is obliged to give one *modd* to the poor for every day he has missed, one may give the kaffarah of several days to one pauper.

Case: If a person delayed the qada' of the fasting of the month of Ramadan for many years, it is mandatory for him to give one *fidyah* for each day he missed.

Case: It is mandatory for the eldest son to offer the qada' of the obligatory acts his deceased father missed during his lifetime in terms of salah (the daily obligatory prayers) and fasting as detailed before. Similarly, he must offer the qada', of what his deceased mother missed during her lifetime in terms of salah and fasting, as per obligatory precaution.

Chapter Six: Rulings of Fasting for Traveller

Case: The travelling individual who has to shorten his salah (the daily obligatory prayers) must not fast, and is obliged to offer the qada' for that. On the other hand, the travelling individual who must perform the salah in full, like one whose job and career involves travelling, or if his travelling is in disobedience, he is obliged to fast.

Case: There is no objection to travelling in the month of Ramadan, but it is makrooh to travel if it is in order to avoid fasting.

Case: If a person does not know that travelling annuls the fast, and fasts during travel and if during the day he realises this ruling, his fast will be null and void, but if he does not realise this until Maghrib his fast will be valid.

Case: If the fasting individual travels in the afternoon, he is obliged to continue with his fast, but if he travels before noon, he is obliged to break his fast when he reaches *hadd al-tarakhus* (the limit of town) – which is when the walls / buildings of the city disappear from sight and its adhan becomes inaudible – and if one breaks his fast before reaching *hadd al-tarakhus*, then he is liable to kaffarah as an obligatory precaution.

Case: If the traveller reaches, before noon, his hometown or where he intends to reside for ten days, if he has not committed any of the muftir until that moment which invalidates his fast, he is obliged to fast that day. But if he had committed an act which invalidates his fast, he is not obliged to fast that day, but he must offer the qada' for it.

Case: If the traveller reaches his hometown or where he intends to reside for ten days in the afternoon he must not fast that day.

Travelling and the Horizon

Case. If there are four hours to sunset in this country say, if one travels to another country where there is one hour left to its sunset, it is permissible for one to break one's fast there after one hour, since the ruling for fasting and iftar is to follow the horizon where the fasting

individual happens to be, and since “with the realisation of the matter of the Maghrib the ruling is executed” and in the hadith, “you are obliged to your sunrise and sunset.”¹

Q: What is the difference in the [local] timing by which it can still be said that they have the same horizon?

A: The criterion [for the unity of horizons] is the proximity of the horizons of the two countries, which is about one-quarter of an hour.

Queries on Fasting and Travelling

Q: If a person travels from his hometown in the month of Ramadan around the time of the zenith of the sun (i.e. noon time), is he required to investigate whether or not the sun has declined [towards the west, i.e. past noontime], in order to establish the validity of his fast for the remainder of the day?

A: As a precaution, yes he should.

Q: If, prior to travelling, one does not investigate whether or not it is past noontime, and he travels without knowing if the zenith or high noon has actually taken place, what is the ruling in this case?

A: He should refrain from breaking his fast, but then he must offer the qada’.

Q: And what if one is not able to investigate, what is his duty then?

A: As before.

Q: If a person travels after noon by air, and after being airborne for a while it is iftar time according to his hometown. Does he break his fast while in the plane, even though he can see the sun, and the iftar time of the country he is going to is not until seven hours time for example?

A: He should go by the horizon of the country he is going to, not the country he has travelled from.

¹ Wasa’el al-Shi’ah, vol.4, p198.

Q: If a traveller returns to his hometown during the month of Ramadan before noon, having refrained from breaking his fast until the time of his arrival, believing that it is permissible for him to break his fast at that time, i.e. before noon out of his ignorance of the ruling. If he breaks his fast in these circumstances, is he required to give kaffarah as well as the qada?

A: He is required to offer the qada' only.

Q: What is your opinion with regard to big cities – such as Karachi – from the point of view of fasting and offering the salah in full?

A: It is considered one city.¹

Q: I work for a foreign company and the place of my work is in the city of Dahran. I get sent by my company to distant cities and sometimes I need to stay there for more than ten days, but the periods I spend in these cities differ from time to time. What should I do [in relation to praying and fasting]?

A: If, as part of your job, you have to travel frequently and on permanent basis such that you cannot reside in one place for ten days or more, then you should fulfil your duties according to the rulings for a the frequent-traveller, which is to perform the salah in full and fast while travelling. However, if this is not the case, then you should make the *niyyah* of residence if you know you are going to stay for ten days or more, otherwise you should shorten your prayers (salah) and not fast during travel.

Q: A group of college girls who reside in a city must attend exams in another city, and the distance between the two places is 159 km. They will be travelling for two days and attending exams for three days. What is the ruling concerning their salah and fast?

A: They must shorten their prayers and must not fast.

¹ In other words, travelling over 22km within large cities does not oblige one to shorten his salah, or to refrain from fasting.

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Q: I am sent by my company during the month of Ramadan to another city some one-thousand km away for four days for the purpose of work and it is not permanent. Do I offer full or short prayers? And do I need to fast or not? And is there a difference concerning this case between *maraje'*?

A: You must shorten your prayers and must not fast. There is no difference between *maraje'* in this case.

Q: If a person works in an area that is far from his home, and he travels the distance of the *shar'ie* limit [i.e. eight farsangs] from the place of work to another location for a certain purpose and returns back to his place of work before noon, how does this affect his fast?

A: It has no effect on it, i.e. it is valid.

Q: If one forgot that he is travelling, or forgot that the fasting of the traveller is invalid, and fasted during travel, is his fast invalid?

A: His fast is invalid.

Chapter Seven: Prohibited, Discouraged and Mostahab Fasting

Case: It is haram to fast on the days of ‘Eid al-Fitr and ‘Eid al-Adha. Also it is haram to fast [a day with the intention that it is] the first day of the month of Ramadan, when there is doubt whether it is the last day of Sha‘ban or the first day of the month of Ramadan.¹

Case: It is haram for a wife to observe a mostahab fast if that results in denial of the husband’s right, and as a precaution she should not observe a mostahab fast without his permission even if that did not constitute a denial of his right.

Case: It is haram for a child to observe a mostahab fast if that causes annoyance of the parents or the grandfather.

Case: If a person knows that fasting is not harmful to him he is obliged to fast even if the doctor informs him that he should not fast. On the other hand, if one is certain that fasting is harmful to him, or he considers it probable such that he fears [for his wellbeing] he is obliged not to fast even if the doctor informs him that fasting does not harm him, and if he fasts under such condition, his fast is not valid.

Case: It is discouraged (*makrooh*) to fast on the day of Ashura’. It is also makrooh to fast on a day that is doubtful whether it is the Day of ‘Arafah or the Day of ‘Eid al-Adha.

The Mostahab Fasting

Case: It is mostahab to fast on any day of the year except the aforementioned days that are haram or makrooh to fast. Fasting on some of the days are particularly encouraged and emphasised upon, some of which are:

¹ It is recommended to fast on such a day, and if it turns to be the last day of Sha‘ban then one has performed a mostahab, and if it is the first day of the month of Ramadan then his fast would be valid for that day.

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١. Fasting on the first and last Thursday of every lunar month, and the first Wednesday after the tenth day of the month.
٢. Fasting on the 13th, 14th, and the 15th day of the lunar month.
٣. Fasting on all days of the months of Rajab and Sha‘ban, or some of the days [especially Mondays and Thursdays] of these months, even if one day.
٤. Fasting on the day of Nowrooz.
٥. Fasting on the 4th – 9th of the month of Shawwal.
٦. Fasting on the 25th and 29th of the month of Dhil-Qa‘dah.
٧. Fasting on the 1st – 9th of the month of Dhil-Hijjah, but if weakness caused by fasting may hinder one from observing the prayers and supplications of the Day of ‘Arafah – the 9th day – it would be *makrooh* [for one] to fast on that day.
٨. Fasting on the Day of Ghadir – the 18th day of the month of Dhil-Hajjah.
٩. Fasting on the Day of Mobahilah, which is the 24th of the month of Dhil-Hajjah.
١٠. Fasting on the 1st, 3rd, and 7th day of month of Muharram.
١١. Fasting on the auspicious birthday of the Prophet – the 17th of month of Rabi‘ I.
١٢. Fasting on the 15th of the month of Jomadi I.
١٣. Fasting on the auspicious Day of Mab‘ath or the Prophetic Mission – the 27th of the month of Rajab.

Case: If a person observes a mostahab fast, it is not obligatory for him to complete it to the Maghrib, in that if a faithful brother invites him to a meal it is mostahab for him to accept his invitation and break his fast during the day.

Case: The time of the declaration of the intention of mustahab fasting is from the beginning of the night until sunset [of the following day] with

enough time to declare the intention; so if one does not commit any one of the *muftirat* (those that break or nullify the fast) until this time and intends a mustahab fasting, his fast is valid.

Case: If a person is hired to perform *qada'* fasting on behalf of a deceased, there is no objection for the hired person to perform mustahab fasting for himself. However, a person who is obliged to perform a *qada'* fasting for a day that he has missed, is not permitted to perform mustahab fasting, and if he inadvertently observes a mustahab fasting and he realises this before noon, he should break his mustahab fasting, or alternatively, it is permitted for him to modify his intention and change it to that of the *qada'* fasting that he has missed. However, if he realises this in the afternoon his mustahab fasting is invalid, but if he realises this after Maghrib his mustahab fast will be valid.

Chapter Eight: Miscellaneous Issues on Fasting

Cafés and restaurants in the month of Ramadan

Case: Opening a café, a restaurant and suchlike that constitutes a breach of the sanctity of the holy month of Ramadan is haram, the monies that the owner gives to the local council [for the permission to open] or taken [by any collector] is haram, and also it is haram for the council to give the permit to open, for they constitute a breach of the sanctity of the holy month of Ramadan, in addition to other harams. However if there is a case of urgency from the viewpoint of the travellers, and the *hakim al-shar'i (marje')* gives permission, it is permissible within the limitation of that permit. This should then be discrete and hidden from public view and that one is not allowed there to break fast contrary to the teachings of the Shari'ah, but only the traveller and those who are exempted such as the sick.

Timing of Fasting

Q: If one learns that Fajr has set in while he is eating what should he do?

A: He should remove whatever is in his mouth immediately, and if he swallows that deliberately his fast will be invalid.

Q: In the holy month of Ramadan we rely on published timetables for the times [of Fajr and adhan] without exercising precaution at the time of iftar. Is this permissible?

A: If you are sure that the published timetables are accurate then there is no harm, but it is preferable to observe some precaution in that.

Food remnants in the mouth

Q: Is it necessary for a person who wishes to fast to pick his teeth?

A: It is not mandatory if one is sure that the food remnant would not go down his throat during the day.

Saliva

Q: Does swallowing saliva invalidate the fast?

A: No it does not.

Dust and steam

Q: If a thick/dense dust is brought about by windy condition, and the fasting individual does not prevent the dust from reaching his throat despite being aware of the ruling, is his fast valid?

A: His fast is invalidated.

Q: Is the steam of the bathroom considered muftir, i.e. invalidates the fast?

A: No, unless it is excessive.

Q: What is the ruling concerning the smoke of burning scents reaching the throat of a fasting person?

A: If it is thick it invalidates the fast.

Q: How is the thick dust distinguished from the non-dense dust?

A: It is distinguished by *'orf* or commonly accepted norms.

Q: Is the fast invalidated by the use of the inhaler?

A: If there are particles of liquid drops it would invalidate the fast, but if it is only gas it would not.

Miscellany

Q: If a person doubts whether or not he immersed his entire head in the water, does this invalidates his fast?

A: His fast is valid.

Q: If a person belches and something comes up to his throat or his mouth, does this render his fast void?

A: In this case he must throw it out of his mouth, and if one inadvertently swallows it his fast is valid.

Q: What is the ruling concerning a fasting person using toothbrush and toothpaste?

A: There is no objection to that if it does not reach the throat.

Q: What is the ruling concerning the usage of perfume in the month of Ramadan? And what about perfumed soap, and perfumed moisturiser?

A: It is permissible.

Health and medical conditions and fasting

Q: Is it permissible for a fasting person to break his fast on grounds of weakness?

A: It is not permitted, unless weakness is too severe such that it is not normally bearable.

Q: What is the ruling concerning a fasting person who breaks his fast believing that he will not be able to bear the fast until the Maghrib?

A: If he was in a desperate/critical condition there is no objection, but he is obliged to offer the qada'.

Q: If a fasting person vomited due to illness and suchlike, is his fast invalidated and does he have to give kaffarah?

A: His fast is invalidated but he is not obliged to give kaffarah.

Q: If a person does not know whether or not he is able to fast, is it permissible for him not to fast on grounds of advice from a non- believing physician?

A: Yes it is permissible not to fast if the physician is trustworthy.

Q: If the fasting person deliberately intends to break his fast and then an event takes place such as the occurrence of hayd, nifas, or an illness, will one be liable to kaffarah?

A: No it will not be obligatory.

Q: Does the usage of any kind of injection – nourishing/saline, anaesthetising, or medicinal – invalidate the fast?

A: It does not invalidate the fast.

Q: Why do you allow nutritional injection for the fasting person?

A: This is because the evidence for any prohibition is related to eating and drinking and injection is not commonly considered as one of them.

Q: If a person presumes that fasting harms him, and he develops a fear from that presumption, is it obligatory for him to fast?

A: It is obligatory for him not to fast, and if he fasts, his fast is not valid.

Q: If one believes that fasting does not constitute harm to him, and he fasts and after Maghrib learns that fasting is indeed harmful to him, is he obliged to offer the qada?

A: He is not obliged.

Q: A person attempted fasting at the beginning of his adolescence but he could not continue due to severe weakness – such that he could not do his routine tasks and experienced severe headache and dizziness – and thus he did not fast for a number of years on the belief that he was unable. Afterwards he attempted fasting and found himself able to do so. What is the ruling concerning the previous years?

A: If in the past he was unable to fast throughout the year, he should give one *modd* of food for every day he did not fast. If he was able to, but did not fast, then he should offer the qada' and feed [the poor by giving one *modd* of food for every day he missed].

Q: Is it permissible for the breastfeeding woman not to fast during the month of Ramadan if she fears reduction in her milk, given that these days it is possible to feed the baby with formula milk?

A: It is permissible for her not to fast.

Q: A girl is religiously obliged to fast in the month of Ramadan in her first year of her adolescence, but fasting is unbearable for her, and she cries and asks for water, what is the ruling concerning her?

A: If fasting constitutes harm or difficulty, then it is not obligatory.¹

Q: Is it permissible for those who have their reasons not to fast, to openly eat in public during the month of Ramadan? Doesn't that constitute breaching the sanctity of this holy month?

A: If that constitutes breaching the sanctity of the holy month of Ramadan, it is not permissible.

Q: Does giving blood samples in hospital for the purpose of tests invalidate the fast?

A: No it does not.

Fasting of the prisoner

Q. What is the ruling for the prisoner who is not able to ascertain the month of Ramadan?

A. He should act according to his guess, and if it is not probable for him to guess, it is valid for him to fast one month in a year.

Qada' fasting in regions of polar horizons

Q: If one is liable to a qada' fast, and goes to an area where it is day or night all the time – if he expects to die there, then he should observe the qada' there – but if he does not fear dying there and expects to go back to a place of normal horizon, is it permissible for him to offer the qada' there?

A: He should delay the offering of the qada' until he returns to a region of normal horizon, as a precaution.

¹ She must do the qada', say in the winter, and is not liable to *kaffarah*. If her condition continues throughout the year then she must give one *modd* of food for every day she did not fast.

Part Five

Hajj

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Chapter One: Hajj

Case: Hajjat-al-Islam is an obligatory act of worship that is mandatory upon every Muslim to perform once in a lifetime, as soon as becoming ‘capable’ (*mostatee’*), and it is not permissible for a *mostatee’* – one who meets all criteria and ability to perform it and thus is liable to it – to delay or postpone it from the year of ability or liability.

Case: Hajj falls in three categories:

١. Hajj of Tamattu’

The Hajj of Tamattu’ consists of two acts of worship:

a. Umrah of Tamattu’

b. Hajj of Tamattu’

٢. Hajj of Qiran

٣. Hajj of Efrad

Case: The Hajj of Tamattu’ is mandatory for those who [live] 16 farsangs or more away from Mecca. Every farsang is about 5.5 km.

Case: The Hajj of Qiran and the Hajj of Efrad is mandatory upon the inhabitants of the holy city Mecca or whose hometown is less than 16 farsangs from Mecca.

Case: A person whose duty is to perform the [Hajj of] Tamattu’, is obliged to perform the Umrah before the Hajj. A person whose duty is to perform the [Hajj of] Qiran or the [Hajj of] Efrad, is obliged to perform the Umrah after the Hajj, as a precaution.

Case: The difference between the Qiran and the Efrad Hajj is that the Qarin, i.e. the one performing the Qiran Hajj, declares his Ihram and accompanies his *hady* (the sacrificial animal) with him, contrary to the one who performs the Efrad Hajj, who has no *hady*.

Criteria for Hajjat-al-Islam Obligation

١. That one is *baligh*, for it is not mandatory for the child, although it is mostahab if his guardian permits him,
٢. That one is sane, for it is not mandatory for the insane,
٣. That one is free, for it is not mandatory for the slave, although it is mostahab if his owner permits him,¹
٤. That one is *mostatee'* or able to do it,

Case: Thus if a person does not meet one of the criteria for the obligation of the hajj but one [actually] performs the hajj, will this hajj be considered as the Hajjat-al-Islam, and his obligation deemed fulfilled? No, this hajj will not fulfil his obligation and it remains mandatory for him to fulfil once one becomes *mostatee'* to perform Hajjat-al-Islam.

¹ Slavery was widely practiced when the era of Islam began. As a way of life, Islam introduced its teachings to eliminate the existing slavery system. Its action plan had three stages:

١. By regulating, amongst various aspects of people's life, the individual's relationship with others. Both masters and slaves needed to know their rights, options and obligations. Thus Islam made masters feel their rights secured and made the slave feel their lives is easier.
٢. Islam's "system of liability" introduced 'setting free slaves' as one way of discharging one's religious obligation; hence thousands were set free every year.
٣. The messenger of Allah and his pure family, in a bid to put an end to the slavery system, proactively encouraged Muslims to free their slaves, by setting free their own servants and slaves.

Furthermore, the imams of Ahl al-Bayt, peace be upon them, introduced a system of education and emancipation of slaves on a large scale. For example, it is reported that Imam Zayn al-'Abidin, peace be upon him, used to buy at least one thousand slaves every year, and he used to educate them with the teachings of Islam and free them into the society as well mannered, educated, and honourable members of the society within a year. It is reported that he bought, educated and freed some fifteen thousand slaves during his lifetime.

Matters that fulfil criteria of “ability” (*istita‘ah*)

١. One should have food provisions and means of travel, or have the money to provide food and to travel with.
٢. One should be physically able to perform the hajj and carry out its rites.
٣. There should be no hindrances or obstacles on the way.
٤. There should be enough time to perform the hajj rites.

It is *mostahab* for one who is not financially *mostatee‘* to perform the hajj too, [for example by borrowing money to go to hajj].

Miscellaneous rulings on “ability”

Not performing the hajj while able

Case: A person who was *mostatee‘* (i.e. able and meeting all the criteria of ability or *istita‘ah*) in the previous years but did not perform the hajj, it would be mandatory for him to perform the hajj in whichever way possible (at all costs) and even if he no longer meets the *istita‘ah* or “ability” criteria.

Hajj by proxy while non-*mostatee‘*

Case: If a person is not *mostatee‘*, it is permissible for him to be hired to perform hajj on behalf of someone else. But if he became *mostatee‘* afterwards, it is mandatory for him to perform the hajj again.

Obtaining money to become *mostatee‘*

Case: It is not mandatory for the individual to sell his belongings such as his house, vehicle, and furniture to go on hajj.

Setting aside deceased’s hajj cost

Case: The *mostatee‘* for whom the obligation of the hajj had become due, if he dies before performing the hajj, it would be mandatory to set aside the cost of performing the hajj from his inheritance.

Parents' Permission for the hajj

Case: For the purpose of Hajjat-al-Islam, it is not conditional for the son to seek the parents' permission nor for the wife to seek the husband's permission.

Representation from miqat

Case: It is sufficient to appoint someone to perform the hajj on behalf of a deceased from a miqat, and it is not necessary for this appointment to be made from the deceased's country. The same applies for the living who is disabled and wishes to appoint someone to perform the hajj for him. [*miqat* is addressed on page 282.]

On behalf of Ahl al-Bayt peace be upon them

Case: It is permissible, in the mostahab hajj, that one makes the niyyah to perform the hajj on behalf of the Prophet or the Imams peace be upon them, or others amongst the living or the deceased. Thus the thawab (award) of the hajj will be written for him and for those he intended on their behalf.

Rewards of hajj and giving to charity of its cost

Case: It is mostahab to perform hajj every year; the thawab (reward) of hajj is greater than donating the equivalent cost of hajj to charity.

Difference in crescent citation

Case: If there was a difference between the Shi'a and non-Shi'a on the issue of sighting the crescent [to determine the 1st day of Dhil-Hajjah, and thus the hajj rites accordingly], and if it is not possible to perform the hajj according to Shi'a sighting, it is permissible to perform it according to the non-Shi'a sighting and his hajj is valid.

Hajj by proxy

Case: If one possesses the hajj expenses but is not able to perform the hajj due to old age or illness, it is mandatory for him to appoint someone to perform the hajj on his behalf during his lifetime.

Hajj by grant

Case: The awarded hajj is when one pays the expenses of performing the hajj to someone who does not possess them, like saying, “I pay you your expenses and the expenses of your family so long as you are on hajj”. Then the hajj would be obligatory for him, and if he performs the hajj under these circumstances, that would satisfy the requirement for his Hajjat-al-Islam, and it would no longer be obligatory for him if he meets all the criteria of the hajj again. But if he does not perform the hajj, he will be liable to hajj [unconditionally], and it would be mandatory for him to perform the hajj even if he does not have the food provisions or means of travel, and even if he would experience difficulty in doing so.

Chapter Two: ‘Umrah of Tamattu‘

Rites of Umrah of Tamattu‘

Case: The rites of Umrah of Tamattu‘ are five:

١. Ihram
٢. Tawaf
٣. Tawaf’s Salah
٤. Sa‘y
٥. Taqsir or trimming

Ihram

The Time of Ihram

Case: The time of [assuming the state of] ihram¹ for the Umrah of Tamattu‘ is [during] the months of hajj – which are Shawwal, Dhil-Qa‘dah, Dhil-Hajjah.

The Place of Ihram

Case: The place of [declaring and assuming the state of] ihram, which is called *miqat*, is one of the following:

١. Masjid al-Shajarah, which is the miqat for the people of Medina, and those who come to hajj from the direction of Medina.
٢. Wadi al-‘Aqiq, which is the miqat for those who come to the hajj from the direction of Iraq.
٣. Qirn al-Manazil, which is the miqat for those who come to the hajj from the direction of Ta’if.

¹ One may not enter the Haram (sanctuary) of the holy city of Mecca without being in the state of ihram, and one can only get out of the state of ihram by performing the rites of Mecca in terms of tawaf, sa‘y, etc. The Haram is the holy city of Mecca and the encompassing zone around it; which is about 500km-sq. with the *miqat* being some of the points of entry to the Haram.

- ٤. Yalamlam, which is the miqat for those who come to the hajj from the direction of Yemen.
- ٥. Juhfah, which is the miqat for those who come to the hajj from the direction of Egypt and Sham.

The obligations of the ihram

Case: The obligations of ihram are three:

١. The **Niyyah**, in that one intends as follows:

“*ohrimu* – I assume and declare the state of ihram – for the Umrah of Tamattu‘ for the *qurbah*, i.e. seeking nearness to and abiding by the command, of Almighty Allah”. The meaning/implication of ihram is the resolution to abstain from certain matters, as mentioned later on.

٢. The **Talbiyah**, which is to recite the four *talbiyat*, which are:

<i>Labbayk Allahumma Labbayk.</i>	I heed to your call O Lord, I heed.	لبيك اللهم لا اكبير
<i>Labbayka la Shareeka Laka Labbayk.</i>	I heed to You that You have no partner, I heed.	لبيك يرحم لا اكبير لبيك لك
<i>In-nal-Hamda, Wan-Ne‘mata, Laka Wal Mulk.</i>	Truly, All the Praise, and the Blessing, are Yours and the Sovereignty too.	لحمدا نإ و للكلما وكأ
<i>La Shareeka Lak.</i>	There is no partner of Yours, I heed.	لك لا كيرشم لا

٣. **Wearing** the two garments of the ihram

It is obligatory for men and women to wear these two garments, and it is mandatory that they are *tahir*, and that they are not made from silk, nor from the skin/leather of a forbidden meat animal. They should not be so thin through which the body may be seen.

Acts that should be avoided during ihram

Case: It is mandatory for the *muhrim* – the one in the state of *ihram* – to abstain from 24 acts:

١. Hunting of land [animals], killing, assisting in killing, slaughtering or eating them; except if they are predatory animals that is permissible to repel their harm.
٢. Courting one's spouse whether through intercourse, or kissing, or looking at them with lust, or touching them with lust.
٣. Performing the marriage contract for oneself or for others, bearing witness of it, or testifying to it.
٤. Masturbation, by hand or otherwise.
٥. Usage of perfume, fragrance, etc. such as Musk, Saffron, 'Oud (aloes wood), whether in eating, smelling, or for body lotion, etc. Also it is prohibited for the muhrim to block his nose when there is bad smell.
٦. Wearing sewn clothing – prohibition for men only – but it is permissible to wear *himyan* belt and suchlike in which one may keep cash and valuables, even if it were sewn. Similarly it is permissible to wear the hernia belt even if it were sewn.
٧. Wearing kohl.
٨. Looking into the mirror.
٩. Wearing socks and suchlike that cover the surface of the foot, and if one wants to wear such things one should tear the top part so that it does not cover the foot.
١٠. *fusooq*, which is lying, swearing, and boasting.
١١. *jadal*, which is to enter into arguments; saying such things as “no by Allah”, or “yes by Allah”, and as a precaution one should refrain from any kind of oath.

١٢. The killing or removing of insects found on the human body such as lice.
١٣. Wearing rings with the intention of adornment and, as per obligatory precaution, any kind of adornment and ornamentation should be avoided, even the use of such products as henna.
١٤. Wearing jewellery for women, except those which they normally permanently wear, provided that they do not make them visible even to their mahram persons.
١٥. Covering the head, completely or partially, or the ears – prohibition for men. Rather, it is haram to cover even with henna, or immersing in water some or part of the head.
١٦. for a woman to cover her face with burqu‘ and suchlike, but it is permissible for her to place something in front of her face provided, as a precaution, that it does not touch her face.
١٧. Plucking or removing hair from the head or other parts of the body, regardless of it being one strand or more. There is no objection to hair falling off during wudu‘.
١٨. Applying oils to the body.
١٩. Causing the bleeding of the body, even if by using the toothbrush – if one knows before hand that brushing causes gum bleeding.
٢٠. Pulling a tooth if it would lead to bleeding, except if it is resorted to as a matter of urgency.
٢١. Clipping the finger nails.
٢٢. Sheltering in the shade while on the move/travelling – prohibition for men only. But there is no objection to this while in the residence.

- ٢٣. Uprooting trees or any vegetation of the Haram precincts.¹
- ٢٤. Wearing arms such as gun, sword, and suchlike.

Tawaf

Case: Having assumed the state of ihram for Umrah, the hajj (the person performing the hajj) enters the holy city of Mecca and performs the second act of the rites of the Umrah which is the Tawaf around the holy Ka‘bah.

Case: The process of tawaf is to make the Ka‘bah on one’s left-hand side, begin with al-Hajar al-Aswad – the Black Rock – and to finish by it seven rounds later [around the Ka‘bah].

Case: It is permissible to perform the tawaf further than 26 yards from the holy Ka‘bah in cases of difficulty and discomfort [for the pilgrim due to congestion]. However, given the choice, or when there is no difficulty or discomfort, it is mandatory to perform the tawaf at less than 26 yards from every side of the Ka‘bah.

Case: It is permissible to perform the *tawaf*, *sa‘y*, *woquof*, *ramy* [at a level] higher or lower [than that of] the Ka‘bah, the *mas‘a* (the route of the *sa‘y*), the *mawqif* (the sites of *woquof*) and the *jamarah* (respectively) – but within the specified limits – and as a precaution these should be limited to the circumstances of difficulty and discomfort [for the pilgrim due to excessive congestion]. Therefore, the *tawaf* may be done in piecemeal; i.e. some of it on the upper floor and some of it on the lower. The same applies to all other aforementioned sites, as long as they are commonly acceptable.

¹ The Haram should not be mistaken with al-Haram al-Makki mosque. The Haram is the holy city of Mecca and the encompassing zone around it; which is about 500km-sq. with the *miqat* being some of the points of entry to the Haram.

The criteria of tawaf

١. The niyyah, by saying “*atoofu* – I perform the tawaf – for the Umrah of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.
٢. to be tahir from the major hadath – such as janabah, hayd, and nifas – and the minor hadath – i.e. one should be in the state of wudu’.
٣. The body and clothing should be tahir.
٤. For the male individual to be circumcised.
٥. The covering of the private parts; and everything that is required for the cover in the salah is required here too.
٦. That the tawaf is performed between the holy Ka‘bah and Maqam Ibrahim, peace be upon him, as per obligatory precaution, except in the case of difficulty and discomfort.
٧. That Hijr Isma‘el is enclosed within the circumference of the tawaf.
٨. That one’s entire body is outside the holy Ka‘bah, and even his hand is outside the Shadhrawan of the holy Ka‘bah, as per mostahab precaution.

The Tawaf’s salah

Case: The third act of the rites of the Umrah is to perform the two-rak’ah Salat al-Tawaf behind Maqam Ibrahim, peace be upon him, or by the side of it.

This salah is like the morning salah, and its niyyah is as follows:

“*osalli* – I perform two rak’ah salah of the tawaf of Umrah seeking nearness to and abiding by the command of Almighty Allah”.

The Sa‘y

Case: The fourth act of the rites of the Umrah is the Sa‘y (the walk) between mounts Safa and Marwah. In this rite, it is mandatory for the Hajj to cover the distance between Safa and Marwah seven cycles beginning with the Safa and ending with the Marwah.

The journey from the Safa to the Marwah constitutes one cycle and the return one from Marwah to the Safa constitutes another.

Case: The *niyyah* for the Sa‘y is: “*as‘ey* – I perform the Sa‘y – between the Safa and Marwah for the Umrah of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.

Taqseer or shortening/cutting

Case: After the completion of the Sa‘y, it is obligatory to perform the fifth act of the rites of the Umrah, which is the Taqseer.

The Taqseer means to cut some of the hair of the head, or the beard, or clipping the finger nail. The *niyyah* for this is: “*oqassiru* – I perform Taqseer for Umrah of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.

Case: After this Taqseer, everything that was haram for the *muhrim* becomes halal with the exception of two matters – the prohibition of which is due to the sanctity of the Haram and not due to the ihram – which are: Hunting, and Uprooting the Haram plants or vegetations.

Chapter Three: Hajj of Tamattu‘

Rites of Hajj of Tamattu‘

The rites of Hajj of Tamattu‘ are thirteen:

١. *Ihram*.
٢. *Woquf* or staying in ‘Arafat.
٣. *Woquf* or staying in Mash‘ar.
٤. *Ramy* or stoning of Jamarat al-‘Aqabah.
٥. *Hady* or slaughter of the sacrifice.
٦. *Halq/taqsir* or shaving of the head or trimming its hair.
٧. *Tawaf al-Ziyarah*.
٨. *Salat al-tawaf* for the *tawaf* prayer.
٩. *Sa‘y*.
١٠. *Tawaf al-Nisa‘*.
١١. *Salat Tawaf al-Nisa‘* or the *tawaf* prayer.
١٢. *Mabeet* or staying over night in Mina.
١٣. *Ramy* or stoning of the three Jamarat.

Ihram of the Hajj

Case: The rites of the hajj are thirteen – as mentioned above – and it is mandatory for the individual, having completed the rites of the Umrah, to declare ihram for Hajj for the second time, in the same way mentioned for the Umrah, except that the ihram for the Umrah is assumed and declared in one of the aforementioned miqats, whereas the ihram for the Hajj is initiated in the holy city of Mecca, and it is mostahab that it is declared and assumed in the Masjid al-Haram – The Sacred Mosque. One should say in declaring the *niyyah* for this act: “*ohrimu* – I declare and assume ihram – for the Hajj of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.

Case: The time of the ihram of the Hajj is from the time of completion of the Umrah until such time one can ensure to be in ‘Arafat in time for the woqof.

Woquof in ‘Arafat

Case: The second act of the rites of the Hajj is the *woquof* in ‘Arafat, i.e. staying in the desert of ‘Arafat from noontime on the day of ‘Arafah until the sunset of that day.

The *niyyah* for this rite is as follows: “*aqifu* – I stay – in ‘Arafat for the Hajj of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.

Case: If the overcrowding during the hajj was such that it was not possible for the Hajj to observe the woquof in ‘Arafat and Mash‘ar, it is permissible for one to pass through them for some of their prescribed times, but remain outside them, and as an obligatory precaution, one should remain as close to the sites of woquof as possible.

Woquof in Mash‘ar al-Haram

Case: It is mandatory to go to Mash‘ar al-Haram – also known as al-Muzdalifah – after sunset on the eve of the ‘Eid and observe *woquof* in the desert of the Mash‘ar until sunrise, as per precaution, on the day of the ‘Eid which is the tenth day of the Dhil-Hajjah.

Case: When it is close to the time of dawn of Fajr on that day, it is mandatory for the person observing the *woquof* to declare the intention – *niyyah* – as follows: “*aqifu* – I stay – in the desert of Mash‘ar al-Haram from the dawn of the Fajr to the rise of the sun [for the Hajj of Tamattu‘] seeking nearness to and abiding by the command of Almighty Allah”.

Rites of Mina

The rites of mina are three:

١. Ramy or stoning,
٢. Hady or sacrifice,
٣. Halq/Taqseer or Shaving/Trimming.

Case: It is mandatory to go to Mina at the sunrise on the day of ‘Eid and there one should perform three rites:

١. To perform the Ramy or stoning of Jamarat-al-Aqabah which is the greater Jamarah with seven small stones consecutively, and the niyyah for this is as follows: “*armey* – I hurl [stone] at – Jamarat-al-Aqabah in obedience to the command of Almighty Allah”.
٢. The sacrifice of a camel, or a cow, or a sheep, and the niyyah for this is as follows: “*adhey* – I sacrifice – in obedience to the command of Almighty Allah”. It is mandatory that the sacrificial animal is healthy and in good shape, and as per mostahab precaution, it should be of a certain age as mentioned in detailed books on the Rites of Hajj.

Case: And as per mostahab precaution, the individual offering the sacrifice eats part of the sacrifice, gifts a third of it, and gives the other third to the poor.

٣. Shaving the entire head – if it were one’s first Hajj, as per mostahab precaution – or [otherwise] trimming some of the hair of the head, moustache, or clipping some of his finger nail. [Shaving the head is not applicable to female Hajj.]

Case: The niyyah in shaving or trimming is as follows: “*ohliqu* or *oqassiru* – I shave / or I trim¹ – for the Hajj of Tamattu‘ in obedience to the command of Almighty Allah”.

Mabeet in Mina

Case: There is no objection to remaining in Mina on the tenth day to fulfil its rites – of *mabeet* or spending the night and the *ramy* or the stoning of the [three] jamarat – and then going to Mecca on the eleventh or twelfth day, or after the completion of the rites of mina, to perform the rites of Mecca.

¹ One of them should be said depending on which one the individual is doing.

Case: After fulfilling the rites of Mecca, everything that was made haram to the Hajj because of the ihram becomes halal, including sexual intercourse, use of perfume, etc. except for two acts; Hunting, and Uprooting the vegetation of the Haram. The prohibition of these two is for sanctity of the Haram and not due to the ihram.

Case: It is mandatory for the Hajj to observe *mabeet* – spending the night – in Mina on the nights of the eleventh and the twelfth, and if one had engaged in intercourse with one’s spouse, or engaged in hunting, it would be mandatory for him to spend the night of the thirteenth too. The niyyah of the mabeet is: “*abeetu* – I spend the night – in Mina for the Hajjat-al-Islam seeking nearness to and abiding by the command of Almighty Allah”.

Case: If the Hajj did not have intercourse with his wife, and did not hunt, it is permissible for him to leave Mina after noon on the twelfth day, and if he stayed in Mina until the sunset of that day, it would then be mandatory for him to observe mabeet on the night of the thirteenth too.

Case: If the Hajj does not observe *mabeet* in Mina, it would be obligatory for him to give kaffarah of a sheep for every day, and one is considered disobedient/sinful if one deliberately does not observe the *mabeet*.

Ramy or stoning the jamarat

Case: It is mandatory for the Hajj to stone the three jamarat on the days of the night he observes *mabeet* in Mina; by stoning of the first, middle and the last jamarah with seven stones. [in Arabic the three jamarat are known as al-Jamarah al-Oola (or al-Sughra), al-Jamarah al-Wosta, and Jamarat al-‘Aqabah].

Rites of Mecca

Case: Having finished with the rites of Mina, the Hajj goes to the holy Mecca on the Day of ‘Eid itself or afterwards to perform five rites there, which are:

١. **Tawaf al-Ziyarah**, seven rounds, and the niyyah is: “*atoofu* – I perform tawaf – of Tawaf al-Ziyarah seeking nearness to and abiding by the command of Almighty Allah”.
٢. **Tawaf al-Ziyarah Salah**, two rak‘ah, behind Maqam Ibrahim, peace be upon him, and the niyyah is: “*Osalli* – I perform the salah of two rak‘ah for the Tawaf al-Ziyarah seeking nearness to and bidding by the command of Almighty Allah”.
٣. **Sa‘y** between Safa and Marwah, as mentioned before, and the niyyah is: “*as‘ey* – I perform the Sa‘y – between the Safa and Marwah for the Hajj of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.
٤. **Tawaf al-Nisa’**, which is similar to Tawaf al-Ziyarah in the process, and the niyyah for this is: “*atoofu* – I perform tawaf – of Tawaf al-Nisa’ seeking nearness to and bidding by the command of Almighty Allah”.
٥. **Tawaf al-Nisa’ Salah**, two rak‘ah, and the niyyah is: “*Osalli* – I perform salah – of two rak‘ah for the Tawaf al-Nisa’ seeking nearness to and bidding by the command of Almighty Allah”.

Chapter Four: Queries on Hajj

Istita‘ah and otherwise

Q: Is it permissible not to go to hajj out of fear of fatigue and the physical discomfort of the journey?

A: No it is not permissible if one is mostatee‘.

Q: If one has enough money to go to the hajj and return to his hometown, but he does not own a house, is the hajj of a higher priority or buying a house?

A: The hajj is mandatory, unless one would be in severe discomfort if remained without buying a house.

Q: If a person is mostatee‘ for the hajj and has registered his name on the list of the pilgrims for the coming years, but then he became penniless, is he still liable to the obligation of Hajjat-al-Islam?

A: No.

Q: What is the ruling of a person who does not perform the hajj while he was mostatee‘ previously?

A: He should seek forgiveness from Almighty Allah, and he is obliged to perform the hajj after that.

Q: What is the ruling for the hajj that leads to harm or conflicts with another wajib – i.e. an obligatory duty?

A: If the hajj brings about harm, then it is not obligatory, and if [performing] it results in abandoning a wajib or doing a haram, then the one of higher priority from the viewpoint of Islam should be identified [and therefore acted upon].

Q: If a mostatee‘ has the hajj established upon him, and if he dies before he performs the hajj, should the expenses of performing the hajj [on behalf of him] be taken from the inheritance before it is divided or after?

A: It should be taken from the inheritance before it is divided.

Q: If a person was mostatee‘ in the previous years and he did not perform the hajj, is the hajj mandatory for him if his istita‘ah – ability – is no more?

A: It is obligatory at all costs.

Q: Is it mandatory for the *mokallaf* to endeavour to obtain the ability – istita‘h – for the hajj or not?

A: No it is not mandatory.

Representation in Hajj

Q: Is it permissible for a person who has not performed hajj for himself to become the agent of or represent another for the Hajj?

A: If he has not been mostatee‘ himself, it is permissible.¹

Q: In the hajj by proxy, is it conditional that the representative himself must be free from the obligation of Hajjat-al-Islam?

A: That is conditional. Of course it is permissible for the one who has not been mostatee‘ – and the obligation of the hajj has not been established upon him – to be a representative on behalf of someone else.

Q: Is it permissible for a woman to represent a man and vice versa?

A: Yes it is permissible.

Q: Does the representative act according to the fatwa of his marje‘ or that of the one he is representing?

A: The representative acts according to the fatwa of his own marje‘.

Q: If hajj becomes obligatory for an individual and he goes to hajj, assumes the ihram, and enters the Haram, but then dies before completing the rest of the hajj rites, does that satisfy his obligation towards Hajjat-al-Islam or is it mandatory to have the hajj performed on his behalf?

¹ i.e. if he has been or is at present mostatee‘ then he is obliged to discharge his duty of hajj for himself first, before performing hajj on behalf of others.

A: That is sufficient, and it is not obligatory for the hajj to be performed on his behalf.

Q: A man died between ‘Arafat and Mash‘ar al-Haram. Is it obligatory for his inheritors to perform the hajj on his behalf?

A: It is not obligatory, and that will count as the hajj.

Q: Is it permissible to include or share others in the mostahab hajj and Umrah, by intending to represent them when a person assumes the ihram, or to assume the ihram for himself and pray to Allah to give them a share of the act? How can one represent several others in the mostahab hajj and ‘umrah?

A: Yes it is permissible in the mostahab acts to intend to represent one or more before the act, or gift the thawab to them after the act.

The *niyyah* and the *miqat*

Q: Given the urban development in the holy city of Mecca, there are now several new districts; is it therefore permissible to declare and assume the state of ihram from districts such as Aziziyyah or from the old Haram boundaries?

A: It is permissible to declare and assume ihram from all old and new districts of the holy city of Mecca.

Q: If one wants to perform the hajj a second time as a matter of precaution (*ihtiyat*), even though he has performed the obligatory (*wajib*) hajj, what *niyyah* should one declare?

A: One should perform it with the *niyyah* of *ihtiyat*.

Q: I entered the city of Jeddah, where there is no *miqat*, and I declared and assumed ihram there without the *niyyah* of *Nadhr* – being ignorant of the particular ruling in this case – and I entered the holy city of Mecca during the day covering my head. In this case is the Umrah considered void, and I do not have to give *kaffarah* for covering my head? Or if the Umrah is considered valid, am I only obliged to give *kaffarah*?

A: The Umrah is valid and you are only obliged to give the kaffarah.

Q: For the mostahab umrah, or even for the hajj, there are two miqats that the people of Bahrain go to for going to Mecca: al-Hada and al-Sayl al-Kabir. Is it mandatory to go to both of them or is going to one of them sufficient.

A: It is sufficient to wear ihram from the first, and if not one should do so from the second, and as per mostahab precaution, one should do the ihram in the first and renew it in the second.

Washing before ihram

Q: What is the ruling of washing with perfumed soap before wearing the ihram garments or for the *ghusl* of ihram?

A: As per mostahab precaution perfumed soap should not be used.

Q: What is the ruling concerning using perfumed soap or perfume before declaring the ihram by not more than an hour?

A: If the scent lingers until the time of declaring and assuming ihram it should not be used, as per mostahab precaution.

Women clothing at the time of ihram

Q: Is it permissible for a woman to wear the traditional Aba'ah during the ihram?

A: Yes it is permissible.

Q: What is the ruling for wearing socks that cover the surface of the foot? This concerns a lady who thought that it was permissible, and performed the hajj rites on that basis?

A: She needs to take no further action. Wearing socks is permissible for women, although, as per mostahab precaution, the footwear should be slit such that the surface of the feet is not covered.

Obligations of Ihram

Q: What is the ruling about blocking one's nose in the presence of vehicles' exhaust fumes while in the state of ihram for the hajj? This is

when these fumes contain poisonous ingredients and particles which cause health problems for the individual either later or immediately such as headaches.

A: It is permissible to block the nose in such circumstances.

Q: Is it permissible for the muhrim hajj to seek shelter in the shade such as riding in a roofed vehicle, without having a valid reason?

A: It is not permissible while in the course of a journey travelling from one location to another, but when indoors it is permissible.

The muhrim and sheltering

Q: What are the limits of night for a muhrim with respect to sheltering under a cover, is it from sunset until sunrise, or is it from sunset until Fajr?

A: It is not permissible to shelter under a cover [when outdoors or on the move] during day and night.

Tawaf

Q: Does the wife of the Hajj (hajj pilgrim) become haram to him if he does not perform Tawaf al-Nisa' out of ignorance of the ruling.

A: If one performs Tawaf al-Wida' [instead,] it would be sufficient [for the fulfilment of the said obligation], and it could be considered as an 'error in fulfilment/performing', although as a mostahab precaution, one should repeat the Tawaf himself or appoint an agent/representative to repeat it on his behalf. However, if he does not perform even Tawaf al-Wida', his wife will be prohibited to him during the month of Dhil-Hajjah. After the month [of Dhil-Hajjah] his wife will no longer be prohibited to him. In the case of [not performing Tawaf al-Nisa' during] the 'Umrah pilgrimage, women will be forbidden for him until he or his representative performs Tawaf al-Nisa'.

Hajj

Q: An individual who is an “excessive-doubter” went to hajj, and during Tawaf al-Nisa’ he doubted whether he finished the first or the second round, and after some thought he came to the conclusion that he had finished the second round and he finished his tawaf and his hajj on that basis, and did not care about his doubt given his excessive doubts in his acts of worship, but when he returned to his hometown, his doubt about this came back to him again. So he does not know what to do. Should he go back to Mecca and perform Tawaf al-Nisa’ in order to be sure?

A: He is not obliged to do anything.

Q: My finger bled during tawaf, and rendering it tahir would take time, given the distance and the crowds. What is the ruling in this case?

A: It is mandatory to make it tahir. If one has finished three and a half rounds of the tawaf before the bleeding, then one would finish the tawaf after making the finger tahir, and if one has not finished three and a half rounds of tawaf [before the bleeding], then one should start the tawaf anew after making the finger tahir.

Q: Is there any objection if one is driven to touch the Ka‘bah during the tawaf because of the crowd?

A: There is no objection even if done wilfully.

Q: It is known that, in situation of difficulty and discomfort [for the pilgrim due to congestion], you permit the tawaf to be performed at distances further from those the scholars have mentioned, which is between the Ka‘bah and the Maqam. so the question is; does this mean that it is permitted for the tawaf to be performed in the arcades surrounding the Ka‘bah where people perform their prayers, or should the tawaf be performed in the courtyard between the Ka‘bah and these arcades?

A: It is unconditionally permitted when there is difficulty and discomfort [for the pilgrim due to congestion].

The sacrifice

Q: Is it mandatory for the slaughterer of the sacrifice *hady* in Mina to be an Imami or is it sufficient for him to be a non-Imami?

A: It is sufficient for him to be a non-Imami.

Q: Is it conditional for the Imami Hajj to place his hand on the hand of the non-Imami slaughterer?

A: It is not conditional.

Q: What is the ruling for the hajj sacrifice if it is [purchased] from the Ahli Bank? The Ahli Bank sacrifice may have been allocated, and it is probable – or most likely – that the slaughterer is non-Imami (non-Shi'a), and the place of the slaughtering is the new slaughterhouse outside Mina?

A: If the sacrifice meets all the required criteria then it would be sufficient, otherwise it is not. As for the new slaughterhouse, it is permissible to slaughter there if one is not able to do so in Mina and cannot find a place nearer to Mina.

Preferences in the obligatory and mostahab acts of hajj

Q: What are the preferred options for either Hajjat-al-Islam or the mostahab hajj in the following?

١. To perform the tawaf, as part of the hajj rites, between the Ka'bah and the Maqam or outside the Maqam when there is severe overcrowding in a bid to lessen the pressure upon the Muslims?
٢. To perform the Sa'y between the Safa and Marwah through the common route or through the upper one during the times of severe overcrowding in a bid to lessen the pressure upon the Muslims?
٣. To offer a sacrificial sheep of 700 Rials, or to offer one of 300 Rials and give the rest [as charity] in the cause of Allah?

- ξ. For a woman to stone the Greater Jamarah herself or to do so by proxy, because in doing so she would come into physical contact with the non-mahram due to severe overcrowding, which is considered objectionable by some?

A1: It is permissible in Hajjat-al-Islam to perform the tawaf outside the Maqam, to avoid the harm or discomfort of doing so within the Maqam. However, if the harm or discomfort is not to excessive, it is preferable to perform the tawaf within the Maqam.

A2: If it is possible to perform the Sa'y on the ground level, without disturbing others, it is preferable and more prudent to do so.

A3: If the sacrifice was not to be used, and if there is a particular need [for money] by the believers, then giving the rest to charity is better, but if one is not to give to charity, then it is better to offer the pricier sacrifice. The Almighty states, (It is not their flesh or their blood that reaches Allah, rather it is your piety that reaches Him) [22:37].

A4: It is permissible for her to bring the stoning forward to the night [before] so that she is not caught up with the overcrowding, but given the scenario of the question, it is permissible for her to do so by proxy.

ACTS OF WORSHIP

Part Six

Zakah

ACTS OF WORSHIP

Chapter One: Khums

[Khums literally means one-fifth and it is the rate levied on incomes as given in the Holy Qur'an: **(Know that whatever thing you may come by, a fifth of it is for Allah and the Apostle, for the relatives and the orphans, for the needy and the [stranded] traveller, if you have faith in Allah and what We sent down to Our servant on the Day of Distinction, the day when the two hosts met; and Allah has power over all things).** 8:41.]

Categories of Assets Liable to Khums

Khums is obligatory on [seven categories of assets and possessions]:

١. Profits and gains from earning and trade.
٢. The Halal wealth that is mixed with Haram wealth.
٣. Minerals [acquired].
٤. Gemstones obtained through diving in the sea.¹
٥. Treasure troves [found].
٦. The land that a *dhimmi* purchases from a Muslim.
٧. Spoils of war.

١. Profits and Gains from Earning and Trade

Case: It is obligatory to pay the khums on the surplus of what is obtained through trade and earnings throughout the year, as detailed later. The surplus is what remains of the annual income after meeting one's annual expenditure and that of one's family in the year. The income may be earned through various trades and businesses, or even through offering missed prayers and fasting on behalf of a deceased person.

¹ Gemstones obtained other than 'through diving in the sea', i.e. those found on the surface of water or the shoreline have different ruling; so too gemstones obtained from land surface, which are mentioned elsewhere, e.g. see Treasure Troves, page 311.

١,١ Setting the beginning of the fiscal year

Case: It is mandatory for the businessman, shop owner, professional, and suchlike to pay khums – at the end of the fiscal year of their business – on [money] that is surplus to their annual expenses.

Similarly, it is mandatory for the person who is not involved in trade, who occasionally or unexpectedly makes a gain, to give khums on that which exceeds his annual needs, after a year has passed from the time he made that gain.

Case: If a person, such as a businessman or a trader, who is required to set the start of his fiscal year, makes a gain during a year and then dies during that year, then it is mandatory to deduct his expenses up to the moment of his death from the gain, and then give the khums on the remainder.

١,٢ Surplus to Expenses

Case: A person with more than one job or more than one source of income, for example one who rents properties, buys and sells commodities, and farms as well, has to pay khums on whatever is surplus to his annual expenses at the end of the year. If one makes a profit in one business and a loss in another, then he can offset the loss against the profit and pay the khums on the remainder.

Case: Business overheads and expenditure – such as those paid for delivery or for the agent – may be treated as essentials.

١,٣ Expenses of the year

Case: The amount one spends – from the year's business gains and profits – on food, drink, clothing, household furnishings, house purchase, marriage, daughter's dowry if it cannot be provided at the time of her marriage, ziyarah, and suchlike are not subject to khums, if this expenditure is considered appropriate for one's status and one is not considered to have been extravagant.

Case: Money spent on *nadhr* or *kaffarah* is treated as expenses of the year, as well as that which is given away to another person as a gift or as a prize, provided it is considered reasonable for one's status.

Case: The money spent on hajj and other zyarat is treated as expenses of the year in which the journey begins, even if the journey continues into the following year.

Case: If one makes a profit from business and trade, but has other money that is not liable to khums, then it is permissible for him to pay for his year's expenses only out of the earned profit.

١,٤ Capital

Case: If a person does not make a profit in the beginning of the year, and spends from the capital, but before the end of the year makes some profit, one may deduct what he spent from his capital during the year from this profit.

Case: If some of a person's capital is destroyed/lost-in-trade, but he makes a profit in excess of his annual expenses, then it is permissible for him to offset his capital losses against his profits.

Case: If a person is in partnership with another, and pays khums on his profits, while the other partner does not pay khums, and he adds his unkhumsed profit to the capital, then it is permissible for the partner who has paid khums to manage/utilise the joint capital (of both partners). However, if the partner brings forth his share of the capital – which has not been khumsed – and adds it to the overall joint capital, then as an obligatory precaution [the partner who pays khums] needs the permission of a marje' to manage/utilise this capital.¹

١,٥ Mahr

Case: Khums is not levied on Mahr.

¹ In other words, if at the outset, the capital of one of the partners is unkhumsed, the other khums-paying partner would need his marje's permission to handle the joint capital.

Q: If a husband, who has not paid khums, gives his wife the Mahr, is it the husband's duty to pay khums on the mahr, or the wife's?

A: It is the husband's duty to pay khums on this wealth, and if he does not, [and if she is certain that the Mahr given to her has not been khumsed by her husband] then it is the duty of the wife.

۱. Inheritance

Case: No khums is payable on inheritance.

If one inherits money and learns that the testator did not pay khums on it, then it is the beneficiary's duty to pay the khums. Furthermore, if the beneficiary learns that khums is not payable on the money which he has inherited, but learns that the *mowrith* – the testator from whom he has inherited – owed khums on property other than that which he has inherited, then it is his duty to pay khums out of this money.

Q: A man buys a piece of land with *khumsed* money – i.e. money out of which khums has already been paid – and after his death his son sells the land. Is the son required to pay khums on the proceeds?

A: Khums is not payable on inheritance.

Q: If a *mokallaf* dies, what is our responsibility towards him; firstly if he kept an annual account of khums, and secondly if he did not?

A: If you do not know whether or not he used to give khums, then you have no obligation to discharge. However, if you know that he is liable to khums on some of his property or on all of it, then it is mandatory to pay khums [on his behalf].

۲. Halal wealth mixed with Haram

Case: If halal wealth is mixed up with haram to such an extent that it is not possible to distinguish one from the other and the owner of the wealth does not know the haram wealth and its amount, it is obligatory to give the khums on the total sum. After paying khums, the rest of the wealth becomes halal.

Q: What is the ruling on buying and selling shares in banks that deal with usury with the intention of profiting from shares? And what is the ruling concerning the profits gained? Is it obligatory to apply khums to them to purify them from haram, given that the profits may be from a mixture of halal and haram dealings?

A: One may participate with the prior permission of the Hakim al-Shar'ie (marje'), and must apply khums to the profits.

Q: Is it permissible for a Muslim to sell haram products along with permissible ones, and then apply khums to the mixed profits so that his money becomes halal?

A: It is not permissible, and if one does that then he is not entitled to the proceeds of the sale of the haram product. They are treated as part of *madalim*.¹

Q: What is the ruling if one utilises money that is mixed up with haram money and all the money is used up before applying khums?

A: One must reach an agreement (mosalahah) with the marje' concerning the khums.

۳. Minerals

Case: If minerals – such as gold, silver, lead, copper, iron, oil, coal, diamond, rock, turquoise, agate (aqeeq), sulphate, salt, and suchlike are mined to the extent that the *hadd el-nisab* (threshold level) is reached, then it is mandatory to give khums, after deducting the mining/ extraction costs and expenses.

۳,۱ Threshold for minerals

Case: The threshold – or *nisab* – is [the market value of] 15 common mithqal¹ of gold. That is, if the market value of the mined mineral –

¹ When one is liable to others but does not know them [or fails to reach them], he should give the money to the Hakim al-Shar'i, in order to discharge himself from their responsibility and consequences. This is *radd al-madalin*.

after deducting mining costs and expenses – reaches the market value of 15 mithqal of gold, then it is mandatory to give the khums of the mined mineral, and as per obligatory precaution, one should take into account the amount of the zakah of the two cash coins [gold and silver].

Case: If a number of people cooperate to mine a mineral, and the share of each individual, after deducting the mining costs and expenses, reaches [the market value of] 15 mithqal [of gold], then it is mandatory for each individual to give khums.

۳,۲ **Sea Minerals**

Case: In the application of khums, there is no difference between mines on land and mines under the sea. Thus, salt extracted from the sea falls into the same category as any other mineral taken from the sea.

۳,۳ **Industrial/Artificial Minerals**

Case: Industrial or artificial minerals are not subject to khums. So if it were possible to manufacture gold or silver, then it would not be liable to khums, because the criterion is whether or not something has been *mined*. Manufactured [material] does not fall into that category, for it cannot be said to be “mineral”. The same applies to the artificial crops and other commodities that are [normally] liable to zakah.

۳,۴ **Space Minerals**

Case: Khums is payable on stones, rocks, and minerals which descend to the Earth, if known to be from other planets, and if known to be minerals. Otherwise it is not [payable], even if they are similar to the Earth’s minerals such as iron, etc.

¹ A mithqal is a unit of weight. One common (*sayrafi*) mithqal is 4.8 grams approximately. [There is also the shar‘ie mithqal which is 3.6 grams approximately.]

٤. Gemstones obtained through diving in the sea

Case: If precious stones such as pearls, corals, and suchlike are obtained through sea diving – regardless of whether they are vegetation or mineral by origin – and the market value of the extracted stones, after deducting mining costs and expenses, is equivalent to three-quarters of a common *mithqal* of gold, it is mandatory to give khums on it, regardless of whether the stones are extracted in one dive or several, and regardless of whether the extracted stones are the same or different in nature.

٤,١ Sunk in the Sea

Case: Ships, submarines, aircrafts, shipments and merchandise, etc. that sink in the sea are not subject to khums if they are salvaged, for this is not deemed to be [extraction through] diving.

However, in the case of gemstones sunk in the sea, Khums is payable as a precaution.

٥. Treasure Troves

Case: A treasure trove is a property that is hidden in the ground, or in a mountain, or in a wall such that it is called a treasure trove.

If a treasure trove is found on land that does not belong to anyone, then it belongs to the finder and he must pay khums on it.

Case: The *nisab* or threshold of the treasure trove, regardless of whether it is gold or silver is the first *nisab* of these two [metals]. This will be explained in the Zakah section. If, after deducting the costs and expenses of its excavation, it reaches the level of the *nisab* its khums would be obligatory.

٦. The Land that a Dhimmi Purchases from a Muslim

Case: If a Dhimmi¹ purchases a plot of land from a Muslim, it is obligatory for the Dhimmi to pay the khums of that land from the land itself or from his other wealth/property. However, if he buys a house or

¹ A *dhimmi* is a non-Muslim who lives under the protection of the Islamic Government.

a shop and suchlike, the obligation to pay khums is on the basis of precaution.

Case: If the Dhimmi sets a precondition, at the time of purchasing the land from the Muslim, that he does not have to pay khums, his precondition is not valid, and the Dhimmi is obliged to pay the khums, but if he sets a precondition that the seller pays the khums, his precondition is valid.

Case: It is mandatory for a Dhimmi to pay the khums of the land he bought from a Muslim and then sold it to another Muslim before paying its khums. Also, if the Dhimmi dies and a Dhimmi or a Muslim inherits that land, it is mandatory for the Dhimmi inheritor or the Muslim inheritor to pay the khums [of the land]; either from that plot of land itself or from his other wealth/property.

Ⅴ. Spoils of War

Case: If the Muslims fought the non-believers under the command of the ma‘soom Imam, peace be upon him – or under the command of his representative [even if he is not as one of the four specific representatives directly appointed by the imam, but] who is a fully qualified *faqih* who meets all the criteria¹ – and in that battle they obtained spoils of war, it is mandatory, after deducting the costs of safekeeping and shipping the goods, and after deducting what the imam observes prudent/appropriate to spend, and after taking away that which is specific to the Imam, peace be upon him, such as the Sawafi, then the rest is subjected to khums.

¹ Amongst those criteria are those set by the Imam peace be upon him: “As for he who is amongst the *fuqaha*’ who; safeguards himself [against temptations, etc.], protects his religion, opposes his own desires, obeys the command of his master; then it is for the general public to follow him, and that won’t be except for some of the *fuqaha*’ of the Shi’a, not all of them”. Wasa’il al-Shi’ah, vol.27, p131. Bihar al-Anwar, vol.2, p88. Those who meet the criteria are representatives by general authority during the greater occultation period, as stated by the Imam, may Allah hasten his reappearance, “they are my hujjah upon ye, and I am the hujjah of Allah”, Bihar al-Anwar, vol.2, p90.

Chapter Two: How to Calculate Your Khums

١. Decide on the start of your khums year

Q: Is it mandatory for one to set a particular date on which to pay khums, or is it sufficient to allow a year to pass without using his property [before giving the khums]?

A: One must set a specific day in the year [to pay khums]. Alternatively one is obliged to pay khums on everything that immediately comes into one's possession.

Q: How does a *mokallaf* set a date for the beginning of the financial year in order to pay khums on his wealth?

A: He can do so by choosing a day in the *hijri* calendar and setting it as the start of his financial year.

Q: Is it obligatory for me to set a date for the beginning of [the financial] year if I wanted to calculate the khums payable on my wealth?

A: Setting a particular date for the beginning of [one's] financial year is the easiest way for the *mokallaf* [to calculate and pay khums]; otherwise he would be obliged to pay khums on everything that immediately comes into his possession after deducting his expenses from it.

Q: A lady is not employed and receives no regular income, except for a small sum, once or twice a year. She only receives the sums she is in particular need for, and spends some of it on charity. Is she required to pay khums on this sum?

A: It is imperative for her to set a date for the beginning of her financial year. Then when that time comes, if she has anything left over from the original sum then khums is payable on that.

Q: If a person pays for the expenses of others, is he obliged to specify a fiscal year start date for himself in order to pay the khums of the surplus to his requirement?

A: Yes it is obligatory.

Delaying the Khums

Q: What is the ruling regarding delaying the [payment of] khums until a later date?

A: It is not permissible except with the permission of the marje'.

Q: What is the ruling regarding a person who delays the khums deliberately or inadvertently?

A: In the deliberate case, it constitutes a haram and also he remains liable to it, while in the case of forgetting it he remains liable to it even if he does not commit a haram. In both cases he must reach an agreement, *mosalahah*, with the Hakim al-Shar'i.

Q: If a person does not pay the khums at the start of the year one has set for himself, and after a while he wishes to calculate and pay the khums, should the value at the beginning of the year be considered or that at the time of paying the khums (regardless of whether the wealth is in cash or other commodities).

A: Value at the beginning of the year should be considered.

Changing the Khums Date

Q: Is it permissible to bring forward the date of paying the khums?

A: Yes it is.

Q: Is it permissible to delay/put back the date of paying the khums?

A: It is with the permission of the Hakim al-Shar'i, or by paying the khums for the period between the start of the year and up to the time of postponement.

Q: What is the ruling concerning a person who has forgotten the start date of his khums year?

A: He should set a new date close to the original one, otherwise he should observe precaution [by choosing the nearest date].

Khumsing for the First Time

Q: When specifying the start of the fiscal year, for a person who has never calculated and paid khums before, is it mandatory to take into account everything in his possession?

A: Yes through *mosalahah* with the marje' or his *wakeel*.¹

Q: If one wants to calculate the khums on his property for the first time, is it mandatory for him to take into account every possession of his such as his house furniture, car, clothing, and suchlike in addition to his money and the monthly salary from which not much remains after his expenses, and those are used for travelling and suchlike?

A: It is mandatory to take into account all that, and then come to a settlement with the Hakim al-Shar'ie on matters such as house furniture.

Q: Will a person who has never paid khums throughout his life and wishes to subject his possession to khums be let off with respect to his house, his car, his clothes, and suchlike that are essential and subject the remainder of his wealth to khums?

A: He should opt for settlement – *mosalahah* – according to the view of the Hakim al-Shar'ie.

Q: Is it possible for a person who has never paid khums in his life, to be exempted on certain belongings such as his house, car, furniture, clothing, or is it mandatory to subject everything he owns to khums because they have not been khumsed?

A: He should opt for a settlement – *mosalahah* – with a fully qualified *faqih* or his *wakeel* by paying one third of the khums or a similar amount.

Q: A married lady did not pay khums from her adolescence until she was married, but set a date for her fiscal year without paying khums.

¹ Khums is calculated at 20% of the capital in question, whereas *mosalahah* is a settlement or an agreement especially designed for first-timers or the less well-off. It is usually on essential belongings, and is at a lower rate, i.e. one third of the khums.

How does she pay khums from now on, and how does she arrange mosalahah (settlement) with her marje'?

A: She should refer to a *wakeel* for *mosalahah* [to settle past issues], and the new fiscal year begins after the khums has been paid.

٦. Khums on Surplus Cash

Q: If one receives a cash sum, of one thousand Rials say, one week or one month before the start of his fiscal year, is it mandatory to subject the said sum to khums, or should he set a different start date for the year?

A: Yes, it is mandatory to subject the said sum to khums.

Q: Is it mandatory to subject to khums the sum one receives from insurance companies in compensation for damages or injuries?

A: If that is at or near the time of the start of the fiscal year, then yes it is mandatory.

Q: If one's salary is delayed, and his new fiscal year starts, in this case is one required to khums the delayed wage (when he receives it), or can he consider it as the income of the following year?

A: He must khums it and it is considered as the income of the previous year.

Q: Does receiving a cheque constitute receiving the cash itself as far as the obligation for the khums is concerned, as well as [the obligation for] repaying a debt, returning a deposit, paying the wage of a worker, etc.? Or are there other considerations?

A: If the cheque is backed up by the balance in the account and it is due, then receiving it is tantamount to cash, and its rulings apply.

Q: Is it mandatory to khums the interest gained on khumsed wealth?

A: If by 'interest' is meant 'bank interest', then it is mandatory to khums them as soon as they are credited to the account, and then to khums the rest of them at the end of the khums-year or fiscal-year. But if they are

meant to be ‘other interest’, it is sufficient to khums them at the end of the fiscal year if they were surplus to the annual expenses.

Q: The money that a husband gives to his wife, or the father to his son or daughter, regardless of whether they are for their personal expenses or other than that, if the money of the father is khumsed, is it mandatory for them to khums this money at the start of their khums-year?

A: Yes it is mandatory.

Money for Marriage or Travel

Q: The money that a refugee, to Europe for example, saves to help him with his marriage or with travel to his country for example, is this money liable to khums?

A: Yes, as per obligatory precaution, he should khums the money.

Q: I am a young employee and I have some wealth, and I khums every year, and I am planning to marry, do I have to khums the surplus to my expenses now or can I delay it till after my marriage?

A: It is mandatory to khums at the start of the fiscal year, and if you cannot pay what is due in full, you may do so in instalments.

Q: If a person is planning to get married and is not able to acquire the necessary money in a short period, and starts to save gradually every month say 2000 Rials, then at the end of the fiscal year is this money that is being saved towards the marriage liable to khums?

A: Yes it is liable to khums.

Q: If one puts aside some money for optional hajj and suchlike, or deposits the money in the bank for hajj, or buys an air ticket before the onset of the new fiscal year, is this considered part of the expenses of the previous year?

A: [No] but rather it is liable to khums.

Money for buying land and suchlike

Q: I am saving money in order to buy a piece of land and build a house. Building the house may take several years. Is this particular saving liable to khums?

A: Yes it is liable to khums as a precaution, with the exception of the expenses in the year the house is moved in.

Q: Is the money that is being saved to buy land or build a house liable to khums on the start of the fiscal year, given that this saving is not used for other than the said purpose?

A: Yes it is as per obligatory precaution.

Q: Both my wife and I work and save some of our money for investment and buying international shares over the internet and shares in IT. What is the ruling concerning the savings that we make in order to buy a house, and is the money saved for buying a house liable to khums?

A: The surplus to expenditure is liable to khums as per obligatory precaution, and if you buy a house before the start of the fiscal year then that is considered part of your expenses. However, before buying the house, it will not be considered part of the expenses, except for the year in which you move into the house.

Q: If one needs a house, and it is not possible to buy or build one except from several years' savings, then are those savings liable to khums?

A: The answer is as that of the previous case.

The Capital

Q: Is it mandatory to khums the business capital whether one's livelihood depends on it or not, and irrespective of whether or not one needs to use the capital for his livelihood?

A: Yes it is mandatory in either scenario.

Q: If one trades in currencies, is it mandatory to khums the rise in the value of the currencies?

A: Yes it is mandatory to khums the rise.

Shares

Q: If one buys shares in a bid to rely on their value afterwards to build his house, but this needs several years. Would they be liable to khums? What if one transfers these shares to another scheme where growth is greater in order to use the money for building his house? Would they be liable to khums?

A: It is mandatory to pay khums in both cases, as per obligatory precaution.

The khumsed money is not liable to khums

Q: If certain money is khumsed, should one khums it again when he reaches the age of adolescence as part of the process of khumsing all his properties and possessions? It should be mentioned that the father of the individual concerned khumsed the sum and not the son/daughter who has just reached the age of adolescence.

A: He should khums whatever has not been khumsed from the time of being in his possession, and [his possession] that has been khumsed by his father is not liable to khums again, unless they rise in value.

Q: I had one thousand Dinar and I khumsed them, and after some years I sold them and the value remained surplus to my annual expenses. Do I have to khums this sum?

A: The khumsed money is not liable to khums.

Account balance and khums

Q: Is it true that at the time of working out the khums one should deduct the money one had at the beginning of the year and khums the remainder? For example if one had one thousand at the beginning of the year and at the time of calculating the khums he had two thousands, then he should deduct one thousand and pay the khums of the other thousand?

A: If he had paid the khums of the first thousand, then he is only liable to pay the khums of the other thousand.

ACTS OF WORSHIP

Q: If one pays out the khums on his wealth and he has left say \$100 that is khumsed, and in the second year he has left \$50 only. For the purpose of khums calculation in the third year, is the khumsed amount that is not liable to khums \$100 or \$50?

A: [The existing] \$50 only is not liable to khums.

Q: If the khumsed sum is \$100 and this is exchanged to Yens and then the value of the Yen currency increases, is the increase in value liable to khums?

A: Yes, it is liable to khums.

Q: If the khumsed wealth is exchanged to another currency, and then its market value goes up, at the start of the fiscal year is the increase in value liable to khums or the entire sum? And is there a difference between if this is for business or not?

A: At the start of the fiscal year only the increase in value is liable to khums and there is no difference between the two.

Q: If one khumsed 1000 [unit of currency] and 800 remained for him. Is the surplus that is liable to khums in the following year an amount that is over the 800 or over 1000? And what is the criterion in the application of khums? Is it when the sum is surplus to living expenses, or is it if it is not needed irrespective of the remaining 800?

A: The amount that is surplus to the previously khumsed wealth, i.e. the 800, is liable to khums. The criterion is to subject to khums all that is surplus to annual expenditure. If the surplus [amount] has been khumsed then it is not liable to khums again, and if there is any amount that has not been khumsed then it is liable to khums.

Q: If a number of individuals formed a “monetary group”, such that every one pays 1000 Rials [a month], and say there are 10 people in the group, resulting in 10,000 Rials being paid every month to one of the group members in turn. Thus if it is the start of the fiscal year and one receives this sum, is one obliged to pay the khums for this entire sum, given that he will make a monthly payment of 1000 Rials and therefore

the sum would gradually be given back. In effect he uses the sum at a given time for investment, or for his annual expenditure, and suchlike.

A: The instalments he has already paid are liable to khums, and they become his property.

Q: If the start of one's fiscal year is the month of Muharram and he has \$1,000, and the next Muharram he has \$800, and the third Muharram he had \$900, is he obliged to khums the extra \$100 or not? And if in the fourth Muharram he had \$1,100, does he pay the khums of the extra \$100 compared to the first Muharram or the extra \$300 compared to the second Muharram?

A: The criterion is that [the sum] at the onset of every year is compared with that of the preceding year. In this case, in the second Muharram one is not liable to khums, in the third Muharram he should khums the extra \$100, and in the fourth Muharram the unkhumsed \$220 should be khumsed.

3. Khums on items surplus to requirement

Q: A cleric normally needs various books, but some of them may remain unused for a year. Would these be liable to khums, given that they are commonly considered as a requirement?

A: Whatever is commonly considered as a requirement is not liable to khums.

Q: If a student needs text books but he does not need them until the near future, are they liable to khums if one does not use them after a year has passed since the time of their purchase?

A: One should pay the khums as a precaution.

Q: An individual who wants to migrate to another country sells all his belongings that he needs such as fridge, washing machine, etc. so that he could buy their equivalents in the country he is migrating to, and before he buys the appliances his fiscal year begins. Are the sale proceeds of the appliances liable to khums?

A: In the given scenario they are liable to khums.

Q: If the *mokallaf* buys something in the belief that he needs it, and then it turns out that he is not in need of it, is this item liable to khums?

A: Yes it is liable to khums.

Q: If the *mokallaf* buys something with the intention of keeping it to sell when its price rises, is this liable to khums?

A: Yes it is liable to khums.

Q: Last year I deducted the khums from my wealth. This year at the beginning of the new fiscal year I deducted the khums too, but I am uncertain whether or not I subjected my mobile phone that I have had since last year to khums. Am I liable to anything?

A: Generally the mobile phone is considered a requirement and thus is not liable to khums.

Q: If one's hobby is stamp or coin collection, is one obliged to khums them?

A: If they have a value such that they are bought and sold then they are liable to khums.

Gifts

Q: If one obtains some wealth as a gift, and some of it remains surplus to his annual expenditure, is he liable to any khums?

A: He should pay khums on the surplus.

Q: Is the [money-] gift liable to khums?

A: If it is not spent during the khums-year then it is liable to khums.

Q: Is a gift that remains unused for a year liable to khums?

A: Yes it is mandatory to pay its khums.

Q: Is it mandatory to khums the gifts immediately or at the start of the fiscal year if it remains intact?

A: They should be khumsed at the start of the year.

Q: If the *mokallaf's* capital is less this year compared to the previous year, but has gifts and items that he has bought but not used [during the year], are they liable to khums even though his capital has decreased?

A: Anything that exceeds his khumsed property from his previous year and is khumsable is liable to khums.

Q: What is the ruling concerning gifts or money-gifts as far as khums is concerned? If one does not know their cost, does one estimate their cost and pay khums?

A: One should estimate their cost and pay their khums if they were not a necessary requirement.

Q: Is it mandatory to khums the money-gift before the passing of one year? And what about a non-monetary gifted item?

A: Khums is not liable before the khums year, and the criterion is [to pay khums by the start of] one's own khums year.

Surplus foodstuff and other goods

Case: If the foodstuff one has bought and stockpiled for his needs for the year exceeds his actual need, then it is obligatory for him to khums the surplus as a precaution. If one wishes to pay [the khums] in the form of the equivalent price of the surplus foodstuff, and if the price of the foodstuff has risen compared to the price it was bought at, then he must pay according to the current price at the end of the year.

Case: If one buys furniture for his house from the profits of his trade before paying the khums and then he no longer needs that furniture, he must pay the khums on that furniture.

The same applies if one buys jewellery and other female adornments, and the lady no longer uses them, or they are no longer considered appropriate for her status to wear.

Q: Is the gold jewellery that the wife uses most of the time liable to khums or zakah if some of the jewellery have been acquired as gifts and others have been bought from non-khumsed money?

A: If she bought them with non-khumsed money¹ or if they were surplus to her need for the year, she must pay the khums.

Does Khums Apply to Buildings?

Q: If the new fiscal year starts and the building of the house is not yet finished, is it correct that no khums is liable because this is part of the expenditure, or *mosalahah* should be entered into, or is it liable to khums as the criterion [for khums liability] is the beginning of the new fiscal year?

A: If one builds a house for his residence, if it is completed during the year then he is not liable to khums as this is considered part of the year's expenditure, but if the new fiscal year starts [and the building is not complete] then he is liable to khums for it is not considered part of the expenditure of the same year. If one is less well-off, then *mosalahah* may apply.²

Q: Building a house normally takes a year or more in our country, so if the foundations were laid in the first year, say, and in the second the columns and the roofs are completed, and in the third it is furnished with furniture and other necessities, does one have to calculate building costs at the end of the fiscal year and pay the khums on them? Or are these costs considered as part of the year's expenses and therefore are not liable to khums? Is there a difference whether the house is for personal use or for renting and suchlike?

¹ that was liable to khums.

² Khums is calculated at 20% of the capital in question, whereas *mosalahah* is a settlement or an agreement especially designed for first-timers or the less well-off. It is usually on essential belongings, and is at a lower rate, i.e. one third of the khums. For more on 'mosalahah' see also "Matters in which Mosalahah apply" page 330.

A: It is considered as part of the expenditure if it was for personal residence and one took up residence in the same year. However, if it took more than a year then one may do mosalahah with the Hakim al-Shar‘i. If it were for letting and suchlike, then it is liable to khums.

Q: If one borrows money to build his house – and it is known that this loan is not liable to khums – but what is the ruling if this loan is not sufficient for the said purpose and one resorts to supplementing it using the annual profits of his business? Does one have to calculate the cost of the building and pay khums? Or are they considered part of his annual expenditure and therefore are not liable to khums? If khums is obligatory, is there a difference between the case of completing the building work and moving into it in the same year, and the case of the building work continuing into the second year before moving in?

A: The answer is the same as the one to the previous question.

Q: Members of my family own the house which they currently live in. Are they obliged to pay the khums on the house and its furniture, given that they do not have the needed foodstuff for the year?

A: One must opt for a mosalahah with the Hakim al-Shar‘i if one were to pay the khums for the first time.

Does Khums Apply to Land?

Q: I bought a piece of land for 500 Dinar with the intention of it being an opportunity to provide some income. After a while I sold it and bought a bigger piece for 12,000 Dinar with the intention of building a house. When is it obligatory for me to pay the khums on that?

A: When a year passes [from the date of purchase of the land] it becomes liable to khums.

Q: Three people each bought a piece of land. The first built a house on the land and took up residence in it before the passing of one year [since its purchase], the second began building the house before the passing of one year, and the third left it as it was until a year had passed. What is the ruling regarding liability to khums for each one of them?

A: The first person is not liable to khums, the second should pay the khums as a precaution, and the third is liable to khums.

Q: The land that the government grants to individuals to live/reside on, is it liable to khums and when?

A: If one does not reside in it in the same year it becomes liable to khums.

Q: If the father bestows a land to the son, but the latter is not able to build it and reside on it. After the passage of many years what is his khums liability? And if he is liable to khums after the passage of one year [since being in his possession] but does not have the money to pay the khums, like if he is a student or poor, what should he do?

A: He is liable to khums, and he should pay when he can.

Q: An individual used to own a land that he had bought in order to build a house for himself. But he moved to another country and therefore sold the land. However, he is still in need of a residence, and the price of that land constitutes only part of [the price of] the residence today. Is he liable to khums that sum or not?

A: If he owns a land and then he sold it and bought a house and resided in it before the start of the khums year, then he is not liable to khums. Otherwise he is liable to khums. Of course if he is poor, it would be valid for him to settle the case – *mosalahah* – with the Hakim al-Shar‘ie or his authorised *wakeel*.

Work Equipment and Business Capital

Q: The business premises that is bought freehold or leasehold together with the tools of trade, if the khums due is deducted in the first year, then will it be considered to be amongst the tools that are not required to be taken into account and valued as part of the business assets for every year, and therefore khums would not be applicable to the increase in value unless after selling it and determining the profit from it, or should it be considered as part of the business capital that should be taken into account every year, thus its value should be included in order to work out the khums on that basis?

A: Value increase is liable to khums every year.

Q: As far as the business asset is concerned, what value should be taken into account; the purchase value, the sale value or somewhere in between? (The question is how should the business capital be calculated?)

A: The current value on the day in which one wants to work out the khums should be taken into account.

Q: A person who wishes to begin khumsing, does he enter into mosalahah – settlement – over the tools of the trade or should he subject them to khums?

A: He should subject them to khums.

Q: If at the time of working out his khums one has business tools that he has bought during the year, should these tools be considered as part of the capital or not? And if they are considered part of the capital, should they be valued at the purchase value or their current value?

A: They are liable to khums at their current value.

Lost Items

Q: If at the time of calculating the khums at the start of his fiscal year one has items that are surplus to his needs but he lost them before the day of working out the khums, and then he found them after the start of the new fiscal year, is he liable to their khums?

A: Yes he is liable to their khums.

٤. Bank Interest Khums

Q: How should the interest that is added to savings in interest-bearing bank accounts be handled?

A: They are considered amongst the *majhool al-malik*, i.e. property of the unknown owner, and it is mandatory to khums them and only then it is permissible to take the remaining balance.

Q: Is it permissible to deposit money into interest-bearing bank accounts after the permission and agreement of your *wakeel* and how do we deal with the interest paid?

A: See the answer to the previous question.

Q: Is it permissible to deposit money into banks that give interest on deposits with my prior knowledge of this and even if I do not precondition that?

A: See the answer to the previous question.

Q: What is the ruling concerning dealing with interest-based banks despite there being Islamic banks in my country, and what do I do with the interest paid, given that I do not seek them but they are added to the account without requesting them?

A: If the banks were non-Islamic then it is permissible but the khums on interest must be paid immediately. [i.e. not wait until new khums year.] As for the Islamic banks, if the payment of interest is not a precondition, then [there is no objection and] one should similarly pay the khums.

Q: Is it permissible for me to open an account in an interest-based private bank,¹ given that it pays me interest without requesting it?

A: It is not permissible.²

Q: I have an account with an interest-based private bank, and it pays me interest without requesting it, but in accordance with its regulations, what do I do with them?

A: They are considered amongst the *majhool al-malik*, and you are liable to their khums and the remaining balance is permissible to take.

¹ A private bank is the bank whose founders/owners/shareholders are private individuals and not a government, and that profit and loss go to the private individuals and not to a government.

² This is for the case in Islamic countries where the bank owner/founders/shareholders are Muslims. As for the case of non-Muslim countries, where the bank owners/founders/shareholders are non-Muslims, there is no objection to that, as it is permissible for Muslims to receive interest from non-Muslims, and it is not even necessary to pay khums on the interest received immediately.

Furthermore, if this interest-based private bank is owned by Muslim individuals/shareholders, then it is mandatory that you withdraw your money, since it is not permissible to have an account with such a bank.

Q: Is it permissible to deposit money into interest-based bank accounts, receive interest paid by them, and to pay khums on the interest – on the basis of Halal wealth that is mixed with Haram wealth – as you are reported as saying – given that the interest is all haram, or is it for another reason?

A: The interest in this scenario is considered *majhool al-malik*; one should pay the khums on it in the case of government banks.

Q: What is your opinion regarding bank interest, given that the banks in our country are of two types – government and private – and in some of the banks it is conditional that profit and loss are shared?

A: There is no objection to [interest given by] government banks; and one should pay the khums on the interest as soon as one receives them [i.e. not wait until the new khums year].

Q: If one wishes to deposit money in a bank and they ask him, “do you want the interest of the deposit or not?” can one ask for the interest without specifying its amount, as in the case of *majhool al-malik*, i.e. accepting interest without precondition?

A: It is permissible with the [prior] permission of the *Hakim al-Shar‘ie*.

Q: A piece of land which is subject to *waqf* – endowment – is sold to buy another property instead, and the sale proceed is deposited into a bank account and its value increased. Is it necessary to give to charity some of the interest for the poor or is the interest considered part of the *waqf*?

A: The interest should be khumsed to begin with – on the basis of Halal wealth that is mixed with Haram wealth – and the remaining balance is added to the sale proceed.

◦. Matters in which Mosalahah apply

Q: In the case when I do not know the value of the khums I am liable to, is it permissible for me to do *mosalahah* – settlement – with the authorised *wakeel* on the value I think I am liable to, and afterwards when the correct value I am liable to is established I will rectify the *mosalahah* settlement?

A: If the settlement is in lieu of all that one is liable to, then this would discharge his obligation, but if the settlement concerned a particular amount or item which he knew or he thought he knew and it turns out that his estimates are incorrect, [i.e. they were less than the actual value], then he should pay the khums on the [correct amount] that he comes to learn of.

Q: A person who used to khums before but stopped doing so for a number of years, and wishes to begin observing the payment of khums again what does he have to do? Should he khums on the basis of his old capital, or should he start anew as if he never khumsed before?

A: He should start anew, and do *mosalahah* with the Hakim al-Shar‘ie.

Q: Does the *mosalahah* that is done for khums take into account cash or other items such as car, watch and suchlike as well? Is it applicable to things that are considered extra to one’s essential personal items such as a TV set for one’s work and another for his house, or even two more TV sets for the house, in different rooms?

A: Anything that is surplus to the needs of the household is liable to khums.

Q: Is it permissible for the *wakeel* at the time of the *mosalahah* not to take any money from the *mokallaf*?

A: [It is] if the *mokallaf* is poor and suchlike, and if it is within the authority of the *wakeel*.

Disposal of Khums

Case: The khums must be divided into two parts:

Sayyids' Share

Case: It is mandatory to give this share to the Sayyid who is poor, or the Sayyid who is orphan and poor, or to those Sayyids who are stranded without money in the course of a journey.

Case: It is permissible to give the khums to the Sayyid who is not *'adil* but it is not permissible to give it to non-Ithna Ashari Imami.

Case: If a person is renowned to be a Sayyid in a country, it is permissible to give him the khums even if the giver is not certain of his Sayyidship.

Case: It is permissible to give the khums to a poor Sayyid whose expenses are the responsibility of someone else, but that person cannot pay for his living expenses.

Imam's Share

Case: The other half of the khums is the share of the Imam, and during this era it is given to the fully qualified mujtahid who meets all criteria, or it is spent on matters permitted by that mujtahid.

Chapter Three: Queries on Khums matters

Being moderate in spending

Case: If one saves money through managing his expenditure, then those savings are liable to khums [at the end of the khums year if they are in surplus].

Debts one party is liable to

Q: A person has a house mortgage from the government, and he pays back in instalments over 20 years at an interest rate of about 9%. Is this permissible? And if yes, is khums payable on the borrowed money or that which is paid back?

A: It is permissible in cases of essential need for this kind of loan [e.g. if one has no reasonable house to live in], and it is not liable to khums [i.e. there is no khums payable on it].

Q: If money borrowed remains in its entirety at one's disposal at the end of the year, is it liable to khums? What if this money is converted into commodity for trade, or if one buys with it [i.e. the borrowed money] something that is surplus to the needs for that year?

A: Borrowed money is not liable to khums [and thus there is no khums payable on it].

Money used to pay off debts

Case: If one borrows money – at the beginning of one's [financial] year – to pay for expenses, but before year end, makes some profit, one would be permitted – before the beginning of the following year – to use the profits made to pay back the money borrowed at the beginning of the year.

Q: Is khums payable on a sum that the borrower wants to use to pay back his debt?

A: If one does not pay off one's debts and the sum remains in one's possession at the beginning of his new financial year, the strongest evidence suggests that khums is payable on that sum.

Q: If one builds a house with borrowed money, and makes loan repayments in instalments, and then after a period of paying back the instalments, wishes to start paying khums for the first time, what are one's obligations with respect to this house? Is he required to pay khums on the instalments he has already paid, or does one reach a settlement – *mosalahah* – with the *wakeel* on this? And what about the remaining instalments?

A: Khums is payable on the instalments which have already been paid, but not on the rest because they are [still part of the] loan.

Q: If one builds a house with borrowed money, and makes repayments in monthly instalments, for example, and sells the house after having paid off some of the instalments, is khums payable on the entire value of the property?

A: He should deduct his remaining debt from the [property] value and pay the khums on the rest.

Loans given to others

Q: If at the beginning of the financial year one finds that some or all of his profits are loans he has given [to others], then is it one's obligation to pay khums on those loans?

A: He has the option of either paying khums on them at the start of his [financial] year or paying khums on them whenever they are paid back to him.

Child's property

Case: If a child extracts a mineral, or owns wealth/property that is mixed with Haram wealth, or if s/he uncovers a treasure trove, or if s/he collects gemstones through diving, it is the duty of the child's guardian

to pay khums on whatever comes into the child possession, as per obligatory precaution.

Case: If a young child has a capital and makes a profit, his/her guardian should, as a precaution, pay khums on his/her behalf. Otherwise the child is obliged to pay khums after *boloogh* [reaching the age of adolescence, maturity and accountability].

Case: If a person does not pay khums on his/her property/wealth from the time one becomes *baligh* onwards, and buys non-essentials from the profits of one's business, s/he becomes liable to pay khums on them. However, if one purchases essentials commensurate with one's status; and does so in the same year one makes the profit, then there is no khums liability. If one does not know whether one bought it in the year in which one made the profit or after the end of the said year, one should, as an obligatory precaution, make a *mosalahah*, or come to a settlement, with the *Hakim al-Shar'ie*.

Q: Is khums payable on my five month old infant's property, such as nappies, creams, medical items, and clothing items which have not yet been used?

A: As an obligatory precaution, Khums is payable on a child's property and the guardian should pay it [on its behalf out of the child property].

The money of the Insane

Q: If a person becomes liable to pay khums before he becomes insane, does his family have an obligation to pay khums on his property/wealth [afterwards]?

A: It is his guardian's obligation [to pay khums from the person's wealth].

Q: If one loses one's senses and awareness due to old age or illness, is it the eldest son's obligation to pay khums on one's wealth during this period?

A: Khums is payable on one's wealth, and [one's son] should seek the permission of the *marje'* to pay the khums.

The less well-off

Q: As is well known, an individual in the West receives monthly sums from the government in welfare benefit or monthly support as a refugee. Is it mandatory to pay khums even if this money is sometimes not adequate?

A: If anything is left over after essential expenditure, khums is payable on that sum.

Q: I am an employee and have a limited income which does not cover my expenses for the whole month. I wish to pay khums for the first time. Given that khums is only payable on what is left over after essential annual expenditure, how do I pay khums if my income does not cover my expenses for the whole month?

A: If in the past, you did not have any amount left over after essential expenditures, then you are not liable to pay khums.

Q: Is it permissible for a Muslim to have a sealed money box which is not opened for over a year, knowing that khums will not be paid on the money saved in the box until after it is opened, and that this will be after the date that he has set as the beginning/end of the financial year for khums payment. The individual concerned is a poor person. He may eat on one day but not eat on another and he does not have a regular monthly income.

A: He must seek the permission of the marje'.

Ruling on a person who does not pay khums

Q: If a person performs prayers while wearing clothes that are liable to khums [and it has not been paid], then the validity of the prayers is questionable. Does this mean that the person must repeat his prayers?

A: The prayer will be valid if one gives the khums, and seeks the permission of the marje'.

Q: Is it true that prayers are invalid if performed in a garment on which khums has not been paid?

A: Its validity is questionable unless one pays the khums and seeks the permission of the marje'.

Q: If one's wealth/property is liable to khums, is it the case that every garment purchased with monies on which khums is payable is considered usurped, and wearing it and offering prayers in it is not permissible?

A: It is not permissible, except with the permission of marje'.

Money which is liable to khums

Case: It is not permissible to utilise and use the money one is certain has not been khumsed [i.e. khums has not been paid on it]. However, if one doubts as to whether or not certain money has been khumsed [i.e. khums has been paid on it], then it would be permissible to utilise and use it.

Q: What is the ruling regarding using the wealth that has become liable to khums before deducting the khums from it?

A: If the new (financial) year has begun, then it is mandatory to deduct khums from [the wealth], and khums must not be used except with the permission of the marje'.

Q: If one rents a house and knows that the owner does not pay khums, are the prayers performed there valid?

A: They are valid with the permission of the marje'.

Q: Is it permissible to accept the invitation of a person who does not pay khums on his wealth?

A: Yes, but he should pay the equivalent value of the khums of whatever he eats and uses knowing they are liable to khums. Alternatively, he should reach an agreement with the marje' or his *wakeel* as a precaution.

Q: What is the obligation of sons and daughters whose father bears their expenses in terms of food, drink and other expenses but he does not pay khums? They pay khums on their personal property and holdings.

A: They should reach an agreement or do the mosalahah for what they eat and drink and suchlike; whatever they specifically know to be liable to khums.

In Lieu of Khums

Case: If a person has given a loan to an individual who is qualified to receive khums, it is permissible for the creditor to adjust his debt against the khums payable to him (and he may consider the khums he is liable to as paid).

Permission of the Mujtahid

Case: It is not permissible to deduct the khums without the permission of the Hakim al-Shar‘i – from the wealth of a person that one knows does not pay khums – and give it to the Hakim al-Shar‘i.

Q: Is it permissible for the wife to deduct the khums of the salary of her husband, who does not pay the khums, on a monthly basis, without his knowledge and agreement – given that he is aware of his liability to khums?

A: It is imperative that the wife enjoins her husband to good and to apply khums to his wealth as much as possible, and she should seek his agreement, and she should not do that if that causes problems between them.

Q: Is it permissible for a person who does not have the authority or permission to work out the khums on behalf of another or give the money to the wakeels, to determine the khums amount, the mosalahah, the *radd al-madalin*, and make adjustment as if he has authority or directive?

A: It is imperative to seek the permission of the Hakim al-Shar‘i or his wakeel.

Q: Is it permissible for the *mokallaf* to pay the khums to another marje‘ other than his own marje‘ that he follows, or the wakeels of other

marje', or does he have to give it to his own marje' or his representatives?

A: It is permissible with the proviso that its disposal is similar [to one's own marje'].

Q: Is it permissible to dispose or manage the share of the Sayyids without the permission of the marje'?

A: As a precaution one should seek permission.

Q: It may not be possible to find Sayyids who qualify for receiving khums, is it then permissible to use their share for other shari'ah projects or contribute to charity organisations and suchlike?

A: It should be sent to the marje'.

Q: The faithful in our country have grown used to paying the Sayyids' share without considering their need – that is they pay to Sayyids who are rich. What is your opinion about this?

A: It is not correct to do so.

Q: Does the individual paying the khums have a say regarding how the khums is used? Can he request the marje' or his wakeel to use it for a particular purpose? Can he make it conditional for the wakeel to use it for a particular purpose? Or he has no such right?

A: It is permissible for him to make a request, however, it will be up to the marje' or the wakeel to agree or not. He has no right to impose on them [his request].

Khums for Charity

Q: What is the ruling concerning using *al-hoquoq al-shar'iyah* (i.e. the Shari'ah tax-money) in setting up charity or business projects for the purpose of charity? And will the individual managing these funds be liable if these projects incur losses and result in lost *hoquoq*?

A: If one does so with the permission of the Hakim al-Shar'ie then one would not be liable.

Q: Is it permissible for a person to keep part of his khums – with the permission of the authorised wakeel – to put in the family’s saving box which is used to support charity projects?

A: It is permissible with the permission of the *faqih* (Hakim al-Shar‘ie) or his *wakeel*.

Q: Is it permissible to pay our khums to the Iraqi people given their current extraordinary situation?

A: With the permission of the *faqih*, yes it is.

Q: Is it permissible to financially help the needy from amongst one’s relatives and adjust that against the khums?

A: It is permissible to use the Sayyids share for that purpose if they were Sayyids and with prior permission [of the *faqih*].

Khums Payment in Cash

Case: It is permissible to pay the khums of an item in terms of the item itself or pay its equivalent value.

Q: Is it permissible to khums using another item other than the one that is liable to khums?

A: It is permissible to pay the khums using cash but not using another item. (If for example cloths and garments were liable to khums, then one may not give books in lieu of khums, but one may pay the value of the cloths that are liable to khums in cash.)

Wakeel and Receipt

Q: What do you mean by “the right of disposal in the one-third” for the representatives or *wakeels*? Is it the third of the entire khums, or one third of the Imam’s Share?

A: It is one third of the total.

Q: When I pay the khums to the charity committee that is responsible to deliver the khums and the nadhr to the marje‘ I get a receipt for that so that I am sure that khums reaches the marje‘. In this case is it permissible for me to request the receipt?

A: It is mandatory to ensure that the khums reaches the marje‘, and you have the right to request the receipt.

Instalment

Q: Is it permissible to pay the khums in instalments if one is not able to pay in one go?

A: Yes it is permissible.

Q: What is the ruling concerning a person who reaches a mosalahah for khums between him and an authorised wakeel to pay in small instalments, but despite that he could not pay them for four years because of his inability to pay, and after that he became able to pay. Should he pay the same amount agreed upon previously or should he renew the mosalahah with the authorised wakeel, and what about his acts of worship during the past years?

A: He should pay according to the original agreement, and his acts of worship are correct InSha’Allah.

Loss of the Khums

Q: I am liable to khums and I deducted it in order to deliver it to the Hakim al-Shar‘i, but in the process it was stolen from me or I lost it. Am I discharged from my responsibility?

A: Until you deliver it to the faqih or his representative (wakeel), you will not have fulfilled your obligation.

Profits of the Khums

Q: If one deposits the khums sum in a bank account and some interest is earned on the sum, to whom does the interest belong?

A: They belong to the khums.

Q: If one deposits the khums sum in a bank account and as a result he qualifies for certain banking facilities or banking credit, is it permissible for one to use these facilities for himself?

A: Yes, and Allah knows best.

Radd al-Maḍalim

Q: What is the meaning of *Radd al-Maḍalim*?

A: When one is liable to others but does not know them [or fails to reach them], he should give the money to the Hakim al-Shar‘i, in order to discharge himself from their responsibility and consequences.

Q: An individual went to hajj from Denmark by a grant and because of his trip his benefit were stopped for a month. Because of the financial hardship he borrowed some money, as he does not have any other source of income. Is it permissible to give him from the *Radd al- Maḍalim* fund to meet his needs for this month?

A: If he is poor it is permissible, and with the prior permission of the *faqih* or his wakeel.

Halal wealth mixed with haram

Case: If halal wealth is mixed with haram wealth,¹ and the amount which is haram is known, but its owner is not, then it is mandatory to give that amount to the Hakim al-Shar‘ie in lieu of *radd al-maḍalim* on behalf of its owner.

Case: If halal wealth is mixed with haram wealth, and the amount which is haram is not known, but its owner is known, then it is mandatory [for the possessor and the owner to settle this and] to come to an agreement acceptable to both.

But if the owner of the wealth is not satisfied [with the agreement], and if the person currently in possession learns that something in particular in his possession belongs to that [other] person, but is not sure whether or not the haram wealth is restricted to that thing or not, it would be mandatory to give to the owner that which he is certain about, but as per mostahab precaution, the possessor should give [slightly] more than what is expected [to be the right of the owner].

¹ For example as a result of dubious business dealing or any other questionable or haram conducts.

ACTS OF WORSHIP

Case: If halal wealth is mixed with haram wealth and the amount which is haram is known, and one knows that the property belongs to a person out of a known group, but does not know who in particular out of that group is the owner, as an obligatory precaution, the possessor should satisfy all, and if they are not satisfied, then it would be mandatory to equally divide the wealth between those people.

Chapter Four: The Rulings of Zakah

Items liable to Zakah

Case: The zakah is mandatory and applicable to nine items which are:

١. Wheat
٢. Barley
٣. Dates
٤. Raisin
٥. Gold
٦. Silver
٧. Camel
٨. Cow
٩. Sheep

Criteria for Liability to Zakah

The *nisab* (threshold)

Case: Zakah becomes obligatory and liable if the zakah-item reaches the limit of the threshold or nisab, as detailed later, and if its owner is adolescent, sane, free, and able to execute and dispose of.

The Year

Case: If one owns cow, sheep, camel, gold or silver, for the period of eleven months, payment of their zakah becomes obligatory for him from the first of the twelfth month, as a precaution, but he must calculate the beginning of the following year after the completion of the twelfth month.

Case: Liability for the zakah for Wheat and Barley is determined when they can be physically called Wheat and Barley, and the zakah becomes obligatory when the Raisin, as a precaution, becomes sour grape, and the zakah becomes liable in the case of Dates when they become yellow

or red, as a precaution. But the time of payment of the zakah in the case of Wheat and Barley is that of their harvest and separation of the chaff from the grain, and in the case of dates and raisin when they are plucked.

Usurped Wealth

Case: There is no zakah liability on a usurped wealth that is not possible for the one it is usurped from to reclaim it.

Zakah of the Four Crops

Wheat, Barley, Date, and Raisin

The *nisab* (threshold)

Case: The zakah is not payable for the four crops unless their quantity reaches the limit of the threshold – *nisab*, which is the equivalent of ۸۴۷,۲۰۷ kg.

Case: If the owner dies after he becomes liable to the zakah of one of his four crops, it would be mandatory to give its zakah from his wealth. But if he dies before he becomes liable to zakah, the zakah would be mandatory and would be payable by anyone of the heirs whose share of the crop reaches the limit of the threshold or *nisab*.

Case: If a person sells the plantation or the palm trees after the crops became liable to zakah, then the seller would be liable to pay the zakah.

Case: If the weight of any of the four crops reaches the limit of the threshold or *nisab* when they are fresh, but diminishes when they are dry, they would not be liable to zakah.

Irrigation

Case: If the crops are irrigated by rain, stream, or if they benefit from the moisture of the land, then their zakah is one-tenth (or 10%), and if they were irrigated by buckets, [pump] and other similar devices, then their zakah is half of one-tenth, i.e. one-twentieth (or 5%).

However, if the crops are irrigated by rain, stream, or if they benefit from the moisture of the land to a certain extent, and then they are irrigated by buckets and suchlike by an equal amount, then their zakah of half of them is one-tenth, and the zakah of the other half is half of one-tenth. Thus zakah liability is 3 parts out of 40, [which is 7.5%].

Job Expenses

Case: It is permissible to deduct the expenses incurred in the course of farming the four crops, including the depreciation in value of the equipments and the clothing used in farming, from the harvest, and after deducting these costs, if the rest of the harvest reaches the limit of the threshold or *nisab* it would be liable to zakah.

Case: If the seeds used for sowing is from the plantation itself, it is permissible to deduct their amount from the harvest, and if one buys them, it is permissible for one to include their purchase value as part of the costs incurred.

Case: If a person incurs costs in ploughing the land or for any other matter that concerns and benefits farming for many years (to come), it is permissible include these expenses in the costs of the first year.

Accelerated Crop Production

Case: If it were possible to harvest wheat and the other four crops in a short period, or in a long one, the ruling would not differ as far as the liability to zakah at the specified time is concerned – given the unqualified nature of the evidence to this effect, as this [multiple yield phenomenon] has now become norm in some industrial countries.

Implanting Wheat with another Cereal

Case: If wheat is implanted with another cereal, and a grain results from this, if it can be said it is wheat then zakah becomes obligatory, and if it cannot be said it is wheat it is not liable to zakah, and if one doubts whether or not it can be said so, in principle liability to zakah does not hold.

Zakah of the Two Cash Metals: Gold and Silver

nisab of gold

Case: Gold has two *nisab* (thresholds):

١. Twenty *shar‘i mithqal*,¹ which is equivalent to fifteen common *mithqal*. If the quantity of gold reaches this limit and the other criteria are also fulfilled, then it is obligatory to pay one-quarter of one tenth of the amount, i.e. one part in forty [2.5%], as zakah. If the quantity of the gold does not reach this limit, it is not liable to zakah.
٢. Four *shar‘i mithqal*, which is equivalent to three common *mithqal*. If the quantity of gold exceeds the fifteen *mithqal* by three *mithqal*, then it would be mandatory to pay 1/40th [2.5%] of the total 18 *mithqal*, but if the excess over the first threshold is less than three *mithqal*, then it would be mandatory to pay the zakah on the fifteen *mithqal* – i.e. the first threshold – only, and any amount in excess, while less than the second threshold, is not liable to zakah. And so forth for every increment.²

nisab of silver

Case: Silver has two thresholds:

١. 105 common *mithqal*, and thus if the quantity of silver reaches 105 *mithqal* and other [relevant] criteria are also fulfilled, then it is obligatory to pay one-quarter of one tenth of the amount, i.e. one part out of forty (2.5%), which is 2.625 common *mithqal* as zakah. If the silver quantity does not reach this limit, it would not be liable to zakah.

¹ A Shar‘i *mithqal* is equal to 3.6 gms, and a common *mithqal* is equal to 4.8g.

² So above the main threshold of 15-*mithqal* every increment of less than three *mithqal* is not liable to zakah, and every increment that equals three *mithqal* is added to the total amount and is liable to zakah. So out of the amount of 23.5 *mithqal* of gold, only 21 *mithqal* is liable to zakah and the rest – 2.5 *mithqal* – is not liable, but a gold quantity of 24 *mithqal* is entirely liable to zakah.

٧. 21 mithqal. If 21 mithqal are added to the first threshold, and the total becomes 126 mithqal, it would be obligatory to pay the zakah of the total as mentioned before, which is one-quarter of one tenth of the amount. However, if an amount of less than 21 mithqal were added to the first threshold, then the increment is not liable to zakah and only the 105 amount would be liable to zakah, and so forth. So if another quantity of 21 mithqal were added to the second threshold, they would both be liable to zakah, but if the increment is less than 21 mithqal, then the increment would not be liable to zakah.

Therefore if one pays one-quarter of one tenth (2.5%) of all the gold or silver one has, one would have met his obligation to zakah, and it could be more than that on some occasions.

Coins

Case: Gold and silver are liable to zakah if they are in the form of currency coins, and even if the coins were defaced, they would still be liable to zakah.

Case: Gold and silver coins that are used by ladies as jewellery are not liable to zakah.

The Year

Case: Gold and silver are liable to zakah if has in one's possession the amount of nisab or threshold [of these metals] for a period of eleven months – as mentioned before – but if their amount were reduced from the first threshold in the course of the year, then they are not liable to zakah.

Case: If – during the eleven months – one exchanges his gold or silver to [different] gold or silver, or something else, or if one melts them, then they would not be liable to zakah. However, if one does so in order to avoid paying the zakah, then as a mostahab precaution one should pay the zakah.

Zakah of the Three Cattle

Cow, Camel, Sheep

Case: The zakah of the three cattle has two other criteria in addition to the ones mentioned before.

١. that they are not from amongst the workers (used to do certain jobs) throughout the year,
٢. that they have grazed the field/desert throughout the year. Thus if they are fed from supplied grass, or from their owner's pasture, or from someone else's pasture, then they are not liable to zakah.

***nisab* of Camel**

Case: Camel has twelve *nisab* levels (thresholds):

١. 5 camels – their zakah is a sheep – and if the number of the camels does not reach this limit they are not liable to zakah.
٢. 10 camels – their zakah is two sheep.
٣. 15 camels – their zakah is three sheep.
٤. 20 camels – their zakah is four sheep.
٥. 25 camels – their zakah is five sheep.
٦. 26 camels – their zakah is a camel that has entered the second year of its life.
٧. 36 camels – their zakah is a camel that has entered the third year of its life.
٨. 46 camels – their zakah is a camel that has entered the fourth year of its life.
٩. 61 camels – their zakah is a camel that has entered the fifth year of its life.
١٠. 76 camels – their zakah is two camels that have entered the third year of their lives.

١١. 91 camels - their zakah is two camels that have entered the fourth year of their lives.
١٢. 121 camels and above – they should be considered in batches of forty; and for every forty camels one camel that has entered its third year should be given as zakah. Or they should be considered in batches of fifty and for every fifty camels one camel that has entered its fourth year should be given as zakah. One may also calculate in batches of forty and fifty.

In any case, one should perform the calculation such that none remains, as a precaution, and if, for the sake of argument, there were some to remain, they should not be more than nine. So if one had 140 camels, he should give two camels that have entered the fourth year [as zakah] for the 100 camels, and one camel that has entered the third year for the [remaining] forty camels.

nisab of Cows

Case: Cows have two thresholds:

١. Thirty. If one has this number of cows, and other conditions are also fulfilled, one is liable to give one cow that has entered its second year as zakah.
٢. Forty. The zakah for this limit is a cow that has entered its third year. There is no zakah liability [for the number] between thirty and forty, and so forth. Thus one should calculate the cows in batches of thirty, or batches of forty, or in batches of thirty and forty, and pay the zakah accordingly as mentioned.

nisab of Sheep

Case: Sheep have five thresholds:

١. 40. The zakah in this case is one sheep, and there is no liability for zakah if this limit is not reached.
٢. 121. The zakah in this case is two sheep.
٣. 201. the zakah is three sheep.
٤. 301. the zakah is four sheep.

◦. 400 and above. For every 100 sheep, one is given as zakah.

Case: It is not mandatory to pay the zakah from the same herd that is liable to zakah, but it is sufficient to pay [the zakah] from one's other sheep, or pay its equivalent in cash or in kind.

Case: There is no liability to zakah on an intermediate number between the two thresholds, thus if the number of sheep was more than the first threshold, which is forty, and less than the second threshold, then only the forty sheep are liable to zakah and not the rest, and the extra sheep [above forty] are not liable to zakah. The same goes for the subsequent thresholds.

Queries on Cattle

Cattle Variety

Case: As far as zakah is concerned, cows and buffalos fall in the same category, and so too Arab and non-Arab camels. Sheep and goats fall in the same category.

Case: If one gives a sheep for zakah, it is mandatory that it should not be less than seven months old, and as per mostahab precaution, it should have entered its second year. And if one gives a goat it must not be less than one year old, and as per mostahab precaution, it should have entered its third year.

Partnership and exchange

Case: If there is a partnership which owns the sheep, then if everyone's share reaches the prescribed threshold, it will be liable to zakah, and if one's share does not reach the nisab then he is not liable to zakah.

Case: If one exchanges one's cattle with other cattle before the conclusion of the eleventh month, or if one exchanges his nisab with another nisab of the same kind, for example he gives forty sheep and receives forty sheep in exchange, he will not be liable to zakah for them.

Overgrowing cattle

Case: If it were possible to overgrow the cattle that is liable to zakah – like for example if the sheep is grown until it becomes the size of a camel, or if it is miniaturized, like if it were possible to have the cow the size of a goat – they would still be liable to zakah, for the subject matter still applies, for they will continue to be commonly known and named the same as before the change. However, if they are no longer known and named the same [as before the change], they would not be liable to zakah.

Is zakah obligatory every year?

Case: If the crops that have had their zakah paid remain with one for many years, they are not liable to zakah again.

Case: Gold and silver – of nisab quantity – are liable to zakah every year, so long as they are not less than the nisab quantity by the year end, even if their zakah was paid previously.

Case: A person who is liable to zakah for one's cattle, if he pays for them using cash, gold or silver, he remains obliged to pay the cattle's zakah every year so long as the cattle's number does not fall below the nisab limit.

Disposal of Zakah

Cases for Zakah Disposition

Case: The Zakah is disposed of in eight cases:

١. The poor
٢. The destitute
٣. Collector of Zakah
٤. Those whose hearts are to be won
٥. For buying slaves and setting them free
٦. The debtors who are unable to pay their debts
٧. In the Cause of Allah
٨. The Stranded Traveller

1-2 the poor and the destitute

Case: The poor is the one who does not possess the annual expenses to support himself and his family, and the destitute is worse off than the poor.

But if one possesses a capital, or a property, or a skill that guarantees his annual expenses, he is not classified as poor.

Case: If the poor individual owns the house which he lives in, or has a vehicle that he uses, and if he could not do without them, or simply to maintain his status and reputation, it is permissible for him to receive the Zakah.

Similarly, if he has household furniture and fixtures, cutlery, summer and winter clothing, and other things that one may need, he may be entitled to Zakah.

Case: For the poor individual who does not possess such things and is in need of them, it is permissible for him to obtain them with the Zakah money.

Case: It is permissible for the poor individual to receive the Zakah for the purpose of Hajj, Ziyarah, and suchlike, but if he has received from the Zakah a sum sufficient for his annual living expenses, as a precaution, he should not take the Zakah for the purpose of Ziyarah and suchlike.

Those of Low Income

Case: A person with a profession, a business, or the owner [of a house, shop, etc.] whose income is less than his annual expenses, is permitted to receive the Zakah to top up his annual expenditure, and it is not necessary for him to sell his business assets, or his property, or his capital to meet his annual expenses.

۳. Collector of Zakah

Collector of zakah is the person who, on behalf of the Imam peace be upon him, or his representative collects the Zakah, audits and safeguards

it until he delivers it to the imam, peace be upon him, or to his representative, or to those who qualify to receive it.

٤. Those whose hearts are to be won

They are:

١. Those disbelievers who are given from the Zakah to encourage them to be favourably inclined towards Islam or help the Muslims in war.
٢. The Muslims who are of weak faith and belief.

٥. For buying slaves and setting them free

١. Debtors - who are unable to pay their debts

Case: A person who is liable to pay the Zakah, and is owed money by a poor individual, it is permissible for him to offset the debt against the Zakah.

Case: If the debtor is unable to repay his debt, it is permissible for the claimant to offset the debt against the Zakah even if the debtor is not classified as poor.

٦. In the Cause of Allah

This covers those projects and initiatives that are of a general religious nature which provide benefits such as building mosques, hawzah, or worldly benefits to the Muslims.

٧. The Stranded Traveller

The stranded traveller is a person who is stranded in his journey and has no money to continue with his journey.

Case: A person who has run out of money or his vehicle is broken down, it is permissible for him to receive the Zakah, provided his journey is not in the pursuit of sin, and it is not possible for him to reach his destination by borrowing money or selling some of his belongings.

As a gift

Case: It is not necessary for the person who pays the Zakah to inform the poor individual that the money being given to him is Zakah. If the poor individual would feel embarrassed to accept Zakah, it would be mostahab to give it to him as a gift, but it is mandatory to intend it as Zakah.

Criteria of those qualifying for Zakah

١. It is mandatory for the receiver of the Zakah to be Ithna Ashari [or believer in the authority of the 12 Imams appointed by the Prophet].
٢. It is permissible to give the Zakah to the poor individual who engages in begging, but it is not permissible to give the Zakah to those who spend it in pursuit of sins.
٣. It is not permissible [for a person who pays the Zakah] to give his own dependants [whose expenses are his responsibility] from his Zakah. However, if he does not give them their expenses, then it is permissible for others to give them the Zakah.
٤. It is not permissible for a Sayyid to receive the Zakah from a non-Sayyid. However, if the Khums and other dues were not sufficient for him, and if his needs force him to seek the Zakah, then it would be permissible for the Sayyid – in such circumstances – to receive non-Sayyid Zakah.

The Niyah of the Zakah

Case: It is mandatory for the person who pays the Zakah to intend the *qurbah*, i.e. he gives the Zakah seeking nearness to and abiding by the command of Almighty Allah.

It is mandatory, as a precaution, to specify in the *niyyah* whether the amount one is paying is the Zakah of wealth or Zakah of Fitrah, but in the case of wheat and barley, it is not mandatory to specify that the Zakah is that of wheat or barley.

Case: If the owner or his representative gives the Zakah to the poor without making the niyyah of *qurbah*, and before the poor spends the money the owner himself makes the *niyyah* of *qurbah*, that would be considered as zakah for him.

Time of Paying Zakah

Case: As a precaution, the Zakah should be given to the poor after threshing the wheat and barley from its chaff, and when the dates and raisins dry up, or when one separate the Zakah from his wealth.

It is mandatory to pay the zakah of the two cash metals and the three cattle after the expiry of the eleventh month, or one should at least separate it (the Zakah) from one's wealth.

Case: If one was waiting for a particular poor individual or wished to give the Zakah to a poor individual who is better for a reason, it is permissible for him to delay the payment of the Zakah.

Separating the Zakah

Case: If a person deducts and separates the Zakah sum from his wealth that is liable to zakah, then it would be permissible for him to utilise the rest of the wealth freely. Alternatively, if he chooses to remove the Zakah sum from his other wealth [that is not liable to zakah], it would then be permissible for him to utilise the entire wealth freely.

It is not permissible for one to use the Zakah wealth that has been separated and replaces it later on with other money.

Mostahab in Zakah Disposal

Case: It is mostahab, when giving the Zakah, to give priority to the relatives over the others, to the scholars and those of knowledge and virtue over the others, and to those who do not ask for the Zakah [out of embarrassment] over those who do. It is mostahab to give the Zakah of the Three Cattle to the chaste and continent poor, but if there is another one who is better in another sense, then it would be mostahab to give the Zakah to the other.

Case: It is better to give the Zakah overtly, and to give the *mostahab sadaqah* covertly.

Shared Wealth

Case: If two people share a wealth that is liable to Zakah, and if one of them pays the Zakah of his share, and then they divide the wealth, then it is permissible for him to freely utilise his share even if he knows that his partner has not paid the Zakah of his share.

Priority of Zakah and Khums over other things

Case: A person is liable to Khums or Zakah at a time when he is liable to *kaffarah, nadhr*, and suchlike, and is also indebted to others. In such a case, if it is not possible for him to settle all these obligations, but has wealth which is liable to Khums or Zakah, it is mandatory for him to pay the Khums and Zakah. But if the said wealth is not available to him, it would be permissible for him to pay the Khums, Zakah, *kaffarah, nadhr*, debt and suchlike in whatever sequence possible.

Case: If a person dies and has a debt and leaves behind a wealth that is liable to Zakah, it is mandatory to deduct the Zakah from the inheritance first before paying his debts.

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Zakah
