

Ayatollāh al-‘Udmā
Sayyid Şadiq Husayni Shirazi

Islamic Law

Books One and Two

Handbook of Islamic rulings on Muslim’s duties and practices



In association with
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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, *zakāh* or the Islamic tax, as well as the Islamic doctrine ('*aqā'id*).

Acts of Worship or '*ibādāt*', as referred to in Arabic, regulate the individual's association with his Creator, while *mo'āmalāt*, 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 *wājib* and the *ḥarām*, but they also define and address optional issues; which are categorised as the *mostaḥab* (recommended/encouraged), the *makrooh* (undesirable/discouraged), and the *mobāḥ* (permissible; *mobāḥ* 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 ḥalāl and ḥarām, Imam Riḍā, 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* in 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 Biḥār al-Anwār, 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 (*‘ibādāt*) and Contracts (*mo‘āmalāt*) in a book known as al-Risālah al-‘Amaliyyah.

Normally the Risālah ‘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 Risālah ‘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 Risālah ‘Amaliyyah but are frequently asked by the faithful, together with the corresponding answers given by the office of the Marje‘ Grand Ayatollah Sayyid Sadiq Husayni Shirazi.

The Risālah ‘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 Risālah ‘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 *ijtihād* and *taqleed* (emulation), ritual cleanliness, daily prayers, fasting, *hajj*, *khums* and *zakāh*.

2. In addition to the classical structure of such work, new topical chapters are also added that are not normally found in the traditional *Risālah*. 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.
3. 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 *Risālah*.
4. On the issue of the presentation of this work, some restructuring have been made compared with the traditional *Risālah*, 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 *Risālah* 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
Shawwāl 1434
September 2013

BOOK ONE

ACTS OF WORSHIP

**IJTIHĀD and TAQLEED (EMULATION), RITUAL
CLEANLINESS, DAILY PRAYERS, FASTING,
HAJJ, KHUMS and ZAKĀH**

Bismillāh al-Raḥmān al-Raḥeem

Part One

Ijtihād and Taqleed

Acts of Worship

Ijtihād and Taqleed

Case: It is imperative that a Muslim's belief in the fundamentals of religion (*Oṣool 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. *Oṣool al-Deen* or "the fundamentals of the religion" are five:

1. *Tawḥeed*, or Oneness of Allah.
2. *‘Adl*, or Divine Justice.
3. *Nobowwah*, or Prophethood.
4. *Imāmah*, or Leadership.¹
5. *Me‘ād*, 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 (*ṣalāh*) and fasting (*ṣawm*).²

As for the Rulings of Islam (*aḥkām*) and *foroo‘ al-deen*, it is obligatory upon the *mokallaḥ*³ to be one of a *mujtahid*,⁴ a *moqallid*,¹ or a *moḥtāt*.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 *mokallaḥ*, 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 (*fatwā*) on relevant issues so that the rulings are in accordance with the teachings of Allah, the Prophet, and the ma'ṣoom imams of Ahl al-Bayt peace be upon them.

Acts of Worship

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

Taqleed covers all rulings (*aḥkām*) on acts of worship and contracts, on obligatory, prohibited, recommended (*mostaḥab*), discouraged (*makrooh*), and permissible (*mobāḥ*) acts.

This is the duty of the believers during the era of the Greater Occultation (*al-ghaybah al-kubrā*.) 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 ḥadīth from Imam al-Ḥujjah [Imam alMahdi] may our souls be his sacrifice:

“As for current events, refer them to the narrators of our ḥadīths,³ for they are my ḥujjah (authority) upon you, and I am Allah’s ḥujjah 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 *moḥtāt* is one who acts upon the most cautious verdicts (*iḥtiyāt*) 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 *moḥtāt* 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 ḥadīth” it is meant the “religious authority” or Marāje‘ Taqleed who adhere devotedly and conscientiously to the ḥadīth of Ahl al-Bayt.

⁴ Biḥār al-Anwār, vol.53/p180. Sheikh al-Ṭousi, *al-Ghaybah*, p290. al-Erbili, Ali ibn ‘Esa, *Kashf al-Ghummah*, vol.2/p531. al-Sheikh al-Ṣadouq, Kamāl al-Deen, vol.2/p483.

Definitions

Ijtihād

Ijtihād 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 *fuqahā’* is not the only way to confirm the qualification of a *mujtahid*, rather his *istidlālī fiqh* (evidential jurisprudence) according to its scholarly criteria is sufficient to prove that, and so too his scholarly debates and discussions.¹

Iḥtiyāt

Iḥtiyāt is the fulfilling of one’s duties such that the Moḥtāt is sure that he has discharged his duties. For example, if a group of Mujtahids decree that a certain act is ḥarām, and others decree that it is not; he takes the side of precaution (*iḥtiyāt*) by not committing that act. On the other hand, if some decree that a certain act is mandatory, while others prescribe it as mostaḥab (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, *fāqih* jurisperdent or jurist, pl. *fuqahā’*.

² Therefore the one who practices iḥtiyāt 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.

Acts of Worship

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’ Ijtihād, 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 Iḥtiyāt

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:

1. Male,
2. Adult,
3. Sane,
4. Free,
5. Twelve-Imam Shi‘a [who believes in the authority of the twelve divinely-appointed Imams of the Ahl al-Bayt, peace be upon them],

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6. Of legitimate birth,
7. Alive, for it is not permissible for one to begin with the taqleed of a deceased,
8. *‘Ādil*. An *‘ādil* 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.
9. 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 Fuqahā’ require for the Marje‘ al-Taqleed,¹ restricted to matters of “Acts of Worship”, and “Contracts” that are discussed in the “Risālah

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

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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 Marāje‘ Jurists [*Shurā al-Fuqahā’ al-Marāje’*].

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 Tawḍeeh al-Masā’el.

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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 Marāje‘, 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 *fāqih* individuals; one of them is more learned than the other in Politics and Jihād, is it obligatory to refer to him?

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

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 ijtiḥād of a candidate; this is achieved if one is himself a religious scholar and thus he can identify a Mujtahid,

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2. 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.
3. If a group of learned and expert individuals who are competent to identify a Mujtahid, who also are reliable and trustworthy, testify to the ijtihād of an individual.

It would even be sufficient that one person testifies to the ijtihād 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:

1. The growing of rough hair under the armpits and the pubic hair. The soft hair is not deemed applicable.
2. Ejaculation, in that the phenomenon of semen ejaculation begins to take place; whether during sleep or when awake, willingly or unwillingly.
3. 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:

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

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4. If the fatwa and rulings are available in his *Risālah al-‘Amaliyyah*, provided one is sure of the authenticity of the *Risālah* 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 *fatāwā* that are given on internet websites be relied upon, and are they a reliable source that can be acted upon just like the *Risālah 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 *moṣālahah* (settling khums/zakāh matters) with the Marje‘ or his representative via the telephone, fax, or email?

A: Yes.

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

A: It is permissible to take the fatwa from the jurisprudence books if there is no other fatwa in *al-Risālah al-‘Amaliyyah* or in *al-Istiftā’āt* that counters it. As for what is in the commentaries of the ‘Orwatol-Wothqā, 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.

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Q: Is it permissible to act according to *al-Risālah 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 ihtiyāṭ, it would be permissible to act according to the *al-Risālah al-‘Amaliyyah* of another Mujtahid, and if this is not possible he may act according to *al-Risālah 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 Ihtiyāṭ 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‘eeḍ* 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‘eeḍ* or ‘opting out’ is to act according to the opinion of another mujtahid when one’s own marje‘ has not given a fatwā on the matter concerned.

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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 [ijtihād] 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 fatāwā, 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 Marāje‘ 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 Marāje‘ – 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 Risālah 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-Fuqahā' or Wilāyat al-Faqih

Wilāyat 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-Fuqahā', 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 ḥujjah 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 fatwā. There is no difference in authority between *fātwā* and *ḥukm*.²

It is possible to implement the concept of Shura al-Fuqahā' despite the plurality of the Marāje', and their geographical dispersion. This may be realised through their respective representatives, and on every suitable occasion the Marāje' 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-Fuqahā'* 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 (*walāyah*) 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 Fatwā is to do with rulings such as the obligation of fasting, but Ḥukm is to do with issues such as, say, the declaration of the first day of the holy month of Ramaḍān.

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Part Two

Ṭahārah

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Chapter One: The Unclean or Najāsāt

Najāsāt or the inherently najis things are as follows:

Categories of Najāsāt

1&2) Urine & faeces

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

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

Case: The excreta of *jallāl* 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.

3) Semen

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

4) 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 ṭāhir even if it dies in water.

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

¹ A *jallāl* 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.

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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.

5) 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 ṭāhir.

Case: If a ḥalāl-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 ṭāhir.

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 ṭāhir.

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 ṭāhir, 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] ṭāhir.

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 ṭāhir.

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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 ṭāhir [though not ḥalāl to consume].

8) The Unbeliever

Case: The unbeliever (kāfir) 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 Kāfir's body is najis, including hair, fingernail, and moisture, on the basis of an obligatory precaution.

The child of kāfir 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 ṭāhir.

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-Zahrā' 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.

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9) 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 ḥarām 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 ṭāhir 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 ḥarām but it is ṭāhir. The same applies if it was boiled through cooking. If dates, raisins, apricot, or their juice were boiled, their consumption is ḥalāl.

10) Beer

Case: *Fuqqā'* 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 *mā' al-sha'eer* is ṭāhir.¹

11) Jallāl Animal Sweat

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

Identification of Najāsah

Case: The occurrence of najāsah 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.

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- 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 (*‘ādil*) 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 ṭahārah

Case: A najis object that is doubted whether it has become ṭāhir or not, is najis. The ṭāhir article that is doubted whether it has become najis or not, is ṭāhir. If it is possible to establish whether it is ṭāhir 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 ṭāhir things become najis

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

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

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 najāsah 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 ṭāhir.

Mucus

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

Insertion into the body

Case: If something that was inserted into a body came into contact with najāsah, and if after retracting it from the body it was not polluted with najāsah it is considered ṭāhir. 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 najāsah, 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 Najāsah

On the Prohibition of Defiling the Qur'an

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

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Qur'an to the kāfir 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 ṭahārah

Case: If a young person who is near the age of adolescence says he has made something ṭāhir, 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.

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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 ṭāhir 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 ḥarām to drink, because “every intoxicant is ḥarām”.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 ḥarām 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 ṭāhir 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 ṭāhir, after the normal amount of it has left [the body] through slaughtering. If the ṭāhir 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 ṭāhir 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 ṭāhir so long as it is within the veins, otherwise it is najis.

¹ Al-Kāfi, 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 ṭāhir for this is an example of *istiḥālah* 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 ḥalāl and ṭāhir, 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 ṭāhir, 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 Moṭahhirāt

Categories of Moṭahhirāt

The Purifiers, or *moṭahhirāt*, that purify or render ṭāhir the najis things are twelve:

1. Water
2. Earth
3. Sun
4. Transformation
5. Elimination / Evaporation of two-third of grape juice
6. Transferring
7. Islam
8. Ensuing
9. Eradication of the najāsah itself
10. The purification of the Jallāl animal
11. The absence of the Muslim
12. 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 moṭlaq (intrinsic, innate, pure or natural) or muḍāf (mixed or added to). The muḍāf 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 moṭlaq water is other than muḍāf.

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

Classifications of moṭlaq water

[There are five kinds of moṭlaq 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 najāsah, 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 ṭāhir if it is connected to the Kurr and it has not acquired the colour, or taste, or smell of the najāsah, and the najāsah itself is not in it.

Kurr Water Proofs

1. That one satisfies himself that water is Kurr,
2. That one or two ‘*ādil* (pious) men confirm to that,
3. 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.

Acts of Worship

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 najāsah contacted it, it would be ṭāhir so long as its colour, taste, or smell does not change due to the najāsah.

Case: If the najāsah reaches the running water and changes some of it, the amount that had its colour, taste, or smell changed due to the najāsah 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 najāsah (najis matter), the parts the rain reaches become ṭāhir. 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 ṭāhir].

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

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

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

Ṭahārah

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

v) Well Water

Case: Well water that gushes from the ground is ṭāhir even if it is less than Kurr, so long as its colour, smell, or taste do not change by najāsah. If najāsah 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 ṭāhir. 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

1. That water is moṭlaq (i.e. pure). Muḍāf water such as rosewater does not purify najis things [i.e. does not render them ṭāhir].
2. That the water itself is ṭāhir.
3. That the water does not become muḍāf when washing the najis article, and that it does not acquire the colour of the najāsah, nor its taste, or its smell.
4. There remains no trace of the najāsah itself after the purification process.

The rulings of purification with Water

Najis utensil

Case: When using Little water to render a najis utensil ṭāhir, 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 ṭāhir soil first, and then rendered ṭāhir 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.

Acts of Worship

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 ṭāhir. If it was intended to render ṭāhir 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 ṭāhir

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

1. To fill up the utensil with water and then empty it. This process should be repeated three times.
2. 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 ṭāhir 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 najāsah 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.

Ṭahārah

Rendering ṭāhir 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 ṭāhir by first removing the najāsah itself and then pouring water on it once allowing the water to run off the item being washed. It also will be rendered ṭāhir if the najāsah itself is removed in the course of the first wash, and after the elimination of the najāsah 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 ṭāhir 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 ṭāhir. It is also rendered ṭāhir 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 ṭāhir.

Remaining colour, taste, or smell of the najāsah

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

Rendering meat/fat ṭāhir

Case: Meat and fat that have become najis may be rendered ṭāhir 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.

Acts of Worship

Doubt about something being ṭāhir

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

Rendering a covered floor ṭāhir

Case: If the floor that is covered with rocks or bricks, and the floor which is hard [and solid] such that water does not seep in become najis, they may be rendered ṭāhir 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 ṭāhir. However, if the washing water does not drain away, the locality where the washing water gathers remains najis. To render it ṭāhir, 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 ṭāhir 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.

2. Earth

Criteria for Purification by Earth

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

- i) that the ground is ṭāhir,
- ii) that the ground is dry,
- iii) that the intrinsic najāsah (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 ṭāhir 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 ṭāhir [if walked upon].

Rulings of Purification by Earth

Case: The najis sole of a foot or shoe does not become ṭāhir 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 ṭāhir, it is preferred that one walks on the ground for fifteen strides or more, even though the najāsah itself would be eradicated with less than that. In order to render it ṭāhir, it is not necessary for the najis sole of the foot or shoe be moist, for it becomes ṭāhir 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 ṭāhir by crawling on them. As for the end of a [walking] stick, or the bottom of artificial legs, animals shoe/hoof, wheels of vehicles, and the likes are rendered ṭāhir by movement on the ground.

Remaining Smell or Colour

Case: If after walking on the ground, the smell of the najāsah 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.

3. 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 ṭāhir 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.

Acts of Worship

- ii) that the intrinsic najāsah vanishes from it [the najis object] before the sun shines on it, [for the sun does not render ṭāhir the najāsah itself, only the thing that has been rendered najis through contact with a najāsah is rendered ṭāhir with sunshine].
- iii) that nothing blocks the sunshine, for [the najis object] will not become ṭāhir 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 ṭāhir.]
- iv) that the sun alone dries up the najis object, for it will not become ṭāhir 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 najāsah 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 ṭāhir but their interiors would remain najis.

4. Transformation

Case: If a najis object was transformed into another ṭāhir thing then it is considered ṭāhir. The process of undergoing such a transformation is referred to as Istiḥālah. 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 ṭāhir. 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 ṭāhir.

5. Reduction of grape juice by two thirds

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

Case: The grape juice that is not known whether or not it has boiled is ḥalāl and ṭāhir, 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 ṭāhir 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 (istiḥālah), 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.

6. 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 ṭāhir provided that it is considered thereafter as the blood of the recipient animal. This is known as intiqāl 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.

Acts of Worship

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 ṭāhir. 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.

7. Islam

Case: If a kāfir – 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 ṭāhir. 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 mostaḥab precaution, he should render ṭāhir 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 ṭāhir. 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] ṭāhir.

8. Consequence

Case: ‘Consequence’ is [in reference to a process] when a najis object becomes ṭāhir as a result of, or in consequence to another najis article becoming ṭāhir. As an example, a non-adolescent child of the unbelievers is rendered ṭāhir when one of his parents or grandparents embraces Islam. [i.e. the child is rendered ṭāhir ‘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 ṭāhir, 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 ṭāhir, 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 ṭāhir 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 ṭāhir with Little water – after the washing water is allowed to run off the container – is ṭāhir.

9. The annihilation of the najāsah itself

Body of the animal

Case: The body of the animal is rendered ṭāhir 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 ṭāhir. In the same way the interior of the human body, such as the inside of the nose or mouth, is rendered ṭāhir through the disappearing of the najāsah 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 ṭāhir.

Acts of Worship

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 ṭāhir.

10. Istibrā'

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

On the basis of mostaḥab 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 najāsah, and given ṭāhir food during this period. If after this period, the animal was still considered to be a Jallāl animal, it should be confined for another period so that it would not be considered to be Jallāl anymore.

11. Absence of a Muslim

Criteria for a Muslim's belongings being ṭāhir 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 ṭāhir if six criteria are met:

1. 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 ṭāhir.

Ṭahārah

2. That the Muslim knows that the najāsah has reached his body or clothes, etc.
3. That the Muslim was seen using those things in matters that require them to be ṭāhir, for example, seeing him praying in that garment.
4. That the Muslim is aware of the requirement of *ṭahārah* [i.e. being ṭāhir] 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 ṭāhir, and he performs prayers in the najis garment, it is not permissible to consider that garment ṭāhir in his absence.
5. That one gives the probability that the Muslim has rendered the najis item ṭāhir. Furthermore, if in the opinion of that Muslim there is no difference between ṭāhir and najis, then to consider that item to be ṭāhir in his absence is not valid, [i.e. that item is not ṭāhir as per obligatory precaution].
6. That the Muslim has reached the adolescence age, as per an obligatory precaution.

Rendering ṭāhir by proxy

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

For the Fastidious

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

12. Emission of normal amount of blood from animal

Case: If the ḥalāl-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 ṭāhir.

Chapter Three: Queries on Ṭahārah

Rulings for household utensils

Gold and silver utensils

Case: It is ḥarām to eat or drink from gold or silver utensils, and as per mostaḥab precaution, any use of them should be avoided even if for decoration. It is ḥarām to manufacture gold or silver utensils, and is also ḥarām 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 ḥarām to eat or drink from. It may not be used for woḍu', ghusl, or for any other use where it is conditional that the water should be ṭāhir. As per a mostaḥab 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 najāsah

Conduction of najāsah 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.

Acts of Worship

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

Sweat of jonob from ḥarām

Q: Is the sweat of a jonob [person who is in a state of janābah] of a ḥarām act ṭāhir or not?

A: The sweat of a jonob from ḥarām is not najis, although practicing iḥtiyāṭ (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 *zinā*, 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 ṭāhir.

Public washing machines

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

A: Everything is ṭāhir 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 ṭāhir 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 najāsah inside the body, but when withdrawn there is no evidence of najāsah on it, is the instrument considered ṭāhir?

A: The instrument is considered ṭāhir.

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 ṭāhir.

Separated blood constituents

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

A: When transformation (istiḥālah) has occurred.

Caesarean blood

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

A: Vaginal bleeding [immediately after child birth and for a maximum of ten days] is considered nifās, 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 ṭāhir, even if they were peeled off, although as a mostaḥab 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 ṭāhir.

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 ṭāhir.

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‘ṣoomeen?

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 ṭāhir and marry from them when it is not known whether they are Muslim or kāfir? What about the workers from western countries (when in doubt as to whether or not one is Muslim)?

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A: Given the above assumption, they should be treated as non-Muslim [from the ṭahārah point of view, i.e. observing the ṭahārah issues and avoiding the najāsah 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 ṭāhir 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.

Acts of Worship

A: There is no objection to this provided the ṭāhir 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 ṭāhir 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 (moṭahhirāt)

Street puddles

Q: Are the small puddles formed by rainwater on the roads ṭāhir 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 ṭāhir.

Rendering ṭāhir by walking on asphalt and wood

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

A: The asphalt renders ṭāhir [a najis object], but wood does not, as an obligatory precaution. It is recommended that one walks fifteen strides or more, even if the najāsah 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 ṭāhir if it were dry too.

Rendering large carpets ṭāhir

Q: How is a large carpet rendered ṭāhir?

Ṭahārah

A: By using tap water. The najāsah 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 ṭāhir but cleansed with detergents or with Little water, which could be polluted with najāsah. What is the ruling for such wetness?

A: It is considered ṭāhir, 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] ṭāhir unless certain about the najāsah.

Mats being rendered ṭāhir by the sun

Q: Does the sun render ṭāhir only the type of mats that were available at the time of stating the ḥadith, 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 (Istihālah)

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 ṭāhir?

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

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 istiḥālah or a transformation that renders a najis thing ḥāhir?

A: If that is considered as istiḥālah, according to commonly accepted description, then it would be ḥāhir, 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 ḥāhir [i.e. does not have woḍu'] 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 ṭāhir?

A: It would be considered ṭāhir.

Food remnants mixing with sewage

Q: These days household washing up water ends up mixing with the sewage. Would it be ḥarām to throw food remnants in those water outlets? And if ḥarām, 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.

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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 ṭāhir, and can it be treated as moṭlaq 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 ṭāhir

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

A: It must be soaked in Kurr water.

Ruling of ṭahārah of those who do not know it

Q: Many Muslim people do not know the rulings of ṭahārah 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 ṭāhir 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.

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- 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 ṭāhir using water

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

- i. if some external najāsah reaches the anus,
- ii. if another najāsah 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 ṭāhir 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 ṭāhir 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 ṭāhir 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.

Istibrā'

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

The procedure of Istibrā'

Case: There are different ways, the preferred is:

First to render ṭāhir 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

1. The liquid discharged from a man after foreplay, is called Madhiy and is ṭāhir,
2. The liquid discharged after semen [discharge], is called Wadhiy and is ṭāhir,
3. The liquid discharged after urination, is called Wadiy and is ṭāhir as long as it is not contaminated by urine.

Case: If one performs Istibrā' 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 ṭāhir.

Constraining excretion

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

It is mostahab to urinate before performing the prayers, perform Woḍu' 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 Ṭahārah

A) Woḍu'

Case: In Woḍu', 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 woḍu' is mandatory for

Case: Woḍu' is mandatory in five cases:

1. for the obligatory ṣalāh, other than the prayer for the deceased,
2. for the forgotten sajdah or tashahhud, if a ḥadath occurred for him such as wind emission or urine between them and the ṣalāh. Woḍu' is not mandatory for the *sajdat-as-sahw* (prostration for inadvertent act or oversight), although performing it with woḍu' is a good practice.
3. for the obligatory ṭawāf around the sacred Ka'bah,
4. if one pledges (a *nadhr*), or swore, or made a covenant with Allah to perform woḍu',
5. 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 ṭāhir 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 woḍu' would constitute further desecration for the holy Qur'an, it would be mandatory to salvage it without performing woḍu'.

Case: It is mostahab to perform woḍu' in order to perform the prayer-of-the-deceased, to visit the cemetery, enter the mosques and the shrines of the Ma'ṣoom 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 woḍu' is said to be in a state of ṭuhr.]

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

Things that invalidate woḍu'

Case: There are seven things that invalidate woḍu':

1. The discharge of urine.
2. The discharge of faeces.
3. The emission of wind from the anus.
4. 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 woḍu' is not rendered void.¹
5. The state in which the mind is undermined, such as intoxication, insanity, or unconsciousness.
6. Istihāḍah (undue menses).
7. Any condition that necessitates ghusl, such as Janābah.

Procedure of Woḍu'

[The woḍu' 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]

1. 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 woḍu' will be void.

¹ One's woḍu' 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 woḍu' is rendered void.

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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 woḍu' 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 woḍu'.

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 woḍu' 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.

2. 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 woḍu', the first wash of the face – and the hands – is mandatory, and the second is mostahab, and any more than that is ḥarām. As to which wash constitutes the first or the second depends on the intention of the person performing the woḍu'. 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.

3. Wiping the head

Case: After washing the hands, it is mandatory to wipe the front part of the head with the wetness of the woḍu' 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 mostaḥab 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.

4. Wiping the feet

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

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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 woḍu’], but must take [the moisture] from the locations of woḍu’ and wipe with them.

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

Criteria of Woḍu’

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

1. that the water used for woḍu’ is ṭāhir,
2. that the water used for woḍu’ is moṭlaq (innate, pure) and not muḍāf (mixed or added to). Woḍu’ with muḍāf or najis water is bāṭil (invalid), and if one performing the woḍu’ is not aware of it being muḍāf or najis or forgets that it is so, and if he performs the prayers (ṣalāh) with that woḍu’, it is obligatory for him to repeat those prayers with a valid woḍu’.
3. that the water used for woḍu’ and the space in which the woḍu’ is performed is mobāḥ or permissible for him to use. Woḍu’ with usurped water is invalid – and ḥarām too – and so too if the woḍu’ water falls from the face and hands on usurped ground. If one forgets that the water is usurped and uses it to perform woḍu’ with, his woḍu’ would be valid.
4. that the container of the water used for woḍu’ is mobāḥ or permissible for him to use.

Ṭahārah

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

Case: If the woḍu' 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 woḍu' with the water of those vessels. If he were to perform woḍu' with that water – by immersion (irtimāsi) or by pouring from those vessels on his face and hands – his woḍu' 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 woḍu' would be valid.

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

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9. that one should be sincere in his intention, for if it is accompanied with *riyā'* (an element of show or boast), the woḍu' would be rendered void.
10. that one observes the sequence of the woḍu' 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 woḍu' in this sequence, the woḍu' would be invalid.
11. that the sequence of the woḍu' procedure is done one after the other [without a gap in between]. If there is a significant gap between the events of the woḍu' such that if one were to wash or wipe the following part, those previously washed or wipe had dried up one's woḍu' would be void. There is no objection to taking a few steps during woḍu', 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 woḍu' would be valid.
12. that one performs the woḍu' 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 woḍu' for him, or helps him get the water to his face or hands, or wipe his head or feet, his woḍu' would be void. He who cannot perform the woḍu' on his own must appoint someone to help him perform the woḍu', 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 woḍu' 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.
13. that there is no constraint for one to use water. If there were a fear of catching a disease if one performed woḍu', or feared

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

14. that there is no obstacle on the parts woḍu' 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 woḍu' 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 woḍu'].

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

Rulings of Woḍu'

Doubt about the Acts of Woḍu'

Case: A person who doubts too much about the acts of woḍu' or its criteria; such as the water being ṭāhir, 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 woḍu' has been rendered void, he should treat it as valid. However, if he has not performed istibrā' after urination, and after that he performs woḍu', and then he notices a fluid

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

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

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

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

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

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

Incontinence and woḍu'

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 woḍu' and ṣalāh during the prescribed time of the ṣalāh, it is obligatory for him to perform the ṣalāh during that time. However, if the said time was only long enough to perform the mandatory acts of the ṣalāh, 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, Adhān and Iqāmah.

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Case: An individual who suffers from incontinence and cannot control himself, if it is not difficult for him to perform woḍu' 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 woḍu' and continue with his ṣalāh. If it was too difficult for him to perform woḍu' every time, then he should perform one woḍu' for every ṣalāh.

Case: An individual who suffers from Incontinence must perform woḍu' for every ṣalāh, and engage in the ṣalāh immediately. However, it is not mandatory for him to perform woḍu' in order to perform a forgotten sajdah, or a forgotten tashahhud, or the Iḥtiyāṭ ṣalāh that must be performed immediately after the ṣalāh – provided it is performed immediately after the ṣalāh 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 ṣalāh by, say, using a cotton-filled bag. As per obligatory precaution, the bag and the urine outlet should be rendered ṭāhir before every ṣalāh, 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 ṣalāh, if it were possible, and as per obligatory precaution, he should render his anus ṭāhir for every ṣalāh 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 qaḍā' (in lieu of) prayers for those ṣalāh he had performed during his illness, if he had performed those prayers according to his duties outlined.

Mixing of woḍu' 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 woḍu'?

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 woḍu', 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 woḍu' and ṣalāh?

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 woḍu' is performed, and after finishing with it, the moisture of another part touches it, would the woḍu' be rendered void?

A: His woḍu' would not be rendered void.

Q: If one wants to perform woḍu', 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 woḍu' wipes his head, but doubts whether or not his hand touched the moisture of his forehead, does he treat his woḍu' as valid or void?

A: He should treat it as valid.

Performing Woḍu' before Ṣalāh Time

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

The Niyah or intention of woḍu'

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

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

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 Aṣr prayer, but he inadvertently uttered the word 'Eshā' prayer, his prayer would be valid for Aṣr.]

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

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

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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 woḍu’

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

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 woḍu’ void?

A: No they do not.

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

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 woḍu’ would be void.

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

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

Wiping and woḍu' water

Q: When wiping the head as part of the woḍu', 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 mostaḥab precaution the length of the wiping should be that of one finger and the breath that of three joined fingers.

Q: When performing woḍu', 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 woḍu', 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 woḍu', 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 woḍu' entirely?

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

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

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 woḍu' and ṣalāh, and is one required to repeat the ṣalāh?

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

Q: Is the woḍu' 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 woḍu' thought that the wiping of his feet was not complete, may he repeat the wiping?

A: Yes, he may.

Q: When performing woḍu', 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 woḍu'

Q: Is it permissible to perform woḍu' 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 woḍu' is valid.

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

A: Yes it is valid.

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

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

Q: Is it permissible to perform woḍu' with Zamzam water?

A: Yes it is permissible.

The ruling of ḥadath

Q: During ṣalāh, 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 woḍu' anew and repeat the ṣalāh? 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 woḍu' or ṣalāh.

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

A: If it is possible for one to perform the ṣalāh during a period of time when one can perform the ṣalāh without invalidating his woḍu', 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 woḍu' after every occasion of wind emission during the ṣalāh, as a precaution, he should have water within his reach and redo the woḍu' as necessary and complete the ṣalāh. If it proves difficult for one to perform woḍu' every time [wind is emitted], one must perform one woḍu' for every ṣalāh one performs.

The Prohibition of touching the Qur'an without Woḍu'

Case: It is ḥarām to touch the script of the Qur'an with any part of the body without having woḍu'. 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 ḥarām to touch the name of Almighty Allah without having woḍu' in any language. As per mostahab precaution, one who does not have woḍu' should not touch the name of the Noble Prophet, the

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Ma‘soom Imams, and the name of Fatimah al-Zahrā’ 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 Woḍu’ 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 woḍu’ in public in front of other men?

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

Woḍu’ and discomfort

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

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

Jabirah Woḍu'

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* woḍu' is that one performs the woḍu' as normal, and in the case of the woḍu' 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 woḍu' 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 Woḍu'

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 woḍu' 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 woḍu' procedure]. If this too is harmful to the wound, or if the wound is najis and it is not possible to render it ṭāhir, it is necessary to wash the surrounding of the wound from top to bottom, and as per obligatory precaution place a ṭāhir 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 ṭāhir piece of cloth on it and wipe on the cloth with the wetness of the woḍu' remaining on the palm. However, if placing a cloth on the wound is not possible, it is not necessary to wipe

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but it is obligatory to perform tayammum after the woḍu', 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 woḍu', 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 woḍu'.

Harm to the parts on which woḍu' is performed

Case: If there is no wound, sore, or broken bone on the parts on which woḍu' 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 woḍu' too.

Difficulty in removing obstacle from woḍu' part

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

Tayammum or Jabirah woḍu'

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

B) Ghusl

Obligatory Ghusls

The obligatory ghusls are seven:

1. Ghusl of Janābah [the state of being ritually unclean that is acquired after sexual intercourse, etc.]
2. Ghusl of Ḥayḍ (menstruation)

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3. Ghusl of Childbirth
4. Ghusl of Istihāḍah (undue menses)
5. Ghusl of touching a corpse
6. Ghusl of the corpse
7. Ghusl that becomes obligatory on account of a Nadhr, pledge, covenant, etc.

Ghusl of Janābah

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

Case: At the time of ghusl, it is not obligatory to have the intention – *niyyah* – of obligatory or desirable (mostaḥab), 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 Janābah is referred to as Jonob. Five acts are forbidden for a Jonob:

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

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- 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'ṣoom Imams, and Fatima al-Zahra' peace be upon them, must also not be touched.
- ii. Entering Masjid al-Ḥarām 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'ṣoom 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 āyah from the 'Azā'im Surahs, (The 'Azā'im Surahs (chapters) are those that contain verses (āyāt) for the reading or listening of which sujood or prostration is obligatory). These are four surahs:
 1. Surah al-Sajdah (Prostration), #32,
 2. Surah Fuṣṣilat (Explained), #41,
 3. Surah al-Najm (Star), #53,
 4. Surah al-'Alaq (Clot), #96.

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

Methods of Performing the Ghusl

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

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

a) *Tartibi* or Sequential Ghusl

Procedure

Case: In the *Tartibi* or Sequential ghusl, after making the *niyyah* of the ghusl, 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 ghusl is void. This is in the case that in performing the ghusl one pours the water on himself by his hand or using a vessel. However, if one performs the ghusl 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 ghusl 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 ghusl 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 *mostaḥab* 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 ghusl 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) *Irtimāsi* or ghusl by immersion

Procedure

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

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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 ṭāhir, [before performing the ghusl], but in the Sequential ghusl it is not necessary for the entire body to be ṭāhir; for if the entire body is najis, but one renders ṭāhir each part of it before performing the ghusl [on that part], it suffices.

Case: In the Janābah 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 woḍu', such as the water being ṭāhir, 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

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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 qaḍā' for all the ṣalāh 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 ṣalāh that he has [already] performed is valid, but must perform the ghusl for the forthcoming ṣalāh.

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, bāligh (pubescent) or prepubescent, semen was discharged or not, it is obligatory for one to perform the [Janābah] ghusl.

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

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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 ḥarām or un-Khumsed money, his ghusl is void – unless the owner of the bath agrees not accept payment, partly or fully, for the ghusl.

Janābah ghusl replaces woḍu'

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

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 Janābah ghusl instead of woḍu', while he had not been Jonob. What is the ruling about his ṣalāh?

A: Must repeat all the ṣalāh he knows he had performed without woḍu'.

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 Janābah ghusl or woḍu', other than ṣalāh, 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 woḍu', such as urinating or emitting wind, one may [either] continue with the ghusl and then perform woḍu', or alternatively abandon the ghusl and restart it again with the intention of what is mandatory for him, e.g. Janābah, and he does not need to perform woḍu'.

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 ṣalāh has begun.

Q: Is it permissible for the Jonob, to perform his ṣalāh 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 ṣalāh as qaḍā'?

A: He should offer the ṣalāh after washing the najis part [of his body] if that is possible. And if that is not possible, [performing the ṣalāh 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 ṣalāh has begun?

A: Yes, it is permissible.

Friday ghusl and Janābah

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

A: It satisfies, although as per mostaḥab 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?

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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 woḍu' or ghusl?

A: It is not necessary to take them off.

Niyyah 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.

Janābah 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

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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 ḥayḍ (menstruation period), or istiḥāḍah (undue menses) to perform Friday ghusl?

A: Yes it is.

Sufficiency of the Ziyārah Ghusl?

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

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

Ghusl of the three bloods

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

1. Ḥayḍ (menstruation)
2. Istiḥāḍah (undue menses)
3. Nifās (childbirth)

At the end of her ḥayḍ cycle, it is mandatory for a woman to perform a ghusl for the ṣalāh and her other acts of worship that necessitates woḍu', ghusl or tayammum. The procedure for the ḥayḍ ghusl is similar to that of the janābah ghusl, but if she wishes to perform ṣalāh it is mandatory for her to perform woḍu' 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.

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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 'Azāim surahs, but it is mandatory for him to perform the ghusl and woḍu' if he wants to perform the ṣalāh and suchlike.

Procedure for “touching the corpse” ghusl

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

C) Tayammum

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

1. Unavailability of water
2. Excused for not being able to reach water
3. Use of water constitutes harm
4. Fear of thirst
5. Scarcity of water for washing
6. Non-permissibility of use of water
7. Time being too short

1. Unavailability of water

If obtaining sufficient water for woḍu' 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 ṣalāh, but after finishing his ṣalāh learns of the availability of water in the locality where he had sought it, his ṣalāh is valid. However, if there is enough time, as per mostaḥab precaution, he should [perform woḍu' and] repeat the ṣalāh.

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

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

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

2. 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.

3. 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 woḍu' 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.

4. Fear of thirst

Case: If one fears that if one uses the water for woḍu' 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 woḍu' 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;

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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.

5. 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 woḍu' or ghusl, there will be none left to render his clothes or body ṭāhir, it is mandatory for him to use that water to render his clothes or body ṭāhir, and perform tayammum for ṣalāh. And if there is nothing for him to perform tayammum with, it is mandatory for him to perform woḍu' or ghusl with that water and perform ṣalāh with najis body or clothes.

6. 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 woḍu'.

7. Time is too short

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

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

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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 ṣalāh without tayammum, and as per mostaḥab precaution should perform the qaḍā' of the ṣalāh afterwards.

Case: The thing on which tayammum is performed should be ṭāhir, and if one has nothing ṭāhir that he may perform the tayammum on, it is obligatory for him to perform the ṣalāh, and, as per mostaḥab precaution, perform the qaḍā' of the ṣalāh 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 mostaḥab that the object on which tayammum is performed has dust particles that would stick to the palms. It is also mostaḥab 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 ṭāhir and suchlike.

Procedure of Tayammum instead of woḍu'

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

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

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3. 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.
4. 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 woḍu' 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 woḍu' 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 *bāṭil* (void).

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

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najis and it is not possible to render them ṭāhir, it is sufficient to perform the tayammum with the najis palms – unless the najāsah 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 ṣalāh time], it is permissible for him to perform the ṣalāh 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 [ṣalāh] time, it is mandatory for him to wait until he can perform woḍu' or ghusl and perform the ṣalāh. 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 ṣalāh with woḍu' or ghusl, [If this prove impossible, his duty is] to perform the ṣalāh with tayammum towards the end of the particular [ṣalāh] 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 woḍu', and as per mostaḥab 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 woḍu' also invalidate the tayammum-instead-of-woḍu', 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 woḍu' or ghusl, as long as his tayammum and his reason and circumstance have not changed. However, if his

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reason to perform tayammum was lack-of-time [for a particular ṣalāh], or to perform prayer-of-the-deceased, or for being in a state of ṭuhr 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 woḍu' or ghusl, and instead performs tayammum and prays his ṣalāh, and then afterwards it becomes clear that there is enough time, should he repeat his ṣalāh with woḍu' or is it valid?

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

Sufficiency of Tayammum Instead of Ghuls

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

Case: If one performs tayammum instead of the Janābah ghusl, he is not required to perform woḍu' in order to perform ṣalāh. However, if one performs tayammum instead of other ghuls, he is required to perform woḍu', and if it is not possible for him to perform woḍu', he must perform another tayammum instead of woḍu'.

Q: If one does not perform the Janābah 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 ṣalāh, or is it sufficient to perform tayammum once?

A: Must perform one tayammum instead of ghusl, and perform woḍu' for every ṣalāh.

Chapter Six: The Three Bloods

The bloods that an adolescent woman observes may be classified into three categories; they are ḥayḍ (the monthly menstruation), istiḥāḍah (undue menses), and nifās (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.

Ḥayḍ or Menses

Case: The ḥayḍ 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 Ḥā'id. The menstrual discharge or ḥayḍ blood is often warm and thick – black or red coloured – and it is discharged with thrust and a burning sensation.

Duration and occurrence of Ḥayḍ

Case: The ḥayḍ 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 ḥayḍ. [Short time is between half an hour to one hour.]

Case: As a precaution, the three days of ḥayḍ 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 Ḥā'id and the obligations of the mustaḥāḍah. 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 Azā'im¹ surahs of the holy book. At the same time she must act upon the duties

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

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of the mustahāḍah such as woḍu', ghusl etc. for every ṣalāh. The duties of the mustahāḍah 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 ḥayḍ, 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 ḥayḍ.

Case: It is not necessary, for the confirmation of ḥayḍ 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 adhān on the first day and continues without interruption to the sunset of the third day, it would be considered ḥayḍ. 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 ḥayḍ.

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

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

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

The Qurayshi and other females

Case: The Qurayshi female reaches menopause at the age of sixty, and thus she does not observe ḥayḍ 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 ḥayḍ.

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

Rulings of Ḥayḍ

Prohibitions for the Ḥā'id

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

1. The acts of worship that require woḍu', ghusl, or tayammum are prohibited. However the acts of worship that do not require woḍu', ghusl, or tayammum such as prayer for the deceased may be performed while in the state of ḥayḍ.
2. All the issues that are prohibited for someone who is in the state of janābah, which are mentioned in the section relating to the Rulings of Janābah.
3. Vaginal intercourse, which is ḥarām - 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 Ḥā'id. However, other forms of courting, kissing, fondling, and suchlike are permissible.

Kaffārah of intercourse with Ḥā'id

Case: As a mustaḥab precaution, the husband should give the stated kaffārah (given below) if he has sexual intercourse with his wife

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

Case: If he cannot afford to pay the stated kaffārah, 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.

Kaffārah according to Ḥayḍ 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 Ḥā'id, during the first stage of her period, as a mustahab precaution, he should give one Dinār to the poor. One Dinār 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 Dinār. For the third stage he should give one quarter of one Dinār.

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 Dinār kaffārah. 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 Dinār kaffārah. 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 Dinār kaffārah.

Discouraged acts for the Ḥā'id

Case: It is discouraged (makrooh) for the Ḥā'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.

Ḥā'id and ṣalāh

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

Ḥayḍ Ghusl

Case: At the end of her ḥayḍ cycle, it is mandatory for the Ḥā'id to perform the ghusl for the ṣalāh and her other acts of worship that necessitates woḍu', ghusl or tayammum. The procedure for the ḥayḍ ghusl is similar to that of the janābah ghusl, but if she wishes to perform ṣalāh it is mandatory for her to perform woḍu' too – before or after the ghusl.

Insufficient water for ghusl

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

Missed prayer and fasting of the Ḥā'id

Case: The Ḥā'id is not obliged to perform the qaḍā' of the ṣalāh she misses during the ḥayḍ period. However, it is mandatory for her to perform the qaḍā' of fasting for the days she missed during the ḥayḍ cycle.

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

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

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

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perform the ṣalāh, and if she does not she remains liable to perform its qaḍā'.

Case: If there is not enough time to perform the ghusl and woḍu', but it is possible to perform the ṣalāh with tayammum in time, it is obligatory for her to perform that ṣalāh, 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 ṣalāh.

Types of Ḥā'id

Case: Ḥā'id women are of six types:

1. Those of known timing and duration cycle.
2. Those of known timing cycle.
3. Those of known duration cycle.
4. Those of unknown or disturbed cycles (*muḍṭaribah*).
5. The first-timer (*mubtadi'ah*).
6. The *nāsiyah* or the one who has forgotten the timing and/or duration of her cycle.

1. Those of known timing and duration cycle

This is for the case when a woman observes the ḥayḍ blood in two consecutive months at a particular time, and for a particular duration. For example, she observes the ḥayḍ 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 ḥayḍ blood in two consecutive months at a particular time, and she becomes ṭāhir (i.e. her ḥayḍ cycle ends) at a particular time too. For example, she observes the ḥayḍ 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.

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- 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 ḥayḍ 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 istiḥāḍah blood. For example, she observes blood characterised by the ḥayḍ 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 ḥayḍ blood at a particular time in two consecutive months and after three days or more of bleeding, it ceases and she becomes ṭāhir 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 ṭāhir 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 ṭāhir days are equal. Therefore in this case her monthly period is the total number of days she observes blood, together with the intervening ṭāhir days. It is not necessary for the intervening ṭāhir 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 ṭāhir 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 ṭāhir for three days or more, or less, and then observes blood again, and the total number of bleeding days and the intervening ṭāhir 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 ḥayḍ

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 ḥayḍ is delayed or advanced, it is mandatory for

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her to act according to the rulings of ḥayḍ, even if that blood does not bear the ḥayḍ properties. However, if she learns afterwards that the blood was not ḥayḍ, for example she becomes ṭāhir before three days, she is obliged to perform the qaḍā' 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 ḥayḍ.

Case: If it exceeds ten days, the blood seen during the days of her period only is ḥayḍ and that seen before and after the period is istiḥāḍah. It is therefore mandatory for her to perform the qaḍā' 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 ḥayḍ, regardless of whether this is before the period or after.

2. Those of known timing cycle

This is for the case when a woman who observes the ḥayḍ 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 ḥayḍ blood in the first month on the first day of the month and becomes ṭāhir on the seventh, but in the second month she observes blood on the first day of the month and becomes ṭāhir on the eighth.

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

- a) A woman who observes the ḥayḍ blood at a particular time in two consecutive months, and she becomes ṭāhir 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.

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- 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 ḥayḍ 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 istiḥāḍah blood. The number of days in which she observes the blood characterised by the properties of the ḥayḍ 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 ḥayḍ 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 istiḥāḍah blood. This makes the beginning of each month the start of her monthly period.
- c) A woman who observes the ḥayḍ blood at a particular time in two consecutive months for three days or more, then becomes ṭāhir, and then observes blood again, but the total number of the two bleeding periods and the intervening ṭāhir 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].

3. 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 ḥayḍ 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 ḥayḍ 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 ḥayḍ properties, and another blood in other days that is characterised by istiḥāḍah. The number of days in which the ḥayḍ-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 ḥayḍ-type blood is observed constitute her ḥayḍ 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 ḥayḍ properties, but the other blood is characterised by istiḥāḍah, her period would be five days.
- c) A woman who observes the ḥayḍ blood – in two consecutive months – for three days or more, becomes ṭāhir 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 ṭāhir 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 ṭāhir period constitute her period. It is not necessary for the intervening ṭāhir 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 ṭāhir 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 ṭāhir for two day, or more or

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

4. 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 *muḍṭaribah*.

Case: If the *muḍṭaribah* 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 ḥayḍ for seven days and the rest as istiḥāḍah. If they have a period of less than that, for example five days,

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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 ḥayḍ, and during the difference between seven and their period, which is two days, she should abandon the prohibitions of the Ḥā'īḍ and act on the duties of the mustahāḍah, as a mustahāb precaution.

Case: If the *muḍṭaribah* observes blood for more than ten days; on some days [she observes] ḥayḍ-type [blood] and on others istiḥāḍah-type; if the ḥayḍ-type days are less than three days or more than ten days, she must act according to the previous case, but if the ḥayḍ-type blood is not less than three days nor more than ten, then it is considered ḥayḍ throughout [these days]. Furthermore, if she observes ḥayḍ-type blood; and before the passage of ten days [of becoming ṭāhir] she observes ḥayḍ-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.

5. 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 *muḍṭaribah* and treat the rest as istiḥāḍah.

6. The nāsiyah - one who has forgotten order of her cycle

The *nāsiyah* 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 ḥayḍ-type as ḥayḍ days. If it is not possible for her to distinguish the ḥayḍ through the signs and characteristics, she must treat seven days as ḥayḍ and the rest as istiḥāḍah.

Miscellaneous

Certainty or otherwise

Case: The *mubtadi'ah*, *muḍṭaribah*, *nāsiyah*, and those of known duration cycle if they observe blood that has ḥayḍ 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 ḥayḍ they must perform as qaḍā' 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 ḥayḍ properties they must as an obligatory precaution act according to the duties of the mustahāḍah for three days, during which they must abandon the prohibitions of the Ḥā'iq. However if they do not become ṭāhir before three days they must treat it as ḥayḍ.

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 ṭāhir, but in two consecutive months she observed blood from the tenth day to the seventeenth and then became ṭāhir, 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 ḥayḍ properties; then if the intervening ṭāhir days are not less than ten days, she must treat the bloods as ḥayḍ.

Ṣalāh and fasting qaḍā'

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

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that it was not ḥayḍ, she is obliged to perform the qaḍā' of the ṣalāh and the fasting she missed on those days.

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

Divorce and Ḥā'id

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

Istiḥāḍah

Case: The istiḥāḍah blood is one of the bloods that is observed by women, and the woman in the state of istiḥāḍah is called mustahāḍah. The blood of istiḥāḍah 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 istiḥāḍah

Case: The istiḥāḍah may be classified into three categories:

1. 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.
2. 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.
3. 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 ḥayḍ period. She must observe her next ḥayḍ 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 istiḥāḍah

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

Case: In the case of the medium istiḥāḍah, it is mandatory for a woman to perform the istiḥāḍah ghusl prior to the morning prayer (ṣalāt-al-ṣobḥ), and until the dawn of the following day she should act according to the duties of the *qalilah* mustahāḍah mentioned in the previous case, namely woḍu' for every ṣalāh, the changing of the pad, and the rinsing.

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

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

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

Case: If after the Ṣobḥ ṣalāh the slight or medium mustahāḍah becomes extensive, she is obliged to perform a ghusl for the Duhr and 'Aṣr ṣalāh, and another for the Maghrib and 'Eshā' ṣalāh.

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Case: If the slight or medium mustahāḍah performs the ghusl for the Ṣobḥ ṣalāh before the onset of the time [of adhān] her ghusl is bāṭil. However, there is no objection if she performs the ghusl to perform the Night ṣalāh (ṣalāt al-Layl) just before the Fajr adhān, and then performs ṣalāt al-Layl and at the onset of the time of the Ṣobḥ ṣalāh she performs the Ṣobḥ ṣalāh.

Case: It is mandatory for a mustahāḍah to perform a woḍu' for every ṣalāh, whether the ṣalāh is optional (mustahab) or obligatory (wājib). The same goes if she wishes to perform a ṣalāh as a precaution (iḥtiyāt). If she wishes to perform a ṣalāh that she performed forādā (solo) as jamā'ah (congregation) she must perform all acts that have been mentioned for the mustahāḍah. However, it is not necessary to perform the duties of the mustahāḍah that have been mentioned for ṣalāt al-iḥtiyāt, the forgotten sajdah, the forgotten tashahhud, or *sajdat-as-sahw*, if she performs them immediately after ṣalāh and without delay.

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

Case: If the mustahāḍah 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 istiḥāḍah is minor or medium, she must act according to the duties of the minor mustahāḍah, and if she does not know if she is medium or major mustahāḍah, 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 istiḥāḍah blood remains inside the vagina and does not emit outside, this would not render the ghusl or woḍu' bāṭil, but if it emits outside then her woḍu' and ghusl is rendered bāṭil.

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

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Case: When the medium and major mustahāḍah becomes ṭāhir 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 ṣalāh, it is not necessary to repeat the ghusl.

Case: It is mandatory for the minor mustahāḍah - after woḍu' - and for the medium and major mustahāḍah - after woḍu' and ghusl - to engage in ṣalāh immediately and without delay. However, there is no objection in performing the adhān and iqāmah and uttering supplications (du'ā') before the ṣalāh, and similarly, it is permissible for her to perform the mustahab acts such as quonoot during the ṣalāh.

Case: If the mustahāḍah separates between the ghusl and ṣalāh and blood emits from her, she is obliged to perform the ghusl again and perform the ṣalāh 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 istiḥāḍah becomes major, she must start the ghusl anew.

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

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

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

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rites (ghusl and woḍu'), 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 ṣalāh, but rather she should continue with and finish the ṣalāh, then as a mustahab precaution she should perform the qaḍā' of the ṣalāh. The same ruling applies if the minor becomes medium or major mustahāḍah during ṣalāh.

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

Case: If the mustahāḍah performs the ghusls that are obligatory for her, it is permissible for her to enter mosques, stop in them, recite the 'Azā'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 ṣalāh such as changing the pad or the cotton wool.

Case: If before the time of ṣalāh the major or medium mustahāḍah wanted to recite one of the 'Azā'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 woḍu' too.

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

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

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

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mustahāḍah. Furthermore, if she doubts as to whether or not it is istiḥāḍah 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 mustahāḍah as an obligatory precaution.

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

Nifās

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 *nifās* blood and in that state a woman is called *nufasā'*. The blood that a woman observes before the appearance of part of a foetus is not *nifās*. It is not necessary for the foetus to be complete for *nifās* 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 *nifās*. It is possible that the *nifās* 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 *nifās*.]

Rulings of Nufasā'

Case: It is prohibited for the *nufasā'* 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 Ḥā'id. Similarly everything that is *mustahab* and *makrooh* for a Ḥā'id is *mustahab* and *makrooh* for her too.

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

Case: It is mandatory for a woman to perform *ghusl* after she becomes *ṭāhir* from the *nifās* 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 *ṭāhir* days are ten days or less, all is considered as *nifās*,

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

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

Case: In the case of a woman – of a known ḥayḍ period – who observes blood continuously for a month or more after childbirth, she must treat the blood as that of nifās for the days equal to the duration of her period, and treat the subsequent ten days of bleeding - after the period of nifās - as istiḥāḍah, even if this coincides with her monthly menstruation period. For example, a woman whose ḥayḍ 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 nifās, and from the 17th for the duration of ten days as istiḥāḍah; 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 ḥayḍ regardless of whether or not the blood bears the properties of ḥayḍ. 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 ḥayḍ blood, then it is istiḥāḍah.

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

Part Three

Şalāh

Acts of Worship

Ṣalāh

Preamble

Case: Ṣalāh 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

Ṣalāh 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 ṣalāh, one will be purified from sins a thorough cleansing.²

It is imperative that one performs the ṣalāh at the onset of its prescribed time, for he who treats his ṣalāh without due considerations and takes it lightly is like one who does not perform the ṣalāh, and will chastisement in the hereafter. The Messenger of Allah has said: "He is not of me he who treats his ṣalāh without due consideration".³ Allah's Messenger, peace be upon him and his pure progeny, also said, "Whoever treats his ṣalāh 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 ṣalāh is like this, he will die with other than my religion."⁵

¹ Wasā'el al-Shi'a, vol. 4, p34.

² Tahdheeb al-Aḥkām, vol.2 p237, section12, hadith#7. Imam Bāqir, 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 ṣalāh 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

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Therefore, it is emphatically imperative for one to pay the strictest attention to one's ṣalāh; that one does not perform it in haste and hurry, but during the ṣalāh 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 ṣalāh 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 ṣalāh seeks forgiveness from Almighty Allah; entirely devoting oneself to Him. That one abandons the sins and disobediences that prevent the ṣalāh from being accepted; such as jealousy, arrogance, backbiting, as well as eating, earning, obtaining ḥarām things, drinking intoxicants, not paying Khums and zakāh, and indeed absolutely any disobedience for that matter.

Similarly, it is essential for one to abandon those conducts that result in reducing the ṣalāh's reward (thawāb); for example one should not pray while he or she is sleepy. One should not look to the sky during the ṣalāh. On the other hand one should take those measures that enhance the ṣalāh'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, *Iḥqāq al-Ḥaqq*, vol.8 p602. Baḥrāni, Sayyid Hāshim, *Hilyat al-Abrār*, vol.2 p179-180. al-Daylami, Ḥasan, *Irshād al-Quoloob*, vol.2 p217. *al-Maḥajjah al-Bayḍā'*, p397-398. 'Allāmah al-Ḥilli, *Kashf al-Yaqeen*, p118.

² Biḥār al-Anwār, Etiquettes of Ṣalāh, vol.81 p226

Chapter One: The Daily Obligatory Ṣalāh

Case: The daily obligatory ṣalāh are five:

1. The Duhr (noon) ṣalāh; which is four rak‘ah,
2. The ‘Aṣr (afternoon) ṣalāh; four rak‘ah,
3. The Maghrib (after sunset) ṣalāh; three rak‘ah,
4. The ‘Eshā’ (evening) ṣalāh; four rak‘ah,
5. The Ṣobḥ (morning) ṣalāh; two rak‘ah.

Preliminaries of the Daily Ṣalāh

1. The Times of Ṣalāh

The Times of Duhr and ‘Aṣr Ṣalāh

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 ṣalāh is from the onset of noontime until such time that is required to perform the Duhr ṣalāh, such that if due to negligence one performs the ‘Aṣr ṣalāh during this time, his ṣalāh would be *bāṭil* (void).

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

The Common Time

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

Performing the ‘Aṣr Ṣalāh before the Duhr Ṣalāh in negligence

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

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

Ṣalāh

The Times of the Maghrib and ‘Eshā’ Ṣalāh

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

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

The Common Time

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

Performing ‘Eshā’ Ṣalāh before Maghrib Ṣalāh out of negligence

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

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

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

Maghrib and ‘Eshā’ Ṣalāh after midnight

Case: The end of the Maghrib and ‘Eshā’ ṣalāh 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 ṣalāh] or was forced [by extraordinary circumstances or factors beyond his control], or in the case of a woman whose ṣalāh was delayed due to menstruation, the end of the Maghrib and ‘Eshā’ ṣalāh time is the Fajr.

Case: If one delays the ‘Eshā’ ṣalāh beyond midnight without any justification and in disobedience, one must perform it by the Fajr adhān without specifying *adā’* or *qaḍā’ niyyah*, as per obligatory precaution.

Time of the Ṣobḥ Ṣalāh

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 Ṣobḥ ṣalāh 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 Ṣobḥ ṣalāh [and thus Fajr adhān]. As for the end of the time of the Ṣobḥ ṣalāh, it is the moment of sunrise.

Rulings of Ṣalāh's Time and Sequence

The Sequence of Ṣalāh

Case: It is obligatory to perform the 'Aṣr ṣalāh after the Duhr ṣalāh, and the 'Eshā' ṣalāh after the Maghrib one, and if one deliberately performs the 'Aṣr before the Duhr or the 'Eshā' before the Maghrib, his ṣalāh is *bāṭil* (void). It is not permissible to change the *niyyah* [of a ṣalāh] from *qaḍā'* to *adā'* or from a *mostaḥab* ṣalāh to an obligatory ṣalāh.

Case: If there is ample time ahead to perform the ṣalāh during their prescribed time period, it is permissible to change one's *niyyah* of an *adā'* ṣalāh to a *qaḍā'* one during the ṣalāh; for example if one is performing the Duhr ṣalāh and remembers he is liable to perform a *qaḍā'* *Ṣobḥ* ṣalāh, it is permissible for him to change his *niyyah* to that of a *Ṣobḥ* *qaḍā'* ṣalāh 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 ṣalāh is very short such that if one were to perform some of the *mostaḥab* acts of the ṣalāh, the ṣalāh would end up outside the prescribed time, one must not perform those *mostaḥab* acts. For example if performing the *Quonoot* would push some of the ṣalāh 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 ṣalāh, it is obligatory to perform the ṣalāh with the *adā'* *niyyah*, however, it is not permitted for one to delay his ṣalāh to this extent.

Waiting of the excused

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

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intact until the end of the prescribed time, it would be permissible for him to perform the ṣalāh 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 ṣalāh], 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 ṣalāh towards the end of the prescribed time.

Paying the debt

Case: If there is ample time to perform the ṣalāh, 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 ṣalāh.

Determining the times of Ṣalāh

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

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

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

Miscellany

Ṣalāh and Work

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

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

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

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

Q: Is it permissible to neglect the Ṣobḥ ṣalāh 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 ṣalāh, and the use of alarm clock is obligatory if it is the only means to wake up.

Ṣalāh time in some Western countries

Q: Is the commencement of the prescribed time of the Maghrib ṣalāh 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 ṣalāh such as the Fajr, Maghrib, and 'Eshā'. The prescribed times of the ṣalāh are not known in

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

A: They should perform their ṣalāh 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 ṣalāh 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 Ṣalāh times

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

A: His ṣalāh is valid, and it is mandatory to perform the Duhr ṣalāh after that. It is necessary to practice precaution and perform a four rak‘ah ṣalāh after the Duhr ṣalāh with the intention of *mā 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 Ṣobḥ ṣalāh?

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

Q: Is it permissible to be lax in waking up the newly adolescent youngsters for ṣalāh 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 ṣalāh without his [prior] permission?

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

Ṣalāh

Ṣalāh time too short

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

A: [should] lighten.

Q: What is the ruling [for the case] if one performs the ṣalāh, say of Ṣoḥḥ, 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 ṣalāh again, as a precaution. The same is applicable for all other ṣalāh’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 ahādith 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 ṣalāh’s of Maghrib and ‘Eshā’. However, if it were to be of considerable duration it would be mandatory.

2. 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 ṣalāh 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 mostaḥab acts normally performed in the Ṣalāh, which would otherwise makes the Ṣalāh take longer to finish.

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Determining direction of Qiblah

Case: It is mandatory for whoever intends to perform the ṣalāh 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' Mihrāb, 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 ṣalāh, he should, as a precaution, perform ṣalāh in four directions. If there is not enough time to perform the four ṣalāh, he should, as a precaution, perform ṣalāh as far as time allows, even though it is sufficient to pray one ṣalāh in any one direction.

Facing the Qiblah

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

Case: If one's duty is to perform the ṣalāh 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 ṣalāh in the sitting position, it is mandatory for him to perform the ṣalāh 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 ṣalāh 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 moḥtaḍar [moribund – dying person].

Ṣalāh

Ṣalāh on the moon

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

3. The Moṣalli Clothing

Covering of body during Ṣalāh

Case: It is mandatory for a man to cover his private parts while performing the ṣalāh, 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 ṣalāh, to cover all her body, even her head and hair and, as per mostaḥab 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 woḍu', 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 ṣalāh one learns that his private part is uncovered, it is mandatory to cover it, and as per mostaḥab precaution, he should complete his ṣalāh, and repeat it a second time, especially if covering the part needed significant time. However, if one learns after finishing the ṣalāh that his private part was uncovered during the ṣalāh, his ṣalāh is valid.

Criteria of Moṣalli Garment

The criteria of the garment of the moṣalli¹ are six:

a) Ṭahārah

¹ The person performing the ṣalāh is called moṣalli.

Acts of Worship

b) Permissibility

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

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

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

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

a) Ṭahārah

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

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

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

Case: If one doubts whether or not his body or clothing is najis and performs the ṣalāh and then after the ṣalāh learns that his body or clothing is najis, that ṣalāh 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 ṣalāh in both shirts. For example if he is to perform the Duhr and 'Aṣr ṣalāh, he should perform each one of the ṣalāh in both shirts. However, if time was short, it is mandatory to perform the ṣalāh in either of the shirts, and as per mostaḥab precaution, he should also perform the qaḍā' of the ṣalāh after the expiry of the time in a ṭāhir shirt.

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

b) Permissibility

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

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

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

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

Case: If one buys a garment with money the khums or zakāh of which has not been paid, and performs the ṣalāh with that on, his ṣalāh 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 moṣalli 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 ṣalāh 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 *moqāṣṣir* 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 *qāṣir* 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.

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

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

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

Case: It is mandatory that the garment of the moṣalli is not made of [any] parts of a ḥarām-meat animal, and the ṣalāh is also rendered bāṭil (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 ḥalāl-meat animal or a ḥarām-meat one, it is permissible to perform the ṣalāh in it, regardless of whether it was manufactured in a Muslim country or a non-Muslim country.

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

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

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

Case: It is ḥarām 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 ṣalāh is rendered bāṭil. There is no objection to that for women, whether for ṣalāh or otherwise.

¹ Taqsiri.

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Case: It is ḥarām for men to adorn themselves with gold ornaments, such as wearing a gold ring or necklace, or watch, and with them the ṣalāh 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 ṣalāh or otherwise.

Case: If one forgets he is wearing a gold ring or garment, or doubts that and performs the ṣalāh while wearing that ring or garment, his ṣalāh is valid. The same ruling applies to the qāṣir 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 moṣalli is not made from pure silk, and it is ḥarām for him to wear silk for other than ṣalāh too. As for a [silk] cap, the trousers' line or lace, and suchlike with which the ṣalāh 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 ṣalāh.

Case: There is no objection to a silk handkerchief and suchlike being in the moṣalli's pocket, and it does not render the ṣalāh void.

Case: There is no objection to a woman wearing silk for ṣalāh 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 ṣalāh 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 ṣalāh, or for wearing them on short-term basis.

¹ See above footnote about *moqāṣṣir* ignorant.

Cases when body and clothing not mandatory to be ṭāhir

Case: When the garment or clothing of the moṣalli is najis the ṣalāh 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 ṣalāh would be valid if worn by the moṣalli, provided they are not made from *maitah* by-product or from ḥarām-meat animal. Also there is no objection to the ṣalāh if the ring worn by the moṣalli is najis.

Case: It is permissible for the moṣalli 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 ṣalāh in it even if it became najis by the child's urine until the following day, although it is recommended to render it ṭāhir for the Duhr and 'Aṣr ṣalāh. 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 ṭāhir once in a day & night.

Case: When the garment and the body of the moṣalli are najis, the ṣalāh is valid with the body and garment being najis in three cases:

1. If one is compelled to perform the ṣalāh with a najis body or garment.
2. If the body or clothing of the moṣalli 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 ṭāhir the body or the garment, or change the latter, it is permissible to perform the ṣalāh 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

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from the body accompanied by blood, or if medication is added to the wound but is rendered najis by it [i.e. blood].

3. 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 ṣalāh would be void with this. If the total area does not reach that of one dirham and does not stain its surrounding, as a mostaḥab precaution, one should avoid performing the ṣalāh with it.

Case: If there was on the body or garment of the moṣalli a bloodstain, even the size of a needle point, of the blood of *ḥayḍ*, *istiḥāḍah*, *nifās*, or a dog, a pig, a kāfir, or a *maitah*, the ṣalāh would be void, as a precaution. The same applies if it was the blood of a ḥarām-meat animal, as per mostaḥab precaution. However, [as far as the validity of ṣalāh is concerned] there is no objection to other bloods such as human or ḥalāl-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 ṣalāh 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 ṣalāh or after it, does he have to repeat the ṣalāh?

A: He should take it off [during the ṣalāh] and continue with the ṣalāh.

Q: Is it permissible for the moṣalli 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 moṣalli 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 ṣalāh is bāṭil (void), even if that item is not classified as a garment or covering for him such as a wrist watch strap.

Acts of Worship

Q: What is the ruling concerning having something najis in the pocket, such as a handkerchief with blood stains, while performing ṣalāh?

A: There is no objection to that.

Q: If one places headphones over one's ears to block outside noise, does this render his ṣalāh void?

A: That does not render his ṣalāh 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 ṣalāh 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 ṣalāh with it?

A: This runs counter to precaution.

Doubt about the garment

Q: If the moṣalli is not sure whether the garment he has is made from wool, fur, hair of a ḥalāl-meat animal or ḥarām-meat one, is it permissible to perform ṣalāh with it?

A: Yes it is permissible to perform the ṣalāh 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 *modhakkā*, i.e. ṭāhir 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 *modhakkā* then it is deemed ṭāhir and it is permissible to perform the ṣalāh with. However, if it is not taken from the Muslim market and nothing is known about it being *modhakkā*, then it is considered not ṭāhir and it is not permissible to perform the ṣalāh with.

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Cat's hair on the garment

Q: What is the ruling of one who performs ṣalāh with clothing that has strand of cat hair on it, and he does not realise this until after the ṣalāh, or during it?

A: If he does not realise this until after the ṣalāh, then, there is no obligation on him, and if he recognised this during the ṣalāh, it is mandatory to remove it immediately, and his ṣalāh is valid.

Woman's hair and ornament

Q: Is it mostaḥab for a woman to adorn herself with jewellery for ṣalāh?

A: Yes.

Q: Is it permissible for a woman to perform ṣalāh 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 ṣalāh that some of her hair is showing and covers it immediately, is it necessary for her to repeat the ṣalāh or not?

A: She should cover her hair and complete the ṣalāh.

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.

4. Place of Moṣalli

Criteria of place of moṣalli

First – that it is mobāḥ or permissible to use. In other words it should be non-usurped:

Case: If one performs his ṣalāḥ in a usurped place, his ṣalāḥ is bāṭil (void), even if one performs the ṣalāḥ on a carpet, bench, and suchlike that is not usurped.

Case: There is no objection to the ṣalāḥ 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 ṣalāḥ in a place where he does not know it to be usurped, but learns it to be after completing the ṣalāḥ, or if one performs the ṣalāḥ in a place where he had forgotten about it being usurped, but remembers it after finishing the ṣalāḥ, his ṣalāḥ is valid.

Case: If the owner of the place verbally gives his consent and permission to ṣalāḥ [to be performed] in his property, but one learns from some indications that the owner is not inclined to this wholeheartedly, his ṣalāḥ would be bāṭil (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 ṣalāḥ 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 ṣalāḥ in it, his ṣalāḥ 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 zakāḥ, one's handling/usage of that place would be ḥarām and his ṣalāḥ in that place would not be valid, as an obligatory precaution.

Case: It is ḥarām to utilise or handle a property whose owner has died, and who is liable to khums and zakāḥ that he has not paid. Also the

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ṣalāh 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 ṣalāh that is performed in that place.

Case: It is ḥarām to deal with a property whose owner has died but still owes others [money]. Also the ṣalāh 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 [*ḥākim shar'*] give their permission, then there is no objection to that and performing ṣalāh is permissible in that place.

Second – to be stationary

Case: If one is compelled to perform ṣalāh in a moving place – on account of lack of time or for any other reason – such as performing ṣalāh in a car, train, aircraft, it is mandatory not to perform ṣalāh 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 ṣalāh in the place

Case: It is not permissible to begin the ṣalāh in places where one is not certain one would be able to complete the ṣalāh 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 ṣalāh, it is permissible to begin the ṣalāh there, and if the ṣalāh is completed it is valid.

Fourth – that staying in the place is not ḥarām,

Case: It is not permissible to perform ṣalāh 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 ḥarām for him,

Case: It is not permissible to perform the ṣalāh 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.

Acts of Worship

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 ṣalāh in such a place, he should carry out the rukoo‘, sujood, and standing up as best he can.

Seventh – he should not perform the ṣalāh 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 ṣalāh 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 ṣalāh is rendered bāṭil if the place of sujood (prostration) of the forehead is najis, even if it is dry. As per mostaḥab precaution the place where the moṣalli performs the ṣalāh 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 ṣalāh 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 Ṣalāh

Case: It is not obligatory for a woman to stand behind a man in other than congregational prayers (Jamā‘ah ṣalāh), nor is it necessary for the place of her sujood to be slightly behind the man’s place of standing, although it is recommended.

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Case: It is makrooh for a woman to stand ahead of a man, or in line with him for ṣalāh, or to begin the ṣalāh together, but it is not necessary to repeat the ṣalāh if they do so.

Places where Ṣalāh is mostaḥab

The best of mosques

Case: There is great emphasis in the holy Islamic teachings about performing the ṣalāh in the mosques, and the best of all mosques is Maṣjid al-Ḥarām in the holy city of Mecca, followed by Maṣjid al-Nabiy (The Mosques of the Prophet, peace be upon him and his pure family), and then Maṣjid al-Kufah, then Maṣjid al-Aqṣā, then the Grand Mosque of every city, then the local mosque and the market mosque.

Ṣalāh in shrines is superior to Ṣalāh in mosques

Case: It is mostaḥab to perform the ṣalāh in the holy shrines of the Imams, peace be upon them, and in fact the ṣalāh in them is superior to ṣalāh in mosques. The ṣalāh in the shrine of Imam Amir al-Mo'mineen, peace be upon him, is equivalent to two hundred thousand ṣalāh, and every rak'ah of ṣalāh 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 ṣalāh at home. However, if they are able to observe complete ḥijāb from men, by setting up a screen between them, it is better for them to perform the ṣalāh in the mosque, especially in congregation.

Mosque neighbour Ṣalāh

Case: It is mostaḥab to go to mosques frequently, especially the abandoned mosques where ṣalāh is not performed. It is makrooh for the mosque neighbour to perform the ṣalāh in other than the mosque, save exceptional circumstances.

Acts of Worship

Rendering the mosque ṭāhir

Case: It is ḥarām to render a mosque najis; whether its floor, ceiling, roof, the interior of its walls, and as per obligatory precaution, it is also ḥarām to render the exterior of the mosque walls najis. It is obligatory upon one who learns of such locations becoming najis to remove the najāsah immediately. It is also ḥarām 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 ṭāhir.

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

Ṣalāh 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 ṣalāh on board travelling, and one would not be able to get off the vehicle to perform the ṣalāh?

A: It is permissible, and one must perform the ṣalāh while onboard as best as one can.

Q: How should one perform the ṣalāh 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?

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A: It is obligatory for him to perform five ṣalāh every 24 hours. The same time ratio [between the various ṣalāh] should be observed.

Q: If one knows that the train will not stop during the prescribed time of the ṣalāh in order to perform the ṣalāh, and thus one would have to perform the ṣalāh 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 ṣalāh 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 ḥarām.)

Q: Jurists state that it is permissible to perform the ṣalāh in temples of Ahl al-Kitāb but it is mostaḥab to spray with water the place where ṣalāh is to be performed. What is the purpose of this spraying? For if the place is ṭāhir there is no need to the spraying, and if it were najis, this spraying would not render it ṭāhir for it is normally Little water.

A: Principally it is [considered] ṭāhir, and spraying it makes it cleaner.

Q: Is the ṣalāh 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 ṣalāh 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 ṣalāh?

A: If the land on which one performs the ṣalāh is not usurped, the ṣalāh is valid.

Acts of Worship

Q: Is the ṣalāh 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 Ḥākīm al-Shar‘ei, or his representative.

Woman praying ahead of man

Q: Is it permissible for a woman to perform ṣalāh ahead of a man performing ṣalāh, or next to him without a gap?

A: It is not permissible in congregational (Jamā‘ah) prayers, and it is makrooh for other prayers.

Q: In the shrine of Lady Zaynab, peace be upon her, women perform ṣalāh in the courtyard next to men. Is this permissible?

A: There is no objection so long as it is not Jamā‘ah ṣalāh.

Ṣalāh in public estates

Q: Is it permissible to perform ṣalāh 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 ṣalāh on ice – in the Polar region – for the criterion in ṣalāh is stability and immobility, and that there is no evidence for requiring one to be or stand on a specific thing [during ṣalāh]. Of course if the ice is moving, such as flowing ice rivers, or melting ice, the ṣalāh [on it] is not valid for it breaches the immobility [requirement], except in compelling circumstances.

5. Adhān and Iqāmah

The ruling of performing them

Case: It is mostahab for a man or a woman to perform the adhān and iqāmah before the daily obligatory ṣalāh, rather the iqāmah should not

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be neglected. It is mandatory to perform the iqāmah after the adhān, and it is not valid to perform it before the adhān.

Case: It is mandatory not to pause for too long between the sections or parts of the adhān, and also the iqāmah, and if one did pause more than the norm, they must be repeated again.

The Parts of the adhān and iqāmah

Case: The adhān consists of twenty parts:

Translation	Transliteration	Arabic	Repeat
Allāh is greatest	Allāho Akbar	الله أكبر	4 times
I testify that there is no god but Allāh	Ash_hado al-lā ilāha il-lal-lāh	أشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللهُ	Twice
I testify that Muhammad is the Messenger of Allāh	Ash_hado an-na Muḥammadan Rasoolol-lāh	أشْهَدُ أَنْ مُحَمَّدًا رَسُولُ اللهِ	Twice
I testify that Ali is the waliy (authority) of Allāh [over His creation]	Ash_hado an-na Aliy-yan waliy-yol-lāh	أشْهَدُ أَنْ عَلِيًّا وَلِيُّ اللهِ	Twice
Hasten to Ṣalāh	Ḥay-ya ‘alaṣ-ṣalāh	حَيَّ عَلَى الصَّلَاةِ	Twice
Hasten to success and salvation	Ḥay-ya ‘alal-falāḥ	حَيَّ عَلَى الْفَلَاحِ	Twice
Hasten to the best of deeds	Ḥay-ya ‘alā Khayr-il-‘amal	حَيَّ عَلَى خَيْرِ الْعَمَلِ	Twice
Allāh is greatest	Allāho Akbar	الله أكبر	Twice
There is no god but Allāh	lā ilāha il-lal-lāh	لَا إِلَهَ إِلَّا اللهُ	Twice

Case: As for the parts of the iqāmah, they are nineteen; in that the first part is repeated only twice, [instead of four times required in the adhān], and the last is recited only once [as opposed to twice in the adhān], with the addition of the phrase *qad qāmat-iṣ-ṣalāh* after *Ḥay-ya ‘alā Khayr-il-‘amal*.

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Translation	Transliteration	Arabic	Repeat
Allāh is greatest	Allāho Akbar	الله أكبر	Twice
I testify there is no god but Allāh	Ash_hado al-lā ilāha il-lal-lāh	أشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللهُ	Twice
I testify that Muhammad is the Messenger of Allāh	Ash_hado an-na Muḥammadan Rasoolol-lāh	أشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللهِ	Twice
I testify that Ali is the <i>waliy</i> (authority) of Allāh [over His creation]	Ash_hado an-na Aliy-yan waliy-yol-lāh	أشْهَدُ أَنَّ عَلِيًّا وَليُّ اللهِ	Twice
Hasten to the Ṣalāh	Ḥay-ya ‘alaṣ-ṣalāh	حَيِّ عَلَى الصَّلَاةِ	Twice
Hasten to the success and salvation	Ḥay-ya ‘alal-falāḥ	حَيِّ عَلَى الْفَلَاحِ	Twice
Hasten to the best of deeds	Ḥay-ya ‘alā Khayr-il-‘amal	حَيِّ عَلَى خَيْرِ الْعَمَلِ	Twice
The Ṣalāh is now being established	Qad Qāmat-iṣ-ṣalāh	قَدْ قَامَتِ الصَّلَاةُ	Twice
Allāh is greatest	Allāho Akbar	الله أكبر	Twice
There is no god but Allāh	lā ilāha il-lal-lāh	لا إِلَهَ إِلَّا اللهُ	Once

Case: The phrase “Ash_hado an-na Aliy-yan waliy-yol-lāh” is the integral part of both adhān and iqāmah, as some narrations point to.

Miscellany

Q: Are recorded adhān and iqāmah sufficient to replace live ones?

A: They are deemed to have no value.

Q: Is it permissible to recite adhān and iqāmah while sitting down?

A: Yes it is permissible, though it is mostahab to recite them in standing position.

Chapter Two: The Acts of Ṣalāh

Obligatory acts of Ṣalāh

The obligatory acts of ṣalāh are eleven:¹

1. the *Niyyah* or intention,
2. *Qiyām* or standing upright,
3. *Takbirat al-Eḥrām* or saying *Allāho Akbar*,
4. *Qirā'ah* or recitation,
5. *Rukoo'* or bowing,
6. *Sujood* or prostration,
7. *Dhikr* or utterance [of *rukoo'* and *sujood*],
8. *Tashahhud* or declaration of faith,
9. *Salām* or salutation,
10. Order or sequence of the acts,
11. Continuity of the various acts.

Some of the obligatory acts are also 'fundamental' or 'key-element' of the ṣalāh, such that if neglected or missed out altogether, or added to or deducted from – deliberately or inadvertently – the ṣalāh will be void. These fundamental obligatory acts are referred to as *rukn*. The non-*rukn* obligatory acts are those that if deliberately neglected, altered, added to or deduced from, the ṣalāh will be void, but if due to forgetfulness the ṣalāh will not be void.

***Rukn* or key-elements of the Ṣalāh**

Case: The *rukn* or key-elements of the ṣalāh are five:

- a) The *Niyyah* or intention,
- b) *Takbirat-al-Eḥrām*,
- c) *Qiyām*, or standing upright while performing *Takbirat-al-Eḥrām*, and being in the state of *Qiyām* or the upright position prior to heading for *Rukoo'*. [known as *Rukoo'*-joined *Qiyām*]
- d) The *Rukoo'*,
- e) The two prostrations (*Sujood*).

¹ A quick chart and procedure for ṣalāh is given in the appendix.

Details of obligatory acts of Ṣalāh

a) The *Niyyah* or intention

Case: It is mandatory for the moṣalli to perform the ṣalāh 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 ‘Aṣr ṣalāh seeking nearness to Allah”, for example.¹

If one performs the ṣalāh with the intention of *riyā’*, i.e. so that others see him praying, his ṣalāh will be void, regardless of whether he performs the ṣalāh purely or [even] partially for show-off.

Case: It is mandatory for the moṣalli to continue with his intention from the beginning of the ṣalāh to the end. So if he is inattentive during the ṣalāh such that if he is asked what he is doing, he would not know, his ṣalāh would be void.

b) *Qiyām*

Rukn and non-Rukn

Case: It is mandatory to stand upright (i.e. to be in the *Qiyām* position) while performing Takbirat-al-Eḥrām. It is also mandatory to be in the state of *Qiyām* or upright position before beginning to head for *Rukoo’*. This latter *Qiyām* is known as *Rukoo’-joined Qiyām*, which is also a *rukṅ* or fundamental act of the ṣalāh. However, the *Qiyām* standing position while reciting al-Ḥamd and surah, and the *Qiyām* position after rising from the *Rukoo’* are not *rukṅ*, and thus if one inadvertently misses out one of these, his ṣalāh remains valid.

To be stationary and motionless during *Qiyām*

Case: It is mandatory that the body is motionless during the *Qiyām* 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.

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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 moṣalli to remain stationary and motionless when reciting anything, even the mostaḥab adhkār. 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

biḥawli-llāh wa qowwatihi By Allah's might and بِحَوْلِ اللَّهِ وَقُوَّتِهِ
aquomo wa aq'ud power I rise and sit أَقُومُ وَأَقْعُدُ

when rising up to the upright standing position.

Case: There is no objection if the hands or fingers are moved while reciting al-Ḥamd, although it is mostaḥab not to move either of them.

Sitting down when compelled

Case: It is mandatory that the moṣalli does not revert to [performing the ṣalāh] 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 ṣalāh 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 ṣalāh in the sitting position.

Case: If one, who performs the ṣalāh in the sitting position, becomes able to – during the ṣalāh – to stand upright, he must stand upright as best as he can, but should not recite anything until he is completely motionless.

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Lying down

Case: One must not perform ṣalāh 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 ṣalāh rendered void if someone bumps into the moṣalli such that his place of ṣalāh changes?

A: It is not rendered void if one does not, as a result, lose his posture of ṣalāh.

Q: If the telephone or the door bell rings while the person is performing ṣalāh, is it permissible to abort the ṣalāh to answer the phone or door?

A: It is not permissible except in a mostahab ṣalāh.

Case: One who suffers from a chronic condition of uncontrollable laughter, his ṣalāh is valid with laughter, unless he is able to prevent himself for the duration of ṣalāh. 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 ṣalāh on various occasions.

c) Takbirat-al-Eḥrām

Its wording

Case: It is mandatory to perform the Takbirat-al-Eḥrām, which is to declare

Allāho Akbar Allah is greatest اللهُ أَكْبَرُ

At the beginning of every ṣalāh, and it is one of the rukn's of the ṣalāh. 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-Eḥrām, if one has begun reciting, then he should ignore his doubt, but if he has not began reciting he should perform Takbirat-al-Eḥrām.

Motionlessness when performing it

Case: It is mandatory for the moṣalli to be stationary and motionless when performing Takbirat-al-Eḥrām, for if he does so while deliberately moving, he invalidates the Takbirat-al-Eḥrām.

It is mostaḥab to raise (and then lower) the hands to the vicinity of the ears when performing Takbirat-al-Eḥrām, as well as all other Takbirāt during the ṣalāh.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-Eḥrām 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-Eḥrām (i.e. Allāho Akbar), such that motionlessness is established during the uttering.

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d) Recitation

Case: It is mandatory to recite surah al-Ḥamd, together with another complete surah in the first two rak‘ah of the daily obligatory ṣalāh. It is permissible – in the third and fourth rak‘ah – to recite al-Ḥamd only, or the four tasbeehāt once. The four tasbeehāt are:

Ṣobḥān-Allāh,	Glorified/Immaculate is Allah	سُبْحَانَ اللَّهِ
wal-ḥamdo lil-lāh,	All Praise is to Allah	وَالْحَمْدُ لِلَّهِ
wa lā ilāha il-lal-lāh,	There is no god but Allah	وَلَا إِلَهَ إِلَّا اللَّهُ
wal-llāho akbar.	Allah is greatest	وَاللَّهُ أَكْبَرُ

It is mostaḥab to recite these four tasbeehāt three times.

Case: It is mostaḥab, in all ṣalāh’s, to recite surah al-Qadr in the first rak‘ah [that is after surah al-Ḥamd] and surah al-Tawḥeed in the second.

Reciting the surah

Case: If in the ṣalāh one recites a surah [that is after al-Ḥamd] other than surah al-Tawḥeed or surah al-Kāfirōn, 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 ṣalāh time becomes too short if one were to recite the surah, or if the moṣalli 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 mostaḥab ṣalāh, even if that ṣalāh has become obligatory through a vow (*nadh*r). However, in some of the mostaḥab ṣalāh – such as al-waḥshah ṣalāh [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 ṣalāh according to its defined procedure.

The sequence of reciting the surah

Case: If one recites the surah before al-Ḥamd deliberately, his ṣalāh is void, and if one inadvertently does that and in the process realises this, he must stop [reciting the surah], recite al-Ḥamd, and recite the surah from its beginning.

Case: If one forgets to recite al-Ḥamd and the surah, or forgets one of them but then remembers it after reaching the rukoo‘, his ṣalāh 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-Ḥamd and the surah audibly in the Ṣoḥḥ, Maghrib, and ‘Eshā’ ṣalāh, and it is mandatory for the male and female to recite them inaudibly in the Duhr and ‘Aṣr prayers.

Case: It is permissible for a woman to recite al-Ḥamd and surah audibly or inaudibly in the Ṣoḥḥ, Maghrib, and ‘Eshā’ ṣalāh but she must recite them inaudibly if a non-maḥram¹ man can hear her, as a precaution.

Case: It is mandatory for man and woman to recite al-Ḥamd or the tasbeehāt inaudibly in the third and fourth rak‘ah.

¹ Adult male and female are referred to as non-*maḥram* if the adult female has to wear hijāb from the male. To a woman people like father, grandfathers, uncles, brothers, sons, nephews are maḥram to her, and she is not required to wear hijāb from them. All other males are non-*maḥram* 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 hijāb from. Normally, non-maḥram 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 maḥram to each other may never marry. [For the purposes of hijāb, a woman needs to wear hijāb 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.]

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If one recites al-Ḥamd 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 ṣalāh is rendered void. But if he does this inadvertently, or on account of not knowing the ruling, his ṣalāh is valid. If he learns of his mistake while reciting al-Ḥamd 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 tasbeehāt.]

Case: If one recites al-Ḥamd and surah too loudly, say by yelling, his ṣalāh is rendered void.

***Dann* in reciting**

Case: If one recites the four tasbeehāt in the first two rak‘ahs of the ṣalāh, believing (*dann*) he is doing the last two rak‘ahs, if he recognises his mistake before the rukoo‘, it is mandatory to recite al-Ḥamd and surah, and if one realises this during rukoo‘ or after, his ṣalāh is valid.

Case: If one recites al-Ḥamd in the last two rak‘ahs believing they were the first two, or recites al-Ḥamd in the first two believing they are the last, his ṣalāh is valid regardless of whether he learns of his mistake before the rukoo‘ or after.

Case: If one wanted to recite al-Ḥamd in the last two rak‘ahs but uttered the tasbeehāt inadvertently, or if one wanted to recite the tasbeehāt in those rak‘ahs but uttered al-Ḥamd 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 āyah or a word correctly, if one does not engage in something else after that, it is

¹ *basmalah* is short reference for *Bismillah al-Raḥmān al-Raḥeem*, which is the first āyah 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 ṣalāh.

Ṣalāh

mandatory to recite that āyah 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 āyah 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_ oṣ-ṣamad” whether he correctly recited the verse prior to that.

Miscellany

Q: In the obligatory ṣalāh, is reciting the [entire] surah obligatory, or is it sufficient to recite some verses (āyāt) of a long surah, something that ‘Allāmah Ḥilli and Sheikh al-Moḥqqiqeen [i.e. Sheikh al-Anṣāri] were of the opinion?

A: Yes, it is obligatory to recite the [entire] surah.

Q: If the moṣalli recited the last part of an āyah incorrectly, should he repeat the recitation of what was recited incorrectly or should he repeat from the beginning of the āyah? And similarly for recitation of other dhikr of ṣalāh.

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 (āyāt), 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 ṣalāh 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 ṣalāh; 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 bāṭil, in which case one should repeat those that are known to be bāṭil.

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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-Ḥamd and surah] and the dhikrs of rukoo‘ and sujood incorrectly for a long period of time, is it obligatory for him to repeat his ṣalāh 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-Ḥamd in the ṣalāh, or intends to recite [al-Ḥamd] after Takbirat-al-Eḥrām but does not remember some or all of its āyāt, what is his duty? Is it permissible to perform the [four] tasbeehāt instead, or should he read another surah instead?

A: His ṣalāh is rendered void, and should perform another ṣalāh, reading from a moṣḥaf [i.e. a copy of the Qur’an] if necessary, unless during the ṣalāh itself he could reach a copy of the moṣḥaf [to read from].

Q: I notice some of those performing the ṣalāh utter some dhikr in the ṣalāh, for example after the recitation of al-Ḥamd in the ṣalāh they say “al-ḥamdo-lil-lāh rabbil-‘ālameen”, or after al-Tawḥeed, they say “kadhālika Allaho rabbonā”, doesn’t this constitute addition to ṣalāh?

A: No. Indeed these particular dhikr are mostaḥab.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 ṣalāh, but not any other words. The *dhikrs* mentioned in the question are permissible, but not the word “amen” for example. Indeed, saying “amen” in ṣalāh is one of the invalidators of ṣalāh, i.e. saying “amen” in ṣalāh after the recitation of surah al-Ḥamd would render the ṣalāh null and void (*baṭīl*). The invalidators of ṣalāh are discussed elsewhere in this work; see page 170.

Ṣalāh

Q: If one does not identify the surah when reciting the *basmalah*, is one required to recite the *basmalah* again with a particular surah in mind?

A: No.

Q: In the surah of al-Tawḥeed, do we recite the word before last as “kof’an” or “kofowan”?

A: It should be recited as “kofowan” as it is written in the Qur’an.

Q: Is it permissible for a moṣalli to recite a surah that he has not memorised well and that he may err in reciting it?

A: He should not recite that, but should recite one that he is certain to recite correctly.

Q: Is it permissible for one to carry a copy of the holy Qur’an during ṣalāh, and reading off it, whether for obligatory or optional ṣalāh, audibly or inaudibly?

A: There is no objection to that.

e) Rukoo‘

Its process

Case: In every rak‘ah, after the recitation, one must bow until he can place his palms over his knees. This position is referred to as rukoo‘. In rukoo‘, as a precaution, one should say three times [the dhikr]:

Ṣobḥān-Allāh Immaculate is Allah

سُبْحَانَ اللَّهِ

Or one should say once:

*Ṣobḥāna rab-biyal-‘aḍeemi-
wa-biḥamdeh*

Immaculate and Praised
is my Great Lord

سُبْحَانَ رَبِّيَ الْعَظِيمِ
وَبِحَمْدِهِ

It is mandatory to observe continuity between these words, and one should say them in correct Arabic. It is mostaḥab to repeat this dhikr three, five, or more times.

Acts of Worship

However, if time is too short, or if one is compelled [under extraordinary circumstances] it is sufficient to say once:

Ṣobḥān-Allāh Immaculate is Allah سُبْحَانَ اللَّهِ

Case: It is mostaḥab to say takbir [i.e. Allāho Akbar] while he is upright before heading for the rukoo‘. It is also mostaḥab 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 mostaḥab to send greetings to the Prophet and his family after the rukoo‘ dhikr:

Allāhom-ma ṣal-li ‘alā O Allah send your eternal mercy اللَّهُمَّ صَلِّ عَلَى
Muhammad wa-āli and blessings upon Muhammad مُحَمَّدٍ وَآلِ
Muhammad and the progeny of Muhammad مُحَمَّدٍ

After rising from the rukoo‘ and standing upright, it is mostaḥab to say

sami‘a-Allāho Allah hears/answers he who سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ
leman ḥamidah praises Him

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 moṣalli 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

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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 ṣalāh is rendered void. Also, if one deliberately raises his head from the [state of] rukoo‘ before finishing the obligatory dhikr, his ṣalāh 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 ṣalāh 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 ṣalāh is rendered void.

Case: It is mandatory to perform two prostrations (sajdah) after the rukoo‘ in every rak‘ah of the obligatory and optional ṣalāh. 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]:

Ṣobḥān-Allāh Immaculate is Allah سُبْحَانَ اللَّهِ

or say once:

Ṣobḥāna rab-biyal-a‘lā-wa-biḥamdeh Immaculate and Praised سُبْحَانَ رَبِّيَ الْأَعْلَىٰ وَبِحَمْدِهِ
is my Exalted Lord

It is mandatory to observe continuity between these words, and one should say them in correct Arabic. It is mostaḥab to say this dhikr three, five, or seven times.

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It is mostaḥab to send greetings to the Prophet and his family after the sujood dhikr:

<i>Allāhom-ma ṣal-li ‘alā</i>	O Allah send your eternal mercy	اللَّهُمَّ صَلِّ عَلَى
<i>Muhammad wa-āli</i>	and blessings upon Muhammad	مُحَمَّدٍ وَآلِ
<i>Muhammad</i>	and the progeny of Muhammad	مُحَمَّدٍ

Fundamentality of Sujood

Case: Two sajdah’s together are a rukn, such that if the moṣalli misses them out in an obligatory ṣalāh, whether deliberately or inadvertently, or adds to them another two sajdah’s, his ṣalāh is rendered void.

Case: If one deliberately performs one sajdah too many or too few, his ṣalāh 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 ṣalāh is rendered void.

Case: If one deliberately raises one of his seven masājīd¹ (or the elements of prostrations) from the ground while reciting the sujood dhikr, his ṣalāh is rendered void. However, there is no objection if one inadvertently raises one of his masājīd – 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 masājīd 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.

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again, and he should consider it as one sajdah. However, if one inadvertently raises one of his other masājīd 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, ‘Aṣr, and ‘Eshā’ ṣalāh, 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 mostaḥab 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 mostaḥab 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

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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 ṣalāh is rendered void, but there is no objection if the colour of the torbah changes.

The place of sujood being ṭāhir

Case: It is mandatory that the torbah or anything else that the sujood is performed on is ṭāhir. 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 ṭāhir.

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

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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 ṣalāh 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 ṣalāh [again during the prescribed time for that ṣalāh] he should abort the ṣalāh [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.

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Prostration before other than Almighty Allah

Case: Prostration or sujud before other than Almighty Allah is ḥarām. 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 ḥarām. 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-ṭāhir torbah?

A: Sujud on it is not valid.

Q: What is the ruling concerning someone who has for a long time performed the four tasbeehāt 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 ṣalāh without using a torbah or anything else?

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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

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becomes unusable for the manufacturing of clothing through modification or genetic engineering, [in which case it may be used for sujud].

g) Tashahhud

Case: It is mandatory to sit to perform tashahhud in the second rak‘ah of every ṣalāh, in the third rak‘ah of the Maghrib ṣalāh, and in the fourth rak‘ah of the Duhr, ‘Aṣr, and ‘Eshā’ ṣalāh. One must sit after performing the second sajdah and say while in a stationary state:

<p><i>ash-hado al-lā-ilāha il-lal-lāh waḥdahu lā shareeka lah, wa-ash-hado an-na Muhammadan ‘abduhu wa rasooluh Allāhom-ma ṣal-li ‘alā Muhammad wa- āle 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 ṣalāh as normal, and finish the ṣalāh. After the ṣalāh, 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 Salām²] after the *tashahhud* in the last rak‘ah of the ṣalāh. It is mostaḥab 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 Salām and tasleem are interchangeably used to mean the same act in ṣalāh.

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<i>as-Salāmo ‘alayka ayyohan-nabiyyo wa raḥmatollāhi wa barakātoḥ</i>	Peace and mercy of Allah and His blessings be upon you O Prophet	السَّلَامُ عَلَيْكَ أَيُّهَا الرَّبِّي وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ
<i>as-Salāmo ‘alaynā wa ‘alā ‘ebādel-lāhiṣ-ṣāliḥeen</i>	Peace be upon Us and the righteous servants of Allah	السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ
<i>as-Salāmo ‘alaykom wa raḥmatollāhi wa barakātoḥ</i>	Peace and mercy of Allah and His blessings be upon ye.	السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Criteria for validity of Ṣalāh

a) Order or sequence of Ṣalāh

Case: If one deliberately changes the sequence of the ṣalāh, for example recites the surah before al-Ḥamd, or performs the sujood before the rukoo‘, the ṣalāh is void.

Forgetting a rukn

Case: If one forgets to perform one of the rukns of the ṣalāh, and performs the rukn that follows it; like if one performs the two sajdah’s without performing the rukoo‘, his ṣalāh 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-Ḥamd, and engages in performing the rukoo‘, his ṣalāh 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

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al-Ḥamd 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-Ḥamd - he must continue with his ṣalāh, and his ṣalāh 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 moṣalli to observe the continuity of ṣalāh, that is to perform the acts of the ṣalāh such as rukoo‘, sujood, 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 ṣalāh, his ṣalāh is rendered void.

Addition and deduction to the acts of the Ṣalāh

Case: If one deliberately adds to the obligatory acts of the ṣalāh, or deducts from them, even by one alphabetical letter, his ṣalāh is rendered bāṭil.

Case: If on grounds of being ignorant of the case, one adds to the obligatory acts of the ṣalāh or deducts from them, his ṣalāh is rendered bāṭil, as a precaution. However, if, on grounds of being ignorant of the case, one recites the al-Ḥamd and the surah silently in the Ṣoḅḥ, Maghrib, and ‘Eshā’ ṣalāh; or recite them audibly in the Duhr and ‘Aṣr prayers, or if on the same grounds, performs his ṣalāh complete while travelling, his ṣalāh is valid.

Quonoot in Ṣalāh

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 ṣalāh. It is mostahab to perform the Quonoot in the Witr

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ṣalāh even though it is one rak‘ah. In the Friday prayer one Quonoot is performed in every rak‘ah, in Ṣalāt al-Āyāt there are five Quonoots, and in the ‘Eid Ṣalāh 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-Fiṭr and ‘Eid al-Aḍḥā should not be missed out.

Procedure of Quonoot

Case: In performing Quonoot, it is mostaḥab 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 ṢobḥānAllāh once.

Qaḍā’ of Quonoot

Case: If one deliberately misses out the Quonoot one does not have to perform its qaḍā’, 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 mostaḥab to perform the qaḍā’ of the Quonoot after the rukoo’. If one remembers it while in sujood, it is mostaḥab to perform the qaḍā’ of the Quonoot after the Salām. [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‘qeebāt of Ṣalāh

Case: When one finishes a ṣalāh it is mostaḥab after that to engage in some of the ta‘qeebāt (follow-on’s) such as dhikr, supplication, or reciting the holy Qur’an. It is recommended that one performs the ta‘qeebāt while facing the Qiblah, before moving from his place and before one’s woḍu’, ghusl, or tayammum is invalidated. It is not necessary for the ta‘qeebāt to be in Arabic, and it is preferred to read the specific ta‘qeebāt as given in relevant books.

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Case: One of the highly stressed upon ta‘qeebāt is the tasbiḥāt of [Fatimah] al-Zahrā’ peace be upon her, which is as follows:

One should say:

Allah is Greatest	<i>Allāho akbar</i>	الله أكبر	34 times
All praise belongs to Allah	<i>Al-ḥamdo lil-lāh</i>	الْحَمْدُ لِلَّهِ	33 times
Glorified/Immaculate is Allah	<i>ṢobḥānAllāh</i>	سُبْحَانَ اللَّهِ	33 times

Invocation of Allah’s Blessings upon the Prophet

Case: It is mostaḥab 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-Moṣṭafā, or his agnomen such as Abil-Qāsim, 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 ṣalāh.

Invalidation, abandonment and doubt

Conditions when Ṣalāh is invalidated

Case: Twelve cases invalidate the ṣalāh:

1. If one of the criteria of the ṣalāh ceases to exist, for example if one learns during the ṣalāh that the place (one is performing the ṣalāh in) is usurped.
2. Something that spoils the woḍu’ or ghusl to occur for the individual during the ṣalāh, regardless of whether this occurred deliberately, inadvertently, or under compelling circumstances, such as the discharge of urine.
3. To hold *takfēer*, which is to place the hands over one another across the body.
4. To say ‘amen’ after reciting al-Ḥamd. However if one says this inadvertently, or on grounds of *taqiyyah*, to hide his faith and

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protect himself [in dangerous surroundings], his ṣalāh is not rendered void.

5. 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 ṣalāh is void.
6. 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 ṣalāh 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 ṣalāh is void, and as per obligatory precaution, he should repeat his ṣalāh 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 Allāho Akbar – audibly to alert someone to something.

Coughing, belching

Case: There is no objection to coughing, belching, sighing in the ṣalāh. However, to deliberately say 'Oh' or 'Ah' and suchlike that consists of two letters, renders the ṣalāh bāṭil.

Repeating the words

Case: There is no objection to repeating some of the words in al-Ḥamd and the surah, or any of the dhikrs of the ṣalāh 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-Ḥamd, surah or the dhikr concerned]. However, if one repeats something several times on grounds of obsession (*waswasah*) [being

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habitually or obsessively doubtful], as per precaution, his ṣalāh is rendered bāṭil.

Salām during Ṣalāh

Case: To initiate the Salām (greeting) is mostaḥab, and there is great emphasis for the rider to say Salām to the walker, the standing to the sitting, and the younger to the elder. And to reply [to the Salām] is wājib, i.e. obligatory. If one salutes a group, it is wājib kifā'ei for the entire group to reply to his Salām, i.e. it would be sufficient if one of them replies to his Salām.

Case: A moṣalli does not salute anyone, and if someone salutes him, it is mandatory for the moṣalli to return his Salām in the same form as he salutes him. So if someone saluted the moṣalli by saying “Salāmon ‘alaykum”, the moṣalli should reply “Salāmon ‘alaykum”, but if he said “alaykum al-Salām”, it is better for the moṣalli to reply “Salāmon ‘alaykum”.

Case: It is mandatory to reply to the greeting of Salām promptly, whether during the ṣalāh or other than that. If one delays responding to the Salām – deliberately or inadvertently – for a relatively long period such that if one then responds, it would not be considered a reply to that Salām, then if at the time, one is performing ṣalāh, he should not reply, and if one is not performing ṣalāh, it would not be mandatory to reply.

Case: It is mandatory to respond to the Salām such that the person who said the Salām can hear him, and if the greeting person was deaf, it would be sufficient to reply as necessary.

Case: If the moṣalli does not reply to the person who said the Salām, he is considered to have committed disobedience and sin, but his ṣalāh is valid.

Case: It is not mandatory to reply to the Salām of one who said the Salām jokingly or in ridicule, and it is not permissible to reply to him if performing ṣalāh.

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7. To deliberately laugh audibly. The same applies to the one who is made to laugh. However, if one inadvertently laughs audibly, the ṣalāh is valid, unless one [shakes such that one] loses the state and posture of ṣalāh. Smiling does not render the ṣalāh bāṭil.

If in an attempt to prevent himself from laughing audibly one's posture changes, for example his face turns red, as per mostaḥab precaution, he should redo his ṣalāh again, unless one loses the state and posture of ṣalāh in which case it is mandatory to repeat the ṣalāh.

8. 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.
9. Doing something that compromises the state or posture of ṣalāh 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 ṣalāh, such as pointing by hand.

Case: If one remains silent during ṣalāh for too long such that it cannot be said he is performing ṣalāh, his ṣalāh is rendered void.

10. Eating and drinking. If one eats or drinks during ṣalāh such that it cannot be said he is performing ṣalāh, his ṣalāh is rendered void, irrespective of the action being deliberate or inadvertent. If one swallows – during the ṣalāh – remnants of food that had been in his mouth or between his teeth, his ṣalāh 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 ṣalāh.
11. Any doubt that one might develop about the number of rak'āt performed in a two-rak'ah and a three-rak'ah ṣalāh, or during the first two rak'ah of a four-rak'ah ṣalāh.

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12. To add or deduct a rukn or a fundamental aspect of the ṣalāh – be it deliberately or inadvertently, [renders the ṣalāh *bāṭil*], but, the inadvertent addition of Takbirat-al-Eḥrām does not invalidate the ṣalāh. Also, deliberate addition or deduction in cases of non-rukn aspects renders the ṣalāh *bāṭil*.

Case: If one doubts after the ṣalāh whether or not he did something during the ṣalāh that renders the ṣalāh *bāṭil*, his ṣalāh remains valid.

Aborting the Ṣalāh

Case: It is not permissible to deliberately abort the ṣalāh. However, there is no objection in aborting the ṣalāh if this is in aid of protecting property or to avoid physical or financial harm. If it is obligatory for one to abort the ṣalāh, but he does not do so and continues to finish it, he has committed disobedience but his ṣalāh is valid.

Not very important

Case: If it is possible for the moṣalli to protect himself, or protect those he must protect, or protect the property or possession he is entrusted with without aborting the ṣalāh, then he must not abort the ṣalāh. It is *makrooh* to abort the ṣalāh to protect something that is not very important.

To pay off a debt

Case: If one begins the ṣalāh, 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 ṣalāh, he should do so and should not abort the ṣalāh. If it is not possible to pay the debt without aborting the ṣalāh, it is mandatory to abort the ṣalāh, pay his dues and then perform the ṣalāh.

Doubts

Doubts of Ṣalāh are grouped in twenty three categories:

The invalidating doubts

Case: The doubts that invalidate the ṣalāh are eight:

Şalāh

1. To doubt about the raka‘āt [performed] in two-rak‘ah şalāh such as the Şobḥ şalāh, or the traveller şalāh. However, if the doubt is in the case of a two-rak‘ah mostaḥab şalāh, or in the case of the iḥtiyāṭ şalāh, the şalāh is not invalidated.
2. To doubt about the raka‘āt [performed] in three-rak‘ah şalāh.
3. To doubt, in a four-rak‘ah şalāh, whether he has performed one or more rak‘ah.
4. To doubt, in a four-rak‘ah şalāh – before finishing the second sajdah – whether he has performed two or more raka‘āt.¹
5. To doubt [whether he has performed] two or five raka‘āt, or between two and more than five.²
6. To doubt between three and six, or between three and more than six.
7. To doubt between four and six, or between four and more than six before finishing the second sajdah.³
8. To doubt about the number of raka‘āt one has performed in the şalāh, such that one does not know how many raka‘āt one has performed.

Case: If one of the invalidating doubts (*shakk*) arise for the moşalli, it is permissible for him

- i. to abort the şalāh, or
- ii. to [pause and] think [about the matter in order to resolve his doubt] until the state or form of the şalāh 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 şalāh, 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 moṣalli:

1. 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-Ḥamd.

Case: Or [in general] one doubts – during the ṣalāh – whether or not he performed some of the obligatory acts of the ṣalāh, such as whether or not he recited al-Ḥamd. 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.

2. Doubt after the Salām

Case: If one doubts after the Salām as to whether or not his ṣalāh was valid; for example if one doubts whether or not he had performed the rukoo', or doubts after the Salām of a four-rak'ah ṣalāh 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 Salām of a four-rak'ah ṣalāh as to whether he prayed two rak'ah or five, his ṣalāh is bāṭil.

3. Doubt after the expiry of the ṣalāh time

Case: If after the expiry of the prescribed ṣalāh time one doubts (*shakk*) as to whether or not he performed the ṣalāh, or if he suspects (*dann*) that he did not perform the ṣalāh, he is not required to perform the ṣalāh. However, if he doubts whether or not he performed the ṣalāh before the expiry of the prescribed time, or suspects that he did not perform the ṣalāh, he must perform the ṣalāh, rather, it is mandatory to perform the ṣalāh even if he suspects that he has performed the ṣalāh.

4. Doubt of Excessive Doubter

Case: If one doubts three times in a ṣalāh, or doubts in three successive ṣalāh; such as Ṣoḥḥ, Duhr, and 'Aṣr, 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.

Ṣalāh

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.

5. Doubt of prayer leader and prayer follower

Case: If the congregational prayer leader (Imam Jamā'ah) doubts the number of raka'āt he has performed, like if he doubts if he has performed three or four raka'āt, 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 ṣalāh and he is not required to perform the iḥtiyāṭ ṣalāh. Similarly, if the imam is certain of the number of the raka'āt, but the ma'moom has doubt about it, the latter must take no notice of his doubt.

6. Doubt in mostaḥab ṣalāh

Case: If one doubts the number of raka'āt [performed] in a mostaḥab ṣalāh, if the higher number renders the ṣalāh bāṭil, he should assume the lesser; for example if one doubts whether he performed two or three rak'ah for the Ṣobḥ nāfilah, he should assume that he performed two. If, on the other hand, the higher number does not render the ṣalāh bāṭil, for example if one doubts whether he performed two or one rak'ah, he may act on either probability, and his ṣalāh is valid.

Case: If one has doubt about performing one of the acts of the nāfilah, (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 nāfilah 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 ṣalāh, nor to perform the forgotten sajdah or the forgotten tashahhud as qaḍā', although it is preferred to perform the forgotten [acts] after the ṣalāh. [The procedure for *sajdatay-as-sahw* is given on page 185.]

The valid doubts

Case: It is mandatory for a moṣalli to reflect and think about the doubt immediately if s/he doubts the number of raka‘āt s/he has performed in a four-rak‘ah ṣalāh, 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 ṣalāh 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‘āt, after raising his head from the second sajdah, one should base it on having performed three raka‘āt, should stand up to perform a further rak‘ah, finish the ṣalāh, and then after the ṣalāh one should perform one rak‘ah of the iḥtiyāṭ ṣalāh – 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 ṣalāh while he is sitting, and then after the ṣalāh, he should perform two raka‘āt of the iḥtiyāṭ ṣalāh 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‘āt, that is after raising his head from the second sajdah, in this case he should base it on having performed four raka‘āt, finish his ṣalāh while he is sitting, and then after the ṣalāh, he should perform two raka‘āt of the iḥtiyāṭ ṣalāh 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‘āt, finish his ṣalāh while he is sitting, and then after the ṣalāh, 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 ṣalāh. On the

Ṣalāh

other hand, if one repeats the ṣalāh it would be sufficient for discharging one's duty.

Scenario5: If one doubts between the three or four at any stage of the ṣalāh, he must base it on four, finish his ṣalāh, then one should perform one rak'ah of the ihtiyāṭ ṣalāh 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 Salām, finish the ṣalāh, and then perform one rak'ah of ihtiyāṭ ṣalāh 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 Salām, and finish his ṣalāh, and then after the ṣalāh he should perform two raka'āt of the ihtiyāṭ ṣalāh 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 Salām, and finish the ṣalāh, and then after it should perform two raka'āt of the ihtiyāṭ ṣalāh 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 Salām, and after the Salām 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 Ṣalāh after a valid doubt

Case: If the moṣalli develops one of the valid doubts, he must not abort his ṣalāh, as a precaution, and if he does so, and restarts the ṣalāh anew, the second ṣalāh is valid.

Case: If one develops one of the doubts that necessitates the iḥtiyāt ṣalāh, and if one completes his ṣalāh and repeats it anew without performing the iḥtiyāt ṣalāh, he has committed disobedience. If one repeats the ṣalāh before committing something that invalidates the ṣalāh, such as turning his face away from the Qiblah, his second ṣalāh is invalid as per mostaḥab precaution. However, if one engages in the second ṣalāh after committing something that invalidates the first ṣalāh, his second ṣalāh 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 ṣalāh.

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.

Ṣalāh

Doubt after the end of the Ṣalāh

Case: If one realises after the ṣalāh that he had a doubt during the ṣalāh, 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 ṣalāh.

Doubt in the sitting Ṣalāh

Case: If one who [normally] performs the ṣalāh in the sitting position has a doubt that requires him to perform one rak‘ah of the iḥtiyāṭ ṣalāh 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‘āt of the iḥtiyāṭ ṣalāh in the standing position, he must perform two in the sitting position.

Doubt, dann and inadvertent act in the daily and obligatory Ṣalāh

Case: There is no difference in the rulings of *shakk* (doubt), *dann* (belief) and *sahw* (inadvertent act or oversight) in the daily ṣalāh and other obligatory ṣalāh. For example, if one doubts in the Āyāt Ṣalāh whether he performed one or two rak‘ah, and since the Āyāt Ṣalāh is a two-rak‘ah ṣalāh, such a doubt in it renders it void.

Miscellany

Q: If one stands up to perform the tasbeehāt 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 tasbeehāt correctly?

A: He should pay no attention to his doubt.

Q: What is the ruling if one develops a doubt about reciting al-Ḥamd while he is reciting the subsequent surah?

A: He should pay no attention to his doubt.

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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‘qeebāt 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-Ḥamd after completing the two sajdah’s?

A: He should pay no attention to it.

Q: If the moṣalli develops a doubt and his doubt is one of the valid ones, is it permissible to abort his ṣalāh and restart it anew?

A: It is not permissible.

İhtiyāṭ Ṣalāh

The ihtiyāṭ ṣalāh is required to be performed if, for example, in the course of the daily obligatory ṣalāh one develops a doubt about the number of raka‘āt performed, as detailed in the section on doubts in ṣalāh.

Its procedure

Case: If it is required for one to perform the ihtiyāṭ ṣalāh, it is mandatory – immediately after the ṣalāh – to declare the *niyyah* for the ihtiyāṭ ṣalāh, perform Takbirat-al-Eḥrām, recite al-Ḥamd only, perform rukoo‘ and the two sajdah’s. If he is required to perform only one rak‘ah of the ihtiyāṭ ṣalāh, 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 ihtiyāṭ ṣalāh, 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.

Ṣalāh

Case: In the iḥtiyāṭ ṣalāh, the surah – after al-Ḥamd – is not recited, nor is the Quonoot; one must recite al-Ḥamd silently, should not verbally utter its *niyyah*, and as a precaution should utter the *basmalah* inaudibly.

Before and after the iḥtiyāṭ Ṣalāh

Case: If one learns, before performing the iḥtiyāṭ ṣalāh, that the ṣalāh he has performed is valid, he would not be required to perform the iḥtiyāṭ ṣalāh, and if he realises this, while he is performing the iḥtiyāṭ ṣalāh, he does not have to complete the ṣalāh. If one learns, after performing the iḥtiyāṭ ṣalāh, that the missing raka‘āt of his ṣalāh are equal to the iḥtiyāṭ ṣalāh, for example he performs one rak‘ah for the iḥtiyāṭ ṣalāh when doubting between the three and four, and then learns, after the iḥtiyāṭ ṣalāh, that he had prayed three raka‘āt, his ṣalāh is valid.

Doubt about performing the iḥtiyāṭ Ṣalāh

Case: If one doubts whether or not he performed the iḥtiyāṭ ṣalāh he was required to do, if this [realisation] is after the time of the ṣalāh, 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 ṣalāh, and does not do something that contravene his ṣalāh like turning his back to the Qiblah, he must perform the iḥtiyāṭ ṣalāh. If he does something that invalidates his ṣalāh, or there was a long time between the ṣalāh and when the doubt began to cross his mind, as per mostahab precaution, he should repeat the entire ṣalāh anew.

Addition or deduction in the iḥtiyāṭ Ṣalāh

Case: If a rukn is added to the iḥtiyāṭ ṣalāh, or if one performs two rak‘ah [of the iḥtiyāṭ ṣalāh] instead of one, the iḥtiyāṭ ṣalāh is rendered void, and one must perform the original ṣalāh anew.

If one inadvertently adds or deducts something that is non-rukn in the iḥtiyāṭ ṣalāh, he should, as a precaution, perform *sajdatay-as-sahw* – the two prostrations of oversight.

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Dann (belief) in the iḥtiyāt Ṣalāh

Case: The ruling of dann (belief) about the number of raka‘āt in the iḥtiyāt ṣalāh has the same ruling as that of *yaqeen* (certainty), unless the dann is about an issue that causes the ṣalāh to be invalid, in which case the dann will not have the ruling of certainty.

Precedence of the iḥtiyāt Ṣalāh

Case: If one is required to perform the iḥtiyāt ṣalāh and the qaḍā’ of a forgotten sajdah or tashahhud, or *sajdatay-as-sahw* – the two prostrations of oversight – one must perform the iḥtiyāt ṣalāh first.

Miscellany

Q: If one is an Excessive Doubter in ṣalāh, if he doubts in the iḥtiyāt ṣalāh in the same way he doubts in the ṣalāh, should he take notice of his doubt?

A: He should pay no attention to his doubt.

Q: If one keeps repeating his ṣalāh given the state of inattentiveness that has overcome him, is repetition of ṣalāh permissible for him?

A: It is ḥarām 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 moṣalli finds himself doubting about the number of the raka‘āt 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 ṣalāh is not invalidated.

Q: On one occasion I performed the ṣalāh of the eclipse of the moon in the house of the mo’mineen, and a doubt developed for me in one of the raka‘āt, and I felt confused, and I based my act on the strongest probabilities and finished the ṣalāh, 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 ṣalāh

Ṣalāh

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 ṣalāh is valid, in the same way that *dann* in the raka‘āt of the ṣalāh is valid. In *ṣalāh*, *dann* carries the ruling of certainty.

Prostration of *sahw* (oversight)

If one makes a simple mistake while performing the ṣalāh and then realises his mistake and rectifies it, one must perform the two prostrations of oversight (*sajdatay-as-sahw*) after finishing the ṣalāh. 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 ṣalāh, 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 Salām of the ṣalāh, he must declare the *niyyah* to perform prostration of oversight, and places his forehead on what is valid to perform sujood on and say:

Bismillāhi wa Billāh wa ṣalla-llāha ‘alā Muhammadin wa ālih.	بِسْمِ اللَّهِ وَبِاللَّهِ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ وَآلِهِ
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Or say:

Bismillāhi wa Billāh, Allāhumma ṣalli ‘alā Muhammad wa āli Muhammad.	بِسْمِ اللَّهِ وَبِاللَّهِ اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ
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However, it is recommended to say:

Bismillāhi wa Billāh As-Salāmo alayka ayyohā-Nnabiyyo wa Raḥmatollāhe wa Barakātoh.	In the name of Allah, and by Allah, Peace be upon you O prophet and the mercy of Allah and His blessings.	بِسْمِ اللَّهِ وَبِاللَّهِ السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ
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Acts of Worship

Then he should sit and perform sujood a second time and say aforementioned dhikrs, and then sit again, recite the tashahhud and one Salām.

When *sajdatay-as-sahw* are obligatory

- i. If one inadvertently speaks during the ṣalāh,
- 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 ṣalāh as to whether he has performed four or five raka‘āt,

If one inadvertently sits where he should stand up, for example if one sits by mistake while reciting al-Ḥamd 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 ṣalāh.

Case: If one does not perform the prostration of oversight after the Salām of the ṣalāh 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 ṣalāh.

Miscellany

Case: If one recites the three Salām’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.

Ṣalāh

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.

Qaḍā’ of the forgotten sajdah or tashahhud

Case: When performing the qaḍā’ of the forgotten sajdah or the qaḍā’ of the forgotten tashahhud, all the validating criteria for the ṣalāh are required too, such as the body and garment being ṭāhir, 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 ṣalāh. Then, after the ṣalāh, 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 Salām of the ṣalāh, s/he performs the qaḍā’ 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 Salām of the ṣalāh, 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 Qaḍā’

Case: If one forgets one sajdah and tashahhud, one should, as per obligatory precaution, begin with performing the qaḍā’ 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 qaḍā’ of the forgotten sajdah and tashahhud.

Repeating the Ṣalāh after the qaḍā'

Case: If one does something after the Salām of the ṣalāh and before performing the qaḍā' of the forgotten sajdah or the forgotten tashahhud, the deliberate or inadvertent act of which renders the [normal] ṣalāh bāṭil, such as turning one's back to the Qiblah, he must, as a precaution, repeat the ṣalāh after performing the qaḍā' 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 ṣalāh.

Inattentiveness in the two-prostrations of oversight

Case: If one does something, after the Salām of the ṣalāh and before performing the qaḍā' of the forgotten sajdah or the forgotten tashahhud of the previous rak'ah, the act of which during the [normal] ṣalāh necessitates the performance of *sajdatay-as-sahw*, such as inadvertent talking, one must perform the qaḍā' 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 qaḍā' of the forgotten sajdah or tashahhud.

Other sojood too

Case: If one is required to perform the qaḍā' 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 ṣalāh, perform the qaḍā' of the sajdah or the tashahhud first, and then perform the *sojood as-sahw*.

Doubt about performing qaḍā' of sajdah and tashahhud

Case: If one doubts as to whether he has performed, after the ṣalāh, the qaḍā' of the forgotten sajdah and tashahhud or not, if the ṣalāh time has not run out, it is mandatory to repeat the qaḍā' of the sajdah or tashahhud, and if the ṣalāh time has run out, it is recommended to perform the qaḍā' of the forgotten [sajdah or tashahhud].

Chapter Three: The Nāfilah Ṣalāh

Case: The mostaḥab ṣalāh, known as the nāfilah (pl. nawāfil) are many, but from amongst them the ones emphasised upon are the nawāfil of the daily prayers, and with the exception of Friday, they are 34 rak‘ah for every day of the week as follows:

Duhr nāfilah is eight raka‘āt and is performed before the Duhr ṣalāh.

‘Aṣr nāfilah is eight raka‘āt and is performed before the ‘Aṣr ṣalāh.

Maghrib nāfilah is four raka‘āt and is performed after the Maghrib ṣalāh.

‘Eshā’ nāfilah is two raka‘āt and is performed in the sitting position after the ‘Eshā’ ṣalāh,

The Layl (Night) nāfilah is eleven raka‘āt and is performed between midnight and Fajr.

Ṣobḥ nāfilah is two raka‘āt and is performed before the Ṣobḥ ṣalāh.

Since the ‘Eshā’ nāfilah is performed in the sitting position, it is counted as one rak‘ah.

And as for Friday, in addition to the Duhr and ‘Aṣr nawāfil of sixteen raka‘āt, there are also four more raka‘āt.

All of these daily nawāfil are performed in two-rak‘ah format, just like the Ṣobḥ ṣalāh.

Ṣalāt-al-Layl (Night Prayer)

Case: There is particular emphasis on the Night Prayer in the narrations reported from the *ma‘ṣoom* 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 Salām with the exception of the *witr* which is one rak‘ah, with one Salām. 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.]

Acts of Worship

It is recommended that in each of the two rak‘ah of the first prayer the surah of al-Tawḥeed is recited thirty times [after al-Ḥamd], 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-Tawḥeed in all¹.

It is recommended to recite [the surahs of] al-Falaq, al-Nās, and al-Tawḥeed in the *al-shaḥ* and *al-witr*².

In the Quonoot of *al-witr* prayer one prays for forty believers, saying *Allāhumma 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 *istighfār* seventy times, better still to say it one hundred times. While saying the *istighfār* one may keep one’s left hand raised and keep count with the right hand. This *istighfār* is recommended to be as follows:

Astaghfirullāha min jamee‘a ḍulmi wa jurmi wa isrāfi fi amri wa atoobo ilayh.

However, it is sufficient to say *Astaghfirullāha wa atoobo ilayh.*

It is recommended to say seven times *hādihā Maqām al-‘ā’edhu bika min al-nār.*

It is recommended to say three hundred times *al-‘Afw*, and if one wanted to say them conjointly then it should be pronounced *al-‘Afwā al-‘Afwā . . .*

¹ i.e. one may read al-Tawḥeed [once after al-Ḥamd] in all [eight rak‘ah of the night prayer].

² In *al-shaḥ* prayer it is recommended to recite al-Nās [after al-Ḥamd] 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-Ḥamd] al-Tawḥeed three times and then al-Nās 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”.¹

Amir al-Mo’mineen said, “The rising of the night gives health to the body”.²

Imam Ṣādiq 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 Ṣādiq 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”.⁴

Ghufaylah Ṣalāh

Case: One of the mostaḥab ṣalāh is the Ghufaylah ṣalāh, which is performed between the Maghrib ṣalāh and the ‘Eshā’ ṣalāh, and is of two rak‘ah as follows:

In the first rak‘ah, after al-Ḥamd, one should recite the following verses:

<p><i>wa dhan-nooni idh dhahaba mughāḍiban, faḍanna al-lan naqdira ‘alayh, fanādā fid-ḍulumāti al- lā ilāha illā anta subḥānak, innī kuntu mina-ad-ḍālimīn. fastajabnā lahu wa najjaynāhu minal- ghamm, wa kadhālika nunjīl-mo’minīn.</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>وَذَا التُّونِ إِذْ ذَهَبَ مُعَاضِبًا فَظَنَّ أَنْ لَنْ نَقْدِرَ عَلَيْهِ، فَنَادَى فِي الظُّلُمَاتِ أَنْ لَا إِلَهَ إِلَّا أَنْتَ، سُبْحَانَكَ، إِنِّي كُنْتُ مِنَ الظَّالِمِينَ، فَاسْتَجَبْنَا لَهُ وَنَجَّيْنَاهُ مِنَ الْغَمِّ، وَكَذَلِكَ نُنَجِّي الْمُؤْمِنِينَ</p>
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¹ Mostadrak al-Wasā’el, vol.6, p331

² Wasā’el al-Shi‘ah, vol.8, p150, Mostadrak al-Wasā’el, vol.3, p281

³ Wasā’el al-Shi‘ah, vol.8, p152

⁴ Wasā’el al-Shi‘ah, vol.8, p158

Acts of Worship

In the second rak'ah, after al-Ḥamd, one should recite the verse [6:59]:

<p><i>Wa 'Indahu Maḥāṭibul-Ghaybi Lā Ya 'lamuhā Illā Huw</i></p> <p><i>Wa Ya 'lamu Mā Fīl-Bar-ri wal-Baḥr,</i></p> <p><i>wa mā Tasquṭu Min Waraqatin Illā Ya 'lamuhā,</i></p> <p><i>Wa Lā Ḥabbatin Fi Dulumātil-Ard,</i></p> <p><i>Wa Lā Raṭbin Wa Lā Yābisin, Illā Fi Kitābin Mubin.</i></p>	<p>With Him are the treasures of the Unseen; no one knows them except Him. He knows whatever there is in land and sea. No leaf falls without His knowing it, nor is there a grain in the darkness of the ground, nor anything fresh or withered but it is in a manifest Book.</p>	<p>وَعِنْدَهُ مَفَاتِحُ الْغَيْبِ لَا يَعْلَمُهَا إِلَّا هُوَ وَيَعْلَمُ مَا فِي الْبَرِّ وَالْبَحْرِ وَمَا تَسْقُطُ مِنْ وَرَقَةٍ إِلَّا يَعْلَمُهَا ، وَلَا حَبَّةٌ فِي ظُلُمَاتِ الْأَرْضِ ، وَلَا رَطْبٌ وَلَا يَابِسٌ إِلَّا فِي كِتَابٍ مُبِينٍ</p>
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One should then say in the Quonoot:

Allāhumma inni as'aloka bi-maḥāṭib al-ghayb al-lati lā ya 'lamuhā illā ant, an tuṣalli 'alā Muhammad wa ālihi, wa an taf'ala [mention your request].
You would then say:
Allāhumma anta waliyyu ni'mati, wal-qādiro 'alā ṭalibati, ta'lamo ḥājati, fa as'aloka bi-ḥaqqi Muhammad wa ālihi, alayhi wa alayhim al-salām, lammā qaḍaytahā li.

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 the progeny of 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 – to fulfil it for me.

اللَّهُمَّ إِنِّي أَسْأَلُكَ بِمَفَاتِحِ الْغَيْبِ الَّتِي لَا يَعْلَمُهَا إِلَّا أَنْتَ أَنْ تُصَلِّيَ عَلَيَّ عَلَى مُحَمَّدٍ وَآلِهِ وَأَنْ تَفْعَلَ بِي كَذَا وَكَذَا وَتَذَكَّرَ حَاجَتَكَ عَوْضَ هَذِهِ الْكَلِمَةِ ثُمَّ تَقُولُ :
 اللَّهُمَّ أَنْتَ وَلِيُّ نِعْمَتِي وَالْقَادِرُ عَلَى طَلْبَتِي تَعْلَمُ حَاجَتِي فَاسْأَلُكَ بِحَقِّ مُحَمَّدٍ وَآلِهِ عَلَيْهِ وَعَلَيْهِمُ السَّلَامُ لَمَّا قَضَيْتَهَا لِي

Ṣalāh

Case: It is permissible to perform the nawāfil in the sitting position, but it is recommended to count every two raka'āt in the sitting position as one rak'ah. So if one wanted to perform the Duhr nāfilah, which is eight raka'āt, he should perform sixteen in the sitting position, and if one wanted to perform the Witr ṣalāh, which is the last of the Layl ṣalāh and is one rak'ah in the standing position, he should perform two raka'āt in the sitting position.

Chapter Four: The Qaḍā' or missed Ṣalāh

The Qaḍā' or missed Ṣalāh

The obligation of performing the missed ṣalāh as qaḍā'

Case: If one does not perform the ṣalāh in their prescribed time, it is mandatory for one to perform them as qaḍā'. This is applicable even if one was asleep during the entire prescribed period of the ṣalāh. Or if one missed the ṣalāh 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 qaḍā' of the ṣalāh she leaves out during ḥayḍ (the monthly menstruation period) or after nifās (childbirth). Also if one learns, after a ṣalāh's prescribed time, that one's ṣalāh has been void, it is mandatory for one to perform the qaḍā' of that ṣalāh.

Order of the qaḍā' ṣalāh

Case: In the case of [a number of] missed daily ṣalāh, their order have to be observed, such as the missed Duhr and 'Aṣr ṣalāh's of one day, or the missed Maghrib and 'Eshā' ṣalāh's of one night. It is obligatory that their qaḍā' are performed in the required order. In other than such cases, the order is to be observed as per mostaḥab precaution.

Case: The person who is required to perform the qaḍā' of the ṣalāh he missed, is permitted to perform the optional (mostaḥab) ṣalāh.

Case: If one knows that he has missed a four-rak'ah ṣalāh but does not know whether it was a Duhr or 'Aṣr ṣalāh, it would be sufficient for him to perform a four-rak'ah ṣalāh with the intention of the qaḍā' (in lieu) of what he has missed.

Setting forth or back qaḍā' ṣalāh

Case: If one has missed one or more ṣalāh in previous days, it is not mandatory for one to perform them first before engaging with current ṣalāh. However, if one has missed one or more ṣalāh of his current day, if it is possible, he should perform the day's qaḍā' ones first before engaging with the day's current ṣalāh, as per mostaḥab precaution.

Ṣalāh

Performing the qaḍā' with congregation

Case: It is permissible to perform the qaḍā' ṣalāh with congregation, regardless of whether the imam's ṣalāh is adā' (current) or qaḍā' (in lieu of missed) one, and it is not necessary for the ma'moom ṣalāh to be the same as that of the imam; in that there is no objection if the ma'moom performs the Ṣobḥ ṣalāh with the congregation while the imam performs the 'Aṣr ṣalāh.

Non-permissibility of performing qaḍā' on behalf of the living

Case: It is not permissible for one to perform the qaḍā' ṣalāh on behalf of a living individual, even if the individual concerned is unable to perform the qaḍā' ṣalāh himself.

The eldest son must perform the qaḍā' or hire one to do so

Case: It is mandatory for the eldest son to perform his parents' qaḍā' ṣalāh and fast, if they had not missed them in disobedience [i.e. deliberately] and it was possible for them to perform the qaḍā' themselves. Performing the presents' qaḍā' becomes obligatory after their death.

On the other hand one may hire someone to perform those qaḍā' 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 qaḍā', 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 ṣalāh or fast, he is not under any obligations to perform any qaḍā'.

Hired to perform qaḍā' in Will

Case: If a dying person makes a will that someone should be hired to perform his qaḍā' ṣalāh and fast, and if the hired person performs them correctly, it is not mandatory for the eldest son to perform their qaḍā'.

Acts of Worship

Duty of eldest son in qaḍā'

Case: If the eldest son wishes to perform the qaḍā' of his deceased mother, he must act according to his own duty when performing them, e.g. to recite audibly in the qaḍā' of the ṣalāh's of Ṣobḥ, Maghrib, and 'Eshā'.

Hiring for qaḍā' ṣalāh

Case: It is permissible for one to hire someone to perform the qaḍā' of missed duties of a deceased, and if one volunteers to perform the qaḍā' 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 mostaḥab acts such as visiting (Ziyārah) the shrine of the Prophet Muhammad, Allah's peace and blessing be upon him and his pure family, and the shrines of the ma'ṣoom Imams, peace be upon them, on behalf of the living or the dead. It is also permissible for one to volunteer to perform mostaḥab 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 ṣalāh on behalf of whoever I am hired for.

Gender of the hired person

Case: It is permissible to hire a woman to perform the qaḍā' 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 moṣalli used to recite al-Ḥamd and the surah [in the ṣalāh] incorrectly for a period of time, and then he realises this and corrects his recitation in the ṣalāh, what is the ruling concerning his past ṣalāh? Is it necessary to perform the qaḍā' [of the past ṣalāh] given that this was going on for a number of years?

A: It is not required to repeat the ṣalāh, 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 ṣalāh, 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 qaḍā' 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 qaḍā', 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 qaḍā' ṣalāh, if the son is aware of them, but what if he does not know the number of the missed ṣalāh?

A: He should perform those he is certain of, although it is preferable to perform the qaḍā' of what he thinks or assumes to have been missed.

Q: If one is required to perform the qaḍā' of some ṣalāh, is it permissible to perform mostaḥab ṣalāh, or qaḍā' ṣalāh for the deceased?

A: Yes.

Acts of Worship

Q: If a woman goes to sleep, and then when she wakes up after sunrise she finds herself to be in a state of ḥayḍ, and she does not know if the ḥayḍ 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 ṣalāh if she was awake.

A: She is not bound to perform Fajr ṣalāh for that day after the end of her ḥayḍ 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-ṣalāh to perform but does not know how many they are, nor which are first ones. Is he allowed to act upon ḥadīth reported from Ahl al-Bayt, peace be upon them, that if one performs the ṣalāh, and he was liable to missed-ṣalāh, the Almighty would not hold him accountable for those?

A: He should perform the qaḍā' of those he is sure of. As for those ḥadīth, it may be in reference to those missed ṣalāh 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 woḍu' may have been void, or that he is not sure that he used to perform the janābah ghusl correctly. Is he required to perform the qaḍā' of his acts of worship of that period, such as ṣalāh 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 ṣalāh correctly / perfectly from various viewpoints, which is due to old age and feeble mental power? Is it mandatory to perform the qaḍā' ṣalāh on their behalf after their death?

A: It is not mandatory to perform qaḍā' ṣalāh, but it is mostaḥab.

Q: If one dies while he has obligation to qaḍā' ṣalāh for some five years, and his friends have divided those qaḍā' ṣalāh between themselves such that each one performs the qaḍā' ṣalāh for one month or more. Is the

Ṣalāh

order of performing those ṣalāh mandatory? In other words, can anyone of them start at any time he wants, or is it mandatory that one begins and ends the qaḍā' ṣalāh 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 ṣalāh, he would give ten dollars to the poor, and he misses a Ṣobḥ ṣalāh, but he gets on an aircraft and reaches a place where the sun has not risen, and he performs the ṣalāh, 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 ṣalāh as adā' in the craft. Is it permissible for such an individual to delay his ṣalāh 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 ṣalāh on time].

Chapter Five: The Congregational Prayer

Case: It is mostahab to perform the obligatory ṣalāh, especially the daily ones in congregation (Jamā‘ah), and this is especially emphasised for the Ṣoḅḅ, Maghrib, and ‘Eshā’; and in particular for the neighbours of the mosque, and those who hear the mosque’s adhān.

Case: There is no objection for the imam or the ma’moom to repeat what ṣalāh they have performed individually, in congregation (Jamā‘ah).

Rewards of congregational prayers

Case: If only one person follows the leader of Jamā‘ah ṣalāh, every rak‘ah of their ṣalāh carries the reward (thawāb) of one hundred and fifty ṣalāh, and if two people follow, every rak‘ah of their ṣalāh carries the reward (thawāb) of six hundred ṣalāh, 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 ṣalāh.

Rulings of congregational prayers

No Jamā‘ah in mostahab Ṣalāh

Case: It is not permissible to perform a mostahab ṣalāh or the nawāfil in Jamā‘ah or congregation, with the exception of the istisqā’ ṣalāh (praying for rain), and the obligatory ṣalāh that has become mostahab for a particular reason, such as the ṣalāh of ‘Eid al-Fiṭr and ‘Eid al-Adḥā that are mandatory in the presence of the ma’ṣoom Imam, peace be upon him, but mostahab because of his absence, may Allah hasten his honourable reappearance.

Following the Jamā‘ah Imam in qaḍā’ ṣalāh for others

Case: If the Jamā‘ah imam is performing his daily ṣalāh it is permissible to follow him in that, and perform a ṣalāh of the daily prayers behind him. However, if he is performing a qaḍā’ ṣalāh for himself on grounds

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of *iḥṭiyāt* (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 qaḍā' ṣalāh for others – except if he is performing a specific qaḍā' ṣalāh, [i.e. a qaḍā' ṣalāh that is not on precautionary grounds (*iḥṭiyāt*)].

Case: If the Jamā'ah imam is performing his daily ṣalāh it is permissible to follow him in that, and perform a ṣalāh of the daily prayers behind him. However, if he is repeating his daily obligatory ṣalāh for himself on grounds of *iḥṭiyāt* (precautionary measure), then following him is not permissible, as an obligatory precaution.

Overflowing

Case: If the rows of the Jamā'ah ṣalāh reached the entrance of the mosques, the ṣalāh of those who stand behind the [last] row in front of the entrance is valid, and so too the ṣalāh of those who stand behind it [the entrance], as well as the ṣalāh of those who stand on either side of the entrance without seeing the front row.

Place of the Jamā'ah imam

Case: It is necessary that the place where the prayer leader (Jamā'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 ṣalāh to be bāṭil [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-Eḥrām

Case: After the imam performs Takbirat-al-Eḥrām, if the people in the first row were about to perform Takbirat-al-Eḥrām, it is permissible for those in the second row to perform Takbirat-al-Eḥrām without waiting

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for the person in front to finish Takbirat-al-Eḥrām. The same applies to other rows.

Imam does not meet criteria

Case: If the follower (ma'moom) learns after the ṣalāh that the imam is not *'ādil* (righteous), or that the imam is *kāfir*, or that the imam's ṣalāh was invalid for whatever reason, such as him not having woḍu', the ṣalāh of the follower is valid.

Follower goes solo

Case: If the follower decides to leave the Jamā'ah [to perform the ṣalāh solo] – with or without a reason – after the reciting of al-Ḥamd and the surah, it is not required for him to recite al-Ḥamd and surah, but if he decides to leave before the completion of al-Ḥamd and surah, he is required to recite the rest of al-Ḥamd and surah that has not been recited by the imam.

Case: If the follower decides to leave the Jamā'ah during the Jamā'ah ṣalāh, it is not permissible for him to return to the Jamā'ah again. However if one is not sure whether or not he intended to leave and then decided to complete his ṣalāh with the congregation, his ṣalāh is valid.

Joining the Jamā'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 ṣalāh 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 ṣalāh 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 ṣalāh is valid – although, as a mostahab precaution, [the ṣalāh] 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 mostaḥab precaution he should stand such that if he performs rukoo' 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 Jamā'ah ṣalāh in the second rak'ah, one does not have to recite al-Ḥamd 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-Ḥamd 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-Ḥamd.¹

Case: If one lags the imam by one rak'ah [because he joined the congregation late], it is mostaḥab – when the imam performs the tashahhud of the last rak'ah – to squat as described earlier, and wait until the imam performs the salām and finishes the ṣalāh, before he stands up [to continue with his ṣalāh].

¹ i.e. if there is not enough time to finish reciting al-Ḥamd before the imam goes for rukoo'.

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Joining in the second rak'ah of a four-rak'ah ṣalāh

Case: If one joins the Jamā'ah ṣalāh in the second rak'ah of a four-rak'ah ṣalāh, 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-tasbiḥāt 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-Ḥamd and the surah if he joins the Jamā'ah ṣalāh, as per obligatory precaution he should wait until the imam goes to rukoo' and then join the ṣalāh and perform the rukoo'.

Necessity of recitation in third and fourth rak'ah

Case: If one follows the imam [for the Jamā'ah ṣalāh] in the third or the fourth rak'ah, he must recite al-Ḥamd 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-Ḥamd 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-Ḥamd 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 ṣalāh is valid.

The ma'moom not reciting where he should

Case: If one does not recite al-Ḥamd 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 ṣalāh is valid.

Criteria of Jamā'ah Imam

Case: It is mandatory for the Jamā'ah imam to be:

- Adolescent,
- Sane,
- Shi'a (or follower) of the twelve Imams,
- 'Ādil,¹
- Of legitimate birth,
- Performs the ṣalāh 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 ṣalāh in the standing position, it is not permissible for him to follow an imam who performs his ṣalāh in the sitting position, and the person who is able to perform the ṣalāh in sitting position, it is not permissible for him to follow one who performs his ṣalāh in the lying position.

'Excused' imam

Case: It is permissible to follow an imam who performs his ṣalāh in a najis garment, or with tayammum, or with Jabirah woḍu', if his wearing of the najis garment, or resorting to tayammum or Jabirah woḍu' is justifiable.

¹ An 'ādil 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 Jamā‘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 ṣalāh is valid.

Performing various parts of the ṣalāh

Case: It is mandatory for the ma‘moom to perform all the parts of the ṣalāh himself, with the exception of the recitation of al-Ḥamd 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-Ḥamd and the surah too.

Performing Takbirat-el-Eḥrām

Case: It is mandatory for the ma‘moom not to perform Takbirat-el-Eḥrām before the imam, rather he must not, as per mostaḥab precaution, do so before the imam finishing the Takbirat-el-Eḥrām.

Tasleem prior to Imam’s

Case: It is not mandatory for the ma‘moom to lag behind the imam in performing the salām, and if one deliberately performs the salām before the imam, his ṣalāh is valid and he does not have to repeat the salām a second time with the imam’s salām. However, if one performs the salām before the imam his thawāb (reward) will be less.

Dhikrs before Imam

Case: There is no objection if the ma‘moom recites the other dhikrs of the ṣalāh (other than Takbirat al-Eḥrām and the salām) 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 mostaḥab precaution he should not say them before the imam.

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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 ṣalāh 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 ṣalāh 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 ṣalāh would be valid, though, as an optional precaution, he should repeat his ṣalāh.

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 ṣalāh is valid. His ṣalāh 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,

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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 ṣalāh.

Being considerate of the weakest ma'moom

Case: It is mostaḥab (desirable) for the imam to be considerate of the weakest of the followers, and thus he should not prolong his rukoo', Quonoot, or sujood, unless he sure of the wishes of all the followers regarding such acts.

Mostaḥab acts of the Jamā'ah ṣalāh

Case: It is mostaḥab 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 mostaḥab 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 mostaḥab for them to stand behind the imam, with the men behind the imam and, as per mostaḥab 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 mostaḥab 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 mostaḥab for the rows to be in orderly form with no disorder or gap in them.

Case: It is mostaḥab for the followers to rise up after the imam recites [the phrase in the Iqāmah] Qad Qāmat al-Ṣalāh.

Case: It is mostaḥab for the imam if he learns while he is in rukoo' of the presence of a person wishing to join the ṣalāh 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 Jamā‘ah ṣalāh

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 adhkār such that the imam can hear them.

Case: It is makrooh for the ‘traveller’, who has to shorten his four-rak‘ah ṣalāh – such as the Duhr, ‘Aṣr, and ‘Eshā’ – to follow, in these ṣalāh, an imam who is not ‘traveller’. It is also makrooh for a non-‘traveller’ to follow, for these ṣalāh, an imam who is ‘traveller’.

Queries on congregational prayers

Reputation

Q: Is good reputation sufficient for the establishment of the righteousness (‘*adālah*) of the Jamā‘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 ḥalāl and ḥarām) to be considered as righteous (‘*ādil*)?

A: Yes.

Doubt about imam’s piety

Q: If the follower doubts the righteousness (‘*adālah*) of the imam or the correctness of his recitation, is it permissible to follow him?

A: In the case of doubting the righteousness (‘*adālah*) [of the imam] the Jamā‘ah [ṣalāh] is not valid, and in the case of doubt about the correct recitation of the imam, the Jamā‘ah [ṣalāh] is valid.

Doubts about congregation imam

Q: Is it permissible for me to perform Jamā‘ah ṣalāh 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?

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A: It is permissible to perform the ṣalāh behind anyone who meets the criteria for the congregation imam as mentioned in the criteria of the Jamā‘ah imam, stated previously [page 205].

Confirmation of imam’s piety during travel

Q: Righteousness (‘*adālah*) is a criterion that must exist in the imam [of the Jamā‘ah ṣalāh], and during travel it often occurs that we enter a mosque to pray and find a Jamā‘ah ṣalāh 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 (‘*adālah*) 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 Jamā‘ah imam is performing the Friday ṣalāh and [so he joined the ṣalāh] with that intention but it turns out that it was the Duhr ṣalāh, is it possible to correct his ṣalāh, 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 ṣalāh as Duhr is correct.

A: Given the scenario in the question, his ṣalāh as Duhr is correct.

Q: If one follows the imam in ṣalāh but then after the ṣalāh it turns out that the ṣalāh of the imam was nāfilah, is it obligatory for the follower to repeat the ṣalāh?

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A: It is not obligatory to repeat unless if one contravenes the duty of the solo (*monfarid*) moṣalli 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 Jamā‘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 āyah 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 āyah, or to correct an āyah 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*.

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Forādā ṣalāh vs. Jamā'ah

Q: What is the ruling of a forādā ṣalāh in a mosque while at the same time a Jamā'ah ṣalāh is going on? This is when the individual who performs the forādā ṣalāh 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 ṣalāh solo (*forādā*), knowing that in doing so that could constitute insult to the imam?

A: Insult is ḥarām.

Conversion of ṣalāh to forādā

Q: If the ṣalāh of the front row is completed, and they join the imam for another ṣalāh [immediately] without a break, would the ṣalāh of the row behind be void?

A: The ṣalāh of the row behind changes into forādā and it would be correct.

Switching to solo ṣalāh

Q: After the imam recited al-Ḥamd and began reciting a long surah, after reciting a few verses of the surah if one wants to revert to solo (*forādā*) ṣalāh, 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 Jamā'ah

Q: If one did not know that one of the criteria of a valid Jamā'ah is that one must be joined to the imam or to those joined to the imam, and he

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performed ṣalāh for a long period in such a state, is his ṣalāh deemed invalid, since he did not perform the recitation [of al-Ḥamd and the surah] relying instead on the recitation of the imam believing that his ṣalāh is Jamā'ah while in fact it was – inadvertently – solo (*forādā*).

A: His ṣalāh is valid.

Leaving the imam

Q: If one joins the imam in the last rak'ah but then leaves the imam [i.e. the Jamā'ah ṣalāh] before the end of the dhikr of the second sajdah, does this constitute [having performed] a Jamā'ah ṣalāh?

A: Yes it does.

Following a Ma'moom after reverting to solo ṣalāh

Q: Is it permissible for one who wishes to perform Jamā'ah ṣalāh, after it has finished, to join a ma'moom who is completing what remains of his ṣalāh solo (*forādā*)? 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 moṣalli wishes to join him, obviously if this newly joined follower knows that he cannot recite al-Ḥamd [in time] he should wait until the imam goes to rukoo', and then he [follower] should perform Takbirat-al-Eḥrām. The question is: if the ma'moom performs Takbirat-al-Eḥrām 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-Ḥamd, 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 ṣalāh 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',

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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 *forādā* ṣalāh, 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 ṣalāh to pray solo or *forādā*.

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 Jamā'ah ṣalāh, 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.

Ṣalāh with non-Shi'a

Q: If one is in presence of non-Shi'a where they pray Jamā'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 ṣalāh would not be accepted given the scenario.

Q: Is it permissible to perform ṣalāh 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 Jamā'ah imam is righteousness, and righteousness is not accomplished except through following and adhering to the Ḥaqq (Truth)¹, and the ṣalāh behind a non-righteous imam is bāṭil. However, if one felt compelled, it is permissible to perform the ṣalāh behind him, but it is mandatory for him to repeat the ṣalāh 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 bāṭil.

Ṣalāh

Taking the Jamā‘ah ṣalāh lightly

Q: It is stated that: it is not permissible not to attend the Jamā‘ah ṣalāh, 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 Jamā‘ah ṣalāh 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 mostaḥab, and the severe undesirability of non-attending it for no reason?

A: The Jamā‘ah ṣalāh is mostaḥab, unless non-attendance constitutes taking it lightly.

The Imam is moqallid of another Marje‘

Q: Is the ṣalāh 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 woḍu‘?

A: If one knows for certain that he does not perform woḍu‘ [beside the Friday ghusl], the ṣalāh is not valid [behind him], but if this is only one’s perception [that he does not] then there is no objection [to perform ṣalāh 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-Eḥrām 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.

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Performing Takbirat-al-Eḥrām before the front rows

Q: Is the ṣalāh valid if one who is in the first row performs Takbirat-al-Eḥrām before the one who is [immediately] behind the imam or close to him? Similarly, is the ṣalāh valid if someone in the back rows performs Takbirat-al-Eḥrām before those who are in the first row?

A: The ṣalāh is valid in both scenarios if the one who is closest to the imam was ready to perform Takbirat-al-Eḥrām.

Jamā‘ah imam’s wage

Q: Is it permissible for the imam to be paid for the congregation ṣalāh?

A: It is preferred not to.

Chapter Six: Ṣalāh 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 ṣalāh – which are the Duhr, ‘Aṣr, and ‘Eshā’ – by performing them in two rak‘ah and leaving out their last two raka‘āt.¹ This can be done if the following eight criteria are met:

1. That the designate distance to be travelled
2. That one’s intention is to travel the designate distance
3. That one does not retract from that intention
4. That one does not cross the district of one’s residence
5. That the journey is not for a prohibited purpose
6. That one is not a nomad
7. That one’s job does not involve frequent travelling
8. To reach/leave the city’s limits.

Criteria of traveller ṣalāh

1. 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 ṣalāh 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.

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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 ṣalāh. 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 ṣalāh.

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 ṣalāh and not fast on that day, and he must perform qaḍā' 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 ṣalāh, and if one travels via the less-than-eight farsangs route, one should perform his ṣalāh complete.

2. 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 ṣalāh, and not shorten it.

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Case: One who intends to travel a distance of eight farsangs, [when leaving the town/city] must shorten his ṣalāh if he reaches a point – known as *ḥadd al-tarakhuṣ* – where the walls of the city are no longer visible, and the adhān cannot be heard. [*ḥadd al-tarakhuṣ* means the “limit or boundary of a town/city” (where one must perform the ṣalāh as qaṣr or shortened)].

3. 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 ṣalāh.

4. 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 ṣalāh in full.

5. 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 ṣalāh in full. Also one should complete his ṣalāh 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

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being obligatory, but in the case of an obligatory journey such as the obligatory hajj, they both must shorten their prayers.

a ḥarām journey obligates the complete ṣalāh

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 ṣalāh, 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 ṣalāh, [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.

6. 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 ṣalāh.

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 ṣalāh even if his belongings are not with him.

Case: If a nomad travels for trade, hajj pilgrimage and suchlike he must shorten his ṣalāh.

7. 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 ṣalāh 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 ṣalāh complete, and if his job does not involve travelling then he should shorten his ṣalāh [when he travels].

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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 ṣalāh, 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 ṣalāh.

The wayfarer

Case: The wayfarer travelling to various countries who has not designated a hometown for himself must perform his ṣalāh 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 ṣalāh [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 ṣalāh.

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 ṣalāh] 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 ṣalāh complete on his first trip after the ten days.

8. 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 *ḥadd al-tarakhuṣ* [or the “city limit” where one must perform the ṣalāh in shortened form]. *ḥadd al-tarakhuṣ* of a city is the location where the ‘wall’ of the city is not visible [any more] and the adhān cannot be heard, provided the sky is clear and there is no dust in the air that blurs the view or prevents the adhān from being heard. It is not necessary to be so distant

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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 adhān 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 adhān but cannot see its walls, or can see its walls but cannot hear its adhān, and he wants to perform the ṣalāh there, he must perform it in full. [i.e. he has not yet reached *ḥadd al-tarakhuṣ* of the city where he should shorten his ṣalāh.]

Case: The traveller who is en route to his hometown must perform his ṣalāh in full if he can see the walls of his hometown or can hear its adhān [if he wishes to perform the ṣalāh 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 adhān.

Case: If one's eyesight or hearing is unusually [sharp] or the sound of the adhān is unusually high, one should shorten his ṣalāh at a place where the average eyesight cannot see the city's walls or the average hearing cannot hear the average sound of adhān.

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 ṣalāh 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,

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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 ṣalāh in full,¹ even if he has not yet adopted another place as his hometown.

Case: One must perform his ṣalāh 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 ṣalāh 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 ṣalāh 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 ṣalāh 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 ṣalāh 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-Ḥurr with respect to Karbala, al-Kaḏimiyyah 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 ṣalāh, then he must shorten his ṣalāh [so long as he is there], but if this change of plan or uncertainty develops after he performs a four-rak'ah ṣalāh, then he must perform his ṣalāh 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 ṣalāh in that place, his fast is valid and he must perform his ṣalāh in full so long as he remains there. And if he abandons the idea before performing a four-rak'ah ṣalāh, his fast is correct for that day, and he must shorten his subsequent ṣalāh, 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 ṣalāh 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 ṣalāh. This is the position if he had planned to go for an excursion to begin with. On the other hand, 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 ṣalāh – 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. However, if

the excursion destination is four or more farsangs away, then one must shorten his ṣalāh 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 ṣalāh learns that they do not intend to remain there for ten days, he must continue to perform his ṣalāh 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 ṣalāh as short]. He may continue to extend his stay in this way [because of uncertainty] until thirty days, he must perform his ṣalāh 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 ṣalāh 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 ṣalāh 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 ṣalāh 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 ṣalāh in full throughout.

Miscellaneous issues on ṣalāh

Special Places

Case: It is permissible for a traveller to perform his ṣalāh in full in Masjid al-Ḥarām [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 ṣalāh in full in the vicinity of the holy shrine of Imam Husayn, peace be upon him, but as a mostaḥab precaution one should shorten his ṣalāh if one performs his ṣalāh in locations over twenty-five *dhirā‘* (1 *dhirā‘* is about 75cm) away from the sacred tomb.

Deliberate performance of short ṣalāh in full

Case: The traveller who knows he must shorten his ṣalāh, if he deliberately performs his ṣalāh in full, in other than the aforementioned four places, his ṣalāh is *bāṭil* (void). The same is applicable if one forgets that a traveller’s ṣalāh is *qaṣr* (short) and performs it in full, it is obligatory for him to repeat the ṣalāh if there is enough time left for that timeslot, or must perform it as *qaḍā’* if he remembers after the expiry of the timeslot for the particular ṣalāh, as a precaution.

On account of forgetting

Case: If one knows he is travelling and must shorten his ṣalāh, but performs it inadvertently in full his ṣalāh is void.

One who does not know whether or not he is obliged to shorten his ṣalāh [during travel], if he performs his ṣalāh in full, his ṣalāh is valid.

Case: If he forgets that he is a traveller and performs his ṣalāh in full, if he remembers that within the ṣalāh’s prescribed time, it would be mandatory for him to repeat the ṣalāh in short form. However, if he remembers that after the expiry of the ṣalāh’s prescribed time, it is not mandatory for him to perform the *qaḍā’* of the ṣalāh.

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Remembers in the middle of ṣalāh

Case: If one begins a four-rak‘ah ṣalāh and during the course of the ṣalāh 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 ṣalāh in two rak‘ah¹. If one reaches the rukoo‘ of the third rak‘ah, his ṣalāh is void.

Arriving at hometown before performing qaṣr

Case: A traveller who has not performed the ṣalāh [of current period] and arrives at his hometown or at a place where he intends to remain for ten days must perform his ṣalāh in full. On the other hand if one is not a traveller and has not performed the ṣalāh at the outset of its prescribed time in his hometown, and travels, it is mandatory for him to shorten his ṣalāh during the journey.

Traveller’s qaḍā’ ṣalāh

Case: The traveller who must shorten his ṣalāh, if he misses [any of] the Duhr, ‘Aṣr or ‘Eshā’ ṣalāh, it is mandatory for him to perform their qaḍā’ as qaṣr (short) even if he is back in his hometown. On the other hand if a non-travelling person missed one of these three ṣalāh, it is mandatory for him to perform its qaḍā’ 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 ṣalāh and fasting?

A: He should perform his ṣalāh 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 sajdabay as-sahw.

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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 ṣalāh and fasting?

A: He should shorten his ṣalāh 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 ṣalāh and fasting while she is in her parents' hometown?

A: If she has abandoned her parents' hometown as a hometown of her own, her ṣalāh there should be qaṣr (short).

Soldier's ṣalāh

Case: A soldier in barracks may perform ṣalāh in full under one of the following conditions:

1. To intend to stay for ten days or more,
2. 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 ṣalāh 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 ṣalāh qaṣr, since at the time of adhān I was away the prescribed distance, or do I perform it in full as I am still within the ṣalāh time?

A: You should perform the ṣalāh in full.

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Q: If it was ṣalāh time when I travelled away from my place of residence without performing the ṣalāh there, and then I arrived at my destination. Do I perform my ṣalāh in full for I left my hometown after the adhān time, or do I shorten because I have travelled the prescribed distance?

A: You should shorten your ṣalāh, unless you intend to remain there [for ten days or more] in which case you must perform ṣalāh in full.

Ṣalāh 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 ṣalāh 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 ṣalāh 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 Ṣalāh

Ruling of the Friday Ṣalāh

Case: At the time of the presence of the ma'ṣoom Imam, peace be upon him, it is mandatory for one to perform the Friday Ṣalāh of two rak'ah on Friday, instead of the Duhr ṣalāh. However, at the time of his absence – like this day and age – as a mostahab precaution, one who performs the Friday Ṣalāh, should also perform the Duhr ṣalāh.

Miscellany

Q: What is the ruling concerning audible recitation in the Duhr [ṣalāh] on Friday?

A: As a mostahab precaution it should be audible.

Q: [When performing] the Friday Ṣalāh, as a mostahab precaution one should perform the Duhr [ṣalāh] too. Should it be before the Friday Ṣalāh or after or either way is permissible?

A: Either way is permissible.

Q: Is attending the two khuṭbah of the Friday Ṣalāh like attending the ṣalāh itself?

A: Yes, and it is mandatory, as a precaution, for the followers [of the prayer leader] to listen to the khuṭbah and not to talk such that it would prevent them from listening.

Q: Does the Friday Ṣalāh require the permission of the religious authority /Marje'/Ḥākim al-Shar'ei?

A: No, it does not.

Q: If one does not attend the khuṭbah and performs the Friday Ṣalāh (i.e. the two rak'ah only), what is the ruling regarding this ṣalāh? Should he perform the Duhr ṣalāh as a precaution?

A: It is mostahab precaution to perform the Duhr ṣalāh.

Ṣalāh

Q: Is the Friday Ṣalāh obligatory, and replaces the Duhr ṣalāh, if it is performed with all its criteria?

A: One has the choice between the Duhr and the Friday Ṣalāh, and if the Friday Ṣalāh is performed according to its criteria, then the Duhr ṣalāh is not mandatory.

Ruling of the Eid Ṣalāh

Case: The ṣalāh 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 (Jamā‘ah). However, during the occultation of the Imam, peace be upon him, it is mostaḥab and may be performed individually or in congregation.

Case: The time of the two ‘Eid ṣalāh is from sunrise to midday on the day of ‘Eid.

Procedure for Eid Ṣalāh

Case: The ‘Eid ṣalāh consists of two rak‘ah, in the first rak‘ah after reciting al-Ḥamd and a surah, one performs Takbirat al-Eḥrām 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-Eḥrām four times [after reciting al-Ḥamd 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 salām.

The Eid Sermon

Q: Is the khuṭbah (sermon) of Ṣalāt al-‘Eid mandatory? Is it done in the same way as the two khuṭbah of the Friday ṣalāh?

A: If the mandatory criteria of Ṣalāt al-‘Eid are all met, then it is performed like the Friday prayers, with the exception that the two khuṭbah are performed after the ṣalāh, and they are part of the obligation. If those criteria are not met, then it is permissible to perform

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it forādā or Jamā'ah, and it is permissible to forgo the two khuṭbah during the time of occultation even if the ṣalāh is performed in congregation.

Ṣalāt al-‘Eid for ‘Eid al-Ghadir

Q: Is it permissible to perform Ṣalāt-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 Ṣalāh is performed for the ‘Eids of al-Fiṭr and al-Aḏḥā?

A: It is permissible to perform Ṣalāt-al-‘Eid on the momentous occasion of the Holy ‘Eid al-Ghadir, and it is observed in the same way as the Ṣalāh is performed for the ‘Eids of al-Fiṭr and al-Aḏḥā. The two sermons after Ṣalāt-al-‘Eid on this occasion are also observed in the same way as those for the two ‘Eids.

Chapter Eight: Ṣalāt al-Āyāt

Occasions of its obligation

Case: It is mandatory to perform ṣalāt al-āyāt for a number of events:

1. Sun eclipse, even if partial and no one fears it,
2. Moon eclipse, even if partial and no one fears it,
3. Earthquake, even if no one fears it,
4. 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 ṣalāt-al-āyāt to be performed, then it is mandatory to perform one ṣalāt al-āyāt for each one of those events. For example, if there was sun eclipse and earthquake too, then it is mandatory to perform ṣalāt al-āyāt twice.

Mandatory for people of affected region only

Case: If events that require ṣalāt al-āyāt occur in a region, then it is obligatory upon the people of that region only to perform ṣalāt al-āyāt, 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 ṣalāt al-āyāt.

Immediate requirement

Case: When earthquake, thunder, lightening, and suchlike occur, it is mandatory for one to perform ṣalāt al-āyāt immediately, and if one does not, he commits disobedience, but its obligation remains upon the individual until one performs it, and it remains adā', [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 ṣalāt al-āyāt as

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qaḍā'. However, if after the event one learns that the solar or lunar eclipse was partial, it would not be mandatory to perform the qaḍā' of ṣalāt al-āyāt.

Repeating the ṣalāh if void

Case: If one learns that the ṣalāt al-āyāt that one has performed was void, it is mandatory to repeat it if it is within the prescribed time, or perform it as qaḍā' if it is outside that time.

While in a state of ḥayḍ or nifās

Case: If an event such as solar or lunar eclipse or earthquake takes place and a woman is in a state of ḥayḍ (menstruation) or nifās, it is not mandatory upon her to perform ṣalāt al-āyāt, nor it is required for her to perform its qaḍā'. As a precaution it is mostaḥab that she performs it after she becomes ṭāhir.

Procedure of Ṣalāt al-Āyāt

Case: Ṣalāt al-āyāt 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-Eḥrām, recites al-Ḥamd and an entire surah, and then goes to rukoo' [and reads the rukoo' dhikr], [and then stands upright to] recite al-Ḥamd 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 sujood of the second rak'ah, one performs the tashahhud and salām.

Dividing the surah

Case: In ṣalāt al-āyāt it is permissible, after the niyyah and reciting al-Ḥamd, for one to divide the surah one wishes to recite in five, and recite one part – which can be one āyah or more – and then goes to rukoo', then stands upright to recite the second part of the surah – without reciting al-Ḥamd – and then goes to rukoo', and continues in this way until reciting the fifth part of the surah before going for the fifth rukoo'.

Ṣalāh

For example, intending to recite surah al-Tawḥeed, 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 *salām*.

Combination of complete and divided surah

Case: There is no objection to reciting al-Ḥamd and the entire surah after the rukoo' for five times in the first rak'ah, but reciting al-Ḥamd once and dividing the surah into five parts in the second rak'ah, or vice versa.

Mostaḥab acts of Ṣalāt al-Āyāt

Case: All that is mandatory (wājib) or desirable (mostaḥab) in the obligatory ṣalāh is equally mandatory and mostaḥab in ṣalāt al-āyāt too. However, it is mostaḥab in ṣalāt al-āyāt to say instead of adhān and iqāmah, "al-ṣalāh" three times.

Case: It is mostaḥab 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 ṣalāh

Case: Every one of the rukoo's in ṣalāt al-āyāt is a rukn, and thus ṣalāt al-āyāt is rendered void if they are increased or reduced deliberately or inadvertently.

Case: If one doubts in ṣalāt al-āyāt as to how many rak'ah he has performed, and one does not reach a conclusion, one's ṣalāh is void.

Ṣalāt al-Āyāt 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 ṣalāt al-āyāt 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 ṣalāt al-āyāt for every eclipse? It is not mandatory. However, as an obligatory precaution, one ṣalāt al-āyāt 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 ṣalāt al-āyāt 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 ṣalāt al-āyāt 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 ṣalāt al-āyāt. 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 ṣalāt al-āyāt.

On the hypothesis that one is higher than the surface of the moon or the sun, and the sun or moon is eclipsed, ṣalāt al-āyāt is not mandatory for him, for it is applicable only to those who are within the horizons of the two.

Part Four

Fasting

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Chapter One: Fasting

Case: Fasting is to abstain from acts (*muftir*) that break the fast, from the time of the Fajr adhān 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 Ramaḍān 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-Fiṭr and Eid al-Aḍḥā. It is makrooh on the day of ‘Āshurā’, 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 qaḍā’ of the fasting he has missed if he were able to do so afterwards.

Case: The fasting of the month of Ramaḍān 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 qaḍā’ [of the fasting] if her condition continued to the month of Ramaḍān of the following year. However it is mandatory for her to give *fiḍyah* to the poor of two *modd* of food for every day not fasted; one for not fasting and the other for not performing the qaḍā’.

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:

1. That one sights the crescent [of the new moon] himself
2. 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
3. That two righteous (*‘ādil*) 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.
4. That thirty days pass from the first day of the month of Sha‘bān, in which case the first day of Ramaḍān is established.
5. That the Ḥākim al-Shar‘ie (the marje‘) issues a decree on (the citing of) the crescent of the month.

Case: If the Ḥākim al-Shar‘ie (the marje‘) issues a *ḥukm* (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 Ḥākim al-Shar‘ie (marje‘) does not decree the non-establishment of the beginning of the month. Also if one knows that the Ḥākim al-Shar‘ie (marje‘) has made a mistake in his decree, he may not act according to the decree of that Ḥākim 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 Ramaḍān and Shawwāl. 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.

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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 Ramaḍān or the first day of Shawwāl, and if one learns before *maghrib* that it was the first of Shawwāl it would be mandatory for him to break his fast.

The Niyah (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 adhān 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 *muḥḥirāt* (those acts that break the fast) from shortly before the adhān of Fajr and break his fast shortly after the adhān of Maghrib.¹

Time of the niyyah

Case: It is permissible to declare the intention [of fasting] every night of the month of the Ramaḍān 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 Ramaḍān is from the beginning of the night until the morning adhān.

Case: If one sleeps before the morning adhān 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 adhān of Maghrib is 15-20 minutes after sunset depending on the geographical location.

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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 Ramaḍān and then learns that it is the second or third of the month of Ramaḍān, his fast is valid.

Case: If one declares the intention of fasting before the morning adhān 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 Ramaḍān, and then learns of this before noon, if he has not committed one of the *muḥṭirāt* (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 *muḥṭirāt* or realises that it is the month of Ramaḍān after noon his fast is invalid. However, he must, by obligation, refrain from committing any other *muḥṭirāt* until Maghrib. He must perform the *qaḍā'* for that day after the month of Ramaḍān.

Case: If one fasts a *qaḍā'* or a mustahab fast and suchlike on the day which is doubted whether it is the last day of Sha'bān or the first day of Ramaḍān, and then in the course of the day he learns that that day is the first day of the month of Ramaḍān, it is mandatory for him to change his *niyyah* (intention) to that of the month of Ramaḍān.

Case: If one hesitates whether or not to nullify a time-specific mandatory fast – such as the fasting of the month of Ramaḍān – 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 Ramaḍān, 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 *qaḍā'* for this day. The same applies to the case of mandatory fasting, for example fasting in lieu of *qaḍā'* or vow (nadhr).

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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 *muftirāt*. 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 *muftirāt*, provided no hesitation in the *niyyah* (intention) of fasting took place.

Queries on *Niyyah* or Intention

Q: If one sleeps before the Fajr adhān 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 Ramaḍān.

Q: If one fasts with the intention of fasting the first day of the month of Ramaḍān, 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 Ramaḍān 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 Ramaḍān 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 (*'ādil*) 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 Ramaḍān; 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 Ramaḍān 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.

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Q: If one wakes up in the month of Ramaḍān after [the time of] Duhr prayer, and he does not commit any of the *muḥtirāt*, does he complete his fast? Or should he refrain from any of the *muḥtirāt* and give *kaffārah*?

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 *kaffārah*.

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:

1. 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.
2. 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 *mufṭirāt* of a Fast are ten:

1. Eating
2. Drinking
3. Sexual Intercourse
4. Masturbation
5. Ascribing lies to Almighty Allah, to the Prophet, peace be upon him and his pure family, and to his family, peace be upon them
6. Letting thick dust reach one's throat
7. Immersing one's head in water
8. Remaining in the state of Janābah, Ḥayḍ, and Nifās until the Fajr Adhān
9. Enema
10. 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.

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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 *qaḍā'* for it as well as giving the *kaffārah*.

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.

3. 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.

4. 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.

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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.

5. 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 Fāṭimah al-Zahrā' 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'ṣoom 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.

6. 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.

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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.

7. 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.

8. In state of Janābah, Ḥayḍ, and Nifās until Fajr Adhān

Case: If a jonob – i.e. one who is in the state of janābah – deliberately does not perform the Ghusl wash, until the Fajr adhān, 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 Ramaḍān or the qaḍā' 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 mostaḥab fast.

Case: A jonob who wants to observe an obligatory fast such as the fasting of the month of Ramaḍān, if he deliberately does not perform the ghusl until time is very short, it would be obligatory for him to perform the tayammum and fast, and as a mostaḥab precaution he should also fast a qaḍā' for that day too.

Case: One who wilfully causes himself to ejaculate in the nights of Ramaḍān at a time that is too short to perform ghusl or tayammum his fast is invalidated and it is mandatory to perform the qaḍā' for that as

¹ Such as time-specific mandatory fast like the fasting of the month of Ramaḍān, or a fast that has become obligatory on a specific day through a vow.

² One that is not tied to a specific day.

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well as liability to kaffārah. However if he does so when there is time to perform tayammum, he must perform tayammum and fast, and as mostaḥab precaution he should perform the qaḍā' for that day.

Case: If someone becomes jonob – during the night – in the month of Ramaḍān 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 qaḍā' and give the kaffārah.

Case: If a jonob sleeps during the night in the month of Ramaḍān, 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 adhān, 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 Ramaḍān and is certain or is habitually used to waking up before the Fajr adhān, 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 Ramaḍān, and then wakes up, and he is certain or is habitually used to waking up before the Fajr adhān 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 qaḍā' 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 qaḍā' of the fast, as well as the kaffārah, as per mostaḥab precaution.

Case: If ejaculation takes place while asleep (iḥtilām) 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 moḥtalim – in the month of Ramaḍān after the Fajr adhān – his fast is valid even if he learns that iḥtilām took place before the adhān.

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Case: If a woman becomes ṭāhir from ḥayḍ – the monthly menstruation period – or nifās – postpartum bleeding period – before the Fajr adhān 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 Ramaḍān. The same ruling applies, as per obligatory precaution, for the qaḍā’ fast of the month of Ramaḍān, and for every “specific” mandatory fast too.

Case: If a woman becomes ṭāhir from the blood of ḥayḍ or nifās after the Fajr adhān, or if she notices the blood of ḥayḍ or nifās during the day, her fast becomes void even if it occurs just before Maghrib.

Case: If a woman forgets to perform the ghusl of ḥayḍ or nifās, and remembers it after a day or two, her fast [during those days] remains valid.

Case: A woman who is going through istiḥāḍah, her fast is valid if she performs the required ghusls mentioned in the rulings of istiḥāḍah.

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.

9. Enema

Case: The use of liquid enema invalidates the fast, even if it were as a matter of necessity and if required for treatment.

10. 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 kaffārah. 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 Muftirāt

Case: If a fasting person commits one of the *muftirāt* 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 adhān his fast will be void.

Kaffārah for not Fasting

Case: Whoever is obliged to give kaffārah for not fasting one day of the holy month of Ramaḍān 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 [istighfār], even by saying once *astaghfiru-llāh*. As an obligatory precaution one must give the kaffārah if he could afford it [later on].

Case: If one wishes to fast two consecutive months as a kaffārah for [breaking a day's] fast of the month of Ramaḍān, 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 ḥayḍ, niḥās, 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 Ramaḍān 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 kaffārah on

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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 kaffārah.

Case: If the fasting person has sexual intercourse several times during the day in the month of Ramaḍān, he must give one kaffārah; although, as a mostaḥab precaution, he should give one kaffārah for each time, if the intercourse was ḥalāl. If the intercourse was ḥarām for him – such as intercourse with the wife during her ḥayḍ – he is obliged to give one kaffārah; though as an obligatory precaution he should give the combined kaffārah, [which is freeing a slave, fasting sixty days, and feeding sixty paupers,] and as a mostaḥab precaution he should give the combined kaffārah for each time.

Case: If a fasting person commits an act that invalidates the fast during the day in the month of Ramaḍān several times, other than sexual intercourse, it would be sufficient to give one kaffārah for all.

Case: If a person vows (makes a *nadh*r) 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 qaḍā' fasting of the month of Ramaḍān, 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 kaffārah, but it is not mandatory to give it in haste.

Breaking fast with a ḥarām

Case: If one invalidates his fast with a ḥarām act/thing – regardless whether that was inherently ḥarām such as liquor or adultery, or it became ḥarām 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 kaffārah, 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

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modd of raisin or dates. If one is unable to give all three forms of *kaffārah* 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 *kaffārah*, [which is freeing a slave, fasting sixty days, and feeding sixty paupers,] even though one has invalidated his fast with a *ḥarām* thing, (i.e. ascribing a lie to Allah or the prophet or the imam peace be upon them).

Cases that necessitate *qaḍā'* but not *kaffārah*

Case: It is obligatory to perform the *qaḍā'* of a fast but not give *kaffārah* in a number of cases:

1. If the fasting person deliberately makes himself vomit during the day in the month of Ramaḍān, or deliberately immerses his head [and body] in water, or uses enema.
2. If he becomes *jonob* during the night in the month of Ramaḍān, and he does not wake up from his second sleep until the Fajr adhān.
3. 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.
4. If one forgets to perform the *janābah* ghusl in the month of Ramaḍān and he fasts in a state of *jonob* one day or many days.
5. It is obligatory for one to perform the *qaḍā'* of fast if one commits a *muftir* [that breaks the fast]
 - a. without ascertaining the time of the *Ṣobḥ* in the month of Ramaḍān and afterwards learns that the *Ṣobḥ* has indeed set in,
 - b. after ascertaining the time of the *Ṣobḥ* and believing the onset of the *Ṣobḥ*, he learns that the *Ṣobḥ* has indeed set in,
 - c. after ascertaining the time of the *Ṣobḥ* and doubting the onset of the *Ṣobḥ* learns that the *Ṣobḥ* had indeed set in.

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6. If an individual informs one that the Şobh has not set in and he commits a *muftir* on the basis of the word of the individual and afterwards learns that Şobh had indeed set in.
7. If an individual informs one that Şobh 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 Şobh had indeed set in.
8. 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.
9. 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 qaḍā'.
10. 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 woḍu' some water is swallowed unintentionally and without one's control, qaḍā' 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 qaḍā'.

Cases that necessitate qaḍā' and kaffārah

Case: If one becomes jonob during the night and wakes up, as detailed in the case of remaining in the state of janābah, and then falls asleep again and does not wake up until the Fajr adhān, only qaḍā' 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 qaḍā' and the kaffārah.

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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 ḥarām thing, one would not be liable to the combined kaffārah, but to a single kaffārah, as an obligatory precaution. One would still be obliged to observe the qaḍā' 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 qaḍā' as well as give the kaffārah.

Queries on Fasting's Kaffārah

Q: What is the ruling concerning someone who deliberately breaks his fast in the month of Ramaḍān, and what is the ruling if one cannot give the kaffārah?

A: If one deliberately breaks his fast with something that is ḥarām, such as if one breaks his fast with wine – God forbid – then one is obliged to offer the qaḍā' and, as a precaution, one should give the combined kaffārah, which is freeing a slave, fasting sixty days, and feeding sixty paupers. If the breaking of fast was with something ḥalāl, such as if one drinks water, then he is obliged to offer the qaḍā' and one of the three kaffārah's. If one is not able to give the kaffārah, 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 qaḍā' of that day. This is applicable to the one who – at the time of breaking the fast – was aware of the ruling or a moqaṣṣir (negligently) ignorant. But if one was ignorant and unaware of the ruling, then no kaffārah is applicable to him and one is obliged to offer the qaḍā' alone.

Q: If a fasting person deliberately breaks his fast one day in the month of Ramaḍān – with a ḥalāl item or act – and wished to offer the kaffārah for it, and so he fasted forty days before the following month of Ramaḍān, and finished the remaining twenty days after it. Is he obliged to give another kaffārah?

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A: He is not obliged to give another kaffārah.

Q: What is the ruling for one who cannot give the three kinds of the kaffārah (compensation) for the month of Ramaḍān?

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 Ramaḍān and I was ignorant of the ruling. Do I have any obligation?

A: You are obliged to offer the qaḍā' and seek forgiveness (istighfār).

Chapter Four: Zakāt-al-Fiṭrah

Zakāt-al-Fiṭrah

Case: It is mandatory upon everyone who, by the sunset of the eve of the ‘Eid-al-Fiṭr, 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 ṣā‘ – 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 Zakāt-al-Fiṭrah.

Dependants’ Fiṭrah

Case: It is mandatory to give the Fiṭrah on behalf of whoever is considered to be one’s dependants by the sunset of the eve of the ‘Eid-al-Fiṭr; 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-Fiṭr, or if one becomes one’s dependant after sunset, it is not mandatory to give Zakāt-al-Fiṭrah on their behalf; even though it is mostahab to give Zakāt-al-Fiṭrah on behalf of every one who becomes his dependant after sunset on the eve of the ‘Eid-al-Fiṭr, until before noon on the day of ‘Eid-al-Fiṭr.

Guest's Zakāt-al-Fiṭrah

Case: Zakāt-al-Fiṭrah is mandatory upon the host of a guest who arrives before sunset of the eve of the 'Eid-al-Fiṭr, 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-Fiṭr, even if the host had invited him before sunset and he had his ifṭār at the host's house.

Pauper's Zakāt-al-Fiṭrah

Case: It is mostahab for the pauper who owns one ṣā' or more of wheat and suchlike only to give Zakāt-al-Fiṭrah.

If he is a man of [many] dependants and wanted to give Zakāt-al-Fiṭrah on behalf of all, it is mostahab to give that one ṣā' 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 Zakāt-al-Fiṭrah on his behalf – and so forth they give Zakāt-al-Fiṭrah 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 Zakāt-al-Fiṭrah is obligatory upon someone else, and the latter does not give the Zakāt-al-Fiṭrah, it would not be obligatory upon this individual to give Zakāt-al-Fiṭrah on his own behalf.

A person whose Zakāt-al-Fiṭrah is obligatory upon someone else, but this individual gives Zakāt-al-Fiṭrah on his own behalf, the individual upon whom Zakāt-al-Fiṭrah is obligatory to give will no longer be obliged to do so.

Q: If a person who is not obliged to give Zakāt-al-Fiṭrah 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-Fiṭr, it is mandatory to give Zakāt-al-Fiṭrah 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 Zakāt-al-Fiṭrah on his behalf and on behalf of his dependants from his inheritance.

Disposal of Zakāt-al-Fiṭrah

Case: It is sufficient to spend Zakāt-al-Fiṭrah in one of the eight categories mentioned in the section of Zakāh¹, but as a mostaḥab precaution, it should be given only to the poor of the Shi’a.

Criteria for Disposal of Zakāt-al-Fiṭrah

Case: It is not mandatory requirement to give Zakāt-al-Fiṭrah to a pauper who is righteous (‘*ādil*),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 Zakāt-al-Fiṭrah to a Sayyid, and similarly if his dependants were Sayyids, it is not permissible to give their Zakāt-al-Fiṭrah to a Sayyid either.

Case: As an obligatory precaution, one should not give less than one ṣā‘ to each pauper, but there is no objection to giving him more than that.

Case: If one gives Zakāt-al-Fiṭrah from a defective commodity, it would not fulfil [his obligation].

¹ 1-2 The poor and the destitute, 3. Collector of Zakāh, 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.

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Time of Giving Zakāt-al-Fiṭrah

Case: It would not be valid if one gives Zakāt-al-Fiṭrah before the month of Ramaḍān, and as a precaution, one should not give it during the month of Ramaḍān either, but if one gives money as a loan to a poor person – before or during the month of Ramaḍān – and afterwards when he is obliged to give Fiṭrah, it is permissible to adjust the loan against the Fiṭrah.

Case: The person who wishes to perform the ‘Eid prayer, should, as a mostaḥab precaution, give the Fiṭrah 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 Fiṭrah is still obligatory upon him; he should either borrow to pay the Fiṭrah before noon, or he should delay its payment until he has access to the money.

The Priority

Case: When giving Zakāt-al-Fiṭrah it is mostaḥab 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 mostaḥab to favour those with the highest priorities.

Setting aside the Fiṭrah

Case: If one sets the Fiṭrah aside from his money, then it is not permissible for him to use it for himself and replace it with another money for Fiṭrah.

Niyyat-al-Qurbah

Case: It is mandatory to give the Fiṭrah 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 Zakāt-al-Fiṭrah.

Case: If one does not pay Zakāt-al-Fiṭrah when it is mandatory to do so, and does not set it aside either, then it is mandatory to pay Zakāt-al-Fiṭrah afterwards without the intention of qaḍā’ or adā’.

Chapter Five: Rulings of Qaḍā' Fasting

Case: If an insane recovers from his insanity, he is not required to offer the qaḍā' of the fasting days he missed during his insanity.

Case: If an unbeliever becomes a Muslim he is not obliged to offer the qaḍā' 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 qaḍā' of what he missed during his days as an apostate.

Case: If a person is obliged to offer the qaḍā' of fasts of several months of Ramaḍān, it is permissible to offer the qaḍā' of any one of them, but if time was short to offer the qaḍā' for the last month of Ramaḍān, for example if there are five days to the forthcoming month of Ramaḍān, and he is obliged to offer five days of qaḍā' from the last month of Ramaḍān, then as a precaution one should give priority to offer the qaḍā' of the last Ramaḍān over any other.

Case: It is permissible for a person offering the qaḍā' of fasts of the month of Ramaḍān to break his fast before noon [if one needs to do so for a reason], if the time is not short to offer the qaḍā' [before the onset of the following month of Ramaḍān].

Case: If a person misses fasting the month of Ramaḍān because of ḥayḍ, nifās, illness, and dies before the end of the month of Ramaḍān, it is not required to offer the qaḍā' on the deceased's behalf for what was missed in that month.

Case: If a person misses the fasting of the month of Ramaḍān because of illness, and his illness continues to the Ramaḍān of the following year, it is not obligatory for him to offer the qaḍā' 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 Ramaḍān, as an obligatory precaution, he must offer the qaḍā'

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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 Ramaḍān due to illness and after the month of Ramaḍān he recovers from the illness but continues to miss fasting for other reasons such that one cannot offer the qaḍā' of what he missed until the following Ramaḍān, as per mostaḥab precaution, he should offer the qaḍā' 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 Ramaḍān for a reason other than illness and that ended after the month of Ramaḍān but one is unable to offer the qaḍā' of what he missed until the following Ramaḍān due to illness, then as per mostaḥab precaution, he must offer the qaḍā' 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 qaḍā' of the last Ramaḍān 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 kaffārah of several days to one pauper.

Case: If a person delayed the qaḍā' of the fasting of the month of Ramaḍān 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 qaḍā' of the obligatory acts his deceased father missed during his lifetime in terms of ṣalāh (the daily obligatory prayers) and fasting as detailed before. Similarly, he must offer the qaḍā', of what his deceased mother missed during her lifetime in terms of ṣalāh and fasting, as per obligatory precaution.

Chapter Six: Rulings of Fasting for Traveller

Case: The travelling individual who has to shorten his ṣalāh (the daily obligatory prayers) must not fast, and is obliged to offer the qaḍā' for that. On the other hand, the travelling individual who must perform the ṣalāh 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 Ramaḍān, 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 *ḥadd al-tarakhuṣ* (the limit of town) – which is when the walls / buildings of the city disappear from sight and its adhān becomes inaudible – and if one breaks his fast before reaching *ḥadd al-tarakhus*, then he is liable to kaffārah 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 muḥṭir 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 qaḍā' 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 iḥṭār is to follow the horizon where the fasting

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individual happens to be, and since “with the realisation of the matter of the Maghrib the ruling is executed” and in the ḥadīth, “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 Ramaḍān 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 qaḍā’.

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 iḥṭār time according to his hometown. Does he break his fast while in the plane, even though he can see the sun, and the iḥṭār 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 Wasā’el al-Shi‘ah, vol.4, p198.

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Q: If a traveller returns to his hometown during the month of Ramaḍān 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 kaffārah as well as the qaḍā'?

A: He is required to offer the qaḍā' only.

Q: What is your opinion with regard to big cities – such as Karachi – from the point of view of fasting and offering the ṣalāh 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 Dahrān. 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 ṣalāh 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 (ṣalāh) 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 ṣalāh 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 ṣalāh, or to refrain from fasting.

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Q: I am sent by my company during the month of Ramaḍān 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 marāje'?

A: You must shorten your prayers and must not fast. There is no difference between marāje' 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 ḥarām to fast on the days of ‘Eid al-Fiṭr and ‘Eid al-Aḍḥā. Also it is ḥarām to fast [a day with the intention that it is] the first day of the month of Ramaḍān, when there is doubt whether it is the last day of Sha‘bān or the first day of the month of Ramaḍān.¹

Case: It is ḥarām 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 ḥarām 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 Ashurā’. 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-Aḍḥā.

The Mostahab Fasting

Case: It is mostahab to fast on any day of the year except the aforementioned days that are ḥarām 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‘bān then one has performed a mostahab, and if it is the first day of the month of Ramaḍān then his fast would be valid for that day.

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1. Fasting on the first and last Thursday of every lunar month, and the first Wednesday after the tenth day of the month.
2. Fasting on the 13th, 14th, and the 15th day of the lunar month.
3. Fasting on all days of the months of Rajab and Sha‘bān, or some of the days [especially Mondays and Thursdays] of these months, even if one day.
4. Fasting on the day of Nowrooz.
5. Fasting on the 4th – 9th of the month of Shawwāl.
6. Fasting on the 25th and 29th of the month of Dhil-Qa‘dah.
7. Fasting on the 1st – 9th of the month of Dhil-Ḥijjah, 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.
8. Fasting on the Day of Ghadir – the 18th day of the month of Dhil-Ḥajjah.
9. Fasting on the Day of Mobāhilah, which is the 24th of the month of Dhil-Ḥajjah.
10. Fasting on the 1st, 3rd, and 7th day of month of Muḥarram.
11. Fasting on the auspicious birthday of the Prophet – the 17th of month of Rabi‘ I.
12. Fasting on the 15th of the month of Jomādi I.
13. 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

Fasting

enough time to declare the intention; so if one does not commit any one of the *mufṭirāt* (those that break or nullify the fast) until this time and intends a *mustaḥab* fasting, his fast is valid.

Case: If a person is hired to perform *qaḍā'* fasting on behalf of a deceased, there is no objection for the hired person to perform *mustaḥab* fasting for himself. However, a person who is obliged to perform a *qaḍā'* fasting for a day that he has missed, is not permitted to perform *mustaḥab* fasting, and if he inadvertently observes a *mustaḥab* fasting and he realises this before noon, he should break his *mustaḥab* fasting, or alternatively, it is permitted for him to modify his intention and change it to that of the *qaḍā'* fasting that he has missed. However, if he realises this in the afternoon his *mustaḥab* fasting is invalid, but if he realises this after Maghrib his *mustaḥab* fast will be valid.

Chapter Eight: Miscellaneous Issues on Fasting

Cafés and restaurants in the month of Ramaḍān

Case: Opening a café, a restaurant and suchlike that constitutes a breach of the sanctity of the holy month of Ramaḍān is ḥarām, the monies that the owner gives to the local council [for the permission to open] or taken [by any collector] is ḥarām, and also it is ḥarām for the council to give the permit to open, for they constitute a breach of the sanctity of the holy month of Ramaḍān, in addition to other ḥarāms. However if there is a case of urgency from the viewpoint of the travellers, and the *ḥākim al-shar‘i (marjē‘)* 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 Ramaḍān we rely on published timetables for the times [of Fajr and adhān] without exercising precaution at the time of ifṭār. 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.

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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.

Acts of Worship

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 Ramaḍān? 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 kaffārah?

A: His fast is invalidated but he is not obliged to give kaffārah.

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 ḥayḍ, nifās, or an illness, will one be liable to kaffārah?

A: No it will not be obligatory.

Q: Does the usage of any kind of injection – nourishing/saline, anaesthetising, or medicinal – invalidate the fast?

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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 *qaḍā'*?

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 *qaḍā'* 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 Ramaḍān 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 Ramaḍān 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?

Acts of Worship

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 Ramaḍān? Doesn't that constitute breaching the sanctity of this holy month?

A: If that constitutes breaching the sanctity of the holy month of Ramaḍān, 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 Ramaḍān?

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.

Qaḍā' fasting in regions of polar horizons

Q: If one is liable to a qaḍā' 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 qaḍā' 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 qaḍā' there?

A: He should delay the offering of the qaḍā' until he returns to a region of normal horizon, as a precaution.

¹ She must do the qaḍā', say in the winter, and is not liable to *kaffārah*. 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

Acts of Worship

Chapter One: Hajj

Case: Ḥajjāt-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: Ḥajj falls in three categories:

1. Ḥajj of Tamattu‘

The Ḥajj of Tamattu‘ consists of two acts of worship:

a. Umrah of Tamattu‘

b. Ḥajj of Tamattu‘

2. Ḥajj of Qirān

3. Ḥajj of Efrād

Case: The Ḥajj of Tamattu‘ is mandatory for those who [live] 16 farsangs or more away from Mecca. Every farsang is about 5.5 km.

Case: The Ḥajj of Qirān and the Ḥajj of Efrād 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 [Ḥajj of] Tamattu‘, is obliged to perform the Umrah before the Hajj. A person whose duty is to perform the [Ḥajj of] Qirān or the [Ḥajj of] Efrād, is obliged to perform the Umrah after the Hajj, as a precaution.

Case: The difference between the Qirān and the Efrād Ḥajj is that the Qārin, i.e. the one performing the Qirān Ḥajj, declares his Iḥrām and accompanies his *hady* (the sacrificial animal) with him, contrary to the one who performs the Efrād Ḥajj, who has no *hady*.

Criteria for Ḥajj-at-Islam Obligation

1. That one is *bāligh*, for it is not mandatory for the child, although it is *mostaḥab* if his guardian permits him,
2. That one is sane, for it is not mandatory for the insane,
3. That one is free, for it is not mandatory for the slave, although it is *mostaḥab* if his owner permits him,¹
4. That one is *mostaṭee‘* 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 Ḥajj-at-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 *mostaṭee‘* to perform Ḥajj-at-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:

1. 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.
2. 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.
3. 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.

Hajj

Matters that fulfil criteria of “ability” (*istiṭā‘ah*)

1. One should have food provisions and means of travel, or have the money to provide food and to travel with.
2. One should be physically able to perform the hajj and carry out its rites.
3. There should be no hindrances or obstacles on the way.
4. There should be enough time to perform the hajj rites.

It is *mostahab* for one who is not financially *mostaṭee‘* 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 *mostaṭee‘* (i.e. able and meeting all the criteria of ability or *istiṭā‘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 *istiṭā‘ah* or “ability” criteria.

Hajj by proxy while non-*mostaṭee‘*

Case: If a person is not *mostaṭee‘*, it is permissible for him to be hired to perform hajj on behalf of someone else. But if he became *mostaṭee‘* afterwards, it is mandatory for him to perform the hajj again.

Obtaining money to become *mostaṭee‘*

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 *mostaṭee‘* 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.

Acts of Worship

Parents' Permission for the hajj

Case: For the purpose of Ḥajjat-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 miqāt

Case: It is sufficient to appoint someone to perform the hajj on behalf of a deceased from a miqāt, 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. [*miqāt* 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 thawāb (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 thawāb (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-Ḥajjah, 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 Ḥajjat-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:

1. Iḥrām
2. Ṭawāf
3. Ṭawāf’s Ṣalāh
4. Sa’y
5. Taqṣir or trimming

Iḥrām

The Time of Iḥrām

Case: The time of [assuming the state of] iḥrām¹ for the Umrah of Tamattu‘ is [during] the months of ḥajj – which are Shawwāl, Dhil-Qa’dah, Dhil-Ḥajjah.

The Place of Iḥrām

Case: The place of [declaring and assuming the state of] iḥrām, which is called *miqāt*, is one of the following:

1. Masjid al-Shajarah, which is the *miqāt* for the people of Medina, and those who come to ḥajj from the direction of Medina.
2. Wādi al-‘Aqiq, which is the *miqāt* for those who come to the ḥajj from the direction of Iraq.
3. Qirn al-Manāzil, which is the *miqāt* for those who come to the ḥajj from the direction of Ṭā’if.

¹ One may not enter the Ḥaram (sanctuary) of the holy city of Mecca without being in the state of iḥrām, and one can only get out of the state of iḥrām by performing the rites of Mecca in terms of ṭawāf, sa’y, etc. The Ḥaram is the holy city of Mecca and the encompassing zone around it; which is about 500km-sq. with the *miqāt* being some of the points of entry to the Ḥaram.

Hajj

4. Yalamlam, which is the miqāt for those who come to the hajj from the direction of Yemen.
5. Juḥfah, which is the miqāt for those who come to the hajj from the direction of Egypt and Shām.

The obligations of the iḥrām

Case: The obligations of iḥrām are three:

1. The **Niyyah**, in that one intends as follows:

“*oḥrimu* – I assume and declare the state of iḥrām – 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 iḥrām is the resolution to abstain from certain matters, as mentioned later on.

2. The **Talbiyah**, which is to recite the four *talbiyāt*, which are:

<i>Labbayk Allahumma Labbayk.</i>	I heed to your call O Lord, I heed.	ليك اللهم لبيك
<i>Labbayka lā Shareeka Laka Labbayk.</i>	I heed to You that You have no partner, I heed.	ليك لا شريك لك لبيك
<i>In-nal-Ḥamda, Wan-Ne‘mata, Laka Wal Mulk.</i>	Truly, All the Praise, and the Blessing, are Yours and the Sovereignty too.	إن الحمد و النعمة لك و الملك
<i>Lā Shareeka Lak.</i>	There is no partner of Yours, I heed.	لا شريك لك

3. **Wearing** the two garments of the iḥrām

It is obligatory for men and women to wear these two garments, and it is mandatory that they are *tāhir*, 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 of Worship

Acts that should be avoided during iḥrām

Case: It is mandatory for the *muḥrim* – the one in the state of *iḥrām* – to abstain from 24 acts:

1. 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.
2. Courting one's spouse whether through intercourse, or kissing, or looking at them with lust, or touching them with lust.
3. Performing the marriage contract for oneself or for others, bearing witness of it, or testifying to it.
4. Masturbation, by hand or otherwise.
5. 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 *muḥrim* to block his nose when there is bad smell.
6. Wearing sewn clothing – prohibition for men only – but it is permissible to wear *himyān* 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.
7. Wearing kohl.
8. Looking into the mirror.
9. 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.
10. *fusooq*, which is lying, swearing, and boasting.
11. *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.

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12. The killing or removing of insects found on the human body such as lice.
13. 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.
14. Wearing jewellery for women, except those which they normally permanently wear, provided that they do not make them visible even to their mahram persons.
15. Covering the head, completely or partially, or the ears – prohibition for men. Rather, it is ḥarām to cover even with henna, or immersing in water some or part of the head.
16. 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.
17. 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 woḍu‘.
18. Applying oils to the body.
19. Causing the bleeding of the body, even if by using the toothbrush – if one knows before hand that brushing causes gum bleeding.
20. Pulling a tooth if it would lead to bleeding, except if it is resorted to as a matter of urgency.
21. Clipping the finger nails.
22. Sheltering in the shade while on the move/travelling – prohibition for men only. But there is no objection to this while in the residence.

Acts of Worship

23. Uprooting trees or any vegetation of the Ḥaram precincts.¹
24. Wearing arms such as gun, sword, and suchlike.

Ṭawāf

Case: Having assumed the state of *ihrām* for Umrah, the ḥājj (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 Ṭawāf around the holy Ka‘bah.

Case: The process of ṭawāf is to make the Ka‘bah on one’s left-hand side, begin with al-Ḥajar al-Aswad – the Black Rock – and to finish by it seven rounds later [around the Ka‘bah].

Case: It is permissible to perform the ṭawāf 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 ṭawāf at less than 26 yards from every side of the Ka‘bah.

Case: It is permissible to perform the *ṭawāf*, *sa‘y*, *woquof*, *ramy* [at a level] higher or lower [than that of] the Ka‘bah, the *mas‘ā* (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 *ṭawāf* 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 Ḥaram should not be mistaken with al-Ḥaram al-Makki mosque. The Ḥaram is the holy city of Mecca and the encompassing zone around it; which is about 500km-sq. with the *miqāt* being some of the points of entry to the Ḥaram.

The criteria of ṭawāf

1. The niyyah, by saying “*aṭoofu* – I perform the ṭawāf – for the Umrah of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.
2. to be ṭāhir from the major ḥadath – such as janābah, ḥayḍ, and nifās – and the minor ḥadath – i.e. one should be in the state of woḍu’.
3. The body and clothing should be ṭāhir.
4. For the male individual to be circumcised.
5. The covering of the private parts; and everything that is required for the cover in the ṣalāh is required here too.
6. That the ṭawāf is performed between the holy Ka‘bah and Maqām Ibrahim, peace be upon him, as per obligatory precaution, except in the case of difficulty and discomfort.
7. That Ḥijr Ismā‘el is enclosed within the circumference of the ṭawāf.
8. That one’s entire body is outside the holy Ka‘bah, and even his hand is outside the Shādhrawān of the holy Ka‘bah, as per mostaḥab precaution.

The Ṭawāf’s ṣalāh

Case: The third act of the rites of the Umrah is to perform the two-rak’ah Ṣalāt al-Ṭawāf behind Maqām Ibrahim, peace be upon him, or by the side of it.

This ṣalāh is like the morning ṣalāh, and its niyyah is as follows:

“*oṣalli* – I perform two rak’ah ṣalāh of the ṭawāf 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 Şafā and Marwah. In this rite, it is mandatory for the Ḥājj to cover the distance between Şafā and Marwah seven cycles beginning with the Şafā and ending with the Marwah.

The journey from the Şafā to the Marwah constitutes one cycle and the return one from Marwah to the Şafā constitutes another.

Case: The *niyyah* for the Sa'y is: “*as'ey* – I perform the Sa'y – between the Şafā 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: “*oqaşşiru* – 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 ḥarām for the *muḥrim* becomes ḥalāl with the exception of two matters – the prohibition of which is due to the sanctity of the Ḥaram and not due to the iḥrām – which are: Hunting, and Uprooting the Ḥaram plants or vegetations.

Chapter Three: Ḥajj of Tamattu‘

Rites of Ḥajj of Tamattu‘

The rites of Hajj of Tamattu‘ are thirteen:

1. *Iḥrām*.
2. *Woquf* or staying in ‘Arafāt.
3. *Woquf* or staying in Mash‘ar.
4. *Ramy* or stoning of Jamarat al-‘Aqabah.
5. *Hady* or slaughter of the sacrifice.
6. *Ḥalq/taqṣir* or shaving of the head or trimming its hair.
7. *Ṭawāf al-Ziyārah*.
8. *Ṣalāt al-ṭawāf* or the *ṭawāf* prayer.
9. *Sa‘y*.
10. *Ṭawāf al-Nisā’*.
11. *Ṣalāt Ṭawāf al-Nisā’* or the *ṭawāf* prayer.
12. *Mabeet* or staying over night in Minā.
13. *Ramy* or stoning of the three Jamarāt.

Iḥrām of the Ḥajj

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 *iḥrām* for Ḥajj for the second time, in the same way mentioned for the Umrah, except that the *iḥrām* for the Umrah is assumed and declared in one of the aforementioned miqāts, whereas the *iḥrām* for the Ḥajj is initiated in the holy city of Mecca, and it is mostaḥab that it is declared and assumed in the Masjid al-Ḥarām – The Scared Mosque. One should say in declaring the *niyyah* for this act: “*oḥrimu* – I declare and assume *iḥrām* – for the Ḥajj of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.

Case: The time of the *iḥrām* of the Ḥajj is from the time of completion of the Umrah until such time one can ensure to be in ‘Arafāt in time for the woqof.

Woquof in ‘Arafāt

Case: The second act of the rites of the Ḥajj is the *woquof* in ‘Arafāt, i.e. staying in the desert of ‘Arafāt 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 ‘Arafāt for the Ḥajj 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 Ḥājj to observe the woquof in ‘Arafāt 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-Ḥarām

Case: It is mandatory to go to Mash‘ar al-Ḥarām – 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-Ḥajjah.

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-Ḥarām from the dawn of the Fajr to the rise of the sun [for the Ḥajj of Tamattu‘] seeking nearness to and abiding by the command of Almighty Allah”.

Rites of Minā

The rites of mina are three:

1. Ramy or stoning,
2. Hady or sacrifice,
3. Ḥalq/Taqseer or Shaving/Trimming.

Hajj

Case: It is mandatory to go to Minā at the sunrise on the day of ‘Eid and there one should perform three rites:

1. To perform the Rami 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”.
2. The sacrifice of a camel, or a cow, or a sheep, and the niyyah for this is as follows: “*aḍhey* – 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 Ḥajj.

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.

3. Shaving the entire head – if it were one’s first Ḥajj, 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 Ḥājj.]

Case: The niyyah in shaving or trimming is as follows: “*oḥliqu* or *oqaṣṣiru* – I shave / or I trim¹ – for the Ḥajj of Tamattu‘ in obedience to the command of Almighty Allah”.

Mabeet in Minā

Case: There is no objection to remaining in Minā on the tenth day to fulfil its rites – of *mabeet* or spending the night and the *ramy* or the stoning of the [three] jamarāt – and then going to Mecca on the eleventh or twelfth day, or after the completion of the rites of minā, to perform the rites of Mecca.

¹ One of them should be said depending on which one the individual is doing.

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Case: After fulfilling the rites of Mecca, everything that was made ḥarām to the Ḥājj because of the iḥrām becomes ḥalāl, including sexual intercourse, use of perfume, etc. except for two acts; Hunting, and Uprooting the vegetation of the Ḥaram. The prohibition of these two is for sanctity of the Ḥaram and not due to the iḥrām.

Case: It is mandatory for the Ḥājj to observe *mabeet* – spending the night – in Minā 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 Minā for the Ḥajjat-al-Islam seeking nearness to and abiding by the command of Almighty Allah”.

Case: If the Ḥājj did not have intercourse with his wife, and did not hunt, it is permissible for him to leave Minā after noon on the twelfth day, and if he stayed in Minā 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 Ḥājj does not observe *mabeet* in Minā, it would be obligatory for him to give kaffārah of a sheep for every day, and one is considered disobedient/sinful if one deliberately does not observe the *mabeet*.

Ramy or stoning the jamarāt

Case: It is mandatory for the Ḥājj to stone the three jamarāt on the days of the night he observes *mabeet* in Minā; by stoning of the first, middle and the last jamarah with seven stones. [in Arabic the three jamarāt are known as al-Jamarah al-Oolā (or al-Ṣuḡhrā), al-Jamarah al-Woṣṭā, and Jamarat al-‘Aqabah].

Rites of Mecca

Case: Having finished with the rites of Minā, the Ḥājj goes to the holy Mecca on the Day of ‘Eid itself or afterwards to perform five rites there, which are:

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1. **Ṭawāf al-Ziyārah**, seven rounds, and the niyyah is: “*aṭoofu* – I perform ṭawāf – of Ṭawāf al-Ziyārah seeking nearness to and abiding by the command of Almighty Allah”.
2. **Ṭawāf al-Ziyārah Ṣalāh**, two rak‘ah, behind Maqām Ibrahim, peace be upon him, and the niyyah is: “*Oṣalli* – I perform the ṣalāh of two rak‘ah for the Ṭawāf al-Ziyārah seeking nearness to and biding by the command of Almighty Allah”.
3. **Sa‘y** between Ṣafā and Marwah, as mentioned before, and the niyyah is: “*as‘ey* – I perform the Sa‘y – between the Ṣafā and Marwah for the Ḥajj of Tamattu‘ seeking nearness to and abiding by the command of Almighty Allah”.
4. **Ṭawāf al-Nisā’**, which is similar to Ṭawāf al-Ziyārah in the process, and the niyyah for this is: “*aṭoofu* – I perform ṭawāf – of Ṭawāf al-Nisā’ seeking nearness to and biding by the command of Almighty Allah”.
5. **Ṭawāf al-Nisā’ Ṣalāh**, two rak‘ah, and the niyyah is: “*Oṣalli* – I perform ṣalāh – of two rak‘ah for the Ṭawāf al-Nisā’ seeking nearness to and biding by the command of Almighty Allah”.

Chapter Four: Queries on Hajj

Istiṭā‘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 mostaṭee‘.

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 mostaṭee‘ 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 Ḥajjat-al-Islam?

A: No.

Q: What is the ruling of a person who does not perform the hajj while he was mostaṭee‘ 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 wājib – 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 wājib or doing a ḥarām, then the one of higher priority from the viewpoint of Islam should be identified [and therefore acted upon].

Q: If a mostaṭee‘ 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.

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Q: If a person was *mostaṭee‘* in the previous years and he did not perform the hajj, is the hajj mandatory for him if his *istiṭā‘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 – *istiṭā‘ah* – 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 *mostaṭee‘* 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 Ḥajjat-al-Islam?

A: That is conditional. Of course it is permissible for the one who has not been *mostaṭee‘* – 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 *iḥrām*, and enters the Ḥaram, but then dies before completing the rest of the hajj rites, does that satisfy his obligation towards Ḥajjat-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 *mostaṭee‘* then he is obliged to discharge his duty of hajj for himself first, before performing hajj on behalf of others.

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A: That is sufficient, and it is not obligatory for the hajj to be performed on his behalf.

Q: A man died between ‘Arafāt and Mash‘ar al-Ḥarām. 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 mostaḥab hajj and Umrah, by intending to represent them when a person assumes the iḥrām, or to assume the iḥrām for himself and pray to Allah to give them a share of the act? How can one represent several others in the mostaḥab hajj and ‘umrah?

A: Yes it is permissible in the mostaḥab acts to intend to represent one or more before the act, or gift the thawāb to them after the act.

The *niyyah* and the *miqāt*

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 iḥrām from districts such as Aziziyyah or from the old Ḥaram boundaries?

A: It is permissible to declare and assume iḥrām 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 (iḥtiyāṭ), even though he has performed the obligatory (wājib) hajj, what niyyah should one declare?

A: One should perform it with the niyyah of iḥtiyāṭ.

Q: I entered the city of Jeddah, where there is no miqāt, and I declared and assumed iḥrām 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 kaffārah for covering my head? Or if the Umrah is considered valid, am I only obliged to give kaffārah?

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A: The Umrah is valid and you are only obliged to give the kaffārah.

Q: For the mostahab umrah, or even for the hajj, there are two miqāts that the people of Bahrain go to for going to Mecca: al-Hadā 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 iḥrām from the first, and if not one should do so from the second, and as per mostahab precaution, one should do the iḥrām in the first and renew it in the second.

Washing before iḥrām

Q: What is the ruling of washing with perfumed soap before wearing the iḥrām garments or for the *ghusl* of iḥrām?

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 iḥrām by not more than an hour?

A: If the scent lingers until the time of declaring and assuming iḥrām it should not be used, as per mostahab precaution.

Women clothing at the time of iḥrām

Q: Is it permissible for a woman to wear the traditional Abā'ah during the iḥrām?

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 Iḥrām

Q: What is the ruling about blocking one's nose in the presence of vehicles' exhaust fumes while in the state of iḥrām for the hajj? This is

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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 muḥrim ḥājj 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 muḥrim and sheltering

Q: What are the limits of night for a muḥrim 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.

Ṭawāf

Q: Does the wife of the Ḥājj (hajj pilgrim) become ḥarām to him if he does not perform Ṭawāf al-Nisā' out of ignorance of the ruling.

A: If one performs Ṭawāf al-Widā' [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 Ṭawāf himself or appoint an agent/representative to repeat it on his behalf. However, if he does not perform even Ṭawāf al-Widā', his wife will be prohibited to him during the month of Dhil-Ḥajjah. After the month [of Dhil-Ḥajjah] his wife will no longer be prohibited to him. In the case of [not performing Ṭawāf al-Nisā' during] the 'Umrah pilgrimage, women will be forbidden for him until he or his representative performs Ṭawāf al-Nisā'.¹

¹ The late Imam Shirazi: (Yes, [she becomes ḥarām to him], until he performs the ṭawāf himself, if he can, and if he cannot; the ḥormat or prohibition (of his wife to him) will continue until the ṭawāf is performed on his behalf.)

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Q: An individual who is an “excessive-doubter” went to hajj, and during Ṭawāf al-Nisā’ 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 ṭawāf 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 Ṭawāf al-Nisā’ in order to be sure?

A: He is not obliged to do anything.

Q: My finger bled during ṭawāf, and rendering it ṭāhir would take time, given the distance and the crowds. What is the ruling in this case?

A: It is mandatory to make it ṭāhir. If one has finished three and a half rounds of the ṭawāf before the bleeding, then one would finish the ṭawāf after making the finger ṭāhir, and if one has not finished three and a half rounds of ṭawāf [before the bleeding], then one should start the ṭawāf anew after making the finger ṭāhir.

Q: Is there any objection if one is driven to touch the Ka‘bah during the ṭawāf 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 ṭawāf to be performed at distances further from those the scholars have mentioned, which is between the Ka‘bah and the Maqām. so the question is; does this mean that it is permitted for the ṭawāf to be performed in the arcades surrounding the Ka‘bah where people perform their prayers, or should the ṭawāf 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].

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The sacrifice

Q: Is it mandatory for the slaughterer of the sacrifice *hady* in Minā to be an Imāmi or is it sufficient for him to be a non-Imāmi?

A: It is sufficient for him to be a non-Imāmi.

Q: Is it conditional for the Imāmi Ḥājj to place his hand on the hand of the non-Imāmi 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-Imāmi (non-Shi'a), and the place of the slaughtering is the new slaughterhouse outside Minā?

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 Minā and cannot find a place nearer to Minā.

Preferences in the obligatory and mostahab acts of hajj

Q: What are the preferred options for either Ḥajjat-al-Islam or the mostahab hajj in the following?

1. To perform the ṭawāf, as part of the hajj rites, between the Ka'bah and the Maqām or outside the Maqām when there is severe overcrowding in a bid to lessen the pressure upon the Muslims?
2. To perform the Sa'y between the Ṣafā 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?
3. 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?

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4. 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-maḥram due to severe overcrowding, which is considered objectionable by some?

A1: It is permissible in Ḥajjat-al-Islam to perform the ṭawāf outside the Maqām, to avoid the harm or discomfort of doing so within the Maqām. However, if the harm or discomfort is not to excessive, it is preferable to perform the ṭawāf within the Maqām.

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.

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Part Six

Zakāh

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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]:

1. Profits and gains from earning and trade.
2. The Ḥalāl wealth that is mixed with Ḥarām wealth.
3. Minerals [acquired].
4. Gemstones obtained through diving in the sea.¹
5. Treasure troves [found].
6. The land that a *dhimmi* purchases from a Muslim.
7. Spoils of war.

1. 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.

1.1 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.

1.2 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.

1.3 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, ziyārah, 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.

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Case: Money spent on *nadhr* or *kaffārah* 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 ziyārāt 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.

1.4 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

1.5 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.

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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.

1.6 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].

2. Ḥalāl wealth mixed with Ḥarām

Case: If ḥalāl wealth is mixed up with ḥarām 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 ḥarām wealth and its amount, it is obligatory to give the khums on the total sum. After paying khums, the rest of the wealth becomes ḥalāl.

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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 ḥarām, given that the profits may be from a mixture of ḥalāl and ḥarām dealings?

A: One may participate with the prior permission of the Ḥākim al-Shar‘ie (marje‘), and must apply khums to the profits.

Q: Is it permissible for a Muslim to sell ḥarām products along with permissible ones, and then apply khums to the mixed profits so that his money becomes ḥalāl?

A: It is not permissible, and if one does that then he is not entitled to the proceeds of the sale of the ḥarām product. They are treated as part of *maḍālim*.¹

Q: What is the ruling if one utilises money that is mixed up with ḥarām money and all the money is used up before applying khums?

A: One must reach an agreement (moṣālahah) with the marje‘ concerning the khums.

3. 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 *ḥadd el-niṣāb* (threshold level) is reached, then it is mandatory to give khums, after deducting the mining/extraction costs and expenses.

3.1 Threshold for minerals

Case: The threshold – or *niṣāb* – is [the market value of] 15 common mithqāl¹ 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 Ḥākim al-Shar‘i, in order to discharge himself from their responsibility and consequences. This is *radd al-maḍālim*.

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after deducting mining costs and expenses – reaches the market value of 15 mithqāl 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 zakāh 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 mithqāl [of gold], then it is mandatory for each individual to give khums.

3.2 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.

3.3 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 zakāh.

3.4 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 mithqāl is a unit of weight. One common (*ṣayrafī*) mithqāl is 4.8 grams approximately. [There is also the shar‘ie mithqāl which is 3.6 grams approximately.]

4. 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 *mithqāl* 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.

4.1 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.

5. 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 *niṣāb* or threshold of the treasure trove, regardless of whether it is gold or silver is the first *niṣāb* of these two [metals]. This will be explained in the *Zakāh* section. If, after deducting the costs and expenses of its excavation, it reaches the level of the *niṣāb* its khums would be obligatory.

6. 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.

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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.

7. 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 Ṣawāfi, 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 *fuqahā’* 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 *fuqahā’* of the Shi’a, not all of them”. Wasā’il al-Shi’ah, vol.27, p131. Biḥār al-Anwār, 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 ḥujjah upon ye, and I am the ḥujjah of Allah”, Biḥār al-Anwār, vol.2, p90.

Chapter Two: How to Calculate Your Khums

1. 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 marjē‘.

Q: What is the ruling regarding a person who delays the khums deliberately or inadvertently?

A: In the deliberate case, it constitutes a ḥarām 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 ḥarām. In both cases he must reach an agreement, *moṣālaḥah*, with the Ḥākīm al-Shar‘ī.

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 Ḥākīm al-Shar‘ī, 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 *moṣālahah* 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 Ḥākim 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 – *moṣālahah* – according to the view of the Ḥākim 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 – *moṣālahah* – 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 *moṣālahah* 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.

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How does she pay khums from now on, and how does she arrange moṣālahah (settlement) with her marje‘?

A: She should refer to a *wakeel* for *moṣālahah* [to settle past issues], and the new fiscal year begins after the khums has been paid.

2. 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

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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 Dinār 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.

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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

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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?

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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?

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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.

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Q: Is the gold jewellery that the wife uses most of the time liable to khums or zakāh 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 *moṣālahah* 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 *moṣālahah* 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 *moṣālahah* 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 'moṣālahah' see also "Matters in which Moṣālahah apply" page 330.

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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 moṣālahah with the Ḥākim 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 moṣālahah with the Ḥākim 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 Dinār 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 Dinār 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?

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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 – *moṣālahāh* – with the Ḥākim al-Shar‘īe 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?

Zakāh

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 moṣālahah – 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.

4. 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-mālik*, 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.

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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-mālik*, 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.

Zakāh

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 Ḥalāl wealth that is mixed with Ḥarām wealth – as you are reported as saying – given that the interest is all ḥarām, or is it for another reason?

A: The interest in this scenario is considered *majhool al-mālik*; 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-mālik*, i.e. accepting interest without precondition?

A: It is permissible with the [prior] permission of the *Ḥākīm 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 Ḥalāl wealth that is mixed with Ḥarām wealth – and the remaining balance is added to the sale proceed.

5. Matters in which Moṣālahah 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 *moṣālahah* – 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 *moṣālahah* 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 *moṣālahah* with the Ḥākim al-Shar‘ie.

Q: Does the *moṣālahah* 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 *moṣālahah* not to take any money from the *mokallaḥ*?

A: [It is] if the *mokallaḥ* 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 *'ādil* but it is not permissible to give it to non-Ithnā Ashari Imāmi.

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?

Zakāh

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 – *moṣālahah* – 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 Ḥarām 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

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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 *bāligh* 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 *moşālahah*, or come to a settlement, with the *Hākim 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?

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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 *moṣālaḥah* 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 Ḥākim al-Shar‘i – from the wealth of a person that one knows does not pay khums – and give it to the Ḥākim 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 *moṣālaḥah*, the *radd al-maḍālim*, and make adjustment as if he has authority or directive?

A: It is imperative to seek the permission of the Ḥākim 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

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marāje’, 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-ḥoquq al-shar‘iyyah* (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 *ḥoquq*?

A: If one does so with the permission of the Ḥākim al-Shar‘ie then one would not be liable.

Zakāh

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* (Ḥākīm 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?

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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 moṣālahah 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 moṣālahah 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 Hākim 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-Maḍālim

Q: What is the meaning of *Radd al-Maḍālim*?

A: When one is liable to others but does not know them [or fails to reach them], he should give the money to the Ḥākim 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-Maḍālim* 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.

Ḥalāl wealth mixed with ḥarām

Case: If ḥalāl wealth is mixed with ḥarām wealth,¹ and the amount which is ḥarām is known, but its owner is not, then it is mandatory to give that amount to the Ḥākim al-Shar‘ie in lieu of *radd al-maḍālim* on behalf of its owner.

Case: If ḥalāl wealth is mixed with ḥarām wealth, and the amount which is ḥarām 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 ḥarām 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 mostaḥab 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 ḥarām conducts.

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Case: If ḥalāl wealth is mixed with ḥarām wealth and the amount which is ḥarām 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 Zakāh

Items liable to Zakāh

Case: The zakāh is mandatory and applicable to nine items which are:

1. Wheat
2. Barley
3. Dates
4. Raisin
5. Gold
6. Silver
7. Camel
8. Cow
9. Sheep

Criteria for Liability to Zakāh

The *niṣāb* (threshold)

Case: Zakāh becomes obligatory and liable if the zakāh-item reaches the limit of the threshold or *niṣāb*, 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 zakāh 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 zakāh for Wheat and Barley is determined when they can be physically called Wheat and Barley, and the zakāh becomes obligatory when the Raisin, as a precaution, becomes sour grape, and the zakāh becomes liable in the case of Dates when they become yellow

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or red, as a precaution. But the time of payment of the zakāh 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 zakāh liability on a usurped wealth that is not possible for the one it is usurped from to reclaim it.

Zakāh of the Four Crops

Wheat, Barley, Date, and Raisin

The *niṣāb* (threshold)

Case: The zakāh is not payable for the four crops unless their quantity reaches the limit of the threshold – *niṣāb*, which is the equivalent of 847.207 kg.

Case: If the owner dies after he becomes liable to the zakāh of one of his four crops, it would be mandatory to give its zakāh from his wealth. But if he dies before he becomes liable to zakāh, the zakāh would be mandatory and would be payable by anyone of the heirs whose share of the crop reaches the limit of the threshold or *niṣāb*.

Case: If a person sells the plantation or the palm trees after the crops became liable to zakāh, then the seller would be liable to pay the zakāh.

Case: If the weight of any of the four crops reaches the limit of the threshold or *niṣāb* when they are fresh, but diminishes when they are dry, they would not be liable to zakāh.

Irrigation

Case: If the crops are irrigated by rain, stream, or if they benefit from the moisture of the land, then their zakāh is one-tenth (or 10%), and if they were irrigated by buckets, [pump] and other similar devices, then their zakāh is half of one-tenth, i.e. one-twentieth (or 5%).

Zakāh

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 zakāh of half of them is one-tenth, and the zakāh of the other half is half of one-tenth. Thus zakāh 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 *niṣāb* it would be liable to zakāh.

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 zakāh 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 zakāh becomes obligatory, and if it cannot be said it is wheat it is not liable to zakāh, and if one doubts whether or not it can be said so, in principle liability to zakāh does not hold.

Zakāh of the Two Cash Metals: Gold and Silver

***niṣāb* of gold**

Case: Gold has two *niṣāb* (thresholds):

1. Twenty *shar‘i mithqāl*,¹ which is equivalent to fifteen common *mithqāl*. 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 zakāh. If the quantity of the gold does not reach this limit, it is not liable to zakāh.
2. Four *shar‘i mithqāl*, which is equivalent to three common *mithqāl*. If the quantity of gold exceeds the fifteen *mithqāl* by three *mithqāl*, then it would be mandatory to pay 1/40th [2.5%] of the total 18 *mithqāl*, but if the excess over the first threshold is less than three *mithqāl*, then it would be mandatory to pay the zakāh on the fifteen *mithqāl* – i.e. the first threshold – only, and any amount in excess, while less than the second threshold, is not liable to zakāh. And so forth for every increment.²

***niṣāb* of silver**

Case: Silver has two thresholds:

1. 105 common *mithqāl*, and thus if the quantity of silver reaches 105 *mithqāl* 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 *mithqāl* as zakāh. If the silver quantity does not reach this limit, it would not be liable to zakāh.

¹ A Shar‘i *mithqāl* is equal to 3.6 gms, and a common *mithqāl* is equal to 4.8g.

² So above the main threshold of 15-*mithqāl* every increment of less than three *mithqāl* is not liable to zakāh, and every increment that equals three *mithqāl* is added to the total amount and is liable to zakāh. So out of the amount of 23.5 *mithqāl* of gold, only 21 *mithqāl* is liable to zakāh and the rest – 2.5 *mithqāl* – is not liable, but a gold quantity of 24 *mithqāl* is entirely liable to zakāh.

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2. 21 mithqāl. If 21 mithqāl are added to the first threshold, and the total becomes 126 mithqāl, it would be obligatory to pay the zakāh of the total as mentioned before, which is one-quarter of one tenth of the amount. However, if an amount of less than 21 mithqāl were added to the first threshold, then the increment is not liable to zakāh and only the 105 amount would be liable to zakāh, and so forth. So if another quantity of 21 mithqāl were added to the second threshold, they would both be liable to zakāh, but if the increment is less than 21 mithqāl, then the increment would not be liable to zakāh.

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 zakāh, and it could be more than that on some occasions.

Coins

Case: Gold and silver are liable to zakāh if they are in the form of currency coins, and even if the coins were defaced, they would still be liable to zakāh.

Case: Gold and silver coins that are used by ladies as jewellery are not liable to zakāh.

The Year

Case: Gold and silver are liable to zakāh if has in one's possession the amount of niṣāb 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 zakāh.

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 zakāh. However, if one does so in order to avoid paying the zakāh, then as a mostaḥab precaution one should pay the zakāh.

Zakāh of the Three Cattle

Cow, Camel, Sheep

Case: The zakāh of the three cattle has two other criteria in addition to the ones mentioned before.

1. that they are not from amongst the workers (used to do certain jobs) throughout the year,
2. 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 zakāh.

***niṣāb* of Camel**

Case: Camel has twelve *niṣāb* levels (thresholds):

1. 5 camels – their zakāh is a sheep – and if the number of the camels does not reach this limit they are not liable to zakāh.
2. 10 camels – their zakāh is two sheep.
3. 15 camels – their zakāh is three sheep.
4. 20 camels – their zakāh is four sheep.
5. 25 camels – their zakāh is five sheep.
6. 26 camels – their zakāh is a camel that has entered the second year of its life.
7. 36 camels – their zakāh is a camel that has entered the third year of its life.
8. 46 camels – their zakāh is a camel that has entered the fourth year of its life.
9. 61 camels – their zakāh is a camel that has entered the fifth year of its life.
10. 76 camels – their zakāh is two camels that have entered the third year of their lives.

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11. 91 camels - their zakāh is two camels that have entered the fourth year of their lives.
12. 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 zakāh. 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 zakāh. 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 zakāh] for the 100 camels, and one camel that has entered the third year for the [remaining] forty camels.

***niṣāb* of Cows**

Case: Cows have two thresholds:

1. 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 zakāh.
2. Forty. The zakāh for this limit is a cow that has entered its third year. There is no zakāh 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 zakāh accordingly as mentioned.

***niṣāb* of Sheep**

Case: Sheep have five thresholds:

1. 40. The zakāh in this case is one sheep, and there is no liability for zakāh if this limit is not reached.
2. 121. The zakāh in this case is two sheep.
3. 201. the zakāh is three sheep.
4. 301. the zakāh is four sheep.

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5. 400 and above. For every 100 sheep, one is given as zakāh.

Case: It is not mandatory to pay the zakāh from the same herd that is liable to zakāh, but it is sufficient to pay [the zakāh] from one's other sheep, or pay its equivalent in cash or in kind.

Case: There is no liability to zakāh 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 zakāh and not the rest, and the extra sheep [above forty] are not liable to zakāh. The same goes for the subsequent thresholds.

Queries on Cattle

Cattle Variety

Case: As far as zakāh 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 zakāh, it is mandatory that it should not be less than seven months old, and as per mostaḥab 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 mostaḥab 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 zakāh, and if one's share does not reach the niṣāb then he is not liable to zakāh.

Case: If one exchanges one's cattle with other cattle before the conclusion of the eleventh month, or if one exchanges his niṣāb with another niṣāb of the same kind, for example he gives forty sheep and receives forty sheep in exchange, he will not be liable to zakāh for them.

Overgrowing cattle

Case: If it were possible to overgrow the cattle that is liable to zakāh – 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 zakāh, 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 zakāh.

Is zakāh obligatory every year?

Case: If the crops that have had their zakāh paid remain with one for many years, they are not liable to zakāh again.

Case: Gold and silver – of niṣāb quantity – are liable to zakāh every year, so long as they are not less than the niṣāb quantity by the year end, even if their zakāh was paid previously.

Case: A person who is liable to zakāh for one's cattle, if he pays for them using cash, gold or silver, he remains obliged to pay the cattle's zakāh every year so long as the cattle's number does not fall below the niṣāb limit.

Disposal of Zakāh

Cases for Zakāh Disposition

Case: The Zakāh is disposed of in eight cases:

1. The poor
2. The destitute
3. Collector of Zakāh
4. Those whose hearts are to be won
5. For buying slaves and setting them free
6. The debtors who are unable to pay their debts
7. In the Cause of Allah
8. The Stranded Traveller

Acts of Worship

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 Zakāh.

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 Zakāh.

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 Zakāh money.

Case: It is permissible for the poor individual to receive the Zakāh for the purpose of Hajj, Ziyārah, and suchlike, but if he has received from the Zakāh a sum sufficient for his annual living expenses, as a precaution, he should not take the Zakāh for the purpose of Ziyārah 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 Zakāh 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.

3. Collector of Zakāh

Collector of zakāh is the person who, on behalf of the Imam peace be upon him, or his representative collects the Zakāh, audits and safeguards

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it until he delivers it to the imam, peace be upon him, or to his representative, or to those who qualify to receive it.

4. Those whose hearts are to be won

They are:

1. Those disbelievers who are given from the Zakāh to encourage them to be favourably inclined towards Islam or help the Muslims in war.
2. The Muslims who are of weak faith and belief.

5. For buying slaves and setting them free

6. Debtors - who are unable to pay their debts

Case: A person who is liable to pay the Zakāh, and is owed money by a poor individual, it is permissible for him to offset the debt against the Zakāh.

Case: If the debtor is unable to repay his debt, it is permissible for the claimant to offset the debt against the Zakāh even if the debtor is not classified as poor.

7. 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, ḥawzah, or worldly benefits to the Muslims.

8. 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 Zakāh, 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 Zakāh to inform the poor individual that the money being given to him is Zakāh. If the poor individual would feel embarrassed to accept Zakāh, it would be mostahab to give it to him as a gift, but it is mandatory to intend it as Zakāh.

Criteria of those qualifying for Zakāh

1. It is mandatory for the receiver of the Zakāh to be Ithnā Ashari [or believer in the authority of the 12 Imams appointed by the Prophet].
2. It is permissible to give the Zakāh to the poor individual who engages in begging, but it is not permissible to give the Zakāh to those who spend it in pursuit of sins.
3. It is not permissible [for a person who pays the Zakāh] to give his own dependants [whose expenses are his responsibility] from his Zakāh. However, if he does not give them their expenses, then it is permissible for others to give them the Zakāh.
4. It is not permissible for a Sayyid to receive the Zakāh 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 Zakāh, then it would be permissible for the Sayyid – in such circumstances – to receive non-Sayyid Zakāh.

The Niyyah of the Zakāh

Case: It is mandatory for the person who pays the Zakāh to intend the *qurbah*, i.e. he gives the Zakāh 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 Zakāh of wealth or Zakāh of Fiṭrah, but in the case of wheat and barley, it is not mandatory to specify that the Zakāh is that of wheat or barley.

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Case: If the owner or his representative gives the Zakāh 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 zakāh for him.

Time of Paying Zakāh

Case: As a precaution, the Zakāh 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 Zakāh from his wealth.

It is mandatory to pay the zakāh of the two cash metals and the three cattle after the expiry of the eleventh month, or one should at least separate it (the Zakāh) from one's wealth.

Case: If one was waiting for a particular poor individual or wished to give the Zakāh to a poor individual who is better for a reason, it is permissible for him to delay the payment of the Zakāh.

Separating the Zakāh

Case: If a person deducts and separates the Zakāh sum from his wealth that is liable to zakāh, then it would be permissible for him to utilise the rest of the wealth freely. Alternatively, if he chooses to remove the Zakāh sum from his other wealth [that is not liable to zakāh], it would then be permissible for him to utilise the entire wealth freely.

It is not permissible for one to use the Zakāh wealth that has been separated and replaces it later on with other money.

Mostaḥab in Zakāh Disposal

Case: It is mostaḥab, when giving the Zakāh, 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 Zakāh [out of embarrassment] over those who do. It is mostaḥab to give the Zakāh 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 mostaḥab to give the Zakāh to the other.

Acts of Worship

Case: It is better to give the Zakāh overtly, and to give the *mostahab sadaqah* covertly.

Shared Wealth

Case: If two people share a wealth that is liable to Zakāh, and if one of them pays the Zakāh 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 Zakāh of his share.

Priority of Zakāh and Khums over other things

Case: A person is liable to Khums or Zakāh at a time when he is liable to *kaffārah*, *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 Zakāh, it is mandatory for him to pay the Khums and Zakāh. But if the said wealth is not available to him, it would be permissible for him to pay the Khums, Zakāh, *kaffārah*, *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 Zakāh, it is mandatory to deduct the Zakāh from the inheritance first before paying his debts.

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BOOK TWO

CULTURE, ECONOMICS, ETHICS

FAMILY, SOCIAL and CURRENT AFFAIRS

Bismillāh al-Raḥmān al-Raḥeem

Part One

Striving and Social Reform

PART ONE: STRIVING AND SOCIAL REFORM

Chapter One: The Greater Jihad

Case: The greater jihad is the jihad or struggle of the soul, in which one charges and obliges oneself to perform the obligatory duties and charitable deeds, and to abstain and refrain from the prohibited and the evil acts.

Jihad of the soul is an individual obligation (*wājib ‘ayni*) in that it is individually obligatory for every male and female Muslim, and it is not waived for one when performed by others.

Manifestations of the jihad of the soul are many, some of which are:

Training the Soul

Q: What is the best means of educating and culturing the self, and what are the best deeds one should practice?

A: The best means for that is to oppose the desire of the self; through avoiding and abstaining from all the prohibited acts, and fulfilling all the obligatory duties, as it is stated by the Almighty; ﴿and as for he who fears the station of his Lord and forbids the soul from desire, surely Paradise will be the refuge﴾.¹

Disciplining the Self

Q: What is the best means for one to chastise and discipline one’s soul – if one sins – in order not to do so a second time?

A: To connect to and engage with Almighty Allah incessantly, to uphold and practice remembrance continually, to repent and return to [the command of] the Almighty, and to seek forgiveness.

¹ The Holy Qur’an, the Wresters (79):40-41.

Hope

Hope is the expectation of the desirable thing, with the individual taking all the necessary measures for its realisation. Of course matters of life and all existence are managed by the Almighty through His absolute power, but for every matter He has devised a cause [if it were to be realised], and amongst the causes are those that are available to the individual and within his reach and ability, and those that are not, thus the hopeful is he who does his best, and then hope for the best, until he achieves the fruits of his efforts, and the results of his endeavours. The same applies for attaining the exalted stations and the elevated degrees.

Allah Almighty has identified the correct hope in His statement ﴿Indeed those who believe, and those who emigrate and struggle in the way of Allah it is they who have hope of Allah’s mercy and Allah is All-forgiving, All-compassionate﴾,¹ and He has censured those peoples who have great ambitions but without making the effort, ﴿then they were succeeded by a posterity which inherited the Book: taking the transitory gains of this lower world, and saying, “we will be forgiven”﴾.²

The Soul: Magnanimity and Pettiness

A soul is like a vessel, some are vast and some small and narrow; the vast one is not easily filled with wealth, knowledge, position, and suchlike. On the other hand the small and narrow one is filled by only small amounts such that the overflow is quickly seen on its sides. So for example, if an individual learns some knowledge, he will start showing off in gatherings and meetings, or if the Almighty grants him some wealth, he would boast and feel haughty, and he would imagine for himself many stations, or if he reaches a somewhat ordinary position he would think he has the world, and he begins to feel arrogant . . . and this is how the petty-soul individual would behave. On the other hand the one of great and magnanimous soul, broad visions and thoughts, whenever he gains a fortune and an opportunity, he would see a further horizon beyond that and even greater expanse, he would feel humble,

¹ The Holy Qur’an, the Heifer (2):218.

² The Holy Qur’an, the Heights (7):169.

looks down upon what he gains – not the disdain of the one who is ungrateful to the blessings, or the thankless to the favour, but the disregard of the discerning and the wise, who does not give too much weight for what is gained, such that that blessing would make him arrogant, but rather he would seek to gain more knowledge and greater favour.

Deliberation and Haste

Like other things, souls can be solemn and self-composed or they can be ignominious and shameful. Some souls are perturbed by the least things and hasten in response, and some act carefully and with deliberation. The one who contemplates often realises the various aspects concerned that the haste does not; this is because through reflection and consideration one can find his ways and is guided to his best interest, whereas the one who acts in haste and rush is denied this advantage and therefore he often ends up in undesirable situations.

Deliberation and carefulness is not the same as laziness, for the lazy is the one who knows the way but does not make the effort to achieve his goal, whereas the careful does not engage until he is sure of what and how to do it. Islam encourages deliberation and contemplation, and discourages haste. Allah’s messenger, peace and blessings be upon him and his pure family, said: “haste is from Satan and deliberation from Allah”.¹

Forbearance and Anger

A soul may be a forbearing one that is not agitated by the swearing of one who swears at him, or by the stealing of a thief, or the infuriation of an ignorant person. On the other hand there are souls that are irritated by the smallest thorn or by the slightest word. Islam wants an individual to purify his qualities and aptitudes and to put right what has deviated so that one will be a human being. For this objective Islam encourages an individual to attain every virtue, and scorns every low and vile trait. And because forbearance is amongst the best of virtues, we see the hadith

¹ Tuḥaf al-‘Uquol, p43.

from the prophet and his purified progeny pour like rain upon mankind's ears encouraging this virtue and warning of anger. Allah's messenger, peace and blessings be upon him and his pure family, says in his supplication: "O Allah enrich me with knowledge and adorn me with forbearance",¹ this is because it is a source of beauty and a blessing; it is a beauty because with it one attains higher standing in society, and this is why Almighty Allah bestowed His prophets with forbearance amongst other virtues and noble qualities.

Containment of Rage

A human being is by nature agitated by that which is not in harmony with him, whether he is a holy person or an evil individual. For every individual there is something that goes against his nature and aptitude; and this agitation is the first step of action, for the agitated person is bound to show what he hides inside him through his tongue, hand, or the change of facial expression. However, if an individual holds his nerves and has control over his nervous system, then he would be able to quench and subdue this irritation, such that this fire of rage dampens down and is totally extinguished. This is referred to as containment of rage, which is acting like a forbearer. The containment of rage is a virtue just as forbearance and knowledge are. And what a virtue it is ... such that the Almighty praises and commends His faithful servants when he says: ﴿...and those who restrain their rage...﴾²

Restrain and containment of one's rage is followed by tranquillity and serenity. On the other hand, rashness and reacting with outburst and commotion are followed by regret and grief – along with the breakdown of the soul, and bodily exhaustion to say the least. This is not to mention the grievous consequences that ensue from such conduct such as hurt, injuries, or even imprisonment and death.

¹ Tahdheeb al-Ahkām, vol.3, p72.

² The Holy Qur'an, the House of 'Emran (3):134.

Animosity and its manifestations

An individual of great personality does not engage him or herself in trivial things - for he or she is above such conduct. He or she does not have the time to spend in trifling things. His time is more valuable than these things and thus we see the great do not pay attention to a word or a comment that hurt their feelings and dignity, or to an animosity harboured by a diminutive personality. The greater the personality and the greater the person, the greater will be his forgiveness and pardon. On the other hand, people of diminutive character, of narrow souls and shallow minds, do not engage in other than the animosity with people, picking on their mistakes. Normally animosity does not dwell in other than putrid souls and it does not thrive in other than filthy spirits. The branches of animosity are hatred, assault, swearing, defamation, slandering, lurking to avenge, and suchlike . . . the harbouring of animosity and its branches by a soul points to the degradation of the soul and its pollution with filth, which are the qualities of the person who lacks honour. Allah's messenger, peace be upon him and his pure family, said "The believer is not vengeful".¹

Conceit

Islam urges the individual to train his or her *fitrah* or natural disposition; guiding it towards goodness. This is because Islam wants mankind to see himself or herself without the desired perfection, so that a human being would – throughout his or her life – strive, struggle, toil, and dedicate himself or herself [to achieve this]. Indeed Islam assigns great many verses and hadith to this matter and denounces what opposes this disposition (*fitrah*) which is called conceit or arrogance. The meaning of conceit is that one considers himself to have attained perfection; regardless of whether this is a reality or just an imagination.

Conceit disables the good and positive forces in the individual, it brings about laziness and inactivity, slows down the activity and eagerness to achievement. In this way one tumbles down to imperfection. Isn't it the case that when an individual believes he has attained enough knowledge

¹ Monyat al-Morid, p321.

he would stop there and does not endeavour to learn more? Or in the case of the individual who believes that he has worshiped Allah as He should be and from then onwards he would be sluggish in his worship? And so forth.

So it is not surprising that Islam places conceit amongst the destructive and ruinous factors, this is because it is the destroyer of [one's] religion and livelihoods. Allah's messenger, peace be upon him and his pure progeny, said: "Three (features) are destructive: a greed that is obeyed, a desire that is followed, and the pride of the individual of himself".¹ It is therefore imperative and binding for the individual to avoid these, so that one is not marred and stained by any amount of them, and does not acquire any of their traits.

Haughtiness and Extolling the Self

The arrogant needs to express his haughtiness, by word or action through boasting, belittling others, claiming piety, declaring himself innocent of any undesirable trait, etc. all of which are branches of the bitter tree of arrogance, which brings about baseness and ignobility in the eyes of the people.

Why is the arrogant proud and boasting? Is it because he owns wealth, position, influence, and offspring? But all of these are transient. It is sufficient for one to look at his self that is filled with muck. Imam Sajjād peace be upon him, said "The proud arrogant is amazing! Yesterday he was a sperm, and tomorrow he is a rotting corpse."²

Self extolling exposes attributes all of which are filth and contrary to decent human values and a generous personality. Amongst those attributes are transgression and wrongdoing; thus it would be difficult for one to follow his elder, and obey his guidance, and through that, he will deny himself and his elder the desirable results of obedience and harmony. Therefore the penalty of wrongdoing and oppression is twofold; the penalty of ruin and loss [in this world and in the hereafter] and the penalty of transgressing against and denying the rights [of the individuals].

¹ Wasā'il al-Shi'ah, vol.1, p102.

² Al-Kāfi, vol.2, p328.

Mercy

Mercy is the source of goodness and virtue, since through mercy bonds are made and unity is achieved amongst humanity. With it the offspring is kind to his parents; with it one keeps his bond with his relatives; and with it the couple keep harmony and affection for one another . . .

It is immensely astonishing if one reflects upon the beginning of the various Qur'anic *surahs*: ﴿*bismillah al-rahmān al-raḥeem*﴾ – ﴿in the name of Allah the merciful the compassionate﴾. The verses do not begin except with two attributes both of which are derived from mercy, and so too in the case of *surah al-Ḥamd*: ﴿Praise belongs to Allah the Lord of the worlds, the Merciful, the Compassionate﴾.¹ Islam cares about creating this attribute in the hearts, and emphasises upon instilling it in depth of the hearts, so that it yields its beautiful and sweet fruits: keeping bonds with relatives, kindness to parents, affection towards the offspring, feeding the hungry, clothing the naked, good neighbourliness, and every other good [deed].

Allah's messenger, peace be upon him and his pure family, said, quoting Almighty Allah, "Seek favours and kindness from the merciful individuals of my nation; ye shall live in their shadows."²

Abstinence and Insatiability

A human being naturally tends to the pleasures of life, he strives and craves to attain the greatest amount of those; he is insatiable in eating – like a furnace that seeks fuel – the sexual appetite is for ever burning, utilising whatever it can find, and seeks whatever it cannot find. When he had enough of eating or lust, he would try to hoard as much as he can out of greed. Just as the lack of these two would result in problem or failure in the body system; for prolonged hunger causes weakness in body, and sexual abstinence causes diseases through the accumulation of the seminal matter, not to mention the decrease or halt of procreation, excessive indulgence in these cause harm and corruption in the body.

¹ The Holy Qur'an, The Opening Chapter (1):1-3.

² Mostadrak al-Wasā'il, vol.7, p228.

Islam encourages moderation in everything and in these aspects of life too.

Thus the numerous hadith that call for abstinence are aimed at the excessive individuals. On the other hand, the hadith that encourage the enjoyment of the blessings are aimed at the abstinent individuals, and then there are those hadith that call for moderation; ﴿eat and drink and do not waste by excess﴾.¹

Wealth

Is there anyone who does not like wealth? No!

Everyone likes wealth, but there is a difference between the love of wealth in moderation and the love of wealth without moderation and in an insatiable manner. When the love of wealth is within the framework of wisdom; it will be associated with giving one's dues, not being extravagant, or plundering the weak, then this would be a virtue. But the love and craving that blinds, deafens, and corrupts then it is the pinnacle of vices. In the Islamic traditions, those hadith that praise wealth point to the first category, and other traditions that condemn it address the second.

On the first category, showing His favours upon mankind, the Almighty states, ﴿and He would aid you with wealth and sons, and provide you with gardens and provide you with streams.﴾²

On the second category, He states, ﴿Know that, indeed, your wealth and your children are a trial.﴾³

Contentedness and Avarice

There are those whose hearts are overtaken by need and meagreness; they continue to seek more even though they have amassed a colossal wealth, and if they are asked, “why are you seeking more?” they struggle to answer.

¹ The Holy Qur'an, the Heights (7):31.

² The Holy Qur'an, Noah (71):12.

³ The Holy Qur'an, Estates (8):28.

On the contrary, he whose heart is filled with richness and needlessness is rich even though he has not much in terms of wealth and property. He is satisfied with the most basic living means and leads a happy life.

The person of the first category suffers from greed and that of the second enjoys contentedness.

Islam categorically condemns greed, whereas it admires contentedness in the best manner. Islam seeks to uproot want from the hearts, so that there is no internal motive that would cause stress and deprive the individual of tranquillity. It is narrated that Allah's messenger, peace be upon him and his pure family, said,

“If the son of Adam had two valleys filled with gold, he would wish he had a third. Nothing fills the need and insatiability of the son of Adam other than soil (i.e. until he is buried), and Allah repents upon he who repents.”¹

Moderation and Greed

One may have the sickness of want and greed just as one suffers from leprosy, and so he would always follow the movement of others and watch what they do or what they give. If he observes wealth he wishes to have it, if he touches something he takes it for himself, or hears about a property he wants to own it, and so forth. It does not make a difference for one who suffers from this sickness whether one is rich or poor, for the sickness clings to the soul, just as leprosy clings to the body and eats into the limbs.

The one who suffers from this disease is humiliated in the community, his soul tormented, he constantly chases his imagination. It is for this that Islam vehemently forbids it.

Allah's messenger, peace be upon him and his pure progeny, states: “be warned of want, for it is perpetual poverty.”²

¹ Rawdat al-Wā'idēen, vol.2, p429

² Wasā'il al-Shi'ah, vol.15, p282

Amir al-Mo'mineen, Imam Ali, peace be upon him said: "do without whoever you like and you are his equal, be in need of whomever you want and you will be his captive, and do good to whoever you like and you will be his commander."¹

Meanness and Generosity

There is extravagance, there is meanness, and there is generosity, and the first two are censured; since the individual who gives everything he has in his possession such that there is none left for him and his family is blameworthy, just as the one who is mean and does not show mercy even to the destitute and needy, is distant from human values, hard-hearted.

Islam calls for justice and for steering a course of moderation in all aspects, as stated in the holy Qur'an ﴿do not make your hand stingy by holding it to your neck, nor lay it open completely﴾.²

As for meanness, Islam denounces it in no uncertain term, ﴿as for those who are niggardly with the bounty Allah has given them, let them not suppose it is better for them, rather it is worse for them; they will be collared with what they were niggardly with on the Day of Resurrection﴾.³

One of the companions of Allah's messenger was killed in the course of jihad, and so a woman mourned him saying "O martyr", the prophet peace be upon him and his family told her, "How do you know he is a martyr? Perhaps he used to talk about things that did not concern him, or he used to be miserly about things that would not deduct from him".⁴

On another occasion, Allah's messenger, peace be upon him and his pure family, said, "Indeed Allah loathes the one who is misery throughout his life, but generous when he is about to die."⁵

¹ Biḥār al-Anwār, vol.74, p423.

² The Holy Qur'an, The Night Journey (17):29

³ The Holy Qur'an, The Family of 'Emrān (3):180

⁴ Mostadrak al-Wasā'il, vol.15, p259

⁵ Biḥār al-Anwār, vol.7, p175. This is in reference to the individual who gives away his wealth when he is about to die thereby denying his heirs a share of his wealth.

Purification of the Body (and Soul)

The development and purification of the body is not meant to be through body building and physical fitness training, but rather it is meant to purify the body from immoral and ugly traits and to purify the soul by resisting temptation and desire. Indeed it is possible that the diseases and illnesses one is inflicted with can be the cause for the purification of the soul, since one who utilises the faculties of his body for virtue and morality will purify his body and soul, and he who opposes his desire he purifies his soul. It is on this basis that Islam observes the good in, and highlights the positive aspect of tribulations and sufferings if an individual is able to benefit from them and use the inspiration from their painful lessons.

Illnesses cleanse the body and purify it from harshness, and hardheartedness. They teach man to be kind, merciful, and tender. They inspire equanimity and tranquillity in man.

In addition, if one comes to realise this important fact, he would seize the opportunity to purify his soul and turn it tender and gentle through virtue and righteousness, for they are amongst the greatest blessings and purification.

The holy prophet, peace be upon him and his pure family, points to this aspect in his hadith: “for everything there is purification and the purification of the body is fasting”.¹

Fasting truly is tenderness, purification and development.

Seeking the Ḥarām

People struggle to acquire material [benefit] wherever they find it, and in the cause of it they commit every sin and evil. And what value does matter have when it is not obtained other than by sacrificing human values?

¹ Al-Kāfi, vol.4, p62. Man lā Yaḥḍuruhul-Faḥḥ, vol.2, p75.

The matter that is obtained through usury, hoarding, monopoly, stealing, treachery, cheating, and suchlike; will it sustain a happy life when it destroys every pillar and cornerstone of life?

Therefore Islam warns about prohibited (*ḥarām*) earning just as it warns about every other sin and deviation. It guards against it to a great degree – for this is the criterion for the community – and if the people are distanced from the *ḥarām*, they prosper and advance forward. Otherwise they are worse than animals and more despicable than the devil, since if one gets used to *ḥarām*, that will drag him to every prohibited deed and forbidden act and it is the key to all evils and sins.

Abstention from Ḥarām

The *ḥarām* ruins one's life in this world and in the hereafter, even though it may taste good and look nice; like a snake; it is soft and smooth to touch, but its poison is deadly; the ignorant are tempted by its dazzles whereas the learned and the informed know of its essence.

And through what does one attain the *ḥarām*? He does not obtain the *ḥarām* except through deplorable acts; personal or social vices such as stealing the people and plundering the weak, and suchlike.

Therefore Islam warns of the *ḥarām* acts, praises *wara'* which is the abstention from *ḥarām*. Imam Bāqir peace be upon him used to say, “Help us with *wara'* (abstention from *ḥarām*), for indeed the individual from amongst ye who meets Allah, Praised and Exalted He is, [on the Day of Judgement] while he has been abstinent and refraining (from committing *ḥarām*), Allah will have for him an ease [of treatment on that terrifying day].”¹

Imam Bāqir peace be upon him also said, “Indeed the most intense worship is *wara'* (refraining from *ḥarām*).”²

Piety or Abstinence – or *wara'* as it is called in Islamic literature – is applicable in all aspects of life; *wara'* in selling, *wara'* in buying, *wara'*

¹ Al-Kāfi, vol.2, p78

² Al-Kāfi, vol.2, p77

in renting, *wara‘* in eating and drinking, *wara‘* in speech, *wara‘* in clothing, *wara‘* in the house, *wara‘* while on the move and when resting, and so on. In a nutshell one should protect the senses of touching, seeing, hearing, and tasting as well as the limbs such as the hand, leg, and tongue from every deviation, sin, and disobedience. The pious and abstinent is at ease in the heart, his soul is tranquil, and his mind is relaxed and confident. On the other hand, the heart of the non-pious is restless, his mind is disturbed, he is not relaxed, he is on the run, and he never attains tranquillity.

Trustworthiness

The trustworthy person is respected and loved by all. His conscience does not censure him, his friends do not fear his treachery, and his community does not reject him. This is in addition to the great reward trustworthiness entails and the high station it has in the view of Almighty Allah. Honesty and dishonesty are two *malakah* or traits of character before they surface to existence; the honest person has an inherent trait that urges him to return the goods to its owners regardless of its size and value, whereas the dishonest has the opposite trait; since he is not dishonest because he is in need, but he does so because he is sick; and what sickness is there greater than this personal and social disease that is not cured by any medicine. It is a psychological disease that needs psychiatrists rather than physicians.

Islam condemns dishonesty in the strongest term whereas it praises honesty in an unqualified manner.

Imam Ṣādiq peace be upon him said, “Allah, Almighty and Majestic, does not send a prophet except through truth in speech, and honouring the deposit; both to the pious and to the insolent.”¹

Envy

Envy is to wish your brother’s blessing and fortune to be destroyed, to see him without fortune, and a decent individual must rid himself of this vile trait. Why do you want his fortune to be destroyed? Is he stopping

¹ Al-Kāfi, vol.2, p104

you in any way? You could wish to have what he has – and this is acceptable. If an individual is at stage one, one is bound to try to get to stage two, but one may not wish to see those ahead to descend and go backward.

Nonetheless, the jealous is at turmoil with himself, depressed, humiliated and looked down upon in the community, despised by Allah Almighty, and loathed by the people; a truly vile trait.

Islam wishes for man to have a pure heart, to love goodness and charity, chaste feelings; Islam does not sanction jealousy, denounces the one who has this quality, and urges him to purify and cleanse his heart from this sin with whatever means possible; otherwise this trait would destroy him whether or not he realises this. The Almighty states, ﴿do they envy the people for what Allah has given them out of His favour﴾.¹

Humiliation

A vile tree whose fruits are the worst fruits – like the heads of the devils – grows in the heart, and it continues to grow until it gives its bitter fruit – through the eye, the tongue, the deeds; if he humiliates someone he swears at him with a sharp tongue, and degrades him. These conducts are the results of that tree. And all of them are prohibited in the purified Shari‘ah, punishable with a painful chastisement, since it corrupts the society and leads the people to perdition.

The humiliating person is bound to be humiliated, for how would he become great if looks down on people? You will be treated like you treat others. The Almighty states, ﴿Those who torment faithful men and women undeservedly, certainly bear the guilt of slander and flagrant sin﴾.²

Justice

Justice has the most beautiful and sweet meaning and it flows on the tongue just like water in the river, but there is nothing like it in the difficulty of implementation, and the stern requirement of adhering to it

¹ The Holy Qur’an, Women (4):54.

² The Holy Qur’an, the Confederates (33):58

in all aspects of life. Is man able to persist on it in all aspects of his life and his dealings; giving everyone their due right, and to abstain from harming, wronging, or violating the rights of others – even if this violation takes the form of taking a flake of the husk of a barley grain from the mouth of an ant?¹ It is very difficult. But Islam emphatically wants it and does not consent to wronging and violation no matter how small it may be; so it gives continuous guidance and advice about the imperative nature of justice, just it outlines the chastisement for committing wrong and oppression; and provides the teachings on its prevention and prohibition.

The Almighty states: ﴿The way is only open against those who do wrong to the people, and are insolent in the earth wrongfully, there awaits them a painful chastisement﴾.²

Lie and Truth

Any twisting of words or deeds is scorned in Islam, just as reason rejects it.

Lying is amongst the most repulsive manifestation of this twisting, for it is the root of many vices; for hypocrisy, double standard, flattering, unworthy praise, and suchlike are the result of lying.

A person does not lie except because of his worthlessness, because of his inner disorder, and of the frustration of his soul; for otherwise the person who is straight forward does not need to lie.

Why does he lie? Is it because he wants to steal the wealth of others, or monopolise a position, or keep a fortune, or repel a danger? And does lying facilitate what he suspects it will?

¹ This is in reference to the hadith of Amir al-Mo'mineen Imam Ali peace be upon him who said, "By Allah if I am given the seven skies with whatever planets and heavenly bodies they have in them to disobey Allah in an ant by taking a flake of the husk of a barley grain from it, I would not do it." Nahj al-Balāghah; p 346, sermon 224, Bihār al-Anwār; vol.72, p359, etc.

² The Holy Qur'an, Consultation (42):42.

No! On the contrary, lying entails all perdition, destruction and annihilation, while the truth – the opposite of lying – provides all salvation, elevation and high standing. There is an old saying that says “Salvation is in saying the truth,¹ and perdition is in lying”.

Lying may bring about some alleged benefits but it will not be long before the liar is exposed, and the people see his repulsive reality; when all would reject and denounce him, and no one will trust what he says any longer.

Islam declares an all-out war against lying and the liars.

Truthfulness is a beauty that is loved even by the liar himself, and it is praiseworthy even if abandoned by the people, just as knowledge is praised even by the ignorant and even if abandoned by the people.

Truthfulness is the reflection of a pure soul, for the truthful reveals his good nature, pure soul and the chasteness of his inner self.

Sincerity

The land is developed by effort and endeavour, the souls are reformed through effort, civilisation is nourished and developed through action, virtue is attained through effort, space is conquered through strive, and problems are resolved through various attempts . . . so effort and attempt is the only means that ensures progress and development in various domains of life, and as such pave the way for this world and the hereafter.

Just as there are counterfeit notes in currency, and there are fertile and infertile lands, there is also an act or a deed that does not attain the required result; and most achieve the opposite result, but some do achieve the intended outcome. The true deed is only that which is performed with sincere intention; the intention of true service. The difference between the two deeds is that between heaven and earth.

If a builder builds a house with the intention of being proclaimed a skilled builder, he would not truly be concerned with the quality, but

¹ Biḥār al-Anwār, vol.70, p13, chapter122.

rather he builds something that catches the eyes in order to achieve his goal, and the quality of building is remote from his intention. On the other hand, the sincere builder is concerned with the quality of the building just as he is concerned with its appearance, and eventually he will achieve the full endorsement for endeavour. The same applies to all matters of life.

Hypocrisy

Hypocrisy is to show a pleasant and charming appearance to the people while harbouring a bad and ugly inner character. However, if one conceals from the people one's prayers, fasting and other acts of worship, with the intention of seeking closeness to Allah Almighty, or if one praises you behind your back, and keeps silent in your presence in his bid to abstain from boasting; this would not be hypocrisy. Rather this is considered from amongst the best traits that one does not attain except through severe self denial, ﴿and one does not acquire it except the greatly fortunate﴾.¹

As for hypocrisy, regardless of whether it is in faith and religion, or in the acts of worship and obedience, or in socialising and the community, and regardless of whether it is in seeking wealth or reputation or partner or position and suchlike, it is amongst the vilest traits, and the ugliest deeds and traits of character.

In every human being – unless immune – there is the seed of hypocrisy within him; so if one waters it, nurtures it, takes care of it and promotes it . . . it will give its bitter fruit, and its owner becomes a hypocrite. If on the other hand one monitors himself, until he manages to remove it from himself, and then protects himself through sincerity and honesty, it will not be long before his heart will be cleansed as clean and bright as pure silver, and the virtue that is manifested in truthfulness, honesty and sincerity will be his second nature, his character trait or *malakah*, as it is referred to in Islamic literature.

¹ The Holy Qur'an, Explained (41):35.

Pride or Arrogance

If you take pride in your wealth – and wealth is subject to annihilation – you would be deceived, because it is a kind of appraisal for wealth that is out of place; and if you take pride in your beauty – and beauty is also a transient quality – you would also be deceived, because such pride is due to an assessment and an assumption for something that lasts and it is possible to rely on, whereas this is not so, because if it exists one day, it will not on another. And if you are proud of your knowledge – while knowledge is a limitless ocean – and one is not able to encompass it more than one is able to take a handful of water from the ocean; then you are proud because you believed you have achieved some sort of perfection, while you are at the early stages. The same goes for one who is proud of authority, power, and suchlike attributes.

He who is proud of something that is not a real distinction, then he is of “compounded delusion”, just as the one who is compounded in his ignorance; he is proud because he considered imperfection and failing as perfection, and secondly because he deemed to have reached the ultimate of perfection.

This is why the [over confident and the] proud is condemned, for it is a lie and out of touch with reality.

Disobedience

There are those amongst the people who take good care of their affairs in all aspects of their lives so that they would not rebel against the sound and correct course, and from the pathway that has been paved for him, and the prescribed program, so that such a way of conduct becomes a way of life; a natural disposition and a trait of character – a *malakah*, as per Islamic literature. Thus he would not do anything unless it is according to that [*malakah*] and he would take care of nothing but that [*malakah*], and he would not deviate from it the width of a strand of hair, and if his-self inclines him away on one occasion or his desire overcomes him such that he deviates, he would come back and repent, and adhere to the path and the course once again.

And there are those who conduct their affairs recklessly;¹ if they happen to obey, it is not out of resolute *malakah*, perseverance and steadfastness, and if they disobey they are not bothered about the sins and disobedience. The point here is about the obedience and disobedience of Allah. Obedience of Allah constitutes beauty, tranquillity, and prosperity, whereas disobedience is misery, deviation and failure, this is because Allah – glorified and exalted – who created man and the universe is the one who set up the law and the way – according to the *fitrah*, the natural disposition of man, and on the basis of wisdom and the interest of mankind, and therefore any deviation from His way and His path will be insanity and loss; a loss of this world and of the perfect way of life (i.e. the *deen*): ﴿By Time, indeed man is in loss, except those who have faith and do righteous deeds, and enjoin one another to the truth, and enjoin one another to patience﴾.²

Therefore it is imperative for one to prepare and manage himself for obedience, and to abstain himself from disobedience.

Watchfulness

Have you noticed how business partners monitor each other to make sure the other does not take more than his share, or how enemies watch each other so that one does not overcome the other?

Being watchful is a natural requirement for an individual, in order to acquire benefit and repel harm; but is there a greater benefit than the general good for oneself and for all mankind in this world and in the hereafter? And is there harm that is greater and worse than the general evil for oneself and for all humanity in this world and in the hereafter? No. All good is manifested in the teachings of Islam which Islam has brought for the happiness and prosperity of mankind, and the general evil is manifested in opposition to those teachings.

Therefore it is mandatory for mankind to monitor himself and his community so that his soul and his conduct are not deviated from the

¹ In reference to the Qur'anic verse (18):28.

² The Holy Qur'an, the Epoch (103):1-3.

teachings of Islam, and so that the society does not deviate from guidelines imbedded in Islam.

The Almighty states in the holy Qur'an, ﴿and let every soul consider what it sends ahead for tomorrow.﴾¹

Allah's messenger peace be upon him and his family states, "Call yourselves to account before you are called to account, and weigh yourselves [in terms of conduct] before you are weighed."²

Contentment

Existence in its entirety has subjugated and surrendered to the will of Allah the One, the Overpowering; nothing escapes and deviates from it even by the width of a single hair strand, since ﴿They (the Heavens and Earth) said: "We surrender in willing obedience"﴾,³ and part of existence is mankind, who is also subjugated to this divine will, and he is not able to escape or deviate from it, except for what Allah – Glorified and Almighty – has willed, and therefore given him the authority and freedom . . .

The pen of destiny has written everything that is to be – whether you did something about it or not – the divine will is that – for particular reasons – man faces some tribulations ﴿that We may test them as to which of them is best in conduct﴾.⁴

So if one is contented with what Allah – Glorified and Almighty – has decreed of death and life, health and sickness, richness and poverty, and suchlike, one would lead a confident and tranquil life, and would be rewarded after death. Otherwise, he would attain nothing in this life other than disturbance and restlessness, and chastisement in the hereafter. Therefore it is imperative for one to train his self on contentment, and promote this honourable *malakah* in him.

¹ The Holy Qur'an, Mustering (59):18

² Wasā'il al-Shi'a, vol.16, p99.

³ The Holy Qur'an, Explained (41):11

⁴ The Holy Qur'an, the Cave (18):7

The meaning of contentment (*riḍā*) is not to surrender [to the status quo], or to adopt laziness or inaction, but rather it means that one should always endeavour, as per his ability and according to Allah's orders, in various aspects of life, and then if the things that were destined to happen occur, [and he faces difficulties,] he should not react with anger, resentment, and dismay, but rather he should receive it with good acceptance/acknowledgement, so that he would be rewarded in full and not in short.

Perseverance

Things have their particular standards and criteria, and it is imperative for the individual not to breach the limits of those conditions. Perseverance or patience (*ṣabr*) is to maintain moderation and temperance in conducts and reactions; no haste due to improper thinking or premature endeavour, and no inaction and delay that brings about deterioration and loss.

Some suggest that there should be no *ṣabr* when embarking on a good or charitable deed, but this is a negligence on the meaning of *ṣabr*, since in addition to the virtues and merits of *ṣabr* outlined in the Holy Qur'an and the hadith, *ṣabr* is a human value and quality that provides astonishing outcomes in seeking perfection, quality and accuracy of executing a task, and reforming and rectifying a condition. Therefore it is imperative for one to observe this virtue, and to strengthen this talent or *malakah* in him.

Scholars have divided *ṣabr* or perseverance into three categories;¹

1. Perseverance on obedience; i.e. fulfilling the religious obligations such as performing daily obligatory prayers, fasting, hajj, zakāh, and suchlike.
2. Perseverance on desisting from committing *ḥarām* and abstaining from committing any sin or crime. Perseverance on desisting from committing disobedience means that one does

¹ In reference to the hadith to this effect, Bihar al-Anwar, vol.79, p139

not transgress or violate the teachings of Islam, and does not commit any act – driven by desire – that is contrary to the shari‘ah, reason or *‘urf*, which is the common customs and practices.

3. Perseverance and good-handling when faced with tribulations.

Chapter Two: The Lesser Jihad

Case: The lesser jihad is in general obligatory and it is the struggle against oppressors, which is:

- a. Either pre-emptive; in that the Muslims despatch troops to fight the non-believing oppressors; it is prohibited to initiate this kind of jihad in the four forbidden months, which are Rajab, Dhul-Qa‘dah, Dhul-Ḥajjah, and Muḥarram. However, self defence is mandatory – even in these four months – if the non-believing oppressors attack the Muslims.
- b. Or a defensive jihad in that the Muslims fight the aggressors defending their selves and their countries.

Case: The jihad against the non-believers – according to its criteria – is “*wājib kifā’ī*” “collective obligation” or “obligatory as per sufficiency” in that it is not obligatory for the rest of the people if sufficient number of individuals take it up; if those who could execute this duty do not do so, then all those who are able to do jihad are considered to have committed disobedience.

Criteria for the obligation of jihad

1. maturity
2. sound mind
3. freedom
4. to be male
5. not to be old
6. not to be blind or disabled, and not to have an illness that prevents him from doing the jihad
7. to have in his possession the weapons for battle, so it is not mandatory for the poor who are not able to purchase the weapon
8. that the *ma‘soom* Imam,¹ peace be upon him, gives permission for jihad, or his specifically-appointed or general deputies do so.

¹ The *ma‘soom* Imam is in reference to any one of the twelve Imams who have been appointed by Allah’s Messenger on instructions from the Almighty to lead the nation after Prophet Muhammad peace be upon him and his pure family.

Fighting the unbelievers

Almighty Allah states in the holy Qur'an, ﴿and why don't ye fight in the way of Allah and the oppressed﴾.¹

Case: It is mandatory upon the Muslims – as a “collective obligation” (*wājib kifā'i*) – to fight in two cases (an obligation as per sufficiency):

Firstly: to rescue the oppressed from the oppressors.

Secondly: to defend the Muslims along with their honour, wealth, and countries from the attacks of the invading enemy or those who have violated the treaties; regardless of whether this is with people of the book – who are the Jews, Christians and the Zoroastrians – or other than them from amongst the polytheists, atheists, etc. as well as the renegades who are labelled as Muslims – such as the people of (the insurgencies of the battles of) the Camel, Şiffeen, Nahrawān, and those who fought Imam Hussein, peace be upon him, on the day of Āshurā'.

Case: Before the start of the battle the non-believers of the people of the book are given the choice between three:

1. Islam, which is to embrace Islam through declaration of the two *shahādah* (testimonies of faith); to testify to the oneness of Allah and to the Prophethood of the prophet of Islam, Muhammad peace be upon him and his pure family, and adhering to the laws of Islam.
2. *jizyah*, in that they pay tax for the protection they receive.
3. Combat.²

(³) These options are also given to the unbelieving who are not people of the book, if the just religious scholars with knowledge of war issues consider it to be in the general interest. As for the renegades they are given the choice between fighting and abandoning it.

¹ The Holy Qur'an, Women (4):75

² The late Imam Shirazi adds a fourth category: (4. or whatever the Council of the *fuqahā' marāje'* deems appropriate.)

³ The late Imam Shirazi: (The non-believing other than the people of the book are also given to choose between these options.)

Prohibited and undesirable acts of war

Case: It is not permissible to kill children and women, just as it is not permissible to mutilate the bodies of the dead of the non-believers.

Case: It is extremely detested and undesirable (*makrooh*) to cut the trees, cause flooding, burning, poisoning the water or the air, using chemical/biological bombs and similar [measures against the environment]. It is also undesirable to assault the enemy during the night. Some of those measures could indeed be deemed prohibited under Circumstantial Overriding Rulings,¹ (such as when the non-believers being denied the opportunity to consider the evidence and argument of the divine).²

¹ Circumstantial Overriding Ruling (or '*unwān thānawī*' as it is known in the literature of Islamic jurisprudence) is a ruling of exceptional circumstances in that it overrides the default or primary ruling to the extent that something that is prescribed as obligatory (*wājib*) by primary ruling becomes prohibited (*ḥarām*), or something is prohibited (*ḥarām*) could become obligatory (*wājib*). For example, fasting is obligatory, but in the case of an individual who suffers from a particular illness and fasting is harmful to him, as per COR it is obligatory for this person not to fast; thus the obligatory becomes prohibited for such an individual given his particular circumstances. Another example of COR is that eating the meat of an animal that is not killed in the prescribed way, and the pork meat is prohibited (*ḥarām*), but if one is stranded in the middle of desert, say, and has no access to permissible food, and is faced between imminent death or eating from *ḥarām* meat, then the COR is that under these circumstances it is permissible for him to eat from that meat; indeed it would be mandatory for him to do so if his life depends on it. [Needless to say, one should eat only the minimum necessary and not more than that.] Thus in compelling circumstances the prohibited could become obligatory. An example of COR or '*unwān thānawī*' on governmental scale is that other than the two taxes prescribed by Islam – namely *khums* and *zakāh* – any other form of taxation is expressly prohibited (*ḥarām*). However, under exceptional compelling circumstances – as in the case of a war for example – the just leader may – under COR – levy some extra form of taxation to help cover the war expenses. However, as with eating the *ḥarām* meat, this is only a limited and temporary measure which should be lifted as soon as the compelling circumstances are gone, and revert to the normal rulings concerned.

² The content between () is not part of the fatwa of the late Imam Shirazi.

Chemical weapons

Case: Use of chemical and biological weapons against the non-believers is strictly and emphatically prohibited.¹

The exception is if non-use of them constitutes greater harm for the weak and the oppressed, or if the non-believers were using it. For other than these two scenarios, it is obligatory to abstain from their use.

Miscellaneous cases

War and retaliation

Case: If victory of the Muslims against the enemy in a battle – whether in a pre-emptive one or in one to rescue the oppressed from oppressive rulers or in a defensive one – is dependent on air attack with airplanes and suchlike, which could cause civilian deaths amongst the non-believers, it is permissible if it is in retaliation; this is because they also attack, and in the process non-combatants from amongst the Muslims are killed. This is in addition to the fact that achieving victory is mandatory and has highest priority, since if the enemy were to overcome [the Muslims] this would constitute far greater harm and danger. In fact it is mandatory to attain victory even, under certain circumstances, at the cost of the Muslim being killed; if the non-believers took Muslims as human shields, as given in the section of jihad [in jurisprudence books]. However this is only practiced when absolutely necessary and as a last resort – since the cases of absolute necessities are evaluated on their own merit – and that the matter is very carefully examined by experts, while being aware of the priorities involved, and on the condition of the permission of the *fuqahā'* – the pious and righteous ('*ādil*) jurist scholars.² It is obligatory to pay compensation for the loss caused to the non-combatant in terms of death, or loss of limb or ability, or loss of wealth and property.

¹ The Prophet Muhammad's sixth successor, Imam Ṣādiq, peace be upon him, said, Amir al-Mo'mineen, Imam Ali, peace be upon him said, "Allah's messenger prohibited the hurling of poison in the lands of the polytheists". Al-Kāfi, vol.5, p28; Wasā'el al-Shi'a, vol.15, p62; Biḥār al-Anwār, vol.19, p177.

² The late Imam Shirazi: (and the permission of the council of the *fuqahā'*.)

If there were doubts about the matter [of compensation], then it is necessary to act on the principle of ‘General Knowledge’ (while adhering to observing total precaution)¹ in non-financial matters, and on the principle of ‘Justice and Fairness’ in financial matters.

Spoils of War

Case: The things that the Muslims obtain in their battle with the non-believers are called *ghanimah* or spoil of war. When the Muslims obtain the *ghanimah*, they must:

1. set aside an amount to be dispensed in whatever the Imam, peace be upon him, considers appropriate.
2. to set aside the *ṣawāfī* which is the share of the Imam, peace be upon him.
3. then the remainder are divided into five portions:
 - i. one fifth of it is dispensed as Khums as mentioned in the Book of Khums,²
 - ii. the other four fifths are divided amongst the Muslims as given in the following case.

Case: The *ghanimah* acquired by the Muslims in battle, if it is movable (i.e. other than land and suchlike) must be divided between the fighters; for every foot soldier one share, mounted soldier two shares, and he who has several horses three shares. Nowadays, entities such as the vehicle have the ruling of the horse.

Assassination

Case: Pre-emptive targeted assassination is extremely prohibited, except if the enemy exercises it or triumph becomes dependent on it. Similarly, burning crops and suchlike, is only permissible if it is in retaliation to such conduct by the enemy. However it is imperative to avoid such measures except in extremely compelling circumstances.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² This is in reference to the specialist jurisprudence text reference on Khums.

Cold War

Case: Waging cold war against the enemy and propaganda to mislead the enemy are permissible; this is because if the non-believer exercises such measures, then it is permissible to do likewise, while avoiding dishonourable measures as much as possible. It should not entail another forbidden measure that is even more severe in its prohibition.

War expenses

Case: If the expenses for an obligatory war increased, given the need for missiles and suchlike, to the extent that the government cannot meet the expenses with the facilities it has, it is permissible for it to seek the extra expenses necessary from the people, even if this was outside the Khums and zakāh. This is because jihad is obligatory for all; and the expenses are amongst the prerequisites upon which [this] obligation depends. It is mandatory to aim for a plan that constitutes minimum burden on the nation, such as borrowing, fundraising, and suchlike.

Military conscription

Case: For the purpose of military training, it is mandatory for the legitimate Islamic government to facilitate opportunities for voluntary military training, and it is not permissible to have compulsory military conscription except in extreme and persistent cases.

Non-Islamic wars

Case: If a soldier is compelled to participate in an un-Islamic war, then it is obligatory that he does not kill anyone, nor injure a human being; but instead he should fire in the air and suchlike. Also it is imperative that he does not damage property, and if the commander orders him to plunder the property of the people, it is mandatory that he does not do so, and in extreme circumstances he should do the minimum possible. However, there is no such permission in the case of shedding blood, in which case there is no dissimulation (*taqiyyah*) for it. The same goes for frightening people, it is imperative to avoid it to the utmost possible, or in extreme cases do the minimum possible, for frightening others is extremely prohibited. In any case he remains liable to that and it is imperative that he compensates for it.

The soldier and people's rights

Case: In the previous case, it is not permissible for the soldier to plunder wealth or burn something sacred, or suppress a freedom, for if he does that he would be liable to it, and it would be imperative for him to compensate the owner, just as it would be imperative to satisfy he whom he suppressed, and if it were not possible for him to do so,¹ he should seek forgiveness from Almighty Allah.

Transgression against the non-transgressor

Case: If a group of non-believers attacked a group of Muslims, then it is not permissible for those Muslims, or for other Muslims, to transgress against other non-believers; the Almighty said, ﴿No bearer shall bear another's burden﴾.² So if – for example – the Sikh transgressed against the Muslims in India, then it is not permissible for the Muslims in Pakistan to transgress against the Sikh present in Pakistan; except if the Sikh – for example – were all united as a single entity against the Muslims.

Alliance of non-believers

Case: The ruling of the previous case is applicable if the non-believers of India and Pakistan are not in alliance with one another against the Muslims who were attacked by some of the non-believers of India. Otherwise, [if they are in alliance] it would be permissible for the Muslims to respond likewise, while observing the criteria of defence that Islam has stressed upon.

The difference between this case and the exception condition cited in the previous case is the issue of the two situations involved, namely:

- (1) Unity [of the broad body of a single sect of the non-Muslim attackers], and
- (2) Alliance [of the various sects of the non-Muslim attackers]. And in both situations, the applicable rulings of the two are the same.

¹ Like for example the individual concerned was not reachable.

² The Holy Qur'an, 6:164, 17:15, 35:18, 39:7.

Requital of aggression

Case: If a non-believer transgresses against a Muslim, it is not permissible for another Muslim to return the transgression against that non-believer. So for example, if a Sikh attacks a Muslim, then it is not permissible for another Muslim to attack that Sikh, except if it were according to the criteria of jihad and Islamic defence.

Discord amongst the non-believers

Case: It is permissible to entice discord amongst the non-believers who are fighting the Muslims, and also amongst some of the Muslims who have abandoned the fundamental principles of Islam and have joined up with the foreigners and have become a means for the non-believers to overtake the Islamic lands. However this is not applicable to other Muslims or even to the non-believers, who are not combatants against the Muslims, for that is not permissible, regardless of whether they are in the land of Islam and under its protection, or in other countries.

Limits of discord

Case: What is mentioned in the previous case is permissible as long as the discord does not lead to what Islam does not endorse, such as shedding blood; otherwise it is imperative to assess the legitimate priority of the two prohibited issues, one of which may be unavoidable.

Hurting non-believers' offspring

Case: It is not permissible to hurt the non-believers' offspring in retaliation of the non-believers hurting Muslim children. For example if some of the Jews take Muslim children and hurt them out of hatred, then it is not permissible for the Muslims to take Jewish children and hurt them.

Hurting prisoners of war

Case: It is absolutely not permissible to hurt the non-believers' prisoners of war, even if it is in response to the non-believers hurting Muslim prisoners of war.

Abduction

Case: Abduction is not permissible.

Retaliation

Case: What was mentioned in the previous three cases [about the non-permissibility of hurting children, PoW, and abduction] is applicable if the non-believers were prevented from hurting Muslim children, or their prisoners of war, with means other than those. But if they were only prevented by such retaliation, will it be permissible? There are two possibilities. [It is either not permissible, or] if it were to be allowed [by an authority], then it is mandatory for it to be kept to the absolute minimum possible. After all it is imperative that all of that is (with the permission of the fully qualified pious and righteous (‘*ādil*) *fuqahā*’ who are religious authorities (*marāje‘*))¹ this [matter should be addressed collectively by the religious authorities and not by one or two of the *marāje‘* only] because it concerns the body of the Muslims and affects the reputation of Islam.

Alliance with non-believers

Case: If it were possible to enter into an alliance with non-believers in order to defeat an attacking disbelieving force, or to restrain a Muslim to abide by Islamic law [i.e. restrain him from vice or evil], and that alliance poses no harm, then it is permissible, regardless of whether the disbelieving ally is Ahl al-Kitāb or other than them.

¹ The late Imam Shirazi: (with the permission of the council of the *fuqahā*’ who are religious authorities.)

Chapter Three: Devotion and Disownment

(*Tawalli* and *Tabarri*)

The rulings of *tawalli* and *tabarri*

Case: It is mandatory to have devotion and dedication (*tawalli*) to Almighty Allah, the Prophets peace be upon them, the *ma'ṣoom* Imams peace upon them, Fatima al-Zahrā' peace be upon her, and to the *awliyā'* (devout servants) of Allah.

Case: It is mandatory to oppose, contest and disown (*tabarri*) the enemies of Allah, the enemies of the prophets peace be upon them, the enemies of the pure *ma'ṣoom* Imams, peace be upon them, the enemies of Fatima al-Zahrā', peace be upon her, and the enemies of the *awliyā'* (devout servants of Allah).

Case: It is mandatory to manifest devotion (*tawalli*) to Allah, the Prophets, the *ma'ṣoom* Imams, peace be upon them, and Fatima al-Zahrā', peace be upon her. Similarly it is mandatory to manifest disownment of the opponents of Allah, the Prophets, the *ma'ṣoom* imams, peace be upon them, and Lady Fatima al-Zahrā', peace be upon her.

Case: If it is not possible for one to reveal his devotion, for example if one were in a country of disbelief, and knew that manifesting Islam would result in one's death, then there is no objection to non-manifestation, as stated in the Holy Qur'an (except under compulsion, his heart remaining firm in Faith).¹

Case: It is mandatory to show dedication to the faithful, and disownment to those who oppose them through speech and deed.

Case: There are various degrees to the dedication to the faithful, and disownment to those who oppose them:

¹ The Holy Qur'an, The Bee (16):106

1. Dedication or disownment by heart.
2. Manifesting dedication or disownment by being vocal about it.
3. Manifesting dedication or disownment through, for example, befriending the faithful and avoiding the non-believer.

Case: It is imperative that the faithful are merciful and compassionate amongst themselves, while where it is necessary they are hard upon the non-believers – otherwise the guiding principle in Islam is peaceful coexistent even with the non-believers, as it is precedent in the dealing of the Prophet, peace be upon him and his pure family, and the commander of the faithful Imam Ali, peace be upon him, and all other *ma 'soom* imams, peace be upon them.

Case: There is no objection to being kind to the non-believers (except to the combatants while in a state of war)¹ if this is not for their disbelief, but on humanitarian grounds, for Almighty Allah states, ﴿Allah does not forbid you in regard to those who do not wage war against you on account of religion﴾.²

Case: There is no objection to doing charity to disbelieving relatives, as reported in some narrations; rather charity is desirable for all humanity.

Case: He who rejects one of the principles of the religion, or rejects one of the indispensable requirements of the religion, such as the daily obligatory prayers – while clearly knowing that this rejection would be tantamount to rejecting the prophethood – he would be deemed to have rejected the Islamic religion altogether, and it would be mandatory – on collective (*kifā'i*) basis – to endeavour and make all efforts to guide him to the truth.³

Case: He who rejects one of the previous prophets, peace be upon them, or the prophethood of the Seal of the Prophets, peace be upon him and his pure family, would be deemed to have rejected the Islamic religion altogether, and it would be mandatory to endeavour and make all efforts to guide him to the truth.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The Holy Qur'an, Examined (60):8.

³ Through proving to him the evidence and thus guiding him to the truth.

Chapter Four: Bidding Good and Forbidding Evil

(*Amr bil-Ma‘roof & Nahy ‘anil-Munkar*)

The rulings for bidding good and forbidding evil

Good

Case: Good is what Islam has prescribed as mandatory such as ṣalāh, fasting, or called for such as charity and giving food. Bidding Good (*amr bil-ma‘roof*) is mandatory when it concerns obligatory (*wājib*) acts and is *mostaḥab* when concerning the *mostaḥab*.

Case: Amongst the categories of Bidding Good is to enjoin [the people] to act upon the rulings and teachings of Islam and implement them in all the domains of life such as trade, politics, economics, agriculture, loan, endowment, marital and family relationships, divorce, judiciary, witnessing, inheritance, rights, punishment, penalties, and suchlike. It is imperative to enjoin and insist on implementing the Islamic freedoms, [the concepts of] the Islamic brotherhood, and the One Islamic Ummah.

Evil

Case: Evil is whatever Islam has prohibited such as liquor, adultery, usury, cheating, hurting, wronging, and suchlike, or has denounced and rejected such as attending gatherings of vanity and idleness, overeating, eating while not hungry, etc. Forbidding Evil (*nahy ‘anil-munkar*) is mandatory when it concerns prohibited (*ḥarām*) acts, and it is *mostaḥab* when it concerns *makrooh* acts.

Case: Amongst the categories of Forbidding Evil is to prohibit acting upon western or eastern systems, such as the imported systems that today govern the Islamic land. And amongst those categories is to prohibit the suppression of Islamic freedoms, the confiscation of property unjustly, the un-Islamic taxes, spying on people, the artificial geographical borders created between Muslim countries, considering Muslims as foreigners [on grounds of nationality], nationalism, and suchlike.

The ‘ayni and kifā’i obligation

Case: Bidding Good and Forbidding Evil (*amr bil-ma‘roof* and *nahy ‘anil-munkar*) are “collective obligations” (*wājib kifā’i*), and so if some [individuals or groups of people] take up the task and sufficiently discharge the duty, the obligation will be waived for others, but if some who can competently address the matter do not do so, then all have committed disobedience.

Case: If Islam is in danger, the duty of Bidding Good becomes obligatory upon all without exception, in that it is imperative upon all to rescue Islam from the danger even if in the process that constitutes harm to the person or causes his/her death.

Criteria for the bidding and forbidding

Case: There are a number of criteria for Bidding Good and Forbidding Evil, which are:

1. The person bidding the good and forbidding the evil should himself understand or recognise the good and evil,
2. The person believes that his endeavour would have some effect – be it minimum – on the individual concerned. However if one knows that the individual to be enjoined to do good would not heed one’s call, then it is not mandatory for one to enjoin him.
3. That the person who commits evil, or the one who has abandoned the good, insists on his action; for if one committed a evil but then regretted his act and decided never to do it again, then it would not be mandatory to forbid him from evil.
4. That the task of Bidding Good and Forbidding Evil does not constitute harm to the person who is performing this duty.

Stages for the Bidding and Forbidding

Case: There are three stages to Bidding Good and Forbidding Evil:

1. To show one's contempt to the evil committed by a person such as frowning at the person, or at one who has abandoned an obligatory duty.
2. To denounce that verbally, and to show the disapproval by admonishing and by guiding to the truth and the good.
3. To denounce by hand, for example by hitting the person committing the evil.

Case: For every one of these stages there are different levels, and it is imperative that one adopts a gradual approach in the process beginning with the minimum and lowest level of every stage, and if that was not effective, one may proceed to the following.

Case: It is mandatory for every *mokallaf*¹ to despise every evil (*munkar*) in his heart, regardless as to whether or not he could reveal it.

Case: It is permissible to despise through the hand, provided it does not reach the limit of wounding or killing, for in that case it requires the permission of the *ḥākim al-shar'ī* or the Shari'ah judge.

Case: Bidding Good and Forbidding Evil is not only obligatory for the religious scholars or the clergy, but all Muslims are required by Islamic law to bid good and forbid evil.

Miscellaneous rulings

In defence of Islam

Case: If Islam is attacked or abused in front of the Muslim who is residing in the west, it is obligatory for him to defend it – according to the criteria of Bidding Good and Forbidding Evil – and if he could not provide the appropriate response, he must seek assistance from the country of Islam in order to obtain clarification on the position he ought to adopt.

¹ *Mokallaf* literally means responsible, and it is in reference to an individual who has reached the age of adolescence and is obliged to observe and fulfil all one's religious duties such as the obligatory five daily prayers, khums, zakāh, fasting of the holy month of Ramaḍān, and Hajj.

Repelling evil through non-Islamic means

Case: If the oppressive ruler would counter evil through non-Islamic means, it is not permissible to refer to him, except if stopping that evil is of higher priority; for example if, when he is referred to in the case of an individual who has violated the honour of the people, [the ruler] would imprison him for a month, say, then it is permissible to refer to him in order to repel the evil of the assailant – since sustaining the violation of the honour of the people is graver in the view of the Islamic law than imprisoning the assailant, even though imprisonment of the assailant is not an Islamic ruling.

Confining the evil perpetrator

Case: If it is possible to confine an individual who had abandoned a good that is obligatory for him or had committed an evil that is prohibited for him and suchlike, until he is compelled to reform, it is imperative to assess which one of the two is more important in the view of the law (shari‘ah). If it were deemed more important to confine and detain, then it is permissible, otherwise it is not permissible.¹ The same is also applicable in the case of freezing his wealth to prevent him from drinking wine, or committing adultery, and suchlike. All such measures require the permission of the *Hākim al-Shar‘i*.

Bad habits

Q: What is the ruling for an individual who knows of and keeps quiet about bad habits amongst the faithful?

A: If the habit is of the prohibited kind, then it is mandatory to practice “Bidding Good and Forbidding Evil”.

¹ The permission here is exceptionally given vis-à-vis the prohibition of detention in principle – as detention is not generally allowed in Islam – otherwise it is imperative to declare the obligation of detention in this respect. In other words, normally it is prohibited to detain an individual, but if one commits something that is deemed to be of greater gravity than the prohibition of detention and it is established that he can only be stopped through detention, then not only would it be permissible in this case, but in fact it becomes obligatory to detain him.

Suspicion and faultfinding

Q: What is the ruling concerning suspicion of and faultfinding about others and publicising them amongst the people?

A: It is definitely prohibited.

Boycotting the sinners

Case: In this day and age it is not mandatory to boycott the people who regularly sin, but rather it is imperative to accommodate them so that they may turn away from their sinful or unrighteous way, even if they are those who had abandoned performing the daily prayers, or have been committing other sins; unless keeping their company is associated with another conduct that is prohibited.

Q: Is it mandatory to keep away from sinners, given that sometimes this might cause them to detest religion?

A: Perhaps in this day and age accommodating the sinners by keeping them company and preaching to them might help distancing them from committing sin.

Q: Is it imperative to boycott the sinning and disobedient Muslim?

A: One should not boycott him but rather should advise him [to abandon the bad conduct].

Universality of obligation

Q: Is the obligatory nature of “Bidding Good and Forbidding Evil”, as well as campaigning for Islam and giving advice limited to the clergy or are they applicable to all sections of the Muslims in the community?

A: All these are applicable to all Muslims, [which should be carried out] according to the said requirements.

Chapter Five: Peace and non-Violence

Preface

Allah Almighty outlines some of the qualities of Prophet Muhammad, peace be upon him and his pure family, in the Holy Qur'an, some of which are as follows:

«It is by the mercy of Allah that you are lenient with them (O Muhammad)».¹

«There has certainly come to you a Messenger from amongst yourselves; grievous to him is your distress, he has deep concern for you, and is most kind and merciful to the Faithful».²

«We did not send you but as a mercy to all the nations».³

«And indeed you conform (yourself) to sublime morality».⁴

It is a historical fact that it was the dawn of Islam and the tireless endeavours of Prophet Muhammad, peace be upon him and his pure family, that brought about peace and harmony to a region which was the pit of numerous prolonged wars which were continuous throughout the year, ravaged by campaigns of hatred and animosities that had lasted for generations. Poverty was widespread and thievery and plundering was commonplace. The people of that region had never seen peace in their lives, and did not know the meaning of tranquillity – except that is when Islam came to rule.

When Prophet Muhammad, peace be upon him and his pure family, began his call to Islam, the people were hostile to him – but he did not return their hostilities with hostilities. When they hurled stones at him, causing him to bleed profusely, the prophet was told to pray against

¹ The Holy Qur'an, (3):159

² The Holy Qur'an, (9):128

³ The Holy Qur'an, (21):107

⁴ The Holy Qur'an, (68):4

them, but he prayed for them saying, while wiping his blood-covered face “O Allah forgive my people for they are ignorant”.

But the enemies of humanity did not like what they saw in terms of Islam spreading peace, tranquillity, and prosperity among the nations. So from the outset they waged their campaigns with the aim of distorting the reputation of this divine religion.

From the outset there were those who wanted to prevent the message of Islam from spreading, and spared no effort to derail the teachings of Islam established by Prophet Muhammad and distort those teachings. Those who toppled the Prophetic system and installed themselves after the Prophet wasted no time in taking up such endeavours; they who ruled in the name of Islam but destroyed the Islamic country and its people from within. When one of the Umayyad tyrants commissioned one of his elite military commanders from his inner circle, by the name Sufiān ibn ‘Awf al-Ghāmdī, he instructs him as follows: I am despatching you with a massive army armoured to the teeth. So march along the Euphrates until you come upon the Heit; destroy it and uproot its trees, if you come across troops attack them, otherwise move on until you attack al-Anbar; if you do not come across troops there move on to attack Mada’in. O Sufian! These raids terrify the hearts of the people of Iraq; so kill whoever you come across who is not in agreement with your opinion, destroy every town and village you come across, plunder wealth and property – for plundering of wealth and property is like killing, and it causes heartache.¹

On another occasion, the said tyrant ruler commissioned another one of his military commanders, Bosr ibn Arṭa’ah, this time to the Hijaz and the Yemen (the Arabian Peninsula). He instructed Bosr as follows:

Proceed until you arrive at Medina; there chase the people and terrorise whoever you come across, plunder whoever you find to have any money or wealth who is not in our obedience ... frighten all the people between

¹ Al-Thaqafi, Ibrahim ibn Muhammad ibn Hilal, *al-Ghārāt*, vol.2, p320 (alt. ed. p466). Also Ibn Abil-Ḥadid al-Shāfi‘i, *Sharh Nahj al-Balaghah*, vol.2, p85.

Mecca and Medina and make them runaways and fugitives [without homes and properties].¹

On the other hand, when Imam Ali – the successor of Allah’s messenger appointed by Prophet Muhammad – came to stop the tyrant and his evil conduct at what became known as the battle of Şiffeen, Imam Ali, peace be upon him, instructed his army as follows:

Do not begin to fight the other side until they begin to fight you; for you – by the grace of Allah Almighty – have the right proof and evidence, and by abstaining from fighting them until they begin fighting you this constitutes another proof and evidence for you against them. If you engage in battle with them and defeat them, then do not kill those who are running away, nor attack their injured; do not strip off them their clothes nor mutilate the dead, and if you reach their camp do not violate its sanctity and do not enter a house except with permission. Do not take anything of their property except what you find in their barrack. Do not agitate a woman by annoying her – even if they curse your family and ridicule your leaders and your revered righteous ones.²

But Islamophobia became the most powerful weapon in the hands of those who did not want to see the teachings of Islam reach all humanity. They called Islam ‘the religion of the sword’, ‘the religion of bloodshed’, or ‘the religion of terror’. To a certain extent such tactics proved very effective in achieving their aim.

But by the will and grace of Allah Almighty, the truth of Islam will prevail, no matter how hard the adversaries try, as this is confirmed by the Almighty in the Holy Qur’an; ﴿They desire to put out the light of Allah with their mouths, but Allah is intent on perfecting His light, though the unbelievers should be averse﴾.³

¹ Al-Thaqafi, Ibrahim ibn Muhammad ibn Hilal, *al-Ghārāt*, vol.2, p409 (alt. ed. p600). Also Ibn Abil-Ḥadid al-Shāfi‘i, *Sharh Nahj al-Balaghah*, vol.2, p6. Majlisi, *Bihar al-Anwar*, vol.34, p7.

² Ṭabari, *tāreekh al-Ṭabari*, vol.4, p6. Ibn Abil-Ḥadid al-Shāfi‘i, *Sharh Nahj al-Balaghah*, vol.4, p26. Noori, Sheikh Husayn, *mostadrak al-wasā’il*, vol.11, p86. Majlisi, *Bihar al-Anwar*, vol.33, p461.

³ The Holy Qur’an, Repentance (9):32

Various works have been produced to show the essence and beauty of the teachings of Islam and its call for peace and non-violence, and for the avoidance of war and bloodshed. Amongst those works are ‘The Aroma of Mercy’, ‘The Best Leader for Mankind’, and ‘From the fragrant teachings of the religious authority’,¹ as well as ‘For the first time in history’,² ‘Prophet Muhammad – A mercy to the world’, ‘War, Peace and Non-Violence – an Islamic perspective’, and ‘The Jurisprudence of Peace’.³

When the second Palestinian *intifada* began, (during the 1990’s), the late Imam Muhammad Shirazi issued a communiqué advising the Palestinians to avoid all forms of violence – including abstaining from throwing even stones at the Israeli soldiers.

Islam’s Passion for Peace

Q: Islam calls for peace, just as *salām* – peace – is the slogan of Islam. Is it possible to say that this is applicable to Muslims only on the grounds of statement of the Almighty; ﴿they are hard against the faithless and merciful amongst themselves﴾?⁴

A: Islam is passionate about peace, even with the foes, hence the Almighty states, ﴿repel evil with that that is the best, such that he between whom and you there is enmity, will be as though he were a sympathetic friend﴾.⁵

In his famous supplication of “*noble traits*” Imam Sajjād peace be upon him said, “O Allah direct me so that I respond to he who cheats me with good counsel, pay he who abandons me with kindness, reward he who deprives me with generosity, make up for he who breaks his bond with me with strengthening the bond.”⁶

¹ These works are by the author, Grand Ayatollah Sayyid Sadiq Shirazi.

² In 640 pages, this work is by the late Imam Muhammad Shirazi.

³ In 800 pages, *The Jurisprudence of Peace* is volume 160 of the *Jurisprudence series; al-Fiqh* by the late Imam Muhammad Shirazi.

⁴ The Holy Qur’an, Victory (48):29

⁵ The Holy Qur’an, Explained (41):34

⁶ Al-Şahīfah al-Sajjādiyyah, supplication #20; the Noble Ethics.

The Almighty states in the Holy Qur'an ﴿and if they incline towards peace, then you too incline towards it, and put your trust in Allah.﴾¹

And the Almighty also says, ﴿O you who have faith enter into the peace all together.﴾²

As for the word of the Almighty ﴿they are hard against the faithless and merciful amongst themselves﴾ that is only to do with extreme exceptional circumstances; it is like a difficult medical surgical operation. Evidently we see that Allah's messenger, peace be upon him and his progeny, as well as the divinely appointed *ma'ṣoom* Imams, peace be upon them all, endeavour to eliminate the causes of enmity and try to eradicate them, and the Prophet is famous for saying to his archenemies after they had all surrendered to him – and while they feared the consequences of the long and painful torments they had subjected the Prophet and his followers over the years – “You can all go; for you are at liberty.”³

Islam is the religion of peace

Q: Is Islam the religion of peace or is it a religion of war?

A: Undoubtedly Islam is the religion of peace; the Almighty declares ﴿O you who have faith enter into the peace all together﴾.⁴ However, if one transgresses against the people, or against the Muslims, then Islam fights back for the sake of justice, truth, and repelling aggression.

Supporting peace

Q: How does Islam support peace?

A: Islam aims for the establishment of security and safety – inside the Muslim country and outside. Inside the country it aims to eradicate crime, and outside the country it does not transgress against anyone, and it slaps the hands of the aggressors.

¹ The Holy Qur'an, Estates (8):61

² The Holy Qur'an, Heifer (2):208

³ Al-Kāfi, vol.3, p512.

⁴ The Holy Qur'an, Heifer (2):208

Peace in international relations

Q: How does Islam keep the peace globally?

A: Islam does not transgress against anyone, and any country that inclines towards peace Islam would also incline towards it, the Almighty declares, ﴿and if they incline towards peace, then you too incline towards it, and put your trust in Allah﴾,¹ and if there were a battle Islam would engage in it in the most splendid manner, the like of which has never been seen. Of course, Islam repels aggression of other countries.

Reputation of Islam

Case: It is not permissible to commit acts of violence that distort and tarnish the image and reputation of Islam or the Muslims.

Peace between government and people

Q: How does Islam keep the peace between the government and the people?

A: The government in Islam is a people's government in the true meaning of the word. Islam provides the people the opportunity of engagement and expressing their opinion, of wealth creation, education, freedom, security, health, and bidding good or the promotion of virtue in the best possible manner.

¹ The Holy Qur'an, Estates (8):61

Part Two

Morals and Character Building

PART TWO: MORALS AND CHARACTER BUILDING

Chapter One: Youths' Affairs

Attending to the Youths

Case: One of the most important obligations of the Islamic government – and the Islamist movement before the establishment of the government – is attending to the youths, since they, as social scientists assert – are about one third of the population of the society, and their energy is more than one third given their vigour and vitality, and their increasing enthusiasm and exuberance – since an individual does not enjoy avidity before the youth age nor afterwards.

Therefore, it is obligatory to pay particular care and concern to the issue of the youths – boys and girls – by meeting their needs, and channelling their energies to the best of their interest, the interest of their countries, and the interest of their societies; but that is not going to be easy, rather it requires devising numerous constructive policies, and setting up various consultative conferences, and suchlike.

Responsibility for the Youths

Case: It is essential for the thoughtful and judicious such as scholars and educationalists to pay special attention and concern themselves with the subject of the youths and their issues and the problems they may have. [They must] lead and manage the youths within correct/safe organisations and groups so that they would not end up in western or eastern political parties or corrupt associations.

Therefore there is a great responsibility upon the shoulders of all concerned. Managing and accommodating the youths and directing them can only be achieved through correct, effective and intelligent guidance such that the youths – both male and female – are endowed with jobs versus unemployment, knowledge and learning versus ignorance, accommodation, health, protection versus their deprivation.

Constituents of Youths' Patronage

Case: Addressing the issues of the youths requires certain constituents that must be provided:

Firstly: Forming Islamic political parties that are associated with the *faqih marāje'* (fully qualified religious authorities); such that each *marje'* has his own party of his youth followers and devotees. The *marāje'* should also have a group of learned scholars who are pious, up-to-date, and trustworthy, to manage the youths' business, and some of these various groups could cooperate with one another.

Secondly: The provision of libraries and suitable books for the youths according to their age groups, education, cultural, and social levels and suchlike. The same goes for all other forms of education and cultural enhancing means such as pulpits, radio and television, newspapers, magazines, CD's video, etc.

Thirdly: Facilitating suitable loans to those who want to set up a business and do not have it, so that he could make a living, develop and progress.

Fourthly: Providing for their personal needs such as helping them with marriage and accommodation, and work placement.

Fifthly: Setting up organisations and associations for them such as student unions at schools and colleges, unions for various professions, and suchlike.

Sixthly: Providing places of worship and religious activities such as mosques, *husayniyyah* and suchlike.

Seventhly: Facilitating their healthcare by the provision of clinics, hospitals, pharmacies, as well as centres such as mother-and-baby units.

Eighthly: Setting up conciliation bodies to resolve their family problems, as well as social, political, financial problems, and suchlike.

Ninthly: Teaching and purification: teaching them the Book and wisdom, and helping them purify and character-build themselves – from cradle to grave – as mentioned in the prophetic hadith.

Youths' Awareness

Case: It is essential to promote and spread awareness amongst the youths in order to enable them to identify and adopt the appropriate and safe ways of life.

The ways of life could be many and have many difficulties – especially in this day and age – and therefore it is imperative that the youths are guided – theoretically and practically – so that they would know how to tread in this straitened path safely and securely, in its economic, social, political, familial dominions and suchlike, and how to solve his problems.

Youths' Creed

Case: One of the most important issues concerning the youths is that of the creed; for it is the creed that protects an individual in various stages of life. Furnished with the correct creed in a comprehensive manner is the guarantee against being swept away by various corruptions.

And since the blessed Islamic creed is in harmony with the intellect, the natural disposition, and reason, the youths accept it quickly, but the important issue here is to put them on the right track at the outset so that they will proceed to the end with steadfastness, commitment, and dedication by the Will of Allah.

Youths' Education

Case: It is imperative for the (youth) leaders to facilitate education of the youths in every sense of the word; and not in the way that is customary today in that they study, finish university, and begin their lives while abandoning further scholarly progress, or benefiting from other experiences or new developments.

Youths' Employment Opportunities

Case: It is imperative to create job opportunities for the youth, so that the youth are not left unemployed.

The youth are able work and strive more than anyone else, and in this respect Allah's messenger, peace be upon him and his pure family, as

well as members of his household, peace be upon them, and his pious companions presented the best example for continuous work and relentless effort throughout. For example, the prophet, peace be upon him and his pure family, in his occasional spare time –however short – would work in the field of hide tanning as reported in some chronicles.

Youths' Marriage

Case: It is imperative that the leaders who deal with the affairs of the youth facilitate the marriage of the youth at early ages. It is imperative to obliterate those practices and customs that hinder marriage; such as high and excessive dowries, grand ceremonies that are normally beyond the reach of most of the youth. Furthermore, other marriage hindrances, or excuses for its delay, which counter the natural disposition of the individual, should be ignored; these include [university] education, or military service, or that “one has not prepared himself yet”.

Youths' Idle Time

Case: It is imperative to manage the times of the youth such that the idle times are filled with learning and progress, and that should be done through various means such as visual, audio, cultural and entertainment.

It is human nature to fill his or her idle time with useful activity, and if inactivity is not filled with constructive and safe programs, it would be filled with inappropriate ones.

In another hadith, Imam al-Kādim, peace be upon him, states, “Indeed Allah hates the idle servant.”¹

In a hadith, Imam Amir al-Mo'mineen peace be upon him states, “The idle heart searches for malice.”²

Youths' Problems

Case: It is mandatory for the youths leadership that concerns itself with their affairs to pay particular attention to solving the problems of the youth – of both sexes male and female – regardless of whether the

¹ Wasā'il al-Shi'ah, vol.17, p58.

² al-Mo'tazili, ibn abil-hadeed, commentary of nahj al-balaghah, vol.20, p303.

problems are disputes or any other, and regardless of whether these are between themselves or with others, and even family problems. Similarly, they should also address any other problems such as financial, economic, social, psychological, and suchlike.

For if the youths' problems are not solved by the legitimate religious leadership and in a correct manner, then they are bound to be solved outside this framework by the illegitimate rulers and judges, or remain without solution, both of which are not acceptable.

Youths' Health

Case: It is mandatory for the youth's leadership to concern itself with the health of the youth – whether in terms of prevention or treatment. In this day and age diseases have increased and so too the number of the diseased; many of those diseases are incurable or difficult to cure, while the treatment cost of many of them are considerable such that a young man or woman cannot normally afford. Therefore it is essential that a plan is drawn up to arrange for the treatment of the sick amongst the youth.

One of the means of facilitating such healthcare programs is to arrange for health insurance cover for the youths.

Furthermore, it is necessary to join up with charity organisations and humanitarian clinics and suchlike, so that quick and affordable treatment can be provided without demeaning the youth.

Free Elections for the Youth

Case: It is imperative to organise, train, and educate the youth in free elections, constitutional institutions, constructive competition, and various other Islamic freedoms. This is because if the free environments are not provided, an individual would not be innovative and would not progress, and therefore his or her merits and competence would not manifest, grow, or develop.

It goes without saying that there is no trace of the genuine freedoms [as prescribed by Islam] in the Islamic countries – from any viewpoint in any field or domain.

And because of the lack of freedoms, and free elections in general, it is essential to provide a suitable alternative for the growth and development of the youth. Therefore organisations and social institutions and suchlike should be set up which have a system for electing suitable and competent candidates for managing the affairs of the organisation or for the consultative body of the organisations – in consultative atmospheres – regardless of whether these are related to the youths’ organisations, or career, or any other aspects.

Support and Safeguard for the Youth

Case: It is imperative that the youths’ leadership prevent the young boys and girls from sliding into decadence and depravity, something which they are prone to in this day and age. The only barrier to such slide is belief in Allah and fear of accountability on Judgement Day; otherwise the law, the police, the security services, and suchlike do not prevent this.

Instilling Virtues in the Youth

Case: It is imperative for the youths’ leadership to instil virtues in the souls of the youth, for a human being grows in body and in spirit just as a plant grows. The Almighty states, ﴿And Allah has made you grow out of the earth as a growth﴾.¹

Therefore, for example, it is obligatory to instil the values of freedom, the one nation (*Ummah*), and brotherliness in their souls, just as it is mandatory to instil [the principles of] non-violence, and the love of cooperation in those spirits. Similarly the notion of the abolishment of geographical border restrictions between Muslim countries must be promoted . . . and that they must surmount and rise above the corrupt social environment and quash it according to the Islamic Law, instead of being consumed and dissolved by the said environment.

Case: They must also educate and train the two genders – boys and girls – in the general cleanliness, paying attention to appropriate outward appearance, perfection in accomplishment, management skills,

¹ The Holy Qur’an, Noah (71):17.

respecting the elderly, caring for the young, abiding by appropriate laws, abstaining from greediness and nurturing all other moral and ethical virtues.

Shari‘ah obligations and the youth

When the youth reach the adolescence age, as defined by the Shari‘ah, they become obliged – or *mokallaf* as it is known in the Islamic literature – to:

1. Fulfil their obligatory religious duties such as the five daily prayers, fasting the month of Ramaḍān, paying khums, and suchlike. Furthermore, it is obligatory for any *mokallaf* to learn and be knowledgeable of any issue or relevant aspect that they be faced with, for example the obligatory prayers and fasting, and their associated rulings when travelling.
2. Abstain from all prohibited (*ḥarām*) deeds and conducts.

According to the Shari‘ah teachings, the adolescence age (or *boloogh*, as it is known in Islamic literature) for boys and girls is identified with certain criteria or signs as outlined in the following section.

Signs of Adolescence

Q: What are the signs of adolescence (*boloogh*)?

A: The signs of adolescence are:

- i) Growth of coarse pubic hair; - growth of fine hair does not indicate adolescence.
- ii) *Iḥtilām*, or seminal discharge; and this sign is rarely seen in females.
- iii) Completion of fifteen lunar years in the case of males; and nine full lunar years in the case of females.

Q: What if the signs of adolescence occur earlier or later than expected through some treatment, for example if medication is used to delay or advance *iḥtilām*, or to delay or advance the growth of the pubic hair?

A: The criterion is the actual signs of adolescence and not their expected time, unless the delay or advance is extremely abnormal.

Q: If, due to use of medications, *iḥtilām* or semen discharge takes place for a child, does that make him *bāligh* or adolescent?

A: If the use of medication brings forward the phenomenon of *iḥtilām* or semen discharge by a small amount, then yes, otherwise, no. For example, if a child who is only five experiences *iḥtilām* then he would not be a *bāligh*, but if a child who is ten experiences *iḥtilām*, then he would be considered *bāligh* or adolescent.

Pornographic video

Q: Some of the stray youths have CD's containing pornographic films; would it be permissible to steal those CD's [and destroy them] without them knowing? This is done in the spirit of reforming them and to stop the spread of these CD's in society with a view to curtail their damaging effect.

A: Evil or vice (*munkar*) should be prohibited through ﴿wisdom and persuasive preaching﴾.¹

In pursuit of others' faults

Q: What is the ruling regarding “having ill-suspicion [about others] and tracking down other's faults, trips, and blunders, and spreading them between the people”?

A: It is strictly prohibited.

Spying on others

Q: What is the ruling regarding “spying on others' conduct in private and personal relationship”?

A: It is not permitted, except if it is in the interest of reform and guidance, and with the permission of the *marje'* or his authorised representative.

¹ The Holy Qur'an, Bees (16):125.

Discrediting others

Q: If a Muslim individual tripped and committed sin, and then repented and continued in the right path, is it permissible to cause him disrepute by defaming and denouncing him?

A: It is not permissible.

Offensive nicknames

Q: If a person is not identified except through his nickname is mentioned; something which he does not consent to; is it permissible to mention his nickname in this case?

A: No, it is not permissible.

Marriage Abroad

Q: Is it permissible for a youth who has travelled abroad to marry a girl – indefinite or fixed-term – from Ahl al-Kitāb?

A: It is permissible provided that the marriage contract is executed correctly, if necessary, by appointing representatives for both parties in an Islamic country to correctly execute the marriage contract. As for marrying the non-Ahl-al-Kitāb (from amongst the non-believers), it is not permissible.

Q: If the woman from Ahl al-Kitāb uttered the ‘prescribed wording’ of the marriage contract without knowing its meaning, and if she were to know it concerns marriage she would abstain from it, would such contract be valid?

A: It would not be valid.

Defending Islam

Q: What are the duties of the youth who live in predominantly non-Muslim countries if Islam is attacked?

A: It is obligatory for them to defend Islam with wisdom and persuasive preaching, while observing the criteria for “bidding good and forbidding evil”, and if it is not possible for them to respond to the criticism and slander directed to Islam, they must seek help and guidance from Islamic countries.

Sport

Q: Are the Olympic Games permissible?

A: They are permissible on the condition that extreme harm, which is prohibited, is not encountered, and provided there is no betting, and that games are not prohibited. However, prizes that are given by a third party are permissible.

Q: Is wrestling and boxing permissible?

A: The permission is dependent on the sport being free from significant harm (which is prohibited in Islam).

Q: Is it permissible for a fasting person to partake in swimming competitions?

A: Yes it is permissible on the condition that he is not [wholly] immersed.¹

Q: Is it permissible to play football with the precondition of paying money or prize to the players?

A: If the money is paid by a third party, i.e. other than the players, e.g. their club or sport authority, (or by the players themselves but only as a present or prize)², then it would be permissible.

Q: Is it permissible to play with fireworks that are used on occasions of celebrations and suchlike?

A: There is no objection if it does not involve a prohibited issue.³

Q: There are massive betting arcades and halls that have machines and computers for the purpose of gambling, is it permissible to wander about the arcades and betting machines in those halls just for viewing.

A: (¹) It is permissible unless it is associated with or results in a *ḥarām*, in which case it will be *ḥarām*.

¹ That is his head is not immersed in water together with the rest of his body. In other words if his body is immersed in water but not his head it is permissible.

² The content between () is not the fatwa of the late Imam Muhammad Shirazi.

³ For example, endangering others' lives or even causing nuisance.

Looking at the teacher

Q: Is it permissible for a male student to look at a female teacher if she is young and not wearing hijab? This is because normally a student looks at the teacher during the lesson.

A: If she is a non-Muslim, and one is not looking with lust, and there is no alternative, then there is no objection if it is restricted to the minimum required.

Lying

Q: Is it permissible to lie in certain circumstances?

A: Lying is one of the major sins, and thus it is not permissible except for conciliation between two parties, or for saving/rescuing a faithful, and such important circumstances.

Joking and teasing with a non-maḥram

Q: What is the ruling concerning joking with and teasing a non-*maḥram* woman, whether verbally, or say, by spraying water on one another?

A: (2) Touching is absolutely not permissible. Also it is absolutely not permissible to look at other than the face and hands [up to the wrists], or to look at them [the face and hands] with lust. Indeed anything that is associated with or accompanies such matters is *ḥarām*.

Q: Is it permissible to play with a non-*maḥram* woman games such as tennis, table tennis, football, and suchlike?

A: The answer is the same as that for the question above.³

Q: Is it permissible to race a non-*maḥram* woman such as sprinting and suchlike?

A: The answer is the same as that for the question above.¹

¹ The late Imam Shirazi: (It is not permissible as per obligatory precaution.)

² The late Imam Shirazi: (As per the supposition, it is not permissible, and even verbal utterance is not permissible as per obligatory precaution.)

³ The late Imam Shirazi: (It is not permissible as per obligatory precaution.)

Q: Is it permissible to play riddles with a non-*maḥram* woman?

A: The answer is the same as that for the question above.²

Q: Is it permissible for the two parties to crack jokes?

A: The answer is the same as that for the question above.

Ridiculing

Q: Sometimes a devout Muslim is seen in the supermarket and suchlike speaking to a lady, would it be permissible to tease and ridicule him in front of others as a joke, given that that would make him uneasy about it?

A: It is not permissible.

Crowded buses

Q: Is it permissible to ride on crowded buses?

A: It is permissible if *ḥarām* is avoided.

Flirting

Q: Is flirting and courtship through letters and suchlike permissible?

A: It is not permissible.

Friends

Q: Is it permissible for boys to have Muslim or non-Muslim girlfriends, and is it permissible for girls to have boyfriends?

A: It is not permissible.

Films

Q: Is it permissible to watch films and suchlike in which women appear in them?

A: The ruling of looking at the picture of a woman is the same as looking at the woman herself.

¹ The late Imam Shirazi: (It is not permissible as per obligatory precaution.)

² The late Imam Shirazi: (If it is associated with a *ḥarām* matter then it is not permissible.)

Shaking hands with a non-maḥram

Q: If a non-*maḥram* woman extends her hand for handshake, and if refusing the handshake is considered as an insult to her, or constitutes embarrassment or probable problems, would it then be permissible to shake hands, and vice versa, if a non-*maḥram* man extends his hand to shake hands with a Muslim woman?

A: It is absolutely not permissible to touch,¹ and if one is compelled, it should be with gloves and without firm pressing of the hand.

Job and shaking hands

Q: We are some youths working in a retail shop selling foodstuff and other consumer products, and given our social relationship, sometimes an elderly woman might reach her hand to shake hands, is it in this case permissible to shake hands given that she is non-*maḥram*?

A: It is not permissible, and if she does not know of the ruling in this respect, you should explain to her the prohibition of this in Islam and the reason for the prohibition.

Mixed swimming pools

Q: If swimming is prescribed as a treatment by the physician, and the swimming pool is for mixed use, but the pool is not crowded such that the chance of encounter is remote, will swimming be permissible [in such cases]?

A: Should seek an alternative for that.

Girl's Modesty

Q: Is a girl, who becomes *bāligh* and completes her ninth year of age, obliged to adhere to what a woman adheres to in terms of modesty, dignity, and *ḥijāb*?

A: When she becomes *bāligh* she is like all other women.

¹ The late Imam Shirazi: (except if one is compelled as deemed so from the shari'ah viewpoint.)

Revealing an Ornament

Q: Is it permissible for a woman to wear kohl, ring, and wrist watch while being visible to non-*maḥram* men?

A: It is not permissible, because this constitutes “revealing the ornament”.¹

Long fingernails

Q: Is it permissible for a woman to grow her fingernails such that they are visible to non-*maḥram* men?

A: If they are deemed to be *zeenah* or ornament then it is not permissible.

Ornamental Cross

Q: Is it permissible for a woman to wear a medallion or a ring that has the Cross on it, purely as an ornament and not out of belief in it?

A: The Cross is *ḥarām*.

Hair style

Q: What is the ruling for a man sporting hair styles resembling those of disbelieving singers and suchlike or wearing attires similar to theirs?

A: If it constitutes resemblance to the non-believers, it would be counter to obligatory precaution.

The Tie

Q: Is wearing a tie *ḥarām*?

A: It is not *ḥarām*, unless a prohibiting aspect becomes applicable to it, for example if this constitutes promoting the fashion, culture, or resemblance of the non-believers.

¹ A Muslim woman may not reveal the ornaments she may be wearing as instructed in the Qur’anic verse: ﴿And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what appears thereof...﴾ 24:31.

Posters of players and actors

Q: What is the ruling for hanging posters of players and actors on the walls of the room?

A: It is *makrooh*.

Horror movies

Q: Is it permissible to attend theatres showing horror movies/plays?

A: If they cause fear that is severely harmful, then it is not permissible.

Drug abuse

Q: Is it permissible to take opium?

A: (1) Anything that causes immorality or corrupts the community is *ḥarām*. It is permissible for medicinal purposes.

Q: What is the reason for the prohibition of drugs?

A: The reason for the prohibition is the perversion of the mind, religion, and squandering of wealth.

Q: Is it permissible to use Heroin and Cocaine, and other such drugs?

A: It is not permissible.

Q: Is it permissible for one to intoxicate himself through injection and suchlike?

A: It is not permissible.

Q: What is the ruling regarding “taking up smoking”?

A: It is *makrooh*.

Repentance of the sinner

Q: What is the ruling of the young man who commits disobedience, and then repents, and then commits it again, and then repents, and so on, because of his weak will and inability to resist temptations? Does this constitute mockery of the Almighty?

¹ The late Imam Shirazi: (It is prohibited if it is taken by such an amount that causes significant harm, and it is also *ḥarām* to become addicted to it.)

A: One should despair not of Allah's mercy.

Annoying jokes

Q: What is the ruling about making jokes that annoy friends and loved ones?

A: Annoying others is *ḥarām*.

Shaving the beard

Q: What is the ruling on shaving the beard?

A: It is *ḥarām* to shave the beard, even if it is by beard trimming machines if the trimming is so close that it is similar to shaving.

Q: What is the minimum limit of shaving beyond which is it not permitted?

A: The limit is identified by the commonly accepted norms, [i.e. when one observes it from a short distance one can say he has a beard, or such that there can be no confusion or dispute about the minimum limit.]

Q: What is the ruling on shaving the sides of the beard?

A: ⁽¹⁾ It is not permissible to shave the hair growing on the bone of the beard (the jaws areas), but it is permissible to shave some of the hair growth on the cheek below the eyes and on the sides of the nose.

Q: Is it permissible to trim the beard with a trimming machine, and what is the minimum limit for this?

A: Yes it is permissible, and the limit is that it does not constitute shaving, and that the beard can be seen if inspected face to face.

Q: A practicing Muslim keeps a beard, and his father insists that he shaves, but the young man refuses to comply, such that this angers the father. Does this constitute “annoying the parents” (*‘āq al-wālidayn*)?

A: No, but he should try to seek the consent of the father.

¹ The late Imam Shirazi: (As an obligatory precaution, the sides of the beard should not be shaved). In another ruling the late Imam declares: (It is known amongst the scholars that the beard includes the chin and the sides) – which means it is not permissible to shave those parts.

Love stories

Q: Is it permissible to write or read romantic stories?

A: It is permissible if it does not bring about immorality.

Q: Is it permissible to write or read love stories?

A: Stories that bring about immorality are not permissible.

Imitation of names and celebrations

Q: Is it permissible to imitate and follow the non-believers in using the Gregorian calendar, and roman months, and non-Islamic names, and suchlike?

A: If that causes loss of or weakens Islamic identity and religious values and contributes towards the deviation of the Muslims from Islamic norms and code of conduct, it is not permissible, otherwise it is permissible.

Stamp collection

Q: Are hobbies such as stamp collection permissible?

A: The hobbies that are not prohibited by Islam are permissible.

Pen-friends

Q: Is it permissible to make friends with the opposite gender over the internet and through social networking sites and get to know them and suchlike?

A: It is not permissible.

Is Islam Dated?

Q: Some people say Islam is dated and old fashioned, and it should not be literally adhered to. Is this true?

A: It is essential to adhere to Islam literally, and the truth is that Islam is the spirit of human and scientific development, and it is eternally modern and a complete way of life for all generations and for all times.

Wearing gold

Case: It is permissible for a woman to wear golden or gold-plated teeth, and for a man, if it is not for ornament there is no objection to that.

Q: There are wrist watches with gold-plated metallic base. Is it permissible for men to wear them?

A: ⁽¹⁾ As an obligatory precaution, it should be avoided.

Q: Is it permissible for a man to wear spectacles with gold-plated frames?

A: No.

Q: Is it permissible for a man to wear ornaments that are gold-plated, if it is not considered as gold?

A: If it is not gold, it is permissible.

Q: Is it permissible for a man to wear golden teeth?

A: If it is not for ornament, there is no objection to that.

Wearing platinum

Q: Is it permissible for a man to wear platinum?

A: Platinum is a metal other than gold, and therefore it is permissible.

Q: Does “white gold” carry the same prohibition as the normal yellow gold?

A: If by “white gold” it is meant platinum, then there is no objection to it, since it is not gold. However, the gold that has been processed to appear white carries the same prohibition as the normal yellow gold.

Tattoo

Q: What is the ruling for tattoos?

A: It is *makrooh*.

¹ The late Imam Shirazi: (If the gold is not visible, then yes (it is permissible).)

Chapter Two: Morals and Ethical Manners

Rumours and swearing

Q: In our communities there are many rumours, some of which are right and some are not, and some of these rumours are about individuals, some about scholars, and sometimes they even include the *marāji*, what are our responsibilities concerning these rumours?

A: Allah Almighty states in His Book: ﴿And do not pursue that of which you have not the knowledge; surely the hearing and the sight and the heart, all of these, shall be questioned about that﴾¹ and if one learns of something, it is not permissible to spread it and talk about it if it constitutes defamation or suchlike. Imam Amir al-Mo'mineen, peace be upon him, said, "Not everything that is known may be said",² however, if this is in aid of deterring those who coin innovations in religion, then it is permissible.

Q: What is the ruling on swearing or slandering as part of a joke?

A: If it constitutes defamation or other such prohibited conducts, then it is not permissible, and otherwise it is undesirable and discouraged (*makrooh*).

Sincerity

Q: How can one fulfil his duties and deeds for the sake of Allah and not for the sake of elevating his own reputation?

A: That one intends it purely and solely for the sake of the Almighty. On the issue of reputation and suchlike, one should consider the insignificance and minuscule nature of the world, contrasting it with the great majesty of the Almighty and the hereafter.

Q: Is a devoted teacher rewarded for his sincere work in education, given that he gets a fixed monthly income from the government?

A: Yes, if he devotes his work sincerely for the Almighty.

¹ The Holy Qur'an, The Night Journey (17):36.

² Biḥār al-Anwār, vol.53, p115.

Neglect in performing daily prayers

Q: I used to be adherent of the right path and I used to perform the five daily prayers until I came to the USA and I was misled by the shayṭān. I began to be neglectful of my daily prayers, and I could feel that I could not continue on this path, and I had an inner remorse since the day I stopped the ṣalāh. In other words, I have stopped the ṣalāh but I have not forgotten it, and in my heart I am tormented by pain, and I know it is the conscience and remorse. It has been six months, and I want to start again, but will Allah Almighty accept my repentance after what I have done to myself?

A: You must endeavour to distance yourself from the insinuations of the shayṭān and his temptations for indeed he is a clear enemy to mankind, and return to Allah Almighty with a firm will of faith while having repented and seeking forgiveness; since Allah is most forgiving most merciful. It is obligatory for you to perform all the prayers and fasting you may have missed during this period, even if you fulfil them in a gradual way.

Furthermore, it would be good if you perform the *istighfār ghusl* and perform the repentance ṣalāh.¹ Similarly you should recite the Holy Qur'an and the supplications narrated from Ahl al-Bayt peace be upon them, especially the supplication of *tawassul*, for Allah would enlighten your heart anew and turn a new page for you; "what an excellent Lord is our Lord",² as said Imam Husayn peace be upon him. The Almighty states in the Holy Qur'an, ﴿Say: "O my Servants who have transgressed against their souls; Despair not of the Mercy of Allah; for Allah forgives all sins: for He is Oft-Forgiving, Most Merciful"﴾.³

Q: I am a university student and I live in student accommodation with other students. After a while I noticed that the students I share my apartment with do not perform the daily prayer even though they are well aware of its mandatory nature, and when I remind them of the

¹ The *istighfār ghusl* is like any other *ghusl*, but with the intention of *istighfār* for it, and the repentance ṣalāh, is a two *rak'ah* one.

² *Bihār al-Anwār*, vol.45, p5.

³ The Holy Qur'an, The Throngs (39):53.

prayers at their specified times, they say we will do it but they never do so. What is the ruling of living with them?

A: ﴿Call unto the Way of thy Lord with wisdom and persuasive preaching; and argue with them in ways that are best and most gracious﴾,¹ and you are not responsible for “bidding good” or “promoting virtue” beyond what you have mentioned, and as for living with them, there is no objection to that.

Fasting as a treatment for sexual desires

Q: If one is unmarried and is of intense sexual desires that he cannot fulfil, what are the means to drive away or diminish the craving of those desires?

A: If one fears falling in a *ḥarām* conduct, it would be obligatory for one to marry, [whether indefinite or fixed-term marriage] and if that is not possible, one should fast.

Compensation for theft

Q: An individual wants to pay off the money he has stolen, and he is not able to pay it off, and has a guilty conscience because of this. If he tells the owner of the money about this, it will be an ugly scandal, he will be sacked from his job, and he may not be able to get another job to earn money for his family. He has promised himself never to do such a thing. It should be said that he stole the money in order to invest it and profit from it but he did not get what he set out for and lost all the money. Is he obliged to confess what he has done?

A: He is obliged to return the money taken in any way that it is sure to reach its owner. There is no need for confession before any body if this constitutes embarrassment or harm, and he must seek forgiveness and must repent that he would never do such a thing.

¹ The Holy Qur'an, The Bees (16):125.

School education

Q: Is it permissible for a Shi'a family to send their children to Wahābi schools? It should be said these schools give out monthly payments to the children who register with them.

A: It is not permissible to do anything that fosters deviation and straying [from the right path].

Q: In our country some of the history lessons in school curriculum speak good about Mo'āwiyah depicting him as having good virtues and merits, as well as others such as 'Amr ibn al-'Āṣ, or the Abbasid ruler Hāroon. Is it permissible for me to teach the pupils such things and instil these notions in their minds given that attributing these virtues for such people is incorrect?

A: You are required to present the truths and realities in a wise manner, such that it does not cause harm to you or any one of the pupils.

Discriminating between pupils

Q: Is it permissible for the teacher to discriminate between the talented and the non-talented pupils, something that causes some of the pupils to resent?

A: In principle encouragement is permissible, but it is also important to respect and accommodate the feelings of others.

Chastity in education

Q: Universities and colleges in this day and age are normally of mixed population, and given the significant lack of modesty on the one hand and the need for high level education for a young man on the other, what is the ruling concerning such education?

A: There is no objection if he can protect himself from *ḥarām*.

Responding to greetings

Q: Is it obligatory to reply to the greeting of salām over the telephone?

A: Yes.

Q: Is it obligatory to reply to the greeting of *salām* over the radio or television?

A: No.

Q: Is it obligatory to reply to any of the greetings other than *salām*?

A: ⁽¹⁾ It is emphatically encouraged (*mostahab mo'akkad*).

Q: Is it permissible to respond to the greeting *salām alaikum* with a different variant that includes the word *salām*?

A: ⁽²⁾ It is permissible.

Q: Is it permissible to respond to the greeting of *salām alaikum* with a different greeting that does not include the word *salām*?

A: It is not permissible.

Q: Is it obligatory to respond to the *salām* written in a letter?

A: It is not obligatory to respond to the *salām* in a letter; however it is preferred to do so.

Q: What is the ruling of responding to the *salām* greeting conveyed via a third person? And what is the protocol for responding to such a *salām*?

A: It is preferred to say *alayhi wa alaykum al-salām*, which is: peace be upon you and him, [with 'you' being the person conveying the *salām*. If the person sending the *salām* is female, *alayhā* would be used].

Q: An individual enters a hall and greets the people with *salām*, but the people in the hall are busy talking and do not notice him. There is another individual who is praying nearby, is he obliged to return his *salām*?

A: If the person praying was one of those intended by the greeting, and no one responds to the *salām*, then it is mandatory for him to return the *salām* likewise.

¹ The late Imam Shirazi: (It is commonly accepted for not being obligatory.)

² The late Imam Shirazi: (It is permissible.)

Q: Is it mandatory to return a distinguishing child's salām while one is performing the ṣalāh, or at times other than that?

A: It is mandatory as an obligatory precaution.¹

Q: Is it sufficient to return a salām greeting by just saying “salām” or is it necessary to add “alaykum”?

A: It is sufficient, even though it is preferred for one to reply with a better greeting than one is greeted with.

Q: What is the ruling concerning a woman greeting a non-*maḥram* with salām, is it wājib or *mostaḥab*, or is it preferable not to greet?

A: It is permissible, and it may be *makrooh* or *mostaḥab* depending on the circumstances.

Q: What is the ruling concerning a young man greeting young women at the university with salām with the intention of greeting them only?

A: In this case it is *makrooh* to initiate salām, but replying to a salām is mandatory, except if it stimulates lustful desires, which would be *ḥarām*.

Q: What is the ruling of greeting women with salām and socialising with them?

A: It is *makrooh* to initiate salām to young women, and it is *ḥarām* to socialise with them if it includes a *ḥarām* or a precursor to a *ḥarām*.

Suicide

Case: In Islam it is not permissible to commit suicide. It is not permissible for one to kill himself even if he knows that he would die soon if he does not commit suicide; such as the case of one who has terminal cancer, or one who suffers severe pain from his illness.

¹ Needless to say, it is obligatory to return the salām greeting even while performing prayers, if someone initiates a salām greeting to the praying person. See case of Returning a Salām during Ṣalāh, page 172.

Backbiting

Case: If an individual backbites a Muslim, then one should, as a precaution, seek forgiveness from that Muslim, if this does not entail problems or complications. If this is not possible, he is obliged to seek forgiveness for him from Allah Almighty. If his backbiting causes that Muslim insult, disgrace, or dishonour, it is mandatory to address this matter and take steps to redress that insult.

Q: If one mentions a trait of an individual not with the intention of backbiting, but it may be misunderstood to be a mockery, would this render the speaker a slanderer and guilty of a prohibited act?

A: Yes.

Q: If one backbites someone, but then regrets it and seeks forgiveness from the person concerned and asks him to reconcile with him, but the person slandered is not amenable to reconcile with him, what should the slanderer do in this case?

A: He should seek forgiveness for him, (i.e. do *istighfār* on his behalf).

Q: If one hears his father slandering someone, but is not able to stop him – out of courtesy and respect – would he be considered to have committed the sin along with him?

A: He should avoid listening to his father slandering, and there is no sin against him, but he should try to deter him by the best means possible.

Q: Is backbiting defined as mentioning an individual's bad traits in front of him or behind his back as it is evident from the word backbite?

A: Backbiting is not what is only said behind one's back; whatever is said in their presence is also *ḥarām* because it results in insult and humiliation.

Q: If one says, "One of those people is miserly", does this constitute slander, or the criterion for slandering is when the slandered person is specifically identified?

A: [Even the above statement] is not permissible, because this may constitute insult to all.

Q: If one speaks ill of a person before a third party but without mentioning name so that it does not constitute backbiting – in the full knowledge that if the third party were to investigate the matter he would find out about the slandered person, would this still constitute backbiting?

A: No.

Q: If an individual permits others to backbite him, would it be permissible to backbite him?

A: It is not permissible.

Q: If an individual is spoken ill of before a third party, is it permissible for the third party to repel the slander by praising the slandered, while knowing of his bad traits? If he praises him he would have lied, if he said the truth he would have backbitten him, and if he remains quiet he would be an accomplice in the backbiting.

A: It is not permissible to tell lies, and it is obligatory for the listener to prohibit the speaker from backbiting, except if the slandered is an individual whom it is permissible to slander.

Q: Is it permissible to backbite a sinner who does not manifest his sins and wrong-doing?

A: No, except if it is part of “forbidding evil” and being conducted according to its criteria.

Q: I tried to conciliate between two families but this required me to listen to both parties which included slandering one another, is this permissible for me, given that this is a precursor to making peace between them?

A: Yes.

Q: Is it permissible to backbite an individual who outwardly manifests his sins on other than the prohibited acts that he manifests, or should it be limited to those sins only?

A: Should be limited only to those that counter the teachings of Islam, unless he is one who openly commits various sins.

Q: As a social worker and researcher, my job requires me to write detailed reports about some of the individuals who come to the community centre to seek help. When I ask them about themselves, some of their secrets are revealed to me. Does my questioning them constitute listening to backbiting, and is it permissible to convey these secrets to the community centre?

A: It is permissible to the extent that it concerns the practice, and it is essential that these are not conveyed elsewhere.

Chapter Three: On sexual issues

Sexual images

Sexual images which cause *fitnah* or arousal and provoke the *ḥarām* or the prohibited acts are not permissible, even if the images are not real, but imaginary.

Case: Sexual images and pornographic films that bring about arousal and lustful desires, which cause immorality and decadence are *ḥarām* and are not permissible, even if the pictures are not real, but imaginary. As for the real pictures, there is a prohibition of a second nature too, which is that of a man looking at women's pictures or a woman looking at men's pictures, and in particular the absolute prohibition of looking at male or female genitals, even if one does not know the persons in the pictures.

Sex and Media

Case: It is not permissible to dedicate a section of the broadcast service, or a section of the press to disseminate prohibited sexual issues, as it is often done in the West. Similarly, [it is not permissible] to teach sex that encourages immorality and harm, or produce plays, or set up cinemas and clubs and suchlike that include the *ḥarām* and harmful.

Case: It is not permissible to allocate part of the [TV or radio] broadcast, or a section of the press for the purpose of introducing boys and girls and suchlike that cause immorality and decadence, for everything that brings about immorality and promiscuity is *ḥarām*.

Case: Dance parties, pornographic films, night clubs, and suchlike, where the two sexes mix, that bring about immorality and decadence are *ḥarām*; rather they are amongst the severest of *ḥarām*s, and any fees paid for production, attendance, and watching are not permissible.

Sale promotion

Case: It is not permissible to use girls in order to attract customers or promote products, since it includes such prohibitions as looking [at the girls]. However, if one does that despite it being *ḥarām*, the sale proceed is not *ḥarām*. Similarly it is not permissible to use handsome young boys or men for the said purpose.

Masturbation

Case: Masturbation is *ḥarām* and is not permitted for a man except with his wife, nor is it for a woman except with her husband. It is not permissible regardless of whether it is done by hand, or by looking at a picture, or playing with a doll, or through imagination, or by consuming something that causes that.

Case: If imagination or thinking about a woman or a man, and suchlike causes the emission of semen, then it is not permissible to do that imagination, for it constitutes as being part of masturbation. It is not permissible even for the spouses, in that the husband has such imagination about his wife while she is away from him that causes ejaculation, and vice versa.

The punishment for masturbation

Q: What is the punishment for masturbation when the person concerned confesses before a judge or a religious scholar?

A: Repentance is preferable to confession, and if one confesses he would be disciplined accordingly.

Q: Is it permissible to eat or drink something that causes (*iḥtilām*) ejaculation during sleep?

A: There is no objection to that, as this is not masturbation.

Q: Is masturbation permissible if it is by imagining a woman or suchlike?

A: It is not permissible.

With the dead, animals, or dolls

Case: It is not permissible to engage in pleasure seeking activities with the dead, as a precaution, and if that led to ejaculation that would be prohibited (*ḥarām*) from the Shari‘ah viewpoint, even if the deceased is one’s spouse.

Case: It is not permissible to engage in pleasure seeking activities with animals, since any arousal of lust or sexual excitement with anything other than the spouse is prohibited, as a precaution, and if that led to ejaculation that would be prohibited (*ḥarām*) from the Shari‘ah viewpoint.

Case: It is not permissible to engage in pleasure seeking activities with dolls or statues, irrespective of whether the dolls were rubber or any other type, as a precaution, since – as mentioned in the previous case – any arousal of lust or sexual excitement with anything other than the spouse is prohibited, even if the statue is that of one’s spouse, and if that led to ejaculation that would be prohibited (*ḥarām*) from the Shari‘ah viewpoint.

Peeping

Case: If, through a mirror or an opening and suchlike, one peeps at the naked body of a man or woman, it would be obligatory for one to make sure to be covered in his presence. It would also be obligatory to rebuke him. If he would not cease, he should be prevented with what it takes to make him stop, and whatever [of his tools or devices] are destroyed or damaged – with the permission of Ḥākim al-Shar‘ī – one would not be liable for, but the destruction should be kept to a minimum. Needless to say, anything that entails destruction or anything less than that can only be done with the permission of Ḥākim al-Shar‘ī.

Wife swapping

Case: Wife swapping is *ḥarām*, as it can be found in the West sometimes, for it is amongst the severest of *ḥarām* acts, and it is the cause for the destruction of families, problems for the children and many other ills.

Sex and vice agencies

Case: Agencies for prostitution are not permitted, and every trade or vocation in that is also prohibited, even if a worker is involved only in the administration side of it and suchlike. It is not permitted to set up an organisation that employs prostitutes and encourages decent women to prostitution.

Case: Agencies of vice and homosexuality are not permissible as mentioned in the previous case. It is well known that both of these matters are amongst the severest prohibitions (*ḥarām̄s*).

Case: Agencies or organisation that sexualize or promote the sex industry by organising cinemas, clubs, mixed swimming pools, produce unethical or provocative clothing, films, and suchlike in aid of promoting vice and decadence, mixed socialising and homosexuality are not permissible.

Case: The fees taken by prostitutes, the brothel keeper, the owner of the brothel or the sex club and suchlike is *ḥarām̄*, and it must be returned to their original owners. If their owners are not known, they are considered to be of unknown owners, and they must be used to help the needy, by the permission of the *Ḥākim al-Shar‘i*.

PART TWO: MORALS AND CHARACTER BUILDING

Part Three

Social and Family Matters

Chapter One: Rulings of Attire, Looking, and Socialising

On the rulings of dress code

Unisex garments

Case: There is no objection to wearing unisex clothing, which are commonly worn by both men and women such as trousers and suchlike.

Liability of garments to Khums

Case: It is not permissible to wear and perform the ṣalāh wearing the clothes that have become liable to Khums, for every garment that has been bought with money that has been liable to Khums is considered usurped, unless with the permission of *al-Hākim al-Shar‘i* or the marjē’.

Wearing Silk

Case: It is not permissible for men to wear silk; as for artificial silk, it is permissible, since it is not silk. It is not permissible for men to wear silk-lining garments if all or half of the linings were silk. It is also prohibited for men to wear silk garments that are not visible such as underwear. There is no objection to having something on oneself that is made of silk such as handkerchief in the pocket. Also it is permissible to wear garments that are sewn using silk thread.

Wearing gold

Case: It is not permissible for men to wear gold jewellery. It is permissible for men to wear platinum and also artificial gold, which is not gold. The natural gold that is whitened through a special means, which is known as white gold, is subject to the rulings of gold. It is prohibited for men to wear garments that are weaved using gold threads.

On the rulings of looking

Case: It is mandatory for a woman to cover her body and hair from a non-*maḥram* man,¹ and as per obligatory precaution, she should cover her body and hair from a non-*bāligh* boy too if he can distinguish between right and wrong.

Case: It is prohibited to look at the private part of another person, even at that of a discerning child, even if this is through glass, or in the mirror, in clear water and suchlike. However it is permitted for the married couple to look each other's entire body.

Case: It is permissible for a man and woman who are *maḥram* to each other² to see one another's body – with the exception of the private parts – if this is not with the intention of lust and there is no fear of (*fitnah*) provocation, or lure to *ḥarām*.

Looking at 'non-*maḥram*' women

Case: It is prohibited for a man to look at the body of a 'non-*maḥram*' woman, even at a girl who has not finished her ninth year but can distinguish between right and wrong. It is also prohibited for a man to look at her hair, whether it is with the intention of lust or without it.

¹ Adult male and female are referred to as non-*maḥram* if the adult female has to wear *hijāb* from the male. A male is referred to as an adult when he reaches the age of puberty of around fifteen years. He is referred to as *bāligh* and *mokallaf*. A female is referred to as an adult when she reaches the age of puberty which is her ninth lunar birthday. She is referred to as *bāligh* and *mokallaf*. To a woman people like father, grandfathers, uncles, brothers, sons, nephews are *maḥram* to her, and she is not required to wear *hijāb* from them. All other males are non-*maḥram* 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 *hijāb* from. Normally, non-*maḥram* 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 *maḥram* to each other may never marry. [For the purposes of *hijāb*, a woman needs to wear *hijāb* 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.]

² e.g. brother and sister, mother and son, father and daughter are all considered *maḥram* to one another.

Looking at the face and the two hands is prohibited if it is with the intention of lust. Similarly, it is *ḥarām* for a woman to look at the body of a man who is ‘non-*maḥram*’ to her.

Case: It is permissible for ‘non-*maḥram*’ man and woman to look at each other’s face during conversation, while observing proper hijab,¹ and without the intention of seeking pleasure, or charm (*reebah*), or the fear of there being attraction or captivation (*iftinān*). It is not permissible for a man to look at the face of a woman out of lust, and charm.

Case: There is no objection for a man to look at the face and hands of women of Ahl al-Kitāb, such as Jews and Christians, if it is without lust, and he does not fear falling in *ḥarām*. As an obligatory precaution, he should not look at other than their faces and hands.²

Case: Photography of women by men and of men by women that is associated with one looking [at the other] and suchlike is not permissible, let alone going into an inner room or studio, where two non-*maḥram* individuals are in seclusion. Thus, photography that requires the prohibited act of looking [at a non-*maḥram* person], is *ḥarām*, and the seclusion of two non-*maḥram* is a prohibited act in its own right.

Case: It is not permissible for men to uncover parts of their bodies (that causes immorality),³ such as being in their underwear (⁴), while they know that non-*maḥram* women can see them. (Primarily it is obligatory that women cover themselves from men.)⁵

¹ ‘Proper hijab’ is when no hair is showing, nor any part lower than the chin, such as the neck or part of. Also as part of proper hijab, no make up and suchlike should be worn.

² It should be noted that it is forbidden for a Muslim man to look at a Muslim woman who does not normally wear hijab. However, this strict prohibition does not apply in the case of women of Ahl al-Kitāb, as can be seen from the above case.

³ The late Imam Shirazi: (more than it is commonly accepted amongst men.)

⁴ The late Imam Shirazi: (or to uncover their legs when washing the car, or to swim in view of non-*maḥram* women.)

⁵ The content between () is not part of the fatwa of the late Imam Shirazi.

Relatives

Case: It is permissible for the mother's husband [stepfather] to look at the hair of his wife's daughters [stepdaughter]. Also, it is permissible for the father's wife to reveal her hair to her husband's male children, and be without hijab before them.

Looking at same sex

Case: It is mandatory that a man does not look at the body of another man with lust. Also it is prohibited for a woman to look at the body of another woman with the intention of lust.

Case: It is permissible for women to look at the models as part of a fashion show, if some of their bodies are revealed, with the exception of the private parts, if this is without intention of lust.

Medical examination

Case: If in the course of a medical treatment one is compelled out of necessity to look at the private part of another person, and there is no alternative but to do so, then there is no objection to that.

Case: If in the course of a medical treatment a male is compelled out of necessity to look at 'non-*mahram*' female or touch her body, then there is no objection to that, but if he was able to treat her by looking without touching, then it is mandatory not to touch her body, and if he was able to treat her by touching without looking then it is mandatory for him not to look.

Case: If there is no alternative for the hospital imaging technician to take images of the private parts of the patients in order that medical analysis can be carried out, then one should not look with lust.

Case: In compelling circumstances it is permissible for a woman to uncover her private part to another woman for treatment. Is it permissible in the case of male physician? It is if it is absolutely necessary.

Indirect looking

Case: It is not permissible for a man to photograph a ‘non-*maḥram*’ woman if the photography requires him to look at the woman or her image. It is not permissible for one to look at the photograph of a ‘non-*maḥram*’ woman whom he knows, and as a precaution, the same ruling applies in the case of a woman whom he does not know.

Case: There is no difference between looking at a ‘non-*maḥram*’ directly and looking at her photograph. Looking at the image of a woman who is not wearing hijab on television screen carries the same ruling as looking at her in real life.

Case: It is not permissible for the youth to look at images and films of nude women, and it is not permissible to look at women who are partially nude as they appear in films and suchlike. If looking at sketches of nudity or of sexual nature is with lust or leads to *ḥarām*, then it is not permissible.

Looking without lust

Case: Talking to, and looking at the face and hands of, a woman without make up, and without lust, temptation, fear of attraction and suchlike is permissible.

It could be a short glance that brings about a long term regret, “glance is an arrow from amongst the arrows of Satan, and whoever abandons it for the sake of Almighty Allah, Allah would make him taste the sweetness of *imān* (faith)”.¹

Miscellaneous queries

Q: What is the Islamic ruling concerning permissibility of women watching wrestling (on TV) and also football tournament given that the garment of the wrestler is not adequately covering his body?

A: The ruling of this case is the same as the ruling of a woman looking at a ‘non-*maḥram*’ man.

¹ al-Kāfi, vol.5, p599. *man-la-yaḥḍuruhul-fāqih*, vol.4, p18

Q: If a man meets a woman, is it permissible for him to look at her with the intention of seeking to marry her, without investigating whether or not she is married?

A: ⁽¹⁾ it is not permissible as an obligatory precaution.

Q: Is it permissible to look at a woman – whom one has decided to marry – without her permission?

A: It is permissible to look.

Q: As part of adornment before the husband, is it permissible for a woman to use the hair that has been cut from someone else, while the husband does not know the female owner of the hair?

A: There is no objection to that.

Q: If a woman wears complete hijab, but the attire she wears has adornment and/or is of attractive colours such that it attracts attention or is such that it constitutes an adornment and enhances her attraction, is this permissible?

A: If it constitutes an adornment or an attraction, then this is not permissible, for the Almighty states ﴿. . . and they reveal not their adornment﴾.²

¹ The late Imam Shirazi: (it is not permissible to look.)

² The Holy Qur'an, Light (24):31. In the same verse the Almighty stresses that not only the ornament should not be visible but it should not become known [to non-*mahram* men] even through possible sound of the ornament. . . ﴿nor let them stamp their feet, so that their hidden ornament may be known﴾.

On the rulings of mixing & socialising

Case: It is prohibited (as a precaution)¹ for non-*maḥram* man and woman to be in a place where there is no other person, and where it is not possible for others to enter that place, regardless of whether they were engaged in act of worship, or chatting, or they were asleep. However, if it is possible for others to enter the place, or if there is a child of discerning age [present with them], then in principle there is no objection to that [in general], depending on the particular circumstances concerned.

Greeting a woman

Case: It is *makrooh* to greet salām to female youths, and it is *ḥarām* to speak softly [with them] if it is associated with an *ḥarām* act or if it were a prelude to it.

Case: It is permissible [for a woman] to talk to a ‘non-*maḥram*’ man without charm (*reebah*) and without softening of voice; provided this does not associate with another *ḥarām* act.

Q: Is it permissible to greet with salām ‘non-*maḥram*’ Muslim women if one passes by them in the street or in the university?

A: It is *makrooh* to initiate salām to young women.

At workplace

Case: It is not permissible to employ women and young girls [as assistants] who do not observe hijab to serve drinks and suchlike to ‘non-*maḥram*’ men; this is because the employment itself which is a prelude to a *ḥarām* [act] is not permissible. Similarly, it is not permissible for a man to employ a female secretary who does not observe hijab. Also it is not permissible for a woman to employ a male secretary, and uncover in front of him, in a similar way that is habitually practiced by the non-believers and those who do not care about *ḥalāl* and *ḥarām*.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Case: It is not permissible to hire/employ a driver who cannot be trusted with the females. This is because they may be subjected to temptation, deviation, or crime when they are taking a ride. The same is applicable for the opposite case, i.e. it is not permissible to hire a female driver who cannot be trusted with the males and children.

With relatives

Case: It is permissible for a woman to sit around the dinner table with her in-laws or other male relatives who are non-*maḥram* to her on the condition that this does not constitute a *ḥarām* act or be associated with one, otherwise this would be *ḥarām*.

Non-*maḥram* male and female in solitude

Case: It is not permissible for a man and woman to be alone in a house, or a shop, which could lead to immorality and sin; as it is done by some people who employ a young man as a home assistant and leave him alone at home with one's young wife or daughter without taking any necessary measures. For the act of employing the person itself, even if it is not prohibited in certain cases, should be avoided as it is a prelude to something that is *ḥarām*. As for the issue of the gathering of a male and female who are non-*maḥram* to each other in solitude, it is *ḥarām*.

Case: It is imperative that shops and stores should not have fitting rooms which women go to try out garments and suchlike, for these fitting rooms could become a source of immorality and or enticement. This is on grounds of the possibility of male and female being alone;¹ otherwise there is no objection to that. As for non-*maḥram* male and female actually gathering in them or committing a prohibited act, then that is *ḥarām*.

Taking body measurements

Case: It is not permissible for a man to take the measurements of the body of a woman for the purpose of dress making, or for making

¹ As a means to her safety and security, a woman must avoid using the fitting room in the shop where there are only men working.

jewellery for the hand or foot. This is because it is *ḥarām* for a non-*maḥram* man to touch or come in contact with a non-*maḥram* woman. This is in addition to being the cause for temptation and immorality. It is permissible if the person taking the measurement is a *maḥram*, on the provision that there too should be no room for immorality.

Softening of voice

Case: It is not permissible for women to soften their voice and speak softly with the non-*maḥram* men, even over the telephone and suchlike, for the Almighty commands, ﴿do not speak softly﴾.¹ The unrestricted and absolute nature of the verse covers all means of communication; this is applicable even if the “the sick at heart” [mentioned in the rest of the verse] cannot reach her because of remoteness or inaccessibility such as in the case of radio or TV or a video recording.

Romantic card/handkerchiefs

Case: It is not permissible to manufacture, buy, or sell items that are used to entice temptation and suchlike,² such as cards and handkerchiefs on which tempting and enticing poetry is written; which the two sexes habitually present to one another, for that is a prelude to enticing temptation and *ḥarām*.

¹ The Holy Qur’an, the Confederates (33):32, ﴿O wives of the Prophet! You are not like any other women: if you are truly mindful [of Allah], then do not speak softly in case the sick at heart should lust [after you], but speak in appropriate manner﴾.

² Anything which is a means or symbolic of flirting or entice temptation fall in this category of prohibition.

Chapter Two: Women Issues

Status of Woman in Islam

If men represent the right eye or the right hand, women represent the left eye or hand, and if men represent the day and whatever activities and endeavours it entails, women represent the night with all its tranquillity and serenity.

The Almighty states ﴿Out of His mercy He has made for you the night and the day, that you may rest therein and that you may seek from His blessings, and so that you may give thanks﴾.¹

From this verse we learn that tranquillity and serenity, composure and relaxation, after the strife of the day, are acquired from the night. Another verse states ﴿and of His signs is that He created for ye spouses from your own selves so that ye may take comfort in them, and He ordained affection and mercy between ye. There are indeed signs in that for those who are thoughtful﴾.²

Therefore striving and the endeavour of seeking livelihood, and suchlike are related to daytime activities. The Almighty states ﴿and We made the night a covering, and We made the day for seeking livelihood﴾.³

And just as peace and tranquillity is associated with night and women, thus working hard and seeking earnings is associated with the day and men.

Therefore is it not possible for us to favour night over day or day over night. Life needs the day and its light, as well as the night and its tranquillity. In the same way a married life is in need of the woman and the sanctuary in her, and of the man and what he presents in terms of hard work and earning a livelihood.

¹ The Holy Qur'an, Stories (28):73

² The Holy Qur'an, the Romans (30):21

³ The Holy Qur'an, the Tiding (78):10-11

Woman's hijab and adornment

Q: What is meant by ﴿and reveal not their adornment except for that which became apparent﴾.¹

A: It means when unintentionally it becomes visible such as when the wind blows the hijab away and suchlike, (or the face and the palms of the hands).²

Hijab of the wives of the prophet

Q: Did the prophet's wives cover their faces and hands?

A: Yes, and by the direct command of the Almighty; ﴿And when you ask [his] womenfolk for something, ask them from behind a screen﴾.³

The best thing for a woman

Q: What is meant by the following hadith narrated from the Pure Truthful Lady Fatima al-Zahra when her father, Allah's messenger peace be upon them and their progeny, asked her, "What is the best thing for a woman?" Sayyidah Fatima, peace be upon her, replied, "that she does not see a man, nor a man sees her."⁴

A: By this honourable hadith it is meant that a man does not see her without hijab, and that a woman does not see a man without proper clothing. It is probably an indication of the severity and intensity of the required covering, and the extent of care and attention a woman must take of her chastity and hijab, such that her face may not be seen nor her voice heard, i.e. avoiding unnecessary contact and communication with non-mahram except in compelling circumstances.⁵ Needless to say, two

¹ The Holy Qur'an, Light (24):31

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ The Holy Qur'an, the Confederates (33):53

⁴ Biḥār al-Anwār, vol.43, p84. The remainder of the narration reports that after hearing her reply, Allah's messenger hugged Lady Fatima and recited ﴿a progeny each from the other﴾ 3:34. Other hadith that reports on the obligation of hijab are such those reported in Wasā'il al-Shi'a, vol.20/p213, Biḥār al-Anwār, vol.3/p309, Biḥār al-Anwār, vol.18/p351.

⁵ A prophetic hadith speaks of the torment in the hereafter suffered by those women who did not cover their hair. Biḥār al-Anwār, vol.18, p351.

points are observed in this noble hadith, the first of which is “the best” thing for woman... A man or a woman usually seeks the best in life, and thus it is appropriate that for the hereafter, one also seeks the best. The second point is that Sayyidah Fatima, peace be upon her, did not restrict this “best” for the Muslims women only, but to any wise, intelligent, and thoughtful woman, regardless of her religion.

On the rationale for the obligation of hijab

Q: Hijab is one of the most important traits of the Muslim woman, so what is the purpose and aim of the hijab being religiously obligatory?

A: The underlying principles for hijab consist of many issues, perhaps the most important of which is honouring the personality of woman, and protecting her from degradation and debasement, and from exploitation by the wicked and the depraved.

We see that in the design of nature everything valuable in the world is somehow shielded and concealed by some kind of “veil”. For example we see that mineral ores such as gold and silver are concealed from easy reach whereas non-valuable things are readily available without much protection or ‘veil’. And since it is the Will of Allah Almighty that mankind is the most valuable and most honoured thing in this universe, He ordained that mankind is veiled by the veil of the Shari’ah, and in the case of women – given their grand status in society, and the care and attention Islam has for them, it ordained upon them the complete veil or hijab. Like a precious gem, if a woman is not protected in the shield of hijab, she would not be secure from the harm of the wicked and the depraved; Allah Almighty states ﴿the sick at heart would lust [after you (the womenfolk)]﴾.¹

This is in addition to the personal and social benefits hijab has such as making strong the foundation of the family, trenching the love between the husband and wife, securing the interest of the children and the wellbeing of the society spiritually and materially.

¹ The Holy Qur’an, the Confederates (33):32

Code for hijab

Q: Is there a preferred dress code in your opinion?

A: The preferred dress code is that of our Patron and Authority, the Master of the Women, Lady Fatima al-Zahrā' peace be upon her, which is the ["head-to-toe"] completely covering 'Abā'.

Q: How does hijab play its role in moral and ethical commitment?

A: Without hijab a woman is more prone to degradation.

Q: What are the Shari'ah criteria required for woman's hijab in Islam?

A: That the hijab covers the entirety of the woman's body, save the face and the two hands, and that there is no adornment.

Q: Is it imperative for the Muslim woman to wear the hijab that is devoid of bright colours and patterns, given that today in the market there are numerous patterns and colourful designs, or is it mandatory to be content with the black or white colours?

A: If it constitutes an adornment then it is not permissible, otherwise it is permissible.

Q: What is the limit of the Islamic hijab?

A: The limit is that she must cover her body, without wearing adornment.

Covering of face and hands

Case: It is not mandatory for a woman to cover her face and hands in the presence of non-*maḥram* men, on the condition that there is no one who looks at her with pleasure or lust, charm (*reebah*), and there is no fear of possible attraction or infatuation (*iftinan*), and that she does not wear make up or adornment.

Q: What is the ruling for wearing the veil or complete face cover for women who live in the West today?

A: It is *mostaḥab* (recommended and encouraged) to wear the face veil, but if there were adornment on the face, [e.g. make up] or the face attracted attention, in such cases it would be mandatory (*wājib*) to cover

the face – and the factors of time or place makes no difference to the ruling.

Covering the face except the eyes

Q: Given the obligation of covering the face on the basis of the Circumstantial Overriding Ruling (or *'unwān thānawī*),¹ covering the face has become widespread these days with only the eyes showing. Will this be considered as complying with the Islamic Law?

A: If it is not with adornment it is sufficient.

Plucking the eyebrows

Case: It is imperative that a woman who has had her eyebrows plucked to cover her eyebrows as part of observing the basics of her proper hijab.²

Q: If a woman wears kohl eye make up, or plucked her eyebrows or her facial hair, would it be permissible for her to reveal her face?

A: No it would not be permissible, as it is considered adornment as per *'orf* or common customs.

Use of perfume

Q: What is the ruling concerning a woman wearing perfume lightly when she leaves home, given that she works in a girls' school and uses her own car for transport?

A: There is no objection to that if her fragrance would not attract men's attention.

Hijab and women suffering

Q: We see that normally hijab is prominent in third world countries, and these countries suffer from poverty and backwardness, and some link the phenomenon of hijab with the poverty and suffering, such that hijab

¹ COR has been defined in the glossary.

² This is so if plucking the eyebrows is considered *zeenah* or adornment as per the *'orf* or common customs of that society, but if it is not deemed *zeenah* then it is not obligatory to cover them.

is associated with woman suffering and a symbol for her oppression. What is your view on this?

A: Poverty and backwardness stem from lack of political pluralism and public awareness, and they are not linked to hijab or its absence.

Q: Westerners link the backwardness that eastern societies suffer from to hijab, and on the other hand they consider the absence of hijab as the symbol of their countries' progress. Is there a link between backwardness and hijab in society?

A: Is it a sign of progress and advancement that a woman is degraded and is made a cheap means of pleasure and a commodity, denying her the chance to marry and have family?

Colour of socks

Q: Does Islam restrict women to wearing particular colours of stockings, or is it permissible for her to wear any colour stockings so long as they cover the legs?

A: It is sufficient if they cover, and are not provocative.

Hijab of young girls

Q: Is it mandatory for the parents of a girl when she completes her nine years to make her wear hijab, or can they leave her until she is convinced and wears the hijab voluntarily?

A: It is mandatory for the parents to do so as much as possible. The Almighty states, ﴿O ye who believe; Ward off from yourselves and your families a Fire whereof the fuel is men and stones﴾.¹ It is reported in the hadith from the Prophet Muhammad and Imam Ali, peace be upon them and their pure family, “[The habit of doing] good deed is [achieved through] practice”.² [Therefore the parents must begin to educate their daughter to wear hijab from early on, before she completes her ninth year. The same goes for the obligatory *ṣalāh*. In this way, she would be adequately competent to fulfil her duties when she is *mokallaf*.]

¹ The Holy Qur'an, Prohibition (66):6

² Biḥār al-Anwār, vol.74, p215. ‘Oddat-al-Dā‘i, p206.

Q: Is it permissible for a *bāligh* girl of twelve or thirteen to play in the playgrounds in public parks while she is wearing Islamic hijab?

A: If that is not associated with a *ḥarām* act, then there is no objection to that.

Before a blind person

Q: Is it permissible for a woman not to wear hijab in the presence a blind man?

A: It is permissible but *makrooh*.

Hijab and Work

Q: Is it permissible for a woman to take off her hijab in order to work and earn her living, when she has no one to provide for her?

A: No it is not permissible.

Removing the hijab

Q: What should a devout Muslim woman do when her husband gives her a choice between removing her hijab and walking with him without hijab in the street, and divorce, if she refuses to do so? She has young children from him, and if she does not submit to his request and opts for divorce, the consequences may be harmful.

A: She should try to convince him to agree to the minimum required hijab.

Indoor hijab

Q: Some women adhere to total and complete hijab when outdoor and in public places, but when indoor or at their relatives' homes – that is when within the confine of family homes – they do not refrain from showing some of their hair, or they wear such garments that their forearms are revealed in the presence of their non-*maḥram* relatives. Do they fall in the category of “if they are told to stop they would not desist”¹ and therefore looking at them without lust or pleasure is permissible?

¹ man lā yaḥḍuruhul-faqih, vol.3, p469.

A: It is not permissible for their non-*maḥram* relative to look at them.

Tight-fitting gowns

Case: It is not permissible to wear, in the presence of the non-*maḥram*, garments, cloaks or *mantos* that reveal the contours of the body. However, if they do not reveal, it is permissible.

Contour of the body

Q: What is the ruling for the gowns or mantles (*jilbāb*) that reveal the shadow of the body, or that of the hands or the hair, if light is shone on them?

A: There is no objection if the shadow is revealed – provided it is not cause for immorality – and that the body or hair is not revealed.

Attractive or Provocative attire

Case: It is not permissible to wear provocative attire like see-through or mesh gloves, or thin and decorated gowns or mantles (*jilbāb*), or netted headscarves, or to wear broaches, or adorn the cloaks, mantles or *manto*'s with such ornaments as gold lines, or finely woven scarf or suchlike. It is also not permissible to place adornment buttons in particular places of the garment (as an ornament) or un-buttoning the attire even if it is covered underneath, if this constitutes adornment.

Revealing the forearms

Case: It is not permissible for women to roll up their sleeves before a non-*maḥram* for the purpose of injection, blood pressure or heart beat readings, except if or when absolutely necessary.

Wrist watch

Q: Is wearing a wrist watch, whether it is silver, gold, or an ordinary type, which is normally considered to be an adornment, permissible for women? And what about wearing gold ring; is it permissible to wear and does it constitute an adornment if it is revealed before a non-*maḥram* man?

A: (It is not permissible as per precaution.)¹ There is no objection to wearing any adornment; the prohibition is about revealing it [to non-*maḥram* individuals].

Wedding ring

Case: It is mandatory (as per precaution)² for a woman who wears a (simple) wedding ring, which she does not intend to be an adornment, but to indicate her marriage status or loyalty to her husband, to conceal it from the non-*maḥram* if it constitutes an adornment.

Wig

Case: It is mandatory for a woman to conceal the un-natural hair she wears whether the hair is artificial, or is of another man or woman, for it constitutes an adornment.

Hair extension

Q: Is it permissible for a woman to have her hair extended by human hair or non-human hair for beautification purposes?

A: Yes it is permissible.

Women only parties

Case: There is no objection to women wearing ornaments or make up etc. in women parties such as wedding functions [attended by women only].

‘Noisy’ shoes

Case: It is preferred that women do not wear shoes that, when walking, make a sound that is audible to non-*maḥram* men, but this is not prohibited in itself if it is not a cause for arousal or immorality.³

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ In the Holy Qur’an the Almighty stresses that not only ornaments should not be visible but it should not become known [to non-*maḥram* men] even through possible sound of the ornament. . . ﴿nor let them stamp their feet, so that their hidden ornament may be known﴾. The Holy Qur’an, Light (24):31.

Sportswear

Q: Is it permissible for Muslim school girls in the West to partake in sports lessons with male and female pupils, as their class is mixed, wearing long tracksuit sportswear together with covering for the head? Needless to say that she is obliged to take part in sports lessons, otherwise she would not be allowed to partake in other lessons, and therefore she would be denied the chance in education and scientific development and progress.

A: It is not permissible to partake in mixed sessions.¹

Woman and career

Islam does not prohibit women from working outside the home provided she observes the Shari‘ah criteria and Islamic etiquettes. However, Islam categorically emphasises upon her not to abandon her duties as a woman in managing the affairs of the family; the husband, and the children and their upbringing and suchlike. It is in this respect that anything to do with work and wealth generation is made the responsibility of the husband – because the household expenditure is the responsibility of the husband – and anything to do with the managing of the home is made her duty; that would be preferable for her, more suitable to her womanhood, and more preserving for the society and for the husband. This does not mean she is prevented from attaining academic and social progress in life, and suchlike.

It is said that under current circumstances a working woman who generates wealth, and the woman who works – even in handicraft profession – has a value in society over and above that of the unemployed woman, to the extent that even her dowry at the time of marriage is more than others... but despite that, women continue to suffer in various aspects, and the world is still not able to solve the woman’s problems in modern times; since if she pursues a career and wealth generation, especially if she works in harsh occupations that do

¹ The late Imam Shirazi: (in mixed sessions, it is strictly not permissible as an obligatory precaution.)

not suit her, she will be hurt, in addition to the fact that she would then not be able to manage the home, to have children, and give them an appropriate and desirable upbringing.

Perhaps the solution is for such a woman to divide her time as follows:

1. Having children, rearing and educating them, and the management of the home.
2. Elevating her position through religious and worldly education, awareness, and culture.
3. Pursuing a business activity that is appropriate to her and her dignity and chastity – if she wants to work or is compelled to do so – while observing complete modesty.

And in order to facilitate the possibility of accommodating all three categories of her activities, modern means may be utilised to this end.

Furthermore, in order to make inroads into all three endeavours above, modern means may be utilised.

However, making the roles of the husband and wife equal in this respect does injustice to both her and him, just as denying her education and career, or having children and bringing them up does injustice to her and to the children respectively.

On the interest of the working woman

In addition to the burden of having children and rearing them, women continue to work in institutions such as schools, hospitals, care homes, government ministries, factories, farms, and professions such as marketing. It is therefore imperative for the nation as a whole and the government to address the issue of women holistically, and manage their concerns in a way that does not undermine her femininity, feelings, dignity, and chastity, as well as her role and responsibility for the home – in accordance with the criteria of the Islamic religion that has been proven to be the most kind to women.

Some of those issues are presented as follows:

First: Working women must be given more leave than men, so that they have the opportunity to see to their progress and development in academic, cultural and religious fields, and that they are not purely dedicated to working and earning.

Second: Working wives must be given more leave than men, so that they have the opportunity to see to their femininity, their family, their children and their husbands. This leave may be with or without pay, and the employer and the insurance may contribute to that in accordance with social welfare regulations, or they are compensated for their pay as per a correct and just law.

Third: It is imperative – on humanitarian grounds and in order to help make life a bit easier – that they are given the chance to work half the office hours in return for half the wage they are entitled to; in which case they would also be entitled to half the paid leave all workers are normally entitled to. It is necessary that their wage corresponds to the value they provide in their job and not less. Unfortunately, it is the norm in many countries where women are unjustly paid lower wages than their male counterparts although the women's work is the same as those of men if not more and harder.

Fourth: It is imperative – again on humanitarian grounds and in order to help make life a bit easier – that they are given maternity leave; for the periods before and after childbirth, on full pay, and this should not be offset against their normal annual leave.

Fifth: It is necessary to facilitate the provision of nurseries for young children: since it is difficult for the mother to leave the children alone if she has to go to work, which will affect her and her performance at work.

Sixth: It is necessary to provide a suitable learning environment for women and to help them seek education even if they are of a mature age, since seeking knowledge, apart from being a religious duty, is encouraged to help mankind and societies to progress and prosper.

Seventh: To establish women organisations and associations to address various aspects concerning women: for example the issues of education, lecturing, public speaking, marriage issues for the young and older unmarried women, learning various skills such as dressmaking, the issue of the elderly women, mother and baby issues, help finding appropriate job for those who are not employed and need to work, the issues of the disabled women, the issue of domestic problems, the issue of having children, the issue of their ailment, the issue of preventing them from decadence, and new harmful trends, the issue of helping them with their individual material and social needs, the issue of resolving their problems when dealing with government offices for various services, and suchlike.

Eighth: To pay particular attention to their moral and religious issues, and provide for them according to their social status. At the time of Allah's messenger, peace be upon him and his pure family, women used to attend the congregation prayers at the Prophet's mosque. Allah's messenger, peace be upon him and his pure family, appointed a woman called Umm Waraqah as the prayer leader for women who wished to attend her congregation prayers and he also appointed a muezzin for them, at a time women had the option of attending the Prophet's congregation prayers. Women used to travel along with Allah's messenger, peace be upon him and his pure family, and perform Hajj and 'Umrah, and sometimes take part in battlefields to help soldiers in matters such as attending to the wounded.

During the reign of Imam Amir al-Mo'mineen, peace be upon him, in Kufah there were mosques that were dedicated to women – as mentioned in some history books – and therefore it is essential to establish dedicated-to-women Husayniyyahs, schools, colleges, centres, and various other women projects that address their just demands, in addition to mother and baby units, nurseries, care homes for the elderly and the disabled, adult education, and suchlike, which respond to women's needs, in order to lift women out of the abyss of backwardness that they have been thrown into, and which has resulted in the detriment of either their religion or their worldly life.

We suffice to this extent, and bring this case to a conclusion with the well-known account in which Umm Salamah, Allah's blessings be upon her, sought Allah's messenger, peace be upon him and his pure family, to show the care and concern Islam has for women, and why they do not have rights like the rights of men. In response Almighty Allah revealed the Holy verse:

﴿Indeed the *muslim* men and *muslim* women, and faithful men and the faithful women, and obedient men and the obedient women, and the truthful men and the truthful women, and the patient men and the patient women, and the humble men and the humble women, and the charitable men and the charitable women, and the men who fast and the women who fast, and the men who guard their private parts and the women who guard, and men who remember Allah greatly and women who remember - Allah has prepared for them forgiveness and a vast reward﴾.¹

This was a reminder that men and women are equal before the Law of Allah Almighty in all acts of worship and rights, with the exception of those the shari'ah has exempted, which is given in the Islamic jurisprudence, and they are extremely few compared to the issues common between them. The Holy Qur'an has alluded to that in the holy verse ﴿and men have a degree above them﴾² the detail of which is given in relevant works.

Therefore it is compulsory that the work place for women is safe and secure from all evil temptations, such that no one would hurt them, or transgress against them, assault or harass them; contrary to what prevails today in terms of extensive sins and wronging in educational institutions, work places, and suchlike.

Earning a living

Q: What is the Islamic viewpoint on women working to earn a living?

¹ The Holy Qur'an, the Confederates (33):35.

² The Holy Qur'an, the Heifer (2):228.

A: Every job is permissible for her except for the forbidden ones, just as every job is permissible for a man except the forbidden ones. And the notion of the forbidden [function or job] for man and woman – as mentioned in the honourable hadith – is that which results in immorality.

Q: Are there texts in the Holy Qur'an that determine the wages of man and woman, or is it the general Islamic legislation that determines it?

A: The wage is whatever the man and the woman agrees to and accepts.

Mixed work environment

Q: If working is permissible for a woman, is her work in the fields of theatre, cinema, and television – given the mixing and interaction that this sort of job entails – deemed acceptable?

A: The forbidden category of mixing is *ḥarām*, and so too if there is any other *ḥarām* involved.

Q: Is it permissible for a woman working in a firm to partake in board meetings as a member of the board and give her opinion, and what is the extent of her voting right?

A: It is permissible if she observes the Islamic criteria, and she has one voting right just like every one else.

Q: What is the ruling for a woman working with men while she wears the hijab, given some of the men working with her are not observant of the Islamic criteria?

A: It is permissible if she observes and adheres to her Islamic duties, and this does not bring about immorality and deviation.¹

Q: In mixed working environments men and women end up talking and discussing things that are not necessarily work-related, is there any objection to that?

A: The same as the above answer.

¹ The precedence for this is the hajj, the *ziyārah* of the *ma'ṣoomeen*, peace be upon them, and suchlike.

Woman's Rights

No difference between man and woman

Allah Almighty states, ﴿you do not see any discordance in the creation of the All-beneficent﴾.¹

The Almighty – glorified be He – also said ﴿O mankind! Be mindful of your Lord who created you from a single soul, and created its mate from it, and from the two of them, spread countless men and women far and wide﴾.²

Allah's messenger, peace be upon him and his pure progeny, said, "Indeed Allah urges ye to deal with women in the best [manner], for they are your mothers, daughters, and aunts".³

Furthermore, it is narrated from Allah's messenger as saying, "Indeed Allah, Blessed and Exalted, is kinder to the females than to the males. Indeed no man brings happiness to a woman who is *maḥram* to him save that Almighty Allah will make him happy on the Day of Resurrection".⁴

In Islam, the ranking of woman is equal to that of man in their rights and obligations, except for one degree which is the degree of *qiwāmah*,⁵ for ﴿men are in charge of women, because of what Allah has granted some of them over others, and by virtue of their spending out of their wealth﴾.⁶ This degree of *qiwāmah* is not a reflection of a deficiency in woman at all, but the *qiwāmah* or the "leadership and headship" is something inevitable if life is to flow with relative ease and in an organised manner; "it is inevitable for people to have a leader, whether good or bad",⁷ in other words the *qiwāmah* is obligatory upon man

¹ The Holy Qur'an, the Dominion (67):3

² The Holy Qur'an, Women (4):1

³ Nahj al-Faṣāḥah, p159

⁴ al-Kāfi, vol.6, p6

⁵ which is "management and provision" as stated in the Holy Qur'an ﴿and men have a degree above them﴾ - The Heifer (2):228.

⁶ The Holy Qur'an, Women (4):34

⁷ Nahj al-Balāghah, sermon 40, p82

himself, would men refuse to appoint a leader for them? This is when we have in the traditions that even if two travel together they should choose one as the leader, let alone the case of a household containing male and female individuals; shouldn't one of them be the leader and the head of the household?

Woman's work and education

Q: Is it mandatory for a woman to acquire knowledge and Islamic beliefs just as they are obligatory for a man? The kind of knowledge one should learn as the first step in the purification of one's soul, enabling one to refrain from the prohibited, and to discharge one's obligatory duties.

A: Seeking knowledge is an obligation for every male and female Muslim.¹

Case: Islam does not restrain women from education and work, but rather Islam prohibits vice, immorality, licentiousness, and the wronging of women. So if she seeks education, whilst observing her religious duties in a mixed gender environment, works but without removing her hijab, and manages all aspects of life with moral dignity – doing all that within the framework of Islam that is clearly established in the Islamic jurisprudence, then well and good. The issues that are prohibited to a woman are a few particular things that are in her interest and in the interest of the society. Otherwise the fundamental principle in all rulings is commonality between man and woman, except those that are exempted as per particular instructions/hadith. However many people have neglected woman to the extent of discarding her from society. Many in the West and the East have brought women in for the sake of trade and decadence, and in this way women have been oppressed and ruined in the process. Therefore it is imperative to elevate her to the position Almighty Allah has assigned her as elucidated in the Holy Qur'an and the Sunnah.

¹ Biḥār al-Anwār, vol.1, p177; vol.2, p31.

Q: Is it permissible for a woman to travel without her guardian to seek Islamic knowledge and sciences, but with the permission of her guardian, given that the place she is travelling to is safe and secure for her?

A: Yes this is permissible.

Q: Is it permissible for a woman to establish religious societies and deliver Islamic lectures and other such Islamic activities?

A: Within the framework of Islamic law, yes.

Q: What is your opinion with respect to women participating and delivering lectures on the occasions of the birthday and death of the Imams, or giving a lecture in a mosque from behind a screen in the presence of men? Is it better that she avoids that and opts for an alternative such as writing her speech and having it delivered by one of the men on her behalf?

A: Both are permissible, while observing the Islamic law.

Partaking in politics and government

Q: What is the ruling concerning women taking part, along with men, in peaceful demonstrations and strikes that demand political reform, or in defence of Islam and the Muslims or other oppressed people including the non-Muslims?

A: It is permissible, while observing the Islamic criteria.

Q: Is it permissible for a woman to nominate herself to run for parliamentary election in countries which are governed by non-Islamic governments? Is it permissible for her to partake in election?

A: ⁽¹⁾ It is permissible while adhering to the Shari'ah criteria.

Q: Those who talk of women's inability of governance justify their claim by saying that a woman is a delicate creature and that she is not

¹ The late Imam Shirazi: (A group of scholars have permitted that.)

able to be in command of her emotions and sentiments. What is your opinion?

A: ⁽¹⁾ In Islam, the role of man and woman and the definition of their functions are strongly linked to their creation. Governance calls for particular abilities and qualities that in general are not normally found in a woman's composition and nature, and does not normally suit her physique. The proof of this is that in the material world today, where there is no proscription for women to take power, we have a very small percentage of high ranking government offices occupied by women. So the issue is not just inability, but inappropriateness to the nature [of women].

Q: What are the limits of speaking to a non-*mahram* man?

A: That this is not with lust, charm (*reebah*), and possibility or fear of there being attraction or captivation (*iftinan*).

Q: Is it permissible for a woman to take up positions in government offices?

A: There is no objection to that except for two issues:

1. [She should avoid anything] which brings about immorality and deviation for her and for the society at large.
2. [Being a] judge, leader, and *marje' taqlid*. There is a subtle wisdom to this which InSha'Allah will be mentioned later on.

Assuming the position of a judge

Q: Why is it that it is not permissible for a woman to hold the judge's position in the Islamic judicial system, given that some women have excellent qualifications enabling them to hold high positions in government?

A: In addition to various other evidences, unanimous consensus has also been reached by the religious scholars (*fuqahā'*) that it is not

¹ The late Imam Shirazi: (should operate within the Islamic Law, and not beyond that.)

permissible for women to assume the Islamic judiciary, i.e. that they may be Shari‘ah judges and issue judicial rulings.

The soundness and legitimacy of this ruling is confirmed by the psychological and spiritual nature of women, not to mention the social and emotional impact the continuous practice of this profession have on them, and the negative effects they have on them and their family and children when they come to learn of the various crimes and felonies in the process of hearing the various cases.

There is no doubt that their talents and expertise should be used through, say, counsel, consultations and suchlike, so that their abilities are utilised, without having to assume the post of a judge, and its grave consequences.

The exclusion of women from this role is not to take away from their femininity, nor is to violate their freedom. Rather, Islam takes into account the interest and dignity of women, and legislates for them laws that are different to those of man in the interest of protecting her nature and her feelings. For example, in order to keep her character and dignity Islam has obligated hijab for her.

Furthermore, today we hear throughout the world claims that the gender gap has been eliminated. There are a few roles for women in the high ranking judiciary, such as the international courts. This proves that this claim is mere rhetoric and has not actually materialised in reality.

But Islam does not address matters with empty words and slogans. It is devised by the creator of the mankind, who knows of all of mankind’s inner secrets, qualities and abilities, Islam declares from the outset that it is inappropriate for a woman to act as judge. This is out of consideration for her and her interest, as well as in keeping with the discretion and rationality that is required in the field of judiciary. This is in the same way that Islam states that it is not appropriate for man to fill posts that are specifically for women such as motherhood, and the upbringing of children and suchlike. “Wisdom is to place the right thing in the right place”, as defined by Imam Ali, peace be upon him.

Q: Some scholars say that there is none other than one hadith that is used to declare the non-permissibility of women for the judiciary post, and that hadith is “woman is not to assume the post of judiciary”, and it is a weak hadith. What is your response to this?

A: There are many more hadith than that, and the hadith is reliable on the grounds that hundreds of the pious *fuqahā'* expert in the field of the hadith have acted upon them.

Giving testimony

Q: The statute law has given women the right of witness and equalled her testimony to that of man. Do you object to that?

A: ⁽¹⁾ This is not giving women the right, but rather it is burdening them with a responsibility which is contrary to their sentimental nature. The task of giving witness subjects the individual to stress and mental strain, and therefore this would be subjecting her to something that is unbearable and excruciating.

Woman's exclusive role

Q: Given that in its rulings and legislation Islam emphasises the femininity of women, doesn't this lead one to conclude that the principle role of a woman in Islam is that of an educator at home?

A: It is the role of home educator, and greatly more, as can be seen from the history of Allah's messenger peace be upon him and his progeny.

Q: If the husband observes that the woman's work outside the home affects her duties at home, does he have the right to prevent her from working?

A: The husband has the right of prevention if her career affects her shari'ah defined duties that she is bound to.

¹ The late Imam Shirazi: (This is not of unrestricted nature.)

Preference of the home duties

Q: It is evident that employment outside the home is not mandatory for a woman, even though it is permissible if it is within the shari'ah criteria. On the other hand, jurists state that a woman is not obliged to do the housework such as cooking and cleaning and suchlike, rather it is only preferred or recommended for her to do so. Doesn't this statement – that a woman is not duty bound to do the housework inside the home nor is she obliged to work outside the house – inherently marginalise a woman's role in life, or at least encourages her to take the sideline?

A: On the contrary, this is in appreciation of her, and freeing her from being used just as she was treated in the primitive era of ignorance (the pre-Islamic *jāhiliyyah*).

Their respective roles and rights

Q: How can a woman reconcile between her private and public life when her husband opposes her public activities? What is the Islamic ruling in this respect?

A: If this contradicts the right of the husband, then the husband has the right to proscription, since the husband has two rights vis-à-vis his wife:

- a) the conjugal right or the right to intimate relations, with the provision that this does not constitute harm or discomfort to the wife, and
- b) the right that the wife should seek permission to leave the home.¹

¹ Harm could be physical or psychological. Needless to say, in the absence of the issues of harm and discomfort she is bound to observe it, and failure to observe it without lawful excuse would be sinful. However, this right does not allow him to have it his way by force and coercion or without her consent or willingness, as that would be covered by the prohibition of harm – physical, psychological, or emotional.

By stating the rights of the husband and wife, the purpose is only to show the framework or the basic limits of the rights and duties of the husband and wife. It is not to encourage them to stick to the letter of the law and the minimum of

the rights and duties. In fact the husband and wife are encouraged to accommodate and complement one another and help and support one another.

It is important for both in the matrimony to manage every aspect in life to the best possible, and this issue is not an exception. Morals and responsibility must play a major role. Where rights are involved it does not mean we have a duty to enjoy them never mind the consequences. There are important priorities.

Similar points are made about the permission to leave the home issue. They are encouraged to think in ethical and religious terms. They are both part of a family and should remember that. They should look at all these issues in the context of religion and ethics as opposed to one's rights, which define minimum obligations. Both parties can be encouraged not to push each other towards *nushuz* (violation of marital duties on part of either spouse). A compromise can be reached.

The issue of permission to leave the home does not apply for every aspect; for example, when she needs to go and see her parents, or to go to the hospital. Also, if those aspects have been discussed and agreed to previously, she does not need to seek permission every time she wants to go to college or to work. The requirement is in cases that have not been discussed; "Do you mind if I go out?" kind of thing, so that such scenarios would not arise between them like "You're always out!" or "You're never home!" The issue is a matter of coordination, cooperation, and mutual agreement between them.

A happy and good life is based on good relations, and good relations are based on clear rights of all parties ... this is why Islam sets what is called as rights within the marriage framework for husband and wife!! As opposed to the above rights for the husband, some of the rights of the wife within marriage life are thus presented.

Woman's rights vis-à-vis her husband are that he provides for her food, clothing and housing according to her status. He is responsible for her living expenses, and she does not have any responsibility in this respect. Thus even if she is wealthy and has her own assets she does not strictly have responsibility towards her own living expenses within the marriage framework. Nor does she have any responsibility with respect to the housework. She is not obliged – from the shari'ah viewpoint – to cater for the upbringing of the children. Indeed she does not even have a duty – from the shari'ah viewpoint – to breastfeed the children from her marriage. But if she does the housework, upbringing the children, or even contribute financially, then that is her choice. Needless to say cooperation and harmony is highly stressed upon, and the best possible role the wife can play is her contribution to the children upbringing and education in a bid to deliver pious, responsible and noteworthy individuals to the society.

Q: Motherhood takes up a considerable amount of the mother's time and effort, so how can she reconcile between her role as a mother and her social role?

A: ⁽¹⁾ The role of motherhood has an extremely important human and social role, and its significance is no less than all other roles; social or other ones, for this has precedence over all others.

Respecting the rights of the husband

Q: It is said that the wife should obey Allah concerning her husband. What is meant by this?

A: Each one of the spouses in the marriage has certain rights over the other. The above [statement] highlights the observance of the rights of the husband.

Q: If a woman is not obliged to obey her husband in household matters such as cooking and suchlike, why is she obliged to seek his permission when leaving the house? This results in controlling her movement. Does the husband have the right to imprison his wife for life?

A: [No he does not have the right to imprison his wife at all.] She is obliged to obey him [only] in the cases of sexual relation and leaving the house in order not to contradict his rights.

Q: There is a narration, in which a woman asked Allah's messenger if she has the right to leave her home without the permission of her husband in order to visit her dying father. The prophet replied in the negative, and he said Allah has forgiven the father of this woman because of her obedience to her husband. What is the jurisprudence evidence for this?

A: ⁽¹⁾ Perhaps this is a special case, for if the husband demands something and it constitutes "severing of bond-relation", then obedience of the Almighty has priority over obedience of the husband.

¹ The late Imam Shirazi: The motherhood role is an exception [and unique], and the rest are not. [i.e. the priority lies with the motherhood role and it should not be compromised in anyway; anything else comes second.]

Q: Is a wife obliged to perform sex with her husband even if she has no desire for it?

A: Each of the couple has certain duties with respect to the other. [This is discussed under woman's exclusive role, page 470.]

Jealousy of the husband and wife

Q: Is the *ghirah* (fervour or watchfulness) of the wife over her husband permissible or not?

A: The *ghirah* of anyone that is outside the Islamic framework is *ḥarām* or prohibited, (while if it is within the Islamic framework it is permissible and even desirable).²

Q: Is the *ghirah* (fervour or watchfulness) of the husband over his wife permissible or not?

A: As mentioned above.

Q: Islam considers a woman's *ghirah* as disbelief,³ so how does the Almighty hold a woman to account on *ghirah*, which is a natural feeling, in the Shari'ah framework of polygamy.

A: The Almighty holds to account for the deeds practiced on the grounds of the prohibited *ghirah*, but in the case of the natural *ghirah* and without any [subsequent] action, then there is none.

Polygamy

Q: In polygamy, why is it that Islam allows a man to have several wives but a woman is not allowed to have several husbands?

¹ The late Imam Shirazi: (This is applicable to that particular case, and it is not a general ruling for all women.)

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ This is referred to as "disbelief" – or "practical disbelief" as opposed to "doctrinal disbelief" – because a woman would show jealousy towards the other wives in a polygamous marriage, and this act is counter to the laws of Allah Almighty. The reason it is labelled disbelief is to reflect or allude to the emphasis of the proscription of this conduct, because such conduct would make life difficult for all concerned.

A: Because in principle a man is able to accommodate more than one wife, and a woman is not able to accommodate more than one husband. It is scientifically proven that if a woman has several husbands this will expose her to dire diseases, and this is a scientific fact.

Q: Islam allows a man to marry up to four wives at any given time. Why four in particular? Furthermore isn't polygamy degrading to the position of woman as a human being, and breaching her right to a secure and stable family life with a partner she does not share with anyone else?

A: This number [in particular] because he would normally not be able to manage more than that. Polygamy is permissible for him so that women would not end up without husbands, and the [husband's various] wives are like sisters who would not harm stability [and security of the family]. (And since the number of women is normally more than that of men, and wars normally bring about fatalities amongst men, and that men die before women, for such reasons if one man is restricted to one woman only, this means millions of women would be left unmarried. Is this not a waste as well as a denial of the rights of this enormous number of human beings; subjecting them to various illnesses and deprivation?)¹

Q: Islam made equity and justice as a precondition to polygamy, while at the same time it confirms that it is a condition impossible to realise; as given in the two separate verses in the Holy Qur'an: ﴿and if ye fear that ye will not be able to deal justly (between them), then (marry only) one﴾² and ﴿Ye will not be able to deal justly between (your) wives, however much ye wish (to do so)﴾.³ So how can this law (of polygamy) remain, given the impossibility of realising the equity precondition?

A: The second verse refers to the inability to do justice in terms of deep love and affection of the heart, whereas the conditional justice required [for polygamy], as cited in the first verse, is in respect of other aspects such as living expenses.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The Holy Qur'an, Women (4):3.

³ The Holy Qur'an, Women (4):129.

Q: If equity and justice is not practiced, what would the ruling be?

A: The husband is forced either to practice justice or to divorce.

Woman and divorce

Q: Why does Islam give the right of divorce to man, rather than to both man and woman, given that their married life begins with the wilful choice of both parties?

A: Firstly, it is valid for a woman to make it conditional, at the time of the marriage contract (*‘aqd*), to have the right of divorce for herself. [i.e. she gains executes the authority of divorce on his behalf.]

Secondly, the issue of divorce can be one of four possibilities: in the hands of husband only, in the hands of the wife only, in the hands of both, or in the hands of a third party. The last possibility is meaningless. As for the case of it being in the hands of the wife only, it would result in divorce cases many times over – as it can be seen today. In the case of it being in the hands of both, it would result in divorce not taking place when it is appropriate to take place, which would exacerbate the problem even further. Therefore it is better for the divorce – the painful solution that one is not resorted to except in extreme circumstances – to be in the hands of the husband.

Q: By giving the right of divorce to the husband, without restricting that right, doesn't this open the door to abuse of woman's right whether she opts to continue with that marriage, or regains her freedom if there was a need for that [divorce]? How can the woman be protected in the cases when the husband abuses the right of divorce?

A: When performing the marriage contract the woman may make it conditional to have the right of divorce for herself, by way of agency on behalf of the husband, as mentioned in the previous reply. In the case of divorce abuse, one should refer to the religious authority (*ḥākim shar‘ie*) who ultimately has the authority to divorce the couple when the husband refuses to divorce.

Q: In the case of divorce, why does Islam give the right of custody of the children to the husband, and not to the wife?

A: The woman has the right of custody for the son up to two years and for the daughter up to seven years. More than this [period] would normally result in hindering the woman from remarrying, or it would expose her and her children to disputes, problems and difficulties between the [new] couple, as well as many more such complications. Therefore this is the best resolution.

Q: A young woman marries a young man and then learns that he engages in drug abuse, does she have the right to seek divorce after she learns of this and she has a child from him?

A: (If this constitutes extreme difficulty for her),¹ she has the right to seek divorce, or demand him to stop drug abuse.

Marriage of the widow

Q: The children might be a hindrance for the mother to remarry when the father dies, so who does the custody of the children go to?

A: The custody is a right for the mother and not an obligation, so she has the right to refuse [the children's custody] and give it to the grandfather for example.

Q: It is obligatory for the woman to abstain from marriage for a period of time in the case of divorce or the death of her husband, but it is not obligatory for the man to wait for a period, isn't this discrimination between man and woman?

A: Amongst the wisdom of observing the 'waiting' period is to establish whether or not the wife is pregnant [from the previous marriage] so that lineage is not corrupted, whereas this is not applicable to man.

¹ The late Imam Shirazi: (If this constitutes difficulty for her).

Clarification of hadith on women

Q: What is your opinion about the saying narrated from Amir al-Mo'mineen that "O women! You have been created with deficiency in the mind"?

A: The saying of the Imam was probably addressed to the woman who waged a military campaign [against him], and it is not in absolute terms; and this is an expression in rhetorical terms.

Q: What is your opinion about the saying of the Imam, "consult them and oppose them"?

A: This narration is not authentic, and many scholars have rejected it and condemned it in their books.¹ It is reported that Omar ibn al-Khaṭṭāb said, "oppose women for in their opposition is a blessing!"² As for the Prophet Muhammad, peace be upon him and his pure family, it is narrated that he consulted women on many occasions, as reported in many hadith.

Q: It is narrated that, "the woman is all evil, and the most of evil of her is that there is no escape from her", and this meaning does not correspond to the teachings of Islam, which see human being – man or woman – as a being that carries in it the potential of being good or bad. So what is meant by this?

A: (3) It is with definitive certainty that the Imam, peace be upon him, does not intend all women. How can this be while he used to refer to and describe women in praiseworthy and genteel manner, such as the narration, "a woman is a flower",⁴ and suchlike? Rather he intends those who do not adhere to their duties, or he intends the particular pledge-bound woman who fought the Imam [at what became known as the battle of the Camel]. Alternatively, it is used metaphorically in that it is

¹ Even if this hadith is to be taken to be correct, it is meant those suggestions that contradict the shari'ah.

² Tuḥfat-al-Ahwadhi, with the commentary of al-Tirmidhi, vol.6, p449.

³ The hadith is not authentic.

⁴ Al-Kāfi, vol. 5, p510.

an indirect address that sounds like addressing all; in the same way that we have some of the Qur’anic verses that seem to address the prophet, peace be upon him and his pure family, while in fact the target is other than him; or it is used in terms of allusion in the way ﴿and We test you by evil and by good by way of trial﴾,¹ [or ﴿Do men imagine that they will be left (at ease) because they say, “we believe”, and will not be tested with affliction?﴾],² and in this case the woman who fought him is the affliction, and there is no escape from affliction in the general sense since this is convention adopted by the Almighty in this world.]

Q: There are phrases in the hadith that require some explanation such as “A woman is inviolable in her entirety.”³ Does that mean there is some sensitivity with respect to women being active in socio-political spheres?

A: This means that she is required to observe strictly her Shari‘ah criteria in hijab and covering.

[This hadith points to the inviolability of her status in society – that she has some sort of immunity – that her privacy and honour is paramount; no non-*mahram* male should have the privilege to gaze at, chat to, hear, or touch her. Accordingly this sets a set of codes of conduct upon her and others.]

Q: Amir al-Mo’mineen is reported as saying, “Allah’s messenger prohibited a woman from shaving her head”, what is meant by this?

A: (4) This narration concerns the hajj [rites], where men should either trim their hair or shave it, while women trim only. As for shaving her head in other than the hajj [rites] – save for grief in a tragedy – it is permissible.

¹ The Holy Qur’an, the Prophets (21):35.

² The Holy Qur’an, Spider (29):2.

³ Da‘ā’im al-Islam, vol.1, p103. Biḥār al-Anwār, vol.80, p177.

⁴ The late Imam Shirazi: (it is not permissible for her to shave the entire head).

Female ‘circumcision’

Q: On what basis do some practice female ‘circumcision’ in the name of Islam?

A: [The operation that is permitted in Islam is only] the trimming of some of the labia minora, which may enhance sexual pleasure for her during intercourse with her husband. [The modern day term for this ‘circumcision’ operation is known as “labiaplasty” or “labia reduction surgery”.]

Research in sexual matters

Q: Do you approve of research on women issues, and sexual problems and impotence?

A: The scrupulous and righteous research is permissible.

On the birth of a female new born

Q: The Almighty states, ﴿if one of them receives tidings of the birth of a female, his face remains darkened, and he is wroth inwardly﴾.¹ Why do some men feel disappointed when their wives give birth to a female?

A: It is an improper behaviour of the era of the Ignorance.

In funeral procession

Q: Why are women prohibited from partaking in funeral procession?

A: (²) The prohibition here is not for it being *ḥarām* but it is for righteousness. The reasons for this could be: out of compassion for her given the gravity of the situation, which might adversely affect her. Also it contradicts the required modesty and other such reasons.

¹ The Holy Qur’an, Bees (16):58.

² The late Imam Shirazi: (It is *makrooh* and not *ḥarām*.)

Chapter Three: Family and Married Life

Marriage

Case: If one fears falling into *ḥarām* because of not marrying, then it is mandatory for one to marry.

It is desirable (*mostahab*) to encourage early marriage of the girl who has reached the adolescence age. Imam Ṣādiq, peace be upon him, said, “It is amongst the blessing and happiness of a man that his daughter does not see *ḥayḍ* in his house.”¹

Categories of marriage contract

Case: A woman becomes ḥalāl to a man through the marriage contract or *‘aqd al-nikāḥ*, which is of two categories:

1. The Indefinite Marriage; in which the period of marriage is not specified.
2. The Fixed-term Marriage; in which the period of marriage is specified; for example the marriage contract is set for one hour, or one day, or one month, or one year, or more.

The Rulings of marriage contract

Case: It is mandatory in the indefinite and fixed-term marriages to perform *‘aqd al-nikāḥ* or the marriage contract, and the mere consent of both parties is not sufficient.

Case: The phrase of the marriage contract should either be pronounced by the man and woman concerned, or they should appoint others as their agents or deputies to perform *‘aqd al-nikāḥ* contract on their behalf. It is not conditional that the representative or appointee be a man, and it is permissible for a woman to be appointed to perform *‘aqd al-nikāḥ* contract on behalf of others, even on behalf of a man.

¹ Al-Kāfi, vol.5, p336.

Case: It is permissible for one person to perform *‘aqd al-nikāḥ* or marriage contract – indefinite or fixed-term – on behalf of both parties. Similarly, it is permissible for a man to be appointed by a woman as her agent to perform the *nikāḥ* contract to marry her to himself for indefinite or fixed-term marriage, although, as a *mostaḥab* precaution, two people should be appointed to perform the marriage contract.

Procedure of indefinite marriage contract

Case: If the parties concerned wish to perform the marriage contract for themselves, and the woman says, “*Zaw-waj-tuka Nafsi ‘alaṣ-ṣidāq alma‘loom’*” meaning “I marry myself to you on the agreed *mahr*”,¹ and the man immediately says, “*Qabiltut-tazweej’*”, meaning “I agree to the marriage”, the marriage contract is valid.

Through proxy

Case: If the parties concerned appoint others to perform the marriage contract on their behalf, and if the man’s name is Ahmad and woman’s name Fatima, and the woman’s representative (or *wakeel*) says, “*Zaw-waj-tu mowak-kilati Fatima mowak-kilaka Ahmad ‘alaṣ-ṣidāq alma‘loom’*”, meaning “I marry my client Fatima to your client Ahmad on the agreed *mahr*”, then the man’s representative immediately responds, “*Qbiltu li-mowak-kili Ahmad ‘alṣ-ṣidāq’*”, meaning “I agree on behalf of my client Ahmad on the agreed dowry”, the *‘aqd* or marriage contract is valid.

Miscellaneous

Case: In reciting the *‘aqd* ‘prescribed wording’, it is not mandatory that the words or terms uttered by the man correspond those uttered by the woman. For example, if the woman uses the term “*zaw-waj-tu*”, and the man says “*qabiltul-nikāḥ’*”, and does not say “*qabiltul-tazweej’*”, the *‘aqd* or marriage contract is valid.

¹ Mahr – also known as *Ṣidāq* – Endowment or Dowry: it is the present given by the man to his prospective bride as part of the marriage contract, which is obligatory as per the Islamic Shari‘ah.

Q: Is the marriage contract valid if it is performed in other than Arabic, like if it is performed in Farsi or Turkish?

A: As an obligatory precaution, if it is possible they should appoint representatives who are able to perform it in correct Arabic. But if this is not possible, it is permissible for them to perform the marriage contract (*'aqd*) in other than Arabic, but they use the words that convey the meaning of the terms “*zaw-waj-tu*”, and “*qabiltu*”.

Q: If a woman of Ahl al-Kitāb recites the *'aqd* ‘prescribed wording’ verbally without knowing its meaning, such that if she knew it is for marriage she would refuse it, is the marriage contract valid?

A: It is not valid.

Procedure of fixed-term marriage contract

Case: If the parties concerned wish to perform the fixed-term marriage contract for themselves, and the woman says, after determining the duration of the marriage and the Mahr, “*Zaw-waj-tuka Nafsi fil-muddah al-ma'loomah 'alal-Mahr al-ma'loom*” meaning “I marry myself to you on the agreed duration and Mahr”, and the man immediately says, “*qabiltu*”, meaning “I agree”, the *'aqd* is valid.

Through proxy

Case: If the parties concerned appoint others to perform the marriage contract on their behalf, and the woman’s representative first says: “*mat-ta'tu mowak-kilati mowak-kilaka fil-muddatil-ma'loomah 'alal-mahril-ma'loom*” meaning “I marry my client to your client for the prescribed period and the prescribed Mahr”, and then the man’s representative immediately says, “*qabiltu li-mowak-kili hākadhā*” meaning “I have accepted thus for my client”, the *'aqd* is valid.

Criteria of the marriage contract

Case: The criteria of the marriage contract (*'aqd al-nikāh*) are:

1. The *'aqd* to be performed in correct Arabic. If it is not possible for the two parties concerned to perform the *'aqd* in correct Arabic, as an obligatory precaution they should, if it is possible,

appoint those who can recite the ‘prescribed wording’ on their behalf in correct Arabic. If that is also not possible, it is permissible for them to perform the ‘*aqd* in other than Arabic, but it is mandatory to say the words that convey the meaning of the terms “*zaw-waj-tu*” and “*qabiltu*”.

2. The ‘*aqd* must be performed with the intention of establishing the marriage. If those performing the ‘*aqd* are the couple themselves, it is mandatory that when the woman says the words “*Zaw-waj-tuka Nafsi*” she means to make herself the wife of the man. And that the intention of the man in his words “*qabiltul-tazweej*” is to agree to this marriage. Alternatively, if representatives are appointed to perform the marriage contract, it is obligatory that the intention of the representatives in their proposal and acceptance should be to make their clients husband and wife.
3. That those who perform the ‘*aqd* are *bāligh* (adolescent) and sane, regardless of whether the ‘*aqd* is for themselves or for those who have appointed them, (though the requirement of the agent being *bāligh* – and that if the agent has maturity but he is not *bāligh* is not enough – is based on precaution).¹
4. The representatives or the guardians of the two parties who perform the marriage contract must identify the couple by uttering their names or pointing towards them. Thus if one has a number of daughters and he says to the man, “*zaw-waj-tuka ihdā banātī*” meaning “I marry one of my daughters to you” and the man agrees, if the girl is not identified at the time of performing the marriage contract, the contract (‘*aqd*) is void.
5. That the couple are willing and give their consent to the marriage. However, if outwardly the woman is coerced to give consent, but it is known that in her heart she is willing and consenting to the marriage, the contract is valid.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Over the telephone

Q: Is it valid if the *'aqd* is performed over the telephone, or is it a requirement that all parties must be present?

A: It is permissible over the telephone.

The girl's consent to marriage

Q: Does the mere consent of the girl and her father to marriage – which is referred to as the 'engagement' – carry the authority of marriage?

A: The 'engagement' without the *'aqd* has no significance and carries no marriage legitimacy.

Q: If a woman is given away in marriage without her consent or the consent of her guardian, but afterwards they both agree to the marriage, what is the ruling in this respect?

A: If they verbally give their consent, the *'aqd* is valid.

Case: The *bāligh* and mature girl who is able to distinguish and manage her affairs and interests, if she is virgin and wishes to marry, as a precaution, she should seek permission from her father or her paternal grandfather. She is not required to seek the permission of her mother or brother.

Case: If the father, or paternal grandfather, is not present, such that it is not possible for the girl to seek their permission, then the permission of the father or the paternal grandfather is not a requirement.

Case: If the girl is not virgin, then the permission of the father or the paternal grandfather is not a requirement.

Q: I am a mature girl studying [at university]; a marriage proposal was made and I agreed, but now that I have come to know the boy better I am not happy about it, but my family are insisting that I should go ahead with the marriage. Do they have the right, from the Islamic viewpoint, to urge me to this marriage? Would this marriage be considered valid from the Islamic viewpoint?

A: Marriage is not established as long as *‘aqd al-nikāḥ* is not performed and the ‘prescribed wording’ is not recited. It is necessary that *‘aqd al-nikāḥ* is performed with the consent of the girl, and also with the consent of her father if the girl is virgin, as a precaution.

Q: A marriage proposal was made to me on behalf of one of my relatives, whom I had not seen since childhood, and his photograph was shown to me, and I agreed, and (*‘aqd al-nikāḥ*) was performed over the telephone, but when I saw him it became clear to me that the photograph that was shown to me was not his, but it belonged to someone else – his brother or friend. My consent was based on that photograph, so is the said marriage contract valid? In case of my refusal, is there a need for a divorce?

A: The marriage contract is not valid, and thus there is no need for a divorce.

Q: If a *bāligh* and mature girl wishes to marry a devout Muslim young man but her father refuses this for material reasons, is it permissible for her to marry him without the consent of the father, if the latter continues to insist on his refusal?

A: It is permissible, if the husband is of equal or comparable status to her.

Q: What is your opinion in respect of the necessity of equality of scholarly competence between the husband and wife?

A: There is no religious credence for this from the *shari‘ah* viewpoint.

Q: In the case of the mature virgin girl whose father and paternal grandfather have died, is the ruling concerning her marriage the same as the non-virgin? This is when her brothers, uncles, and mother are living. Does the guardianship [of the girl] after the father and the paternal grandfather, goes according to common customs?

A: Only the father and paternal grandfather have authority of guardianship [over the virgin girl] absolutely no one else.

Q: Is the consent of the woman in marriage conditional before the ‘*aqd* and intercourse? If the woman is coerced into marriage by being morally threatened by her father, and her marriage is without her consent and choice, is such marriage valid?

A: Without her consent it is not valid.

Q: The consent of the woman is conditional to the [validity of] marriage, and if her father coerced her into marriage, the marriage and its contract is null and void. Is it therefore permissible for the ‘husband’ to be alone with her in a room while he knows of her refusal to the marriage?

A: It is not permissible, however, if she consents to the marriage even after the ‘*aqd* it would be permissible.

Q: Will Allah forgive the parents who force their daughter to marry?

A: It is not permissible for them to use any coercion.

Set Conditions in Marriage Contract

Q: If the woman makes the agreement to marriage conditional that the husband does not prevent her from working, or visiting the family, or attending the mosque and other religious programs, and the man agrees to that, can he retract or prevent her?

A: He is obliged to honour those conditions.

Q: If the woman makes it conditional that the husband does not remarry while in wedlock with her, and the husband agrees to that, but if he were to do that, what is the ruling of the second marriage?

A: He has breached the set condition, but the second woman becomes his wife.

Case: If the husband makes it conditional in the marriage contract that the woman is virgin, and afterwards it transpires that the wife is not virgin, it is permissible for him to annul the marriage contract.

Case: If the woman makes it conditional at the time of the marriage contract that the husband does not move to another country, and the

husband agrees to that, it is not permissible for him to make the wife move to another country except with her consent.

Case: If the woman relinquishes her Mahr in favour of her husband with the condition that he does not marry a second wife while in wedlock with her, then she is obliged not to demand him for the Mahr, and at the same time he is obliged not to marry a second wife while in wedlock with her as per the set condition.

Q: A young man wishes to marry a young woman but the man suffers from sexual incompetence and cannot procreate, and the woman is aware of this and agrees to that. There is no particular affection between them, but the woman wishes to be married. What is the ruling of this marriage?

A: It is permissible.

On the rulings of virginity

Q: What is the ruling of a girl whose virginity is lost through *shubhah*,¹ or it is lost through a particular medical treatment and suchlike? From the Islamic viewpoint is she treated as non-virgin when it comes to seeking permission for marriage?

A: (2) She is treated as non-virgin if the virginity is lost through sexual intercourse, but if it is lost though other than that, then she is treated as virgin, [and therefore she needs her father's permission for marriage].

Case: It is not permissible to break the virginity of a virgin though medical surgery and suchlike, and if one does so, one is liable to *diyah*. However, the husband is not liable to *diyah*. Similarly no *diyah* is liable in the case of fornication (i.e. sex outside marriage), since "there is no Mahr in fornication".

However, is it permissible for a woman to break her virginity (defloration)? It is not permissible if she is married and the husband

¹ See definition for *shubhah* in the glossary.

² The late Imam Shirazi: (She is treated as non-virgin but it is better to take the side of precaution.)

does not give consent to that, since that is then his right. In the case of an unmarried woman, if the harm [from doing so] is too much it is not permissible. By harm, it is meant more than the general bodily harm, which includes the social harm too, (if it were to the extent that it is known to be *ḥarām* to bear).¹ If the husband wanted to break it by finger and suchlike, if she gave her consent, then it is permissible, (otherwise it is not permissible).

Case: If a woman uses medication to recreate her virginity completely as it was before, it is permissible to present herself as a virgin at the time of *‘aqd*, and this does not give the husband any right [if he were to know that], unless if the marriage is made conditional that the original virginity has never been broken, in which case that would be considered as ‘fraud’ or ‘breach of contract’. The requirement of the father’s permission is applicable to the original virginity, but there is no need for his permission in the case of the second virginity (if the ripping was through sexual intercourse).² As for the case of acquiring artificial virginity that is without the growth of the membrane, it can only be the status of non-virgin woman.

Rulings of indefinite marriage

Case: The woman who is indefinitely married may not leave the family home without the permission of her husband, and it is mandatory to make herself available to him for the purpose of [sexual] pleasures, and she should not deny him sexual intercourse without justifiable reason. If she complies with her husband in these matters, it is obligatory for her husband to provide for her food, clothing, and housing, and if he does not provide for her – while he is able to do so – he remains indebted to his wife.

Case: If the wife does not obey her husband in the matters mentioned above, she is considered to be disobedient (*nāshiz*), and will not be

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The content between () is not part of the fatwa of the late Imam Shirazi.

entitled to the food, clothing, housing, as well as sleeping with her. However, she does not forfeit her Mahr.

Case: If excessive sexual intercourse causes harm, illness, or discomfort for the wife, then it is not permissible for the husband to do so, just as it would not then be obligatory for her to comply [with his demands]. And in this respect if the wife did not comply with that she would not be deemed as refraining from fulfilling her marital obligations (*nāshiz*).

Case: The husband has no right to compel his wife to provide household services.

Case: It is not permissible for the husband to abandon sexual intercourse with his wife for more than four months – as it is widely accepted amongst the scholars – however, [it is the author’s opinion that] it is necessary to cohabit even in matters of sex as per common norms. [In other words, if the wife sought sexual intercourse on weekly basis and it was possible for the husband, then he is obliged to do so.]

The role of the couple at home and outside

Q: There are those who say Islam has divided the roles of the couple such that the husband is responsible for the role outside the home such as working and earning and providing for the needs of the household. The role of the wife is related to activities inside the house such as cooking, cleaning and taking care of the children and their upbringing. Do you see this allocation of roles being defined by Islam?

A: Yes, but the role of the woman is voluntary and she is encouraged and rewarded for (*mostahab*). [This is discussed under woman’s exclusive role, page 470.]

Abandoning the wife

Q: A husband has abandoned his wife for two years and he has not had sexual intercourse with her during that period. He has been reminded of his duties and responsibilities but he takes no action. Does the wife have the right to seek divorce from him through the Ḥākīm al-Shar‘ī or his representative?

A: (1) Yes, if the husband is at fault and he is not prepared to give divorce.

Kinship Bond

Q: The husband orders his wife not to leave the matrimonial house, and in this there is the “breakage of the kinship bond”, is his order irrelevant because, “there is no obedience to the creature if it constitutes disobedience to the creator”?²

A: Yes his order in this respect is irrelevant; but only to the extent of fulfilling the obligatory duty of keeping ‘relatives’ bonds’ in a customary manner.

After a row

Q: If there was an argument between the couple and the husband expelled her from the house, and she went to her father’s house, is she allowed to go in and out of her father’s house without her husband’s permission? In other words, does the obligation of seeking permission from the husband in leaving the house there become irrelevant?

A: If the husband is at fault, yes, in that he has failed to fulfil his duties towards his wife, and therefore the wife is not obliged to obey him in seeking permission for leaving the house.

Expenses and status

Q: My wife is from a rich family and I am from an average family, is it mandatory for me to pay for her in the same way she is used to when she was with her family, which would put me in economic hardship, or should I pay for her within my financial ability?

A: It is mandatory for the husband to pay for the expenses of the wife according to the status of both partners even if by borrowing and

¹ The late Imam Shirazi: (Yes, after warning from the Ḥākim al-Shar‘i to him.)

² Wasā’il al-Shi’a, vol.11, p157.

suchlike, and if it is not possible for him to borrow it is mandatory for the *bayt al-māl* i.e. the public treasury to pay for it.¹

Contraception

Q: Is it mandatory for the woman to seek permission from her husband in using contraception?

A: (²) From the viewpoint of Islamic law she is not obliged to do that, but it is emphasised that the couple build their married lives on understanding, cooperation, and harmony.

Impotency treatment

Case: If the husband suffered from impotence and the wife does not waive her right of sexual relation, the husband is obliged to seek treatment as a prelude to fulfilling his marital duties.

Case: If the impotence treatment necessitates the use of medication, whether in the form of oral or lubricant, and suchlike, that would be mandatory in order to enable him to fulfil his marital duties.

Shighār marriage

Case: There is a custom among some villagers and Bedouins, which is when two individuals each marry the other person's sister or daughter with the provision that the Mahr of each woman is the marriage of the other. This is not valid. In Islamic *fiqh* this is referred to as the *shighār* marriage. [In this way the Mahr is waived or lifted meaning *shighār*.] It is essential that the Mahr is established according to the Islamic Law.

¹ “. . . it is mandatory for the *bayt al-māl* i.e. the public treasury to pay for it.” This reply could be said to be the underlying principle, even if in practice we do not have such a system going at the present time. This is of the same category of the Islamic law established by Prophet Muhammad that if the debtor genuinely cannot repay his debt then the head-of-state is responsible to pay it. Furthermore, the same law states if the head of the family dies and leaves a poor family behind then their welfare is the responsibility of the head-of-state, but if he dies and leaves a wealth and bequeath behind, then it is theirs, i.e. no inheritance tax.

² The late Imam Shirazi: (It is not obligatory for her do that.)

Marriage Annulment

Nullification by the husband

Case: If the husband comes to know – after the marriage contract (*‘aqd al-nikāh*) – of one of the following seven conditions in his wife, it is permissible for him to annul the marriage:¹

1. Insanity
2. Leprosy
3. Leucoderma or vitiligo
4. Blindness
5. Being crippled
6. Ifḍā’ – the condition where the woman’s urinary and menstrual tract are one.
7. Qirn – the presence of flesh or a bone in the woman’s uterus that obstructs sexual intercourse.

Nullification by the wife

Case: If the wife comes to learn – after marriage contract (*‘aqd al-nikāh*) – of one of the following deficiencies in her husband, it is permissible for her to pronounce the marriage annulled:

1. Insanity
2. Impotence, or the condition that makes him unable to achieve erection and thus perform sexual intercourse,
3. Penally Castrated – one who has his penis removed
4. Testicularly Castrated – one who has his testicles removed
5. The one who has his testicles crushed.

¹ By pronouncing the marriage annulled, with the provision of the relevant criteria, there is no need to obtain or give divorce – or go through the divorce procedure and uttering its formula – by the party annulling the marriage.

AIDS

Q: Does the condition HIV positive or AIDS constitute one of the deficiencies in a spouse that can annul the marriage?

A: If being free from HIV positive or AIDS is assumed by implicit stipulation and by common understanding (*'orf*), then the spouse has the right to annul.

Infectious disease

Case: It is permissible to bar the sick from marrying if it causes transmitting the disease to the partner and the children, when the disease constitutes severe harm the kind of which the Islamic Law prohibits. This is because of the Islamic principle "There should be no harm done to anyone or received by any one".¹ However, if the marriage does not cause the transmission of the disease, or if the purpose of the matrimony is to be *mahram* and suchlike, or the disease is not so serious that it can be tolerated from the Shari'ah viewpoint, (or the possibility of infection is negligible),² then marriage is permissible and prohibition is not permissible.

If the touching-only marriage were decreed to be prohibited in the said scenario, and if abstention from ejaculation proved difficult for him or her, then it is not permissible to use other means to achieve ejaculation such as the hand (i.e. masturbation), dolls, hypnotism to allay the difficulty. If ejaculation is possible by the husband or wife without fear of contagion, it is permissible.

Rulings of fixed-term marriage

Case: The fixed-term marriage or *mut'ah* is valid even if it is not intended to be for pleasure.

Case: If the woman made it conditional in the *mut'ah* contract that there be no sexual intercourse, the condition and contract are valid, and all pleasures are permissible for the husband save intercourse. However, if

¹ Wasā'il al-Shi'a, vol.26, p14, hadith#32382.

² The content between () is not part of the fatwa of the late Imam Shirazi.

the woman agrees to intercourse afterwards, it would be permissible for the husband.

Case: The wife in *mut'ah* has no right of *nafaqah* [i.e. living expenses: food, clothing, housing] even if she becomes pregnant from the husband.

Case: The wife in *mut'ah* has no statutory right to sexual life or intercourse, [i.e. if her husband does not sleep with her she does not have the right to complain, as opposed to the case of indefinite-marriage where the wife does have such a right.] Furthermore, the wife in *mut'ah* does not inherit the husband, and nor does he inherit her.

Case: It is permissible for the wife in *mut'ah* to leave her husband's house without his permission, but if her leaving the house constitutes denial of her husband's right, leaving would not be permissible.

Case: If the husband forgoes the rest of the marriage period to his wife in *mut'ah*, and he had had intercourse with her he must give her the agreed Mahr, but if he had not had intercourse with her, he must give half of the Mahr.

Difference between indefinite and fixed-term marriage

Q: What are the rulings of the *mut'ah* in respect of preconditions, age, offspring, witnesses, contract and waiting period?

A: There is no difference between the indefinite and the fixed-term marriage except that in the latter:

- the duration and *mahr* of the marriage must be prescribed,
- the wife does not inherit [from the husband, and vice versa],
- the wife has no right to *nafaqah* [i.e. living expenses such food, clothing, housing],
- the wife has no right to equal share of sexual relation [in the case of polygamy],

- the *'iddah* [or the waiting period of 'divorce' or separation at the expiry of the duration of the marriage contract] is one menstrual period.

Marrying Ahl al-Kitāb

Q: Is indefinite marriage to Ahl al-Kitāb permissible?

A: Yes (although as a *mostaḥab* precaution it should be avoided).¹

Mut'ah with Ahl al-Kitāb women

Q: Is it permissible to perform *mut'ah* or fixed-term marriage with a woman from Ahl al-Kitāb?

A: It is permissible.

Q: Is it a condition in the *mut'ah* marriage that the *kitābi* woman understands the essence of marriage and the 'prescribed wording' of the marriage contract?

A: Yes it is, even if in principle.

Q: If a Muslim wants to contract a *kitābi* woman in *mut'ah* marriage, is it necessary for him to investigate the issue of her *'iddah* (the divorce waiting period), given that they do not necessarily abstain from befriending men?

A: It is not necessary, although it is better to do so,² (so that one does not face the eternal prohibition if one comes to learn of that later on).^{3,4}

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The late Imam Shirazi: (although one should do so as a precaution.)

³ The content between () is not part of the fatwa of the late Imam Shirazi.

⁴ If one marries a woman and later on one learns that at the time of performing the marriage contract the woman was going through her divorce waiting period, one must separate from the said woman immediately, and the woman concerned becomes *ḥarām* to him forever, and he can never marry her under any circumstances whatsoever, even when she is fully divorced after the expiry of her divorce *'iddah* or waiting period. The same ruling of eternal prohibition applies if one commits adultery with a woman who is going through her divorce *'iddah* or waiting period, or who is married to another man.

Q: Is it permissible for a man who is married to a Muslim woman to *mut‘ah* marry a *kitābi* woman without the permission of his Muslim wife?

A: ⁽¹⁾ It is not permissible to marry – indefinite or fixed-term – a *kitābi* woman over a Muslim woman except with the permission of the Muslim wife. However, in the case of fixed-term marriage, if the duration is one or two days it is permissible without her permission.²

Q: Is it permissible for one to *mut‘ah* marry a *kitābi* virgin without the permission of her guardian?

A: It is permissible if it is common in their tradition for the father or paternal grandfather not to have authority or *walāyah* [over her].

Q: It is normal and customary in Western societies that the relationship between man and woman is based on friendship without involving a marriage contract. Is it therefore permissible for a Muslim man to have a relationship with a *kitābi* woman without performing the marriage contract with her and uttering the words concerned?

A: It is not permissible for a Muslim [to enter into any relationship] except through a marriage contract with a woman who does not have a husband.

The mahr and the ‘prescribed wording’ of *mut‘ah*

Q: If a man performed *mut‘ah* with a woman and he had intended not to give her her Mahr, would the marriage contract be valid?

A: The marriage contract is correct, but it is mandatory for him to give her her Mahr.

¹ The late Imam Shirazi: (without the permission of his wife it is *makrooh*, but it is not *ḥarām*.)

² Needless to say, in the case of a second marriage with a Muslim woman – indefinite or fixed-term – consent of first wife is not a requirement, unless it is a prenuptial condition by the first wife that he does not marry a second wife while married to her.

Q: If it is difficult to explain the concept of *mut‘ah* marriage to the woman and difficult for her to pronounce the ‘prescribed wording’, how should one deal with her, and is it permissible to say the ‘prescribed wording’ on her behalf without intermediary?

A: It is permissible to perform *mut‘ah* with her provided she is made to understand, and he may recite the ‘prescribed wording’ on her behalf after obtaining authority of representation from her.

Mut‘ah witness

Q: Does *mut‘ah* marriage require witnesses?

A: Witnessing marriage contract is only *mostahab*.

Renewing the mut‘ah marriage

Q: If I am in a *mut‘ah* marriage and wish to renew the marriage period, what should I do?

A: You must recite the ‘prescribed wording’ of the marriage contract anew.

Q: Is it permissible to extend the marriage period during the *mut‘ah* marriage, and before it expires?

A: It is not permissible to extend the marriage period. However, it is permissible to recite the ‘prescribed wording’ of the marriage contract anew with a longer period, (and as a precaution one should forgo the previous marriage period, and then renew the new marriage contract).¹

The mut‘ah ‘iddah

Q: How should a woman in *mut‘ah* marriage observe the ‘*iddah*’ if her husband performs a second ‘*‘aqd*’ with her before the expiry of her first ‘*‘iddah*’, but he does not engage in sexual intercourse with her in the duration of the new ‘*‘aqd*’?

¹ The late Imam Shirazi: (by forgoing the previous period and then renew the new contract.)

A: If the second marriage duration expires or he forgoes the rest of that duration – and he does not engage in sexual intercourse with her – she should complete that which has expired from the first *‘iddah*. Needless to say the duration of the second *‘aqd* is counted as part of the *‘iddah*.

Mut‘ah with triple divorcee

Q: If one divorces his wife three times, is it permissible for him to *mut‘ah* marry her after the expiry of her *‘iddah*?

A: If he has divorced her three times, interleaved by two revocations or returns according to the correct Shari‘ah criteria – regardless of whether after the divorce the husband returned within the *‘iddah*, or the *‘iddah* expired and he married her anew – she does not become ḥalāl to him to marry – whether indefinitely or temporarily. However, she becomes ḥalāl for him to marry if she marries someone else an indefinite marriage and gets divorced from the second husband provided sexual intercourse and ejaculation takes place between them, and the *‘iddah* is observed.

Indefinite or fixed-term

Q: If the couple disagreed about the type of the marriage contract [they have had between them] in that the husband claims it is fixed-term and the wife claims it is indefinite, or vice versa, what would be the ruling?

A: The ruling goes in favour of the individual who claims the indefinite marriage,¹ unless the one who claims the fixed-term marriage produces the evidence.

The ‘misyār’ marriage

Q: What is the ruling of the so-called *misyār* marriage, which is an indefinite marriage in which the wife waives some of her rights such as the rights of sexual relationship, *naḥāqah* (living expenses), inheritance, and suchlike?

¹ The late Imam Shirazi: (the fundamental standing/principle in marriage is permanence [i.e. indefinite marriage].)

A: It does not affect the validity of an indefinite marriage if the couple or one of them waives some of the rights that are permissible to waive, with the exception of the likes of inheritance which is not permissible to waive.¹

Women who are ḥarām to marry

Case: It is forbidden to marry some of the women such as the mother, sister, and mother-in-law.

Case: If a man performs the marriage contract, i.e. the *‘aqd*, with a woman, even if intercourse does not take place between them, her mother, her maternal grandmother, and her paternal grandmother as the lineage ascends become *maḥram* to the man, and therefore it is not permissible for him to marry any one of them.

Case: If a man performs the marriage contract, i.e. the *‘aqd*, with a woman, and has sexual intercourse with her, the daughter of his wife [from another marriage] and her granddaughters (the daughters of wife’s daughters and the wife’s sons) become *maḥram* to him as the lineage descends – regardless of whether they existed at the time of marriage or they were born afterwards.

Case: The father of the husband and his grandfather and as the lineage ascends, the son of the husband and his grandsons (the sons of his sons and of his daughters) as the lineage descends become *maḥram* to the wife – regardless of whether they existed at the time of marriage or they were born afterwards.

Case: If the wife is in indefinite or fixed-term marriage, it is not permissible for the husband to marry her sister so long as she remains his wife.

Case: It is not permissible for a man to marry the nieces of his wife without her permission. However, if he performs the *‘aqd* with them

¹ The late Imam Shirazi: (It is valid, but in it some of the rights such as sexual relation, living expenses may be waived but not inheritance and suchlike.)

without her permission, but then gave her consent later on, the ‘aqd is valid, and there is no problem with it.

Case: If one performs the marriage contract with a woman and has sexual intercourse with her, and after that commits adultery with her mother, his wife will not become *ḥarām* to him. The same applies if one commits fornication with the mother of the woman he has performed the ‘aqd with before he has sexual intercourse with her.

Case: It is not permissible for a Muslim woman to marry a non-believer – whether he is a *kitābi* or non-*kitābi*. Similarly it is not permissible for a Muslim man to marry a non-*kitābi* non-believer. As for marriage with a *kitābi* woman such as a Jewess or a Christian, there is no objection to marrying them indefinitely or temporarily, although as a *mostaḥab* precaution one should avoid the indefinite marriage.

Case: If one commits adultery with a woman during the ‘*iddah* or waiting period of a *raj‘ei* divorce [i.e. revocable divorce], she will be eternally prohibited to him. However, if he commits adultery with a woman during her ‘*iddah* period of a *mut‘ah* marriage, or during the ‘*iddah* period of a *bā’in* divorce [i.e. irrevocable divorce], or during the ‘*iddah* of death, it would be permissible for him to perform the ‘*aqd* or marriage contract with her after the ‘*iddah*.

Case: If one commits fornication with a woman who does not have a husband and is not observing an ‘*iddah*, it is permissible for him to perform the ‘*aqd* or marriage contract with her afterwards. However, as a *mostaḥab* precaution, he should delay and wait until that woman observes *ḥayḍ* or her monthly menstruation period and then perform the ‘*aqd*. The same applies if another man wanted to perform the ‘*aqd* with her.

Case: If one knows that the woman has a husband and despite that he marries her, it is obligatory that they separate, and he may never perform an ‘*aqd* or marriage contract with her afterwards.

Case: If a woman who has a husband commits adultery, she will not become *ḥarām* to her husband. If she does not repent and continues with

her immorality, it is preferred that he divorces her, but it is obligatory for him to give her her Mahr.

Case: If a person commits sodomy on another, the mother, sister, and daughter of the sodomised will become *ḥarām* for the person committing sodomy (if the person committing sodomy is bāligh and the sodomised non-bāligh).¹

Case: If a man does not perform *ṭawāf al-nisā'* [during the hajj pilgrimage] his wife will become *ḥarām* to him. Similarly, if a woman does not perform *ṭawāf al-nisā'*, her husband will become *ḥarām* to her. However, if they perform *ṭawāf al-nisā'* afterwards, or they appoint someone to perform it on their behalf, if it is not possible for them to do it themselves, the prohibition will be lifted.

Miscellaneous marriage queries

Marriage or Hajj

Q: I am saving money in order to get married, but does this have a higher priority over sending my parents to the hajj pilgrimage, given that they are old and there is fear of dying before the perform the hajj?

A: It is up to you.

Q: If the father is financially able and he has a son who needs to get married, is it obligatory for the father to provide financial support from his own to help his son get married? There are fathers who marry a second and a third wife but do not help their sons get married, and justify their action on the basis that the son must become self sufficient. What is the opinion of the Islamic Law on this?

A: If it is not possible for the son to get married and he urgently needs to marry, it is obligatory for the father to help get his son married.

Q: What is the ruling on one who spendthrifts extravagant amounts of money on buying wedding garments and on luxurious settings at the

¹ The late Imam Shirazi: (even if the person committing sodomy and the sodomised are both not bāligh, as a precaution).

wedding hall despite his financial inability resulting in him borrowing money?

A: If something constitutes as being excessive and extravagant (*isrāf*) it would be *ḥarām*.

Wearing perfume and jewellery for women

Q: As it is commonly known, it is severely *makrooh* for a woman to wear perfume for other than her husband. Is this objection applicable only for leaving home while wearing perfume, or is it even applicable to wearing it while with other women and her *maḥram*?

A: The objection is due to the non-*maḥram* scenting the fragrance of the perfume she is wearing.

Q: Is it permissible for the wife not to wear adornment for her husband during the months of Muḥarram and Ṣafar as a sign of respect for the tragedy that befell the household of Allah's messenger?

A: It is *mostaḥab* to adhere to expressions of sorrow and mourning for the tragedy of Imam Husayn, peace be upon him, but if the husband opposes that for his wife, she may wear adornment for him specifically and adhere to expression of mourning in public.

For purpose of marriage

Case: It is permissible for one who wishes to marry a woman to look at her even if she is not aware of that, provided this is not with the intention of lust or pleasure, even if he knows that by looking at her this may unwillingly happen.

Q: If a woman comes to decide on a particular candidate for marriage, is it permissible for her to look at him for the purpose of finding out more about him, given the possibility of sense of pleasure unwillingly taking place in the process?

A: If it is truly for choosing a husband, then there is no objection to that, provided there is no intention of pleasure involved, and even if that unwillingly happens.

Undesirable astrological timing

Q: In addition to the narrated reports on the undesirability of performing *‘aqd al-nikāh* at certain times,¹ astrologers and scholars have mentioned some other timings too, should we take their words?

A: There is no harm in doing so, but their claims do not necessarily constitute religious objection.

Getting acquainted for marriage

Case: It is not permissible to express love and affection through love letters between two individuals who are not *maḥram* to each other, since this leads to flirting, lust, and desire all of which are *ḥarām*.

Case: It is not permissible for men to have girlfriends, even if they are non-believers, nor is it permissible for women to have boyfriends.

Q: In our country consent to marriage is not given until after acquaintance between the boy and the girl, is that permissible?

A: There is no harm in acquaintance if it is within its Islamic bounds.

Mut‘ah marriage vs. dating

Case: There might be wars that cause the death of many men, and thus there will be considerably fewer men compared to women. Therefore there will be a great number of women who will not get the opportunity of marriage on a one-to-one basis. Islam addresses this problem through fixed-term marriage; in that every man has the opportunity to *mut‘ah* marry several women and therefore observes to their needs within a decent framework as mentioned in the Islamic jurisprudence.² This is of course in addition to the permission that a man may marry up to four wives indefinitely. As for the custom of dating that has become widespread in other cultures, it is immoral and leads to further

¹ Performing *‘aqd al-nikāh* should be avoided when the moon is passing through the phase of Scorpio.

² By performing the marriage contract and uttering its formula, this bond of marriage acquires a dimension of spirituality and holiness, which is otherwise not achieved with any bond between the couple outside marriage.

promiscuous behaviour, which defies both religious and acceptable social norms.

Marriage with celebrities

Case: It is permissible to perform *mut‘ah* marriage with beauty queens and cinema stars, and vice versa, but it must be within the Islamic framework mentioned in the books of *fiqh*, given the unrestricted nature of jurisprudential evidence of marriage for its two categories – [i.e. the indefinite and the fixed term marriage categories]. As for going outside the framework, as it is customary in the West and elsewhere, it is prohibited without any doubt.

Case: There is no objection to marry film stars for the sake of fame and fortune, although it is *makrooh* according to the *shari‘ah*. If a man marries such a woman, it is mandatory for him to prevent her from revealing herself and her body and other prohibited acts.

Case: There is no objection to marry millionaire women, but one should know that it is *makrooh* to marry for the sake of wealth and beauty, as narrated in the noble hadith.

Q: What is the ruling regarding *mut‘ah* marriage with a woman who is known to commit fornication?

A: (1) It is *makrooh* to perform the *‘aqd*, and as for intercourse it is permissible if it does not result in or bring about contagious disease or severe harm.

Marriage of conjoined twins

Case: If a pair of twins were congenitally united and they remained conjoined, do they have the right to marry two women? It is permissible for each one to have intercourse with his wife, if that does not constitute a *ḥarām* matter with respect to the other twin.

Case: If there were two bodies sharing one waist, such that they are considered as two persons, the ruling is that same as that mentioned in

¹ The late Imam Shirazi: (The common acceptance by scholars is that it is *makrooh*.)

the previous case. However, if there were two heads on one body such that they are considered to belong to one person, then the ruling of a single-head person applies.

Wedding parties

Case: It is permissible to go to wedding parties and banquettes that do not include *ḥarām* [things or acts].

Case: There is no objection to invite reciters to recite chants and poetry. It is not permissible to invite someone who is known to encourage prohibited acts, unless one ensures that no *ḥarām* thing takes place.

Case: It is not permissible to invite [male] photographers or camera persons in order to produce films and images of the bride or other women if it is known that they would not adhere to sufficient hijab.

Case: It is not permissible for men and women to mix together in the ‘*aqd* and wedding parties, if that would entail the non-*maḥram* men seeing the bride or other women while being without the necessary cover or hijab or if they are wearing ornaments, make up, and suchlike. It is not permissible for non-*maḥram* men to look at the bride while she is without the necessary cover or hijab, or at her face and hands if wearing ornaments, make up, and suchlike.

Case: The groom must lower his gaze when he enters the women only halls if that involves seeing non-*maḥram* women if they are not decently covered.

Case: If the groom knows that when going to the women-only hall for a very short period, such as for taking pictures or wearing the ring, he would see women who are not covered, it is not permissible for him to look [at them].

Case: Singing in weddings, if it is not accompanied by a musical instrument or associated with any other *ḥarām*, is permissible.

Case: Singing is *ḥarām*; musical instruments are also *ḥarām*, even if it is performed by the wife for her husband, and vice versa, and even if it is

performed in a non-melodic, non-passionate, non-arousing way and even if it is not accompanied by music.

Case: Dancing is absolutely not permissible. However, there is no objection to the husband and wife dancing for one another, if there is no one present.¹

Case: There is no objection to decorating the cars for weddings, however, repeatedly sounding the car horns in the city streets which causes nuisance for the people, or if women do not observe adequate hijab is not permitted.

Beauty Queen pageantry

Case: Beauty queen pageantry and selection through prohibited means which bring about immorality, decadence and suchlike are not permissible, as well as all *ḥarām* aspects associated with such exercises. However if the program and selection takes place between women only and without any other *ḥarām* acts or conducts, then there is no objection to that. The same is applicable, if similar programs take place based on such criteria as moral beauty, spiritual fulfilment, and hijab.

On procreation, and parents-offspring relationship

The Right of Procreation

Case: Each of the husband and wife have the right to refuse if the other wants to have children, although it is better that they deal with this matter cordially between themselves.

Case: *in vitro fertilisation* (IVF) which is fertilising the wife's egg with her husband's sperm in a test tube is permissible, if in the process there

¹ The late Imam Shirazi: (There is no objection to women dancing before other women in wedding parties if it is not associated with another *ḥarām* act. It is not permissible for a husband to dance with his wife before other women. It is permissible for women to dance in 'aqd and zafāf parties in the presence of other *māḥrams* only if it is not passionate or arousing, also there is no objection to the husband and wife dancing for one another if there is no other non-*māḥram*.)

is no prohibited aspect involved. Also in the case of an urgent necessity there is no objection to the said process taking place unconditionally.¹

Labour pain

Case: If the labour pain is such that it causes considerable harm, it is permissible to use drugs prescribed for this purpose to lessen it, since it is not permissible to endure immense pain. The permission here is in universal sense, and the pain is [a form] of harm; [the use of designate drugs is permissible] regardless of it being of the form of oral, injection, gas, anaesthetic, sedative – this is if the labour pains are more acute than those normally associated with childbirth.² The same goes for the surgical operation to deliver the foetus.

Abortion

Case: It is not permissible for midwives and physicians to prescribe medications that induce abortion, nor is it permissible for them to engage in abortion directly, except after they make certain that it is one of the circumstances that the shari‘ah deems permissible. It should be said that [engaging in a conduct that leads to a *ḥarām* act is considered *ḥarām*, and thus] prescribing abortion-inducing medication is a prelude to a *ḥarām* [act], and administering abortion is a *ḥarām* act itself and carries expiation.

Case: It is not permissible to abort an embryo the moment it is formed [i.e. the egg is fertilised in the womb]. Abortion is severely prohibited in Islam, and the expiation is obligatory upon the person who administers the abortion; regardless of [the perpetrator being] the physician, the

¹ An example of ‘an urgent necessity’ is that without the IVF treatment the marriage of the childless couple may lead to divorce, and thus under such circumstances if they have to choose between divorce or a treatment with a [minor] prohibited aspect involved, the latter may be chosen, as the prohibited aspects are waived in compelling circumstances.

² For example, fasting is associated with some hardship and difficulties that are normal to this practice, but if the hardship is greater than the norm – i.e. if it proves harmful – then it is not permissible to fast.

husband, the wife, or someone else, and [the expiation] is given to the heir of the foetus who has not been involved in the abortion.¹

Foetus abnormality

Case: If one knows that one's offspring will be born with an abnormality, or a disability, it is permissible for one to use the permissible means to prevent conception. If one learns that the foetus is abnormal, disabled, and suchlike, aborting the foetus is not permissible as per obligatory precaution.⁽²⁾ The significance of being disabled or disfigured for life is like that of the terminally ill; since the survival of such individuals constitutes respect for mankind; something that common sense approves of as well as the honourable Shari'ah.

Case: If a pregnant Muslim woman is informed by her doctors in her third month, say, that the foetus has an abnormality and it is very likely that it will be miscarried in the fourth or fifth month if she does not use medication to prevent miscarriage, and if the disability is very severe and one is certain of the doctors' assertion, it is permissible to stop taking the medication.

Case: If a woman gives birth to five children, four of whom are disabled, and one of them is of sound health, and now she is pregnant with the sixth child, and there is fear that the sixth may also suffer from the same condition, it is not permissible for her to abort the foetus even if she knows that it does not yet have a soul, i.e. it is still in the second month.

If the mother is ill

Case: If the sperm is conceived [inside the womb] it is unconditionally not permissible to abort [it]. The exception to this is if the mother's life is in danger or if the foetus is severely disfigured or handicapped; and the assessment of this depends on the expert in this respect. The

¹ Abortion issues are also discussed in Chapter Six of Part Five, page 650

² The late Imam Shirazi: (unless the foetus is not considered to be a human being such that it is not covered by the prohibition of killing a human being.)

expiation amount for this depends on the age of the foetus, as it is given in the section of expiations in this book.

Case: If the physicians are unanimous in their opinion that the mother is in danger of death [because of her pregnancy], it is permissible to abort the pregnancy and no *diyah* or expiation is applicable in this case, provided it is not possible for them to move the foetus to an incubator and suchlike.

Case: If the pregnant mother dies and it is possible to move her womb in order to protect the foetus, it would be mandatory to do so if this is the only way to keep the foetus alive. [The permit for this dissection, which is normally prohibited, and the removal of the womb] is based on the significance of the issue [of keeping the foetus alive], and from this [case] the permission of cutting open the abdomen and suchlike is deduced, [otherwise dissection is not permissible].

Rulings of embryo and foetus

Case: It is permissible to manipulate the embryo to determine its gender. It is also permissible to make it twin by medical means if it is possible. Needless to say, it is not permissible to make him disabled, disfigured and suchlike, for this constitutes harm and alteration to the creation of Allah.

Case: It is permissible to remove the foetus that has resulted from adultery from the womb of the adulteress, if it is possible to nurture it outside the womb until it is fully grown. It becomes mandatory, as a precaution, [to remove the foetus] if remaining in the womb results in death.

Case: If it is possible to make the human sperm from chemical materials or suchlike, without [the use of] a father or mother, the human being created from that sperm will not have *mahrāms* nor heirs from ascending lineage, but they will be from his offspring and in-laws.

Rulings of Breastfeeding

Case: The best person to breastfeed the child is the mother. And (as a precaution) ⁽¹⁾ breastfeeding should continue for two full years if possible.

If it is carried out according to its specified criteria, breastfeeding [by a woman other than the mother of the child] causes the child to become *maḥram* [to the breastfeeding woman and her relatives].

Criteria for qualifying breastfeeding

Case: The criteria for the *muḥarrim* breastfeeding that causes individuals to become *maḥram* are eight. If those criteria are observed in the breastfeeding process, then the individuals concerned and their relatives who are normally non-*maḥram* become *maḥram* to each other. Those eight criteria are as follows:

1. that the baby breastfeeds from a living woman; for it is of no consequence to breastfeed from the breast of a dead woman.
2. that the milk from the breastfeeding woman is not from *ḥarām*; thus if the baby breastfeeds from a milk that is generated as a result of adultery or fornication, the baby will not become *maḥram* to anyone.
3. that the baby sucks the milk from the breast; thus if the milk poured into the baby's mouth, it would be of no significance.
4. that the milk is pure, and it is not mixed with anything else.
5. that the milk is of one husband only; thus if for example a breastfeeding woman is divorced from her husband, and then she marries another man by whom she becomes pregnant, and by the time of the parturition of the latest pregnancy, the milk that she had from the first husband does not cease; if she had breastfed a child say eight times before childbirth, and seven

¹ The late Imam Shirazi: (it is *mostaḥab*...)

times after it – from the milk of the second husband – the child would not become *mahram* to anyone.

6. that the child does not vomit the milk due to illness.
7. that
 - a. The child completes **fifteen** full breastfeeding sessions. In this case, it is mandatory that the baby has all the fifteen sessions of breastfeeding [to its fill] from a single woman without the sequence of those [fifteen sessions] being interrupted or interleaved by breastfeeding by another woman. And that during each session the baby is breastfed without a break. There is no objection to a short stop if it is to have a gasp of air, or if the baby pauses or waits a little; such that the entire suckling session – from the moment the baby begins to suckle the breast until its fill – can still be considered as one session of breastfeeding.
 - b. Or the child is suckled [to its fill, whenever it is hungry, for the duration of] a **day and night**. As part of that [course of suckling] it is imperative that the baby does not eat food, or suckle milk from another woman during the [consecutive] day and night period he is being suckled. There is no objection to the baby taking small amount of food such that it cannot really be said that the baby was fed food during the [said] suckling.
 - c. Or the child's breastfeeding is to the extent that it can be said that his **flesh and bone has grown** from that breastfeeding. [This is applicable when for example the breastfeeding woman does not have enough milk, and therefore the child is not fed to its fill during each suckling session, or that the child used to be fed other things too, but over a long period of time the child is breastfed so much that it can be said that its flesh and bone has grown from the breastfeeding of that woman.]

8. that the breastfeeding is accomplished during the first two years, and before their completion; for if the baby is breastfed after the completion of the two years, the baby does not become *maḥram* to anyone. The same applies if the baby is breastfed fourteen sessions before the completion of the two years, and one session after the completion of the two years, it would not become *maḥram* to anyone.

Those who become maḥram through breastfeeding

Case: If a woman breastfeeds a baby according to the mentioned criteria above, the child becomes *maḥram* to the following:

1. the breastfeeding woman herself, and she is called the breastfeeding mother (the *riḍā'ī* mother), or the milk mother.
2. the breastfeeding woman's husband, (to whom the milk belongs or is associated), and he is called the *riḍā'ī* father, or the milk father,
3. the breastfeeding woman's parents and ascending, and even her parents by breastfeeding,
4. the breastfeeding woman's own children, regardless of whether they are born before or after the breastfeeding,
5. the breastfeeding woman's grandchildren and descending, regardless of whether they are her own or through breastfeeding,
6. the breastfeeding woman's brothers and sisters, even if they are through breastfeeding,
7. the breastfeeding woman's paternal uncles and aunts, even if they are through breastfeeding,
8. the breastfeeding woman's maternal uncles and aunts, even if they are through breastfeeding,
9. the offspring of the husband of the breastfeeding woman (who owns the milk), and descending, regardless of whether they are his own or through breastfeeding,

10. the parents of the husband of the breastfeeding woman (who owns the milk), and descending,
11. the brothers and sisters of the husband of the breastfeeding woman, even if they are through breastfeeding,
12. the paternal and maternal uncles and aunts of the husband of the breastfeeding woman (who owns the milk), and descending, as well as others who will be mentioned in the following cases, they all become *mahram* to the breastfed baby, through breastfeeding.

Miscellaneous on breastfeeding

Case: If a man has more than one wife, and each of them breastfeeds a baby [from other parents] according to the said criteria, all those children become *mahram* to each other, to that man, and to those breastfeeding women.

Case: It is not permissible for a man to marry two women who are sisters, even if they were sisters through breastfeeding. If he had performed marriage contract with two women and it transpires to him that they are sisters through breastfeeding, if their marriage contracts had been performed simultaneously, both marriage contracts are null and void, but if they were performed at different times, the first is valid and the second is void.

Case: Those who become relatives through breastfeeding, it is *mostahab* for them to respect one another, but they do not inherit one another, nor are they duty-bound by what the biological relatives are in terms of their corresponding rights.

Case: If there is doubt as to whether or not the child had been breastfed by the amount that renders him *mahram*, or they suspect that the child has been breastfed by that amount, or they suspect that he has not been breastfed, then the child does not become *mahram* to anyone, however, it is preferred to observe precaution in this respect, [i.e. when the parties involved are adults, they should not assume they are *mahram* to one another and therefore should observe hijab, nor should they marry one another.]

Case: If it were possible – through some kind of device or process – to feed the amount of milk of the entire fifteen breastfeeding sessions to the baby in one suckling, like by condensing the milk, it would not be sufficient [to be considered as having met the criteria of becoming *mahram*].

Child's Wealth

Case: It is not permissible for the parents of the child, or for other relatives, or any other individual to spend or utilize the wealth of the non-distinguishing child except if it is in the child's interest. It is permissible only for the guardian of the child, who is the child's father, father's father and ascending, or he who has been appointed by the guardian, to take out *mostahab sadaqah* as per norm from the wealth of the non-distinguishing child and give to charity on behalf of the child.

Case: It is permissible to buy consumables that the child needs such as food and suchlike from the personal wealth of the child, but it is not permissible for the parents to dispense it such as giving some of that food to another person. It is permissible for the guardian to utilize some of it if it is in the child's interest, as per norm, but if things turned out not to be in the interest of the child, then the guardian must reimburse. Similarly, if there is an interest, as per norm, it is permissible to buy items of long term use such as clothing and bed for the child from his own wealth.

Case: If the guardian or others use the belongings of the child, they are required to return its value to the child, the current value and not the purchase value, even if the child does not need it, such as the clothing that become too small for him. So it is not permissible to loan them or give them away as a gift to others except if they intended to replace them, even in the future, or if it is in the interest of the child.

Case: If one has two children, whether they are twins or not, and he buys each of them food or clothing from the personal money of each child, it is not permissible to dress one child with the garment of his brother or feed one with the food of the other. It is permissible for the

guardian to eat from this food equal to his wage, if he did not intend to volunteer [his services to the child].

Child's gifts

Case: It is permissible for the father to spend or utilize the wealth of the children that are given to them by relatives on occasions of Eids and suchlike as per their interest, such as buying clothing, toys, or travelling. It is not permissible to use them purely for his own interest, or for the common interest of the household such as paying for water and electricity.

Case: It has become common in some countries that the women give gifts for the newborn in terms of money, gold, jewellery and suchlike, and the mother takes the gifts from them. In her turn it is not permissible for her to give those gifts to others on similar occasions, and she is liable to [replace or pay the child back] whatever similar measures she may have taken in the past, and the father's permission in this respect is irrelevant.

Case: If the children have money that is specific to them, such as that given to them on the occasions of Eids, and gifts, and the money remained with the father for safe keeping, at the time of his Khums financial year, he is liable to give the Khums for that (money).¹

Borrowing the child's wealth

Case: It is not permissible for the father to borrow the child's money or capital that he has for safe keeping, or to trade with them, or loan them to others, or to invest them and then return them afterwards, except if it is in the child's interest, as per precaution. If they were used for business or trade, both sides share in the profit proportionally.

Case: If the father was liable to the child for anything, it is permissible to intend that "anything that I give to the child in terms of food, drink, housing, etc. is in lieu of that liability until there is none".

¹ The late Imam Shirazi: (according to some of the scholars (*fuqahā*)).

The child's expiation

Case: There is no objection to the father forgoing the expiation (*diyah*) that is due to the child in the case of a car accident and suchlike, if that is in the interest of the child. However, if taking it would put him (i.e. the father) in difficulty or embarrassment [then despite that] (forgoing it is not permissible).¹

Kindness (*birr*) to parents

Case: If a young man treated his parents unkindly, and they died while they were not content with him, and he regretted that afterwards, he should seek forgiveness for them [from Allah Almighty], he should do good charitable deeds on their behalf or forward their rewards to them as much as he can.

Case: If a young practicing man grows a beard but his father insists that he shaves, but he refuses such that his father is angered, the son is not considered to be unkind (*'āq*) to his parents, but he should try to seek his father's contentment.

Circumcision

Case: As an obligatory precaution the guardian of the child should have the child circumcised before his adolescence, and if he does not circumcise him and he reaches adolescence, circumcision becomes mandatory for the child.

Q: I had a child who died at the age of three and a half, and he was not circumcised during the first days because of the illness he had since his birth, so he died before he was circumcised. Have we sinned for delaying his circumcision due to his condition?

A: no you have not.

¹ The late Imam Shirazi: (it is permissible for him to forgo.)

Equality among the children

Q: Is it mandatory to observe equality between the children when dealing with them, even by pretending that one does not favour one child over another?

A: It is not mandatory to observe equality between them; and if one's heart favours one over the others, it is preferred that one does not show that in front of the others, (and as an obligatory precaution)¹ he should not do something that brings about animosity and hatred between them.

Q: Our young child died and we pray for Allah's mercy for him and offer prayers and recitation of the holy Qur'an for him. Is this in the tradition and recommended?

A: Yes.

Discipline

Q: Is it permissible to smack pupils in order to make them study, and if yes, is it permissible to hit them hard?

A: It is not permissible to hit them, and [the teacher] must use other effective strategies, and he may consult the expert in this field. In exceptional cases hitting must be very light indeed.

Q: My brother is about 17 years old and he is a bit stubborn and our family is very observant and religious and does not tolerate deviation. The problem is that my brother is going astray bit by bit, and my parents are very upset about this, to the extent that they became harsh with him, but instead of reforming him this approach exacerbates the situation. How should we deal with him?

A: Harshness does not work in such circumstances, but rather ﴿invite to the Way of your Lord with wisdom and beautiful preaching﴾² and should try to deal with him with kindness, leniency, incentive, and encouragement, and ask friends and family who might have influence

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The Holy Qur'an, The Ants (26):125.

on him from amongst the pious to talk to him, and we pray to Allah for his reform.

Q: Is it permissible to hit the students if the teacher realises that they do not respond to him, which in turn might adversely affect their performance?

A: It is not permissible to hit, and the teacher must instead use other effective means, and seek to consult the experts in this field.

Q: Is it permissible to hit the students to discipline them (in exceptional circumstances) without seeking permission from the guardian?

A: It is not permissible to hit, and the teacher must instead use other effective means, and seek to consult the expert in this field. In exceptional circumstances hitting must be very light indeed.

Miscellaneous

Q: It is narrated from Allah’s messenger, peace be upon him and his pure family, on the issue of the upbringing of children, as saying: “play with him for seven [years], discipline him for seven, and accompany him for seven”, in the phrase of “play with him for seven” does it mean that he should not be hit even if he commits immoral things?

A: The essence of the principle does not contradict the exception, so there is no objection to discipline within the Islamic framework.

Q: Is it permissible for the fathers to intervene in the future of their children and insist on choosing a particular specialisation, even if that does not go with what they like or aim to do?

A: No, but the children must seek the satisfaction of their fathers as much as possible, and it is prohibited to hurt them.

Divorce

Case: The required criteria of the man divorcing his wife are adolescence, sanity, and freewill. If one is coerced to divorce his wife, the divorce is void. Similarly, it is conditional that one genuinely intends to give divorce, and if one utters the ‘prescribed wording’ of divorce jokingly, the divorce would not be valid. It is conditional that at the time of divorce the wife is *tāhir* from *ḥayḍ* and *nifās*, and that the husband has not had sexual intercourse during that period [since the last *ḥayḍ* and *nifās* (i.e. menstruation and postnatal bleeding periods)].

Divorce during the monthly period

Case: The divorce of wife while being in the state of *ḥayḍ* or *nifās* is valid in three cases:

1. If the husband did not have sexual intercourse with her since their marriage.
2. If the husband does not know, due to his absence, whether or not she is in a state of *ḥayḍ* or *nifās*.
3. If he knows that she is pregnant.

Divorce after intercourse

Case: If the husband wants to divorce his wife who is not in a state of *ḥayḍ* or *nifās* after he has had sexual intercourse with her during that period of being *tāhir*, it is mandatory for him to wait until his wife goes through the *ḥayḍ* again, and then becomes *tāhir* from that *ḥayḍ*, it would only then be permissible for him to divorce her. However, there is no objection to divorcing the young, who has not completed the age of nine, or the pregnant, or the *yā’isah* (in menopause); who is above sixty if she is Qurashi¹ or above fifty if she is non-Qurashi.

Case: It is not permissible for the woman who is divorced a revocable (*raj’ei*) divorce to leave the matrimonial house, except if her remaining

¹ Qurashi is another term for Sayyid, or descendant of the prophet peace be upon him and his pure family.

at home constitutes difficulty or harm to her, in which case it is permissible as and when necessary in a bid to avoid problems.

The ‘prescribed wording’ of divorce

Case: It is mandatory that the divorce is executed using the correct Arabic ‘prescribed wording’, and two ‘*ādil*’ men should hear it. If the husband wished to execute the divorce himself, and his wife’s name was Fatima for example, he must say, “*zawjati Fatima ṭāliq*”, which means: “my wife Fatima is divorced”. If the husband appoints someone else to execute the divorce, the agent (*wakeel*) should say: “*zawjatu mowakkili Fatima ṭāliq*”, which means: “Fatima, the wife of my client is divorced”.

Separation in fixed-term marriage

Case: Divorce is not applicable to a woman who is temporarily married for a specified period, for example for one month or one year. Her exit from marriage is either through the expiry of the marriage period, or when the husband forgoes the rest of the marriage period by saying, “I hereby waive the remaining period of marriage to you”. It is not necessary for two witnesses to witness this, nor is she required to be free from *ḥayḍ*.

Start of the waiting period

Case: The beginning of the divorce waiting period or ‘*iddah*’ is from the time of pronouncing divorce ‘prescribed wording’, regardless of whether or not the wife learns that her husband has divorced her. If after the end of the ‘*iddah*’ period she learns that he has divorced her, that would be sufficient and she is not required to observe the ‘*iddah*’ again.

Menopausal ‘iddah

Case: The *yā’isah* woman (who is in her menopause) does not have ‘*iddah*’; i.e. if her husband had sexual intercourse with her and then divorced her, it is permissible for her to remarry immediately without observing the divorce ‘*iddah*’ or waiting period. This is also applicable in

the case of the minor – who is under nine. Needless to say, it is not permissible to have intercourse with the minor.¹

The divorce ‘iddah

Case: Other than for the minor and the *yā’isah*, it is mandatory for the wife who is divorced, after having had intercourse with her husband, to observe the divorce ‘iddah. The divorce waiting period or ‘iddah is that after she is divorced during the time she is *ṭāhir*, she must wait until she observes *ḥayḍ*, then becomes *ṭāhir*, and she continues until she observes the second and third *ḥayḍ*, at which stage the ‘iddah is complete, and it is permissible for her to marry after that. However, if her husband divorces her without having sexual intercourse with her, she is not required to observe the ‘iddah period and it is permissible for her to remarry immediately.

The ‘iddah of the non-menstruating

Case: The woman who does not menstruate, if she is at an age that normally a woman observes menstruation, if her husband divorces her, she is obliged to observe the waiting period for three months, after her divorce.

The ‘iddah of the pregnant woman

Case: If a pregnant woman is divorced, then the end of her ‘iddah is either when she gives birth or miscarries. Thus if gives birth, say, one hour after her divorce, her ‘iddah is over.

The ‘iddah of fixed-term marriage

Case: If an adult woman, who is not in her menopause, contracts a fixed-term marriage for a period of six months or one year, for example,

¹ In certain circumstances when it is difficult for two non-*maḥram* adults to communicate or be in the company of one another, an ‘*aqd* or marriage contract is performed, between one of the adults and a minor, for example the daughter of the adult female concerned, with the permission of the minor’s father, in order for the two non-*maḥram* adults become *maḥram* to one another. This is only for the purpose of becoming *maḥram* and thus this ‘*aqd* is called the *maḥramiyyat ‘aqd*.

if her husband has sexual intercourse with her, and her marriage period expires, or if her husband forgoes the marriage period, she is obliged to observe the ‘iddah period. If she normally observes menstruation, she must observe the ‘iddah of one *ḥayḍ*,¹ and if she does not normally see menstruation, as an obligatory precaution, she must abstain from marriage for a period of forty five days.

The ‘iddah of a widow

Case: The start of the ‘iddah of death is from the time the wife learns of the death of her husband. It is *ḥarām* for a woman who is observing the ‘iddah of death to wear brightly coloured clothes that are normally worn for adornment, or wear kohl, and anything that is commonly considered to be adornment (*zeenah*).

Case: A woman who is not pregnant and her husband dies must observe the ‘iddah of four months and ten days in that she must not remarry except after the expiry of this period, even if she is *yā’isah* (in her menopause), or she was temporarily married to him, or he had not had sexual intercourse with her.

Case: If the woman whose husband has died is pregnant, she must observe the ‘iddah until she gives birth, but if she gives birth before the expiry of the period of four months and ten days, it is obligatory that she does not marry until the expiry of four months and ten days from the death of the husband. This ‘iddah is called “the ‘iddah of death”.

Categories of Divorce

Divorce is either *bā’in* or *raj’ei*.

Case: The *bā’in* (or irrevocable) divorce is the one that after its execution, it is not permissible for the husband to return to his wife without a new ‘*aqd* or marriage contract. This divorce is of five kinds:

1. divorce of the *yā’isah* (in menopause).

¹ The late Imam Shirazi: (of two periods of *ḥayḍ*)

2. divorce of the woman with whom the husband has not had sexual intercourse after the marriage contract.
3. divorce of the wife who has been divorced three times.
4. divorce of the *khul‘* and *mobārāt*, the rulings of which are discussed later.
5. divorce of the minor, that is the female who has not completed nine years of age.¹

Case: The *raj‘ei* (revocable) divorce is one other than the above five, which, after its execution, it is permissible for the husband to return to his wife while she is observing the *‘iddah* without the need for a new *‘aqd*.

Rulings of Returning (*ruju‘*)

Case: In the *raj‘ei* divorce, it is permissible for the husband to return to his wife [without a new *‘aqd*] in two ways:

1. to say something that indicates that he has returned to her.
2. to act in a manner that indicates his return to her.

Case: It is not necessary for the husband to take a witness that he has returned to his wife, or to inform his wife about that, but it is sufficient and it is valid to say to himself, “I have returned to my wife”, without anyone hearing him.

¹ In certain circumstances when it is difficult for two non-*maḥram* adults to communicate or be in the company of one another, an *‘aqd* or marriage contract is performed, between one of the adults and a minor, for example the daughter of the adult female concerned, with the permission of the minor’s father, in order for the two non-*maḥram* adults become *maḥram* to one another. This is only for the purpose of becoming *maḥram* and thus this *‘aqd* is called the *maḥramiyyat ‘aqd*. When this purpose is no longer necessary, and divorce is proclaimed, there is no possibility of *rujoo‘* [i.e. return to the status quo] in this respect.

The conditions of returning after three divorces

Case: If a man divorces his wife twice and he returns to her on each occasion, or he divorces her twice and then marries her again with a new *'aqd* after each divorce, she will be *ḥarām* to him [to remarry] after the third divorce. However, if after the third divorce, she marries another man, it is permissible for her first husband to marry her again on four conditions:

1. that her marriage with the second husband is indefinite and not fixed-term. If the second man marries her temporarily, say for a month or a year, and then she is separated from him [after the expiry or waiving of the marriage period], it would not be permissible for the first husband to marry her again.
2. that the second husband has sexual intercourse with her, which should include ejaculation too, as a precaution.
3. that the second husband divorces her or he dies.
4. that the *'iddah* of divorce from, or the *'iddah* of death of the second husband expires.

The Khul' divorce

Case: When a woman does not like her husband and she waives her Mahr in his favour, or other money or wealth, in order that he gives her divorce; this is called the *Khul'* divorce.

Case: It is permissible for the wife to seek the *khul'* divorce from her husband if her husband was disfigured, or ill-tempered, or practiced bad deeds, and suchlike. If the husband agreed and divorced her in exchange for a payoff, the divorce is valid, and it is permissible for her remarry to after observing the *'iddah*, this is especially if she was in difficulty and discomfort and suchlike.

The Mobārāt Divorce

Case: If both the husband and wife dislike one another, and the wife gives a sum to her husband to divorce her, this divorce is called "the *mobārāt* divorce".

Change of mind

Case: If the wife changes her mind about giving the payoff for the *khul‘* or *mobārāt* divorce, it is permissible for the husband to return to her (*ruju‘*) without the requirement of a new *‘aqd*.

Payoff

Case: In the case of the *mobārāt* divorce, the money that the husband takes for the divorce must not be more than the Mahr, but in the case of the *khul‘* divorce, there is no objection to that.

Miscellaneous rulings on divorce

Marriage with *kitābi* divorcee

Q: A *kitābi* woman who is separated from her husband for a long time, without a legal divorce in court, and without a formal divorce according to their creed – under such circumstances – is it permissible for a Muslim man to marry such a woman?

A: If the separation is not considered a divorce in their creed and tradition, it is not permissible.

Q: Is the civil marriage that the people of the book perform in other than the church permissible? Also does the civil divorce the church does not approve of come under the principle “enjoin them by what they enjoin themselves with”¹ and therefore it is not valid for a Muslim man to marry a *kitābi* woman who has married a *kitābi* man through civil marriage? Is it valid for a Muslim to marry a *kitābi* woman divorced through legal institutions?

A: Yes both [the civil marriage and divorce] come under the principle of “enjoin them by what they enjoin themselves with”.

The non-shari‘ah legal divorce

Q: If a couple conspire to separate legally; divorce according to European law, and as such each live separately in their own residence,

¹ Waṣ’il al-Shi‘ah, vol.26, pp158, 319.

but continue to live together on the pretext that they have not agreed to divorce according to shari'ah law, is the divorce also valid from the shari'ah viewpoint?

A: This does not constitute a divorce, and it is prohibited to distort the reputation of Islam and the Muslims.

Q: As polygamy is not permitted in the European law, a Muslim man is forced to lie to the authorities if he wishes to marry another woman as a second wife while keeping the first. He is required by law to pronounce the divorce of his wife, so that six months after his legal divorce he can marry the other woman. In this way he keeps the two wives. However, if his case is exposed, he would be prosecuted. Is such a divorce valid in this scenario?

A: The divorce is not valid, and it is prohibited to distort the reputation of Islam and the Muslims by such conducts.

Q: In Western countries, where there are no Islamic *shari'ah* courts, can a Muslim woman raise her case with the local law courts and seek divorce?

A: Divorce in law courts is not valid from the Islamic *shari'ah* viewpoint. Therefore she must refer her case to the Ḥākīm al-Shar'ī or his representative.

Chapter Four: Death, Will, and Inheritance

The rulings concerning death

Means of death

Case: It is not permissible to commit suicide; Allah Almighty commands: ﴿and do not kill yourselves﴾,¹ and the four sources of legislation point to that.²

Case: Is suicide permissible if it were a matter of priority? For example, if one were to be tortured to the extent of it being unbearable, or if he remained alive he would be made to give evidence against his friends, that constituted danger for Islam and the Muslims, or if the woman does not commit suicide she would be taken prisoner and raped – something she cannot bare. As an obligatory precaution, it is strictly not permissible.³

Case: It is not permissible for one to commit suicide if it transpires to one of one's eminent death, for example, like the case of one who suffers from cancer who learns he is going to die in a matter of hours, even if the pain were most severe.⁴

Case: As an obligatory precaution, it is not permissible to execute someone who deserves to be killed by other than the shari'ah-permissible means. Therefore, the permission of execution by bullet, electricity, and suchlike is questionable.

¹ The Holy Qur'an, Women (4):11

² The four sources are the Holy Qur'an, the Sunnah, Reason, and Consensus of the fully qualified scholars.

³ The late Imam Shirazi: (If one is certain of its priority and importance, then it is permissible. But if one has doubt about the ruling or the subject matter, the fundamental ruling here would be non-permissibility.)

⁴ The late Imam Shirazi: (except if the hardship was severe, and one is certain of the shari'ah ruling that suicide is permissible in his case.)

It may be argued that “the means of sword which is mentioned in traditions and fatwa was because it was the easiest means at the time, and if there were easier options, such as execution by bullet in the heart or the brain, that would have had priority, because it is known that the policy of the shari’ah is to have mercy on mankind, except in cases that were meant to be severe and harsh such as lashing and stoning in rare cases”.

It may be argued that, “It is permissible to sedate the convict so that he does not feel the pain”.

Case: The death penalty in Islam is very rare indeed, contrary to most laws in which capital punishment is rendered out for many crimes. Death penalty is amongst the most severe prohibitions. As for the few cases that the death penalty may be applicable, it is permissible for the Ḥākim al-Shar‘i [i.e. the marje‘] to grant stay of execution or reduce the death penalty to a lighter sentence.

Rulings of the dying

Case: The Muslim *muḥtaḍar* – or the dying person – must be laid on his/her back, with the soles of his/her feet facing the Qiblah. This is regardless of whether the *muḥtaḍar* is man or woman, young or old.

Case: Directing the *muḥtaḍar* towards the Qiblah is mandatory upon every Muslim, and it does not require the permission of the guardian of the dying person, and [like all *wājib kifā’i* duties] if it is done by someone, it would be waived for all others.

Case: It is *mostaḥab* to inculcate (*talqeen*) the *muḥtaḍar* with the two *shahādah* (the Islamic statement of faith) and with the acknowledgement of the twelve Imams, peace be upon them, and other rightful doctrines in such a manner that s/he would understand. Similarly it is *mostaḥab* that these are repeated until the moment s/he dies.

Case: It is *makrooh* to leave the *muḥtaḍar* alone, and similarly it is *makrooh* to put something heavy on his chest or abdomen, or leave him

in the presence of the *jonob* or the *ḥā'id*, or to chatter idly, or to wail excessively, or to leave the women alone with the *muḥtaḍar*.

Rulings of after-death

Case: After death, it is *mostaḥab* to shut the eyes and the lips of the deceased, its hands and legs straightened, and s/he is covered with a cloth. If s/he dies at night, it is *mostaḥab* to light the place of his death, where he lies, and to inform the faithful to join the funeral, and to hasten the burial. However, it is mandatory to wait if its death is not ascertained until its state is confirmed. Similarly, the burial must be delayed if the deceased is a pregnant woman and there is a living foetus in her womb, until the left side of her abdomen is cut and the foetus is taken out, and her side is sewn.

Ritual Washing of the Deceased

The process of the ritual wash (ghusl) of the deceased

Case: It is mandatory that the deceased is washed with three *ghusls*:

First: with water that is mixed with *sidr* or Beri leaves.

Second: with water that is mixed with camphor.

Third: with pure water.

Case: The procedure of the *ghusl* of the deceased is similar to the *janābah ghusl*, and as precaution, the deceased should not be bathed by immersion (*irtimāsi*) if sequential (*tartibi*) *ghusl* is possible. In the case of the sequential *ghusl*, it is permissible to immerse each one of the three sections in *kurr* water.¹

¹ Kurr is in reference to a volume of water which is of three spans of one hand by three spans by three spans. This works out to be about one third of one cubic metre.

Rulings of the ghusl of the deceased

In the absence of ghusl water

Case: If there is no water available to perform the *ghusl*, or if there is a cause that prevents the use of water, as a precaution, one tayammum should be performed instead of each one of the *ghusls*. As a precaution, one tayammum should first be performed instead of all three *ghusls*, and then perform one tayammum instead of each one of the *ghusls*. It is obligatory for the one performing the tayammum for the deceased to strike his own palms on soil and then wipe them over the face of the deceased and the back of its hands.

Sidr and Camphor

Case: It is mandatory that the amount of sidr and camphor used are not so much that would render the water as a blend or mixture (*muḍāf*). Similarly, it is mandatory that their amounts are not so little such that it cannot be said that sidr and camphor have been added to the water.

Case: If there is not enough sidr or camphor available, then as an obligatory precaution, whatever amount is available should be mixed with the water.

Case: If either or both of the sidr and camphor are not available, or it is not permissible to use them – like if they were usurped, for example – it is obligatory that instead of each *ghusl* that cannot be performed, a *ghusl* with pure water is performed for the deceased.

The person who performs the ghusl

Case: It is mandatory that the person who performs the *ghusl* for the deceased (the *mughassil*) should be a Muslim – an *ithnā ‘ashari* – adult, sane, and knowledgeable of the rulings and edicts of *ghusl*. However, if the deceased is not an *ithnā ‘ashari*, then it is not mandatory for the *mughassil* to be an *ithnā ‘ashari*.

Case: It is mandatory that the *mughassil* intends the *qurbah* when he bathes the deceased, that is, he should perform the *ghusl* for the

deceased “seeking nearness to Allah and abiding by commands of the Almighty”.

Case: As a preferred precaution, one must abstain from charging fees for performing *ghusl* for the deceased. If one performs the *ghusl* for a deceased with the intention of charging fees, that *ghusl* is null and void, except if it were as a means of encouragement [rather than being conditional as in the case of a wage or fee]. However, it is not *ḥarām* to charge a fee for some of the non-mandatory preliminaries.

The Gender of the Deceased

Case: It is obligatory to give *ghusl* to the miscarried foetus if it is of four months or more, but if it is of less than four months, then it is necessary to wrap it in a cloth and bury it without *ghusl*.

Case: It is *ḥarām* for a woman to give *ghusl* to a man, and for a man to give *ghusl* to a woman. However, it is permissible for a wife to give *ghusl* to her deceased husband, and for a husband to give *ghusl* to his deceased wife.

Case: If no man is available to give *ghusl* to a deceased man, it is permissible for his women relatives who are *maḥram* to him – such as mother, sister, and aunt – or those who have become *maḥram* to him through breastfeeding to give him *ghusl* from underneath the clothing or whatever covers his body, as a precaution. Similarly, if no woman is available to give *ghusl* to a deceased woman, it is permissible for her men relatives who are *maḥram* to her, or her *maḥram* relatives through breastfeeding to give her *ghusl* from underneath the clothing as a precaution.

Case: It is *ḥarām* to look at the private parts of the deceased except for the husband and wife, and if the *mughassil* looks at the private part of the deceased, s/he has committed a sin, but the *ghusl* is not invalidated.

Ghusl of deceased in lieu of janābah and ḥayḍ

Case: If one dies in the state of *janābah* or *ḥayḍ*, it is not necessary to give the deceased *ghusl* of *janābah* or *ḥayḍ*, but *ghusl* of the deceased is

sufficient for that deceased. If part of the corpse is rendered *najis*, it is mandatory to make it *tāhir* before performing the *ghusl*.

Rulings of *ḥanoot* (embalming)

Case: After performing the *ghusl*, it is mandatory to embalm (*ḥanootiise*) the deceased – who is not in the state of *iḥrām* – with camphor, which is to anoint camphor on the seven places of prostration on the body, which are the deceased's forehead, two palms, two knees, and the tips of the two large toes. It is *mostaḥab* to rub on the tip of the deceased's nose too. It is mandatory for the camphor to be powdered and fresh, and if it is stale and has lost its fragrance, it will not suffice.

Case: As an obligatory precaution, the deceased's forehead should be rubbed with camphor first before proceeding to the rest of the parts mentioned.

Case: It is *mostaḥab* to mix a small quantity of the *torbah* of Imam Husayn, peace be upon him, with the camphor, but it is mandatory that none of the camphor that is mixed with the *torbah* is applied to parts of the body that constitutes disrespect to the *torbah*.

Case: If camphor is not available, or if the quantity available is sufficient only for the *ghusl* but not the *ḥanoot*, then it is not mandatory to apply the *ḥanoot*. Similarly, if there is still some camphor in excess of that required for the *ghusl*, but it is not sufficient for rubbing all the seven parts, as a precaution, the forehead should first be rubbed, and if there is any left it should be used for the other parts.

Shrouding the deceased

Case: It is mandatory that the deceased Muslim be shrouded with a *kafān* (shroud) of three pieces of cloth:

1. The *mi'zar* or the loin cloth, which must be long enough to cover the body from the navel to the knees, and better still if it covers the body from the chest to the feet.

2. The *qamiṣ* or the shirt cloth, which must be long enough to cover the body from the shoulders to the middle of the calf, and better still if it reaches the feet.
3. the *izrār* or the full body cloth, which must be long enough so that the entire body of the deceased may be wrapped in it, and it could be tied at both ends, and it must be wide enough to allow one edge to overlap the other.

Cost of the kafan

Case: There is no objection if the cost of the *mostahab* parts of the *kafān* – that are more than the mandatory quantity – is taken from the share of the *bāligh* heirs, after their permission. As a precaution, the cost of not more than the mandatory parts of the *kafān* should be taken from the share of the minor (non-*bāligh*) heirs.

Najis and usurped kafan

Case: It is not permissible to shroud the deceased with *kafān* made from the skin of dead animal, nor with a usurped *kafān*, even if nothing else is available. If the deceased is shrouded with a usurped *kafān*, and the owner of the *kafān* does not give his consent or permission, it would be mandatory to remove it from the deceased, even if it has been buried.

Case: It is not permissible to shroud the deceased with a *najis kafān*, nor with one made of pure silk, or woven with gold. There is no objection to using these in cases of emergency [a situation where no other options are available].

Case: If the *kafān* becomes *najis* (soiled) due to the *najāsah* of the deceased, or another *najāsah*, it is mandatory that the part that has become *najis* should be washed, or cut off, even if this is after the deceased has been placed in the grave, provided this does not cause the *kafān* to be destroyed. If it is not possible to wash it or cut it off, it must be changed with another *tāhir kafān* if possible.

Ghusl for touching the corpse

Case: If one touches the corpse of a deceased, one must perform the *ghusl* for touching the corpse of the deceased as mentioned in the section of Ṭahārah in part one of this book.

Prayer of the deceased

The procedure of the prayer

Case: The prayer of the deceased consists of five *takbirāt*, and if the person offering the prayer performs the *takbirāt* as follows it will suffice:

After making the *niyyah* to offer the prayers and pronouncing the first *takbir* he should say:

ash-hadu an lā ilāha il-lal-lāh, wa ash-hadu anna Muḥammadan rasulol-lāh.

(meaning: I bear witness that there is no god but Allah, and that Muhammad is the Messenger of Allah.)

and after the second *takbir* should say:

al-lāhumma ṣalli ‘alā Muḥammad wa āli Muḥammad, wa ṣalli ‘alā jamee‘ al-anbiyā’i wal-mursaleen.

(meaning: O Allah; Bestow peace and blessings upon Muhammad and the progeny of Muhammad, and upon all the prophets and messengers.)

and after the third *takbir* should say:

al-lāhumma ighfir lil-mo’mineen-a wal-mo’mināt.

(meaning: O Allah; Forgive all believing men and women.)

and after the fourth *takbir* should say:

al-lāhumma ighfir li hādihā-l-mayyit. – if a man, or

al-lāhumma ighfir li hādhihi-l-mayyitah. – if a woman.

(meaning: O Allah; Forgive this deceased individual.)

Then one should do the fifth takbir, which ends the prayer.

The minor

Case: If the deceased is a minor, one should say after the fourth takbir:

al-lāhumma ij'al li abawayhi wa lanā salafan wa faraṭan wa ajrā.

(meaning: O Allah; Make him for his parents and for us a forward reward.)

The Oppressed

Case: If the deceased was of a non-Shi'a,¹ one should say after the fourth takbir:

al-lāhumma ighfir lil-ladheena tābu wat-taba'u sabeelaka, wa qihim 'adhāb al-jaḥeem.

(meaning: O Allah; Forgive those who repented and followed your path, and protect them against the torment of Hell.)

The unknown status

Case: If the deceased was of unknown status, one should say after the fourth takbir:

al-lāhumma in kāna yuḥibb al-khayr wa ahlah fagh-fir lahu war-ḥamhu wa-tajāwaz 'anhu.

(meaning: O Allah; If he used to love the good and its people then forgive him and have mercy on him, and forgo his shortfalls.)

The hypocrite

Case: If the deceased was a hypocrite, one should curse him after the fourth takbir.

The mostahab acts of deceased's prayers

Case: It is preferred for one to say after the first takbir:

¹ A non-Shi'a is referred to as 'oppressed' since he has been deprived of the true teachings of the prophet and his Ahl al-Bayt, peace be upon them all.

*ash-hadu an lā ilāha il-lal-lāh, waḥdahu lā shareeka lah,
wa ash-hadu anna Muḥammadan ‘abduhu wa rasooluh, arṣalāhu
bil-ḥaqqi basheeran wa nadheeran bayna yadayis-sā‘ah.*

And should say after the second takbir:

*al-lāhumma ṣalli ‘alā Muhammad wa āli Muhammad,
wa bārik ‘alā Muhammad wa āli Muhammad,
war-ḥam Muhammad wa āli Muhammad,
ka-afḍali mā ṣallayta wa bārakta wa taraḥ-ḥamta ‘alā Ibrāhima
wa āli Ibrāhim,
in-naka ḥameedun majeed.
wa ṣalli ‘alā jamee‘ al-anbiyā’i wal-mursaleen, wash-shuhadā’i
waṣ-ṣiddeqeen wa jamee‘i ‘ibādil-lāh al-ṣāliḥeen.*

And should say after the third takbir:

*al-lāhumma ighfir lil-mo’mineen-a wal-mo’mināt, wal-
muslimeena wal-mulimāt, al-aḥyā’i minhum wal-amwāt,
tābi‘ il-lāhumma baynanā wa baynahum bil-khayrāt,
in-naka mujeeb-ud-da‘awāt,
in-naka ‘alā kulli shay’in qadeer.*

And should say after the fourth takbir:

*al-lāhumma in-na hādihā ‘abduka wabnu ‘abdik, wabnu amatik,
nazala bika wa anta khayru manzoolin bih.
al-lāhumma in-nā lā na‘lamu minhu il-lā khayrā, wa anta a‘lamu
bihi min-nā.
al-lāhumma in kāna muḥsinan fazid fi iḥsānih, wa in kāna
musee’an fatajāwaz ‘anhu wa-ghfir lahu.
al-lāhumma ij‘alhu fi a‘lā ‘il-liy-yeen, wakhluf ‘alā ahlihi fil-
ghābireen, war-ḥamhu biraḥmatika yā arḥam al-rāḥimeen.*

Then one should do the fifth takbir, which ends the prayer.

If the deceased is a female the person performing the prayer should after the fourth takbir say (the feminine version of the supplication):

al-lāhumma in-na hādhihi amatuka wabnatu ‘abdika, wabnatu amatik, nazalat bika wa anta khayru manzoolin bih.

al-lāhumma in-nā lā na ‘lamu minhā il-lā khayrā, wa anta a ‘lamu bihā min-nā.

al-lāhumma in kānat muḥsinatan fazid fi iḥsānihā, wa in kānat musee’atan fatajāwaz ‘anhā wa-ghfir lahā.

al-lāhumma ij’alhā fi a ‘lā ‘il-liy-yeen, wakhluf ‘alā ahlihā fil-ghābireen, war-ḥamhā biraḥmatika yā arḥam al-rāḥimeen.

Obligatory acts of deceased’s prayers

Case: It is mandatory to recite the *takbirāt* and the supplications in sequence so that the prayer does not lose its form.

Case: The *ma’moom* himself is also required to recite the *takbirāt* and the supplications, and should not be content with the Imam’s recitation of them.

Rulings of the deceased’s prayers

Case: It is obligatory to offer the prayer for every deceased Muslim, even if a child, and it is necessary that one of the child’s parents be Muslim, and that the child has completed sixth year of his or her age.

Case: It is *mostaḥab* to offer the prayer for a child who has not completed the sixth year, but it is not *mostaḥab* to offer the prayer for a child who is stillborn.

Case: It is obligatory to offer the prayer-of-the-deceased after the deceased has been given the *ghusl*, *ḥanooṭ*, and *kafān*. However, if it is offered before or during the performance of these acts, it will not suffice, even if it is due to oversight or on account of not knowing the ruling in this case.

Case: It is not mandatory for the one who wishes to perform the prayer-of-the-deceased to have *woḍu'*, *ghuṣl* or *tayammum*, nor is it necessary for his body or garment be *ṭāhir*. Rather, there is no objection, even if his garment is usurped. However, as a *mostaḥab* precaution, all aspects that are observed in other prayers should be observed in this prayer too.

Case: It is mandatory for one who wishes to offer the prayer to face the Qiblah, just as it is obligatory to lie the deceased on his back in front of the person offering the prayer (the *moṣalli*), such that the deceased's head is on the right-hand-side of the *moṣalli*, and his feet on the left of the *moṣalli*.

Case: It is mandatory to offer the prayer-of-the-deceased in standing position, with the intention of *qurbah*, and to identify the deceased at the time of the *niyyah*, like by saying: I perform the prayer for this deceased *qurbatan ila-llāh*.

Case: If the deceased was buried without offering the prayer for him, whether intentionally, or due to oversight, or due to any other reason, or if one learns after burial that the prayer that was offered for him was void, it is obligatory to offer the prayer by the graveside, according to the above-mentioned criteria for the prayer-of-the-deceased.

Rulings of Burial

Case: It is mandatory that the deceased is buried such that its smell does not propagate, and that animals are not able to dig it out, and if there were fears of an animal digging it out, then the grave must be fortified by bricks and suchlike.

Case: It is obligatory that the deceased is laid on his right side in the grave such that the front of his body faces the Qiblah.

Case: It is not permissible to bury a Muslim in the graveyard of the non-Muslims, or to bury non-Muslims in the graveyard of the Muslims.

Case: It is not permissible to bury a Muslim at a place which is disrespectful such as a place where garbage is thrown.

Case: It is not permissible to bury the deceased in a usurped land, nor in a place that is dedicated for purposes other than burial.

Case: It is not permissible to exhume a grave to bury a deceased in the grave of another deceased; except if the grave is very old and the original body has perished completely, and it does not constitute disrespect to the deceased. However, it is permissible to bury in a multilayer grave.

Case: Anything that is separated from the body of the deceased – even if it is hair, fingernail, or tooth – must be buried along with the deceased.

Q: Is it *makrooh* or discouraged to bury the deceased at night?

A: No. It is emphasised in the noble hadith that the deceased is buried as soon as possible even if this is at night, and that the burial should not be delayed until sunrise or sunset.

Mostahab acts of Burial

Case: It is *mostahab* that the depth of the grave be approximately of equal height of an average person, and that the deceased is buried in the nearest graveyard, except if the farther graveyard is preferable due to a particular reason, like if pious people are buried there, or if more people visit that graveyard – and thus more *Fātiḥah* recited.

Case: It is *mostahab* that at the time of burial, the corpse is placed on the ground several yards away from the grave and then it is brought closer to the grave bit by bit in three stages; each time the corpse is placed on the ground, and then lifted and brought nearer, and on the fourth time it is lowered into the grave.

Case: If the deceased is male, it is *mostahab* that on the third time the body is placed on the ground such that the head is by the short edge of the grave, and on the fourth time, it is lowered into the grave head first.

If the deceased is a female, then on the third time the body is placed on the ground along the Qiblah-side edge of the grave, and then [on the fourth occasion] it is lowered into the grave sidewise. It is *mostahab* that a cloth is spread over the grave while lowering her into the grave.

Case: It is *mostaḥab* to recite the prescribed supplications before and during the burying of the body. After laying it in the grave, the ties of the *kafān* should be undone, and the cheek of the deceased placed on the ground; with an earth pillow formed under the head of the deceased, and that some unbaked bricks or lumps of clay placed behind its back so that the corpse may not return flat on its back.

Case: After the burial, it is *mostaḥab* to console the bereaved, but it is better to avoid the condolence if it is to be given a long time after the event, if it serves to refresh their grief. Also it is *mostaḥab* to send food to the members of the deceased's family for three days, and it is *makrooh* to eat meals with them in their home.

Case: It is *mostaḥab* that a person observes patience on the death of one's relatives, especially one's son, and every time one remembers one's dead should recite the Qur'anic verse: ﴿*in-nā lil-lāh wa in-nā ilayhi rāji'oon*﴾,¹ meaning ﴿to Allah we belong and to Him we return﴾, and to recite the Holy Qur'an for the deceased, and to pray to Allah by the graveside of his parents, and to make the grave solid built so that it is not easily ruined.

Case: It is not permissible for one to scratch or slap one's face while grieving the death of someone, except for mourning the tragedies of Ahl al-Bayt peace be upon them all.

Ṣalāt al-Waḥshah

Case: It is *mostaḥab* that the faithful, friends and family offer ṣalāt al-waḥshah² for the deceased on the night of death, after the 'Eshā' prayer, even if the burial of the body is delayed for whatever reason.

Ṣalāt al-waḥshah is two *rak'ah*; in the first *rak'ah* after al-Ḥamd, āyatul-Kursi is recited once, and in the second *rak'ah*, after al-Ḥamd, the surah of al-Qadr is recited ten times, and after the tasleem, at the end of the ṣalāh, one should say:

¹ The Holy Qur'an, the Heifer (2):156.

² *ṣalāt al-waḥshah*: literally meaning: prayer of the lonesome night.

“*al-lāhumma ṣalli ‘alā Muhammad wa āli Muhammad, wab-‘ath tha wābahā ilā qabr (so-and-so)*”,

meaning: O Allah; Send your Peace and Blessings to Muhammad and the progeny of Muhammad and forward the reward of this prayer to the grave of so-and-so;

Instead of (so-and-so) one should say the name of the deceased.

Exhumation

Case: It is *ḥarām* to exhume the grave of a Muslim even if it belongs to a child or an insane person. However, there is no objection if the corpse has decayed and turned into dust, and that there is no other prohibition to this task. It is *ḥarām* to exhume the graves of the prophets, Imams, and the descendants of the Imams, peace be upon them all, as well as the martyrs, *ulema*, and the pious persons, even if many years have passed, and the graves are very old.

Miscellaneous burial issues

Case: It is mandatory upon every *mokallaf* to perform the *ghusl*, *kafān*, prayer, and burying for a deceased Muslim, even if it is not an *ithnā ‘ashari*. If some people fulfil these duties, they will be waived for others, and if no one fulfils these duties all will have committed sin and will have disobeyed.

Case: If one learns that the *ghusl*, or shrouding (*kafān*), or burying of the deceased were void, it is mandatory for him to repeat it in the correct manner, but if one suspects the invalidity of those matters or doubts if they were performed correctly, it is not required to repeat them.

Case: It is mandatory to seek permission from the guardian of the deceased to perform the *ghusl*, *kafān*, *ḥanoof*, prayer and the burying of the deceased.

Case: The guardian of the wife is her husband, and after him are the men who inherit her and they have priority over the women amongst them.

Modern cases

Sale of body organs

Q: Is it permissible for a person to sell some organs of his body during his lifetime, or after his death, for the benefit of another person, or for other benefits?

A: There is no objection if the seller is a combatant disbeliever, but if he is a Muslim, in the case of the likes of a kidney, it is permissible if that does not constitute serious harm, whereas in the case of the eye and suchlike, it is not permissible, except if selling it was extremely important for the recipient, which has a significant importance from the shari'ah viewpoint.¹

As for the sale of other than the organs of the body that are surplus to his need, such as the fat of the abdomen, it is permissible during his lifetime; and as for after-death, it is not permissible to take any of that from the deceased except if he had expressed that in his will.

Glass grave cover

Case: It is not permissible to place a glass cover over a grave such that the corpse of the dead inside can be visible if it constitutes disrespect for the deceased, and the deceased was a respected individual.

However, if it does not constitute disrespect, it is permissible.

The custom of the graves being concealed does not imply the prohibition of visible graves, just as multilevel graves are not prohibited even though they were not customary in the past.

All of this is pertinent to the respected deceased, [i.e. the Muslim deceased] but in the case of the non-respected dead, such as the

¹ The late Imam Shirazi: (There is no objection if the seller is a combatant disbeliever, but if he is a Muslim, some of the scholars have permitted that after death, whereas during the lifetime it is not permissible except if that does not constitute harm to the seller, or if selling it was extremely important with respect to the buyer/recipient, which has a higher priority from the shari'ah viewpoint.)

combatant enemy for example, or in the case of those who are covered by the principle of enjoiment,¹ then there is no objection to that [i.e. glass cover].

Embalming

Case: It is permissible to embalm a human being, even if a Muslim, as well as an animal, in order to protect against decomposition. This permission is conditional on the basis that a Muslim individual is not dissected and his internal organs are not removed, and suchlike. However, if an individual gives his consent for this to be done to him after death, i.e. being dissected and suchlike, then it is permissible. Needless to say the embalming itself is not permissible except if the permission for it is given by the individual concerned during his lifetime.²

Q: Is it permissible to inject chemicals into the corpse to prevent it from decomposition for the purpose of transporting it to the locations of the holy shrines?

A: It is permissible, even if the deceased does not specify it in his will.³

Q: Is it permissible for an Islamic government to allow the non-believers to cremate their dead?

A: It is permissible given the principle of “enjoin them with what they enjoin themselves with”.⁴

Keeping the deceased in cold storage

Case: There is no objection to keeping the deceased in cold storage for the purpose of transportation and suchlike, provided it does not

¹ This is in reference to the principle of “enjoin them with what they enjoin themselves”, which means to treat the non-Muslims with their own laws.

² The late Imam Shirazi: (...or the permission of the guardian.)

³ The late Imam Shirazi: (Two probabilities: if the deceased had instructed to that, it is permissible, if he had not it is not permissible. But the first – the unconditional permission is closer, because the deceased is protected from decomposition.)

⁴ Waṣīl al-Shi‘ah, vol.26, pp158, 319.

constitute disrespect for it, and does not unduly delay its burial; for example if it is placed in cold storage for a year unnecessarily, that would not be permissible, as an obligatory precaution. However, if long term cold storage is for justifiable reasons, which are evidently not covered by the prohibition, it would be permissible. On the other hand if the deceased had previously instructed not to be placed in cold storage, or the guardian does not consent to that, then it is not permissible.

Case: Is it permissible to preserve the deceased, without performing the rites of the deceased, in anticipation that science might get to a stage where it can bring back the dead, by the will of Allah, just as it is done in some Western countries, or is it necessary to observe those rites.

A: The rites should be performed since the individual is dead now, and he is covered by the rulings-of-the-deceased, and the anticipation of his revival does not cause the rulings to be suspended.

Planting and transporting

Case: It is permissible to plant trees by the sides of respected graves, as it is done in some countries, given that particles from the corpse may be absorbed by the trees?

Case: If a graveyard is eradicated, and in the public view it is no longer considered as a cemetery, it is permissible to develop it into roads, building, and suchlike, if there is no revered tomb in that place, such as the tomb of a prophet or an Imam or a pious individual or a scholar.¹

Case: Is it permissible to transport the deceased along with his entire grave and its surroundings – say by three cubic meters – in a large truck, such that it is not considered as being an exhumation?

¹ In addition to the said case, there is another case in the fatwa of the late Imam Shirazi: (If there is a higher priority than that of preserving the cemetery, it is permissible to include it for development for roads and buildings, and to relocate the cemetery to outside the city. However, the priority is identified by the Hākim al-Shar'ie or the Council of the Marāje' Fuqahā'. This is applicable for other than the tombs of the prophets, peace be upon them, the *ma'ṣoom* Imams, peace be upon them, apostles (*awliyā'*), and suchlike.)

A: It is permissible, on the condition that it does not constitute disrespect for the deceased.

Mechanised burial preparation

Case: It is permissible to perform the *ghusl*, *ḥanoot*, *kafān* and burying of the dead using machines or robots, on the condition that the operation and making the *niyyah* of *qurbah* is done by an individual who is fully qualified to perform all the rites of the deceased.

Rulings of the decomposed or mutilated

Case: If it is not possible to perform the *ghusl*, *ḥanoot*, *kafān* and burial of the dead; because the body is decomposed or mutilated, like what happens at wars, or because of diseases and suchlike, one should endeavour to do whichever rites possible from amongst those required. Furthermore, if it is not possible to carry out the burial, or there is fear of an epidemic and suchlike, it is permissible to apply chemicals such as acid to the corpses in order to make them decompose and dissolve.

Case: If the body parts are intermingled such that the male and female cannot be distinguished, or the Muslim from the non-Muslim, just as it happens in some earthquakes, it is permissible to pour water on all of them to perform the three *ghusls*, and then wrap all in three *kafāns* (shrouds) as a precaution, (even though one *kafān* is sufficient)¹, and then proceed with the burial, since this is the only possible thing that can be done, according to the scenario assumed.

Outside the grave

Case: If a corpse is cast out of the grave, due to unnatural causes or because of flooding or action of an animal and suchlike, or if the corpse is removed from the grave according to the Shari‘ah, it is not mandatory for it to be buried in the original grave, but rather it is permissible for it to be buried in another place, save for the provision of a will and suchlike.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Death on the moon

Case: If an individual dies on the moon, it is permissible for the body to be buried on the moon, or transported to earth, or another planet. It is not permissible to leave it in space even if there is no fear of a beast mauling it, or if its stench will not spread because of the space, for instance.

Returning from the dead

Q: Assuming that on some planets there are people, and that if one of them dies, he would come back from the dead a day or so later, do the associated rulings subsequent to death apply in those cases; rulings such as the separation of the wife [from her deceased husband], observing the *'iddah*, allocating the inheritance or not?

A: [Yes,] the wife separates [from him] and [all other subsequent rulings in this respect, some of which were cited in the question.] Similarly, if science develops to the extent that the dead can be brought back to life.

As for the practice of detaching or separating the soul from the body and then returning it, [which is also sometimes known as out-of-body experience (OBE),] this is not considered as death.

Needless to say, if a man [after the death of his wife] marries her sister, and then the wife comes back from the dead, or if a woman remarries after the *'iddah* and then her husband comes back [from the dead], there is no right of return [to the original spouse].

Death during hypnotism

Case: If one puts another person into a hypnotic state, and he is not able to bring him back, and he dies in that state, he is liable to expiation, since by common norms he is the killer; the question here is whether the killing is deliberate, semi-deliberate, or in error.

Escaping death

Case: If a judge – in error – gives a verdict of death sentence for someone who does not deserve death, or a tyrant wanted to kill someone who does not deserve to die, it is permissible to give money in order to

escape the sentence and avoid death, rather, it is mandatory for him to do so if this is his only option; in this case it is not considered as bribery. There is no doubt that it is *ḥarām* for the bribed in this case to take the bribe, and he [the judge] is liable [to return the money], because this is one of the cases of taking money on false grounds.

Foetus in the womb

Case: If the foetus dies in the womb of its mother, and its stay in the womb constitutes danger for the mother, it is mandatory to remove it in the simplest way, and there is no objection to dissecting the foetus if there is no other way to remove it from the womb.

Soul Extraction

Case: It is not permissible to detach or separate the soul of a human being through psychological means, which used to be practiced in the past, for this constitutes killing. However, if it does not cause death, but is a kind of hypnotism, there is no objection provided it is with the consent of the person concerned, since it is violation of one's right, and that is not permissible except with his permission, and provided it does not constitute severe harm.

Learning from the spirits

Case: It is permissible to acquire knowledge or learn from the spirits that are evoked through hypnotism and suchlike.

Tales of the Spirits

Case: It is not legally binding from the Shari'ah viewpoint to rely on the information that spirits deliver, which are obtained through hypnotism, or evocation of the spirit of the dead, or communicating with those spirits (*taḥḍeer al-arwāḥ*), and suchlike.

The spirits and loan

Case: Is it possible to rely on the claim of the spirit that has been evoked in that it has given loan to a particular individual, or owe an individual a sum, and suchlike? No. However, if the adult heirs want to repay the money the spirit claimed to be owed to a particular claimant, there is no

objection to that, for it is closer to a voluntary payment than settling a loan that has to be carried out according to its criteria.

Exposing secrets through the spirits

Case: It is not permissible to dispatch spirits to expose people's secrets, since it is contrary to the people's own authority or dominion, and also because of the stated prohibition of exposing the secrets of others: ﴿and do not spy﴾.¹ Similarly it is not permissible to dispatch the jinn and the like.

Communicating with the spirits of the tormented

Case: It is permissible to communicate with the spirits of the dead who are tormented because of their sins or disobedience, and speak with them, for their case resembles that of the sick with whom one talks to, unless there is an extraneous aspect which is prohibited.

Visit of the spirits to the holy shrines

Q: Would it count as a *mostaḥab* visitation if it were possible to send the spirit to visit the shrine of the prophet, peace be upon him and his pure family, or the Imam, peace be upon him, or the tomb of one's deceased, or would it not?

A: It is *mostaḥab* to do so, given universal evidence, and such a visit is as valid as the visit that takes place in person.

Rulings of Will

Case: The Will (*waṣīyyah*) is when an individual makes an instruction to someone else, so that it is acted upon after his death; or instructs that some of his wealth be given to an individual after his death, or appoints a guardian over his offspring to take care of their affairs. The person who is instructed to execute the Will is referred to as "the executor" or the "*waṣī*".

¹ The Holy Qur'an, The Apartments (49):12.

Case: The writing of the Will is *mostahab*, except if there are some rights that may be lost or violated in which case it will be mandatory. The same applies to the ruling of its alteration when necessary.

Case: It is *mostahab* for an individual to make it his priority to write the Will as soon as possible.

Case: It is *mostahab* to inform whoever one considers appropriate of the existence of the Will.

Case: The most important matters that testator should address in his/her Will is the fulfilling of the duties he/she is liable to before Allah or individuals, as well as good deeds and charitable causes.

The Will and Signs of Death

Case: It is obligatory for the individual who has felt signs of death in himself, to rush to return deposits that people might have placed with him, pay off the debts that are due, or those that are not due – and if he cannot do them himself – he must make a Will and take witness for his testament, but if his debts are known and identified, he is not obliged to make a Will.

Case: One who feels signs of death in himself, and he is liable to religious dues such as *khums*, *zakāh* and *maḍālim*, he must pay off whatever he is liable to, and if it is not possible for him to pay off what he is liable to immediately, if he owns something, or it is probable that someone would volunteer to pay them on his behalf, he is obliged to give the appropriate instructions in this respect in his Will, and similarly, if he is liable to an obligatory hajj, and suchlike.

Case: One who has felt signs of death in himself, and is liable to some ‘missed’ or *qaḍā’ ṣalāh* or fasting, he is obliged to give instructions or make a Will to hire someone – payable from his wealth – to discharge them.

Case: One who has felt signs of death in himself, if he has trusted some money with someone, or hidden it somewhere that the heirs are not aware of, if their rights would be lost due to their ignorance of that, it would be mandatory for him to inform them. He is not obliged to

appoint a guardian for his young children, but if the minors would perish or their rights lost or violated because they do not have a guardian, he would be obliged to appoint a trustworthy guardian for them.

Validity and invalidity of a Will

Case: If one finds a written document; signed or sealed by the deceased, if he understands its intention and knows that it is written for the purpose of a Will, it is mandatory to act according to the written document.

Case: If one behaves in a way that it is understood that he has retracted from his Will – for example he sells a house that he had willed to give to someone after his death, or he appoints someone to sell it – his Will becomes void.

Case: Audio Will recorded on tapes, cassettes, and suchlike is valid, just as the verbal and the written ones, (as well as that through the internet, email, and fax).¹

One-Third of the Inheritance

Case: If an individual dies, his ownership of his wealth and assets ceases, and his assets are transferred – after settling his debts and discharging his Will – to his heirs. Of course he has the right to one-third of his assets only if he made a Will to use that one-third for certain matters such as fulfilling missed prayers or fasting on his behalf – the cost for these are deducted from the one-third. If, however, he does not make a Will to use the one-third or any other aspect, then he does not have any right to any, and the entire asset goes to the heirs. However, if it is proven that the deceased has financial liabilities or obligations towards others, such as if he is owed money to an individual, or towards the Almighty as in religious dues such as khums or zakāh, maḍālim, kaffārāt, and Hajj, then these should be taken out of the assets of the deceased even if he does not make a Will to this effect.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Setting aside the religious dues

Case: It is obligatory to set aside the cost of the obligatory hajj that the deceased has missed, as well as any debts, and religious dues; such as *khums*, *zakāh*, and the mandatory *maḍālim*, from the original assets of the deceased, even if the deceased has not made any Will or instruction to this effect.

Case: If the assets of the deceased exceed his debts, the cost of the obligatory hajj, and the religious dues such as *khums*, *zakāh*, and *maḍālim*, and if he has also willed that one-third of his assets is bestowed to, or part of it is spent for, a particular purpose, it would be mandatory to act according to his Will.

In Excess of the One-Third

Case: If, during an illness that he dies from, one gives away part of his wealth to someone, it would be mandatory to give that to the particular person. However, if in that state, makes a Will that an amount should be given to an individual after his death, if that amount exceeds one-third of his wealth, it would be mandatory to seek the permission of the heirs for anything that exceeds the one-third, and if they do not give permission, then the Will is void and not applicable with respect to the excess amount.

Case: If one makes a Will that the one-third of his wealth should not be sold, but its income spent for a particular purpose, it would be mandatory to act according to his Will.

Executing the Will

Case: If the testator dies, it would not be permissible for the executor to appoint someone else to execute the Will and to retire himself. However, if he knows that the deceased did not mean the executor to execute the Will himself, but the given instructions to be carried out, it would be permissible to appoint someone else to do that.

Q: Heirs are required to set aside the one-third of the assets of the deceased in instalments – as they are not able to do so in one go – and they agreed on monthly instalments; but some circumstances forced

them to pay half of the agreed amount, and in an irregular manner. Does this constitute failure and neglect?

A: Neglect is defined as per common sense, and Allah knows best.

Handling of the One-Third of the assets

Q: A man passed away and had instructed that one-third of his assets be put aside for a charitable cause, and thus one-third of the assets were deposited in a bank, and some time had passed since then, and interest had accumulated on the original sum. Should the excess amount be treated as *majhool al-mālik* and given to the poor?

A: The interest mentioned in the question should be coupled with the original sum.

Q: If the testator Willed that part of the one-third of his assets should be spent on performing ṣalāh, fasting, and hajj, and the remaining amount spent on charitable causes; if one of his heirs needed some money for the purpose of marriage, say, is it permissible for him to take from the one-third of the assets?

A: He can take the remaining amount of the one-third, after using it for fulfilling the ṣalāh, fasting, and hajj as instructed, but he cannot take the entire one-third.

Endowment in the Will

Q: If one dedicates (put to *waqf*) a piece of land for the purpose of charity and he then dies, and his sons want to transfer the land to their names, because of their need for it or to build it for their use, would this be permissible?

A: No, but the Will should be acted upon.

The Will of Qur'an recitation

Case: As part of executing the Will's instruction regarding the recitation of the Holy Qur'an it will not suffice to play [a Qur'an recitation tape and suchlike], except if the testator has indicated that he wants that, or if his words indicated that in general.

Rulings of Inheritance

Heirs' Categories

Case: Those who inherit the deceased on the basis of blood-relationship are classified in three categories. The second and third categories do not inherit except in the absence of those in the preceding category. The three categories are:

1. The parents of the deceased and his offspring, and in their absence, his grandchildren.
2. The [paternal & maternal] grandfather, [paternal & maternal] grandmother, brothers and sisters, and in the absence of the brothers and sisters, their offspring.
3. The paternal and maternal uncles and aunts and their children.

Details of which are given as follows.

Allocation of inheritance in the first category

Case: The deceased is inherited by his/her parents and children, and if they do not exist, then by his grandchildren and his descendants; those who are closer to the deceased inherit him/her. As long as there is one individual from this category, no one from the following category inherits [anything]. Some of the details of the inheritance allocations in this category are as follows:

Case: If the deceased is survived by one person only, such as his father, or mother, or one son, or one daughter, then s/he inherits the entire asset.

Case: If the deceased is survived by a number of sons only, or a number of daughters only, then the assets are divided equally between them.

Case: If the deceased is survived by one son and one daughter, then the assets are divided into three parts; with the son receiving two parts, and the daughter one part.

Case: If the deceased is survived by a number of sons and daughters, then the assets are divided between them such that the male inherits twice the female.

Allocation of inheritance in the second category

Case: The deceased is inherited by his grandfather, grandmother, brothers and sisters, and if his brothers and sisters do not exist, their children will inherit the deceased, whichever is closer to the deceased. As long as there is one individual from this category, no one from the following category will inherit [anything]. Some of the details of the inheritance allocations in this category are as follows:

Case: If the deceased is survived by one brother only, or one sister only, s/he inherits his entire assets.

Case: If the deceased is survived by a number of brothers from both his parents, or by a number of sisters from both his parents, then his assets are divided equally between them.

Case: If the deceased is survived by a number of brothers and sisters from both his parents, each brother inherits twice what a sister inherits. For example, if he is survived by two brothers and one sister from both his parents, the assets are divided into five portions, each brother gets two portions and the sister gets one.

Allocation of inheritance in the third category

Case: The deceased is inherited by his paternal and maternal uncles and aunts and their offspring; and as long as any of his paternal and maternal uncles and aunts exist, none of their offspring will inherit. However, if the deceased is survived by a half-blood paternal uncle (common in the father) and a full-blood cousin (son of paternal uncle); the cousin inherits and the uncle does not.

Case: If the deceased does not have paternal uncle and aunt, nor maternal uncle and aunt, and they have no children, nor children of their children, then his heirs will be his parents' paternal and maternal uncles and aunts and if they do not exist, then their children, and if they do not

exist, his heirs will be his paternal grandparents' paternal and maternal uncles and aunts and if they do not exist, then their children.

These have been some of the details of the allocations of inheritance in this category.

Case: If the deceased is survived by a paternal uncle or a paternal aunt, regardless of whether they are from both parents (i.e. they have the same parents as the deceased's father) or half-blood; from the father only, or from the mother only, s/he inherits the entire asset.

Case: If the deceased is survived by a number of paternal uncles only, or by a number of paternal aunts only, and they are all from both parents, or they are all from the father, the assets are divided between them equally.

Case: If the paternal uncle and paternal aunt are both from the both parents, or they are both from the father, the uncle inherits double the aunt. For example, if the deceased is survived by two paternal uncles and one paternal aunt, the assets are divided into five parts, one part for the paternal aunt, and the rest divided equally between the paternal uncles.

Case: If the deceased is survived by a number of paternal half-uncles who are common through the mother, or a number of paternal half-aunts who are common through the mother, or one paternal half-uncle and one paternal half-aunt who are both common through the mother, the inheritance is divided equally between them.

Inheritance of the husband or wife

Case: The husband and wife each inherit the other, along with the three above-mentioned categories, as follows:

1. If a wife dies without any children, her husband inherits half of her assets, and the rest is given to her other heirs.

If she has children from that husband or from another husband, the husband inherits one-quarter of her assets, and the rest is inherited by the other heirs.

2. If the man dies without any children, his wife inherits one-quarter of his assets, and the rest is inherited by his other heirs.

If the man is survived by children from that wife or from another wife, the wife inherits one-eighth of the assets, and the rest goes to the other heirs.

3. A wife does not inherit from the land; neither from the land itself nor from its value. She also does not inherit from buildings, trees, and machines/tools, but she inherits from their market value. The canals passageway and suchlike have the same ruling as the land, and the bricks and suchlike that are used in it for its construction have the same ruling as buildings.
4. If the deceased has more than one wife, if he is childless, one-quarter of his assets should be divided [equally] amongst his wives.

If he has children, one-eighth of his assets are divided equally amongst his wives, as explained earlier.

Case: If a man marries a woman during his illness from which he died, and he has had no sexual intercourse with her, she does not inherit from him, nor is she entitled to Mahr.

Exclusively for the elder son

Case: The Holy Qur'an, ring, sword, and clothes of the deceased that he used to wear – all of which are called the *ḥabwah* – go to the eldest son specifically.

Case: If the deceased has more than one of the items in the *ḥabwah* list, for example if he has left two copies of the Holy Qur'an or two rings, as a precaution the eldest son should come to a settlement¹ about these with the other heirs.

¹ The eldest son should seek the agreement and approval of the rest of the heirs or, failing that, he should return to the inheritance whatever is more than one of those items.

Q: Are the books – other than copies of the holy Qur’an – that belong to the deceased considered to be amongst the *ḥabwah*?

A: No.

Inheritance exclusion

1. Disbelief

Case: A non-Muslim does not inherit a deceased Muslim even if he is the son of the deceased, but a Muslim inherits a non-Muslim.

2. Murder

Case: If a person murders one of his relatives deliberately and unjustly, he would not inherit him. However, if he kills him due to error, for example, if he throws a stone and that accidentally hits and kills him, he would inherit him, but as a precaution he would not inherit him in the *diyah* or blood-money.

One-Third of the Assets

Q: If one Wills the one-third to go to his daughter, but the daughter dies before the death of the testator (the father), and the testator does not change his Will until he dies, what is the ruling in the following cases:

- a) If he does not change the Will, but he meant the money to reach her heirs?
- b) If he does not change it due to negligence?
- c) If we do not know the reason for not changing it?

A: The replies to the above are as follows:

a) it will be for the daughter’s heirs.

b) & c) These should be dealt with according to the common reading into and understanding of them, and if no common understanding is reached, it will be part of the inheritance of the deceased himself.

Q: Is it permissible for a man to make a Will that stipulates that all his assets go to his wife after his death?

A: The Will is applicable to one-third of the assets only, and anything in excess of that would require the agreement and approval of the rest of the heirs. Of course all of that after setting aside for all the debts he might be liable to.

Share of the Minor

Case: If one dies, it is permissible for his heirs to spend for the mourning arrangements from their share, but it is not permissible for them to spend from the share of the minor heirs. The same applies to the general issue of handling or using the share of the minor, except if usage was to a commonly acceptable level and its guardian considers it to be in the minor's interest, and as a mostahab precaution one should observe precaution refrain from using it.

On the criteria of the heirs' permission

Q: There are traditional customs in some communities, for example after the burial, Fātiḥah are held for three, five, or more days, and members of the household provide meals for the men and women who attend the Fātiḥah program. The costs involved are normally considerable, and they are taken from the deceased's assets, what is the ruling on this?

A: These and similar expenses may not be taken from the assets except after permission of all the inheritors, or could be taken from the share of one of the heirs with his permission.

Q: Is it permissible to use the name of the deceased, or any of his common or shari'ah-based rights in business and trade matters, and suchlike, such as using the name of the deceased for buying shares in his name? In the case of being permissible, is it required to seek permission of the heirs?

A: If it is considered as common rights, as an obligatory precaution, one should seek permission of his heirs.¹

¹ The late Imam Shirazi: (If it is considered as one of his rights, one requires permission of his heirs.)

Q: Usurping lands and living on them has become common place in our part of the world, what is the ruling if we learn that some of the heirs have given their consent, but others have refused to do so?

A: It is not permissible except with the consent of all the heirs.

The Assets and the Duties of the Deceased

Q: If the deceased is liable to hajj, and s/he has left no assets, are the heirs liable to anything?

A: No, but rather it is *mostahab* (recommended) for the heirs of the deceased to perform the hajj on her/his behalf.

Q: If the deceased's assets are not enough to perform the obligatory hajj that the deceased has become liable to, to whom should they be given?

A: If he has no debt, they should go to the heirs.

Q: If a donor from amongst the heirs or someone else is found to pay for the remaining cost of the hajj, is it mandatory to keep them for the hajj or not?

A: It is obligatory to keep them for the hajj.

Q: Is it permissible for the heirs to make use of the assets before hiring someone for performing the hajj on behalf of the deceased, if the expenses of the hajj would use up all the assets?

A: It is not permissible.

Part Four

Food and Drink

PART FOUR: FOOD AND DRINK

Chapter One: Slaughtering and Hunting of Animals

Case: If a ḥalāl-meat animal¹ is slaughtered according to the Islamic method, which will be mentioned afterwards, its meat – after the departure of its soul – will be ḥalāl and its corpse *tāhir*, regardless of whether the animal is wild or domesticated. However, an animal that has been copulated by a human, its meat is not rendered ḥalāl after slaughter. The same applies to the *jallāl* animal that is habituated to eat faeces; if it is not subjected to the process of *istibrā'* (cleansing/purifying) prescribed by the Shari'ah.

Case: The ḥalāl-meat animal that does not have gushing blood such as fish, if it dies naturally, it is *tāhir*, but its meat is not permissible for consumption.

Case: Dog and Pig do not become *tāhir* through slaughter or hunting, and it is not permissible to consume their meat. However, the predatory *ḥarām*-meat animal such as wolf and tiger, if it is slaughtered according to the method which will be mentioned, or hunted with arrow and suchlike, it will be *tāhir*, but its meat will not be permissible for consumption. On the other hand, if it is hunted with hunting dog, then its body is not *tāhir*.

The Shari'ah method of slaughtering

Case: The procedure for the slaughter of the animal according to the Shari'ah is that the four main arteries² are cut completely at beneath the knot of the throat, and it is not sufficient to only split open or cut them partially.

¹ Such as Sheep, Cow, Camel, Goat, Deer; Chicken, Duck, Partridge, Pheasant, and Quail.

² These are the jugular artery, jugular vein, the food pipe, and windpipe.

Criteria of slaughter

Case: A number of criteria must be met in order for the slaughter to be considered Shar‘i, or ḥalāl. These are:

1. That the person carrying out the slaughtering is a Muslim, whether man or woman, who is not a *nāṣibi*, one who harbours animosity to Ahl al-Bayt of the Prophet peace be upon them all. If a Muslim child is of discerning age, it is permissible for him to slaughter an animal.
2. That the animal is slaughtered with an iron tool,¹ and if such a tool is not available and the animal would die if it is not slaughtered immediately, it is permissible to cut its arteries with any other sharp tool such as glass, or sharpened piece of rock.
3. That at the time of slaughter, the animal’s frontals are facing the Qiblah. The animal’s frontals are the face, hands, legs, and abdomen. If the animal is deliberately not made to face the Qiblah, its meat would be *ḥarām*. However, if one forgets to do that, or was ignorant of the ruling, or erred in ascertaining the direction of the Qiblah, or does not know the direction, or it is not possible for him to direct the animal towards the Qiblah, there is no objection [to it being ḥalāl].
4. That one mentions the name of Allah at the time of slaughtering the animal, or when he puts the knife on its throat. It is sufficient to say “Bismillah” only, and if one mentions the name of Allah but not with the intention of slaughtering, the animal would not be purified, and its meat would be *ḥarām*. And the same applies if one does not mention the name of Allah out of ignorance of the ruling. However, there is no objection if one forgets mentioning the name of Allah at the time of slaughtering.

¹ “Iron” tool includes steel and suchlike.

5. That the animal shows some movement after it is slaughtered, even by a slight movement; such as blinking of the eyes, or movement of the tail, or frontals.
6. That the four main arteries are cut; if only two of the arteries are cut, then it is not ḥalāl to eat.

The Shari‘ah method for slaughter of a camel

Case: In order to slaughter a camel so that after the slaughter it is *tāhir* and ḥalāl, it is obligatory that in addition to observing the aforementioned criteria for the slaughtering procedure, [such as making the animal to face the Qiblah, and mentioning the name of Allah] one should thrust or plunge a knife or other sharp tool in the *labbah* of the camel, which is the depressed area at the top of its breast adjoining the neck of the camel, and this procedure of slaughter [which is specific to camel] is called the *naḥr*. There is no objection to carry out the slaughter using tools made of steel. It is imperative that the animal is facing the Qiblah; that is the face of the camel is towards the Qiblah [while the slaughter is being carried out].

Case: If the camel is slaughtered [by having the four arteries cut] instead of being *naḥred*, or if the sheep, cow, and suchlike is *naḥred* instead of being slaughtered, their meat will be *ḥarām* and their bodies *najis*.

Case: If the animal was unruly, and it becomes impossible to slaughter it according to the Shari‘ah procedure prescribed for it, or if for example it falls down in a well such that it might die there and it is not possible to slaughter it according to the Shari‘ah procedure, it is permissible to wound it in any place of its body such that it would die from the wound, and as such it is not obligatory to face it towards the Qiblah, but it is conditional that the other criteria for the slaughtering procedure are observed.

The *mostaḥab* acts of slaughter

Case: There are a number of *mostaḥab* acts for the slaughter, amongst them are:

1. To offer water to the animal before its slaughter or nahr.
2. To minimise the suffering of the animal; such as to sharpen the knife very well and to be swift in slaughter.

The *makrooh* acts of slaughter

Case: A number of things are *makrooh* or discouraged for the slaughter, amongst them are:

1. To cut the arteries of the animal from the back, by inserting the knife from behind the neck of the animal and cutting the arteries from the back.
2. To cut off the head from the body before the departure of the soul from the body. However, if one did that due to negligence or due to the sharpness of the knife – and beyond his control – then it would be deemed that no *makrooh* has been committed.
3. To skin the animal before the departure of the soul from the body.
4. To cut the marrow [of the spinal cord] before the departure of the soul from the body.
5. To slaughter it while another animal is looking.
6. To slaughter the animal at night or before noon on Friday, but there is no objection to that in the case of necessity and need.
7. To slaughter those animals one has bred himself.

Rulings of hunting with weapons

The criteria for the game becoming ḥalāl

Case: If a wild ḥalāl-meat animal is hunted with a weapon, its meat is ḥalāl and its body is *tāhir* with the provision of five criteria:

1. That the hunting weapon is sharp and cutting such as a knife and sword, or piercing such as an arrow or a spear; the sharpness of which lacerates the body of the animal. Thus if an animal is caught using nets, sticks, stones or suchlike, and the

animal dies as a result, that animal is not *tāhir*, and it is *ḥarām* to eat its meat, except if it is caught alive and is slaughtered according to the specified Shari‘ah method. If the animal is hunted by firearms such as a rifle, and the bullet is sharp and pointed such that it pierces the body of the animal and penetrates into it, it is *tāhir* and *ḥalāl* [to eat if the animal dies as a result of the gunshot before the hunter arrives at the scene]. If it is not sharp and pointed such that it enters into the body of the animal with force and pressure, and kills the animal, this too is permissible. However, if it burns the body of the animal with its heat, and the animal dies as a result of that heat, then it is not *tāhir* or *ḥalāl*.

2. The hunter must be a Muslim, or a Muslim child who can distinguish between right and wrong. However, if a non-believer or a *nāṣibi* (a person who shows animosity to Ahl al-Bayt peace be upon them) hunts the animal, the hunt is not *ḥalāl*.
3. That one uses a weapon for hunting. Thus if one fires a bullet aiming at a certain target but it accidentally hits an animal, that animal does not become *tāhir*, nor does it become *ḥalāl* to eat its meat [if it dies as a result of the unintended gunshot].¹
4. That one mentions the name of Allah when using the weapon to hunt. If one does not mention the name of Allah deliberately, his hunt is not *ḥalāl*, however, there is no problem if one forgets to do so.
5. That when the hunter reaches the animal, it has already died, or if it is alive but there is not enough time for the slaughter. However, if there is enough time to slaughter it, and the hunter does not slaughter it until it dies, its meat will be *ḥarām*.

¹ However, if the person comes to the animal and it is still alive – i.e. it has not yet died of the unintended gunshot – and he slaughters the wounded animal according to the said criteria, then its meat is *ḥalāl* to eat.

The young

Case: If the hunter hunts an animal or slaughters it, and its young comes out of its body alive, and the young is slaughtered according to the correct Shari‘ah method, its meat is *ḥalāl*, otherwise it is *ḥarām*.

Case: If the hunter hunts an animal or slaughters it, and its young is taken out of its body, but lifeless, then if it

1. had developed fully,
2. with hair or wool grown on its body –
3. this is when the belly of the hunt was cut open immediately after its slaughter

and the lifeless young taken out – then the young is *ṭāhir* and its meat *ḥalāl*.

Hunting by Hound

Criteria of hunting by hound

Case: If a hunting dog hunts a wild *ḥalāl*-meat animal, then the status of the prey being *ṭāhir* and *ḥalāl* depends on six conditions:

1. That the hound is trained such that it would rush if commanded to hunt and it would stop if it is ordered so. And that it has the habit of not eating from the prey until its master arrives. However there is no objection if the hound eats from the prey accidentally or occasionally.
2. That its master sends it to hunt. If the hound rushes off towards the prey on its own accord, without its master dispatching it, it would be *ḥarām* to eat from that prey. Furthermore, even if the hound rushes off towards the prey on its own accord, but then its master urges it to rush towards the prey, as a precaution eating from that prey should be avoided, even if the speed of its chase and pursuit of the prey was due to its master’s encouragement.

3. That the person sending the hunting dog is a Muslim, or a Muslim child who distinguishes between right and wrong. If the sender is a disbeliever or a *nāṣibi* (a person who shows animosity to Ahl al-Bayt of the prophet peace be upon them all), the hunt of that hound becomes *ḥarām*.
4. That he mentions the name of Allah when he sends the hound. If he does not mention the name of Allah deliberately, that prey would be *ḥarām*, but if he forgets to do so, there is no objection.
5. That the prey dies as a result of the injuries caused by the hunting dog's teeth. If the hound suffocates its prey to death, or if the prey dies as a result of intense fear or running, the meat of that prey does not become *ḥalāl*.
6. That when the sender of the hound arrives at the prey he finds it has already died, or if he finds it alive but there is not enough time to slaughter it. If there is enough time to slaughter it – for example the prey blinks its eyes, moves its tail, or kicks with its feet – but he does not slaughter it until the prey dies, its meat does not become *ḥalāl*.

Fishing

Fishes with scales

Case: If the fish, which has scales, is taken alive from water, and it dies out of water, it is *tāhir*, and its meat is *ḥalāl*. However, if it dies in water, it is *tāhir* but is *ḥarām* to eat. As for the fish that does not have scales, it is *ḥarām* to eat even if it is taken alive from water and it dies out of water.

Case: If a fish falls out of water, or a wave throws it outside the water, or if the water recedes and the fish is left on the ground, if one catches it by his hand or by another tool before it dies, it is *ḥalāl* [to eat] after it dies.

Criteria of fishing

Case: It is not conditional that the fisherman is a Muslim, just as it is not mandatory to mention the name of Allah at the time of fishing, nor is it required to face the Qiblah. Also it is not necessary to slaughter it with a knife. The dead fish that is not known whether it was caught from water alive or dead; if it is in possession of a Muslim it is ḥalāl, and if it is in possession of a non-Muslim it is *ḥarām*,¹ except if a Muslim observes it being caught, or is confident that it has been caught alive from water.

Death of fish in water

Q: In the case of the fish that is caught by net, what is the ruling if the fish dies in the net while in water?

A: If it is such that some of the fish die and some remain alive, there is no objection to the consumption of the entire catch.

Q: If the fish that died in the water is mixed [by mistake] with the fish that died outside the water [caught separately from the first catch] and it is not possible to distinguish between them, what is the ruling in this case?

A: One should sell the fish to those who deem it permissible to eat.

Swallowed fish

Case: If a fish swallows a ḥalāl fish, and that fish dies in its stomach, then the swallowed fish is ḥalāl if it satisfies the criterion of being caught in the prescribed procedure; for example if an individual catches a fish and gives it to a bigger fish to swallow.

¹ When the fish is received from a Muslim, it is assumed to be halal and there is no need for making queries about it, as a Muslim would be bound to the criteria of fishing, but if it is from a non-Muslim, since the latter is not normally bound by the criteria prescribed by Islamic teachings, then it cannot be assumed to be halal, unless one is confident that it has been caught alive from water, as stated above.

Diminishing fish scales

Case: If [the permissible type of] fish eat something that causes them to lose their scales, they would not be *ḥarām* to eat, even if this runs into their offspring, except if it is considered to have become a different type of scale-less fish that is of a category classified to be *ḥarām*. On the other hand, if a type of fish that is naturally scale-less is injected with something that causes it to have scales, (as an obligatory precaution it should be avoided),¹ even if this runs into its offspring in that its offspring become with scales, except if it is considered to have become a different kind of fish with scales, which is of a category classified to be *ḥalāl* from the Shari‘ah viewpoint, and it is commonly accepted that it is a fish with scales.

Fish farming

Case: It is permissible to farm fish in the sea in order to mass produce the fish, as it is normally done in developed countries. If the feed is *ḥarām*, it does not make the [permissible type of] fish to become *ḥarām*, but if it is fed human faeces to the extent that the fish becomes *jallāl* [and therefore *ḥarām* to eat], and [in order to render it permissible to eat] it would be necessary to purify the fish through the procedures prescribed by the Shari‘ah.²

Fishing Pools

Case: The fishing pools that are created by the people or governments by the side of rivers or the sea, if fish enter them, they will become the property of the owner of the pool, and no one has the right to fish them without the owner’s permission. The same applies to the fishing nets that are made to catch birds, beast, and suchlike.

¹ The late Imam Shirazi: (it does not become *ḥalāl* to eat due to that process).

² It becomes *jallāl* if it is fed faeces for three or more consecutive days. To purify the fish it must be confined to a clean environment for the duration of at least one day (around 12 hours).

Miscellaneous issues on slaughter and hunting

Electrification

Q: In Europe electric shocks are applied to the animal before its slaughter, especially in the case of chickens, such that the animal shows no sign of movement after slaughter. Does this constitute *maitah* (dead animal) in this case or not?

A: (¹) If that [electric shock application] constitutes a kind of sedation such that if it were not slaughtered, the animal would stay alive, then the slaughtered animal would not be considered *maitah*.

Machine recitation

Q: Is it correct if chickens are slaughtered by an electric knife, and the reciting of the name of Allah is performed by a cassette tape player?

A: It is not correct. It is obligatory to perform the recitation by the utterance of human being.

Hung upside-down

Q: What is the ruling if the chicken is slaughtered while it is hung upside down, that is, it is not lying flat? Would it be ḥalāl if other criteria of slaughtering are met?

A: Yet it is ḥalāl.

Slaughtering by woman

Q: Is it permissible for a woman to slaughter an animal?

A: Yes.

Slaughtering animals in the streets

Case: It is permissible for a just government to prohibit the slaughtering of animals in the streets, pathways, and suchlike if slaughtering causes diseases and nuisance to the people, given the blood and filth produced. Rather, it is not permissible for one to slaughter an animal [in the

¹ The late Imam Shirazi: (It assumes the ruling of *maitah* as a *mostaḥab* precaution; that is it is preferred to avoid the animal in such a case.)

streets] even if the authorities do not prohibit him for causing disease and nuisance.

Hunting game by rifle

Q: If one shoots at a group of birds and hits a number of them, and when one reaches them finds them dead, what is the ruling in this case?

A: They are ḥalāl.

Sedation of birds and fish

Case: If one detonates explosives in water for the purpose of sedating the fish and floating them on the surface so that he can catch them, then it is not the right of others to catch them, because they become the catch of the owner of the explosive, but he does not have the right to fish more than his share.

If sedative seeds are thrown for pigeons, birds, or other wild animals in order to hunt them, and they became sedated and could not fly away, no one else has the right to catch them because they become the property of the owner of the seeds.

Alteration of the nature of the bird and fish

Case: If [due to some phenomenon or any other reason] the category of the fish or bird changes from ḥalāl to ḥarām or from ḥarām to ḥalāl, the same applies to its egg, milk, offspring, and suchlike.

Chapter Two: Rulings of Food and Drinks

On the permissible and forbidden Birds

Case:

1. It is permissible to eat the meat of the chicken, the pigeon and all its kinds, and the sparrow and all its categories, amongst which are the lark, the *bulbul* (nightingale), and the starling. The meat of swallows is also permissible to eat,
2. It is forbidden to eat the meat of
 - a. the bat, the peacock,
 - b. any bird that has claws – such as the falcon, eagle, and hawk –
 - c. any bird whose gliding is more than its flapping, and
 - d. any bird that has no gizzard, crop, nor does it have spur, which is the claw on the back of the feet of the bird, except
3. If the flapping of the bird is more than its gliding, it is permissible to eat even if it does not have one of these three (i.e. the gizzard, crop, or spur).

Bird's gliding and flapping

Case: A bird whose gliding is by nature more [than the flapping of the wings], turns, through modern means, to have more flapping [of the wings], it does not become ḥalāl [to eat], and a bird whose flapping is by nature more [than gliding], turns, through modern means, to have more gliding, it does not become ḥarām [to eat].

Prohibition of consumption of certain parts of the animal

Case: It is prohibited (or must avoid as an obligatory precaution)¹ to eat the following parts of a ḥalāl-meat animal that has been slaughtered according to Islamic procedure:

1. Dung.
2. Blood.
3. Male genital.
4. Female genital.
5. Placenta.
6. Glands.
7. The two testicles.
8. Pituitary gland, a gland in the brain.
9. The spinal cord.
10. The two wide yellow nerves which are on both sides of the spinal cord from the neck to the tail.
11. The spleen.
12. The gall bladder.
13. The urinary bladder.
14. The pupil of the eye.
15. The material between the hooves.

Case: It is *makrooh* to eat the meat of a horse, mule, or donkey. However, if they are copulated by a human being, their meat becomes *ḥarām*, and they must be taken out of the city and sold in some other city.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Prohibition of eating soil

Case: It is *ḥarām* to eat soil, but it is permissible to eat a small amount of the soil or *torbah* of the Master of the Martyrs Imam Husayn ibn Ali peace be upon them as a cure for illnesses. It is also permissible to take the Armani clay as a medication, as well as clay of Dāghistan, and suchlike.

Prohibition of the harmful thing

Case: It is *ḥarām* to eat, drink, or use anything that greatly harms the individual, but in the case of minor harm it is not *ḥarām*.

Prohibition of the consumption of alcohol

Case: It is *ḥarām* to drink alcohol, which is considered to be amongst the major sins. Anyone who judges it to be ḥalāl, which consequently leads to belying Allah’s Messenger, peace be upon him and his pure family, is a disbeliever. It is narrated from Imam al-Ṣādiq peace be upon him, who said about alcohol, “It is the mother of all evil, and the root of every wickedness, the one who drinks it goes through a moment when he becomes deprived of his mind, and he does not know his Lord, and he will leave no disobedience but commit it, he will leave no sanctity but violate it, he will leave no bond of kinship but sever it, he will leave no obscene act but commit it, and the drunk has his control in the hands of the Shayṭān.”¹

Feeding the hungry

Case: It is obligatory for every Muslim to give food or water to another Muslim who is on the verge of death due to starvation or thirst, and to save him from death, and the same applies to every respected soul.²

The *mostaḥab* etiquettes of eating

Case: It is *mostaḥab* when eating food to observe a number of matters:

1. to wash the hands before eating.

¹ Wasā’il al-Shi’ah, vol.25, p317.

² The same applies to animals.

2. to wash the hands after eating and drying them with a towel.
3. that the host begins to eat before all others, and to be the last to withdraw his hands.
4. to recite the name of Allah (*Bismillah*) before starting to eat, and if there are more than one dish on the table, it is *mostahab* to recite the name of Allah (*Bismillah*) for each dish or before each kind of food.
5. to eat with the right hand.
6. to praise and thank Allah after eating.
7. to lie on one's back and place his right foot on the left.
8. to begin and end eating with salt.
9. to wash the fruits before eating them.

The *makrooh* etiquettes of eating

Case: A number of matters are *makrooh* (discouraged) to do at the time of eating:

1. to eat while on the move or when walking.
2. to eat excessively; in a hadith it is stated, “there is nothing more detested in the sight of Allah than a full stomach”.¹
3. to look at the faces of the people at the dinner table.
4. to eat food while it is hot.
5. to blow at what one eats or drinks.
6. to scrape off every bit of the meat on the bone until there is none on it.
7. to peel the fruit that can be eaten with its skin.
8. to throw away a fruit before one has eaten it fully.

¹ Al-Kāfi, vol.6, p270.

The *mostahab* etiquettes of drinking

Case: It is *mostahab* to observe a number of matters:

1. to drink water by sipping it [as opposed to gulping it].
2. to drink water in the standing position during the day, and in the sitting position during the night.
3. to recite the name of Allah (*Bismillah*) before drinking water and to praise and thank Allah afterwards.
4. to remember Imam Husayn, peace be upon him, and his family, and to curse those who killed him.

The *makrooh* etiquettes of drinking

Case: It is *makrooh* to drink too much water, especially after a rich fatty food, and to drink it in the standing up position during the night, or to drink with the left hand, or to drink from the side of a cup that is chipped off, or the side of the handle.

Miscellaneous rulings

Canned food

Case: It is permitted to consume canned food imported from non-Muslim countries, except if they contained meat or animal fat. As for those imported from Muslim countries, their consumption is permissible – except if one learns they are specifically *ḥarām* in particular aspects.

Preservation of the sacrificial products

Case: It is permissible to can the sacrifices made at Minā if they remain without being used or disposed of – which will otherwise rot and be wasted – if it is possible to dispose of them for their specified cases. It is necessary that those whom the shari‘ah considers as owners give their consent to the preservation.

Concentrate of *ḥarām* things

Case: If the concentrate of *ḥarām* things were produced and in the process that resulted in *istiḥālah* or transformation it becomes *ḥalāl*, but

if the *istiḥālah* that renders it *ḥalāl* is not realised, it remains to be *ḥarām*.

Injecting ḥarām substance

Case: There is no objection to injecting, rubbing, and inhaling that which is *ḥarām* to eat, such as injecting the concentrate of liver, or blood for example, as well as rubbing and inhaling of the *ḥarām* fats, provided that it does not cause severe harm, and there is no reason or evidence for the absolute prohibition. This is because the prohibition applies to eating and drinking and not to injection, rubbing, or inhaling and suchlike.¹

The restaurateurs' word

Q: In a community where truth is hard to come by, and lying for material interest is common, is it correct to believe the word of the Muslim restaurateur who claims he serves *ḥalāl* meat?

A: The word of the Muslim is sufficient.

Gelatine

Q: What is the ruling in the case of gelatine that is used in food products, if it were manufactured in non-Muslim countries?

A: If the gelatine is made from animal [product] it is not permissible unconditionally since it is normally made from the skin, gristle, connective tissues and bones of animals. However, if the gelatine is made only from bone that has been stripped of all meat, gristle, and suchlike that would be permissible, provided that the bone is taken from the animal that its meat is categorised as permissible to eat.²

¹ There are matters that come under the category of absolute prohibition, and may not be used in any way, such as alcohol, which is *ḥarām* in every aspect. The late Imam Shirazi: (Alcohol is *ḥarām* in all its aspects.)

² There is a misconception that if, in the ingredient listing, the term gelatine is stated without a mention of it being of animal or non-animal origin, then it is assumed that it is of 'unknown origin' and it is therefore permissible to consume. This is not a correct assumption, as normally in the West if gelatine is stated it is meant to be of animal origin. On the other hand, if the gelling agent

Date syrup

Q: What is the ruling concerning date syrup if it is boiled by fire?

A: There is no objection to that.

Water wastage

Case: One example of the prohibited wasteful manner is to leave the water tap running needlessly, even if that does not cost more money. The same applies to gas, electricity, telephone, and suchlike. It is clear that the criterion here is the waste itself and not the cost.

Pests

Case: There is no objection to killing an animal that is harmful and has no owner.

Case: It is permissible to exterminate harmful animals such as rats, bugs, flies, and suchlike using poisonous materials.

Case: It is permissible to perform scientific experiments on animals.

Q: Is it permissible to hurt animals that are not harmful by burning or killing them and suchlike?

A: Hurting is *ḥarām*.

Q: In our house there is a big ants colony, is it permissible to destroy it?

A: If that [colony] constitutes harm and nuisance, then it is permissible to destroy it, otherwise it is *makrooh*.

Culling

Q: What is the ruling regarding the culling of sick animals, which are not curable or treating them is too expensive, such as cattle, sheep, poultry; given that if they remain alive they may cause the spread of disease and infection to other healthy animals?

A: There is no objection to that.

is of non-animal origin, then this is normally stated and also other terms are used for this such as pectin.

Part Five

Culture and Development

Chapter One: The Holy Qur'an and Qudsi Hadith

On the Authenticity of the Holy Qur'an

Compilation of the Holy Qur'an

Q: Was the Holy Qur'an compiled as a book – known as *muṣḥaf* – during the time of Allah's messenger, peace be upon him and his pure family? and what is the difference between it and what is sometimes referred to as the *muṣḥaf* of Imam Ali peace be upon him?

A: The Holy Qur'an was compiled during the life of Allah's messenger, peace be upon him and his pure family, in the format and arrangement it is today, and this was done with the specific and explicit command and instructions of Allah's messenger, peace be upon him and his pure family. As for the *muṣḥaf* of Amir al-Mo'mineen, peace be upon him, it contains the Holy Qur'an together with its exegesis (*tafsir*), interpretation (*ta'weel*), and rulings (*ahkam*) . . . and in it is the knowledge of whatever there was, whatever there is, and whatever there will ever be.

Has the Holy Qur'an been corrupted?

Q: In some publications there are malicious claims that the Shi'a believe that the Holy Qur'an has been corrupted and altered, or there is addition or deduction in it, and to support their claim those who purport these allegations cite a book entitled "*faṣlil-kitāb fi ithbāt wa taḥreef kitāb rab al-arbāb*", [which means "The Last Word on the Proof of the Corruption of the Book of the Lord of the Lords"]. Is there any truth in that?

A: The Shi'a are unanimous that the Holy Qur'an has not been corrupted and there has been no alteration, deduction or addition to it, and the evidence for the non-corruption of the Holy Qur'an are the undisputable proofs as well as the evidences of reason and of traditions.

Allah Almighty declares on the protection of the Holy Qur'an and its non-distortion ﴿Falsehood cannot come at it from before it or from behind it: (it is) a revelation from the Wise, the Owner of Praise﴾¹ and on another occasion He declares ﴿Surely We have revealed the Qur'an and We will most surely be its guardian﴾.²

And corruption is one of the clearest manifestations of falsehood [that is referred to in the above verse], just as it is one of the clearest contradictions of protection and guardianship [referred to in the second verse above]. Our prominent scholars have, in their various works, maintained that the Holy Qur'an has been immune to corruption, and this is in addition to the numerous authentic traditions and hadith to this effect from Ahl al-Bayt, peace be upon them all.

Furthermore, all our scholars have affirmed and pointed to the absolute authority and proof of the Holy Qur'an, and it is evident that if the Holy Book was corrupted, it would no longer be an authority, because every āyah therein could potentially be corrupted. This has been discussed by them in detail in their works to prove the authenticity and therefore the authority of the holy book. Allah Almighty declares: ﴿and indeed it is a Mighty Book ﴿Falsehood cannot come at it from before it or from behind it: (it is) a revelation from the Wise, the Owner of Praise.﴾³ It is a scripture that is exalted far above defect and corruption. Indeed there is not one of our scholars who believes in the corruption, distortion or alteration of the wording of the āyāt of Allah, Glorified be He.

As for the book referred to in the question “*faṣḥil-khiṭāb*”, it has been the subject of an underhand plot devised by the adversaries of the Shi'a, in that the scholar, the late Mirza Husayn Noori,⁴ Allah's mercy be upon

¹ The Holy Qur'an, Explained (41):42.

² The Holy Qur'an, The City of Hijr (15):9.

³ The Holy Qur'an, Explained (41):41-42.

⁴ The late Mirza Husayn Noori is one of the esteemed hadith experts (*mohaddith*) who has authored great valuable works, the masterpiece of which is *mostadrak al-wasā'il* which is an eighteen-volume encyclopaedia of the hadith of Ahl al-Bayt, peace be upon them, comprising more than twenty two thousand hadith. He was tutored by some of the most eminent Shi'a scholars of

him, composed a book entitled “*faṣlil-khiṭāb fil-radd ‘alā taḥreef al-kitāb*”, [which means “The Last Word on the Refutation of the Corruption of the Book”] in which he presented the statements of some of those who claimed the Holy Qur’an to have been corrupted, and he refuted all of them to prove that the Holy Qur’an has not been corrupted in any way. However, the adversaries of the Shi’a plotted a devious plan by reprinting it with all the claims the author had quoted from those who were of the opinion of the Holy Qur’an being corrupted, leaving out all his responses and refutations to them, in order to accuse the Shi’a of such false beliefs. Of course this is not the first time that the foes of Shi’a resort to such measures.

And if we were to do any justice to this topic and address in detail such underhand scheming, it would be beyond the scope of this work. Of course, before all this, there were many who sold their faith for a few pieces of silver and went as far as fabricating the hadith of the prophet, peace be upon him and his pure family, in a bid to serve the interest of the ruler and his rule. So there should be no surprise that others come forward and fabricate the works of the Shi’a scholars.

Stories of the Holy Qur’an

Q: Are the stories of the Holy Qur’an real or are they just meant to morally support and help the prophet, peace be upon him and his pure family?

A: Yes they are real.

all times such as the esteemed jurists Sheikh Murtaḍā Anṣārī and Mirza Hasan Shirazī (leader of the Tobacco movement in Iran, 1890-1891). Prominent scholars graduated from his tutelage, the famous of whom are: Sheikh Āghā Bozorg Tehrani, Sheikh Muhammad Husayn Kāshif al-Ghiṭā’, Sheikh ‘Abbās Qumi (author of the famous *Mafāteḥ al-Jinān*), Sayyid Abdul-Husayn Sharaf al-Deen (author of the famous *al-Murāja‘āt*).

Qur'an Education

Recitation of the Holy Qur'an

Q: What are the etiquettes of reciting the Glorious Book of Allah?

A: To have woḍu', to face the Qiblah, observing best manners, (*tajwid* (a recitation style), pondering on what is being recited, and suchlike).¹

Q: Is it mandatory to recite the holy Qur'an with *tajwid*?

A: It is not mandatory.

Q: Is it permissible to offer the reward – *thawāb* – of reciting the Holy Qur'an or one of its Holy surahs to a living individual?

A: Yes it is permissible.

Listening to the Qur'an

Q: Is it mandatory to be silent, pay attention and listen to the Holy Qur'an when it is being recited?

A: It is *mostaḥab* to do so.

Q: Is it *mostaḥab* to be silent in a gathering in which the Holy Qur'an is being recited through loud speakers.

A: Yes, it is an emphatic *mostaḥab*.

Q: What is the ruling regarding talking in a gathering in which the Holy Qur'an is being recited?

A: It is *makrooh*.

Q: If one is in a session of reciting the Holy Qur'an, and comes across one of the verses of prostration, but he does not know whether or not this is one of the obligatory prostrations, does he have to enquire [as to whether or not this is obligatory]? And if one learns that it is obligatory, is it mandatory for him to perform the qaḍā' of what has passed?

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

A: It is not mandatory to enquire, and he should perform the *qaḍā'* prostration.

Q: Is it mandatory for someone who is listening to the recitation of the Holy Qur'an to correct the mistakes of the reciter in a public place during the recitation or afterwards?

A: It is preferred to draw his attention, but in a way that does not cause discredit.

Q: Is it mandatory to correct the reciter of the Holy Qur'an if he makes many mistakes in the recitation, which may cause nuisance for the audience?

A: It is permissible to correct him in a way that does not cause affront.

Memorising the Holy Qur'an

Q: If one memorises some surahs of the Holy Qur'an, is it obligatory for him to ensure that he does not forget those? And if one forgets them, is it mandatory for him to relearn them and memorise them again?

A: It is preferred to protect what he or she has memorised, and if he or she forgets some of them, it is *mostaḥab* to relearn and memorise them again.

Contemplating on the Holy Qur'an

Q: What is the ruling regarding deliberating and examining the Holy Qur'an according to the intellectual inclinations of the individual concerned?

A: If one has studied reliable commentaries (*tafsir*) of the holy Qur'an, and has expertise and experience in Islamic belief (*'aqidah*) and Islamic rulings (*aḥkām*), and masters the Arabic language and grammar, then it is permissible to examine and deliberate about the holy Qur'an.

Making Enquiries

Q: In what cases do you consider silence to be preferred, as the Almighty states, ﴿O ye who believe; Ask not of things which, if they were made unto you, would trouble you﴾?¹

A: The intended idea of this holy verse concerns asking about things Islam has not addressed, determined and limited, as mentioned in the case of the Israelites when they kept asking about the characteristics of the cow until they ended up being very restricted. As for asking about the Islamic rulings concerning issues one comes across or might face, and one does not know the answer to, it is obligatory for the duty-bound individual (*mokallaḥ*) to ask and enquire about them.

Calligraphy of the Holy Qur'an

Q: Is it permissible for a Muslim calligrapher-artist to write or draw a verse of the Holy Qur'an in the shape of a ship or bird for example?

A: If that does not constitute disrespect, then there is no objection.

Trading the Holy Qur'an

Case: As an obligatory precaution, buying and selling of the Holy Qur'an should be abstained from, (as well as all forms of exchanging the Qur'an with any commodities).² However, it is possible to give it out as a gift and suchlike.

Veneration of the Holy Qur'an

Q: Is it permissible for one to sit while the Qur'an is behind him?

A: It is not permissible if that is considered to be disrespectful.

Q: If a CD or a memory stick containing the text of the Qur'an falls in the toilet, is it mandatory to retrieve it?

A: If by falling, the content is wiped out, then it is not mandatory, otherwise it is mandatory (as a precaution).

¹ The Holy Qur'an, the Table Spread (5):101.

² The content between () is not part of the fatwa of the late Imam Shirazi.

Q: Is it permissible for a girl who is going through her monthly menstruation period to touch the Holy Qur'an, given that she is not in a *tāhir* state, but she needs to do so since she has to prepare for an exam for the subject of the Holy Qur'an, and she is required to study the Qur'anic text in preparation for the exam?

A: There is no objection to touching the Holy Qur'an with a cover or wrap such as a glove and suchlike.

Q: I used to have a very small-sized copy of the Holy Qur'an the pages of which in time became torn apart, and in a bid for its pages not to fall and get lost or trampled upon, I decided to burn them, but then I learnt that what I did was *ḥarām*, what is the ruling in this case?

A: You should seek forgiveness from Allah Almighty.

Names of Allah and Qur'anic verses

Q: Is it permissible to throw away pieces of paper which contain the beautiful Names of Allah or some of the Qur'anic verses in the rubbish bins?

A: It is not permissible to render them *najis*, or to disgrace them or be disrespectful to them. They may be thrown in [flowing] water, in the desert, or may be buried.

Q: How should one dispose of pieces of paper on which the Name of Allah is written?

A: By discarding them in the river, in the desert, or by burying them.

Q: How should one dispose of pieces of paper which carry the Name of Allah, or His attributes, or the names of the prophets and the Imams peace be upon them all, or Qur'anic verses if access to a river is not readily available, and burying them would not easily destroy them? Is it permissible to burn them?

A: They should be kept in a clean place or container until it is feasible to dispose of them appropriately. If it is impossible to dispose of them in an appropriate manner, and one is compelled to do so, it is permissible to burn them [as a last resort].

Q: Instead of burying them or throwing them in the river, is it permissible to dispose of them by burning, or by shredding them, or by obscuring the name of Allah?

A: Burning is not permissible [when there are other alternatives to dispose of them, and one is not compelled to do so].

Q: If there are newspapers or magazines which carry the Name of Allah, is it permissible to throw those papers or magazines in the rubbish bin or to use them as underlay?

A: It is not permissible to do something that constitutes disrespect.

Istikhārah with the Holy Qur'an

[When one comes across complicated situations where it would be hard to reach a decision, he or she might need some guidance about a decision one way or another, one resorts to Istikhārah which is the process of seeking guidance or goodness from Allah Almighty using the Holy Qur'an or the *sibḥah* (rosary).]

Q: Is it preferable to perform the *istikhārah* with the Holy Qur'an or with the *sibḥah*?

A: It is preferable with the Holy Qur'an.

Q: Did the *ma'ṣoom* Imams, peace be upon them, resort to *istikhārah*? And if yes, did they perform *istikhārah* with the Holy Qur'an or with *sibḥah*?

A: Yes, sometimes, and they used to perform the *istikhārah* with the Holy Qur'an.

Q: If a Muslim denies the notion of *istikhārah* as a whole, does that constitute a sin?

A: It is not proper to deny it.

Q: If one performs an *istikhārah* and it turns out to be good, and he does not act upon it, does that constitute a sin?

A: No.

Q: If one performs an *istikhārah* and it turns out to be bad, and he acts upon it, does that constitute as a sin?

A: No. [One is advised to give *ṣadaqah* to charity in such a case.]

Q: Does the person performing the *istikhārah* require permission from the *marje'*, or from his representative?

A: It is preferred to seek permission.

Q: Sometimes we perform an *istikhārah* and it shows it is good and we act upon it, but we see negative results, and there may be problems and difficulties. How do you explain that?

A: The reality in the long term is good, even if one may not appreciate this in the immediate or short term.

Istikhārah for times of hesitation

Q: Is the *istikhārah* taken at times of hesitation and indecision, or it is proper to do it in all circumstances?

A: At times of hesitation.

Q: What is the ruling regarding performing the *istikhārah* more than one time, whether it is done by the Holy Qur'an or by the *sibḥah*?

A: If the situation and the circumstances change, there is no harm to perform an *istikhārah* anew.

Q: Some perform *istikhārah* for every action they want to take, even for drinking a glass of water, is this conduct correct?

A: This behaviour is not correct.

Q: Sometimes an individual wishes to embark on a course of action, but performs an *istikhārah* and it turns out to be not good, but because he wishes to do that deed, he keeps performing the *istikhārah* until he gets a good *istikhārah*, is this conduct proper?

A: It is not correct to do so.

Qudsi Hadith

Q: What is a Qudsi hadith, is it the saying of Allah Almighty, and is it obligatory to adhere to it and abide by it?

A: The Qudsi hadith [literally meaning the Divine saying] is the saying of Allah Almighty but it is not the Qur'an. The example of the Qudsi hadith is communication that the Almighty had with Moses peace be upon him, and it is a proof and authority if they carry the criteria of authenticity such as the *sanad* or the chain of narration, and suchlike.

Q: What is your opinion of the Qudsi hadith, “(O Muhammad) Were it not for thou I would have not created the orbits, the earth and the universe”?¹ Is it correct? And what is its interpretation?

A: The hadith is authentic, for the entire existence was created for the sake of the Messenger, peace be upon him and his pure family. This is because the purpose of creation, as stated by the Almighty: ﴿And I have not created the jinn and mankind except that they should worship Me﴾² would not be realised were it not for the existence of the Messenger and his purified Ahl al-Bayt, peace be upon them all.

¹ Biḥār al-Anwār, vol.15, p26.

² The Holy Qur'an, the Scatterers (51):56.

Chapter Two: Prophetic Hadith and Narrations of Ahl al-Bayt

Narration of hadith and its *sanad*

Q: Is it permissible to report the hadith, if one does not know of its authenticity?

A: By citing the book or the narrator, there is no objection to it per se.

Q: Is it possible for an individual to research the chain of narration of a hadith in order to establish its authenticity?

A: Yes, if one is an expert in the field or one should ask the experts who are learned in *elm al-hadith* and *elm al-rijāl*.¹

Q: What is your opinion about the books Tuḥaf al-‘Uquol and Jāmi‘ al-Sa‘ādāt from the *sanad* point of view?

A: There is no problem with them, if they produced evidence from the point of view of intellectual and authentic narration.

Q: What should be our position vis-à-vis hadith and narration reported in our sources, given that we are not experts to identify the hadith’s authenticity or otherwise in terms of *sanad* or content.

A: [In the case of Islamic rulings such as those of worship and contract, they must stand the proof of authenticity, and in order to verify this we need to refer to experts and or authentic references in this respect.] The narrations that deal with manners, conducts, etiquettes of living and suchlike are not required stand the proof of authenticity, and it is permissible to act upon them, because they are covered by [what is known amongst the experts] the principle of “tolerance in the proofs of the hadith” (*al-tasāmoh fi adillat al-sunan*).

¹ These are the disciplines of hadith and of the narrators of hadith.

Supplications

Q: What is your opinion about the supplication of Samāt?

A: It is mentioned in the books of supplications that it has been reported from Imam Bāqir, peace be upon him.

Q: Some attribute this supplication to the Israelites given the numerous mentions of the Prophet Moses, peace be upon him, and the Israelites. What is your opinion on this issue?

A: The supplication is of authentic narration, and the objection is not valid, for the holy Qur'an mentions on numerous occasions the story of Moses peace be upon him.

Q: A woman wishes to compile a *ḥirz* (protection) for her husband made of Qur'anic verses and the supplications of Ahl al-Bayt peace be upon them, in order to protect him from *ḥarām*. Is this permissible?

A: Usage of the Qur'anic verses and supplications of Ahl al-Bayt peace be upon them, for legitimate purposes is permissible per se, if this is not associated with a *ḥarām* or prohibited act.

Q: Is it permissible for a Muslim to practice and keep up the remembrance of one of the names of Allah or one of the Qur'anic verses in order to make one to have compassion with another in the case of a dispute, or to make the husband feel more affection towards his wife, and suchlike?

A: If it is not associated with [abuse, which is] *ḥarām*, there is no objection to it.

Q: It is narrated that it is *mostaḥab* to write the supplication of Jawshan on the *kafān* or the shroud used for the deceased. Which material should it be written with?

A: It is sufficient to do the *mostaḥab* in any manner possible. It is reported in a hadith that the supplication of Jawshan be written with camphor or musk in a silver vessel and rinsed and sprayed on the *kafān* of the deceased; that will be a light for the deceased and a protection from the torments of the grave.

The Tragedies of Our Lady Fatima al-Zahrā'

Q: What do you say about the events that took place against *Sayyidato Nisā' al-'Ālameen* (The Chief of the Women of the Worlds) Fatima al-Zahrā' peace be upon her; concerning raiding her house, assaulting her, slapping her face, crushing her ribs, and causing her to miscarry her unborn child Muḥassen?

A: The narrations and hadith reporting this are abundantly frequent, and some of what was afflicted upon her are confirmed by non-Shi'a scholars, and for further reading refer to books that address this issue in detail, such as the Book of Sulaym ibn Qays, al-Ghadir, and Peshawar Nights.

Q: Is it established and confirmed for you the authenticity of the narration which states that when those people attacked the house of Imam Ali peace be upon him, they broke the door, crushed Lady Fatima al-Zahrā' peace be upon her, between the door and the wall – plunging a nail in her chest; piercing it, and smashing her ribs – slapped her face, and kicked her and caused her to miscarry her unborn child Muḥassen?

A: The authenticity of that is established by the abundantly frequent narrations.

The Reappearance of Imam al-Mahdi

Q: Some claim that the reappearance of Imam al-Mahdi, peace be upon him and may Allah hasten his reappearance, is imminent drawing on the conclusion from some of the narrations in this respect. What is your opinion on this matter?

A: According to the tradition, Allah Almighty “resolves the affair of His authority (*waliy*), Ṣāhib al-Zamān – may Allah hasten his reappearance – within half a day”. Such honourable narrations give emphasis to “awaiting the deliverance” – or *intiḍār al-faraj* – and stress that “awaiting is the best of deeds”, but at the same time they forbid forecasting, and suchlike, for Allah Almighty “effaces what He will, and establishes (what He will), and with Him is the Mother of the Book”. The Holy Qur'an, (13):39.

Q: If Imam al-Mahdi, peace be upon him, reappears today, what would the people do? Will we see him on TV? How will he start governance? Will he order the immediate invasion of Israel, knowing that it has nuclear warheads and intercontinental ballistic missiles? Will the big powers heed to his orders? And where will he get weapons from to face the unbelievers?

A: It is reported in the hadith, “Allah resolves the affair of the Mahdi overnight”,¹ and that the issue of Imam al-Mahdi is looked after by the Divine Grace; so in another tradition it is reported, “he is succoured by awe”,² in that awe is cast in the hearts of his adversaries, and they will either embrace Islam or surrender.

However, a number of issues should be borne in mind:

1. The issue of Imam al-Mahdi, may Allah hasten his reappearance, is amongst the issues of the Unseen (*ghayb*) that the Almighty takes care of every moment, and Allah, Glorified and Exalted be He, ﴿has power over all things﴾,³ and ﴿when He intends a thing, His command is only to say to it: Be, so it is﴾,⁴ and therefore all the weapons and powers of the world equal to nothing before the power and supremacy of the Allah Almighty, and if Allah wishes, He could have the earth collapse with all those on it, or flood the world, or erupt all the volcanoes, or the quakes, of which the most powerful and destructive weapons of the world cannot resist or prevent. So when Allah Almighty provides succour to Imam al-Mahdi, peace be upon him, nothing can withstand him; if Allah Almighty wishes he can have all the weapons of the world simply not function, and perhaps the Almighty would do that when Imam al-Mahdi, peace be upon him, reappears until all would surrender to the command of the Imam, peace be upon him.

¹ Biḥār al-Anwār, vol.13, p42, chapter2, and vol.36, p310, chapter41, #138.

² Al-Şirāṭ al-Mustaqem, vol.2, p261

³ The Holy Qur’an, (3):29.

⁴ The Holy Qur’an, Yāseen (36):82.

2. Contrary to what some imagine – amongst the adversaries of the Imams, peace be upon them, and the enemies of the Shi'a – Imam al-Mahdi, peace be upon him, would not, when he reappears, embark on killing and shedding the blood of thousands and millions of people. Rather Imam al-Mahdi, peace be upon him, will reappear like the manifestation of his grandfather; the Messenger of Allah, peace be upon him and his pure family; his call will be with wisdom, and his policy will be that of mercy, love, and justice. When he reappears, he will bring forth the signs and miracles of Moses, peace be upon him, and when the Jews and their scholars see them they will believe in him and follow him. Furthermore, Jesus, peace be upon him, whom Allah raised as mentioned in the Holy Qur'an, will descend with him, and when the Christians find their prophet with the Imam and he calls upon them to succour him, they will believe in him and follow him. In addition, miracles and other qualities will be seen from him that others such as pagans, idolaters, and atheists will believe in him. After that the non-believing amongst the people will be nothing but very few; and for them there will be no need for weapons and there will be no fear of weapons; since those few who carry weapons will eventually believe in the Mahdi peace be upon him and may Allah hasten his reappearance.
3. The ultimate deliverance is with the Imam, peace be upon him and may Allah hasten his reappearance, whereas the relative deliverance and freedom are attained through struggle, endeavour, and bidding good and forbidding evil – while observing its shari'ah/religious criteria. It is imperative therefore to distinguish between awaiting the reappearance of the Imam, peace be upon him, and what we are obliged to in terms of religious obligations to endeavour, struggle, and guide the masses. Just as awaiting the reappearance of the Imam is a required endeavour, which is preferable religiously, so too are the endeavour and struggle, protecting the dignity, freedom, and deliverance from the enemies. Awaiting the reappearance of the Imam does not mean to sit and do nothing and accept humiliation, just as jihad and

struggle does not mean it is the means for the ultimate deliverance.

Meeting Imam al-Ḥujjah

Q: Is it true that some of the scholars from amongst the great *marāje‘* have met Imam al-Ḥujjah, peace be upon him?

A: It is reported in the biographies of a great many of them, and this is not on the basis of their claims, but through tracking and studying their conducts and dealings, Allah’s blessings be upon them.

Q: What is the truth in the claims of some of the faithful who say they have met Imam al-Ḥujjah, peace be upon him, and is it possible to see the Imam in dreams when asleep or when awake, given that I am certain of the individual’s honesty?

A: It is possible to see the Imam, may Allah hasten his reappearance, when asleep and when awake, and an individual from amongst the scholars who observes the Imam, may Allah hasten his reappearance, does not normally claim that except in extremely exceptional circumstances.

Q: What is your opinion about the story of the green island?

A: Some of the scholars and historians have mentioned it, and it is reported in *Biḥār al-Anwār*.

Hallaj cursed by Imam Mahdi

Q: What is the opinion of the righteous Shi’a scholars about Hussein ibn Manṣoor known as al-Ḥallāj? Is the authenticity established for you of the narration the compiler of *Biḥār al-Anwār* reports that al-Ḥallāj is one of those cursed by Imam Mahdī, peace be upon him, and may Allah hasten his reappearance?¹

A: It is well-known amongst the scholars that he is so (cursed by Imam Mahdi). Indeed the esteemed scholar al-Muqaddas al-Ardabili, Allah’s

¹ Majlisi, *Biḥār al-Anwār*, vol.51, p380.

mercy be upon him, reports this matter in his book – Ḥadeeqat al-Shi‘ah – and the eminent scholar Sheikh Abdullah al-Māmqāni, Allah’s mercy be upon him, reports this in his book – al-Rijāl – when he presents the biography of this individual. In these two works, as well as many other references, even more deviant conducts have been reported about him than what he is known for. He was expelled from the holy City of Qum when he came to the holy City at the time of Ibn Bābawayh, Allah’s mercy be upon him, the father of al-Shaykh al-Ṣadooq, Allah’s mercy be upon him. This is in addition to other sources which may be consulted concerning this issue. Needless to say, al-Shaykh al-Mofeed, Allah’s mercy be upon him, wrote a book refuting al-Ḥallāj and his creed.¹

Supplication of Nudbah and Day of Eid

Q: What is the rationale for the recommendation of reciting the supplication of Nudbah on the Day of Eid, given that the meaning of the expressions in the supplication makes one feel sadness for Imam al-Mahdi, peace be upon him? Doesn’t that contradict the happy nature of the day of Eid al-Fiṭr as a divine favour after the expiry of the month of fasting?

A: The day of Eid is the day of joy and happiness, but it is imperative that the faithful are not neglectful of Imam al-Ḥujjah, may Allah hasten his reappearance, who inherited the wronging and injustices that his pure forefathers faced and those atrocities he continues to suffer every day, so we pray to the Almighty that He hastens his honourable reappearance when true joy and happiness will be attained through his reappearance and the honour of seeing him.

¹ See for example: *taṣṣeḥ i‘tiqādāt al-imāmiyah* by Sheikh al-Mufid. Needless to say, there have been great many works refuting the false creeds of Sufism and ‘Irfān purported by the likes of Ḥallāj, Ibn Arabi and Mulla Ṣadrā, who had deviated from the teachings of Islam and Ahl al-Bayt, peace be upon them.

Miscellaneous

Seeing the *ma‘soom* in a dream

Q: If one observes one of the *ma‘soomeen* in a dream, does this carry any legitimacy, and is it obligatory to act upon it?

A: A dream while asleep does not carry the shari‘ah-authority that the Islamic rulings have.

Names of Ahl al-Bayt

Q: In the shrines of some of the Imam’s offspring there are carpets that carry their names and are placed on the floor, such that people walk on them, what is the ruling concerning this?

A: This is disrespectful.

Q: Is it permissible to touch the titles/epithets of the Imams, peace be upon them, such al-Ṣādiq, and al-Bāqir without woḍu’?

A: (¹) As a *mostaḥab* precaution one should not do so.

The Ḥusayni *torbah*

Q: Sometimes it is seen that children play with the Ḥusayni *torbah* or throw them around, what is the ruling concerning such conduct?

A: They should be advised not to play with the *torbah*, for anything that is customarily – ‘orf – considered to constitute insult or disrespect is *ḥarām*.

¹ The late Imam Shirazi: (As a precaution, should not do so).

Chapter Three: Muḥarram and the Ḥusayni Rites

On the rites being mostahab

Case: It is *mostahab* to practice every kind of mourning program and ceremony for Imam Ḥusayn, peace be upon him, such as weeping, [chest] beating, *taṭbir* (which constitutes striking the scalp of the head with knife or sword to make blood flow from the head), lecture programs about Imam Husayn and suchlike.

Case: There is no objection to the Ḥusayni processions and chest beating through the streets, even if there are women in the streets. It is not permissible for women to deliberately look at the chests of the men [who are performing the ‘*azā*’]. Similarly, there is no objection to carrying the standards – the ‘*alam*’ – and suchlike at the front of the processions, but it is imperative that musical instruments are not played in the processions.

Weeping

Q: Is weeping on Imam Ḥusayn, peace be upon him, an old fashioned way to keep alive the memory of a deceased; this does not seem to be consistent with modern day civilized thinking?

A: It is a civilised behaviour. Weeping is a powerful means to express the plight of the oppressed people, just as many of the prophets and their deputies have practiced. There is no doubt that the case of Imam Ḥusayn, peace be upon him, itself attracted a great body of human attention to Islam.

Ḥusayni programs or majālis

Q: In this day and age, some of the Muslims live in non-Muslim countries and have lost their Islamic identity; therefore is it preferable to set up cultural and educational institutions to promote the religious and Husayni values and rites, such institutions as ḥusayniyah and mosques in those countries rather than in Muslim countries?

A: This should be done in all countries – Islamic or non-Islamic – as and where possible.

Q: If failing to attend Husayni programs and ceremonies leads to the weakening of the Islamic awareness for the individual and his family, would that constitute sin?

A: Yes.

Q: Is it obligatory to keep the memory of ‘Āshurā’ alive?

A: Yes, and it is one of the most important religious rites.

Q: When did members of Ahl al-Bayt, peace be upon them, first begin mourning and lamenting for Imam Husayn, and who was the first to do so?

A: The first member of Ahl al-Bayt, peace be upon them, to grieve and lament for Imam Husayn, peace be upon him, was none other than their master – Allah’s Messenger, peace be upon him and his pure family – and the first instance of that was on the day Imam Husayn was born. When Imam Husayn was born, Archangel Gabriel descended upon the Prophet Muhammad and, after giving him the name of al-Husayn on behalf of the Almighty, informed him that this grandson of his would be slaughtered in a desert field called Karbala, and the prophet began weeping and crying for the newborn al-Husayn. When Lady Fatima, peace be upon her, learnt about this from her father she wept intensely for what were to befall her son.¹ There are many reports that show that the Prophet, his daughter Fatima, and her husband Imam Ali grieved and wept for Imam Husayn on numerous occasions, and every time Archangel Gabriel descended upon the prophet and gave him more details about what would happen to al-Husayn and how.² Even Archangel Gabriel used to weep for Husayn when he used to give the news to the Prophet Muhammad, peace be upon him and his pure family.³

It is reported that Prophet Muhammad’s grieving and lamenting for Imam Husayn continued until the last moments of his blessed life, when

¹ Biḥār al-Anwār, vol.44, pp292-293; pp264-265.

² Biḥār al-Anwār, vol.44, pp233, 234, 235, 236-248, 250-266.

³ Biḥār al-Anwār, vol.44, p246

on his deathbed he used to hug the six-year-old al-Husayn and kiss him while weeping, seeking Allah's wrath on his killers.¹

Furthermore, after the catastrophe of the Day of Ashura, the women and children were taken prisoners and paraded all the way to the Shām, where Imam Zayn al-‘Āibdeen and Lady Zaynab, peace be upon them, gave their speeches introducing themselves and relating what happened on the day of Ashura. The people of the Shām began to realise who those captives were, and they started to sympathise with the family of Imam Husayn, and thus the captives began to gain respect in the eyes of the masses. Yazid feared for his authority and rule, and resorted to a charm offensive and eventually decided to let those captives go back to Medina. He offered the captives money as compensation but the sisters and family of Imam Husayn refused to take it. He said to them “you can stay here or go back to Medina”. They said, “But we would like to mourn and lament for Imam Husayn first.” He said “do as you like”. “Therefore, the houses and apartments in Damascus were vacated for them, and the mourning and lamentation for Imam Husayn went on for **seven days.**”²

So the family of Imam Husayn – amongst them his sisters Lady Zaynab and his son Imam Zayn al-‘Āibdeen – mourned and lamented for Imam Husayn at the first opportunity they could have, and this they did so at the heart of the enemy – at the Omayyad's capital city.

Imam Ṣādiq stated that “my grandfather – Imam Zayn al-‘Āibdeen – cried and wept for forty years for the slaughter of Imam Husayn and his sons, brothers and friends, until his death. This was to the extent that others were concerned for his wellbeing and for his sight. He was never served water except that he began to weep.”³

And the list goes on for every single one of the Imams of the Ahl al-Bayt, peace be upon them.

¹ Biḥār al-Anwār, vol.44, p266

² Biḥār al-Anwār, vol.45, p196

³ Bihar al-Anwar, vol.45, p149; Wasā'il al-Shi'a, vol.3, p282

Q: It is said that Imam Sadiq had, relatively speaking, some degree of freedom, compared to other imams, and he was subjected to somewhat less pressure by the tyrants of his time. If this is true, did Imam Sadiq practice *tatbir* and such mourning programs?

A: The Ahl al-Bayt, peace be upon them, were not allowed to hold mourning program lamenting Imam Husayn, peace be upon him, let alone rituals such as *tatbir*. This is evident from such narration as the following.

Sufyān ibn Moṣ‘ab al-‘Abdi,¹ said: “I went to see Imam Sadiq and [when he saw me] he said, “Tell Umm Farwah to come and hear what was done to her grandfather.” [Sufyān] said, She came and sat behind a dividing curtain. The Imam then said [to me], Recite for us. So I recited ... [upon hearing my poetry] she cried, and so did all other women who were with her. Imam Sadiq said, “The door! the door!” The people of Medina gathered behind the door [of the house of Imam Sadiq to find out.] Imam Sadiq sent someone to them to say, “One of our children fainted and the women cried.””²

It is evident from this hadith that holding even a simple mourning *majlis* lamenting Imam Husayn was banned and outlawed by the authorities even at the time of Imam Sadiq. The Imam did not have any freedom in this respect whatsoever. Despite that, the Imam secretly held basic mourning *majlis* for Imam Husayn, peace be upon him.

When women’s cries got louder, the imam said, “The door! The door!” He was concerned about spies reporting banned activities such as this. They gathered around the house immediately. The Imam had to resort to justifying the women’s crying and weeping.

¹ Imam Sadiq, peace be upon him, has said about Sufyān ibn Moṣ‘ab al-‘Abdi, “O Shi’a people! Teach your children al-‘Abdi’s poems for he is adherent to Allah’s religion.” Biḥār al-Anwār, vol.76 p293

² Al-Kafi, vol.8 p215

The Tradition of ‘Āshura’

Q: What is your opinion about the [battle of] Ṭaff (at Karbalā’) mentioned in the books “Ma‘āli al-Sibtayn” and “Asrār al-Shahādah”?

A: The authors are amongst the eminent [writers], and some of the contents are in need of commentary and explanation, as done by the eminent scholar Majlisi in Biḥār al-Anwār, and al-Fayḍ al-Kāshāni in al-Wāfi.

Q: It is said that to remember and mention Imam Ḥusayn, peace be upon him, after drinking water qualifies one for great reward, what is your opinion about this and where can the hadith in this respect be found?

A: This is correct, and you may refer to the book “al-Khaṣā’iṣ al-Ḥusayniyyah” by Sheikh Ja‘far al-Shoushtari, and the book Biḥār al-Anwār volumes 44 and 45 – of the Beirut edition – which are dedicated to Imam Ḥusayn, peace be upon him.

Q: I heard one speaker quoting Imam al-Bāqir, peace be upon him, as saying, “The Imams are the arks of salvation, and Imam Ḥusayn, peace be upon him, is the largest of them”. Is this hadith correct and what is the reference for it?

A: It is reported that the Imams, peace be upon them, are all the arks of salvation, but the ark of Ḥusayn, peace be upon him, is larger, and in the depth of the seas, it is faster. You may refer to the two references given before, in addition to “Ikṃāl al-Deen wa Itmām al-Ni‘mah” by Sheikh al-Ṣadouq, Allah’s mercy be upon him, where this and such hadith may be found.

Q: When Imam Ḥusayn, peace be upon him, headed for Iraq did he know he was going to be killed, and his family taken captive? And if he did, does this constitute casting oneself to perdition with one’s own hands?

A: The Imam, peace be upon him, knew he was going to be killed, and the course of action he took may be depicted by the poem:

If the religion of Muhammad would not survive

Except by my slaying then O swords take me.¹

Q: In heading for Iraq, was Imam Ḥusayn, peace be upon him, seeking martyrdom or gaining power, and why?

A: He was seeking martyrdom, because the survival of Islam depended on that.

Q: Are the narrations and events mentioned by the speakers about the tragedy of Karbala consistent with reality?

A: For the majority of them, yes they are.

Q: There was a story competition in one of the Ḥusayniyyahs which carried the title: “If for the sake of argument we were to assume that Imam Ḥusayn, peace be upon him, had made *bay‘ah* with Yazid, write about the catastrophic consequences this would have had on the Muslim Ummah and how this would have affected our state of affairs today”. Is it permissible to put forth such suppositions? Does advancing such hypotheses not constitute an offence on the infallibility of the Imam, peace be upon him, from the viewpoint that the *‘iṣmah* means he should not do such a thing?

A: If this does not constitute disrespect for the sanctity of Imam Ḥusayn, peace be upon him, then there is no objection to it.

Q: Is there no contradiction between the peace made by Imam Ḥasan, peace be upon him, with Mo‘āwiyah, and the stance taken by Imam Ḥusayn, peace be upon him, against Yazid?

A: There is no contradiction between the two stands, for every Imam has his own duty in accordance with the circumstances of his time. The circumstances that existed for Imam Ḥusayn, peace be upon him, did

¹ When Imam Husayn, peace be upon him, was asked about the fateful outcome of the mission he has embarked upon, he replied, “It is Allah’s will that I am killed”. This mission is similar to the submission of Prophet Ishmael when he responded to his father’s instructions about slaughtering him: ﴿Allah willing, thou shall find me of the steadfast.﴾ The Holy Qur’an, (37):102.

not exist for Imam Ḥasan, peace be upon him; they did not even exist for Imam Ḥusayn, peace be upon him, during the first ten years of his Imāmah. This has been addressed in detail in books dedicated to the lives of the two Imams peace be upon them, which should be referred to for in-depth study. The prophet, peace be upon him and his pure family, said, “al-Ḥasan and al-Ḥusayn are two Imams whether they rise up [against tyranny] or they do not.”¹

On the Rites of ‘Āshurā’

Q: If the practice of religious rites in general, and that of the Ḥusayni rites in particular attract the mocking and ridicule of others towards the Muslims who are faithful to and observant of those rites, are they obliged to abandon them?

A: The Holy Qur’an states, ﴿Alas for the servants; There comes not to them a messenger but they mock at him﴾² and it is therefore imperative to guide the ignorant and remind the neglecting.

¹ Biḥār al-Anwār, vol.43, p291. In order to make it clear to the people of the necessity and obligation to follow the Imams or leaders he appointed to lead the nation after him, and being aware of the circumstances that would follow, Allah’s Messenger, Prophet Muhammad, peace be upon him and his pure family, emphasised in this hadith that Imam Hasan and Imam Husayn, peace be upon them, should be followed and obeyed under all circumstances, because these two Imams, as well as the other ten imams, are appointed by the prophet on instructions from Allah Almighty. Each *ma‘soom* Imam must be obeyed by the Muslims if they are to fulfil their duties before Allah Almighty. In the case of Imam Hasan and Imam Husayn, peace be upon them, each took the appropriate policy to deal with the tyrant of his time. Imam Hasan, peace be upon him, resorted into making peace with the tyrant of his time, Mo‘āwiyah, and Imam Husayn resorted into making war with the tyrant of his time, Yazid ibn Mo‘āwiyah. Although the policies may look contradictory, but they were appropriate ones in their own circumstances. If Imam Husayn was the imam at the time of his brother he would have made peace with Mo‘āwiyah because the circumstances called for that. And if Imam Hasan was the imam or leader at year 60-61 hijri, then Imam Hasan would have fought Yazid because that would have been the right thing to do.

² The Holy Qur’an, Yāseen (36):30.

Q: An individual says my tears are not enough to express my grief and sorrow for what happened to Imam Ḥusayn, peace be upon him, and his household and companions, peace be upon them, on the day of ‘Āshurā’, is it permissible to hit myself with sword and wound my body?

A: The Ḥusayni *sha ‘ā’ir* (rites) are amongst the preferred topics and one of them is *taṭbir*; it is a *mostaḥab* act except if it results in death or the loss of a limb or a faculty.

Q: What is your opinion about the beating of the chest in memory of the afflictions and sufferings of Imam Ḥusayn, peace be upon him, and was it practiced at the time of the *ma ‘soomeen* peace be upon them?

A: Chest beating for the afflictions of the *ma ‘soomeen* peace be upon them is permissible, rather it is *mostaḥab* and encouraged, and the ladies of Ahl al-Bayt performed that in the presence of Imam Zayn al-‘Ābideen peace be upon them.

Taṭbir

Q: Every year on the tenth day of the month of Muḥarram, the anniversary of the slaughter of Imam Husayn and his family and friends, as part of their devotion to Imam Husayn, peace be upon him, some of the faithful carry out the ritual practice of *taṭbir*, in which they strike their scalp with swords or daggers causing some bleeding. What is your opinion about practice of *taṭbir*, whether it is with or without harm?

A: It is *mostaḥab* if it does not cause extreme harm.

Q: If the injury resulting from hitting the scalp with sword is something one is used to – such as profuse bleeding – is such harm considered to be *mobaḥ* (neutral) or *mostaḥab* (recommended), for which one would be rewarded?

A: As long as the harm does not result in death, or amputation of a limb, or loss of a faculty such as loss of sight, and suchlike, it is permissible. And if it is desirable from the Shari’ah viewpoint, it would be *mostaḥab*. And if *taṭbir* is performed with the intention of sympathy with the

Master of the Martyrs, peace be upon him, and display of love for him, and the defence of the truth, and to train the self for a faithful and selfless spirit, and steadfastness, then it is amongst the definitive *mostahab* acts; as decreed by the scholars in the past and at present. Great many traditions in the biography of the *ma‘soomeen* peace be upon them, confirm that persevering with pain in the cause of Allah, and disciplining the self to adhere to piety are classified amongst the *mostahab* acts – amongst them the tradition stating that our lady Fatima al-Zahrā’, peace be upon her, used to stand on her feet in worship to the extent that her feet used to swell. Or the Imam al-Ḥasan and al-Ḥusayn, peace be upon them both, used to travel to Hajj on foot while their camels were driven behind them.

Q: As part of their devotion to Imam Husayn, peace be upon him, on the tenth day of Muḥarram, some of the faithful strike their scalp with daggers or swords; a practice commonly known as *taṭbir*. Does this practice tarnish the reputation of Islam in the West?

A: The assumption that this practice would tarnish the reputation of Islam is not necessarily correct or valid. And even, for the sake of argument, if this were deemed to be tarnishing the reputation of Islam, it does not necessarily mean that we should give up the practice. For example, in the view of some, wearing hijab constitutes tarnishing and misrepresenting the reputation of Islam. Similar criticisms are made of other practices such as our prayers and hajj pilgrimage; but this does not mean we should abandon hijab, prayer and hajj. The practice of *tatbir* could indeed initiate others to enquire as to why we do this, and this could prove to strengthen Islam, especially when the idea, values, and background are explained.

Q: What is your opinion about what is said that when Lady Zaynab, peace be upon her, saw the head of her brother Imam Ḥusayn, peace be upon him, she butted her head to the front of the howdah, and thus blood flew from beneath the veil?

A: That is proven and well established.

Q: Is it possible to infer from the statement of Imam al-Mahdi, may Allah hasten his reappearance, in his address to his grandfather Imam Ḥusayn, peace be upon him, when he said; “I shall mourn you day and night, and I shall weep blood for you instead of tears” in that taṭbir is a categorical *mostaḥab* act?

A: Yes.

Q: Logic rejects everything that harms the individual, and taṭbir – no matter how important it is – constitutes self-harm, so is this considered *ḥarām* in this case?

A: [No it is not considered *ḥarām* in this case.] Such sweeping generalisation may not be made. [Assuming that it is harmful; although the well being of an individual is important, the observance of the Husayni *sha‘ā’ir* or programs is more important, and therefore the latter is given priority over the former.] On the basis of the Principle of Priority [i.e. when there are conflicting priorities] the most important issue is always given priority over the relatively less important issue.

Q: Is there any evidence that members of Ahl al-Bayt, peace be upon them, were involved in practices of “shedding blood” as part of their mourning the tragedy of Imam Husayn, peace be upon him? Can you point to instances recorded in history when members of Ahl al-Bayt, peace be upon them, actually resorted to actions that caused their blood to “spill” as an expression of inconsolable grief for the sufferings of Imam Husayn?

A: Yes there are evidences in abundance:

1. Lady Zaynab butting her head to the bar of the howdah.

When the women and children of Imam Husayn and his family were brought to Kufah as captives, Lady Zaynab found the chance to deliver her speech to the people of Kufah, in which she condemned the people of Kufah for their treachery and betrayal. During her speech there was sudden uproar by the people – and this was when the heads of those killed in the battle of Karbala were brought in while being carried on spearheads, and amongst them was the radiant head of Imam Husayn, peace be upon him. It

is reported that Lady Zaynab turned around to see what was going on and she saw the head of her brother Imam Husayn peace be upon him. At that stage she butted her forehead to the forefront of the howdah, “until we saw blood flowing from beneath her veil” said the narrator.¹

2. Imam Riḍā, peace be upon him, speaking of the reaction of Ahl al-Bayt, peace be upon them, to the events of Ashura, and the actions they resorted to in mourning the affliction of Imam Husayn states in a long hadith: “Indeed the day of Husayn has wounded our eyelids, . . . and our grief and sorrow are perpetual until the Day of Resurrection.”²
3. As if to sanction and endorse such statements as that of the above by Imam Riḍā, and clarify them in no uncertain way, decades later, the Imam of Our Time, Imam Mahdi, peace be upon him and may Allah hasten his reappearance, states in *Ziyārat al-Nāḥiyah*: “I will indeed cry for you day and night, and I will weep blood for you instead of tears.”³

¹ Majlisi, *Bihār al-Anwār*, vol.45, pp114-115.

² Majlisi, *Bihār al-Anwār*, vol.44, p283. More than a hundred years after the tragic events of Ashura, Imam Riḍā, peace be upon him, comes to remind the ummah of that tradition of blood mourning established by the likes of Lady Zaynab, peace be upon her, at that time. This hadith points to the prolonged wailing and weeping for Husayn that result in their eyelids bleeding. This statement by Imam Riḍā reveals that all the Imams of the Ahl al-Bayt, peace be upon them, exercised such practice and not just Imam Riḍā. Furthermore, Imam Riḍā reveals that this practice is not limited to the times of the Imams, but rather it continues until the Day of Judgement.

³ Majlisi, *Bihār al-Anwār*, vol.98, pp237, 320. Needless to say weeping blood is significantly harder than such self-flagellation practices as *zanjeer* or *tatbir* that are practiced today by the Shi’a or the devotees of Ahl al-Bayt.

It is reported that Imam Zayn al-‘Ābideen too wept blood for Imam Husayn. On the intensity of the Imam’s weeping, the esteemed scholar Sayyid Abdul-Husayn Sharaf al-Deen, author of the famous *al-murāja‘āt*, as well as many other great works, in his valuable book *al-majālis al-fākhīrah fī maṣā‘ib al-‘etrah al-tāhīrah*, p133, reports that when Imam Zayn al-‘Ābideen used to be given a cup of water to drink, he used to remember the sufferings of his father and brothers, and weep [blood] until he filled it with blood [because of his

4. All the above are supported by the report narrated by the great *mohaddith* (hadith expert) Shaykh Mirza Husayn Noori¹ with respect to Imam Zayn al-‘Ābideen, peace be upon him, who butted his head to the wall, breaking his head and nose, and bleeding profusely falling unconscious.

Mirza Husayn Noori al-Ṭabarsi, the eminent hadith expert, and the author of the famous *Mostadrak Wasā’il al-Shi‘a*, reports in his four volume book *Dār al-Salām* a narration from Imam Ali ibn al-Husayn (Zayn al-‘Ābideen) peace be upon him. The narration is long and detailed and covers six pages in the said book, but its concise version is presented here. “Some food and drink were placed before him, but the Imam – as he had by then become accustomed to – remembered the hunger and thirst of his father Imam Husayn on the day of Ashura. He was overcome by sorrow and wept intensely, and asked for the food and drink to be taken away. At that time, a Christian man came to the house to see Imam Zayn al-‘Ābideen and sat before the Imam and said “O son of the messenger of Allah; I testify that there is no god but Allah, that Muhammad is His Messenger, Ali is Allah’s authority and proof over His creation, and that you are Allah’s authority and proof upon His creation.” The Imam Zayn al-‘Ābideen asked him, “Why did you convert from your religion and the religion of your

intense and prolonged weeping]. This has also been reported or cited by many other scholars and researchers; such as Sayyid Mirza Ja‘far Ṭabāṭabā’ie Ḥā’iri in his work *irshād al-‘ibād ilā istiḥbāb labs al-sawād*, pp58-65, Sayyid Abdullah Shubbar in his work *Jalā’ al-‘Oyoun*, Sheikh Ḥasan al-Muḍaffar in his work *Nuṣratul-Maḍloom*, pp69-70, Sheikh Abdul-Ḥusayn al-Ḥilli in his work *al-naqd al-nazeeh li-risālat al-tanzeeh*, p117, Nāṣir al-Manṣur in his work *al-taṭbīr ḥaqīqah lā bid‘ah*, pp33-36, and many others.

As a matter of information, it is reported in the New Testament that Jesus Christ, peace be upon him, ‘sweated’ blood while in agony, praying to the Almighty to repel the evil of his enemies; And he . . . kneeled down, and prayed, saying, “Father, if thou be willing, remove this cup from me: nevertheless not my will, but thine, be done”. . . And being in an agony he prayed more earnestly: and his sweat was as it were great drops of blood falling down to the ground. Luke 22:41-44.

¹ Mirza Husayn Noori was introduced in an earlier footnote in ch.1 of this part.

forefathers?” The man said, “O my master; It is for the dream I saw.” “And what was the dream you saw?” asked Ali ibn al-Husayn. The man began to narrate to him what he saw, when he found himself coming across a group of women and children being paraded as prisoners along with decapitated heads of pious men being carried on the tips of spearheads. The man gives a detailed account of what he saw in terms of the wailing of the women and children and the sufferings and humiliations they were being subjected to in the aftermath of the slaughter of Ashura. And that he saw a pious lady descending from the heavens, as it were, while wailing and crying “O my son Husayn! O my son Husayn!”... It was at that stage that Imam Zayn al-‘Abideen stood up and butted his face to the wall of the room; breaking his nose, splitting his head, and began bleeding profusely, and thereafter fell to the ground unconscious. . .¹

5. Imam Zayn al-‘Abideen, peace be upon him, used to weep a great deal for Imam Husayn, peace be upon him, particularly when he was about to drink water, to the extent that blood used to follow out of his eyes instead of tears. Through this unabated crying Imam Zayn al-‘Abideen wanted to emphasise that the cause of Imam Husayn had not and will not come to an end.²

Q: Did the Ahl al-Bayt, peace be upon them, use to harm themselves for Imam Husayn, peace be upon him, and glorified his rites, so that we may similarly hurt ourselves?

A: Yes, as mentioned earlier.

Q: What is the ruling regarding taṭbir with a sword, and flagellation with *zanjeer*?

¹ The full report of this narration can be found in *Dār al-Salām*, vol.2, pp175-181. Publisher al-Wafa Institute, Beirut, Lebanon. Edition 1983. The point of this quote is that Imam Zayn al-‘Abideen resorted to such severe conduct as part of his inconsolable grief for his father Imam Husayn, peace be upon him.

² This report was cited by the Marje’ (religious authority) His Eminence Grand Ayatollah Sayyid Sadiq Shirazi on the 29th Dhil-Hajjah 1433, (14th October 2012) in his speech to a gathering of Husayni speakers and lecturers. <http://arabic.shirazi.ir/shownews.php?Code=10696>

A: It is *mostaḥab* as long as it does not lead to the dysfunction of a limb, or to death.

Q: Is taḥbir amongst the mandatory rites of the Ḥusayni *sha‘ā’ir*?

A: It is *mostaḥab*.

Q: Is taḥbir something that can be rationally defended and reconciled with traditions?

A: It is permissible and favoured amongst the recommended deeds (*rājih*) in the opinion of the overwhelming majority of scholars. It is also mentioned in numerous books; and it resembles ḥijāmah (cupping or blood-letting) on the head, which Allah’s messenger called it as the *al-mugheethah* and *al-munqidhah*¹ – meaning the rescuer and the saviour – i.e. from death.

Q: Some people in their gatherings toy with such ideas as to why we don’t donate blood instead of taḥbir on the tenth day of Muḥarram. Isn’t it more civilised to donate blood rather than perform taḥbir which pollutes the environment and makes the Islamic sects see us as backward and heretics in religion (*bid‘ah*). What is your opinion in this respect?

A: Blood donation is a good practice in its own right, but it should not clash with or contradict the holding of the Ḥusayni *sha‘ā’ir* (rites).

In addition, blood-letting (*ḥijāmah*) from the head has many benefits, and it is a *sunnah* or tradition of Allah’s Messenger, peace be upon him and his pure family, and the prophet used to call it *al-mugheethah* and *al-munqidhah* – meaning the ‘rescuer’ and the ‘saviour’ – as reported in al-Kāfi,² Kanz al-‘Ommāl,³ and suchlike,⁴ and the Shi’a and the non-Shi’a have both confirmed the authenticity of the reports in this respect;

¹ See Ma‘āni al-Akhbār, p247. Makārim al-Akhilāq, p76.

² Al-Kāfi, vol.8, p160

³ Kanz al-‘Ommāl, vol.10, p9.

⁴ Wasā’il al-Shi‘ah, vol.17, p112. Biḥār al-Anwār, vol.59, p112. Ma‘āni al-Akhbār, p247. Makārim al-Akhilāq, p76.

with the Bukhāri reporting a number of traditions in this respect.¹ It is reported from Imam al-Ṣādiq, peace be upon him, “The ḥijāmah in the head is a cure from seven [diseases]; from insanity, leprosy, vitiligo, drowsiness, tooth ache, blindness, and migraine”.²

So let the faithful practice blood donation on another day, such as the third of Sha‘bān, the birthday of Imam Ḥusayn, peace be upon him.

Q: If a practice such as taṭbir causes the religion of truth to be considered ugly and repulsive, which in turn leads to weakening some of the great rites, such as the Ḥusayni mourning programs, what would the ruling be in that case?

A: Taṭbir is *mostaḥab*, and there is no firm evidence to prove that it causes repulsion and suchlike, rather various media channels consider it to be one of the most important means of promoting the religion. Needless to say, being seen as repulsive is not enough to forgo the religious rulings, for otherwise, it would be essential to relinquish a great many of the rulings of Allah Almighty in jihad, hajj, prayers, fasting, and suchlike. Allah Almighty says, ﴿Alas for the servants; There comes not to them a messenger but they mock at him﴾.³ Was the mockery of the prophets, peace be upon them, enough for them to back down from their mission of call for the truth?

Q: If those who do not normally adhere to or observe the basic obligations of the Islamic religion such as the daily prayers and fasting, and some of them would not fear backbiting and lying, and yet they partake in the Ḥusayni mourning programs and the taṭbir, what is our duty then?

A: Assuming what was mentioned in the question is correct, then the practice “*amr bil-ma‘roof*”, which is bidding good and promoting virtue, is mandatory for the one who is able to do so, according to the criteria set by the Shari‘ah, and this does not mean abandoning the

¹ Ṣaḥīḥ Bukhari, vol.7, p15; The Section on the Ḥijāmah of the Head. Also Ṣaḥīḥ Muslim, vol.7, p22.

² Biḥār al-Anwār, vol.59, p126. Makārim al-Akhlaq, p76.

³ The Holy Qur’an, Yāseen (36):30.

Ḥusayni *sha‘ā’ir*. It is self evident that if some of the people adhered to some of the rulings and abandoned others, then this does not allow us to call on them to abandon those rulings that they follow too, simply because they do not adhere to all of them. Rather they should be urged and encouraged to remain bound to what they have been adhering to, and at the same time urging and encouraging them also to adhere to those that they have abandoned.

Q: If one is preoccupied with organising and serving the mourning program and abandons the taṭbir, is he considered sinful, deserving humiliation?

A: Taṭbir is a *mostaḥab* act, and it is permissible for an individual to abandon a *mostaḥab* act, but it is not permissible to humiliate a faithful, just as it is not permissible for one who does not perform taṭbir to mock others, or insult them or speak ill of them.

Tatbir by women

Q: Is it permissible for women to practice the Husayni mourning rite of tatbir?

A: It is permissible, while observing all Islamic aspects.¹

The Origins of Shedding Blood for Imam Husayn

Q: In his salutation to his grandfather in Ziyārat al-Nāḥiyah, Imam Mahdi, peace be upon him, makes some powerful declarations on the issue of his mourning for Imam Husayn, peace be upon him, and the expression of his grief for his grandfather, one of which is that he weeps blood for Imam Husayn instead of tears. Is this statement literal or metaphorical?

A: The statement made by Imam Mahdi, may Allah hasten his reappearance, about mourning for Imam Husayn, peace be upon him, day and night, and weeping blood for him instead of tears is not

¹ It could be said that “*tatbir*” was first practiced by a woman to begin with – by “The Learned of Hāshimites”, Lady Zaynab, peace be upon her, the daughter of Imam Ali and Fatima al-Zahrā’ peace be upon them.

metaphorical, and it is indeed literal. This is evident from the context of the entire statement made by the Imam which is clearly factual – throughout the declaration addressing Imam Husayn – and there is nothing metaphorical about it.

Addressing Imam Husayn Imam Mahdi, peace be upon them, states:

Now that the times withheld me, and destiny prevented me from giving you succour and victory, and I were not able to fight those who fought you, and to combat to those who combated you,

I shall lament and mourn you day and night, and I shall weep blood for you instead of tears; out of my grief and anguish for you, and out of sorrow for what befell you;

*Until I die out of the torment of the affliction, and the choking/anguish of depression.*¹

It is factual that Imam Mahdi was not with Imam Husayn, and it is truthful that Imam Mahdi was not even born at the time of Ashura 61H, and as a result he was literally not able to give succour and support to Imam Husayn, peace be upon him. Imam Mahdi literally was not able to fight those who fought Imam Husayn, peace be upon him. There is nothing metaphorical about all these, but indeed they are all factual and literal; and therefore there is nothing metaphorical about the subsequent part of the declaration of Imam Mahdi which is his day-and-night mourning for his grandfather, and weeping blood for him instead of tears.

Nor are the statements that come after the “weeping blood” part could be thought of as metaphorical, which are the like of “out of my grief and anguish for you, and out of sorrow for what befell you”.

Everything that comes before and after “weeping blood” part are all factual and literal, and indeed there is nothing metaphorical about them, and therefore nothing could justify that only this part of “weeping blood” is metaphorical.

¹ Biḥār al-Anwār, vol.98 p320

Q: Where did the notion of “shedding blood” for the tragedy of Imam Husayn come from? When did it begin, or rather who was the first to initiate this notion, if at all it is known?

A: Indeed it is known. It came from the Almighty Allah, it was first initiated by Allah, and it first began with Allah’s first prophet and vicegerent on Earth; Prophet Adam, peace be upon him. This notion of shedding blood for Imam Husayn, peace be upon him, continued with other prophets and messengers such as Prophets Ibrahim and Moses, peace be upon them, according to the hadith we have in our disposal.

It is reported that when Prophet Adam arrived at the land of Karbala, he felt sad and distressed, and tripped and fell to the ground at the location where al-Husayn was later killed, and injured his foot such that it bled profusely. Adam raised his head and said, O Allah; Have I committed another sin that made me deserve punishment? Indeed I passed throughout the land but I did not face ill in the way I faced in this land. Allah Almighty revealed to him, “O Adam; You did not commit a sin, but in this land your son Husayn would be killed unjustly, **so your blood is shed in sympathy with his blood.**” [Biḥār, vol.44, p242]

Also it is reported that when Prophet Ibrahim, peace be upon him, arrived at the land of Karbala riding his horse, it stumbled and Ibrahim fell to the ground and broke his head, and he started bleeding. Ibrahim started seeking forgiveness, and said, “O Allah what [sin] have I committed? Archangel Gabriel descended and said, “O Ibrahim; You have not committed a sin. Here in this location the grandson of the Seal of the Prophets and the son of the Seal of the Successors would be killed, **so your blood is shed in sympathy with his blood.**” [v.44, p.243]

Furthermore, it is reported that Prophet Moses, peace be upon him, was travelling on foot along with Joshua bin Nun, and when he arrived at the land of Karbala, his sandal was ripped, its strap severed and thorns pierced into his feet and he started to bleed. He said, O my God what have I done? It was revealed to him, “here al-Husayn would be killed, and here his blood will be shed, **so your blood is shed in sympathy with his blood.**” [Biḥār al-Anwār, vol.44, p244, section30]

Q: Did the Imams of Ahl al-Bayt give any kind of instructions or permission to cause “hurting or bleeding” as part of mourning the tragedy of Imam Husayn, or were they involved in any such rite or exercise?

A: Yes they did. On one instance, Imam Ṣādiq, peace be upon him, gave such instructions; that “for the like of al-Husayn the faces are slapped and the garments ripped”.¹

In addition, we have Imam Riḍā, peace be upon him, saying: “Indeed the day of Husayn has injured our eyelids, shed our tears profusely . . . until the day of judgement. [Biḥār, vol.44 p283]

As it can be seen from this hadith of Imam Riḍā, the day of Imam Husayn has wounded and caused injuries to the eyelids of Ahl al-Bayt, peace be upon them. This is because of the extent of weeping that resulted in injuries to the eyelids, which could be another expression for “weeping blood” used by Imam Mahdi, peace be upon him and may Allah hasten his reappearance.

Furthermore, we see from this noble hadith that this practice continues until the end of the time. It is not limited to a specific or limited period of time. The mourning and weeping for Imam Husayn – and indeed the “weeping blood” – is perpetual.

Q: Some of the non-Shi’a say to us why do you keep crying for Husayn every year and mention him on every occasion? What should be our response to them?

A: It is only natural for us, or indeed for every human being, to do so when one learns of the horrific slaughter that took place and the unimaginable torment that Imam Husayn and his family were subjected to, and even women, children, and toddlers were not spared. This is especially poignant when we consider that Imam Husayn was the grandson of the prophet Muhammad, peace be upon him and his pure

¹ al-Ṭousi, Muhammad ibn al-Hasan, (known as *sheikh al-tā’ifah* or “the chief of the group”) *Tahdheeb al-Aḥkām*, vol.8 p325. See also al-Ḥurr al-‘Āmili, *Wasā’il al-Shi’a*, vol.22 p402.

family, and the prophet's appointed successor and Allah's vicegerent on earth at the time. Furthermore, Imam Husayn's family and his supporters were the most pious people after the *ma'şoom* imams, peace be upon them.

Citing the example of *ma'şoom* Prophets and Imams, peace be upon them, if any precedence were needed, we see that Prophet Ya'qub cried for his son Yousof, peace be upon them, until he lost his sight. [Holy Qur'an, 12:84.] [This is when he new his son was alive and well as informed by Archangel Gabriel].

On the occasion of the birth of Imam Husayn, Archangel Gabriel descended upon the prophet Muhammad, peace be upon him and his pure family, after conveying to Prophet Muhammad the name of the newborn, informed the prophet that this newborn would be slaughtered in the land of Karbala, giving details of what would happen. Prophet Muhammad, peace be upon him and his pure family, grieved for baby Husayn, and wept profusely, which made all others who were present around him to grieve and weep. All of this is before any of that tragedy actually took place.

Reflection on the above two examples could help the questioner to appreciate why we grieve and weep for Imam Husayn and the precedence for doing so.

Furthermore, we have Imam Zayn al-'Ābideen, peace be upon him, who is reported to have wept for Imam Husayn every time he was served with water to drink or food to eat, and this went on for forty years until he was assassinated by poison. [Biḥār, vol.12 p264]

Women and Ḥusayni mourning programs

Q: Is it prohibited for men to listen to women reciting lamentation?

A: The prohibition is with regards to the softening of voice, as the Almighty commanded, ﴿then be not soft in speech﴾,¹ and not in absolute terms.

¹ The Holy Qur'an, the Confederates (33):32.

Q: Is it permissible for women to look at the bare chest of men who are performing chest beating? And does the ruling differ for when one is watching chest beating on television?

A: It is not permissible to look intentionally, and there is no difference in the ruling for either situations.

Q: What is the ruling regarding women enacting the scenes of Karbala for ladies only programs, when they play the role of men and wear men's clothing?

A: It is permissible, provided that honourable and religious criteria are observed.

Walking on Fire

Q: Some of the faithful here in the UK observe the practice of firewalking, i.e. walking barefoot on red hot burning charcoal, on the evening of the Day of Ashura. This practice is usually observed by the faithful in Thailand, Burma, India and Pakistan, but it is now being observed in Iran, Iraq and Bahrain. Even women and children take part. They say it is in sympathy with the women and children who, when their tents were torched by the army of Yazid after the slaughter and beheading of Imam Husayn, had to flee the scene, stepping on the burning ground. They say they do so to share in their pain and suffering. Is this practice permissible?

A: All rites that are amongst the Husayni mourning rites are permissible.

Enacting the Events of Karbalā'

Q: We annually organise enactment of the events of Karbalā', and focus on the prominent personalities of Karbala in these shows, amongst them those of Imam Ḥusayn, peace be upon him, al-'Abbās, and other members of Ahl al-Bayt, peace be upon them. The actors in these shows might not meet exactly the features of the personalities concerned, is this permissible?

A: Amongst the best nearness (*qurbah*) to Almighty Allah, is to use all permissible means to disseminate and promote the ideals of Ahl al-Bayt,

peace be upon them, and especially Imam Ḥusayn, peace be upon him. This should be done meticulously and accurately so that the shows are complete and satisfactory in all aspects, and do not portray any insult or disrespect.

Is every day Ashura?!

Q: We use the declaration “everyday is Ashura, every land is Karbala” on banners and posters and display them on the walls in the *Husayni majālis*. We want to know if this hadith is authentic and if so which Imam has said it, and can you give us a reference for it?

A: No, it is not authentic, and it is not a hadith from Ahl al-Bayt peace be upon them all. As a matter of fact this statement goes against the teaching and hadith of the Imams of Ahl al-Bayt, peace be upon them.

It is narrated that while Imam Husayn was weeping for Imam Hasan al-Mujtabā when he suffered excruciating pain after he was poisoned by his wife, on the orders of Mo‘āwiyah, Imam Hasan peace be upon him, responded to Imam Husayn that “There is no day like your day O Abā Abdillah”,¹ pointing to the horrific sufferings Imam Husayn was going to be subjected to.

Furthermore, Imam Zayn al-‘Ābideen said, “There is no day like the day of Husayn.”²

On the issue of the land of Karbala, according to hadith from Ahl al-Bayt peace be upon them, the land of Karbala is the most sacred and the most honoured land. It is more sacred than the land of Mecca upon which the Ka‘bah is built. It is reported that the land of Karbala is a piece from the land of Paradise.³

Therefore, in accordance with the hadith of Ahl al-Bayt, peace be upon them all, “There is no day like Ashura, and there is no land like Karbala”.

¹ Majlisi, *Biḥār al-Anwār*, vol.45, p218

² Majlisi, *Biḥār al-Anwār*, vol.22, p274; and vol.44, p298

³ Kāmil al-Ziyārāt, p263; Wasā’il al-Shi‘ah, vol.14, p515, p416; *Biḥār al-Anwār*, vol.98, p110

‘Abbās and Qāsīm

Q: Chroniclers of the tragedy of Karbala state that when al-‘Abbās went to the river and took a handful of water to drink, he remembered the thirst of his brother Imam Ḥusayn, peace be upon him, and he threw the water away. How do you analyse this narration, for if he had drunk the water he would have been stronger and able to fight the enemy?

A: Al-‘Abbās, peace be upon him, would have died in any case, and therefore drinking that bit of water would not have helped as such. Moreover, the case of ‘Āshura’ is the symbol and manifestation for each and every value and virtue, notable amongst them are selflessness, brotherhood, and sympathy.

Q: Some consider it not to be true that al-Qāsīm ibn al-Ḥasan was married, so does mentioning it to be so on the Ḥusayni pulpit constitute a lie towards the ma‘ṣoom?

A: It is not proven that it is not true, rather it is more likely for it to be valid, as it is reported in some books such as al-Muntakhab by al-Ṭorayḥī, in addition to it being quoted by pious speakers and virtuous scholars. Nonetheless, there is no objection to reporting it, and it does not contradict the general conduct of Ahl al-Bayt peace be upon them, especially when it concerns marriage, and the emphasis placed on it. In the hadith, it is stated, “Most of the people of Fire are the unmarried ones”.¹ So perhaps he, peace be upon him, wanted to express the importance of marriage for the youth, and that for al-Qāsīm, peace be upon him, not to be martyred while unmarried. Allah is all-Knowing.

Muhammad ibn al-Ḥanafīyyah

Q: How do you explain Muhammad ibn al-Ḥanafīyyah not going to Iraq with Imam Ḥusayn, peace be upon him?

A: Because he was ill and disabled.

¹ Wasā’il al-Shi‘ah, vol.20, p20

Q: And how do you explain him challenging Imam al-Sajjād, peace be upon him, for the *khilāfah* after the martyrdom of Imam Ḥusayn, peace be upon him?

A: This was in a bid to make others realise [that the successor of Imam Ḥusayn, peace be upon him, is Imam al-Sajjād].

The sacred severed heads

Q: Were the severed heads returned with the captives of Ahl al-Bayt, peace be upon them, and buried with the sacred bodies, or were they buried separately elsewhere?

A: It is overwhelmingly evident that they were returned and buried with the sacred bodies. However, there are other claims too.

Q: We have a mosque here in Cairo where it is said that the head of al-Ḥusayn, peace be upon him, is buried. However, I have read in Biḥār al-Anwār – on the subject of the tomb of Amir al-Mo'mineen, peace be upon him, and of the head of al-Ḥusayn, peace be upon him, that the head is buried in Najaf, and there are other claims, such as it is buried in the Shām. What is your opinion in this respect?

A: In relation to the head of al-Ḥusayn, peace be upon him, it is overwhelmingly evident that it was returned to Holy Karbala, and Imam Zayn al-ʿĀbideen, peace be upon him, united it with the sacred body. There are other claims but (perhaps)¹ what we have mentioned is the most correct.

Ziyārāt or visitations

Q: It is stated in the supplications books that whoever wants to perform *ziyārah* of Imam Ḥusayn, peace be upon him, from a distant location, he should go on the rooftop and face Karbala, and recite the *ziyārah*. Does that mean reciting the *ziyārah* from inside the room is not adequate, and it is mandatory to go to the rooftop? Is it sufficient to recite the *ziyārah* without offering its associated gift-ṣalāh?

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

A: The *ziyārah* is valid, but performing it on the rooftop and the ṣalāh enhances the reward.

Q: When performing *ziyārat-al-Jāmi‘ah*, is it essential to face the tomb of the ma‘ṣoom when saluting him, or is it sufficient to recite the entire *ziyārah* facing the Qiblah?

A: It is preferred to face the holy tomb, but it is equally correct in any other manner.

Q: Why do we see slight variations in the words in the books of supplications and *ziyārāt*, for example, in the case of *Ziyārat ‘Āshurā’* we have: “...to grant me the revenge along with Imam Mahdi...” whereas in other versions, “...to grant me the revenge along with Imam hudā...”. Why is this difference, and which one should we follow?

A: This difference is due to the different copies,¹ and whichever is read, there is no objection to it, and is rewarded, InSha’Allah.

Q: When I was going to Karbala for the *ziyārah* of Imam Ḥusayn, peace be upon him, one of my friends asked me to perform two-rak‘ah ṣalāh on his behalf at the shrine of Imam Ḥusayn, peace be upon him, but I forgot to do so and I remembered this after I had returned, shall I pray it on his behalf in another place? Am I liable?

A: You are not liable to anything.

Q: Is the ṣalāh of *ziyārah* for the offspring of the Imams, peace be upon them, performed with the intention of *ziyārah*?

A: Like all other ṣalāh of *ziyārah*, it is performed in two-rak‘ah with the intention of *qurbah* – seeking nearness to Allah Almighty, and with the intention of presenting its *thawāb* for them.

Q: Are *ziyārat-al-Jāmi‘ah* and *ziyārat ‘Āshurā’* authentic? And what about du‘ā’ Nudbah?

¹ And this difference between the different copies is probably due to the copiers’ typos, as in the Arabic script, the script of two words mahdi and hudā are very close and resembling.

A: They are all authentic.¹

Q: Have ziyārat al-Nāḥiyah and ziyārat ‘Āshurā’ been composed by a *ma’ṣoom* Imam, peace be upon him?

A: Yes, ziyārat ‘Āshurā’ has been narrated from Imam Bāqir, peace be upon him, as reported by Ibn Quoluwayh in Kāmil al-Ziyārāt, and ziyārat al-Nāḥiyah is composed by and narrated from the Awaited Imam Mahdi, peace be upon him and may Allah hasten his honourable reappearance.

Working on the Day of ‘Āshurā’

Q: Is it permissible to engage in work and business activity on the tenth day of Muḥarram?

A: It is *makrooh*, and it will be void of blessing (*barakah*).

¹ Ziyārat-al-Jāmi‘ah is composed by the tenth imam, Imam al-Hādi, peace be upon him; ziyārat ‘Āshurā’ is composed by the Almighty; and it is denoted as *ḥadīth qudsī*, and has been narrated and recited by the *ma’ṣoom* Imams, and du‘ā’ Nudbah has been composed by the final of the Prophet’s twelve successors, the Awaited Imam Mahdi, peace be upon him, and may Allah Almighty hasten his reappearance.

Chapter Four: Freedoms and Human Rights

Freedoms

Case: All Muslims are free in all Muslim countries in terms of travel, residence, trade, business, and suchlike, and it is not permissible for any body to prevent that.

It is not permissible for a government or an individual to take away or suppress the freedoms, whether the freedom of trade and business, or farming and agriculture, manufacturing, building and development, travel, residence, and others; i.e. all the freedoms that Islam has granted mankind, which are all the conducts and dealings with the exception of the prohibited ones. As for suppression of freedom of religious rites (*sha'ā'ir*) such as the prevention and barring of the hajj and ziyārah pilgrimages¹ and suchlike, they are even more *ḥarām*.

Q: How does Islam look at the notion of freedom?

A: Freedom in the Islamic system is like the heart to the body, and from its dawn, Islam's first priorities were to eradicate despotism, subjugation, and oppression and this may not be achieved except through freedom.

Q: Are there freedoms in Islamic legislation (*Shari'ah*), and what are their limits?

A: The freedoms in Islam are considered to be the most far-reaching freedoms that religions or statutory laws have presented or produced. Islam is a religion of freedom, and in every issue the fundamental principle is freedom with the exception of the prohibited ones which are very few.

¹ This prevention and barring may be in the form of setting up visa and fees requirements for the hajj and ziyārah pilgrimages, having to register and wait for their turn which could take years, setting quotas for every country, and barring those who have been to hajj once before, and suchlike. These are all various manifestations of the prevention of hajj and ziyārah pilgrimages, which are a form of suppression of freedoms of religious rites.

Q: What evidence is manifested in the Book and the Prophetic Sunnah regarding the issue of freedom?

A: As for the Holy Qur'an, the divine book describes the Prophet of Islam, peace be upon him and his pure family, as follows: ﴿He will make lawful for them all good things and prohibit for them only the foul; and he will relieve them of their burden and the fetters that they used to wear﴾,¹ and the social burdens and fetters which suppressed their freedoms, were removed by the Prophet, peace be upon him and his pure family, and he set them free after they had been slaves to ignorance and restricted by oppressive laws and practices.

As for the purified Prophetic Sunnah, or the teachings and traditions, the famous principle which is cited in the jurisprudence books and sources, states: "People have authority over their selves and their property";² in that every human being may deal and conduct with him self and his property as he wishes, provided that conduct and dealing is not prohibited as per the shari'ah.

Q: What are the Islamic freedoms and their categories?

A: The categories of freedom in Islam are beyond count or enumeration; some of which are: the freedom of trade and business, farming and agriculture, manufacturing, acquisition of permissible resources,³ freedom of building and development, freedom of travel and residence, freedom of expression, writing and publication, freedom of careers, political, economic, cultural, intellectual, and religious freedoms and suchlike. The Muslim enjoyed all of these freedoms in the reign of the Islamic government.⁴

Q: Is the claim that Europeans were the "first to call for freedom" correct?

¹ The Holy Qur'an, the Heights (7):157.

² Biḥār al-Anwār, vol.2, p272.

³ By default everything is permissible unless it is specifically prescribed to be forbidden by Shari'ah law.

⁴ It should be mentioned that the freedoms in these activities come without any restrictions, leave, or permission.

A: It is not true, and this is the result of ignorance about the Islamic Shari‘ah and its role in disseminating the concept of freedom. Some Europeans may be forgiven for their ignorance about this, but it is imperative for the Muslims to be knowledgeable about their shari‘ah – since it provided responsible freedom for all the people, Muslims and non-Muslims, to the extent that no such freedom was provided before and the West that claims freedom has yet to catch up with it.

Suppression of freedoms

Case: The government has no right to suppress freedoms; and if the government banned [something] it is not obligatory to obey or follow it; except if the governor is a just Muslim ruler who has been authorized and approved by the *fuqahā’ marāje’* – in which case [it is permissible] if the ban is only temporary, it is in an emergency and under exceptional circumstances, and in the interest of Islam, or if in the event of practicing a particular freedom it would result in harm [to the public].¹

On the Restriction of Freedoms

Case: If the government declared a restriction on one of the freedoms, for example a travel ban, and the government is qualified to be obeyed – i.e. it implements the teachings of Islam in all aspects of life – then it is mandatory for one to abide by that ban. For example, if the *just* Islamic government declared a ban for a reason which was more important than the interest of the right and notion enshrined in the hadith “authority of the people over their selves”. However, if the government is one that is not “mandatory-to-follow”, i.e. it does not fully adhere to the teachings of Islam, it is not mandatory for one to obey the government, but rather it is permissible to pursue and practice one’s Islamic freedom.

Licence and duties

Case: There is no need for licence and duties for setting up companies, or building and development, farming and agriculture, trade and manufacturing, import and export, writing and publication, speech,

¹ For example, building and running a factory for hazardous chemicals in a residential area.

travel and residence, acquisition of the permissible [resources], allotment of land, various projects, and suchlike. This is because Islam bestows upon the Muslim complete freedom with the exception of practicing the prohibited [conducts] and harming others.

Acquisition of land and resources

Case: Acquisition of the permissible resources, allotment of land, and its development and suchlike, are all permissible in Islam, and an individual may not be bound by restrictions imposed by the governments on these matters. It is permissible for an individual to practice his Islamic freedoms in these matters, except if (practicing these freedoms) constitutes danger or harm, which is very rare; such as the rarity of the harm of *wudu'* or *ghusl* for the individual in particular circumstances, and harm is determined by its extent or severity. Needless to say, it is mandatory that an individual does not in these matters violate the rights of others, and nor the rights of future generations.

Freedom of building and construction

Case: The Islamic government should not determine the dimensions of buildings in terms of area, height, depth, and suchlike except if there is a public interest recognised by the shari'ah, which has to be more important and of a higher priority than the interest of the freedoms Islam has granted.

Press Censorship

Case: Censorship in itself is not permissible. The censor who has been appointed for the purpose of censoring the press has no right to delete the Islamic contents, and similarly he has no right to delete the contents that are permissible according to the shari'ah. He only has the right to delete harmful content.

Media Censorship

Case: There is no difference between the censorship of the press, as mentioned in the previous case, and censorship of the media such as

plays, permissible films, tapes and CD's and those which are broadcast on radio and television, and suchlike.

Freedom of gatherings

Case: It is absolutely not permissible for the government to prevent gatherings, or ban gatherings of more than five or three persons for example. The exception is if under particular circumstances there is a benefit in the ban which is more important in the Shari'ah viewpoint, but such ban should be limited only to the extent necessary.

Public marches and demonstrations

Case: In the case of marches and demonstrations when the marchers are right in seeking their demands, it is not permissible for the government to terrorise them, or disperse them, or fire tear gas or use water canon against them. This is because demonstration is one of their rights, given the freedom bestowed on an individual that includes marching and picketing. Needless to say, marching and picketing are not permissible if they are in aid of demanding false notions, because they are then the preludes to *ḥarām* and associated with prohibited acts. However, even when the demonstration is not for a rightful purpose, the Islamic ruler should allow the demonstrators to march, just as Amir al-Mo'mineen, peace be upon him, did, as reported by Imam Ṣādiq, peace be upon him, in the authentic hadith.¹

¹ Wasā'il al-Shi'ah, vol.8, p45-46. Imam Ṣādiq, peace be upon him, was asked about congregational *nāfilah ṣalāh* during the holy month of Ramaḍān. The Imam replied: when Imam Ali came to Kufah he ordered that people should refrain from such *ṣalāh*, as the prophet, peace be upon him and his pure family, had ordered, but the people refused and demonstrated against this order. Imam Ali responded by saying: pray [as you like]!! Needless to say, Allah's messenger, peace be upon him and his pure family, specifically and categorically prohibited this kind of prayer. Wasā'il al-Shi'ah, vol.8, p45. However, during his reign, Omar decided to introduce a prayer that is today called *tarāweeh* prayer and he confirm it is as "*bid'ah ḥasanah*" (a nice invention in religion). See al-Mobarakfuri, Tuḥfat al-Aḥwadhī, vol.7, p366. See also Ibn Abil-Ḥadīd al-Shāfi'i, *Sharḥ Nahj al-Balaghah*, vol.12, p283.

Curfew

Case: It is not permissible for the government to stop or limit people's freedom of movement, since it is counter to the freedom Allah Almighty has bestowed on mankind, except if there is a particular merit in the curfew which is of higher priority than that of freedom. In these circumstances, the extent and format of the curfew should be proportional to the cause.

Trade Unions and their limits

Case: The formation of unions with the consent of the parties concerned and without a condition or clause that runs counter to Islam is permissible. It is not permissible to form a union that imposes itself on others or if it contains a condition or a clause that opposes Islam. The exception is if there are circumstances when the general national interest precedes the interest of individual freedom, and precedes the interest of the Fundamental Principle [of freedom]. For example, if the country faces famine such that the Islamic government is forced to call on those who are in possession of foodstuff, and bring them under a particular union in order to save the people in this critical situation, and imposes on them to sell the wheat, say, to the people on credit, when the people and government have no money to pay in exchange for the wheat. This will be permissible on grounds of Circumstantial Overriding Ruling.¹ The assessment of such circumstances and such extraordinary measures must be done by the righteous (*'ādil*) *fuqahā'* or qualified religious scholars, in direct consultation or through their appointees and representatives.

¹ Circumstantial Overriding Ruling (COR) is a ruling that overrides the default or primary ruling in compelling circumstances. For example, taxation – other than the two taxes (khums and zakah) prescribed by Islam – is expressly prohibited, but on grounds of compelling circumstances – for example a war – the just leader may, using COR, levy some extra form of taxation to help cover the war expenses. However, this is only a temporary measure which should be lifted as soon as the compelling circumstances are over, and revert to the normal rulings concerned.

Human Rights

Case: It is obligatory to observe human rights as confirmed by Islam.

Case: It is not permissible to confiscate the property of the people or suppress their freedoms, just as it is not permissible to detain or deport them, except for what the Shari‘ah has approved [which are very rare and the criteria for those exceptions are not easy to meet].

Who is a foreigner?

Case: A foreigner in Islam is anyone who is not a Muslim.¹ Therefore it is not permissible for a Muslim to call his Muslim brother a foreigner; even if he differed from him in race, language, look, and country [of birth].

Case: It is not permissible for a Muslim to expel a Muslim from a Muslim country; even if he is originally from another country, or if he spoke a different language, or if he is of another nationality.

Right of citizenship

Case: Every Muslim is the citizen of every Muslim country, because the Islamic countries in their entirety are a single Islamic country; and there is no difference between an Arab and non-Arab in that respect. Therefore it is not permissible to deport the Muslims – even if they were originally from another country – this is because it is not permissible to expel one from his own country. Similarly, it is not permissible to bar or prevent a Muslim from residing in a place he wishes to or has been residing in. This is in addition to being contrary to the principle of the people having authority over themselves and their wealth and property.

Torture and Confession

Case: Torture is *ḥarām* in the view of Islam, and it is not permissible to extract confession from someone who is presumed to be guilty by beating or torture, rather it should be reached through shari‘ah ways.

¹ Needless to say non-Muslims living under the protection of the Islamic state, referred to as *dhemmi* – literally meaning ‘in the care of’ – have their rights respected in the Muslim country.

Q: What is your opinion regarding confession taken from a prisoner through torture?

A: There is no credibility or worth to the confession taken from a prisoner, even if it is taken without torture.

Q: What is the opinion of the Shari‘ah about television – or press – confession taken from the prisoner?

A: It has no value.

Q: When are the confessions of a prisoner admitting his guilt considered valid such that it is possible to convict him?

A: If he is outside the prison and he speaks with complete freedom.

No to torture

Case: It is not permissible to torture anyone, irrespective of whether it is with old-fashioned means such as whips, or with modern means such as electric shocks. In particular cases prescribed in Islam, the penal codes or punishments known as the *hudood* and *ta‘zeerāt* are performed with utmost care, and within a special framework and according to the criteria predefined by Islam.¹

No to Detention

Case: No one has the right to detain an individual in a place; whether it is in a country, or a village or a district and suchlike, because it is contrary to the principle of “the people have authority over themselves and their wealth/property”, and if one did that, it is not obligatory for the detained to remain there, but rather it is permissible for him to go anywhere he wishes, except if this constitutes serious danger [to him].

Case: In Islam the prison sentence is prescribed for extremely few cases. No one has the right to imprison an individual except for al-Ḥākim al-Shar‘i [or the Shari‘ah judge who is the fully qualified Marje‘] and for particular cases predefined by Islam. If the imprisonment is not according to the said criteria, it is permissible for the prisoner to escape,

¹ For more in this respect, see “The Rights of Prisoners” by the late Imam Muhammad Shirazi.

provided this does not constitute danger [to him]. Similarly, it is imperative for someone who is able to do so to facilitate the prisoner's escape, because eliminating evil (*munkar*) is obligatory.

Financial penalty

Case: No one has the right to take money from an individual under the pretext of penalty prescribed by the statutory law, because wealth is respected, and "people have authority over their wealth", except for the special cases prescribed by Islam, such as those of expiations (*diyāt*), liability (*ḍamān*). Needless to say, it is permissible for the shari'ah-legitimate government that is governed by the Council of Fuqahā' Marāje' to legislate penalties for those who break the rightful laws that are necessarily passed for preserving law and order in the country.

Defence of one's right

Q: Is it permissible to take a case to a judge within a judicial system or government that is known to be unjust or oppressive, in order to seek or defend one's right, for example if one's house was burgled and one wanted to seek damages? In this case would this constitute 'seeking justice from an unjust ruler' [which is condemned in Islam]?

A: If this is the only way to defend or seek one's right, and this does not constitute harm to the faithful, then there is no objection to referring to him.

Q: Some countries have acknowledged for their citizens in their constitutions the rights of expression, publishing, gathering, marching, political parties, and suchlike but they do not act on them. Why do these governments have these rights anyway?

A: They either include these clauses in order to show off to the international community that they have such rights in their countries, or they do not act on them because of their despotism and tyranny, both of which run counter to these rights.

Hunger strike

Q: What is the ruling regarding hunger strike?

A: It is permissible if it does not cause death, or cause disability of a limb or an attribute.

Other Rights

Impounding of wealth and property

Case: If one seizes the house of an individual, or his other properties, the individual whose property has been seized may refer his case to al-Ḥākim al-Shar‘ī, and the Ḥākim would punish the seizer, because seizure is *ḥarām*, like any other prohibited acts, and it carries punishment as well as liability to damages.

Rent of the seized property

Case: It is the right of the individual, in the previous case, whose property has been seized to seek reimbursement for the income he missed out on. For example, if his house was seized for one year and its rent was say \$1000, it is his right to seek the \$1000. This is on the basis of the principle of “no harm”.¹ Also if the owner wishes to sell the house, and its value is \$1000, but it would only sell for \$800 because of the seizure, the seizer is liable to the difference, of \$200, because he is the cause of this loss.

Repossession

Case: If the seizer does not observe the rights of the individual whose property has been seized, [and he does not comply with the demand to give back] the latter has the right to retrieve it from the wealth or property of the seizer, either overtly or covertly, but as a precaution, he should seek the permission of Ḥākim al-Shar‘ī, and he should not take it covertly, as long as it is possible to take it from him overtly but without damage or aggravation.

Debtors

Case: The Islamic government is obliged to settle or pay off the debts of those who have financial obligations but are not able to pay them off, provided they had not incurred the debt in *ḥarām* or falsehood (*bāṭil* or

¹ As stated by the prophetic hadith “No harm may be done, or seen by faith”, and in another version “no harm may be done, or seen in Islam.” Al-Kāfi, vol.5, p292. and Wasā’il al-Shi’ah, vol.26, p14.

invalid matter or business), irrespective of the debtor being alive or dead.

Sale of government land

Case: It is permissible for the Islamic government to sell what it owns in terms of lands and suchlike to a company or an individual in return for that company or individual providing the state goods or services which are in the interest of Islam and the Muslims, and provided that the sale does not result in or lead to a prohibition now or in the future.

Apostate Ruling

Case: If a sedition or civil strife (*fitnah*) engulfs the Muslims as a result of which a group of them renege, and then return to Islam, then they are not subject to the ruling of apostasy with respect to issues such as separation from their wives, division of wealth and property, being *najis*, and execution. Thus Amir al-Mo'mineen, Ali ibn Abi Ṭālib, peace be upon him, did not carry out this [ruling] on those who rebelled against him in Baṣrah, Ṣiffeen, and Nahrawān, after he had overcome them.

Case: The repentance of the Muslim-by-birth apostate is accepted.¹

Taqiyyah

Q: What is *taqiyyah*, and is it mandatory? And what are the evidences that the Shi'a rely on to justify acting on the principle of *taqiyyah*? And what is the difference between *taqiyyah* and hypocrisy?

A: *taqiyyah* is the noun form of the term *itqā'* which means avoiding the harm that may come from others due to differences in opinion or belief by pretending to be in agreement with them, and suchlike.

The notion of *taqiyyah* – or protection – is mentioned in the Holy Qur'an with respect to protecting oneself and one's family from the torment of Fire, as commanded by the Almighty ﴿protect yourselves and

¹ The late Imam Shirazi: (The repentance of the Muslim-by-birth apostate is accepted too.)

your families against a Fire...),¹ and in another verse, ﴿then guard yourselves against the Fire whose fuel is of men and stones﴾.² [The root word for *taqiyyah* is used in these two verses which are translated as “ward off” in the first verse, and “guard” in the second.]

The believers have acted upon *taqiyyah* during the times of previous prophets, peace be upon them, and during the time of Allah’s Final Messenger, Prophet Muhammad peace be upon him and his pure family. The Holy Qur’an cites the notion of *taqiyyah* in the case of the faithful of the Pharaoh’s family, when the Almighty states, ﴿And a believing man of Pharaoh’s family, who hid his faith, said...﴾.³ During the time of Allah’s messenger, peace be upon him and his pure family, ‘Ammār ibn Yāsir practiced *taqiyyah* when the polytheists tortured him until he uttered the words they wanted, as cited by the Almighty ﴿...save him who is forced thereto and whose heart is still content with the Faith﴾,⁴ and the prophet approved that by telling him, “O ‘Ammār; If they repeated that (i.e. the torture) you repeat it too”,⁵ and this is because he did not really disbelieve but pretended in order to save himself from torture and death.

Furthermore, the notion of *taqiyyah* is also cited in this verse when the Almighty states; ﴿The faithful should not take the faithless for allies instead of the faithful, and whoever does that Allah will have nothing to do with him, except when you guard yourselves against them, taking – as it were – security. Allah warns you to beware of [disobeying] Him, and toward Allah is the return﴾.⁶ And there are various other honourable verses in this respect.

The practice of *taqiyyah* is obligatory in cases when there is fear of harm or danger to oneself, family, property, and suchlike, and it is a measure anyone with a sound mind would resort to when faced with

¹ The Holy Qur’an, the Prohibition (66):6.

² The Holy Qur’an, the Heifer (2):24.

³ The Holy Qur’an, the Forgiver (40):28.

⁴ The Holy Qur’an, the Bees (16):106.

⁵ Al-Kāfi, vol.2, p219.

⁶ The Holy Qur’an, the Family of ‘Emran (3):28.

such dangers, and any reasonable individual would react by instinct in this manner if he see he can repel danger by pretending concordance and suchlike. However, the criterion for such conduct is that there is reasonable danger or fear of danger, and that the pretence is only to repel the danger, and does not constitute genuine agreement.

Taqiyyah is not hypocrisy; rather, it is the opposite of hypocrisy. This is because hypocrisy is to hide disbelief and pretend Islam, whereas *taqiyyah* is to pretend disbelief and suchlike and hide faithfulness.¹

And there are numerous hadith and narration that point to its permissibility according to the Shari‘ah and also to its practice.

Respecting others

Q: There are satellite channels that can only be received through payment of subscriptions, and the question is whether it is permissible to decipher the code in order to receive the channel without any payment, or is this categorised as theft?

A: If the channel owner is of ‘respected wealth’, and it is considered his right as per common norms, it is not permissible.

Q: Is it permissible to take sleeping tablets? Is it permissible to use sleeping material for others? This of course would not affect them except for putting them to sleep for a few hours.

A: It is permissible to take sleeping pills if it is not associated with severe harm, but it is not permissible to give it to others except with their consent.

Q: We are youths in the USA and follow one of the current fully qualified marāje‘ – may Allah protect them. We are students and we have religious activities and there are some other youths with us who vilify our *marje‘*, what should our stance be towards those youths?

A: It is not hidden from the faithful brothers that in the biography of the Most Gracious Prophet, peace be upon him and his pure family, and the

¹ Simulation is a Pretence of what is not, and Dissimulation a Concealment of what is. Oxford Dictionary.

pure Imams, peace be upon them, are the best example and role model for us; indeed they, peace be upon them, used to respond to offence with kindness, and to bad temper with good treatment. Indeed amongst the traits of the faithful are peace, love, and beautiful admonishment even when there are disputes and disagreement; as stated by the Almighty ﴿and dispute with them in ways that are best﴾.¹ It is possible for you to advise those brothers to goodness and kindness, and focus your endeavours on serving Islam and promoting morality and virtue, ﴿for indeed the best provisions is piety﴾, just as forgiveness and magnanimity and tolerance are amongst the most eminent policies that direct the people to do good, as the Almighty states, ﴿To forgo is nearer to piety﴾.² May Allah protect us from blunder.

¹ The Holy Qur'an, The Bees (16):125

² The Holy Qur'an, The Heifer (2):237

Chapter Five: Governance

Law of Governance

Q: What is the law that one is obliged to observe in an Islamic government?

A: It is the law that is construed from the Book, the *sunnah*, unanimity of scholars, and reason.

Q: Who structures this law in a workable format?

A: The experts structure this under the supervision of the pious and righteous (‘*ādil*) *fuqahā*’ who are learned in religion and world affairs.

Q: Is it permissible to break the traffic laws in the Islamic and non-Islamic government such as by not adhering to the codes of traffic lights?

A: If that causes harm to others it is not permissible.

System of Governance

Case: The government in Islam – with respect to the non-*ma‘soom*, peace be upon him – is based on consultation and majority votes, for it is not permissible to practice autocracy and despotism in governance. The topics which are governed by general rulings are amongst the authorities and remits of the *marāje‘ al-taqleed*, which they address through consultation between themselves, or of those whom they appoint for that purpose.

Q: What is the political vision that you uphold with respect to the governance in Islam, and what is your comment on the notion of what is known as *wilāyat al-fāqih* or the “absolute authority of the religious scholar”?

A: During the era of the occultation of Imam al-Mahdi, may Allah hasten his honourable reappearance, the fully qualified, pious, and righteous (‘*ādil*) religious authorities (*fuqahā’ al-marāje‘*) are the ones

who are qualified to govern collectively; in that they collectively make the decisions concerning the entire *Ummah* in accordance with the opinion of the majority of the *fuqahā'*. As for queries concerning the individual, each person refers to his or her *marje' taqleed*.

Q: Is it within the powers of the Religious Authority (*marja' iyyah*) to impose a particular political system on the Shi'a?

A: It is for the *marāje' al-taqleed* who are followed by the *ummaḥ* – with the consultation of the experts – to identify for the Muslims the best of the political systems, and suchlike.

Q: Is it a prerequisite that the political ruler of the Islamic government should be from amongst the *fuqahā'*, or is it sufficient that he follows one of them?

A: The supreme leader of the Islamic government is the “*fuqahā'* and *marāje'*” and they may – if they deem proper – appoint an individual to manage the government, and if there is a difference of opinion, then action is taken according to the opinion of the majority of the *fuqahā'*.

Q: Is it possible for a jurist (*faqih*) to confer his authority to someone who is not a jurist such as an ambassador or a minister and suchlike?

A: A non-*faqih* has the authority to operate within the Islamic framework as a representative or attorney to implement or carry out [the instructions] and within the bounds of the authority assigned to him, but not otherwise.

Q: Is *wilāyat al-faqih* or “authority of the religious scholar” valid only within the framework of the Shari'ah, or is it also valid outside this framework?¹

A: It is valid only within the Shari'ah.

¹ Under the pretext of the authority of the religious scholar – when falsely and illegally extended beyond the limit or framework of the Islamic Shari'ah – they can force people to do as they wish against their will, whereas Islam limits the authority of the *faqih* only to within the framework of the Islamic Shari'ah.

Council of the *Fuqahā'* *Marāje'*

Q: Who is the leader or most senior authority of the Islamic government and country?

A: The leader or most senior authority in the Islamic country is the Council of the *Fuqahā'* *Marāje'* [or the collective leadership of the fully qualified pious and righteous (‘*ādil*) religious authorities].

Q: On what grounds, reasoning, or evidence the leadership of the Council of the *Fuqahā'* *Marāje'* and its authority in the Islamic country is based?

A: Allah Almighty made the authority of rulership for Himself, and then made it for His Messenger, and thereafter for the *ma'ṣoom* Ahl al-Bayt, peace be upon them, until it reached the Imam al-Mahdi, peace be upon him, and the time of occultation, when he authorised the *Fuqahā'* *Marāje'* with the authority of governance and rulership, by declaring: “...for indeed they are my authority over you and I am Allah’s authority over them.” It is because of this that they acquired the right of rulership in the form of counsel between them; in that within the body of the council of the *Fuqahā'* *Marāje'* they arrive at the rulings and consult between themselves for the running and management of the country and the people, and to issue rulings (*fātwa*) concerning the nation (*ummah*) and their interest in relation to such issues as war and peace, foreign policy, and economic policy.

Q: Do you consider the *wilāyah* or authority for a single *fāqih*, or for the *fūqahā'* collectively?

A: It is the latter, which is for matters which concern all Muslims [such as war and peace, security, foreign and monetary policies].

Q: Is *wilāyat al-fāqih* absolute or limited?

A: *wilāyat al-fāqih* is limited by the Shari‘ah framework, and limited to the Council of the *Fuqahā'* *Marāje'* [i.e. Council of the fully qualified religious scholars and religious authorities].

Q: Is it mandatory to submit to the rulings of the *waliy al-fāqih* or not?

A: It is obligatory to submit to the *Fuqahā'* *al-Marāje'*.

The poor and the Islamic government

Case: The Islamic government is obliged to provide for the livelihood of the poor, who are not able to earn their livelihood, or they are able but they do not currently have a job. This is because it is amongst the affairs and duties of *bayt al-māl* – the treasury – as confirmed in the book of *zakāh*. This is in addition to the fact that the Islamic laws are designed to gradually eradicate poverty – given the enormous freedoms available and for other reasons.

Elections

Q: Are there elections, voting, parliaments, and municipal councils in Islam?

A: Yes, there are those matters and others that bring about order to the lives of the people and their welfare and prosperity, but within the Islamic context. The parliament is to implement the general laws on the detailed cases, and it is not for legislation.¹

Q: What is the ruling regarding election for the national assembly, the ministries and suchlike? And what are the qualities that the candidates must have in order to qualify for elections?

A: Elections and participation in the political process, while observing the Shari‘ah criteria, is permissible. As for the candidates, the criterion is their competence.

¹ In Islam, the source of legislation is Allah Almighty, His messenger, and the twelve divinely appointed successors of His messenger. Therefore, in general, parliament in Islam does not have the right or authority to make a law contrary to the Law of Allah, for example, to set new taxes such as VAT for example, or levy inheritance tax, or to prohibit polygamy, or introduce any measures to suppress freedom of expression or any other freedom granted by the Almighty as part of the teachings of Islam, freedom to reside in any part of the Muslim country, freedom to setup business without prior permission from the authorities, or to setup newspaper, radio or TV station without prior permission from government, etc.

Political parties

Q: Are there political parties in Islam?

A: There is no objection to political parties in the Islamic sense and not in the western sense. If these parties are the first step for the creation of an assembly for the implementation of the rulings of the Islamic Shari'ah [then there is no objection], but the parties that form parliaments to bring in new legislation [contrary to the teachings of Islam] then they are not [approved of]. This is because legislation of laws is specific to Allah Almighty.

Q: What is your opinion about the Islamic political parties that have been formed recently and which were the result of the global Islamic awakening? This is when they call for the implementation of the Islamic Shari'ah but they do not have the leadership of the religious authority (*marje*)?

A: They are in need of a leadership that is fully-qualified Islamic-Shari'ah religious authority (*marje*).

Q: Why does Islam not allow non-Islamic political parties? Isn't that suppression of freedoms, and doesn't that make the government of Islam less free than the government of the disbelievers? Especially that Islam is the religion of freedoms, and not the religion of suppression and repression?

A: Islam is a religion built on the basis of the correct doctrine and the Shari'ah (teachings) backed by evidence and reason, and it is not correct that the right should give way to the wrong. And it is evident that when there is deviation and straying in the doctrine, this will lead to straying and corruption in practice, and corruption in practice ruins life.

The country of Islam is not less free, rather the countries of unrestrained libertinism – which is not freedom – through their ignorance facilitated anarchy and disorder in the named of freedom; like legalising or permitting adultery, and allowing the strong to exploit the weak. [Such conducts are deemed anarchy by Islam and not freedom.] Furthermore, these countries do not allow political parties except those that operate within a narrow framework of laws, and do not allow parties that operate outside that framework.

Rights of the Opposition

Q: What was the position of Imam Ali, peace be upon him, with respect to his opponents during his reign?

A: He treated them with justice and munificence, and by giving everyone his dues. For example he would never pre-empt those who had waged war against him by initiating the fight, nor did he confront them by imprisoning them, or by persecuting them, if they expressed their views or marched against him in public demonstrations. He only used to explain to them where they had gone wrong in their views, so that the truth was clear to follow. He did not coerce them into attending the congregational or Friday prayers and listening to his sermons, but he used to bestow on them their rights, amongst which were their welfare benefits from the Muslims' *bayt al-māl*.

The Islamic Community

Q: It is noticed that the Islamic community today is not like it used to be during the early Islamic eras; what are therefore the best means to return the Islamic community to the way it used to be?

A: The recurrence of the Islamic community to [the glory of] its past may be realised through the following fundamental measures:

1. Forming political parties/institutions based on the Shari'ah and the teachings of Islam that observe the organisational aspect on the one hand, and the issue of the Islamic freedom on the other, together with observing the culture of coexistence, so that the entire organisation is of a consultative structure; Allah Almighty states, ﴿of everything in due balance﴾,¹ and Amir al-Mo'mineen, peace be upon him, stresses on the importance of "organising and managing of your affairs."²

¹ The Holy Qur'an, Hījr (15):19.

² Nahj al-Balāghah, letters, #47, on his advice to his sons Imams Hasan and Husayn, peace be upon them, when Imam Ali, peace be upon him, was fatally assaulted by ibn Muljam, Allah's curse be upon him.

2. A comprehensive awakening campaign, appropriate for the modern time, in the dominions of politics, economics, sociology, and suchlike. For example in the case of the political aspects it is narrated in the hadith that the Imams of Ahl al-Bayt are “the leaders of the people”,¹ and in the case of the economic matters it is narrated “he who does not have a means of earning [in this world], would not have a [prosperous] resurrection”, [which is in reference to keeping a balance between this world and the hereafter]. With regards to the social and community aspects Amir al-Mo’mineen, peace be upon him, said, “Make yourself the benchmark between yourself and others; so love for others what you love for yourself, and hate for them what you hate for yourself, do not wrong [anyone] just as you do not like to be wronged, and be kind to others just as you like others to be kind to you.”²
3. Peace: Allah Almighty says, ﴿enter into peace altogether﴾³ and the Almighty made peace the motto of Islam.
4. Grassroots’ support: an entity or party should not become an idol instead of the principle, and any movement that idolised itself it detached itself from the people, and in this way it begins to tumble bit by bit.
5. Finally, the role of self-sufficiency; since anyone who depends on someone else will be steered by him, and as such will lose the element of independence and leadership. Amir al-Mo’mineen, peace be upon him, said, “Be in need of whoever you wish and you will be his captive, and manage without him and you will be his equal, and do a favour to whoever you wish and you will be his commander”.⁴

¹ Biḥār al-Anwār, vol.99, p127. Man Lā Yaḥḍuruh al-Faqih, vol.2, p609.

² Mostadrak al-Wasā’il, vol.11, p311. Biḥār al-Anwār, vol.72, p29.

³ The Holy Qur’an, the Heifer (2):208.

⁴ Biḥār al-Anwār, vol.74, p423.

Q: We can see in the Islamic society that it has been overcome by diseases, and some people can be said to be the manifestation of the saying of the Almighty, ﴿in their hearts is a disease; and Allah has increased their disease﴾,¹ so what is the way to unite the Muslims and rescue them from the state of humiliation and backwardness they are in?

A: It is imperative on the activist groups to plan a well thought of and honest roadmap in order to lead to the goal, which is the union of the Muslims and salvation from the claws of backwardness and humiliation – and the planning begins with the formation of Sharia-based entities – not secular ones – with patience, determination and thoughtfulness.

And then to lay down the foundations of correct intellectual thoughts that are proper, complementary, and enabling so that they could be an alternative to the prevailing situation.

The final stage of this task will be to recruit and gather all the forces and abilities, and form the support groups required that are as far-reaching and all-inclusive as possible, so that it would truly be an alternative to the current system and status quo. In that way the desired goal will be attained, and Allah’s governance on earth will be established . . . like no other; in terms of freedom, peace, progress, and welfare, as exemplified by Allah’s messenger, Allah’s peace and blessings be upon him and his pure family, and also by Amir al-Mo’mineen peace be upon him.

Globalisation

Q: What is the opinion of the learned Islamic scholars (*fuqahā’*) about globalisation? And what are its pros and cons?

A: The scholars of Islam have on a number of occasions explained the principles by which the ruling is clarified. There is a positive aspect to globalisation which concerns the interaction between the nations and civilisations, and the opportunity to introduce the teachings of Islam to others. Allah Almighty states, ﴿and We have made you nations and tribes that ye may know one another. Verily the most honoured of you

¹ The Holy Qur’an, the Heifer (2):10.

in the sight of Allah is the most righteous of you﴾.¹ However, in its current form globalisation needs to undergo fundamental changes to avoid the negative influences of the Western culture. On the other hand, globalisation aims to control the economic affairs of the world through the principle of exploitation, and other unethical behaviours.

¹ The Holy Qur'an, the Apartments (49):13.

Chapter Six: Medical Issues

Abortion

Case: It is not permissible to abort the foetus even if it is an embryo or pre-embryo (inside the womb); except in extreme and dire circumstances, such as when the life of the mother is in danger. In that case since it is a question of saving life, no *diyah* or expiation would be liable.

Q: Is it permissible to abort the foetus if it causes harm to the mother?

A: If it puts the life of the mother at risk, then it is permissible, otherwise it is not.

Q: If the doctors unanimously agree and announce that the pregnant woman faces death if a pregnancy continues, is it permissible in this case to abort the foetus, and in the case of abortion, would *diyah* be liable?

A: If the unanimity of the doctors is certain, it is permissible [in such a case] to abort the foetus on the condition that it is not possible to transfer the foetus to another womb or to an incubator. In this case no *diyah* or expiation would be due.

Q: Through scientific development and progress, doctors are able to establish if the foetus in the womb is disfigured, deficient, or complete. If they establish that the foetus will be born with severe disability, and that such babies will be a burden on the parents and the community, would it be permissible in such cases to abort the foetus?

A: ⁽¹⁾ It is not permissible except in cases of extreme discomfort and difficulty, or when it poses a danger to the life of the mother.²

¹ The late Imam Shirazi: (For cases of extreme discomfort and difficulty, some scholars have given permission.)

² Abortion issues are also discussed in chapter three of part three; see page 508.

Foetus transfer

Case: It is permissible to transfer the foetus from the womb of the mother to an incubator, and to transfer it from the incubator to the womb of a woman, provided this does not result in its death or in harming it or in harming the mother.

Infertility treatment

Case: It is permissible to enhance conception through treatment, for example by injecting the woman with medication that results in the woman conceiving two or more foetuses, just as it is permissible to treat a woman that would result in her conceiving more than once a year, if it were possible.

IVF or *in vitro fertilisation*

Case: The ruling regarding the child created outside the womb is the same as the ruling for the child conceived inside the womb; so if it was from the sperm [and egg] of a married couple the child is ḥalāl [i.e. of legitimate birth] and it belongs to them, but if it was from the sperm [and egg] of an un-married couple, then the child is not ḥalāl. If it was from the sperm [and egg] of an un-married couple inseminated due to an error in the insemination process, then it is a child of ‘erroneous process’ or, as it is referred to in Islamic terminology, of *shubhah*.¹

Q: Fertilisation outside the body – *in vitro fertilisation* or ‘test tube babies’ – requires – in order to ensure success of the operation – the fertilisation of the greatest number of eggs, some of which are implanted [in the womb] whereas the rest are surplus to requirement. Is it permissible to destroy the remaining eggs, or use them for scientific research, etc?

A: (2) The destruction of the embryo (or the pre-embryo to be precise) – as long as it is not implanted in the womb – is permissible.

¹ See definition for *shubhah* in the glossary.

² The late Imam Shirazi: (It is not permissible as an obligatory precaution except for the purposes of scientific research.)

Q: Is the process of “test tube babies” or *in vitro fertilisation* permissible whether or not it is due to compelling circumstances?

A: It is permissible to fertilise the eggs of the wife with the sperm of her husband, if this is not associated with a prohibition from the Shari‘ah viewpoint, and under compelling circumstances there is absolutely no objection to that.

Q: What are the Shari‘ah-compliant procedures for artificial insemination or *in vitro fertilisation*?

A: Artificial insemination is permissible if the wife’s egg is fertilised by the husband’s sperm.

Q: If the semen of the husband is preserved, is it permissible to implant it in the womb of the wife after the death of the husband, but before the expiry of the *‘iddah* waiting period? And what would be the ruling regarding inheritance in these circumstances?

A: It is permissible, and the child would inherit if the inheritance is not divided [yet between the heirs].

Q: What is the ruling for that after the expiry of the *‘iddah*?

A: It is not permissible to implant, (and in the event of this taking place, the child would inherit if the inheritance is not divided [yet between the heirs]).¹

Contraception

Case: It is not permissible to perform permanent contraception by castration or other means of disabling the sexual organs of the husband or wife, or causing permanent dysfunction of the sperms of the man or eggs of the woman. It is permissible to have temporary contraception.

Q: Is it permissible for the woman to use the female condom?

A: It is permissible to use the contraception provided it does not cause permanent infertility and does not contain another *ḥarām*.

¹ The late Imam Shirazi: (and there is no [right to] inheritance).

Q: What is the ruling regarding the operation that doctors perform for the man or woman to prevent pregnancy, given that it is possible after a while to undo that in order to attain pregnancy?

A: If it does not cause permanent infertility then there is no objection, while observing the Shari‘ah criteria.

Q: Is it permissible to perform a surgical operation to stop or limit procreation?

A: If this causes permanent infertility, it is not permissible. However, if the measure is temporary, then there is no objection to that provided it is not associated with a prohibited action.

Surrogacy

Case: Surrogacy is permissible if the surrogate woman is married to the owner of the sperm [at the time of fertilisation]. Surrogacy is not permissible if the surrogate woman is not married to the sperm owner. In the case of surrogacy, the mother is the woman from whom the egg is taken, and not the woman who acts as the surrogate. However, [there are two questions that should be addressed here]:

Q1: Is it permissible for one to marry his surrogate mother?

Q2: What is the ruling if the surrogate mother is a relative of the husband or the wife, such as the mother, sister, and paternal/maternal aunt? Is it permissible for them to act as surrogate mother?

A1: (It is permissible in the given scenario)¹ because she is not his mother, nor is she his breast feeder [assuming she did not breastfeed him], nor is she prohibited to him [to marry] from any other aspect.

A2: (Surrogacy with a woman who is not married to the man is not permissible)² with no difference between the relatives of the husband or wife and others.

¹ The late Imam Shirazi: (Yes it is permissible.)

² The late Imam Shirazi: (Yes surrogacy is permissible.)

Q: If the fertilised egg is cultured in the womb of a *yā'isah* (woman in her menopause) through scientific means, is she the mother or not?

A: If the egg used were not hers, then she is not the mother, rather she is only a surrogate mother.

Q: If the fertilised-egg, or conceptus, or embryo is moved from one womb to another and allowed to grow in each [at different stages]; like if it was conceptus in one womb, a clot in another, a flesh in a third, and so on, is the mother the first, or the last or all of them?

A: The mother is the one whom the egg came from, because she is the real mother, and as for other wombs they are media and do not relate to the mother.

Cloning

Q: Is human cloning operation permissible?

A: ⁽¹⁾ In the current world situation, it is not permissible.²

Q: Is it permissible to implant or fuse a woman's cell in her own [enucleated] egg?

A: The answer is the same as that for the first question.

Q: Is it permissible to fuse the husband's cell in the wife's [enucleated] egg?

A: The answer is the same as that for the first question.

Q: What is the ruling regarding the child which is born through this process?

A: ⁽¹⁾ Procreation through this process is not permissible as we have stated, and on the assumption of this taking place, the newborn will be

¹ The late Imam Shirazi: (In principle it is permissible, except if that causes a prohibition from the Shari'ah view point, such as bring about disorder in the system [by abusing it and bringing harm to mankind].)

² Current circumstances and situations brought about by genetic engineering and manipulation dictate that cloning may not be deemed to be permissible.

the offspring of both parties, if they are married, otherwise, it will be subject to the ruling of *shubhah*.²

Q: Is it permissible to fuse the cell of other than the husband in the egg of the wife?

A: It is not permissible.

Q: On the assumption that the process of cloning is permissible in your view, is it obligatory for the man and woman used in the process to be married according to the Shari‘ah, i.e. they have performed the marriage contract (*‘aqd al-nikāh*)?

A: (3) We do not consider it permissible, but if this takes place, it is mandatory for the man and woman in question to be married according to the Shari‘ah.

Q: Is the cloned child considered *tāhir* [i.e. of legitimate birth]?

A: On the assumption that this process actually takes place, it is *tāhir*.

Q: If a cell is taken from a woman who is of illegitimate birth, and is used in the cloning process, is the cloned daughter considered to be of legitimate birth or is she illegitimate too like her mother?

A: (4) She will be of legitimate birth.

Q: Is it permissible to clone animals?

A: Yes.

Q: Is it permissible to eat the meat of a cloned animal?

¹ The late Imam Shirazi: (if they were married, otherwise it comes under the ruling of child of *shubhah*).

² See definition for *shubhah* in the glossary.

³ The late Imam Shirazi: (Yes it is obligatory in order for the child to be of legitimate birth (*ḥalāl*)).

⁴ The late Imam Shirazi: (She becomes of legitimate birth if this was between a married couple, that is a girl of illegitimate birth legally marries a man, or a man of illegitimate birth marries a woman as per shari‘ah and then the cloning operation is carried out).

A: Yes, if it is cloned from an animal whose meat is permissible to eat.

Human Genome

Q: A while ago scientists announced the human genome, or the human heredity atlas, which is a unified gene map for most of the human heredity codes, and it helps to facilitate treatment of various diseases, etc. What is your opinion about this?

A: It is permissible if it is not associated with a *ḥarām*.

Cosmetic Surgery

Q: What is the ruling regarding cosmetic surgery, such as skin graft, or nose job or lips; breast enlargement or reduction for women, fat reduction from the abdomen or the thighs (liposuction)?

A: It is permissible, while observing the Shari‘ah criteria.

Implants and transplants

Case: If a tissue or an organ from an entity that is inherently *najis* such as a dog or a non-believer is transplanted into a Muslim’s body, it becomes *ṭāhir* by it [i.e. the Muslim’s body] as a result. And if a tissue or an organ from an entity that is inherently *ṭāhir* is transplanted into an inherently *najis*, it would become *najis* if it is considered to have become part of the entity it has been transplanted into.

Case: It is permissible to implant parts of an animal into the body of a human being, by transplanting his heart or other similar organs.

Case: Every part or organ that is transplanted from an animal or a human to another, such as heart, liver, eye, and testicle is judged as being part of that transplanted into and not transplanted from, and is governed by the rulings of the transplanted into, provided it is considered to have become part of it as per common norms.

Case: If the husband implants into his body an organ or a part from a man who is non-*maḥram* [to his wife], and it becomes part of his body, similar to the rest of his other parts. Similarly, if a wife implants into her

body an organ or a part from a woman who is non-*mahram* [to her husband], it becomes part of her body like the other parts.

Q: Is it permissible to transplant one of the heart valves of the human heart with that taken from a pig, if this is the recommendation of the experts?

A: Yes it is permissible.

Organ donation or sale

Case: It is permissible to remove a limb or an organ from a respected deceased for the benefit of the living if it saves someone's life or contributes to better quality of life, with the provision of the permission of the deceased before death. For example, if one gives permission for his eyes to be removed after death and transplanted into a blind person.

Q: What is the ruling regarding human organ donation after death?

A: It is permissible if one had made a Will to that effect, or his guardian gives permission.

Q: What is the ruling regarding donating an organ to another person who needs it?

A: There is no objection if this does not cause extensive harm to the donor.

Q: Is it permissible for a living human being to donate or sell an eye to another living human?

A: It is not permissible unless there is compulsion.

Blood donation

Case: It is permissible to draw blood from a living person, but it is not permissible to draw blood from a deceased (except if he had given his permission in his lifetime).¹

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Smoking

Q: What is the ruling regarding smoking for beginners?

A: ⁽¹⁾ There is no tradition on the prohibition or undesirability of smoking per se, but every harmful thing is disapproved.

Q: If one stops smoking and then starts again at a later date, what would be the ruling?

A: ⁽²⁾ Same answer as before.

Q: If by smoking one causes unease or distress to others, and may even harm them as the physicians say, would it still be permissible?

A: ⁽³⁾ Smoking is permissible per se, and one should endeavour not to cause discomfort to others through smoking.

Q: Given the medical warning written on the cigarette packets, which states “smoking is the main cause of lung cancer and heart disease”, and in addition to the harm the smoker will suffer in future, not to mention the material loss, is smoking *ḥarām* on the basis of all these harmful factors?

A: ⁽⁴⁾ Smoking is permissible in itself, except if one is certain of imminent significant harm.

Brain-dead

Q: Is it permissible to switch off the support system from someone who is brain-dead, and there is no hope for his recovery?

A: ⁽⁵⁾ It is not permissible.

¹ The late Imam Shirazi: (It is *makrooh*.)

² The late Imam Shirazi: (It is *makrooh*.)

³ The late Imam Shirazi: (If it constitutes harm to them or hurting, then it is *ḥarām*.)

⁴ The late Imam Shirazi: (It is *makrooh* to begin to smoke, and if it causes significant harm it is *ḥarām*.)

⁵ The late Imam Shirazi: (If he is considered alive it is not permissible.)

Q: In the case of someone who is brain-dead, is it permissible to use his organs to save the life of those who need them?

A: ⁽¹⁾ It is not permissible as long as the patient is not completely dead.

Alive by machine

Q: When patients fall into a deep coma, they are helped by machines to stay alive. Sometimes they never regain consciousness, and stay in a coma, and this process could be costly for those who cannot afford it. Is it permissible for the guardians to give authority to ‘pull the plug’ which will result in the definite death of the patient? Is there an exception for the poor who cannot afford the costs?

A: ⁽²⁾ It is not permissible.

Infectious diseases

Case: It is not permissible for someone who is infected with a contagious disease to attend social gatherings in public places, and if one does so and someone is infected or dies because of him, he would be liable.

Q: Is it permissible for an ill person who carries a contagious disease to attend social gatherings such that his disease may infect others? And if it is permissible, does it equally apply if one carried a dangerous infectious disease such as Leprosy?

A: It is not permissible in the case of dangerous diseases.

Necessity of Treatment

Case: If an ill person knows – or there is reasonable potential – that if he does not refer to the doctor his condition will seriously deteriorate, or he will face extensive harm, it is not permissible to avoid going to the doctor; and in this case he is obliged to use the medication prescribed for him by the doctor he trusts.

¹ The late Imam Shirazi: (If he is considered alive it is not permissible, except if the matter is considered as per competing priorities; under a more pressing issue.)

² The late Imam Shirazi: (It is not mandatory to preserve a life in this fashion).

Q: What is the ruling regarding someone who refuses to have his medical condition diagnosed, or to receive emergency first aid, merely because he does not like to, or due to difficulty, or because of fear?

A: If his life depends on it, or if it is to save him from a harmful illness, he is obliged to comply.

Q: If the cure and remedy of the patient depends on performing an operation, and the patient is fearful of the operation to the extent that sometimes he falls unconscious out of fear, is it permissible to leave him to his fate?

A: The criterion is not fear here, if his condition is life threatening for him he is obliged to perform the operation, and if it is not life threatening, he is not obliged.

Medication

Q: Is it permissible for the doctor to give his patient a medication on a trial and experimentation basis if the doctor thought the medication would be beneficial for the patient?

A: It is not permissible to give the medication before one is confident and certain that this medication is the one most appropriate for the patient.

Q: Is it permissible to take medication that probably contains prohibited content?

A: It is permissible as long as one is not aware of it containing prohibited materials.

Medical experiments on humans

Case: It is permissible to perform an experiment on a human being as long as it does not cause extensive harm to the individual, and it is done with his prior permission. If an experiment causes extensive harm to a human being, then it is not permissible to perform it on an individual even if it is with his/her prior permission; except if it is for a cause that is considered to be more important, or of a higher priority, from the Shari'ah viewpoint, or if the harm is tolerable.

Medical treatment and Shari'ah criteria

Q: Is it permissible for a male doctor to look at the woman's body, or touch it, for the purpose of medical examination?

A: If in the course of examination the doctor is compelled to look at a woman's body or touch it, to the extent required, there is no objection to that. However, if he can treat her by looking without touching, it is mandatory not to touch her, or if can treat her by touching without looking, it is mandatory not to look at her.

Q: Is it permissible for a woman to examine the private parts of another woman for medical purposes such as infertility treatment. And is it permissible for a male doctor to do that for the said purpose?

A: In the case of compulsion it is permissible.

Q: I am a male professional working in a hospital as a paediatrician, and medical cases are referred to me from both sexes, from infants to age twelve, please state your opinion regarding the following:

1. Is it permissible for me to treat a girl of discerning age but below the age of adolescence?
2. Is it permissible for me to treat an adolescent girl? If I were to refuse treatment this would cause me difficulties which could lead to expulsion from work.

A: It is permissible if one is compelled to do so, but this should only be limited in scope to the treatment needed.

Patients' examination and care

Q: What is the ruling regarding medical examination of patients for purposes of teaching or treatment, which may include looking or touching or both, or attending operation rooms to watch surgical operations being carried out or while a patient is giving birth, and suchlike?

A: Anything one is compelled to do is permissible.

Q: Many patients in hospitals need care, and they cannot take care of themselves, or go to the toilet on their own, and these hospitals do not have other than female nurses. So what is the ruling for a man in this case uncovering in front of a female nurse who takes care of him in most respects?

A: It is not permissible except in compelling circumstances.

Q: I work in the X-ray and imaging section of the hospital, and I often come across cases when imaging of the patients' private parts are required in order to carry out necessary analysis and examination. What is the ruling on this?

A: If there is no alternative then there is no objection, but one should not look intentionally.

Q: Is it permissible to acquire semen through masturbation when it is required for the purpose of medical examination if it is not possible to do so through permissible means?

A: It is not permissible if there is no compelling reason. Of course it is permissible with the wife's participation.

Q: In the course of students' medical studies male and female students are required to examine a non-*mahram* man or woman, to the extent that they examine the private parts and this is a necessary stage for the medical students. Is this permissible?

A: It is not permissible except if the extent of such examination is within that necessitated by compelling circumstances.

Autopsy

Case: It is not permissible to dissect the body of the respected deceased for purposes of teaching in medicine. Under compelling circumstances precedence is given to dissecting the body of the non-believer over the body of the believer, only to the extent required.

(¹) There is no objection to attending the dissection of a deceased, irrespective of whether it is for learning, teaching, watching, or other reasons, if this does not constitute promoting an action that is sinful, as per common norms.

Case: If a respected deceased is dissected, then the person who carried out this dissection is liable to *diyah* or expiation, even if it were prescribed permissible on the grounds of the principle of ‘competing priorities’.² And if it is not known whether or not the deceased is respected (it is mandatory for this to be investigated, and if this is not possible, or if it cannot conscientiously be concluded)³ then in principle there is no liability to expiation.

Q: If an individual is killed, and it is not possible to find out about the killer except through post mortem examination by dissecting the body of the deceased, is dissection then permissible in order to find out about the killer?

A: If finding out about the killer is by no means possible except through autopsy, there is no objection to that.

Q: If there is a probability of finding out about the killer through an autopsy, is dissection permissible with this probability only?

A: If the probability is plausible (and the way forward is dependant on it)⁴ then there is no objection.

Q: Is it permissible for an individual to watch the autopsy of a Muslim body for learning purposes? This is given that learning for university medical students is not possible without autopsy. Of course the student does not engage in the dissection procedure, but only watches. And if learning is dependent on participating in dissection, and it is not possible to convince the authorities concerned to arrange for the dissection of the

¹ The late Imam Shirazi: (It is not permissible to attend the dissection of the deceased even if it were for teaching or learning.)

² This is because when ‘prescribed permissible’ the prohibition of this deed is lifted but the liability to expiation remains.

³ The content between () is not part of the fatwa of the late Imam Shirazi.

⁴ The content between () is not part of the fatwa of the late Imam Shirazi.

bodies of non-Muslims, is it then permissible to participate in dissection?

A: Attending and watching a dissection for the purpose of learning is permissible, however, participation (in dissection) is not permissible. The exception is compulsion; for example if medical teaching, learning, and research which the Muslims need depends on such practical learning. The hadith states, "There is nothing that Allah Almighty has prohibited except that He has permitted it for those who are compelled."

Q: A student studies medicine in a Muslim country, and naturally they teach dissection of the body; and students are provided with a corpse for training purposes, and it is not known whether this corpse belongs to a Muslim or non-Muslim. What is the ruling in this case? And if it is believed that it belongs to a Muslim what would be the ruling?

A: Dissection is prohibited (absolutely),¹ however if it is out of compulsion, then there is no objection; for the compulsion cases are assessed on their merits.

Q: I am a university lecturer in the autopsy department. Is it permissible for me to dissect the corpses of the deceased with prior permission from them before death, or with the permission of their next of kin, given that dissection is for teaching purposes?

A: It is not permissible, and this should instead be done with animals that have resemblance in their body parts to humans. If there is compulsion to do so, then it should be done with the corpses of the non-Muslim, with their prior permission. As for the Muslim dead, it is not permissible.

Q: What is the duty of a Muslim student who studies in a Muslim country when a corpse is being dissected in front of him and he does not know whether or not it is of a Muslim?

A: If it is out of compulsion, there is no objection to that, even if the compulsion is [not absolute and it is only] out of competing priority in the view of the Shari'ah.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Sex Change Rulings

Case: It is not permissible to change [the gender of] a man into a woman, nor a woman into a man. However, in the case of bisexual male or female individuals [who are born with both the male and female genitalia]; it is permissible to undergo a sex change through sex-assignment surgery. In the case of animals it is permissible.

Case: If a man is transformed into a woman or a woman is transformed into a man, and if it is a real change, then there is no objection that the relevant rulings of the gender that the individual acquires apply to the person. For example, if one received the share of a female in an inheritance case, and then it transpires that he is a male, he has the right to take the male share, and vice versa. In the same way, if [this male] was a wife, his marriage is invalid. However, if the transformation is outward and superficial, such as if an individual who is by default a woman carries out a medical operation to have a penis, as it has happened in our time, the rulings that apply to the person are those which applied before the operation. Thus, if one had applied the opposite rulings for oneself, from now on the person should apply rulings that are applicable to him or her as given here.

Case: If a man is changed to a woman or a woman to a man through scientific means; for example if – through surgical operation – a womb is transplanted in a man and his genital is removed and replaced with a female genital so that the person becomes a real woman, and all female traits appear on the person, or if all of that happens in a supernatural manner, the rulings relevant to the gender of the person that is changed to become applicable. For example, his marriage becomes null and void from now on, and his authority over his children is waived, and suchlike.

Q: Is it permissible for a man to undergo a sex change operation to turn into a woman, or vice versa?

A: In the case of bisexual male or female individuals [who have both the male and female sexual organs], it is permissible to undergo a sex change, but in the case of a [normal] man or woman it is not permissible.

Marriage of the bisexual

Case: If an individual has both male and female genitals, it is not permissible for such an individual to take both a husband and a wife, since the person is either a man or a woman, and [in either case one can only marry the opposite gender] otherwise the person would definitely commit the *ḥarām* or prohibited act [when one is in contact with the same sex].

Case: In the supposition of the previous case – it is permissible to utilise the genitals with respect to the opposite sex. For example, if the person with two genitals is a man, then it is permissible for him to use the male genital with his wife, and if the person is a woman, it is permissible for her to use her female genital with her husband.

Chapter Seven: Singing and Music

Singing

Case: Singing is *ḥarām*, and if one recites the Qur'an or a lamentation in a signing manner, one has committed a *ḥarām* act. However, there is no objection to reciting them in a vocally pleasant voice which is not tantamount to singing.

Q: What is the ruling regarding one who hears singing in compelling circumstances, given that one listens to it without being drawn by it or being interested in it?

A: Listening is not permissible, but hearing it in compelling circumstances – and limited to the extent of the compulsion – is permissible, for “*the compelling cases are determined by their level*”.

Q: On the issue of the permission that the *fuqahā'* (religious authorities) have given for singing on wedding nights, is it only for that night or does it cover the nights before and after?

A: It covers neither the nights before nor those after.

Q: Is it permissible for the wife to sing for her husband in a rapturous and arousing manner with music?

A: Singing is *ḥarām* and musical instruments are also *ḥarām*.

Q: What is the ruling regarding women singing for other women in wedding parties with or without musical instruments?

A: The permission for singing in wedding parties is conditional upon not using musical instruments such as tambourine and suchlike and on the condition that it is not associated with another *ḥarām* act.

Q: Is the prohibition of singing due to the content or style? If the content of singing is decent and honourable and promotes religious values, what would be the ruling?

A: If it is considered singing by common norms (*'orf*), it is not permissible categorically, irrespective of the content.

Q: Is there a difference between hearing and listening to singing with respect to the prohibition?

A: There is no difference between hearing and listening to singing as far as the prohibition is concerned; as for unintentional hearing, there is no objection.

Music

Case: Music is *ḥarām* and so too is singing. It makes no difference to the prohibition of music as to whether it is generated by musical instruments such as violin, or by other means such as computers and suchlike; this is because by common norms (*'orf*) both are considered to be music.

Q: What is the criterion in identifying the prohibited music and the musical tunes used?

A: Anything that is said to be music is absolutely *ḥarām*.

Q: Is it permissible to learn a foreign language with the aid of a tape or video that is accompanied by music?

A: ⁽¹⁾ Learning [a foreign language] is permissible, but playing the said tape and listening [to it] is *ḥarām*.

Q: Is it permissible to enter restaurants and other public places where music is played, if one does not listen to it?

A: ⁽²⁾ Yes it is permissible, as long as it is not associated with another *ḥarām* from other aspects.

Q: There are some kinds of music – classical music – that are not meant for rapture and jubilation, but are said to calm down the nervous system, and are sometimes prescribed by physicians as a treatment, and that

¹ The late Imam Shirazi: (If one is compelled, it is permissible.)

² The late Imam Shirazi: (If one is compelled, it is permissible, otherwise it is not.)

great many people take comfort in them, as well as some of the military anthems that do not intend jubilation, and are not played in dance parties. Is it permissible to listen to them?

A: ⁽¹⁾ It is absolutely not permissible to listen to music, because it is severely *ḥarām*, as given in the holy Qur'an and the noble hadith. Furthermore, modern science has proven its harm on the nervous system including what is referred to as 'classical music'.

Q: What is the criterion in your opinion for [the definition of] music; is it what is considered music by common norms (*'orf*), or is it the use of musical instruments?

A: Whatever is known or referred to as music, even if it is produced by other than musical instruments.

Q: Is it permissible to listen to national anthems?

A: If they are not accompanied by music, it is permissible to listen to.

Q: What is the ruling regarding the music generated by electronic instruments such as computers and toy sets?

A: ⁽²⁾ It is not permissible, [as it is considered to be music by common norms].

Q: What is the ruling regarding going to the gym for fitness training, while there is music playing to bring about conformity between the participants and the aerobic movements, since for every move there is a particular rhythm, given that the player's intention is the aerobics and not listening to music?

A: It is not permissible unless one is compelled (and one should not listen to the music).³

¹ The late Imam Shirazi: (If it is called music it is not permissible.)

² The late Imam Shirazi: (musical instruments are absolutely not permissible.)

³ The late Imam Shirazi: (and there is no difference between listening and hearing).

Q: Is it permissible to add sombre or influencing music to theatrical scenes?

A: It is absolutely not permissible.

Music and its instruments

Q: Are all musical instruments prohibited, or are there instruments that are not covered by the prohibition and are therefore permissible to use?

A: Musical instruments are absolutely *ḥarām*.

Q: Is it permissible to listen to Islamic songs that are accompanied by music?

A: It is not permissible to listen to music.

Q: What is the ruling regarding listening to classical or military music if it resembles the tunes of pop music and it does not incite joyous and jubilant feelings?

A: Music is absolutely *ḥarām*.

Q: Sometimes some of the satellite television channels broadcast some of the supplications narrated from Ahl al-Bayt, peace be upon them, but they are, on occasions, accompanied by calm music. What is your opinion about this?

A: It is absolutely not permissible to listen to music.

Q: Is it permissible to go to wedding parties and suchlike in which one knows there will be music played?

A: It is permissible to go to wedding parties, but one should not take part in any prohibited matter and should not listen to music.

Musical instruments in mourning programs

Q: Is it permissible to use musical instruments in Ḥusayni processions?

A: No.

Q: What is the ruling regarding using drum, cymbal, and trumpet in the Ḥusayni rites?

A: They are permissible.

Q: Is it permissible to use musical instruments in the Ḥusayni mourning programs in order to fill the atmosphere with awe and power?

A: Other than the common instruments – drum, cymbal, and trumpet – it is not permissible to use.

Q: Are the eulogy poetry that are recited at the time of chest beating considered to be singing, since it contains certain vocal trilling.

A: Singing is a particular mode and condition, while the reference here is the commonly accepted norms (‘orf).

Q: Is it permissible to use the rhyme of a song to be the rhythm for the recitation of the eulogy poetry at the time of chest beating, and for Islamic hymn?

A: If the rhythm is obtained without listening to the song – and changes are made to it such that it is not considered as a song according to common norms – then it is permissible, otherwise, no.

Imams’ birthdays

Q: What is the ruling regarding the music that is added to the CD’s which contain poetry in praise of, or in mourning the Imams, peace be upon them?

A: Music is absolutely *ḥarām*.

Q: Some of the reciters use song rhymes and recite poetry in praise of the ma‘soomeen, peace be upon them, and thus the rhythm of the poetry is similar to the song but the lyric is different. Is that *ḥarām*?

A: If it is not considered singing according to the common norms, there is no objection.

Dancing

Q: What is the ruling regarding dancing, is it absolutely *ḥarām*? Or are there cases when it is permissible?

A: It is permissible for the wife to dance before the husband and the husband before the wife only.¹

Shrilling and clapping

Q: Is clapping permissible in a men's gathering if it is not accompanied by singing?

A: (Normal clapping)² is permissible.

Q: On the occasions of Islamic gatherings, and especially of the birthdays of the Imams, peace be upon them, sometimes clapping exceed the norm to the extent that it replaces the saluting or the *ṣalawāt* for the Prophet Muhammad and the family of Muhammad. What is your opinion in this respect?

A: It is preferred not to do that.

Q: What is the religious ruling regarding shrilling or the trilling cries of joy that are made on Islamic occasions such as the birthdays of the Imams of Ahl la-Bayt peace be upon them?

A: It is permissible if it is not mixed with a *ḥarām*.

Q: Are clapping and trilling permissible in the mosque when the reciters chant praises of Ahl al-Bayt, peace be upon them?

A: If it constitutes disrespect for the sanctity of the mosque it is *ḥarām*, otherwise no.

Q: Is clapping permissible during programs held in the *ḥusayniyyahs* on the occasions of the birthdays of Ahl al-Bayt, peace be upon them, if the clapping exceeds its normal limit?

A: There is no objection to (normal)³ clapping per se.

¹ The late Imam Shirazi: (It is permissible for the wife to dance before the husband and the husband before the wife, and women before women, and men before men, provided it does not contain an *ḥarām* act.)

² The content between () are not the fatwa of the late Imam Shirazi.

³ The content between () are not the fatwa of the late Imam Shirazi.

Chapter Eight: Media and Art

Satellite channels

Q: What is the ruling regarding watching entertainment programs broadcast on satellite channels?

A: If it does not contain a *ḥarām* thing then there is no objection to it.

Q: What is the ruling regarding purchasing satellite receivers in order to receive foreign satellite channels which normally show useful scientific and cultural programs, but sometimes they show clips that are lustful and sexually arousing?

A: There is no objection to the purchase of such products, but it is *ḥarām* to receive programs that are lustful and sexually arousing, and are prohibited from the religious viewpoint.

Radio and Television

Q: Is it permissible to use modern forms of media instruments such as radio and television if their programs are free from prohibited material?

A: It is permissible to listen to talk shows that are broadcast through radio and television, as well as speaking through them, and it is permissible to look at the images that are presented on the television screens if that does not cause another *ḥarām* or lead to a prohibited thing.

Q: Some young men work in repairing and maintaining radio and television broadcasting equipments, and it is obvious that the broadcast contains some prohibited audio and video materials, but their job does not actually involve the presentation of the programs. What is the ruling regarding their job function?

A: There is no objection to the scenario mentioned.

Theatres and Films

Case: It is permissible to watch movies and theatre plays that do not contain any *ḥarām* scenes.

Q: Is it permissible to watch movies for prolonged hours such that an individual's time is wasted, and detract him from other important matters that are mandatory such as promoting and disseminating desired values and reforming the society?

A: If that results in abandoning a duty, or failure to facilitate the fulfilment of a duty then it is not permissible.

Depiction with pen and machine

Case: It is *makrooh* to draw the portrait of a living thing with pen and suchlike, but it is permissible with an instrument. (The making of statues of living things, if it is not intended for worship or leading to that, should be avoided as an obligatory precaution. It is also *makrooh* to buy and sell them, but if it was with the intention of worship then it is absolutely *ḥarām*.)¹

Educating others

Q: What would be your advice to the Muslim youths, given that today they are facing waves of poisonous and unprincipled thoughts?

A: They must educate themselves in the culture of Islam, and arm themselves with its teachings in various domains, such as its creed (*'aqā'id*), rulings (*aḥkām*), and ethics (*akhlāq*). They must then strive to educate others through publication of millions of books, magazines, websites, CD's and other means of the modern media.

Media and creeds

Q: Every now and then books are published that insult and denounce the Shi'a and their beliefs, what is our duty and obligation towards them?

¹ The content between () are not the fatwa of the late Imam Shirazi.

A: Allah Almighty states, ﴿Call unto the way of thy Lord with wisdom and persuasive preaching, and reason with them in ways that are best﴾.¹ One of the best ways to invite to Allah Almighty is to disseminate the creeds of the truth, through various means, for that will defy the falsehood promoted in these books by the will of Allah, and to that end it is important to set up working groups to deal with this task, since “the hand of Allah is with the group”.²

Statues

Q: Is it permissible to sell statues – full and bust – related to Saint Mary, peace be upon her, or to the prophet Jesus, peace be upon him, to Christians?

A: If they are not used regarding worship and is not accompanied with disrespect (it is *makrooh*),³ otherwise it is *ḥarām*.

Q: What is the ruling regarding purchasing statues of living things that are used as ornament in homes?

A: It is *makrooh*.⁴

Q: What is the ruling regarding keeping statues of living things, of animals or humans, in homes?

A: It is *makrooh*.⁵

Q: What is the position of Islam concerning the statues of Buddha and archaeological statues that are preserved in museums and suchlike?

A: The statues that are merely ancient antiquities, and are considered ancient heritage, it is permissible to keep them. Furthermore, Islam encourages pondering the fate of past civilisations as alluded to in the

¹ The Holy Qur'an, the Bees (16):125.

² Nahj al-Balāghah, sermon 127.

³ The late Imam Shirazi: (there is no objection).

⁴ The late Imam Shirazi: (It is permissible).

⁵ The late Imam Shirazi: (It is permissible).

Almighty's declaration, ﴿Say: Travel in the land and see﴾,¹ that is; see, and take heed and admonishment.

Q: Are archaeological antiquities today considered as idols and must be destroyed?

A: The archaeological statues in museums and suchlike are not construed as idols that are worshiped instead of Allah. Therefore, it is permissible to preserve them.

Q: What is your stance on the action of the Taliban government in Afghanistan concerning the destruction of the statues of Buddha under the pretext of being worshipped as idols?

A: It is not permissible to do something that distorts the reputation of Islam. These statues are not worshipped, and therefore leaving them alone is permissible.

Painting

Q: Is it permissible to paint images of living things with brush or pencil for educational purposes?

A: It is *makrooh*.

Q: What is the ruling regarding painting with brush the images of living things but without being complete, such as painting the face only, or painting the head of an animal, or its bust?

A: There is no objection to that.

Theatre production

Q: We work in an Islamic theatrical production, and this requires the sculpture of statues/busts of living things to be used as a fundamental part of any Islamic theatrical production. Is this permissible? And what is the ruling regarding using them? Is it permissible to sculpture them and use them if they are not complete in terms of all body limbs?

¹ The Holy Qur'an, the Ant (27):69.

A: ⁽¹⁾ As an obligatory precaution the carving and sculpturing of a full-bodied statue of a living thing should be avoided, and as for incomplete statue it is permissible. Similarly the use of complete and incomplete [statues is permissible], for there is a difference between making the statues and putting them to use.

Q: One of the faithful Muslims studies in the department of theatrical decoration and engineering skills. He was requested to design a statue of the prophet Jesus peace be upon him, while he is crucified on the Cross, as found in the churches. Is it permissible for him to do it?

A: It is not permissible.

Q: Is it permissible [for an actor] to play in scenes in which the actor appears with women who are not wearing hijab, or should he quit if it comes to that?

A: This [profession] is often associated with prohibited acts.

Computer Rulings

Case: It is not permitted to rely on computer predictions in relation to the citing of the new moon crescent, or the guilt or innocence of an individual, and suchlike.

Q: Is it permissible to buy computer programs that are pirate copies even if the programs are protected by copyright?

A: If the producing company has claimed copyright protection, then it is not permissible to make copies from the original, however, the buyer is not liable.

Q: If one makes a copy of an original computer program disk that he had bought, and sells the copy in ignorance, what is the ruling regarding the money that he had earned, and what should he do?

A: ⁽²⁾ Copying the original is not permissible, but the sale is valid.

¹ The late Imam Shirazi: (It is permissible even if it were of complete limbs, and as for the prohibited one is that which is taken for worship).

² The late Imam Shirazi: (It is preferred to abstain from that).

Q: There are computer games that contain human pictures, which can be manipulated, like replacing the eye with mouth and suchlike, is this permissible?

A: If the pictures are not those of Muslims and do not cause them disrespect, there is no objection.

Q: There are some who write computer virus programs and launch them via the internet or CD's which result in the destruction of all or some of the data stored on the computers. This results in harm and loss to their owners. What is the ruling with respect to the virus designer?

A: Writing computer virus programs with the intention of disseminating them is *ḥarām*, and one is liable to compensation.

Internet

Q: Is it permissible to act according to a fatwa that is available on the webpage, or sent over the email?

A: Yes, if there is certainty that it has been issued by a *marje' taqleed* or it is referenced to him.

Q: The university authorities give a username and password to each student through which the student can access the internet. Is it permissible to use someone else's username and password without their knowledge? Also is it permissible to use the username of another student from another sect?

A: If by common norms it is considered the students' right, then it is not permissible except with their permission, (as an obligatory precaution).¹ This principle applies to all sects.

Q: I am a girl and I take part in debates on the internet with other boys and girls. Is it permissible to talk to boys over the internet on topics which are mostly about religion and Islam, and sometimes about college work, with respect and dignity?

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

A: There is no objection if, by common norms, it is not considered as being friendship, and it does not lead to *ḥarām*.

Q: Some of the faithful have computer programs that are beneficial for the dissemination of the teachings of Ahl al-Bayt, peace be upon them, and these have helped boost interest in those teachings, and have facilitated guidance of the people to their Prophet's Ahl al-Bayt peace be upon them. However, the widespread circulation of these programs is made feasible by the numerous copies that can be made from the original, such that everyone could buy a copy for a nominal fee. The question here is whether there is any objection to that from the religious viewpoint, given that this brings about the promotion of the religion.

A: If by common norms (*'orf*) the copyright is not recognised as a respected right,¹ then there is no objection. Needless to say, it is imperative that the faithful who own the copyright should allow them to be copied, and also, it is imperative that the programs that help educate the masses in the Islamic teaching are offered at low prices so that all are able to purchase them, even if this is facilitated by subsidising them through donations.

Q: We have an internet site that is dedicated to heritage and literature, and there are material in terms of prose and poetry from male and female writers and composers, and some of the women have requested their photos, which are without hijab, to be posted on the website. What is the ruling concerning this?

A: It is not permissible.

¹ Islamic jurisprudence prescribes the rulings for the subject matters concerned, but it does not identify the manifestations or examples for those matters; and this is left for the *'orf* or the 'common norms, customs and acceptance' to determine. For example, it prescribes that singing is prohibited, but it does not determine whether or not a particular theme/rhyme/chanting is singing – this is left for *'orf* to determine.

So when it comes to the issue of copy right, the *'orf* here is in reference to the people who deal with the business concerned such as the sellers and buyers and suchlike, who determine or recognise something is copyrightable.

Q: What is the ruling regarding using a company's password for using the internet, given that this use does not harm the company at all, and that the cost of subscription for internet usage is high for individual usage?

A: It is not permissible to utilize the rights and property that are recognised and respected by common norms except with the permission of their owners.

Q: With reference to the above question, what are our obligations if we have used the passwords? Are we liable to kaffārah?

A: If the rights and monies were respected,¹ it is mandatory to seek the owners' consent.

Q: Is it permissible to join websites that offer free subscriptions and free games over the internet, and offer financial prizes for the winners?

A: If the game is not with gambling device or medium, and it is not associated with a *ḥarām*, then there is no objection.

Q: If I set up a website on the internet and it became famous such that it is a portal for our sect, is it then permissible for me to associate it with myself personally?

A: If you are the owner of the website, it is permissible, but it is preferable to keep it along with the beneficial religious sites.

Q: Is it permissible to attack the websites that attack Shi'a sites?

A: Allah Almighty says: ﴿and dispute with them in ways that are best﴾.²

Copyrights

Case: Copyrights, as well as rights of translation, compilation, reproduction, and invention patents and suchlike, if they are considered rights as per common norms, should be respected (as a precaution).¹

¹ Anything that merits compensation if harmed, damaged, abused, or offended is referred to as *respected*.

² The Holy Qur'an, The Bees (16):125

Q: Are copyrights considered to be a right as per Shari‘ah, and is it not permissible to print except with the permission of the author?

A: Yes, (as a precaution),² if it is considered a right as per the common norms (*‘orf*).

Q: Does the expression copyright that is written on some of the books give the right of copyright ownership the licence for copying the book, except with the permission of the publisher or the author?

A: Yes, (as a precaution),³ if it is considered a right as per the common norms (*‘orf*).

Q: Is it permissible to print a book without the permission of its owner if it has the term “all rights protected” printed on the book?

A: (⁴) It should be avoided as a precaution.

Q: What is the ruling regarding printing a book whose copyright belongs to another publisher and that would cause damages to the said publisher as a result? If there was an urgent demand for a book, would it be permissible to set out to print the book without the permission of the author or the publisher? Given that the publication is for material gain only.

A: It is obligatory, as a precaution, to observe the copyright – if they are considered rights as per common norms – and it is not permissible to cause damage to the right’s owner.

Q: If an individual prints a book without the permission of the author or the party concerned, and without making any changes to the content of the book, does the author or the publisher have the right to seek compensation?

A: Yes, relative to the damages caused, according to the experts’ assessment.

Q: Is it permissible to copy, sell, or publish a book without the permission of its author or publisher?

A: (¹) One should seek permission as an obligatory precaution.

¹ The late Imam Shirazi: (should be respected.)

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ The content between () is not part of the fatwa of the late Imam Shirazi.

⁴ The late Imam Shirazi: (It is not permissible.)

Q: If one makes a scientific discovery or carries out a detailed and unique analysis in a particular case, is it permissible for another person who comes to find out about it to publicly attribute it to himself? Or should he attribute it to the researcher, or just remain quiet about it?

A: If that scientific research or discovery is considered to be someone's right, as an obligatory precaution it should be attributed to him.

Tapes and CD's

Q: Many companies sell audio recordings on cassette tapes are marked "copyright protected". What is the ruling regarding copying it if I am not able to obtain a copy from the seller?

A: If it is considered to be a right according to the common norms, then it is not permissible (as a precaution)² except with the permission of the owners.

Q: I asked about the ethical conduct of copying computer CD's without permission, and you replied that if it is considered a right according to common norms then it is not permissible. How do I identify the common norms (*'orf*) especially when there are computer programs that are copyrighted, and those which are not; is it permissible in both cases?

A: By the common norms (*'orf*) in this case it is meant that if the people who deal in these CD's consider the copyright a legitimate right, and deem the copying without permission a breach of the other's right, then it is not permissible (as a precaution),³ otherwise it is permissible. [On the other hand,] in order to help identify whether or not something is copyrightable, the help of experts in the profession should be sought.

Q: Is it permissible to record the speech of a speaker who does not agree to its recording? Or is it a right of his which is not permissible to breach?

A: It is one of his rights (as a precaution).⁴

¹ The late Imam Shirazi: (If the book was essential for religion and the owner does not consent, it is permissible, otherwise it is not.)

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ The content between () is not part of the fatwa of the late Imam Shirazi.

⁴ The content between () is not part of the fatwa of the late Imam Shirazi.

Chapter Nine: Rulings on Diverse Issues

Astrology

Q: Are the astrological signs column that are printed in the press true? And are they valid in the Shari‘ah?

A: They have no validity from the Shari‘ah viewpoint and there is no proof for their truth, and if they do not constitute anything prohibited there is no harm [for them to be treated] as a mere possibility.

Q: What is the ruling for learning the skill of astrology, teaching it, and acting on it[s predictions]?

A: It is not *ḥarām* to do that, but it does not carry religious authority, and there is no evidence for its truth.

Learning magic

Q: What is the ruling regarding learning about magic in order to avert it or avoid being affected by it?

A: It is not permissible to learn about magic, but if annulling or neutralising the effect of magic can be limited to [learning about it], then it is permissible to that extent only.

Foretelling the future

Q: There are soothsayers who claim they can tell future events in exchange for a sum of money. What is the ruling for such practice? And what is the ruling regarding those who use their services, and what is the truth behind their claim, given that they claim that they are in contact with the good jinn who benefit the people?

A: There is no proof for their claim, and more often than not such practices are mixed with *ḥarām*.

Talisman

Q: What is the ruling for using some talismans that result in exploiting others or bringing about love, and suchlike?

A: It is permissible for bringing about love between husband and wife, provided there is no harm associated and it does not include *ḥarām*.

Q: Is it permissible to use a talisman to avert or deter an aggressor? And is it permissible for an oppressed or a wronged individual to use it if he is harmed by an aggressor and he cannot repel him and he is fearful?

A: If it is not associated with a *ḥarām*, there is no objection to it.

Coffee Cup reading/Divination

Q: Is it permissible to engage in cup-reading solely for the purpose of entertainment?

A: There is no objection if it is not associated with a *ḥarām*, and it is not liable to a religious prohibition, such as proving/disproving lineage or theft and suchlike.

Q: What is your opinion about cup-reading, which often give correct results?

A: Cup-reading has no validity from the Shari‘ah viewpoint, in that it does not carry any authority.

Evocation of the spirits of the dead or communication with them

Q: What is the ruling on evoking the spirits of the dead or communicating with them (*taḥḍeer al-arwāḥ*) if that has dire effects on the psychology of the individual and causes harm to individuals; the living and the dead?

A: Given the scenario in the question, it is not permissible.

The Jinn

Q: What do you say about the Jinn; is it possible for them to appear before a human being in this day and age, or is the claim by some “to have seen the Jinn” only in their imagination?

A: It is possible for the jinn to appear at any time.

Q: What is the ruling regarding learning to control the jinn for good causes; such as for curing the diseased?

A: If it does not cause harm, it is permissible.

Books of deviations

Q: Is it permissible to read books that cause the thoughts of a Muslim to deviate from his religion, given that he is not able to refute them, and he may be lax in searching for a convincing response, and therefore those false thoughts may reside in his mind as the truth?

A: It is not permissible.

The venerable or respected entities

Q: If I see some of the blessings such as bread or date on the ground being stepped upon, am I obliged to remove them, and will it be a sin if I ignore it?

A: It may be mandatory or *mostaḥab* to remove it depending on whether this is considered by common customs (*‘orf*) as disrespect or not. If by common customs this is considered as being disrespectful, then it is mandatory to remove them, otherwise it is *mostaḥab*.

Part Six

Emigration to Non-Islamic Countries

Chapter One: Rulings on Emigration

Case: It is permissible to migrate to non-Muslim countries for the purpose of seeking knowledge and suchlike, on the condition that one does not commit the *ḥarām*, such as eating meat that is slaughtered by non-Muslims, and on the condition that one does not look at what is *ḥarām* such as looking at girls and women, and one must not befriend girls, just as it is mandatory not to abandon one's religious duties such as the daily *ṣalāh*, fasting, and suchlike.

Q: Is migration to non-Muslim countries for the purpose of promoting Islam a good enough reason for living in the West?

A: Travelling and migrating to non-Muslim countries, and residing in them is permissible. Of course it is preferable if such migration and travelling is for the purpose of promoting Islam. In any case, travelling and migration should not pose a danger to one's religion and beliefs.

Q: If someone who has migrated to the West obtains, after a while, new nationality is it necessary for him to return to the Muslim country or is it permissible for him to stay in the Western country?

A: If remaining there does not constitute a danger to his religion and beliefs it is permissible.

Q: Is it permissible to emigrate from Islamic countries to other countries if one is compelled to do so, or if migration is for the purpose of guiding people?

A: Yes.

Defending Islam

Case: It is mandatory for students who travel to Western countries to defend Islam in the event that Islam is attacked. In doing so they should observe the criteria of bidding good, forbidding evil (*amr bil-ma'ruf nahy anil-munkar*).¹ However, in the event that they are unable to respond to criticisms and accusations made against Islam, it is mandatory to seek help from Muslim countries to obtain appropriate responses.

¹ The criteria are given in Chapter Four of Part One; see page 395.

Religious rites

Q: If the practices of religious rites attract the ridicule of some in non-Muslim countries, is it permissible to abandon them?

A: The ridicule and mocking is no justification, for the people even ridiculed and mocked the prophets, peace be upon them, but the prophets did not abandon their mission, and they persevered, such that the Almighty states: ﴿Alas for the servants; There comes not to them a messenger but they mock at him﴾.¹

Socialising with non-believers

Q: Does socialising with *ahl al-kitāb* and those who hate Islam – which is due to their ignorance of its truth – constitute a breach of the duty of “*tabarri*” or disowning the enemies of the truth, or is it permissible on the basis of maintaining good human relations?

A: It is permissible.

Handshaking and looking

Q: Shaking hands with a non-*maḥram* woman is *ḥarām* for a man . . . but this sometimes causes embarrassment for the observant Muslim man in Europe. For example in business and in official dealings, when a woman reaches to handshake, if one refrains to do so it might cause offence and it might even reflect negatively on the conduct and outcome. What is the ruling for shaking hands in these circumstances?

A: In the case of compulsion – as viewed in the Shari‘ah – one may shake hands but while wearing gloves, and without firmly gripping the hand.

Q: Is it permissible for the student to look at their female teacher if she is young and without hijab, as it is natural to look at the teacher during the class?

¹ The Holy Qur’an, Yāseen (36):30.

A: ⁽¹⁾ If she is Muslim, and looking is not with lust, it is permissible to look at the face and the hands, and should not intentionally look at other than the face and the hands, and if she is non-Muslim, [it is permissible to look at] slightly more than the face and the hands, without lust.

Salām greeting

Q: Is it permissible to initiate the salām greeting to a non-believer, and, if he initiates the salām what is the ruling for returning his greeting?

A: ⁽²⁾ Yes it is permissible, though *makrooh*, and is also permissible to return the greeting, although one should keep the answer to a minimum such as *‘alayk*.

Q: Is it permissible to say salām to followers of other religions, and what is the ruling for returning the salām to them?

A: The same as before.

Sitting at their dinner table

Q: Is it permissible to accept the invitation of a neighbour, who is ahl al-kitāb, without eating the *ḥarām*, except that there is pork and wine on the dinner table?

A: It is not permissible in the case of wine. Other than wine it is permissible, especially if it is part of a process of persuading the non-believers to understand and adopt Islamic values.

Ahl al-Kitāb festivals

Q: On the occasion of the birthday of the prophet Jesus Christ, peace be upon him, and the new year, we receive greetings on these occasions; is it permissible to reply to them?

A: If no *ḥarām* is resulted from that, then there is no harm.

¹ The late Imam Shirazi: (If she is non-Muslim, and looking is without lust, and there is no alternative, there is no harm, to the extent necessary [to look].)

² The late Imam Shirazi: (it is permissible.)

Q: Ahl al-Kitāb organise functions in their churches on the occasion of the birthday of Jesus Christ, peace be upon him. Is it permissible for a Muslim to attend those functions in which they refer to Jesus as the son of Allah, exalted be He in high exaltation above what they say, and cross their chests with the cross sign of the father, son and the holy spirit?

A: If it is accompanied with *ḥarām*, or promotes falsehood (*bāṭil*), then it is not permissible.

Q: What if their functions did not include those practices, is it permissible to attend?

A: The same as before.

Q: Is it permissible for a Muslim to attend the requiem that the Christians observe for their dead, in which they mention the divinity of Christ?

A: The same as before.

Entering the Mosques

Q: Is it mandatory to prevent the non-believer – *kitābi* or non-*kitābi* – from entering the mosques, if it is intended for exploring them or for learning about Islam?

A: One should endeavour to guide them through other means.¹

Working for a non-Muslim

Q: Is it permissible to work in a company whose owner is a non-*kitābi*, given that the company does not deal with prohibited products, and there is currently no alternative Muslim employer?

A: There is no harm to that as it is.

¹ Mosques are houses of Allah and are designated for His worship, and therefore they have a special sanctity, and as such it is not permissible even for a Muslim to enter a mosque if he or she is not ritually clean; for example if a Muslim individual is in a state of *janābah* it is prohibited for him or her to enter any mosque. Thus it is obligatory that the sanctity of mosques is observed.

Theft from non-believer

Q: Is theft from a non-believer – ahl al-kitāb or otherwise – permissible?

A: It is not permissible.

Garments of the non-believers

Q: Is it prohibited to wear clothing that are worn solely by non-believers?

A: ⁽¹⁾ If the intention is to look like them, then it is *makrooh* and must be refrained from. However, if that constitutes promoting falsehood (*bāṭil*), and suchlike, then it is ḥarām.

Wearing Ties

Q: Is it permissible to wear ties?

A: ⁽²⁾ It is *makrooh*.

Education of offspring

Q: I live in the West out of compulsion, and I have sons and daughters, some of whom are bāligh and some are not. The schools are mixed, and education is mandatory until the age of seventeen. At school they are taught various subjects including bible studies, and mixed sport lessons, but they do not prohibit hijab. Is there objection to them continuing their education to advanced stages up to university level?

A: It is permissible to continue their education on the condition that they adhere to Shari‘ah criteria, and you must devote time and effort to their Islamic education and upbringing.

Ḥalāl food

Q: In the West, when we go to the meat seller, we do not know whether he is Muslim or non-Muslim, and if he is Muslim we do not know whether the person who slaughtered the animal was Muslim or not, and

¹ The late Imam Shirazi: (Wearing them is not permissible as an obligatory precaution.)

² The late Imam Shirazi: (There is no harm.)

whether the slaughter was carried out according to the shari‘ah or not. Is it permissible to buy and eat such meat?

A: If the seller is a Muslim, it is permissible to buy from him, and if the seller is non-Muslim it is not permissible to eat the meat he sells.¹

Q: Is it permissible to eat cheeses that are imported from non-Islamic countries; neither the ingredients of which, nor how they are made, are known?

A: There is no objection to that (as long as their ingredients are not known)² on the basis of the principle of “permissibility by default”.

Q: Is it permissible to eat at Muslim restaurants whose cooks are non-Muslims, other than ahl al-kitāb?

A: It is not permissible if they handle the food with any of their limbs.

Fish

Q: What is the ruling regarding the permissible types of fish, and which ones are not prohibited?

A: [Only] the fish that has scales are permissible to eat, provided they are caught alive, and die outside the water.³ It is also permissible to eat prawns.

Q: What is the ruling for the fish bought from the *kitābi* seller in non-Muslim countries. Is it mandatory to know if the fish was caught alive, but died outside the water, given that the fishing regulations in some countries prohibit fishing using explosives and whatever causes the fish’s death in the water?

A: If one is certain of that, it is permissible.

¹ Unless of course one knows for certain that the meat is ḥalāl or is confident that the seller is honest about his claim of the meat being ḥalāl.

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ Needless to say, if the fish jumps outside the water and dies there, it is not permissible to eat.

Q: Is it sufficient if there is widespread knowledge that the fish is caught using common permissible means?

A: The same as before.

Q: It is common knowledge that fish is caught using nets in Western countries, is this fish permissible to eat?

A: If one knows of that and the fish has scales, it is permissible.

Q: What is the ruling for canned foods like casseroles, vegetables, and fish that are not known if they have scales, if produced in Islamic countries? And what is the ruling if they were produced in non-Islamic countries?

A: The casseroles, vegetables etc. cans that contain no meat are permissible. As for the fish, if one knows that they have scales, and that they are caught by fishers and died outside the water are also permissible. This is in the case of the cans produced by non-Islamic countries. As for the Islamic countries, all the cases mentioned in the question are permissible.

Selling ḥarām merchandise

Q: Is it permissible for a Muslim to sell alcohol, pork, musical instruments, non-ḥalāl meat, ḥarām fish and suchlike to non-believers, or to whoever they deem permissible?

A: The sale of alcohol (and pork)¹ and anything that causes social immorality is not permissible, other than that it is permissible.

Q: What is the ruling for learning butchery and cookery in vocational colleges in Europe, given that the individual may be given a pig to slaughter, or cook its meat and serve it as it is customary here? Thus is it permissible to attend and learn such professions?

A: (2) There is no harm if he does not serve others, nor is it his intention to do so.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The late Imam Shirazi: (There is no harm if one is compelled, provided the sale is to the non-believers.)

Chapter Two: Marriage with non-Believers

Case: It is permissible for the youth who has travelled to non-Muslim countries to marry girls from ahl al-kitāb through indefinite or fixed-term contracts provided the marriage contract is performed correctly – if necessary by contacting Muslim countries and appointing representatives to perform the marriage on behalf of him and the girl. As for marriage with other than ahl al-kitāb non-believers; it is not permissible.

Q: It is customary in Western societies for men and women to have a relationship without the *‘aqd* or marriage contract; therefore is it permissible for a Muslim man to enter into a relationship with a woman from ahl al-kitāb without performing an *‘aqd* with her?

A: It is not permissible for a Muslim man to have a relationship with a woman unless she is unmarried and he performs the *‘aqd* with her.

Q: In the fixed-term marriage, is it necessary for the woman from ahl al-kitāb to understand the essence of the marriage and the ‘prescribed wording’ of the marriage contract?

A: Yes, even if this amounts to having a general idea.

Q: If the ahl al-kitāb woman uttered the marriage contract “prescribed wording” without knowing the meaning of it, and in the event that if she knew it concerned marriage she would have abstained, is this contract valid?

A: It is not valid.

Q: If a Muslim man wishes to marry an ahl al-kitāb woman for a fixed-term, is he obliged to investigate the issue of the *‘iddah* or waiting period?

A: It is not compulsory to do so, even though it is prudent as a *mostahab* precaution.

Q: Is it permissible for a man who is married to a Muslim woman to marry a woman from ahl al-kitāb for a fixed-term without the permission of his Muslim wife?

A: ⁽¹⁾ It is not permissible to indefinitely marry a woman from ahl al-kitāb over a Muslim woman except with the permission of the Muslim wife, but for a fixed-term marriage for a short period, say for a day or two, it is permissible without her permission.

Q: What is the ruling regarding fixed-term marriage with an ahl al-kitāb woman if the individual is married to a Muslim woman?

A: ⁽²⁾ The same as before.

Q: Is it permissible to fixed-term marry an ahl al-kitāb woman who is a virgin without the permission of her guardian?³

A: It is permissible if her religion does not require the father or grandfather's permission.

Marriage with a kitābi or a polytheist man

Q: A Muslim woman has married a *kitābi* or a polytheist man. What is the ruling regarding this marriage? If she is to divorce her husband or leave him, does she need to observe the *'iddah* or the divorce waiting period, or is it sufficient to observe *istibrā'* which is to wait for the start of her next menstruation period? What is the ruling regarding her children with respect to the issue of being *maḥram* to her?

A:

1. The marriage is invalid.
2. She must observe *'iddah* for divorce, as a precaution, for *shubḥah* intercourse.

¹ The late Imam Shirazi: (Without the permission of his wife is *makrooh* but not *ḥarām*.)

² The late Imam Shirazi: (It is permissible.)

³ Needless to say, the permission of the father or guardian is mandatory in the case of a Muslim virgin girl.

3. If she was ignorant of the ruling, her children are deemed to be children of *shubhah* and they are *mahram* [to her], and other rulings of children who are of legitimate birth apply to them.¹

Kitābi wife

Q: Is it mandatory for the Muslim husband to order his *kitābi* wife to cover her hair and legs, just like a Muslim woman does, or is it not obligatory for him to do so as long as it is not mandatory in their religion?

A: It is preferred to instruct her to cover and to endeavour to guide her.

Statutory law

Q: A *kitābi* woman is separated from her husband for a long time and without an official divorce in court, or a divorce according to their belief. Is it permissible for a Muslim man to marry her according to the shari'ah?

A: If their separation is not considered as divorce according to their belief, then it is not permissible.

Q: Is the civil marriage the people of ahl al-kitāb perform in other than the church covered by the principle of “enjoinment” and therefore it is not permissible for a Muslim to marry a *kitābi* woman who had married a man through civil marriage?

A: Yes it is covered by the rule of “enjoinment”.²

¹ *shubhah* literally means ‘erroneous’, and this status concerns any action or transaction that involves a possible or unintended prohibited (*ḥarām*) act. Amongst the other scenarios, *shubhah* marriage is when a Muslim woman marries a non-Muslim man; such a marriage is not permissible, and they must separate immediately, and the marriage and intercourse between the Muslim woman and the non-Muslim man is referred to as *shubhah*. The children from such a marriage are referred to as *shubhah* children – they are not referred to as illegitimate children, but they are not referred to as legitimate either.

² This is in reference to the principle cited by the prophet Muhammad, peace be upon him and his pure family, who said: “enjoin them by what they enjoin themselves with.”

Q: If a Muslim wishes to marry a *kitābi* woman, but a non-believing ruler prevents him from doing that, is it obligatory for him to comply with the ruling of the non-believing ruler, or go ahead with the marriage?

A: It is not mandatory for the Muslim individual to comply with the ruling of the non-believing ruler, rather he is required to follow the ruling of Islam in terms of permissibility of marrying her, unless there is a palpable difficulty in which case he should abstain. This is not so much out of respect for such law, but rather because the Shari‘ah has prohibited it on the grounds of the palpable difficulty.

Q: If a couple agree to separate legally; i.e. divorce according to European law, so that they can claim they each live separately in their own residence, but they continue to live together on the pretext that they have not agreed to divorce according to Shari‘ah law. Is this divorce also valid from the Shari‘ah viewpoint?

A: This does not constitute a divorce. However, it is not permissible to distort the reputation of Islam and the Muslims [by such practices].

Q: As polygamy is not permitted in the European law, a Muslim man may be forced to lie to the authorities if he wishes to marry a second wife while keeping the first; he is forced to pronounce the divorce of his wife, so that six months after his divorce, according to the statutory law, he marries the other wife, and in this way he can keep the two wives. However, if his case is exposed, he would be prosecuted for breaching the statutory law, but will this divorce be valid in such a case?

A: The same as before.

Q: In countries where there are no Islamic Shari‘ah courts, can a Muslim woman raise her case with the local law courts and seek divorce?

A: Divorce will not be valid in such a case, and she must refer her case to the Ḥākim al-Shar‘i or his representative.

Chapter Three: Prayers and Ritual Cleanliness

Prayers in their places of worship

Q: Is it permissible to perform ṣalāh in Christian churches or Jewish synagogues?

A: Yes it is permissible, provided the consent of their owners is sought; unless this is covered by the circumstantial overriding ruling, if for instance attendance there constitutes promotion for them.

Q: Religious scholars (or *fuqahā'*) state that it is permissible to perform the ṣalāh in temples of Ahl al-Kitāb but it is *mostaḥab* to spray with water the place where ṣalāh is to be performed. What is the purpose of this spraying? If the place is *tāhir* then one can assume there is no need for spraying, and if it were *najis*, this spraying would not render it *tāhir* for it is normally Little water.

A: In principle it is [considered] *tāhir*, and spraying it makes it cleaner.

Q: Is the ṣalāh valid if performed in the house of a *kitābi* person and on a cloth he claims to have been washed?

A: If one does not know it is *najis*, then the ṣalāh is valid. This applies when the cloth is moist, otherwise the dry cloth does not render [the body] *najis*.

Q: Is it permissible to perform the ṣalāh in a place not known to be *tāhir*?

A: In principle it is deemed *tāhir*.

Ṣalāh times in the West

Q: In some European countries, the day shortens to the extent that the time of ṣalāh coincides with office hours, and it is often that the individual faces difficulty when performing the ṣalāh; either for non-availability of a suitable and *tāhir* place, or for his body or clothes being non-*tāhir*, or for being ridiculed. Is he required to perform the ṣalāh in

such circumstances and as best as he can, or is it permissible for him to perform the ṣalāh as qaḍā' later?

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

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

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

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 ṣalāh such as the Fajr, Maghrib, and 'Eshā'. The prescribed times of the ṣalāh are not known in this area, and it is not possible to determine them during this period. What and how should they pray during these two months?

A: They should perform their ṣalāh according to the average times of the nearest countries of ordinary horizons, or they time their ṣalāh according to the Mecca ṣalāh times.¹

Ṭāhir by default

Q: In non-Muslim countries sometimes one finds wetness on the seats of buses, trains, and suchlike and it is not known whether this wetness is from dogs, or spilt liquor, or rain. Furthermore, the seats are not rendered ṭāhir but cleansed with detergents or with a small amount of water, which may be polluted with najāsah. What is the ruling for such wetness?

A: It is deemed ṭāhir, as long as one is not certain it is najis.

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

¹ In addition to the two options given above, there is a third one which states: "one also has the option of making the time gap between the three prescribed times for the five ṣalāh proportional to those of countries with normal horizons."

A: By default [they are deemed] *ṭāhir* unless one is certain about the *najāсах*.

Q: The water droplets falling from the washing of the non-Muslim, or the Muslim who is not observant of *ṭahārah*, are they deemed *najis*?

A: If it is not known to be *najis*, then it is *ṭāhir*.

Q: Does a Muslim who lives in ahl al-kitāb countries such as the EU deem the native people he meets as *najis* such that when he shakes hands – if wet – he should render them *ṭāhir*?

A: (1) As an obligatory precaution he should render them *ṭāhir*, if there is no difficulty or discomfort, otherwise it is not mandatory to make them *ṭāhir*.

Q: We are in a Western country and live in houses where people lived before; do we deem things like doors, water-taps and whatever we can touch with wet hands as *najis*?

A: Everything is *ṭāhir* for you unless you know it is *najis*.

Q: In mixing with non-Muslims it sometimes becomes very difficult to avoid contact while observing the *ṭahārah* and *najāсах* concerns. This could lead to misunderstanding and detestation. What is the ruling in this case?

A: The location that becomes *najis* should be washed for *ṣalāh* in the case of the non-*kitābi*.

Water Recycling

Q: Some countries resort to recycling the water used by people in their houses for various purposes. After treatment, does the water become *ṭāhir* and can it be considered and treated as “absolute water” given that the water treatment is performed with tools and chemicals?

¹ The late Imam Shirazi: (There is no need to render *ṭāhir* if there is no knowledge of *najāсах*.)

A: There is no harm if the water is considered to be of its previous nature; it is not *moḍāf*, and it joins with the *ṭāhir kurr* water or suchlike.

Ṭahārah of people of the book

Q: What is your jurisprudential view of people of the book (ahl al-kitāb)?

A: (1) The obligatory precaution is to avoid [wet contact with] them except if there would be discomfort, awkwardness, or complications.

Q: Are the bodies, clothes of ahl al-kitāb and their utensils, linen, car, and other necessities of life deemed *ṭāhir* if they are wet or moist; this is especially relevant when it rains, and it is an issue for us here?

A: Anything of theirs which is not known to be *najis* is deemed *ṭāhir*.

Q: I receive physiotherapy treatment for my knee from a non-Muslim specialist, and that requires touching my body continuously throughout the duration of the treatment which could be up to one hour. Is it mandatory for me to render *ṭāhir* the area touched after every session? Does the ruling differ if the individual is from ahl al-kitāb?

A: (2) If the contact is wet one should render *ṭāhir* in the case of ahl al-kitāb, as an obligatory precaution, if rendering *ṭāhir*, partially or wholly, is not too difficult, otherwise [situations of] discomfort or awkwardness waives [the minor duties].³ In the case of those other than ahl al-kitāb from amongst the non-believers it is mandatory to render it *ṭāhir*.

Q: During work, there is wet contact between the Muslim and the non-Muslim, what is the ruling for ṣalāh if the non-Muslim touches the *ṭāhir* clothes of the Muslim after woḍu'?

¹ The late Imam Shirazi: (It is ṭahārah, but it is counter to precaution), i.e. the *mostaḥab* precaution.

² The late Imam Shirazi: (If the person providing the treatment is from ahl al-kitāb, and the contact is wet, as a *mostaḥab* precaution, should render *ṭāhir*, and if he is not from ahl al-kitāb and the contact was wet, it is obligatory to render it *ṭāhir*.)

³ Duties that are not major, but minor such as the requirement of rendering *ṭāhir* in the case of precaution, such as that of ahl al-kitāb.

A: (¹) If the contact is wet, it is mandatory to render *ṭāhir*, as a precaution.

Expatriates

Q: In the Gulf countries there are many expatriates from various countries in which there are Muslim and non-Muslim populations of various ratios. How should these expatriates from those countries be treated, as far as *ṭahārah* is concerned, when their religions are not known?

A: If the city or village they come from are predominantly Muslim then they are deemed to be *ṭāhir* (and the same applies if one is in doubt about that),² and if they come from a city which is predominantly non-Muslim, then they are deemed to be non-*ṭāhir*.

Q: If one works in a place where there are many expatriates, among whom there are non-*kitābi* as well as *kitābi*, how should one deal with them where the issue of *ṭahārah* needs to be observed? Is it mandatory to ask them about their religion?

A: If it is in a Muslim country, there is no need to ask.

Q: In a reverse situation: an individual who is from a Muslim country but lives in a non-Muslim country; is he deemed a Muslim or a non-Muslim in relation to the issues of *ṭahārah* and marriage?

A: Given the scenario in the question, he is deemed a Muslim.

***Kitābi* worker**

Q: What is the ruling regarding a *kitābi* worker in the home or office?

A: There is no objection to that, with the provision that it is not associated with any *ḥarām*, (since they are deemed *najis* except it is difficult to avoid).³

¹ The late Imam Shirazi: (If he is *kitābi*, then there is no harm, otherwise it is mandatory to render *ṭāhir* in the case of wet contact.)

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ The content between () is not part of the fatwa of the late Imam Shirazi.

Q: What is the ruling for the services of a Christian servant who serves in my house in terms of the ṭahārah of the food, clothing, and suchlike?

A: ⁽¹⁾ As long as one does not know of wet contact with an item it is deemed ṭāhir.

Q: We have a Christian dressmaker at home; is it permissible to deal with her as ṭāhir in relation to food and drink, or should her utensils be kept separate?

A: ⁽²⁾ It is permissible to deal with her, but as an obligatory precaution one should avoid contact in eating and drinking, except to the extent that is difficult to avoid.

Non-ḥalāl leather

Q: What is the ruling regarding a garment sewn with leather of an animal not known if slaughtered in the shari'ah ḥalāl way?

A: If it is obtained from the Muslim market and it is not known if it slaughtered in the shari'ah ḥalāl way, then it is deemed ṭāhir and it is permissible to perform the ṣalāh in. However, if it is not obtained from the Muslim market, or it is known not to be slaughtered in the shari'ah ḥalāl way, then it is not ṭāhir and it is not permissible to perform the ṣalāh in.

Q: Leather shoes and wrist watch straps imported from non-Muslim countries which are sold in Muslim countries; is it permissible to wear them in ṣalāh?

A: If it is not known whether they are real or artificial leather, or if it is known to be artificial, it is permissible to wear them in the ṣalāh.

Q: What is the ruling regarding shoes, wallets, and belts made from natural leather imported from non-Muslim countries and are available in the markets of the Muslims?

A: If we know it is natural leather, and taken from an animal whose blood gushes out when slaughtered, then it is deemed najis.

¹ The late Imam Shirazi: (people of the book (*ahl al-kitāb*) are deemed ṭāhir.)

² The late Imam Shirazi: (It is permissible to deal with her, and it is not required to separate the utensils belonging to her.)

Q: What is the ruling for the leather from an animal that its meat is not eaten such as fox or lion, imported from non-Muslim countries?

A: It is *najis* if the animal is of gushing blood when slaughtered.

Miscellaneous

The believer and the non-believer

Q: What is meant by the believer and the non-believer in the Holy Qur'an?

A: The term believer may be used vis-à-vis the non-believer who does not believe [in Allah and the prophet Muhammad, peace be upon him and his pure family], or it may be used vis-à-vis the hypocrite, and on another occasion it is used vis-à-vis the term the Muslim. Allah Almighty states: ﴿The dwellers of the desert say: We believe. Say: You do not believe but say, We submit; and faith has not yet entered into your hearts﴾.¹

Urgent necessity and complication

Q: What are the limits of 'urgent necessity' in religion? And what is the meaning of 'avoiding awkwardness or complication' in religion?

A: Both are defined in the light of commonly accepted norms (or 'orfas it is referred to). Furthermore, this is relative to and dependant on the individuals too; something that may constitute an 'urgent necessity' (*darourah*) for one individual may not necessarily be so for another; and the same goes for the issue of awkwardness or complication (*haraaj*).

'Urgent necessity' is something that one may be compelled to do out of urgency and necessity.

Religion and its practice should not be associated with undue complication or awkwardness. For example in the daily obligatory prayers one is required to perform prostration, but if – due to some difficulty – one is physically unable to fall to the ground and perform prostration, then he should do it to whatever extent he can comfortably do so.

¹ The Holy Qur'an, the Apartments (49):14.

Part Seven

Economics and Transactions

Chapter One: Outline of Islamic Economic Policies

Economic superiority

Case: Attainment of superiority in wealth by the Muslims over the non-Muslims is collectively obligatory (*wājib kifā'i*); so that there is no non-Muslim who is wealthier than a Muslim, especially if not being wealthy causes the Muslims to be seen to be inferior, or to be despised, or said to be intellectually backward, or their religion is the cause of their stagnancy and inactivity, and suchlike, and in the process the religion itself is stained. This is because the prophet, peace be upon him and his pure family, said: “Islam is supreme and nothing is superior to it”,¹ and suchlike.

Economic treaties

Case: Treaties on trade, manufacturing, agriculture, and suchlike between Muslim countries, or between Muslim and non-Muslim countries are permissible if they are not harmful to Muslim countries. Rather, it would be mandatory if the progress of the Muslims depended on such treaties, and helped to repel dangers from these countries. But if they are harmful, then they are *ḥarām*. The same applies to other treaties such as cultural, educational, technical, and suchlike.

Economic embargos

Case: It is permissible for an individual not to buy merchandise from another person, or not to travel to a country, and suchlike, but it is not the right of anyone to incite people to boycott a product or boycott a country; unless such incitement constitutes renouncing evil (*munkar*) and prohibiting it, and suchlike from amongst the shari‘ah principles.

¹ Mostadrak al-wasā'il, vol.17, p142.

Economic agreements

Case: If trade cooperation with some of the non-Muslim countries is a window for the Muslim country being taken over in terms of trade, politics, economics, and suchlike, then that cooperation is *ḥarām*, because it is a prelude for a *ḥarām*, which is rationally prohibited.

Economic defence

Case: It is collectively obligatory for all Muslim governments, Muslim organisations, and all Muslims to rescue a Muslim government, or a Muslim group, or individuals who fall captive to the non-Muslims; whether economically, politically, militarily, and suchlike. In the noble hadith, Imam al-Sadiq, peace be upon him, states: “A faithful is the brother of a faithful, like one body, if one part of it complains, the pain of that is found in all parts of the body.”¹

Shari’ah Monetary Duties

Case: It is not permissible to levy any kind of monetary taxes other than the Shari’ah duties which are the Khums, the Zakāh, the Jizyah, and the Khirāj.

Q: What is the difference between the colossal statutory taxes we have today and the Islamic Monetary System?

A: There are many differences some of which are that the Islamic Monetary System secures all the needs – with far greater and better freedoms – to the extent that it observes to the debts of the debtors and the deceased, contrary to the system of the statutory taxes today. A comparison between the history of Allah’s Messenger as well as Amir al-Mo’mineen, peace be upon them, during their reign and the world economic system today, as well as other matters between the two, reveals this truth clearly.²

¹ Al-Kāfi, vol.2, p166.

² See for example; “Politics from the Islamic Perspective”, by Grand Ayatollah Sayyid Sadiq Shirazi, “The Prophet Muhammad – A Mercy to the World”, by the late Imam Shirazi, and also “For the first time in the history of the World”,

Q: Are the Islamic economy and its fiscal duties able to see to modern day needs, and the massive requirements?

A: Yes it is able to see to all that.

Q: How can the Islamic economy see to all those needs and requirements?

A: Because Islam devised a developing economy that develops according to the expansion and increase in the needs and requirements of society, for it has the principles that address fundamental issues and others that tackle the changing requirements.

Q: If an exceptional situation arises such that the prescribed income set by Islam is not sufficient to see to the situation, for example if a war breaks out, and it is required to raise more funds than that prescribed by Khums, what is the way out then?

A: It is obligatory to perform jihad “by the soul and the wealth”, and therefore in such circumstances, the wealthy should give freely to their utmost ability to address the exceptional situation, and that will be established by the Muslims’ *marāje’* who will discuss this between themselves directly or through their representatives.

Q: It is said that the *fuqahā’* or the learned scholars of Islam should not be allowed to interfere in economic matters or call for Islamic economy, for they are scholars of jurisprudence and are not specialists in the economy. In fact they say that the most learned and knowledgeable must be followed, therefore how can they be referred to in economic matters when there are specialists who are more knowledgeable than them. What is your response to this claim?

A: This claim is simply false and has nothing of truth in it, and we shall response as follows:

by the late Imam Muhammad Shirazi. There are numerous others works produced the said authors in which studies are made of the policies adopted and implemented by Allah’s Messenger during his reign as well as those of Amir al-Mo’mineen, peace be upon them and their families, but these are mentioned as examples.

Firstly: the *fuqahā'* are specialists in the economy, for they study, research, investigate, and write about it throughout their lives, in the jurisprudence and its fundamentals (*fiqh* and *oṣool*) – one quarter of jurisprudence is related to the economy, and so they are engaged with the subject of economy for approximately fifteen years. Is this not enough to specialise in economy?

Secondly: let us assume – for the sake of argument – that the *fuqahā'* are not specialised in the economic sciences, and they are not allowed to draw up economic programs and agendas, how can it be that they have no right to present the teachings of Islam on the false and the true, on the correct and the deviant, and the on the ḥalāl and the ḥarām in economic matters?

Their status is like that of state leaders who confirm the policies presented to them by specialists in various sciences; for the leader chosen by the people may have no specialisation in the economy or the army, or in technology, but has the final word in all those matters.

Chapter Two: Trading, Buying and Selling

RULINGS OF BUYING AND SELLING

The *mostaḥab* issues of buying and selling

Case: There are five issues that are *mostaḥab* in buying and selling:

1. To learn the rulings of selling and buying, but to a more extent than the cases one normally comes across. However, those rulings which are directly relate to one's business, it is mandatory for one to learn. Imam Ṣādiq, peace be upon him, said:
“whoever wants to engage in trade, then he should excel in learning the teachings of his religion in order to know what is ḥalāl for him and what is ḥarām; and whoever does not learn the teachings of his religion, but engages in the business of trade, he would be entangled in prohibited acts without him knowing it.”¹
2. Not to discriminate between Muslim individuals when charging for commodities.
3. Not to be inflexible about the prices of the goods.
4. To take less – that is less than the preferred value – when buying, and to give more when selling.
5. To agree to the annulment if the other party regrets the transaction, and accept the annulment of the deal if he wanted to.

¹ Wasā'il al-Shi'ah, vol.17, p382. *Shubḥah* in this respect is in reference to conducts or acts whose status of validity are doubtful or they may turn out to be altogether *ḥarām* or unlawful.

Categories of Earnings

Case: Trade, business and earnings may be divided into five categories:

1. Mandatory (*wājib*): like if one earns to pay for expenses of those he is responsible for.
2. Prohibited (*ḥarām*): such as earning through dealing in alcohol and narcotics.
3. Desirable (*mostaḥab*): such as when one wants to spend more on his family.
4. Undesirable (*makrooh*): such as the selling of *kafān* or the shroud of the dead.
5. Allowed or permissible (*mobāḥ*): which is anything other than the aforementioned four categories.

The mandatory and desirable earning

Case: If one does not have enough money, and he is obliged to provide for household needs and expenses, such as those for the upkeep of the wife and children, it is obligatory for him to work and acquire an earning.

Case: It is *mostaḥab* to have earnings for desirable goals, such as providing more for the family, to help the poor, and for charity.

Makrooh trade or business

Case: The main trades or businesses that are *makrooh* are as follows:

1. The sale of land or property; perhaps the reason for the discouragement is often the involvement of cheating or false claims or expectations or unverifiable standards, or wide room for disagreement in this kind of business/transaction.
2. Butcher's trade, [specifically the slaughtering of animals].
3. Sale of *kafān* (shrouds used for the dead).
4. Transactions with contemptible individuals.

5. Transactions during the time between the two dawns – the dawns of the *ḥajr* and the sunrise.
6. To make his sole business and skill the buying and selling of wheat and barley and suchlike; and perhaps the reason for the discouragement is often the risk of monopoly and hoarding.
7. To interfere in others' business transactions, in order to buy what others are trying to buy.

Prohibited trade or business

Case: The prohibited transactions are six:

1. The inherently *najis*

Case: It is prohibited to buy and sell the inherently *najis* articles such as wine and swine. Buying and selling of intoxicants and narcotics is *ḥarām* and dealing in them is invalid.

Case: There is no objection to buying and selling of those inherently *najis* things which have reasonable permissible benefit, such as farm dogs and cattle dogs, and the sale of manure for use as compost or fertilizer.

Case: There is no objection to the buying and selling of liquid oils, and perfumes that are imported from non-Islamic countries; if they are not known for being *najis*.

Case: The buying and selling of meats, fats, and leathers that are imported from non-Islamic countries, or if they are taken from the hands of the non-believers is invalid; however, there is no objection if it is known they are from animals that have been slaughtered according the shari'ah procedure.

2. The usurped

Case: It is prohibited to buy and sell a usurped item or property, and the sale of the usurped property is invalid, and the seller of the usurped item must return the sum he took from the buyer back to him.

3. That which has no particular value

Case: It is prohibited to buy and sell an item which has no particular value, such as some predatory animals, but there is no objection if there is reasonable permissible benefit in such a transaction.

4. That which cannot be used except for *ḥarām*

Case: It is prohibited to buy and sell items that are not used except for *ḥarām* such as gambling devices or media.

Case: It is *ḥarām* to buy and sell musical instruments such as the guitar and suchlike, even the miniature versions of them.

Case: Trading in an item that is possibly used for permissible purposes, but is sold with the intention of using it for a *ḥarām* purpose; such as selling grape for the purpose of wine making. This transaction is *ḥarām* and *bāṭil* (invalid).

Case: The sale of an item that has been obtained through theft or gambling or through unethical or improper transaction is *ḥarām*, and if one buys it, one is obliged to return it to its original owner.

5. Fraud, deception and swindling

Case: It is prohibited to cheat and deceive in sales transactions; such as the sale of a commodity that is mixed with something else not clearly obvious, and one does not inform the buyer of it too, such as selling butter ghee that is mixed with animal fat. This course of action is called fraud.

Allah's Messenger, peace be upon him and his pure family, has said, "Whoever deceives a Muslim in buying or selling, he is not one of us."¹ The prophet, peace be upon him and his pure family, also said, "He who cheats his Muslim brother, Allah strips away the blessing of his sustenance, corrupts his livelihood, and leaves him to himself."²

¹ man lā yaḥḍuruhul-faḳih, vol.4, p13.

² Wasā'il al-Shi'ah, vol.17, p283.

6. Usury

Case: Usury is strictly prohibited.

In the hadith, “a dirham of usury is more severe than seventy incestuous fornications.”¹

Usury is of two categories:

1. Transactional usury.
2. Loan usury.

Transactional Usury

[Commodities that are dry-measured or weighed are liable to usury.]

Case: The transaction that involves usury is prohibited as detailed below.

If one sells a dry-measure of a commodity in exchange for an excess [in quantity] of the **same product**:

For example if one sells 3kg of wheat in exchange for 4kg of wheat, this constitutes usury and is prohibited (*ḥarām*).

The prohibition remains even if one of the commodities is defect and the other sound; or if one is of good quality and the other of poor quality; or if there is a price difference between the two commodities. Therefore if one sells a commodity in exchange for an excess, this constitutes usury and is prohibited too. Thus if one gives moulded or fashioned gold [jewellery] in exchange for an excess [in weight of] gold that is not moulded or fashioned, this constitutes usury and is prohibited (*ḥarām*).

Case: If the commodity one sells, and that which one takes in exchange for, originate from the same substance, it is mandatory that no excess [in quantity] is taken [in the process]. However, if one sells 3kg of butterfat in exchange for 4kg of cheese, though they originate from the same substance, there is no objection to that, although it is contrary to precaution. Similarly, if one sells ripe fruit in exchange for unripe fruit,

¹ Al-Kāfi, vol.5, p144.

it is mandatory not to take more, or in case one takes more one should come to an agreement with him over that.¹

Case: There is no objection if the one who is giving the lesser quantity also gives an extra thing along with it, for example: one gives 3kg of wheat and supplements it with, say, a container [to store it] in exchange for 4kg of wheat, provided the transaction is reasonable and plausible (as per obligatory precaution),² and provided it is not considered to be a trick in the view of the sound-minded. The same applies if both parties supplement the item with an extra thing, for example if one sells 3kg of wheat, and a container, in exchange for 4kg of wheat and a container.

Case: There is no objection if one sells a commodity that is **measured in length**, such as fabrics, or is **counted**, such as eggs, in exchange for an excess or increase [in quantity] of the **same commodity**; for example, to sell ten eggs in exchange for eleven eggs.³

Case: If the commodity being sold and that being bought is **not of the same kind**, then there is no objection to the excess [given or taken in the exchange transaction], and therefore the transaction would be valid; for example if one sells 3kg of rice in exchange for 6kg of wheat, provided the transaction is deemed to be reasonable and credible.⁴

¹ The late Imam Shirazi: (if one sells 3kg of butterfat in exchange for 4kg of cheese, that constitutes usury and it is *ḥarām* – as a precaution – and similarly, if one sells ripe fruit in exchange for unripe fruit, it is mandatory not to take an excess).

Settlement may be reached rather than going through the buying and selling contract. In other words, “if one gives the inferior product, he could also give something in addition in exchange for receiving the superior product of the same amount”. In this process they should not utter the buy and sell terms but rather the terms referring to settlement. Alternatively, each item could be sold separately for cash rather than the exchange transaction.

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ However, if these commodities are sold in weight, for example the eggs are sold in weight; it would not be permissible to sell in access.

⁴ If the transaction is not reasonable and credible, then it is not permissible in any case.

Case: There is no objection for a Muslim to take an increase or interest from the non-Muslim who is not a *dhimmi*.¹ Also there is no objection to the father taking interest from his offspring, the offspring from his father, or the husband from the wife, or the wife from the husband.

Loan Usury

The criterion of increase in loan

Case: If the lender makes it conditional that the borrower pays back more than the loan he borrows; for example, he lends him 10kg of wheat on the condition he pays back 10.5kg, or he lends him ten eggs in return for eleven eggs, this is usury and is prohibited.²

Case: If the lender makes it conditional that the borrower performs some work for him, on top of paying back the loan, that would be usury and *ḥarām*. Furthermore, if the lender makes it conditional that the borrower pays off his debt along with giving something else in addition, for example, he pays back the dinar he borrowed along with a box of matches, this is usury and is *ḥarām* too. Similarly if the lender **makes it conditional** that he pays off what he borrows in a specific way, for example, to pay off the un-fashioned gold he borrowed as fashioned, this would also be usury and is *ḥarām*.

Case: If person A gives a sum of money to person B on the condition that he takes it back after a while in another country with an excess amount; for example if he gives him 900dinars so that he takes it from him in another country after a while with an excess of 100dinars – that is a total of 1000dinars – this is usury and is *ḥarām*. However, if person A gives something – be it goods or services – towards the excess amount, then there is no objection if the deal is reasonable and plausible.

¹ A *dhimmi* individual is the non-Muslim who is in the care of or under the protection of the Islamic State, and is also resident in the state. A non-*dhimmi* therefore is non-Muslim who does not live under the protection of the Islamic state.

² Comparison: The sale of ten eggs in exchange for eleven is permissible, but the loan of ten eggs in return of eleven is not.

Case: If the borrower – on his own accord and without a precondition – embarks upon paying off his debt along with giving an excess amount [or additional goods or services], there is no objection to that. Rather it is *mostaḥab* to do so.

Case: If someone gives a sum of money to a trader – not as a loan – but to be taken on one’s behalf in another country for less than what he gave, there is no objection to that, and this is what is today called money transfer.

Case: If one accepts a bank draft and suchlike in lieu of his debt, and then he wishes to obtain his cash before it is due, and he sells it at a loss, there is no objection to that.

On the prohibited businesses and earnings

Trading in wine and alcoholic drinks

Q: What is the ruling for working in a company that trades in wine and other alcoholic drinks in addition to foodstuff, if the worker does not work in the wine section, but in the foodstuff section? If the company forces the worker and transfers him to the wine section, is he obliged to resign from his job in the company?

A: It is not permissible to work in the wine section, but [in the sections of] all permissible commodities, there is no objection.

Q: What is the ruling for working in retail shops such as the supermarket, and one’s duty is to put the goods on the shelves, and on occasions one is required to stack prohibited commodities like wine and similar prohibited items?

A: Other than wine (and pork)¹ there is no objection to that.

Q: What is the ruling for one who works in a shop and his duty is to place the goods purchased in bags for Muslim and non-Muslim customers, and it happens that he has to put items in the bags that are *ḥarām* to consume?

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

A: For non-Muslim [customers] there is no objection except for wine and pork. [Needless to say, no *ḥarām* item may be sold to or packed for Muslim customers.]

Q: What is the ruling for one who works in places where wine and prohibited commodities are sold, along with merchandise that is permissible?

A: If he does not sell the prohibited commodities, then it is not prohibited for him [to work there].

Q: What is the ruling for working in retail shops where the permissible and the prohibited are sold; such as meat that is not slaughtered in the *ḥalāl* way, pork and its by-products, wine and alcoholic drinks, and given that the prohibited is sold to non-Muslims and Muslims?

A: There is no objection to the sale of the prohibited to the non-Muslim who considers it permissible, and this is applicable but with the exception of wine (and pork).¹

Serving *ḥarām* food

Q: What is the ruling for an individual who attends butchery or cooking training in colleges in Europe, given that he may have to learn to slaughter pigs or cook pork and serve it? Is it permissible to attend classes for such skills and learn them?

A: There is no objection to attend such colleges and learning these skills, but one must refrain from serving pork.

Q: Some individuals work in restaurants that offer meat that is not slaughtered according to the Islamic law, or serve pork dishes. These individuals do not serve pork to the customers, but work as drivers or wash the dishes or cut the meat, and they are considered as part of the same team working in the restaurant. What is the ruling for this?

A: (1) There is no objection if the Muslim individual does not serve the food to the customers himself, nor is it his intention to do so.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

Sale of pork

Q: I live in Britain and I am training to work in a restaurant, and a friend informed me that I may not work there because they serve pork, and my wage will be from the proceeds of such sale. Is it true that working in such a place is prohibited?

A: ⁽²⁾ There is no objection to your occupation, but you are obliged not to serve wine and pork to customers, and there is no objection to the wage you receive if the employer [payer of the wage] is a non-believer, or if you do not know that [the wage you receive] is specifically from the *ḥarām* [purchase sum].

Taxi driver and alcohol

Q: Is it permissible for a taxi driver to accept passengers who carry wine/alcohol with them, and what is the ruling for the fare taken for that?

A: ⁽³⁾ There is no objection to that.

Q: It is probable that a passenger requests a taxi driver to take him to a wine bar, or a gambling casino, or a brothel; is it permissible for the driver to do so, for if he refuses he may be fined in non-Muslim countries?

A: If it is possible for him to avoid it, then he should, and if it is not possible, it is permissible.

Q: On occasions a passenger boards the taxi who is an adulterer or a prostitute, and the driver is sure of that, what is the ruling for the fare that one receives in this case?

A: There is no objection to that fare.

¹ The late Imam Shirazi: (there is no objection to the scenario given in the question if the food is served to non-Muslims).

² The late Imam Shirazi: (There is no objection to your work, but you are obliged not to serve pork for the Muslim customers.)

³ The late Imam Shirazi: (If it is considered to be cooperation on sin, as per common norms, then it is not permissible, and the fare taken is therefore *ḥarām*.)

Prohibited or permissible earning

Q: What is the ruling when the employee of a big company receives his monthly salary and this salary is from the proceeds of the sale of the company's permissible and prohibited commodities, or if the matter is not certain, as it is common in many foreign companies when they retail – in huge markets – the permissible and the prohibited, and the proceeds are channelled to the company's banks – and that there is no doubt that the monies are not apparently sufficient for paying the employees' salaries entirely – and then the employees receive their salary from there, or cash their cheques in those banks?

A: There is no objection to that if one is not sure that the received salary is itself specifically from the *ḥarām* in particular.

Q: Concerning the previous case, what is the ruling if the cheques were cashed in interest-bearing banks?

A: There is no objection to that in itself.

Q: If one shops at retail shops that sell some prohibited commodities such as beers and frozen meats imported from overseas, and the total purchase is, say, \$90, and he pays \$100 and receives a \$10 bill, what is the ruling for this \$10 bill? Is it permissible for one to use it if one knows that it is taken from monies that are mixed with *ḥarām*, as a result of selling prohibited items? And what is the ruling if one does not know from which money it is taken?

A: There is no objection to the bill received from the shop if one does not know for certain that it is specifically taken in exchange for a *ḥarām* item.

Q: What is the ruling for trading in magazines that contain images of women who are not wearing hijab, such fashion clothing magazines, or women magazines?

A: Anything that contains corruption for the people must be avoided.

Q: In some cases the customer has the right to return a commodity he buys within a week, and receives a refund; is it permissible for one to

buy merchandise with the intention of returning it after he finishes using it, given that if the seller was aware of this intention he would not sell?

A: It is not permissible.

Dogs

Q: Is it permissible to trade in animals such as dogs trained to sniff out stolen goods, narcotics, and guns?

A: Yes, if there is a reasonable permissible benefit, then there is no objection.

Trade in Animals

Q: What is the ruling of trading in animals like rabbits, monkeys, crocodiles, and dogs that are not suitable for hunting or guarding?

A: If there is an appropriate permissible benefit in it, then there is no objection.

Sale of rabbits and fish

Q: What is the ruling for selling and trading in rabbits? Also what is the ruling for selling them to those who consider them permissible to eat?

A: It is permissible to sell to those who consider them permissible to eat, and to those who want to purchase them.

Q: What is the ruling for selling the prohibited fish to those who consider them permissible such as the non-Shi'ah and the non-believer, knowing that they would use it for eating? And what is the ruling for their sale, if it is believed that they will put them to some permissible use?

A: It is permissible.

Preserved animals

Q: These days preserved animals are becoming widespread; the animal is killed and his skin or outfit is filled with cotton wool, and sold. What is the ruling on learning this profession and what is the ruling for trading in them or purchasing them?

A: It is not prohibited in itself if it is not associated with a *ḥarām* [practice] in some other aspect.

Human Organ purchase

Q: If there were organ banks for the sale of human body parts, is it permissible for a Muslim to purchase some of those organs that one needs from those banks? And is it permissible for a Muslim to buy an organ he needs from a non-believer?

A: both are permissible.

Magic and hypnotism

Q: Practicing magic is *ḥarām*, but is learning it *ḥarām* too?

A: Yes.

Q: Is it permissible to hypnotise others without their consent?

A: Without their consent, it is not permissible.

Prohibited preconditions

Q: Is it permissible to take up a job that has compulsory preconditions one of which requires the employee to always shave his beard?

A: It is not permissible, except if one is compelled, and then it should only be to the extent necessary.

Bribery

Q: What is bribery, and what is the ruling for it?

A: Bribery is to give money and suchlike in the case of a judgment or judicial ruling in order to falsify the truth or uphold falsehood [i.e. pervert the course of justice], and it is *ḥarām*. In other than the case of judgment or ruling it is not called bribe.

Q: In commercial tenders, is it permissible to give a sum to the official concerned so that the bid goes to us, given that the offer we make may not be the best, and is it permissible for that official to take the money?

A: ⁽¹⁾ If it constitutes harm [for others], it is not permissible.

¹ The late Imam Shirazi: (it is not permissible as an obligatory precaution.)

Sale of song tapes / CD's

Q: If one used to listen to songs and has decided to stop, is it permissible for him to sell them and use their proceeds?

A: It is not permissible to sell songs, and he should change them to something useful if possible.

Lottery

Case: Lottery is a type of gambling which is prohibited, unless those running it design it according to the rulings of the Islamic Shari'ah by conducting such dealings that its outcome is beneficial.

Q: What are the prerequisites for the lottery according to the Islamic Shari'ah so that it becomes permissible?

A: When the participant presents the money as a gift, or takes part in the draw, and the money raised is used for charitable causes in the form of prizes. Therefore, if money raised by the body managing the lottery and issuing the tickets is used for charity and cultural projects, and the winners are given cash or goods as prizes and not as profit or loss, then there is no objection to that.

Q: Is it permissible to participate in the acquisition of lottery tickets in European countries, given that some of the money raised is used for charitable causes such as hospitals, care homes and suchlike, and some of the money is used for prizes for the winners, and some of it is used to cover the expenses and attain a profit for the company running the lottery?

A: Given the scenario mentioned in the question, yes it is permissible.

Shares

Q: Is it permissible to trade in shares?

A: Yes.

Q: What is the ruling for buying shares of those supermarkets that sell prohibited items such as beer and meats that have not been slaughtered

in the ḥalāl way? And what is the ruling for the dividends that the shareholders get for their shares?

A: ⁽¹⁾ It is permissible if their share of the entire equity is small such as 1% and suchlike.

Q: Is it permissible to buy and sell shares of the following companies in the stock exchange:

1. Non-Islamic banks.
2. The restaurants that sell ḥalāl and ḥarām meat.
3. Airlines, which serve alcohol for the passengers.
4. Stock exchange companies.

A: ⁽²⁾ There is no objection, provided the share of the entire equity is small as mentioned earlier.

Q: Many companies float their shares for privatisation, and some businessmen set out to buy, for a sum, the right of those who do not wish to partake in the scheme for the purpose of buying shares in their names. Is such a transaction valid?

A: This transaction is valid.

Online Trading

Q: What is the ruling for online trading?

A: If it were conducted within bounds prescribed by the shari'ah, and it does not involve any prohibited [deal or conduct] it is permissible per se.

Currency

Q: Is it permissible for an individual to sell \$1000 for \$1100 of the same currency, to another person as part of a selling or lending transaction?

A: It is not permissible in either case.

¹ The late Imam Shirazi: (with the permission of a *faqih*, it is permissible.)

² The late Imam Shirazi: (There is no objection, because they permit that – as per the principle of enjoyment – and the dividends are liable to Khums.)

Insurance and fraud

Q: Car insurance companies pay for damages or losses at times of accidents if the car is insured. If one is involved in a car accident which is not insured and then, contrary to the insurance law and regulation, switches it with a car that is insured so that the insurance company pay for the loss or damage, is this permissible?

A: (1) Such conducts are not befitting the faithful.

Criteria of the buyer-seller

Case: In general, the precondition of the buyer and the seller are six:

1. That they are bāligh.
2. That they are sane.
3. That they are not feebleminded (*safēeh*); and the feebleminded is one who spends his money senselessly and squanders it on pointless matters.
4. That they really intend to sell and buy; so if the seller jokingly says, “I sell you this item” [with no genuine intention to engage in any transaction] the transaction is void.
5. That they are wilful and no one coerces them to carry out the transaction. However, if the buyer or seller were coerced over the transaction, and if after the transaction he assents to it, and says, “I consent”, the transaction is valid.
6. That they are the owners of the items being exchanged; so if one sells an item which is the property of another person without his permission, and if the owner does not consent to the transaction, the transaction is void. [The transaction would be valid if the owner approves of it afterward.]

¹ The late Imam Shirazi: (deception is not permissible, and it is mandatory for the party responsible for the accident to compensate from his own money for the damages to the other party.)

Guardianship in sale

Case: It is permissible for the father of the child or the paternal grandfather, or the representative of the father or the paternal grandfather to sell the property of the child if that does not constitute harm. Similarly it is permissible for the righteous (‘*ādil*) mojtahid to sell the property of the insane and the orphan child, or the absent, according to the particular criteria.

Criteria of exchange items

Case: The exchange items [should] have five criteria:

1. That they are of known quantity, whether by weight, length, count and suchlike.
2. That the buyer and seller are able to surrender the exchange items; thus it is not valid to sell a horse that has run away. However, if one includes in the transaction something that can be surrendered; for example a rug or a saddle, the transaction is valid even if he does not find the horse – on the condition that the transaction is reasonable.
3. That the buyer and seller describe or identify the specifications of the items to be exchanged.¹
4. That no one claims any right to the exchange items; so if someone claims any right to one of them [then the transaction is not valid] – for example if the item is deposited as a security with an individual, it is not permissible for its owner, i.e. the depositor, to sell it except with the permission of the holder of the deposit.
5. That the item itself is sold, and not its usage or benefit, as a precaution; so if one sells the usage/benefit of an item for a year

¹ The perceptions of people are normally different for any given case, and therefore an identified description of specifications is significance since it will form the basis for any future judgment in the event of a dispute.

(then as an obligatory precaution this should be avoided),¹ but if the buyer, instead of paying a sum, offers the use of his house in exchange, then there is no objection; like for example if one buys a car in exchange for the use of his house.

Miscellaneous cases

Case: If a transaction does not satisfy one of the aforesaid criteria, the transaction will be void, but if the parties concerned consented for each side to use the property of the other, then there is no objection to this usage.

Case: The transaction in *waqf* property (endowment) is void (*bāṭil*). However, if a *waqf* item is impaired such that it is not possible to use it for the intended purpose; for example, if a mat that is dedicated to a mosque as *waqf* is torn such that it is not possible to perform ṣalāh on it, it is permissible to sell it, and it is mandatory – if possible – to donate the sale proceeds to the same mosque which is closer to the aim of the *wāqif* – the person who dedicated it in the first instance.

Case: There is no objection to buy or sell a property that is rented to others, but for the duration of the lease contract the use of the property goes to the tenant. However, if the buyer of that property does not know that it is rented, or if he does but believes the lease is for a short period, and on this basis he buys the property, and then learns of the true rental situation, it would be permissible for him to annul that transaction.

Case: If the sold item does not have one of the aforesaid criteria of transaction, for example if an item that should have been dry-measured or weighed is sold without it being measured or weighed, the transaction is void.

Case: If the buyer and the seller agree to the disposal of the goods exchanged regardless of the transaction, that would be permissible and there is no objection to that. Otherwise, if they do not agree to the disposal of [the goods] then the item each one of them has taken would be deemed as usurped, and it is mandatory to return it to its owner. Also,

¹ The late Imam Shirazi: (The transaction is void, as a precaution).

if the property of one is destroyed while in the possession of another, then it is mandatory for each one to compensate the other for the item destroyed, irrespective of whether or not they were aware of the invalidity of the transaction.

The wording of the transaction contract

Case: It is not compulsory for the buyer and seller to say the ‘prescribed wording’ of transaction in Arabic, but it is sufficient to do so in any language, and the wording is for the seller to say, “I sell you this item for such an amount”, and the buyer says, “I agree”.

It is mandatory that the buyer and seller intend to execute the transaction and not merely to inform.

Case: If the parties concerned do not say the ‘prescribed wording’ at the time of the transaction, but the seller gives possession of his property to the buyer in exchange for what he takes from the buyer, the transaction is valid, and each party will own whatever has come into his possession.

Categories of Transactions

Case: Transactions fall into four categories:

1. When the commodity and the payment are available and exchanged at the time of the transaction; this is called cash-sale (*naqd*).
2. When the commodity is available and the payment is deferred; this is called credit-sale (*nasi*’).
3. When the payment is made in advance and the commodity is deferred, this is called advance-sale (*salaf*, which is also known as *salam*).
4. When the commodity and payment are both deferred, and this is called (*kāli bil-kāli*). This category is void.

Details of rulings for these four categories are as follows:

1. Cash

Case: If one sells something in cash, it is permissible for the buyer and seller – after concluding the transaction – to request the exchange of the payment and commodity, and to take possession of them.

Case: Taking of possession of a house, land and suchlike means these are placed under the control of the buyer such that it is possible for him to use it as he wishes.

2. Credit

Case: It is imperative that the deferred period is precisely known. So if one sells a product on the condition that he receives its payment at the time of harvest, if the credit period is unknown as per common norms and cannot be identified precisely, the transaction is void.

Case: If one sells something on credit for a given period, it is permissible for the seller to demand payment from the buyer at the expiry of the agreed credit period, but if it is not feasible for the buyer to make the payment, it is necessary that he is given more time.

Case: If one sells something on credit for a given credit period, it is permissible – if say half of the period has expired – to deduct an amount from the price and get the remainder in cash. However, the opposite is not permissible. For example, if he sells something on credit for a given period, and the buyer does not make payment at the time specified, it is not permissible for the seller to add something to the price to compensate for the delay [in payment].

3. Advance

In this type of transaction, the buyer makes cash payment and receives the commodity after a while, opposite to the credit type. If the buyer says: I give you this money in return for providing me with the product after six months, say, and the seller says I agree, or the seller takes the money and says: I have sold you the said product on the condition that I deliver in six months time, the transaction is valid.

Criteria of the advance transaction

- i. To identify the product's specifications, and the characteristics due to which the product price may change, such as quality, colour, etc. It is not imperative to be too precise in that, rather it is sufficient that it is commonly said that it is of known specifications and description.
- ii. That the buyer pays the entire price before they part, or if the seller owed something to the buyer, this debt could be offset against the product price and the seller agrees. However, if the buyer makes partial payment of the product price, although the transaction is valid to the extent of the amount already paid, the seller has the right to annul the entire deal.
- iii. That the period is known precisely; so if he says: I will provide you with the product at the time of the harvest, and the period according to the 'orf or common norms is unknown, the transaction is void because the period is unspecified as per the common norm.
- iv. That the time specified for delivery is not a time when the product is scarce such that it makes it impossible for the seller to deliver.
- v. That the place of delivery or handing over is known, and if it is obvious from their conversation, it is not necessary to mention it in the transaction.
- vi. That the product is of known weight or measure. There is no objection to the product the weight or measure of which can normally be judged by visual inspection, to be sold in advance.

4. Transaction of *kāli bil-kāli*

Case: If a deal is done such that the product is to be delivered after a given period, and its cost will also to be paid after a given time, i.e. both the payment and the commodity are deferred, the transaction is void.

Transaction of gold and silver

Case: The transaction of gold and silver with gold and silver has a number of criteria:

1. Equality of materials alike

Case: If one sells gold [in exchange] with gold or silver with silver – minted or otherwise – and if one of them is more than the other, the transaction is void and it is *ḥarām*.

Case: The sale of silver ore in exchange for pure silver is void, and so too the sale of gold ore in exchange for pure gold, but there is no objection if they conduct a settlement over that.¹ However, there is no objection to the sale of silver ore in exchange for gold and gold ore for silver.

2. Receipt on site

Case: If gold is sold in exchange for gold, or silver for silver, it is mandatory that the buyer-seller take into possession the exchanged items before leaving the place of contract. However, if they do not take possession of any amount of the agreed exchanged items, the sale is void, and they must come to a settlement.

The Right of Annulment

Case: The right of annulling the transaction is called “*khiyār*” or “*option*”.

The fundamental principle in selling and in all other transactions is *binding* – and the meaning of *binding* is that neither of the parties of the contract concerned have the right to annul. There are exceptions for some transactions which are mentioned below.

Case: The buyer and the seller have the right of annulling the transaction – the right of *option* – under eleven circumstances, which are:

¹ In other words the transaction is done in the form of settlement (*moṣālahah*) and not in the form of buying and selling. The settlement form was explained earlier when dealing with usury in transaction.

1. The option of the place of contract

This right is valid and standing if they do not disperse from that place, which is the place of contract.¹

2. The option of detriment

This is applicable if one side is disadvantaged or cheated. For example, if the buyer was ignorant about the product price, or if he was negligent at the time of the transaction and bought the product for a higher price than normal; if the excess was considered to be significant according to common norms, it is permissible for him to annul the transaction.

Similarly, if the seller was ignorant about the product price, or if he was negligent at the time of the transaction and he sold the product for less than its price, if the difference is considered to be significant according to common norms, it is permissible for him to annul the transaction.

3. The option of precondition

If they agree that as a precondition one or both sides have the right to annul the transaction up to a specific period of time.

4. The option of defraud

This is when the seller or the buyer presents his property in a better light than it actually is.

5. The option of breaching the precondition

If the seller or the buyer makes it a precondition that the other party carries out a certain task for him, or the product to be given has a certain specification, and that precondition is not realised, then it is permissible for the person who made the precondition to annul the transaction.

6. The option of defect

This is established if defect is identified in one of the exchanged items.

If the seller learns of a defect in the exchanged item that he took – if the defect had existed in the item before the transaction and he was unaware

¹ The late Imam Shirazi: (even by one step.)

of it, it is permissible for him to annul the transaction, or to settle for the difference in price between the normal and the defective product. However, if he learns of the defect after the transaction and does not annul the transaction immediately as per common norms, he loses his right to annul as a precaution.

Cases of non-permissibility of annulment due to defect

Case: It is not permissible for the buyer to annul the transaction or to settle for the difference in price (between the normal and the defective product) – if he learns of a defect in the product – in four circumstances:

- i. If he learns of the defect at the time of buying.
- ii. If he consents to the defect.
- iii. If he says at the time of the transaction: “I would not return the product even if it had a defect, and similarly I would not seek for the difference in price (between the normal and the defective product)”.
- iv. If the seller says at the time of the transaction: “I sell these products with whatever defects they may have”. However, if he identifies the defect and says: “I sell these products with this particular defect”, and then it transpires that there is also another defect, it is permissible for the buyer to annul the deal on grounds of the other defect. Alternatively, he can seek the difference in price between the normal and defective product on grounds of the other defect.

Cases for seeking for difference only

Case: In three cases it is not permissible for the buyer to annul the transaction if he learns of a defect in the product, but it is permissible for him to take compensation for the difference in price between the normal and defective product:

- i. If he used the product after the transaction.
- ii. If he learns of the defect after the transaction but he had previously waived his right to annulment only.

- iii. If the product develops another defect after [the buyer] taking possession of it.

7. The option of multiple owners

If it transpires that some of the products belong to others, it is permissible for the buyer to annul the entire transaction if the third party does not agree to the deal. Alternatively, if the third party takes the cost of the products he is entitled to from the seller, the transaction concerning the rest of the products is valid.

Similarly, if it transpires that some of the money that the buyer paid belonged to others, and its owner does not give his consent, then it is permissible for the seller to annul the deal. Alternatively, he can take back some of the product sold, of equal amount, from the buyer.

8. The option of visual inspection

If the seller describes particular specifications for a product not seen by the buyer, but then it transpires that the specifications were not the ones described, in this case it is permissible for the buyer to annul the transaction, or to proceed with it. Similarly, if the buyer describes particular specifications for the item to be exchanged and then it transpires that the specifications were not the ones described, it is permissible for the seller to annul the transaction or to proceed with it.

9. The option of delay

If the buyer is three days late in his payment for the product he bought in cash, with no prior arrangement made for late payment, it is permissible for the seller to annul the transaction, even if the seller is also late in handing over the product.

However, if the product were of the kind that is easily perishable if a day passes by, such as some fruits, if the buyer does not make the payment in time, and had not secured the seller's consent to late payment; it is permissible for the seller to annul the transaction.

10. The option of animal

It is permissible for the buyer of an animal to annul the transaction within three days of purchase. Similarly if the buyer gives [instead of money] another animal in exchange for the animal he buys, it is permissible for the seller to annul the transaction within three days.

11. The option of inability to deliver

If the seller is unable to deliver the product he sold, like if the horse he sold ran away, in this case it is permissible for the buyer to annul the transaction.

Miscellaneous queries

Excess for the seller

Case: If a person gives a product to an intermediary and tells him: “sell it for this price and if you sell it for more, the excess is yours”; if the intermediary sells it for a higher price, then the difference is his. Similarly, if he tells the intermediary: “I sell you this product for this price”, and the intermediary accepts, or if he gives it to him with the intention of selling it and he accepts it with the intention of purchase, and the intermediary sells it for an excess over the price, the excess is the intermediary’s.

Cash and credit sale

Q: What is the ruling if a trader sells a product for a particular price in cash, but sells it for a higher price if sale is on credit and payment is to be made after a period?

A: If prior to the sale contract it is determined whether the sale is by cash or on credit, there is no objection to such transaction, and there is no objection to the price difference.

Q: We have some goods that it is possible for us to sell at a lower price to those who pay in cash, and we do not sell them to those who buy on credit (i.e. by debt). Is this transaction permissible?

A: Yes.

Q: Is it permissible to buy an apartment which has not been built yet, but is on the drawing board, and the buyer will receive it five years later, say, when the block is finished?

A: Yes it is permissible.

Price change

Q: Today some merchandise are offered in the market at a reduced price, known as special offer, and the offer is for a limited period, and after that the price goes back to the original level, and we buy and store such merchandise. The question here is that the price might go up after the special offer period; would it be permissible for us to sell the merchandise at the normal price having bought it at the reduced price?

A: There is no objection to that.

Q: Our experience in the market is such that we can buy some merchandise at low prices, which means it is possible to sell them at lower than the market price too, but we keep them at the market price in order for other retailers not to be harmed. Furthermore, their price might go up in the market, and we do not need to change the price. Is this permissible?

A: There is no objection to that.

Q: If an individual buys merchandise at a low price and sells it for a much higher price, as there is demand for it, and says to his customers it is of the expensive type, is this earning ḥalāl?

A: If this constitutes cheating and defrauding, it is not permissible.

Q: Should changes in the value of banknotes and currencies reflect on debts and personal and business transactions? Needless to say the currency value could change by the minute.

A: ⁽¹⁾ If the changes are relatively minor, then it can be deemed that there is no significant effect, but if the changes are considerable and abnormal, they do have an effect, and as a *mostahab* precaution there should be settlement [or reconciliation of the parties involved in the deal].²

Swear in transaction

Case: It is *makrooh* to swear in the course of the transaction even if one is saying the truth; it is *haram* if one is lying.

Between the owner and the seller

Q: An individual has a grocery shop, which he has leased or handed over to another to operate; on the condition that the latter pays the former a monthly sum for the lease. Is this permissible?

A: Yes.

Possession

Q: Does the transfer of money into the account of an individual constitute possession of the money, and therefore it is subject to the rulings of the money in possession?

A: If they are credited to one's account and it is possible for him to use/retrieve it then it is considered as being in possession.

Mixing good and poor quality

Case: If the seller mixes superior quality goods with poor quality goods, and sells it as the superior quality, it is permissible for the buyer to annul the transaction.

¹ The late Imam Shirazi: (The widespread and predominant verdict amongst the scholars is that it does not, but the precaution is to come to a settlement as viewed by the experts.)

² In the opinion of Ayatollah Sayyid Sadiq Shirazi, the criterion in such cases is the 'buying power' of the sum involved. So in the cases of long term loans, this aspect becomes significantly important and should therefore be reflected in the debt payments.

Change of specification

Case: If the buyer tells the draper he wants a cloth of fast colour, and he sells him one the colour of which fades, it is permissible for the buyer to annul.

Annulment Condition

Q: If one buys merchandise and the shop owner says: pay, say, one-third of the amount in advance, and if you do not come tomorrow to take the merchandise [and make the rest of the payment] I will annul the transaction and the deposit is not refundable. What is the ruling for this?

A: It is permissible.

Chapter Three: Contracts and Transactions

Rulings on Right of Precedence (*Shuf'ah*)

Case: If there are two partners/owners of a property, and one of them wants to sell his share to a third party, it is permissible for the other partner to take it from him and give him its price. This action by the second partner is referred to as overriding or superseding, and in Islamic literature this is known as acquisition by *shuf'ah* or *right of precedence*.

Case: If the partners divide the property, and separate their share, and then one of them sells his share, the other does not have the right to acquire it through *shuf'ah*, because acquisition by *shuf'ah* is specific only to that which is not yet allocated.

Case: If the partner delays or defers taking by *shuf'ah* without a valid reason he loses the right.

Criteria of *Shuf'ah*

Case: The *shuf'ah* has eight criteria:

1. That the partner transfers his share to a third party through a sale transaction; thus if it is transferred to him through inheritance, settlement, or dowry, the other partner has no right of *shuf'ah*.
2. That the two partners are sharing the ownership of the property; thus by merely being a neighbour or in the neighbourhood does not give the right of *shuf'ah*; in other words the neighbour does not have the right of *shuf'ah*.
3. That the property is owned by two people only; so if there were three or more partners or owners of the property, and one of them wanted to sell his share, the others do not have the right of *shuf'ah*.
4. The partner who exercises the right of *shuf'ah*, and takes the share must be able to pay its price.

5. If the buyer is a Muslim, it is permissible for the partner to exercise the right of *shuf'ah* if he is a Muslim too, but if the partner is not a Muslim, he does not have the right of *shuf'ah*.
6. That the partner exercising the right of *shuf'ah* buys the entire share from his partner, but if he wanted to buy part of the share he does not have the right of *shuf'ah*.
7. That the partner exercising the right of *shuf'ah* is aware of the price of that share when he wants to acquire it by *shuf'ah*. If this is not the case at the time of the transaction, he does not have the right of *shuf'ah*, even if he says: "I will take by *shuf'ah* whatever the price may be."

And he who wants to buy his partner's share from the buyer [third party] must pay him the amount he paid to the seller [partner], whether the price he paid for that share is true market value or not.

8. That the property is divisible such as an orchid or a land, and suchlike, and to that property which is not divisible the right of *shuf'ah* is not applicable.

Time is of the essence

Case: If the partner is late in exercising the right of *shuf'ah* without a justifiable reason, he loses the right.

Rulings on Partnership (*sharakah*)

Case: If two people want to become partners [in a business], and they each bring forth some of their money and put them together such that they are indistinguishable, and recite the 'prescribed wording' of partnership in Arabic or any other language, or do something such that it is understood that they want to be each other's partner, their partnership is correct.

The criteria of partnership

Case: It is mandatory that the partners – through a partnership contract – are bāligh and sane, and that they sign the contract intentionally and willingly. Similarly they must be allowed to use and dispose of their wealth and property. Thus it is not valid to enter into a partnership with a *safeeh* – feebleminded – who spends his money senselessly and squanders it on pointless matters, (because he is barred from dealing in his wealth and property.)

Profits

Case: If the partners do not make it a precondition that one of the partners receive a greater share of the profit, the profits and losses should be divided between them equally if the capital contributed by each is equal. However, if their capital were not equal, it would be mandatory to divide the profits and losses between them according to their capitals' ratio.

For example, if two people enter a partnership, and the capital contributed by one of them is twice that of the other, then his share of profit and loss will also be double the other, irrespective of whether they worked equally, or one of them did less work than the other, or did not do any work at all.

The partner and loss

Case: If the partner who is assigned the task of running the business buys or sells contrary to what had been agreed with him, and the transaction makes a loss, he is liable for the loss. Similarly he is liable for the loss if he conducts the business contrary to the *'orf* or common norms, even if nothing has been agreed with him.

Share of the business

Case: If one of the partners demands his share of the combined capital, it is mandatory for the others to accept, even if the period of the partnership contract has not expired.

Remaining profit

Q: A group of people entered into a partnership to buy a marquee in order to lease it for wedding parties, and made a precondition that anyone who wants to have a wedding party in the marquee should pay 10 dinārs as the fee for its hire, and they received booking orders and fees. The tent is now impaired and they have some of the collected fees remaining. What should they do with the money?

A: The money should be divided between the partners.

Rulings on Investment (*muḍārabah*)

Definition of Muḍārabah

Case: Muḍārabah is a deal between the owner of capital and, say, a business manager in that the owner gives an amount of his money to the business manager to run a business with, and the business manager takes a percentage of the profits according to their agreement.

This transaction requires the owner to make the offer, and the business manager to accept. However, if the owner gives some of his money with the intention of muḍārabah and the business manager takes it for this purpose, the muḍārabah is valid.

Criteria of Muḍārabah parties

Case: It is obligatory that the owner and the business manager are bāligh, sane and not coerced, and they both have the aim and intention of the muḍārabah; therefore if the owner jokingly said: “take this money and trade with it”, muḍārabah is not established, due to lack of intention and purpose.

Criteria of Muḍārabah

Case: There are a number of issues in the muḍārabah deal, even though some of them are out of precaution:

1. That the capital which the owner gives to the business manager should be available at the time of the deal. If the capital of the muḍārabah is a debt that the business manager is obliged to pay,

it is not permissible to offset the debt against the capital as an obligatory precaution.

2. The widespread verdict amongst scholars is that the capital should be in gold or silver minted coins of currency, that is dinar and dirham; thus if the capital is in merchandise, or cash, or non-minted gold and silver, as a *mostahab* precaution the muḍārabah with these should be avoided.
3. That the owner identifies the capital. Besides, if he says: I enter into muḍārabah with you with one of these two monies – and they were equal – then the muḍārabah is valid.
4. To identify the amount of the capital and its specifics; for example, he says: one thousand gold coins.
5. To identify the business manager's share of the profits; so for example if he says: trade with this capital and your share of the profit is the same as what so-and-so pays his business manager, and if the business manager does not know what the said manager gets, the muḍārabah is not valid.
6. That the business manager's share is a specified rate or percentage of the profits; that is he should specify his share as a rate of one-half, one-third, and suchlike. If the owner says: trade with this capital and take, say, one hundred coins from the profits for yourself, it would not be valid.
7. That the owner and the manager – who have contractual agreement – are the only partners in the profits. If they decide that some of the profits go to a third party, the muḍārabah would be void; except if this clause [of giving profit to a third party is included in the contract] in the form of a precondition.
8. That the manager uses this capital for a trading business. If the owner gives him capital to use in agriculture, on the basis of that they will be partners in the profits, this will not be muḍārabah even though the transaction is valid.

Annulment of Muḍārabah

Case: The owner of the capital and the business manager may annul the muḍārabah whenever they want, irrespective of it being before or after commencing the project; and whether or not profits were generated from it.

Capital loss

Q: If the capital of the muḍārabah is lost due to business losses but not due to any fault of the manager, does he have any obligation to the owner?

A: If the manager was not negligent in protecting the capital and the capital was lost in the course of the business, he has no obligation. However, if the owner of the capital claims that the manager negligently destroyed the capital, the manager may swear an oath [that he did not do so] and therefore his liability is absolved.

Rulings on Settlement (*ṣulḥ*)

Definition of Settlement

Case: Settlement is when two individuals agree that one gives some of his wealth or property, or the benefit of their use to the other, or waives a debt or a right that one is owed, in return for the other to give some of his wealth or property or its use and benefit, or to waive a debt or a right that one is owed. Settlement would be correct even if one grants some of his wealth or the benefit of its use or waives his right or his debt for nothing in return.

Criteria of Settlement parties

Case: The parties concerned must be bāligh, sane, wilful and intent on executing the settlement.

The prescribed wording

Case: It is not mandatory to say the settlement wording or declaration in Arabic; it is correct to say it in any language that indicates settlement and agreement.

Waiving the right or debt

Case: If someone wants to give another person his right or the debt he is owed – as part of a settlement – then this settlement is valid if the other party who is liable to the debt or the right agrees. However, if the owner of the right or the debt wishes to waive his right or debt owed to him by the other, then it is not required that the one who is liable to the right or the debt agrees (¹).

If someone is owed a deferred debt by another person; if he settles with him for a lesser amount, and his aim is to forego some of his debt and take the rest in cash, there is no objection to that.

Annulment of Settlement

Case: It is permissible to annul the settlement in the following cases:

1. If they agree to annul, or if they both, or one of them made the precondition in the settlement contract that he has the right to annul whenever he wishes, it is permissible for whoever preconditioned this right to annul the settlement.
2. If the item one takes as part of a settlement is defective, it is permissible for him to annul the settlement. It is not permissible, as an obligatory precaution, to demand the difference between the cost of the defective and the non-defective item, unless they come to a mutual agreement.

Rulings on Lease (*ijārah*)

Case: A lease is to give the benefit of use of property or its possession to another on the basis of certain conditions, and to receive something in return from him; for example to rent a house to a person for dwelling purposes on the condition that in return for that he receives a sum of money.

¹ The late Imam Shirazi: (it is the widespread and predominant verdict amongst the scholars.)

The notion of a lease could also apply to the service, skill, or expertise of an individual when one is hired for a certain task such as teaching, building a house, or making a delivery.

Criteria of landlord and tenant

Case: It is conditional that the landlord and the tenant [or the lessee and the lessor] are *bāligh*, sane and willing, and they may not be barred from handling their wealth and property; thus it is not permissible for a *saʿēeh* or the feebleminded – who wastes his money on irrational and pointless matters – to rent out or rent something.

Case: It is permissible for someone to act as the representative or agent of another to rent out the client's property.

Rent declaration

Case: It is not mandatory for the parties concerned to say the rent/lease 'prescribed wording' or declaration in Arabic, and if the owner says, in any language: "I rent out this property of mine" and the other party says "I agree" the rent contract is correct. Similarly, if they do not utter the words, but the owner conveys his property to the tenant with the intention of renting out, and the tenant takes it with the intention of renting, it is valid too.

Subletting

Case: If one rents a house, or a shop, or a room, and the owner makes it conditional that the tenant uses the property for his own benefit, and not for others, it would not be permissible for the tenant to rent it out to others.

If this precondition is not made, it is permissible for him to hire it to others, but if he were to rent it out for a higher rent than the one he pays, it is mandatory to make an alteration, such as to refurbish or repaint it, or to rent it out for other than what he pays as the rent; for example if he pays in cash, he should rent it out for some kind of goods or services.

Criteria of the leased property

Case: The rented item must have a number of criteria:

1. That the rented item is specific; so if he says: I rent out one of my houses to you, it would not be valid.
2. That the person renting the property should see it, or the landlord should describe its specifics such that it becomes completely clear to the individual renting the property.
3. That it is possible to convey; thus the lease is not valid in the case of a horse that has run away.
4. That the subject is not expended through use, thus it is not valid to hire bread, food, and fruits. However, there is no objection to leasing a tree for the benefit of its fruits.
5. That it is possible to use the property for which money is paid; thus the lease of land hired for cultivation is not valid if rain water is not sufficient, and it is not possible to irrigate it with another source of water.
6. That the property is owned by him, or is managed by someone who is acting as a representative or agent of the owner, or his guardian. It is not permissible to rent out the property of another individual except with his permission.

Conditions of use

Case: The conditions of use that a property is rented for are four:

1. That the use is permissible; thus it is not permissible to lease a shop to sell wine/alcohol in it, or to keep them in, just as it is not valid to hire an animal or vehicle to transport wine/alcohol with.
2. That the rent is not paid for something that is nonsensical as per common norms. [For example, to hire an unusable car.]
3. If the rented property has various uses, it is necessary to specify the use the hirer wants to put it to; so for example, in the case of the animal or the vehicle that is used for transporting passengers or goods, it is mandatory at the time of hire to specify the right

of the hirer in terms of use as to whether it is for personal use only, or for transporting goods or for both.

4. It is mandatory to specify the duration of use/hire; and [in some cases] it is sufficient to specify the type of function even if the duration is not specified, for example if it is agreed with a tailor to make a garment with particular specifications.

And if one does not specify the duration of the lease and says: the rent for my house is ten dinārs a month for as long as you stay, the lease is not correct, except if this statement is to give authority to an estate agent for leasing the property.

In the case of a property in which travellers and pilgrims stay, and the duration of their stay in it is not known, if they agree to pay, say, one dinar per night of stay, and the owner agrees, then there is no objection to the use of the property. However, since the duration is not specified, it does not constitute a lease, but it is correct in terms of reward (*ju‘ālah*), or giving authority to an estate agent for leasing the property, and suchlike.

Conditions of payment

Case: There are a number of conditions for the payment:

1. It is conditional that the amount and mode of payment is known; thus if it is of a weighable type such as wheat, for example, then it is mandatory that its weight is known, and if it is of a countable type, such as eggs, it is mandatory that its number is known, and if it is of the type of cattle and horses, it is mandatory that the lessor observes it, or the lessee describes it to him and explains its specifications.
2. If the owner authorises the building contractor to hire labourers, and the contractor pays the labourers less than what he takes from the client/owner, the excess would be *ḥarām* for him, and he must return it to the client. However, if he is contracted for the building project and he has been given the choice whether to build it himself or delegate it to another builder, then in this

case if he gives the other builder less than the fees for his contract, then the excess is permissible for him.

Contract Annulment

Case: It is permissible for the tenant and landlord [lessee and lessor] to annul the rent agreement in the following cases:

1. Through mutual agreement, and similarly if they had made a precondition in the contract that either one or both have the right to annul whenever one wants.
2. If it transpires to the tenant or the landlord that he has been disadvantaged in the transaction, and if he was unaware of this disadvantage at the time of saying the contract wording or declaration, it is permissible for him to annul. However, if they had made it a precondition in the contract that no one has the right to annul even if it transpires that one has been disadvantaged; it is not permissible to annul.

Contrary to specifications

Case: If it is agreed that the dyer dyes the cloth blue, for example, but he dyes it another colour, he does not have the right to claim payment for it.

Rulings on Cultivation scheme (*Mozāra‘ah*)

Definition of *Mozāra‘ah*

Case: *Mozāra‘ah* is the transaction in which the landowner contracts a farmer in that he surrenders his land to him to cultivate, and in return the landowner has a share in the harvest.

Criteria

Case: The criteria of *Mozāra‘ah* are as follows:

1. It is conditional that an offer and an acceptance is made, in that the landowner says: “I surrender to you the land to cultivate”, and the farmer says: “I accept”, or the landowner surrenders the land to the farmer and the farmer accepts [without uttering the

words]; but in this case it is permissible for the landowner and the farmer to annul the transaction as long as the farmer has not started farming.

2. That the contractors are bāligh, sane, intended and wilful, since *mozāra* ‘ah with a feebleminded (*sa feeḥ*) is not valid.
3. That the harvest in its entirety is commonly shared between them; thus if it is made conditional that the first or last harvest is for one of them, the *mozāra* ‘ah is invalid, and they must reach a settlement.
4. That the share of each one of them is determined by definitive share, such as half, third, and suchlike; thus if owner says: “cultivate this land and give me whatever you wish from the harvest”, the *mozāra* ‘ah is not valid.
5. That the duration of the *mozāra* ‘ah is specified; and it is mandatory that the duration is such that it is possible to normally obtain the harvest.
6. That the land is cultivable. If the land is not cultivable but it is possible to treat it and render it suitable, the *mozāra* ‘ah is valid.
7. If the aim of each one of them is to grow a particular crop in the land, it is mandatory to determine what is required to be grown by the farmer, but if they did not aim to grow a particular crop, or if the crop types were known, it is not necessary to specify that in the contract.
8. That the landowner identifies the land earmarked for *mozāra* ‘ah; thus if he had various plots of land and he tells the farmer: “cultivate one of these plots” and he does not specify which one, the *mozāra* ‘ah is void.
9. It is mandatory to determine the expenses incurred by each party, but if the expenses incurred by each are known, it is not mandatory to determine them.

Rulings on Irrigation scheme (*Mosāqāh*)

Definition of *Mosāqāh*

Case: *mosāqāh*, [which literally means irrigation], is that an individual agrees with another to convey to him fruit-bearing trees to irrigate, and take care of, for a specific period of time, in return for a share of their produce.

Cases of *Mosāqāh*

Case: As a precaution, ⁽¹⁾ *mosāqāh* is not valid in the case of fruitless trees, but there is no objection in the case of *mosāqāh* of trees whose leaves are beneficial such as the henna tree for example.

Case: It is permissible to come to a deal on mutually agreed terms or settlement in cases where *Mozāra‘ah* and *Mosāqāh* are not valid.

Criteria

Case: The criteria of *mosāqāh* are as follows:

1. It is conditional that the contractors are bāligh, sane, wilful, and not feebleminded.
2. It is mandatory that the duration of the *mosāqāh* is known, and it is valid if its beginning is specified and the end is made to be the harvest season.
3. It is mandatory to determine the share of each one in the entirety [of the harvest] in that each has a share of one half, one third, and suchlike, and if they decide that 100kg, say, of the produce is for the owner and the rest for the worker or vice versa, the transaction is void.

It is said that *mosāqāh* is not valid for plants of non-firm roots such as melon and cucumber plants; although it is valid in our opinion.

¹ The late Imam Shirazi: (It is said that the *mosāqāh* would not be valid . . .)

Annulment

Case: The *mosāqāh* may not be annulled except by agreement of both sides, and similarly if they make it conditional in the contract that one or both parties have the right to annul, then there is no objection to annul as agreed. Rather, if some conditions were made in the contract by one of the parties but were not acted upon, it is permissible for the party concerned to annul the *mosāqāh*.

Moghārasah

Case: If one surrenders or leases a piece of land to another in order to plant trees in, on the condition that the produce is shared between them, this transaction is valid, and this is called *moghārasah* or tree plantation.

[The difference between *moghārasah* and *mozāra‘ah* is that in the former land is surrendered for the purpose of tree plantation, whereas in the latter it is for farming such produce as wheat and suchlike.]

Rulings on Loan/Borrowing (*qard*)

Definition of Loan

Case: Giving loans is amongst the *mostahab* acts that is greatly urged and encouraged in Qur’anic verses and hadith. In an authentic hadith narrated from the Greatest Messenger, peace be upon him and his pure family:

“Whoever gives a loan to a faithful and waits until he is able to pay it back, his own wealth will grow, and the angels will pray for him until the debtor pays off his debt.”¹ The prophet, peace be upon him and his pure family, also said, “If he shows compassion to him in his request, he would pass over the Path like the swift bright lightening – without reckoning and without torment – and if a Muslim brother complains [of a difficulty] to him and he does not give him a loan, Allah would deny him the Paradise on the day He rewards the doers of good deeds.”²

¹ Wasā’il al-Shi‘ah, vol.18, p330.

² Wasā’il al-Shi‘ah, vol.18, p331.

The loan period

Case: If the two parties agree as part of the contract a duration for paying off the debt, it would be mandatory for the lender not ask the borrower for the debt before the outset of the said time. However, if no time is specified it is permissible for the lender to demand payment of the debt from the borrower whenever he wishes.

Demand for debt repayment

Case: If the lender demands repayment of his loan, and the borrower is able to pay off the debt it is mandatory for him to do so immediately, and if the borrower procrastinates he would be considered sinful.

And if the borrower does not have anything other than his accommodation and household items and suchlike, which he needs, it is not permissible for the lender to demand repayment of the loan from him, but rather he should persevere and wait until the borrower is in a condition to repay.

Bequest of the indebt deceased

Case: If the bequest of the deceased does not exceed his funeral expenses as well as his debts, it would be mandatory to use the bequest for these purposes and not to give anything to his heirs.

The lender dies

Q: An individual borrowed a sum of money from another for medical treatment, and the treatment was carried out, but the borrower forgot about the debt he was liable to, and after a while, which was not short, he remembered the loan, and after enquiring about the person who lent him the money so that he could pay him back he found out that he had passed away. What should he do in this case?

A: He must pay the loan to the deceased's heirs.

Loan with interest

Q: In some countries a loan is given to help individuals with furnishing their flats and suchlike, and the borrower can pay off the loan interest-

free during a specific period, and after this period the loan becomes liable to interest. Is it permissible to take this loan, and if one is not able to pay it off during the said period, is it permissible for him to pay off the debt with interest?

A: If it is possible for him to pay off the loan within the period, then there is no objection in taking the loan, and if this is not possible, in compelling circumstances it is permissible.

Q: Is it permissible to take out a student loan which is given to students for high school and university education? Needless to say this loan must be returned with interest in some countries, and normally a student does not have alternative means to pursue education without this loan?

A: If one is compelled then there is no objection.¹

Retrieval

Q: Someone borrowed a sum of money from me, and when payment was due, he refused to pay the debt. What is the ruling regarding claiming the debt back through stealing it from him, or to taking goods of equal value to the debt?

A: If recovering your debt is limited only to this measure, it is permissible but with the permission of the *ḥākim al-shar‘i* or his representative.

Rulings on Debt Transfer (*ḥawālah*)

Case: If a debtor directs his creditor to another person, such that his creditor collects his debt from the other person, and the creditor accepts the arrangement, the third person – after the establishment of the debt transfer – will become the debtor; and thereafter, it is not permissible for the creditor to demand his debt from the first debtor.

¹ Needless to say, taking or giving interest constitutes usury which is haram, and the reader is referred to the loan usury section presented earlier.

Case: It is conditional that the debtor, the creditor and the individual to whom the debt is transferred are bāligh, sane, wilful, and that they are not feebleminded.

Case: If the debtor, the creditor or the individual to whom the debt is transferred, or one of them made it conditional that one has the right to annul the arrangement, it is permissible for him to annul in accordance with the agreed precondition.

Rulings on Security (*rahn*)

Case: *rahn* or security is the wealth or property the debtor conveys as deposit with the creditor so that in the event of the debtor failing to pay off his debt the creditor can acquire his debt using that property.

Case: It is not necessary to recite a ‘prescribed wording’ in the case of *rahn*, and it is valid if the deposit is paid to the lender with the aim of providing security and the lender takes it for the same purpose.

Case: The criteria for the individuals providing and accepting the security are: bāligh, sane, wilful, and not feebleminded.

Case: It is not permissible for the security provider or the lender to give possession of the deposit to anyone; through donation, sale, and suchlike, without the permission of the other. However, if one does that and the other consents to that later it is valid.

Case: If the lender demands repayment when it is due, and the debtor is unable to pay off his debt, it is permissible for the lender to sell the security and take his debt from the proceeds, and return the remainder to the security provider. However, if it possible for him to access the *ḥākīm al-shar‘ī*, it is mandatory to seek permission from the *ḥākīm al-shar‘ī* for the sale.

Case: If the debtor has nothing other than his house and the things he needs such as household furniture, it is not permissible for the lender to demand payment of his debt, [because these possessions are considered the minimum required by the individual and are therefore considered immune and exempted from being sold in such circumstances].

However, if some of these exempted assets were placed as security, it is permissible for the lender to sell them and recover the debt.

Rulings on Surety (*ḍamān*)

Case: If a person wishes to provide surety for the debt repayment of another person, his surety is valid if he tells him, in any language, that I guarantee to repay your debt on your behalf, and the lender agrees to that; the agreement of the debtor is not a requirement (for the validity of the surety).

Case: If the guarantor makes a precondition for his surety, by saying, for example, “I provide surety if the debtor does not pay his debt”, the surety is valid.

Case: If one guarantees to repay someone’s debt, it is not permissible for him to go back on his [undertaking for] surety.

Case: It is conditional that the guarantor and the lender are sane, *bāligh*, not coerced and not feeble-minded, but these conditions do not apply to the debtor; thus if one guarantees a minor, or an insane, the surety is valid.

Liability

Case: If the doctor gave medicine to the patient by his own hands, and the doctor was wrong in his diagnosis/prescription, and the patient suffered harm or died, the doctor is liable. However, if the doctor only diagnoses the ailment and prescribes the medicine, and the patient himself embarks on using the medicine, the doctor is not liable, unless the doctor’s action has a greater contribution to the patient’s death than the latter’s action.

Case: If the doctor says to the patient or to his guardian: I am not liable if the patient is harmed by this medication, then he would not be liable if he takes the necessary care and precaution, even if the patient is harmed or dies.

Rulings on Banks

Case: All transactions with banks are permissible except for usury. It is *ḥarām* to give or to take usury.

Prizes and interests

Case: The prizes that the bank gives to those who have or open saving accounts are *ḥalāl* since it gives them from its own asset to encourage the people, and there is no harm to anyone.

Q: If it is permissible to receive interest from non-Islamic banks, is it then permissible for the depositor to shop for banks that give the highest interest to deposit in?

A: Yes, it is permissible.

Q: Is it permissible to receive interest from Islamic banks? Or from Islamic-and-non-Islamic partnership banks?

A: ⁽¹⁾ It is permissible, [from government, but not from Muslim-owned private banks] and they are liable to Khums [when received].

Q: Is it permissible to accept the interest that the European banks give to deposit account holders, and is it permissible to have such deposit accounts?

A: It is permissible from banks owned by non-Muslims.

Q: Is it permissible to deposit money in banks which give depositors coupons, which are used in draws, and the winners are given monetary prizes. Are these prizes *ḥalāl*?

A: It is permissible to deposit, and there is no harm to receive the prizes.

Q: What is the ruling for interest of banks of [Muslim] governments if they determine the interest rate before hand?

A: There is no harm, if it is with the permission of the *ḥākīm al-shar‘ī*, but the interest should be khumsed as soon as it is received.

¹ The late Imam Shirazi: (If it is considered *majhool-al-malik* and the *hakim al-shar‘i* permits that then there is no objection, and should be subject to Khums.)

Q: Is it permissible to borrow from non-Islamic banks, which are owned by non-Muslims, and is it permissible to deposit money in Islamic and non-Islamic banks in order to receive interest? If it is not permissible to take the interest for oneself, is it permissible to take the interest in order to give to charity?

A: Borrowing while having to pay interest is *ḥarām*, but if one is compelled to borrow, then it is permissible to borrow from banks but should give the interest with the intention of gift. It is permissible to deposit money in bank accounts and take interest from Islamic government banks ⁽¹⁾ ² but one must pay the khums of the interest immediately – and this is other than the khums paid annually at the beginning of the khums year³ – and it is permissible to receive interest from non-Islamic banks, and they are not liable to khums except the khums of the beginning of the year.

Q: Is it permissible to put money as deposit in interest-based bank accounts considering that in our country there is none but interest-based banks, and our country is an Islamic country?

A: It is permissible and the interest is considered *majhool-al-mālik* and must be subject to Khums.⁴

Q: Is it permissible to take interest from non-Muslim banks, and is it liable to Khums?

A: It is permissible to take interest from non-Muslim banks, and it is not liable to Khums [immediately] except [if in surplus] at the beginning of the khums year.

Q: It is stated in your fatwa that there is no objection to taking interest from non-Muslim banks, and the question is: what is the ruling for partaking in interest-bearing projects with American banks in that one

¹ The late Imam Shirazi: (with the permission of the *hakim al-shar‘i*.)

² It is absolutely not permissible to receive interest from private Islamic banks.

³ i.e. the amount subjected to khums will also be liable to khums at the beginning of the khums year.

⁴ This is addressed in the Khums section, see page 327.

agrees with the banks that the money one has with them is used to buy shares with specific profit?

A: Given the scenario in the question, there is no objection to that.

Bank Loans

Q: What is the ruling of Islam on borrowing money from banks, which has to be paid back with excess, for a house extension?

A: The borrowing is permissible if it is without usury. However, if one is compelled and cannot find an alternative, it is permissible and he should give the excess money with the intention of grant or gift.

Q: Here in the USA people buy their houses by getting interest-bearing loans from banks, and this matter is widespread amongst the people including the Muslims. How can this be justified?

A: Compulsion is one of the Circumstantial Overriding Rulings (*‘unwān thānawī*) that overrule the primary ones; we have the Qur’anic verse: ﴿except under compulsion of necessity﴾,¹ and in the hadith narrated from Allah’s Messenger, peace be upon him and his pure family, “[the restriction] has been lifted from nation . . . what they have been compelled thereto”.² And as a precaution the borrower should intend to give the excess money as a gift from him to the lending party.

Q: You mentioned in your earlier answers that it is not permissible to take out a loan with interest from the people of the book, except for compelling circumstances. The question here is: what is the boundary and limit of the compulsion in these matters? Some of the Muslims in the USA take out interest-bearing loans from banks when they want to buy a home or a car, and they make monthly payments with interest. Do their needs for a home and a car constitute compulsion, given that it is possible for them to rent for the duration of their lives?

¹ The Holy Qur’an, the Table Spread, (6):119. COR is defined in the glossary .

² Biḥār al-Anwār, vol.74, p155.

A: The limit of compulsion as per ‘*orf*’ or “common norms” is that if these matters are not provided for the individual one would be deemed to be in difficulty and discomfort; and if that were the case, that would be considered compulsion as per common norms.

Q: What is the ruling for borrowing from interest-bearing banks – private or governmental – in Muslim countries, whether or not one is compelled?

A: It is permissible under compelling circumstances.

Q: Bank credit cards are used for purchasing goods and services, and the balance is paid off at a later date, but if the payment is late, excess money will be charged on the purchase balance. What is the ruling for using these cards?

A: There is no objection to that, but the payment should not be delayed.

Banking career

Q: Is working in banks that deal in interest permissible, given that one has not been able to find another job, and one needs to earn a living?

A: There is no harm to that, on the condition that he does not deal with the *ḥarām* by handling transactions involving interest and suchlike.

Q: I work in the marketing section of the bank and I promote bank services, and I am required to do the following:

1. wear a tie,
2. sell visa cards; promote and market them,
3. go to customers and encourage them to use our services,
4. greet and sometimes shake hands with women,
5. if I sell more than 20 visa cards I will get a prize of \$100,
6. personally writing the contracts of interest-bearing transactions?

A: The answers are as follows:

1. *makrooh*,

2. there is no objection,
3. there is no objection,
4. shaking hands with women is not permissible, and under compelling circumstances it should be with gloves and without a firm grip,
5. there is no objection,
6. if you were compelled to do that, there is no objection, otherwise it is not permissible.

Q: Is it permissible to work, out of compulsion, in interest-bearing banks that operate in Islamic countries?

A: It is permissible on the condition that he does not deal with *ḥarām* [functions or transactions].

Q: I work as a consultant in an interest-bearing bank, is my work *ḥarām*?

A: If you are not consulted about or sought to offer advice on prohibited matters there is no objection to that.

Miscellaneous Monetary Matters

Cash transfer

Case: It is permissible to transfer money/cash – by a lesser amount or greater – from one country to another, such as transferring the dinar – with some deduction – to another where it is circulated; this is because there is a currency difference, and it is not a kind of usury. However, it is imperative that the transfer does not constitute or cause significant inflation or price rises that bring about economic harm or degeneration.

Prizes

Case: The prizes that are given for promoting goods, or those given by organisations or individuals to promote any permitted activity are permissible.

***Sarqufli* or lease hold**

Case: The money that is taken in the name of *sarqufli*,¹ by the owner, is permissible. Also if it is taken by the leaseholder in lieu of furniture and suchlike, it is permissible too, otherwise it is not permissible, because it is the right of the owner, not the leaseholder, unless it is conducted as per a permissible category deal or contract.

Insurance

Case: It is permissible to have life insurance, and insurance cover for other properties.

Q: What is your opinion about life insurance cover, and do you think it is essential considering the current difficult economic situation?

A: Life and property insurance cover is permissible; such as insurance for ships in the sea and planes in the air, because it is a reasonable and plausible transaction. As for it being essential, this is judged by the individual himself.

Donations

Q: Is it permissible to collect donations for charity projects from individuals who have prohibited professions?

A: If it is not known that the money received from them is *ḥarām* money in itself, then there is no harm.

Q: Here in Canada small donations are sought from individuals for general humanitarian help and services. Is it permissible to donate? What is the ruling if the donations are returned to the individual after a year? Is it permissible if this amounts to some privileges or advantages for the donor?

A: There is no harm to that.

¹*Sarqufli* is the purchase of the right of use of a property from the owner of the property, or from the holder, i.e. the one who bought the right from the owner.

Deposits and entrustment

Q: We gave some gold jewellery for safe keeping to one of our relatives who is known for his trustworthiness and devotion, and the gold stayed with him until he was burgled, when many things were stolen including our gold. Are they liable to return the gold to us, or have we lost our right? What are the criteria for returning the entrusted item?

A: If the person has not been negligent in the safekeeping of the gold, then according to the Shari‘ah he is not liable to compensate. On the other hand, if it was made conditional that he would be liable under such circumstance, then he would be liable.

Business Promotion

Q: In order to promote small start up businesses, some governments pay the bills for the factory’s purchases for the first year, and the owner must repay the government, interest free, within the year. If the business owner fails to make full payment by the end of the year, he would have to pay interest of 20%. Is it permissible to partake in such a venture?

A: ⁽¹⁾ It is not permissible as an obligatory precaution, unless one is compelled.

Remorseful thief

Q: A thief who regrets his action and wishes to return what he has stolen to the original owner but he does not want to expose himself. What can he do to absolve his guilt?

A: He should return it without introducing himself.

Partnership

Case: In the case of a wall which belongs to two individuals, it is not permissible for one of them to repair it without the permission of the other. Similarly it is not permissible for one of them to put the timber ends on it or to base the foundation of his building on it, or to hammer a nail in it except with his permission.

¹ The late Imam Shirazi: (It is permissible if one is compelled.)

But there is no objection to conducts that one is sure the partner would consent to such as leaning on the wall, or placing a cloth on it. If the partner says I do not consent to these conducts, then these too would not be permissible. He may refer to the ḥākim al-shar‘ī to divide the shared property.

Workers’ dues and obligations

Q: My job function in the company is to evaluate the job performance of the workers in order to determine the annual pay increase for every worker according to his competence. When I present the evaluations to my line manager, he sets about changing the recommendations as he wishes – in the process unfairly wronging and violating many of those workers. He forces me to implement those instructions. What is the ruling for this?

A: You are not obliged to do more than what you are able to. The Almighty states ﴿Allah tasks not a soul beyond its capacity﴾¹ Of course if that constitutes violating someone’s right, it would be necessary to redress it as much as possible.

Q: If an office manager notices that some of the office staff do not attend on time, is it permissible to turn a blind eye, or should he report them, which could lead to reduction in their salaries, or even expulsion from work?

A: If that constitutes corruption, and harm to others, it is imperative that a reminder is served; in line with the principle of “bidding good and forbidding evil”, and it should be followed up as and when necessary.

Q: Is it permissible for a teacher to pray during working hours, given that the time spent on prayer does not affect the quality of education?

A: (2) There is no objection to that given the above scenario.

¹ The Holy Qur’an, the Heifer (2):286.

² The late Imam Shirazi: (There is no harm to that, provided it is done in agreement with those concerned, or knowing of their consent.)

Q: What is the ruling for a teacher leaving the school without permission, if he is compelled to do so, assuming there being someone to cover for his task?

A: ⁽¹⁾ If it is under compelling circumstance and a cover is being provided, there is no objection to that.

Q: What is the ruling for the teacher leaving the school if he is compelled to do so, without there being anyone to cover for him?

A: ⁽²⁾ He should try to provide a cover, and failing that he should make up for that.

Q: What is the ruling for the teacher leaving the school without him being compelled, and without there being anyone to cover for him?

A: ⁽³⁾ If that is deemed acceptable as per common norm, and it is possible for him to make up for that then there is no objection.

Q: What is the ruling for a woman to work in a boys' school, where there are other women working, with the provision of observing the complete Islamic dress code?

A: There is no harm to that provided all Islamic aspects are observed.

Q: Is it permissible for staff to accept gifts presented to them by their employers or clients in appreciation of their work performance or for accomplishing tasks in time or before deadlines.

A: It is permissible to give and take gifts.

Family Expenses

Q: A refugee family in Denmark receives monthly entitlements; the father receives separately from the mother and children, and as the father is the one who must provide the household necessities. Is it

¹ The late Imam Shirazi: (There is no harm.)

² The late Imam Shirazi: (There is no harm, along with seeking consent.)

³ The late Imam Shirazi: (It is not permissible as an obligatory precaution; it breaches the contract with the school authority, for the faithful are bound by their undertakings.)

mandatory for the father to pay for these from his entitlement or from that of the entire family?

A: It is mandatory for the husband to pay for the wife's expenses even if she is well off, and it is not mandatory for the father to pay [from his own entitlement] for children's expenses if they have income [i.e. use the children's income to pay for their expenses].

Purchase through Finance

Q: What is the ruling for making a purchase through finance, with repayments in instalments, given that with a finance purchase the customer ends up paying a higher price than with a cash purchase?

A: If the two parties agree at the outset to the finance price and the total instalment repayments then it is permissible.¹

Bride's dower

Case: The bride's dower which the father gives to his daughter; if he gives its possession to her – whether as settlement, gift, and suchlike – it would not be permissible to take it back, but if he did not give possession of it, it would be permissible to take it back.

Lawyer's career

Q: Is it permissible to work as a lawyer within the framework of statutory law, given that those who seek their rights cannot practically do so unless through non-Islamic courts?

A: It is permissible, but one should follow the Truth.

Q: When a contract is agreed and signed between the lawyer and client, the lawyer has certain duties with respect to the client. What if in the course of the court proceedings it becomes clear to the lawyer that his

¹ A purchase is either in cash, which is of a particular price – say one thousand dinars – or through credit with instalment payment, which is also of a particular price, which is greater than the cash price – say one thousand two hundred dinars. Thus if the buyer, from the outset of the deal, agrees to make the purchase through instalments and on the price agreed – say one thousand two hundred – then the deal is valid.

client is fraudulent ... What should be his position, given that if he abandons the case, the client may take legal and disciplinary action against him, which could endanger his future career as a lawyer?

A: If he knows it is right, he should act upon it, otherwise he should somehow get rid of it.

Q: What should the position of the lawyer be if it is not clear in the course of the case that he is not right, and it is only a matter of doubt?

A: As before.

Q: If the debtor is in hardship, and the creditor raises his case against him, is it permissible for the lawyer to be on the side of the debtor not with the intention of annulling the debt, but with the aim of delaying the verdict?

A: It is permissible in the given scenario.

Q: Is it permissible for the lawyer to stand by the side of the tenant vis-à-vis the landlord who is seeking a rent increase, regardless of whether the landlord is arbitrary in using his right or fair?

A: He may in the case of [the landlord being] arbitrary, but not in the case of him being fair.

Commission

Q: As a purchasing manager of one of the companies, I deal with many companies and importers of products required by the company. Some of these companies offer me a commission in exchange for making purchases from those companies. What is the ruling for the money taken in this way, given that it is without the knowledge of the company?

A: There is no harm, if the giving of commission does not affect the market price of the purchases made; that is the price does not increase such that it becomes possible for the company to purchase those products cheaper from another company.

Q: What if I set up a business for the sale of those products and purchase them for the company I work for from my business without the

knowledge of the company, and with the same price offered in the market. What is the ruling for this transaction? And what is the ruling for the money taken from this transaction?

A: As before.

Q: An individual works in a restaurant and is in charge of purchases. It is obvious that the prices of foodstuff are commonly known, but what if he manages to get a discount from those he makes his purchases from and agrees with them to invoice him for the original price so that he keeps the difference. What is the ruling for this money?

A: If the owner of the restaurant consents to that, it is permissible.

Q: I bought a restaurant in Canada for the serving of Arabic cuisine. Some of the Canadian workers who use our restaurant are paid their wages on a daily basis in cheques or standing orders. And since they do not have bank accounts or they do, but they do not have the time to cash them at the banks, they come to us to cash them for them, but we charge them a percentage for cashing their cheques; this is because we have to spend the time to go to the bank and cash them and pay the bank some nominal commission. The workers consent to this, and we sometimes cash their cheques for free if they make purchases from us. What is the ruling for this?

A: There is no objection to that.

Rulings on Competition & Betting

Permissible competitions

Case: Competitions (*mosābaqah*) using horses, mules, donkeys, camels, elephants, motor bikes/cars, and suchlike are permissible, and similarly competitions using swords (fencing), arrows (archery), javelin and all modern day weaponry. There is no objection in setting prizes for the winners in all of these.

Case: There is no objection to setting preconditions for the financial prizes for competitions involving swords, arrows, and all other weapons, and also for the competitions involving mules and camels, and suchlike.

Case: Competitions other than those mentioned above – if no *ḥarām* practice is involved in them – are not prohibited; for example, wrestling, boat racing, car racing, aircraft racing, running, football, weightlifting, and suchlike. In such competitions it is not permissible to set preconditions for prizes; however, it is permissible to set prizes for them if the values, amounts, and other qualities of the prizes are not imposed by preconditions.

Competition Criteria

Case: It is necessary to say the ‘prescribed wording’ for the competition, but it is not necessary to be in Arabic, and it is correct in any language.

Case: The requirement for the competitors is that they should be *bāligh*, sane, willing, and their participation should be of their choice.

Case: In the competitions in which preconditions are permissible, it is mandatory to specify the prize (bet amount), and it is permissible for the prizes to come from one or both of the competitors, or from the treasury (*bayt al-māl*), or get donated by another individual.

Case: It is mandatory to specify the distance between the start and the finish, just as it is mandatory to specify the prize that is competed for.

It is conditional that there is a probability that either competitors could win; this is because if one of them was certain that he would not win due to his weakness or unfitness, then the competition (*mosābaqah*) with him would not be valid.

Case: In the case of javelin competition, it is necessary to determine the number of shots [one is allowed], the number of hits, and how they are done.

Betting

Q: If spectators pay a particular sum and participate in a horse race, or any other competition, tournament or suchlike betting on a particular horse or team to win; if the horse or the team loses they lose their money and if it wins they win a prize or whatever sum designated for

that. Is this permissible? Or does it constitute gambling and is therefore prohibited?

A: It is not permissible.

Q: Is it permissible to place (financial) bets on competitions such as football and other tournaments that have been deemed permissible from Shari‘ah viewpoint?

A: It is not permissible. Placing bets is unreservedly prohibited (*ḥarām*) except in the case of those exempted by the Shari‘ah.

Queries on games

Q: You have stated that the lottery is a form of gambling and is prohibited, except if it is devised according to the Islamic Shari‘ah; and is conducted such that it has beneficial results. So if there is a cultural competition, and questions are written on special coupons and they are sold, and the correct answers are put to a draw and prizes are specified to be given to the winners, what is the ruling if these prizes are bought using the money raised from the coupons’ sale and the rest of the money is used for charity; such as helping with marriage expenses and for the poor? And what is the ruling if the prizes are bought without using the money raised in this way, such as if a philanthropist donates them?

A: It is permissible.

Q: What is the ruling for playing card games and the domino, which is other than backgammon?

A: ⁽¹⁾ Everything that is often used to gamble with is absolutely *ḥarām* to play with, even if it is without betting.

Q: Are the games and tricks that are known today as sleight-of-hand permissible given that there is nothing that constitutes magic, but rather they rely on skill, manual dexterity, and practice?

A: There is no objection to them.

¹ The late Imam Shirazi: (If it is called gambling then it is prohibited, and if it is with betting then it is *ḥarām*.)

Q: What is the ruling for the game of chess?

A: It is *ḥarām*.

Q: Is the game of chess on the computer as prohibited as the real game?

A: The game of chess is absolutely *ḥarām*, [even that played on the computer].

Q: What is the ruling for the games that have mental benefits?

A: If they are not gambling games, they are not harmful, and no betting is involved in those games, they are permissible.

Q: What is the ruling for using the tools that are made for gambling, if they are used for entertainment and amusement, and without any betting?

A: It is absolutely not permissible to use them.

Q: Recently computer games have been produced that are attractive to the youth and the youth spend significant length of time on them. What is the ruling for this?

A: If these do not contain *ḥarām*, they are permissible.

Gambling and games

Q: There are games that we see and we do not know whether or not they are for gambling, or for amusement. What is the ruling for them?

A: The criterion is the *ʿurf* or the commonly accepted norms.

Q: If the claims were different; some say they are for amusement and gambling, while others say they are not, what then?

A: Go by what the majority say.

Q: Is it permissible to play the KIYAT?

A: If it is considered to be one of the gambling devices or mediums, it is absolutely not permissible, and if it is not one of the devices of gambling, then it is permissible on the condition that there is no betting involved.

Q: What is the ruling for playing billiards?

A: ⁽¹⁾ Anything that is a gambling device or medium, then playing it is absolutely *ḥarām*, regardless of whether it is for a prize or it is not for a prize.

Q: If it is disputed in the *‘orf* or the commonly accepted norms as to whether or not it is for gambling, is there a criterion or a principle that can be referred to?

A: By default, what is not known to be used for gambling is permissible.

Q: What is your opinion about the cartoon-based game pokémon that became widespread in the children’s world?

A: A game is in principle permissible unless it contains *ḥarām*.

Q: What is the ruling regarding electronic games the youth play that run on coin-operated machines?

A: There is no objection to that if it is not gambling as per *‘orf* or common norms and the game is not based on betting.

Card-game

Q: There is a difference of opinion about playing cards; some say it is permissible as long as it is not considered a gambling device or medium, while others decreed its prohibition; they also differed in classifying it as a gambling device. What is your opinion about this?

A: The issue is a matter of *‘orf*, and therefore it should be referred to *‘orf*. If it is considered a gambling medium, then it is not permissible.

Q: The card game JANJAFAH is used for gambling in some countries and for entertainment in others, and it is also used for what is claimed to be mental training. What is the ruling for this?

A: If it is a gambling device (such as a deck of cards) then it is *ḥarām*, even if no betting is involved when playing it.

¹ The late Imam Shirazi: (There is no objection to it as long as it is not for gambling.)

Q: What is the ruling regarding the card game – which is called ZANJAFAH in some areas – especially if it is not played for gambling, and it is played at other than prayer times?

A: If it is a gambling medium it is absolutely not permissible, whether or not it is with betting. If it is not a gambling device, then with betting it is also not permissible.

Q: Is the card game KOUCHINAH permissible, even if according to ‘orf it is not played for gambling but for entertainment?

A: If it is a gambling device, then it is not permissible even if it is used for entertainment.

Q: In your reply to the question about domino and card games it is stated that everything that is confirmed to be gambling by the ‘orf is *ḥarām*, then are all these games *ḥarām* according to the ‘orf?

A: The gambling devices fall in the [following] categories:

1. There are the gambling mediums such as chess and domino, which are *ḥarām* whether or not it is with betting.
2. There are those that are not gambling devices, such as the match box, which is *ḥarām* if it is with betting, but if it is without betting then there is no objection to it.

As for domino and card, they are gambling devices.

Chapter Four: Deposits and Grants

Rulings on Reward (*ju‘ālah*)

Definition of *ju‘ālah*

Case: *Ju‘ālah* is when someone designates a reward for anyone who executes a particular job or task. For example if he says: whoever finds my lost animal I will give him one dinar.

The person who promises to award the reward is called *jā‘il* or designator, and the person who embarks on executing the task is called *‘āmil* or worker.

The difference between *ju‘ālah* and hire

Case: The difference between the two is that in the case of the *ijārah* or hire, it is mandatory that the hired individual embarks on the job after the declaration of the hire contract or ‘prescribed wording’, just as he is entitled to his wage from that moment. Whereas in the case of the *ju‘ālah*, it is not mandatory for the worker to take up the offer of the *ju‘ālah* task; but rather it is up to him whether to take up the offer or not; just as he is not entitled to a reward before completely accomplishing the task.

The criteria

Case: It is conditional that the *jā‘il* or designator is *bāligh*, sane, intent, and wilful – i.e. to do this out of his own choice, and not to be barred against by the Shari‘ah.

Case: For the *ju‘ālah* to be valid, it is conditional that it is not to accomplish a task that is *ḥarām* or pointless. So if one says: whoever drinks wine, or walks in the dark – for meaningless reason – I will give a particular amount, the *ju‘ālah* is not valid.

Rulings on Agency (*wakālah*)

Definition of *wakālah*

Case: *wakālah* or agency/representation is that an individual who has the authority appoints another person to deal with a particular aspect or conduct a task; for example, an individual appoints someone to sell his house, or to conduct a marriage contract with a woman on his behalf.

Declaration

Case: It is not necessary to say the ‘prescribed wording’ for agency. If one through his conduct leads another to believe that he has appointed him as an agent, and the agent conducts in such a way that he has accepted this appointment – such as if one assigns his property to another to sell and the other accepts the property – the agency would be valid.

Criteria of the parties

Case: The criteria of the principal and agent are: *boloogh*, sanity, intention, and choice or volition.

Miscellaneous

Case: If the agent was negligent in preserving what is in his possession, or disposed of it in a way other than what he was allowed, and that was destroyed, he is liable for that. For example, if he wears the garment he was assigned to sell, and the garment was destroyed, it is mandatory for him to compensate the principal.

Case: If the principal discharges his agent, it is not permissible for the agent to carry out the duties he had been assigned to do after he receives his notice. However, duties carries out before receiving notice of dismissal are in order.

Case: It is permissible for an agent to resign from the agency, and that is permissible even if the principal is absent.

Case: If the principal or the agent dies, or if one goes insane, the agency is void. Equally, if the entity, for the disposal of which the agency was formed, is destroyed, such as if the entire cattle, for which one was assigned to sell, dies.

Rulings on Admission (*iqrār*)

Definition of *iqrār*

Case: *iqrār* is when one admits to being liable to others. For example, to say: “I owe Ali 1000 Dirham”, or to confirm he is not owed by any individual, by saying: “Ahmad does not owe me anything”.

Criteria for *iqrār*

Case: The admission is valid if it is categorical, explicit or self evident; therefore if one says: “It maybe that I owe Ali 1000 Dirham”, the admission is not valid.

Case: It is conditional that for the *iqrār* to be valid, the admission should prove to be to the detriment of the admitting individual; thus if for example he says: “Zayd owes me 1000 Dirham”, the *iqrār* is not valid, and it will be of no value except with proof and evidence.

Case: Admissions of the minor and the feebleminded in relation to their property are not valid, and so too that of the coerced, and of the one who does not intend such an admission.

Change of admission

Case: If the owner of a property declares: “this house belongs to Ali”, and then afterwards he says: “it belongs to Hasan”, (it is mandatory, as a precaution, to reach a settlement between them).¹

***Iqrār* of the sick**

Case: The ruling regarding the sick in the case of admission is the same as that of the healthy – except if it is admission made during a sickness that results in death. For example, if during the illness that one dies of one says: “I owe so-and-so a given sum”, and if in this admission he is suspected of disadvantaging the heirs, then the amount admitted to should be deducted from the one-third [share of the bequeath that is normally used for the benefit of the deceased], and not from the total bequeath. [For more information see section on Will and Inheritance, p 550.]

¹ The late Imam Shirazi: (the house must be given to Ali, and its price value given to Hasan – as per the widespread verdict amongst the scholars, even though this judgement is disputable.)

Rulings on Grant (*hibah*)

Definition of *hibah*

Case: *hibah* is a grant or gift given to someone freely and without expecting anything in return.

Offer and acceptance

Case: In order for the grant or gift to become effective it is necessary for the offer and acceptance of the grant to take place; however, if one gives something to another as a grant, and the other accepts it for the same purpose, grant has taken place even if the ‘prescribed wording’ is not uttered.

Criteria of the donor

Case: The criteria of the donor should be: bologh, sanity, intention, choice or volition, and not being barred [from using his property]; thus the grant is not valid if it is from the feebleminded, or the ‘declared’ bankrupt, and that taking the item must be with the permission of the donor even if that [the receiving of the grant] is in other than the location where the promise [of giving the grant] was made.

When grant is binding

Case: If one grants something to someone and the recipient collects the item, it is permissible for the donor to annul the grant and take back the item except in the following cases:

1. If the recipient is one of his close relatives such as mother and father, or a distant relative such as a cousin.
2. If the donor is the spouse.
3. If the donated gift is partially or fully used or damaged.
4. If the grant is in return for another; i.e. one gives something in return for another grant, for example if one gives a house in return for an orchard.
5. If the donor gives his donation to the cause of Allah.

6. If the donor or the recipient dies [after the grant is made].
7. If the recipient utilises the grant item; for example if the grant was wheat he sells it, or if it was a piece of cloth he makes it into a garment.

Case: If the lender forgoes his debt to the borrower as a gift, it is not permissible for him, thereafter, to demand repayment of the debt.

Grants, donations and gifts

Q: In the West, some countries provide financial help to those who are of limited income, which may include foodstuff. Is it permissible for Muslims to receive such help if they are entitled to it?

A: It is permissible for those eligible, provided it does not contain a prohibition from the Shari'ah viewpoint.

Q: Is it permissible to collect donations [for charity] from those individuals whose wealth [or some of it] are known to come from *ḥarām* sources?

A: It is permissible except if it is known that the donation being taken is the *ḥarām* money itself.

Q: If money was collected in a centre for a function for a particular occasion, and there was some surplus money leftover after the function, what should be done to that money?

A: It should be used for a similar function on another occasion.

Q: There is an individual who is rumoured that his wealth is mixed with *ḥarām*; what is the ruling, therefore, for the donations he makes to the Husayniyyah?

A: There is no objection as long as it is not obvious that the money donated is the *ḥarām*-money itself.

Q: There are some books that are owned by the Islamic centre; is it permissible to give some of these books as gifts to some of the faithful with the aim of educating them, or to encourage them to participate in religious occasions?

A: If they are not *waqf*, and the manager permits, then it is permissible.

Q: Some consumer goods contain prizes. If the child buys some of these goods, and wins a prize, which sometimes can be valuable, is the prize the property of the child who bought it himself or his guardian's?

A: If the child bought the product with his own money then the prize is his.

Rulings on Charity (*ṣadaqah*)

Definition of *ṣadaqah*

Case: *ṣadaqah* or giving to charity is one of the *mostaḥab* matters which is greatly urged and encouraged in the hadith, stating that *ṣadaqah* enhances wealth, repels harm or misfortune, and brings cure.¹ The *ṣadaqah* should be given with the intention of seeking nearness to Allah Almighty, and it is valid even if it is given without declaring it to be *ṣadaqah*.

Going back on *ṣadaqah*

Case: It is not permissible for the one who gives the *ṣadaqah* to go back on that and seek to take it back after giving it to the poor.

The Hāshimite and the *ṣadaqah*

Case: It is not permissible for the Hāshimite² to take either *zakāh*³ or *zakāt-al-fītrah*¹ from non-Hāshimite.² However, in the case of other

¹ Al-Kāfi, vol.4, p10.

² A Hāshimite individual is one who is a descendant of the prophet Muhammad peace be upon him and his pure family. The term Hāshimite is pertaining to Hāshim, the great grandfather of the prophet Muhammad, peace be upon him and his pure family, who was an eminent leader of Mecca who was known for his immense generosity; who became known as Hāshim amongst the people because he used to feed the people during the years of famine. Today a Hāshimite individual is also known – in different parts of the world – as in such terms as Sayyid, Sādāt, Sharif, and Ashrāf.

³ The *zakāh* in this context is the *zakāh* of the nine items, which are wheat, barley, dates, raisins, gold, silver, camel, cow, and sheep.

obligatory *ṣadaqah*³ or *mostaḥab ṣadaqah*⁴, it is permissible for the Hāshimite to take from the non-Hāshimite.⁵

On the etiquettes of ṣadaqah

Case: It is *mostaḥab* to give to the person who solicits [financial] help, and it is *makrooh* to refuse him even if one believed he is not in need.

Case: It is permissible to give the *mostaḥab ṣadaqah* to the one who is not in need, to the non-Shi'a and to the non-believer, (and it is prohibited to give it to the combatant non-believer, and to the *nāṣibi*).⁶

Case: It is *makrooh* to solicit [financial] help – i.e. to beg – when one is in need, and in the case when one is not in need, it is *ḥarām*.

Case: When giving *ṣadaqah* is it *mostaḥab* to give priority to one's relatives, neighbours, and people of standing/virtue over others.

Queries on ṣadaqah

Disposing of ṣadaqah

Q: For what things are the *ṣadaqah* used?

A: For all good causes.

Q: The *ṣadaqah* that is given for repelling harm and misfortune and suchlike, which are made conditional to be given to the poor; is it permissible to use for projects promoting Islamic teachings?

A: If it is made conditional, it is not permissible.

¹ This is obligatory *zakāh* that must be given by every individual at the end of the holy month of Ramaḍān.

² Needless to say it is permissible for a Hāshimite to receive these two specific categories of *zakāh* from a Hāshimite.

³ The other main obligatory *ṣadaqah* are Khums, and the money that one may pledge to give as *ṣadaqah* as part of a vow or *nadhr*.

⁴ The *mostaḥab ṣadaqah* are those one gives to charity voluntarily; seeking nearness to Allah Almighty, or to repel harm or misfortune, and suchlike.

⁵ Needless to say, it is permissible for the Hāshimite to receive the obligatory Khums from the non-Hāshimite.

⁶ The content between () is not part of the fatwa of the late Imam Shirazi.

Q: Is it permissible to give *ṣadaqah* to someone who seems in need by virtue of his appearance without knowing his real financial situation?

A: Yes it is permissible.

Q: Is it permissible to give help to individuals who stand next to donation boxes in poor countries?

A: Yes if they are poor, though it is permissible unconditionally.

Before giving

Q: If one sets aside a *mostaḥab ṣadaqah*, does it – by setting it aside – become obligatory and it is not permissible to go back on?

A: No it does not.

Q: If there are no paupers around, is it permissible if I keep the *ṣadaqah* and give it all in one go to those who deserve it?

A: Yes, but normally there are paupers in all countries.

Q: If I was keeping *ṣadaqah*, and exceptionally I wanted to use it to help others, and then replace it, is that permissible?

A: There is no objection to that.

The ruling of ṣadaqah for Sayyids

Q: Which *ṣadaqah* is not permissible for the Sayyids to receive? Is it all *ṣadaqah* in absolute terms?

A: No, it is the *Zakāh*, as well as *zakāt-al-ḥiṭr*, as a precaution.

Q: If a Sayyid is invited to a meal, does that constitute the prohibited *ṣadaqah*?

A: No.

Relatives and ṣadaqah

Q: Is it permissible to give the *ṣadaqah* to my nephews and nieces?

A: Yes it is permissible, “the relatives have priority to good deed”.

Q: Does it constitute a *ṣadaqah* if a Muslim helps his widow sister who has orphans?

A: Yes, it is narrated in the honourable hadith, “[Giving to non-relatives is deemed] no *ṣadaqah* when there is a relative who is in need.”¹ It may be considered as *ṣadaqah* irrespective of whether it is obligatory or *mostaḥab ṣadaqah*, and it is one of the best (*qurbah*) means of seeking nearness to the Almighty.²

Rulings on Barring (*ḥajr*)

Definition of *ḥajr*

Case: The *ḥajr* or barring/freezing [of assets] is to prevent an individual from using some or all his assets for one of following reasons:

1. Being minor.
2. Insanity.
3. Feeble-mindedness.
4. Bankruptcy.
5. Illness.
6. Death.

1. Barring of the minor

Case: It is not permissible for a minor who is not *bāligh*, or is *bāligh* but not mature, to utilise or dispose of his wealth and assets, even if he has shown to be wise in handling such wealth.

Case: The guardian (*waliy*) of the minor is the one who has the right to utilise and manage his wealth. In the first degree he is the father, or the minor’s paternal grandfather. If they are not [living] then the guardian appointed by them, and in the absence of that, it is the *ḥākim al-shar‘i*.

2. Barring of the insane

¹ *man lā yaḥḍuruhul-faḥiqh*, vol.2, p68.

² In the case of the obligatory *sadaqah*, one must observe the criteria prescribed by the Shari‘ah for giving such *sadaqah*. These *sadaqah* include *khums* and one would need the permission of one’s *marje* before giving the *sadaqah*.

Case: The insane must be prevented from handling and dealing with his wealth, and in the rest of the rulings he is treated like the minor, but as an obligatory precaution, if he becomes insane after boloogh, his guardianship should be for his father, or his paternal grandfather, together with the *ḥākīm al-shar‘ī*, (and the guardianship of the father or the paternal grandfather independent of the *ḥākīm al-shar‘ī* is sufficient).¹

3. Barring of the feebleminded

Case: The *safeeh* or the feebleminded is one who disposes of his wealth and assets for irrational and unreasonable purposes and spends them inappropriately. It is not permissible for him to utilise and manage his wealth, and his guardianship goes to his father and his paternal grandfather if he becomes feebleminded before boloogh, but if he becomes so after boloogh, then his guardianship goes to the *ḥākīm al-shar‘ī*, together with his father and paternal grandfather as a precaution (and the guardianship of the father and paternal grandfather is sufficient).²

On the bankrupt

Case: The bankrupt is the person who is barred from his wealth by the *ḥākīm al-shar‘ī*, given his insolvency and inability to pay his debts. However, it is permissible for the bankrupt to utilise his wealth before he is barred by the *ḥākīm al-shar‘ī*, even if his debts are many fold his wealth.

Case: It is not permissible for the bankrupt to utilise and dispose of his wealth if four criteria are found in him:

1. If his debts were proven from the Shari‘ah view point.
2. If his assets and debts he is owed by others are less than his own debts [to others], with the exception of those we have

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The content between () is not part of the fatwa of the late Imam Shirazi.

mentioned in the book of loans, such as the family home and furniture.

3. If his debts are due, or if those specific debts which are due are more than his assets.
4. That the creditors demand the *ḥākīm al-shar‘ī* to bar him.

Case: From the moment *ḥākīm al-shar‘ī* sanctions the ban, the creditors will have the right to the assets of the bankrupt, and it is mandatory to sell them and pay off the creditors using the proceeds.

Case: The assets of the bankrupt are divided between the creditors according to the ratio of their debts. For example, if his assets are thirty Dinars, and one creditor is owed one-hundred Dinars and another is owed fifty, then twenty Dinars should be given to the one owed one-hundred Dinars, and ten to the other.

Dealings of the sick

Case: It is permissible for the ill individual who would die from that illness to spend his monies on himself, his family and children, his guests, and items for which spending money is not considered squandering. Similarly, there is no objection if he sells what he owns for its normal value, or if he leases it. His handling of wealth and property is also valid if he donates his wealth or property to others, or if he sells it for less than its true price, irrespective of whether what he donates or sells for less than its value is less than one-third of his total assets or more. In case it is more, he does not need the permission of his heirs.

Will and bequeath

Case: If one makes a Will to give part of his assets to someone after his death, if it does not exceed one-third [of the bequeath], or if it is more than one-third but the heirs consent to that, it would be mandatory to execute that Will. But if it is more than one-third and the heirs do not consent to that, then the Will would be valid within the one-third [only]. Any amount in excess of one-third would be void. The same principles apply to execution of the Will involving financial instructions that are

non-obligatory from the Shari‘ah viewpoint; such as good deeds and charitable causes.

Rulings on Bail (*kafālah*)

Definition of *kafālah*

Case: *kafālah* or bail is the surety for the appearance of the debtor whenever the creditor requires him to. The person acting as surety is called *kafeel*.

Criteria of the sponsor

Case: The criteria of the *kafeel* are: *boloogh*, sanity, choice, and the ability to produce the person concerned.

Annulment

Case: The *kafālah* is annulled under one of the following:

1. The *kafeel* hands over the debtor to the creditor.
2. The debt of the debtor is paid off.
3. The creditor waives his debt.
4. The death of the debtor.
5. The creditor releases the guarantor (*kafeel*) from the surety (*kafālah*).

Rulings on Deposit (*wadi‘ah*)

Definition of *wadi‘ah*

Case: *wadi‘ah* is to deposit something with somebody for safekeeping.

Case: If one deposits and entrusts his money with someone and verbally asks him to protect it and the trustee accepts; or if he entrusts him with his money without the utterance of words, and the other accepts with the purpose of protecting it, the *wadi‘ah* is valid, and it is necessary to abide by its rulings.

Criteria of the parties

Case: The criteria of the depositor and the trustee are: sanity and bologh. Thus if one deposits his wealth with a minor or an insane, or if a minor or an insane deposit their wealth with him, the wadi'ah is not valid, and in the latter case, it is obligatory to return the deposit to their guardians.

Case: If an individual is not able to protect the deposit, he must not accept it.

The wadi'ah is non-binding

Case: It is permissible for the depositor to take back his deposit whenever he wishes, and it is permissible for the trustee to return the deposit to the depositor whenever he wishes.

If the wadi'ah is destroyed

Case: If the trustee has not been negligent in the safekeeping of the deposit, nor has he breached the norms concerning it and its usage, and it is destroyed, he is not liable, except if liability has been made a condition beforehand.

When one of them dies

Case: If the owner of the deposit dies, it is mandatory for the trustee to ensure that it is returned to the heirs, or to inform them of it, and if he does not ensure returning it to the heirs or he is negligent in informing them, and it perishes, then he is liable.

Case: If the trustee dies or goes insane, it is mandatory for his heirs or guardian to inform the owner of the deposit as soon as possible, or to ensure that it is returned to him.

Disposing of the deposit

Q: If an individual deposits some money with another, and instructs him not to use the money in case it is lost, but the trustee invests the money and makes a good profit as a result, how should he deal with the money, and is the profit his?

A: (As an obligatory precaution)¹ the profit should be divided between them according to common norms.

Interest on the deposit

Q: What is the ruling for the interest that companies give on the deposits of their workforce, which is given by them without the workers demanding or negotiating it, given that these companies are in a fifty-fifty investment deal with a non-Muslim partner? The companies in question invest these funds, and in the first year they give 10% on the deposits, in the second year 20%, and so on and after ten years these companies give interest of 100% on the capital deposited?

A: It is permissible, and one should immediately pay the khums of half of the interest that is received from the Muslim partner.²

Q: What is the ruling for the workers who deposit their money with one of the large foreign non-Muslim companies that give interest?

A: It is permissible, and it is not liable to [immediate] khums except annual khums at the beginning of the khums financial year.

Rulings on Lending (*'āriyah*)

Definition of *'āriyah*

Case: *'āriyah* means to facilitate or lend one's wealth or property to another person to use for his own benefit for free.

***'āriyah* is non-binding**

Case: It is permissible for the lender to ask for the *'āriyah* principal (or the loan amount) back whenever he wishes to, just as it is permissible for the borrower to give the loan amount back whenever he wishes.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The other half of the interest received should be treated as a normal income and would be subject to Khums, if not spent, at the beginning of the Khums year.

Surety of ‘*āriyah*

Case: If the ‘*āriyah* principal is destroyed, not due to negligence of the borrower or in its breach of any conditions regarding use of the loan, then the borrower is not liable. However, if it is made conditional that in the case of the loan being spoiled or damaged it should be replaced, then it should be replaced. If the [destroyed] ‘*āriyah* principal is gold or silver; the borrower is liable even if compensation was not made conditional.

Miscellany

Case: The ‘*āriyah* or lending of a principal that is *ḥarām* to benefit from, such as music instruments, is invalid and is not subject to the ‘*āriyah* rulings.

Case: It is not permissible for the borrower of the ‘*āriyah* principle to lend it as an ‘*āriyah* to another person, or to lease it, without the permission of its owner.

Case: If the lender of the ‘*āriyah* principal dies, it is obligatory for the borrower to return the ‘*āriyah* principal to the heirs of the owner immediately.

Chapter Five: Public Resources, Covenants, and Expiations

Rulings on the developed and undeveloped lands

Definition of undeveloped lands

Case: Unused lands that are currently not owned – regardless of whether they have never been owned, such as most of the deserts, or had been owned previously but were left unused thereafter, such as old towns and cities that have fallen into oblivion and are obliterated – are called *ma wāt*.

The ruling of *ma wāt*

Case: The *ma wāt* belong to whoever develops them and revitalises them, as long as there is no harm to others.

Public paths

Case: Public paths are for all, and it is not permissible for one to build a house on them or dig a well in them, and suchlike. But the pathways that are non-leading [to any way] are privy to those who have houses in them, and it is not permissible for others to use/interfere in their privilege without their permission. Even if one shared a wall with them, it is not permissible for him to open a door to them [in the wall] without their permission and consent.

Case: It is permissible to sleep and perform ṣalāh in the public pathways. It is also permissible to set up a stand in them for trading, but on the condition that this does not constitute harm to passers by, and if someone sets up a stand first [for trading], it is not permissible for anyone to force him out of his stand or share in his business.

Tree roots

Case: If the roots of a tree run in someone else's property, it is permissible to prevent them, and if this causes damage to his property, it is permissible to seek compensation for damages.

Common to Muslims

Case: The mosque is one of the places common to all Muslims, and it is permissible for them to do anything that does not violate the sanctity of the mosque.

Case: If one occupies a place in the mosque, it is not permissible for another to usurp it – on the basis of the principle of precedence (*sabaq*). So if one leaves the place without leaving something behind to indicate it is still occupied, his right is lost, and if one leaves something behind but his absence from that place is prolonged, such that it renders the place 'unused', it is permissible for another to occupy it if he needs it.

Case: The Holy shrines have the same rulings as the mosques in these matters.

Q: Is it mandatory to bar the non-believers – of Ahl al-Kitāb or otherwise – from entering the mosques?

A: Yes it is mandatory.

Q: What is the ruling if it is for the purpose of educating themselves about Islam?

A: It is not permissible, and efforts should be made to guide them to Islam through other means.

Q: If one has received donations and suchlike some of which are specific to Husayniyyahs and some to mosques, but some of them were mixed together, what is the ruling for this?

A: One should try to estimate and give each its due, and if it is not possible for him to estimate, he should divide according to the principle of "justice and fairness".

Q: Is it permissible to use goods that are donated to an organisation for personal purposes? And is it permissible to give the required fee to the organisation for using its goods?

A: Personal usage is not permissible, and there is no harm to give the required fee with the permission of the organisation's manager.

Q: Is it permissible to plant trees by or over the graves?

A: There is no evidence to support its prohibition, except if it constitutes offence or insult.

Q: In the Qateef province we have a cemetery, and according to the plan by the municipality, it has been decided to build a public road for motor traffic through the cemetery. What is the ruling for this?

A: There is no harm for the traffic to pass through (the cemetery).

Common seminary

Case: The seminary school complex is common to all students and if one individual occupies a dormitory room before others he has priority to its use than others, except if he is absent from the seminary and, for example, his leave is prolonged, or if his absence from it is contrary to the terms of use.

Common resources

Case: Water and mineral resources are common to all people; so if a person extracts a mineral in a neutral land [that does not belong to others], or digs a waterway, then it is his to the extent of his endeavour, on the condition that it does not constitute harm to others.

Case: Water and mineral resources, and unused lands are not the property of the government; rather the government – if it is a shari‘ah-legitimate, i.e. the government of Council of Fuqahā’ – is treated like the general public; if it develops and revitalises a piece of land, or extracts a mineral it is the government's, otherwise they revert to their previous state, i.e. they do not belong to anyone.

Archaeological finds

Case: Archaeological antiquities that no one owns, if someone or an authority finds and acquires them, they will be theirs – on the basis of (*sabaq*) precedence to the neutrals – and therefore it is permissible for the one who has acquired them to prevent others from visiting them except for a fee, and suchlike. As for some governments' practice of forcefully seizing the antiquities from those who discover and acquire them, this has no legitimacy from the shari'ah viewpoint. Of course it is permissible to buy them from those who discover them, or to come to some form of arrangement with them.

Acquisition in Space

Case: It is not permissible to force out whoever is first (*sābiq*) in a place on the moon or in space; so for example if a person launches a satellite in a particular orbit, it is not permissible for another to launch his satellite in the same orbit if this results in harming or affecting the interest of the first one. Similarly, if one acquires something on the moon, it is not permissible for another to seize that acquired piece.

Needless to say, it is conditional that the acquirer may not cause harm to others.

Miscellany

Q: Because of a number of factors such as corrupt, unjust, and incompetent systems, or terrorism and suchlike, equal opportunities are diminishing for most people. However some people manage to take over more than their fair share with respect to these matters, i.e. land, water, minerals and suchlike, which have been created for all, in the form of forests, minerals, water, and suchlike, as the Almighty states, ﴿and the earth; He laid it out for mankind﴾,¹ ﴿It is He Who created for you all that is in the earth﴾,² and many other *āyāt* and *hadith*. Given such circumstances, which are more or less prevalent everywhere, what about

¹ The Holy Qur'an, The Compassionate (55):10.

² The Holy Qur'an, The Heifer (2):29.

those who have been excluded or whose rights have been appropriated, can they recover their right if or when they can afterwards?

A: The deprived individuals whose rights have been appropriated in the absence of equal opportunities, have the right to get back their rights even if others have preceded them [in acquiring those benefits] and even if they had developed and revitalised the land; because the principle of “whoever precedes [others] to acquire something that another Muslim has not preceded and acquired . . .”, and “whoever revitalises a dead [unused] land . . .”,¹ and suchlike are within the framework of rights which all people have access to.

Q: If there is a conflict of priorities between the progress of knowledge, which needs money and other support, and growth and development of mankind, what should be the priority here, knowledge or mankind?

A: Priority should be given to the development of mankind; this is because everything is [created] for [the sake of] mankind, and mankind is not [created] for [the sake of anything] else. In the *qudsi hadith* it is stated: “I created the things for your sake, and I created you for My sake”. However, the question of competing priorities is not a real issue here; because as the number of people increase, the energies and abilities also increase as a result, in that there will be amongst them scholars, experts, and suchlike; in the hadith we have, “the faithful is more precious than the Ka‘bah”.

Rulings regarding the Find

Definition of Find

Case: A find is anything that one finds or comes across.

¹ Tahdheeb al-Aḥkām, vol.7, p151; and in it is narrated from the prophet, peace be upon him and his pure family, who said: “whoever plants a tree, or digs a river/canal afresh, while no one preceded him, or revitalises a dead land, then it is his. This is a ruling from Allah Almighty and His Messenger.” Also cited in Wasāil al-Shi‘ah, vol. 25, p413.

The find with no indication of the owner

Case: If an individual finds something that has no indication or clue leading to its owner, it is permissible for the person to take it with the intention of possessing it, but as a *mostaḥab* precaution he should give it as *ṣadaqah* on behalf of its owner.

The find with owner's identity

Case: If there is a sign on the find, and its value is less than the shar'ī dirham (2.6 grams of pure silver), and its owner is known, and one does not know of his consent, it is not permissible to take find without his permission.

However, if the owner is not known, it is permissible to take it with intention of possession, and the precaution is to pay its owner its equivalent when the owner becomes known.

In the case when the value of the find reaches one shar'ī dirham, and there is a sign on it that makes it possible to identify the owner, it is mandatory for the finder to make announce about the find, even if the owner is a non-combatant non-believer.

Declaring the find

Case: To declare the find, one should make an announcement in a gathering about the object he has found as per common norms. It is sufficient if the announcement is made until one has no hope of finding the owner. It is not necessary to make the announcement if one knows that it will be of no effect.

Case: It is not necessary, when making the announcement, to mention the object's detailed features, but it is sufficient to say I found such and such an object.

Case: If one does not wish to make the announcement himself, he can ask someone he trusts to make the announcement on his behalf.

Case: If one finds an object and does not exercise the procedure mentioned above about declaring it, he would have committed a sin, but

he must still make the announcement, if there is the probability of finding the owner.

Case: If a minor finds an object, then it is mandatory for his guardian to make the announcement on his behalf.

Post declaration

Case: If an announcement is made such that there is no hope of finding the owner, it is permissible for the finder to take possession of the find with the intention of compensating the owner for it when he is identified, or with the intention of keeping it and giving it to the owner when found. But as a *mostahab* precaution, he should give it as *ṣadaqah* on behalf of the owner.

Particulars

Case: If one finds something, and someone claims that it is his, it is not permissible to give it to him until he describes the find's detailed features. The exception is if one knows for certain that he is the owner. However, it is not necessary to describe those features that an owner does not normally take notice of.

The find that perishes with time

Case: If the find is one that perishes with time, it is not necessary to seek permission of the *ḥākim al-shar'ī* to determine its value, or to sell it, and keep its proceeds as *amānah* or trust in order to give it to its owner. Rather, it is permissible to do that without the permission of the *ḥākim al-shar'ī* or his representative.

If one's shoes are taken

Case: If one's shoes are taken and a different [pair] is left in its place, if one knows that the left shoes' owner is the one who took his shoes, and one knows that he did this deliberately, it is permissible to take the shoes left behind in lieu of his shoes, but if the value of the shoes left behind is more than the ones taken, it is mandatory to pay the owner the difference when he finds him.

If one cannot find the owner, it is mandatory to give the difference as *ṣadaqah* on behalf of the owner with the permission of the ḥākim al-shar‘ī. If there is a probability that the shoes left behind are not those of the one who took his own shoes, and if the value of the shoes is less than one shar‘ī dirham, it is permissible for him to take it, and if it is more, it is mandatory to make announcement about it, and after that, as a precaution, to give as *ṣadaqah* on behalf of the owner.

Miscellany

Q: Can a find be considered as “*majhool-al-mālik*”, and therefore should be returned to the ḥākim al-shar‘ī, whose permission would be necessary for disposing of it?

A: Yes, and that will be after declaring it, and until establishing that there is no hope of finding its owner.

Q: Do the rulings of the find mentioned above cover animals too?

A: Yes.

Q: I found an object which carried some identifications in a public place. It is difficult for me to declare it in public places, and I may need to spend more than its value in order to reach the owner. What is the ruling in this case?

A: If it causes difficulty, then one can give it in lieu of *radd al-maḍālīm* on behalf of its owner to the ḥākim al-shar‘ī, or seek his permission to dispose of it.

Q: What is the ruling for the find in the Ahl al-Kitāb country.

A: Its ruling is the same as the ruling for the find in a country of Islam.

Case: If an individual gives something to a craftsman to fabricate it for him, and the individual concerned never comes back to claim his property, and if the craftsman searches for him but to no avail, until he finds himself with no hope of finding the man, (then he should give it in

lieu of *radd al-maḍālīm* on behalf of its owner to the ḥākīm al-shar‘ī, or seek his permission to dispose of it).¹

Majhool-al-Malik

Q: What is meant by *majhool-al-mālik* (unknown owner)?

A: *majhool-al-mālik* is a property whose owner is not known.

Q: Who should the money or property, whose owner is unknown, go to? For what purpose can it be spent, and does disposing of it require the permission of the ḥākīm al-shar‘ī?

A: It should go to the poor, and be used for good deeds and charitable causes seeking nearness to Allah Almighty. The authority for its disposal rests with the righteous (‘*ādil*) mojtahid. It is, however, permissible for others to dispose of it with the prior permission of the mojtahid.

Q: A female student borrowed 2000 Dinars from another female student. The lender left the school and, along with her family, moved to a distant city. The borrower sought to establish contact with the lender but to no avail. She even went to that city to enquire about her, but without much success. How should she repay her debt?

A: If there is a probability of finding her within a reasonable time span, then it is mandatory for her to wait until she finds her, but if she loses all hopes of finding her, then the sum should be given to the ḥākīm al-shar‘ī, on the grounds of the property being of an unknown owner (*majhool-al-mālik*), or should be used/disposed of with his permission.

Q: The customs authorities confiscate some of the goods that passengers bring with them, and these stay with the authorities without their owners being known. Is it permissible for someone who can salvage them from the authorities to use them:

¹ The late Imam Shirazi: (It is permissible for him to give it to ṣadaqah on behalf of the owner.)

1. for personal use, such as taking a television set to use and suchlike,
2. for use in places like mosques and husayniyyahs such as the Husayni torbah, copies of the Qur'an, and supplications books?

A: The authority for those goods goes to ḥākim al-shar'ī with regard to permission to utilise and dispose of them.

Q: The customs authorities levy duties on importers or charge fees for the storage of the goods. The outcome is that:

- a) The prescribed period for keeping the goods expires, their owners do not reclaim them, and the customs authorities seize the goods.
- b) The importer is unable to pay the duties and or fees, and the customs authorities seize the goods in order to deduct the duties from.
- c) After a period in storage, releasing the goods proves too costly for the importers and thus they simply abandon the goods altogether.

What is the ruling therefore for the following cases:

1. To take some of the goods directly from the port given the aforementioned three scenarios.
2. To purchase these goods from the port authorities, or from a trader whom we know has bought them from the port authorities, given the aforementioned three scenarios.
3. Purchasing from shops which we know all their goods are from those sold by the port authorities.
4. Purchasing from shops that we know some of their goods are imported and some are bought from the port authorities.

A: In the case of the last scenario, it is permissible to buy from the shop those items one does not know they are obtained from the port authorities, and in the other three cases and the scenarios, the authority

of those goods goes to ḥākīm al-shar‘ī and others must seek his permission [for handling or disposing those goods].

Rulings on Usurpation

Definition of Usurpation

Case: Usurpation is the unjust seizure of an asset or right of others.

The ruling of usurpation

Case: Usurpation is one of the major sins (*al-dhunoob al-kabeerah*) that renders the culprit to qualify for severe torment in the hereafter. It is narrated from the Greatest Messenger, peace be upon him and his pure family, saying:

“Whoever usurps one span of land from his neighbour, Allah will make it a collar around his neck until he meets Allah on the Day of Judgement”.¹

Case: It is not permissible to perform the ṣalāh in usurped agricultural lands, just as it is not permissible to use/manage factories that are usurped, and the same applies for every place that is usurped.

Q: What is the ruling for buying stolen items from a person who may not be the thief himself?

A: It is not permissible to buy usurped or stolen property, whoever the thief or usurper may be.

Q: If some parts of the house are usurped, for example the bricks with which the house has been built, will that affect the validity of the ṣalāh?

A: If the land on which one performs the ṣalāh is not usurped, the ṣalāh is valid.

Usurpation of Rights

Case: If an individual bans others from using a mosque, or a school, or a bridge, or other public places, he has effectively usurped their rights,

¹ Wasāil al-Shi‘ah, vol.25, p386.

and similarly if one takes up a place in the mosque before others and another bars him from it.

Giving back the usurped and its growth

Case: If one usurps something from someone, it is obligatory to give it back to its owner.

Case: If one changes or improves the usurped property/item such that it becomes better than its original state; for example if one makes the usurped gold into earrings, and if the owner of the gold says give me back my property in its current state, it would be mandatory to give it back in that state, and he does not have the right to demand the fee for the work he has done.

Case: Whatever growth is obtained from the usurped property – such as if the sheep gives birth – it belongs to the owner of the property. Similarly if one usurps a house, it is obligatory for him to pay the rent to the owner of the house, even if the usurper never lived in it.

Case: If one cultivates the usurped land, or plants trees in it, then the cultivation and the trees belong to the cultivator and tree planter as per the widespread verdict. If the landowner does not consent to the cultivation and trees being on the land, then it is mandatory for the usurper to remove the cultivation and the trees immediately even if that constitutes loss to him as a result. Furthermore, it is mandatory for him to pay the landowner the rent for the period the land was cultivated or and the trees remained on the land, and he is obliged to put right the damage done to the land; for example to fill up the pits created as a result of uprooting the trees for example.

Also, it is not permissible for him to coerce the landowner to sell it or to lease it to him. Also, it is not permissible for the landowner to force the usurper to sell him the crop or trees.

Destruction of the usurped property/item

Case: If the usurped item is destroyed it would be mandatory for the usurper to replace it according to the following details:

1. If the usurped item is destroyed; if the item was multi-valued – i.e. its parts have different values, such as the cow and sheep, in that the price of its meat differs from its hide. In this case it would be mandatory to compensate its value, and if its market price differs from the price on the handover date, it would be mandatory to pay the price prevailing on the day of handover. The *mostahab* precaution, however, prescribes that the highest price ever attained between the day of the usurpation and the day of handover should be paid.
2. If the usurped item that is destroyed is uni-valued, in that it is of the type of wheat and barley that its [various] parts do not differ in price, but rather they are equal, it would be mandatory to return an item similar to the one usurped to its owner. It is mandatory that the particulars of what he returns to the owner are exactly the same as the usurped item that has been destroyed.
3. If one usurps something that has already been usurped and it perishes while with the second usurper, it is permissible for the owner to demand its replacement from any one of them, or he takes part of the compensation from each one of them. If the owner takes a replacement from the first usurper, it is permissible for the first usurper to demand compensation from the second usurper what he paid to the owner. However, if the owner takes the replacement from the second usurper directly, it would not be permissible for the second usurper to demand what he paid, from the first usurper.

Rulings on Vow, Covenant, and Oath

Vow

Definition of vow

Case: *nadhr* or vow is when an individual undertakes to perform a good deed for the sake of Allah Almighty, or undertakes to abandon a bad deed, for the sake of Allah Almighty.

Declaration

Case: In *nadhr*, it is mandatory to say the ‘prescribed wording’ by mentioning what is vowed along with the name of Allah Almighty, and it is not mandatory to be made in Arabic; so if one says in other than Arabic: “If I am cured from my illness, I will give one dinar to the poor, for the sake of Allah Almighty”, the *nadhr* is valid.

Criteria

Case: It is necessary for the person making the vow to be bāligh, sane, purposeful and doing so out of one’s own choice. So if someone forces an individual to do the *nadhr*, or if one vows a *nadhr* in a state of anger and rage such that he had lost his discretion, his *nadhr* is not valid.

Case: If the husband bars his wife from making a vow, but she goes ahead and makes a *nadhr* anyway it will be void. (It is void as a precaution, even if this is not considered to be in contravention of the husband’s right, or if the *nadhr* concerned her own property.)¹

Miscellaneous issues

Vow with permission of father or husband

Case: If a son makes a *nadhr* with the permission of the father, it would be mandatory to observe and fulfil it, and rather, even if he makes a *nadhr* without his father’s permission, it is mandatory – as a precaution – to fulfil that *nadhr*; except if the father annuls that *nadhr*; and the same applies if the husbands annuls the *nadhr* of his wife.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

ḥarām, makrooh, and mobāḥ nadhr

Case: If one vows to perform a *ḥarām* or a *makrooh* deed, or to abandon an obligatory deed, his vow is not valid. If one vows to perform a neutral (*mobāḥ*) deed, or to abandon it – if both performing and abandoning it are on equal footing (from the shari‘ah viewpoint)¹ from every aspect, the *nadhr* is not valid.

Fast Vow

Case: If one vows to fast on a particular day, then it would be mandatory for him to fast on that day, and if he does not fast on that day, he would be liable to *kaffārah* as well as performing the *qaḍā’* of that day; (i.e. he becomes liable to: freeing a slave, or feeding ten paupers, or clothing them, but if he is unable to do that, he must fast on three days),² but if a [valid] reason such as illness, or menstruation prevents the individual from fasting on that day, it will be sufficient to perform the *qaḍā’* only.

Breach of Vow out of ignorance or forgetfulness

Case: If one does not fulfil the pledge of his vow intentionally, he becomes liable to *kaffārah* as mentioned in the previous case. If one vows not to commit a certain deed, and he does not specify a time for that, and then he commits that deed forgetfully, or out of compulsion or ignorance, he would not be liable to *kaffārah*.

Vow for Imams’ shrines

Case: If one vows to offer something to the shrine of one of the Imams or the sons of the Imams, peace be upon them, it is mandatory for him to ensure that thing is used for the shrine, such as renovating, furbishing or lighting, or to give it to the pilgrims or servants of the shrine. If one vows to offer something for the *ma ‘ṣoom imam*, peace be upon him, and if he intends it for a particular purpose, it is mandatory to do so,

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The late Imam Shirazi: (the *kaffārah* is feeding sixty paupers, or fasting two consecutive months, or freeing a slave.)

otherwise he can give it to the poor and pilgrims, or use it for a mosque and suchlike, and forward its reward to that Imam, peace be upon him. The same goes if one vows to offer something to one of the sons of the Imams, peace be upon them.

Q: If one vows a *nadhr* for one of the shrines of the *ma'şoomeen*, peace be upon them, but is unable to use it or dispose of it in that shrine, is it permissible to use it for another shrine?

A: It is permissible, (and as a precaution it should be)¹ with the permission of the *ḥākim al-shar'ī*.

Q: An individual makes a vow to contribute to the program of the commemoration of the birthday of Imam Ali peace be upon him, but was not able to do so. Can he spend it any time he wishes with the intention of it being for Imam Ali peace be upon him, or to postpone it until the next birthday occasion in the following year?

A: (²) He has the option of both.

Q: If an individual vows to sacrifice a sheep for the shrine of one of the *ma'şoomeen*, peace be upon them, but he does not utter the *nadhr* 'prescribed wording', is he liable to honour his pledge?

A: If he mentioned the name of Allah Almighty, it is mandatory to honour the pledge. However, if he does not mention the name of Allah; in that the covenant was not with Allah Almighty, then it is not mandatory, but it is categorically *mostaḥab* to honour.

Q: An individual is liable to a *nadhr* for Imam Hasan peace be upon him, which is four sheep for a particular program, but for that program only two sheep are enough; is it permissible for the program manager to give as *ṣadaqah* the rest of the *nadhr*, after the consent of the person making the vow?

A: Yes, with the intention of that *ṣadaqah* being in the name of Imam Hasan peace be upon him.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The late Imam Shirazi: (Perhaps the priority is with the first option.)

Marriage Vow

Case: If the father, or the mother, vows to marry their daughter to a Sayyid. When the girl reaches adolescence, the choice is hers, and the *nadhr* has no significance. Rather, the *nadhr* itself is invalid to begin with.

Cancelling a vow and its declaration

Q: If a father says to the son: I have released you from your such-and-such *nadhr*, will the *nadhr* be waived from the person who has made the vow?

A: Yes the *nadhr* is annulled.

Q: If a father says to the son: I have released you from all your *nadhrs*, will they all be waived from him, or should they be annulled one by one?

A: They are all annulled.

Q: Will the *nadhr* be waived, when the person who vowed the *nadhr* is able to offer it, but the father says: I have released you from your *nadhr*. Is he still liable to offer it?

A: He is not liable to offer it.

Q: If one vows that if Allah cures his son he would fast, say, and Allah cures the son, is the father of the father able to annul the *nadhr* after the realisation of the *nadhr* purpose?

A: Yes he can do that.

Q: If one vows that if his wife becomes pregnant, he would give some money to the poor, and if the wife became pregnant and the foetus died in the first few months; what is he liable to?

A: If his *nadhr* concerned the mere conception and the wife becoming pregnant, then he is liable to honour the *nadhr*, otherwise no.

Q: I vowed a nadhr for Allah if I give birth to a boy or a girl, after three miscarriages. Allah granted a girl, but she has a condition which has no cure which is Down's syndrome. Am I liable to honour the vow or not?

A: Having achieved the nadhr purpose it is mandatory to honour it, even if the girl is not healthy.

Q: Is utterance necessary in nadhr, or is it sufficient to make the resolution in the heart, or to write it down?

A: The utterance of the nadhr establishes the *nadhr*.

Q: I vowed to fast for ten days and I intended them to be continuous, but I did not utter 'continuous' in the nadhr 'prescribed wording'. Should I follow what I intended or what I uttered?

A: It is mandatory to follow what one intended after having uttered the nadhr itself.

Forgetting the vow and compulsion

Q: If one vows a nadhr, and then forgets as to what his nadhr was, what is he liable to?

A: He is not liable to anything except seeking forgiveness; *istighfār*.

Q: A woman vows to fast for a month if her son comes back safely. Her son came back and she fasted for one day but fell ill. She is not able to continue with the fasting. What does she have to do?

A: She should perform the qaḍā' of the fasting she is liable to when she gets well.

Q: A while ago I vowed to feed sixty paupers if Allah realised something for me, and that actually happened. How should I go about fulfilling the *nadhr* given that I had intended to feed sixty paupers at one-Dinar each, or is it permissible to fulfil the nadhr in a different way other than feeding the sixty paupers due to the difficulty associated with it?

A: The *nadhr* should be as you intended it to be, and if you are not able to fulfil it yourself, then you should give its cost to the ḥākīm al-shar'ī,

or his representative and inform him of the *nadhhr* [so that he can arrange for that on your behalf].

Breaching the vow for a second time

Q: Violating the *nadhhr* and the oath for the first time is not permissible, but is it permissible to breach the vow thereafter?

A: ⁽¹⁾ That depends on the original intention; if the intention was to abandon [say, smoking] forever, then violation of that is never permissible [and whenever one smokes would render him liable to a *kaffārah*], but if the intention was not to start [smoking again], then no violation counts other than the one in the first instance [and he would be liable to one *kaffārah* when he starts smoking].

Suspicion of vow

Q: If one had a strong suspicion that he had vowed a particular *nadhhr*, is he liable to honour it?

A: ⁽²⁾ If he is certain of that then he is liable to honour it.

Vow of table/meal

Q: There are some particular *nadhhrs* that are observed by ladies, and we are not sure of their validity, such as the table-spread (*sufrah*) of Umm al-Baneen, peace be upon her, and *sufrah* of Abul-Faḍl al-‘Abbās, peace be upon him?

A: There is no objection to any *nadhhr* that does not have any shari‘ah prohibition.

Out of circulation

Q: A lady vowed to give forty five-Dinar notes if she got her wish. When Allah granted her wish, five-Dinar notes were out of circulation,

¹ The late Imam Shirazi: (Yes it is permissible [to breach the vow thereafter] since the break of the oath took place on the first occasion.)

² The late Imam Shirazi: (suspicion does not render liability to honour, rather it must be certainty.)

and the smallest denomination available now is the twenty-Dinar. How should she fulfil her *nadhr*?

A: If she mentioned the name of Allah Almighty in her vow, for example if she said: “It is for Allah that I do ...” then the *nadhr* is valid and she is obliged to honour it. She could give the equivalent of the total amount vowed, without facing difficulty.

Blood vow

Q: Is it valid for one to vow to donate his blood, in that whenever he has sufficient blood he donates it to the particular organisation that will benefit from the vow?

A: Yes the *nadhr* is correct. The same ruling applies to “oath” and “covenant” too.

Between vow and *waqf*

Case: It is possible to achieve the benefit of *waqf* through vow, covenant, and oath, in that one vows to serve the Islamic science seminaries, places of worship, hospitals, and suchlike.

Covenant

Case: If one makes a covenant with Allah that he would perform a good deed if he is granted his shari‘ah-legitimate wish, it would be mandatory to perform that deed after he is granted his shari‘ah-legitimate wish. Similarly, if one makes a covenant with Allah Almighty that he would perform a good deed, without having a particular wish, it would be mandatory to perform that deed.

Criteria of Covenant

Case: In the case of the covenant it is also necessary to say the ‘prescribed wording’, similar to *nadhr*, in that the subject of the covenant is mentioned along with the name of Allah Almighty. It is mandatory that the deed that one covenants to do with Allah is either an act of worship such as obligatory or *mostaḥab* ṣalāh, or a deed that is preferred to be accomplished than to be abandoned.

Case: If one does not fulfil his covenant, he would be liable to the kaffārah (which is freeing a slave, or feeding ten paupers, or clothing them, and if unable to offer that, he should fast three days).¹

Q: An individual makes a covenant with the Almighty to do a particular deed, but then he discovers the difficulty of that deed or suspects the dangers involved, and he wants to annul the covenant. What is the ruling for this if he has not begun with the deed?

A: ⁽²⁾ Awkwardness or embarrassment waives the obligation of honouring the covenant, regardless of whether it is before the start of the deed or when a difficulty occurs during the execution of the deed.

Q: I made a covenant with Allah not to smoke, and if I did I would be liable to kaffārah, but I violated the covenant and smoked profusely, am I liable to many kaffārāt?

A: ⁽³⁾ That depends on your intention: if you intended to abandon [smoking] forever, you are liable to one kaffārah for every time [you smoke] and if you [vowed to stop smoking] with the intention of not to start again, you are liable to one kaffārah [if you start smoking again]. The same applies for *nadh'r* and oath. If you have doubts about your intention then one kaffārah is sufficient for you.

Rulings on Oath

Definition of oath

Case: If one swears an oath to do something or to abandon a deed, for example if one swears an oath that he would fast, or swears an oath that he would stop smoking, if he deliberately violates his oath, he would be liable to a kaffārah, which is freeing a slave, or feeding ten paupers, or clothing them, and if unable to offer that, he should fast three days.

¹ The late Imam Shirazi: (the kaffārah is feeding sixty paupers, or fasting two consecutive months, or freeing a slave.)

² The late Imam Shirazi: (It is not permissible to annul except if it constitutes difficulty, or awkwardness and embarrassment, or harm.)

³ The late Imam Shirazi: (You are not liable except for one kaffārah only.)

Criteria of declaration of oath and its validity

Case: There are a number of conditions for establishment of oath, which are:

1. That the person swearing the oath is *bāligh*, sane, intentional, and doing so out of choice; therefore the oath of a minor, insane, drunk, and coerced is not valid, and similarly an oath sworn in anger which robs one's discretion is not valid.
2. That the deed that one swears an oath to do is not *ḥarām* or *makrooh*, and that the deed that one swears an oath to abandon is not obligatory (*wājib*) or *mostaḥab*.
3. That the oath sworn is by one of the names of Allah Almighty that are not used for other than Him such as "Allah", or used for Allah Almighty extensively such that when used nothing is meant other than the Holy Being, such as al-Khāliq (the Creator) and al-Razzāq (the Sustainer).
4. To physically utter the words of the oath; therefore it is not valid if one writes it or intends it in his heart. However, in the case of the dumb it is valid by sign.
5. That it is possible to realise the objective of the oath. However, if at the time of oath it was possible, but afterwards it becomes impossible, then the oath is annulled from the time it becomes impossible. Similarly, if the oath's objective becomes difficult to achieve such that it becomes unbearable, the oath is annulled too.

Miscellaneous issues concerning oath

Oath with permission of father or husband

Case: If the father prohibits his son from swearing an oath, or a husband prohibits his wife from swearing an oath, their oath would be void.

Case: If the son swears an oath for a purpose without the permission of his father, or the wife swears an oath without the permission of her

husband, it is permissible for the father or the husband to annul their oaths.

Forgetfulness and compulsion in acting upon an oath

Case: If one does not act upon his oath due to forgetfulness, or out of compulsion, he would not be liable to kaffārah. Similarly the same applies if one is forced not to act upon his oath.

Q: Is it permissible for the husband and the father to annul the *nadhr*, oath, or covenant of his wife or his son if they had made a *nadhr*, oath, or covenant according to the Shari‘ah ‘prescribed wording’, before the realisation of the purpose of the oath and after?

A: Yes, it is permissible. It will be annulled if he says: I annul your *nadhr*, oath, or covenant; on the condition that the *nadhr*, oath, or covenant has not been with the permission of the father or the husband. It makes no difference whether the purposes have been realised or not.

Dissimulation and an oath on other than Allah

Q: Someone started a quarrel with another and wounded him. The victim sued the other party. None of the two parties admits that he started the fight, so the court ordered them to swear that they are telling the truth. Is it permissible for the one who started the fight to swear that he did not start it as a dissimulation (*tawriyah*) in order to save himself from jail?

A: If he does not deserve jail, it is permissible, and he must conciliate with the other party.

Q: What is the ruling for swearing an oath using a name other than that of Allah, such as using the name of an Imam, or a scholar, or a respected religious personality?

A: The oath is not valid except on Allah and His Names only.

Rulings on Expiation (*Kaffārāt*)

Definition of *Kaffārah*

Case: The *kaffārah* or expiation is (often)¹ a deed which becomes obligatory for an individual to perform as a result of committing a *ḥarām*, or for abandoning an obligatory duty, and suchlike, as in the case of some of the Hajj *kaffārāt*.

Categories of *Kaffārāt*

Case: The *kaffārāt* for sins and suchlike are many, and we will suffice here by mentioning only a few of them:

1. The *kaffārah* for deliberately killing a faithful is: freeing a slave, fasting for sixty days, and feeding sixty paupers.
2. The *kaffārah* for breaking the fast of one day of the month of Ramaḍān with a *ḥarām* act such as having wine is: the same as the *kaffārah* for deliberately killing a faithful (as an obligatory precaution).²
3. The *kaffārah* for inadvertently killing a faithful is: freeing a slave, and if this is not possible for him, fasting for sixty days, and if he is unable to do that, feeding sixty paupers.
4. The *kaffārah* for declaring *ḍihār* is: the same as the *kaffārah* for deliberately killing a faithful.
5. The *kaffārah* for deliberately breaking one day of the *qaḍā'* fasting of the month of Ramaḍān in the afternoon is: feeding ten paupers, and if this is not possible for him, he should fast for three days.
6. The *kaffārah* for breaking the fasting of one day of the month of Ramaḍān with a non-*ḥarām* act is: freeing a slave, or fasting for sixty days, or feeding sixty paupers.

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² The content between () is not part of the fatwa of the late Imam Shirazi.

7. (1) The *kaffārah* for contravening one's covenant, vow, or oath is: freeing a slave, or feeding or clothing ten paupers, and if he is unable to do that he must fast for three days.
8. The *kaffārah* for a woman shaving her hair in [response to] a tragedy is: the same as the *kaffārah* for breaking the fast of one day of the month of Ramaḍān with a non-*ḥarām* act.
9. The *kaffārah* for having intercourse with one's wife while he is *mo'takif* – day or night – is: the same as the *kaffārah* for breaking the fast of one day of the month of Ramaḍān with a non-*ḥarām* act.
10. The *kaffārah* for a woman plucking her hair [in anguish], or scratching her face in a tragedy, and also for a man tearing his garment in the tragedy of the death of his son or wife is: the same as the *kaffārah* for contravening one's oath.

Aim of *qurbah*

Case: In [offering] the *kaffārah* it is conditional [as a requirement] that the individual makes the *niyyah* (intention) and *qurbah* (seeking nearness to, and abiding by the command of, Allah Almighty). If one is liable to several *kaffārāt*, he must specify the reason for each *kaffārah* he offers.

The consecutive fast

Case: He who is to offer sixty days of fasting as a *kaffārah* must have no gap between them. It is permissible that the first thirty-one days are consecutive and uninterrupted and the rest may be interrupted; and if one does not fast on any day in this period, or if he fasts without the *niyyah* or intention of the *kaffārah*, he must start the fast anew.

¹ The late Imam Shirazi: (The *kaffārah* for contravening one's covenant, vow or oath is: freeing a slave, or fasting for sixty days, or feeding sixty paupers. If he breaches his oath freeing a slave is obligatory for him, or feeding ten paupers, and if he is unable do that, he must fast for three days.)

The procedure for feeding

Case: In feeding sixty paupers as a kaffārah, it is imperative that sixty paupers eat to their fill, or to give to each one of them the amount of one *modd* of food, which is approximately three-quarters of a kilogram, and as a (*mostaḥab*)¹ precaution, the paupers should be fed to their fill with bread together with a food supplement (*edām*), and it is not sufficient to feed to their fill thirty paupers twice.

Q: Is it permissible to give money as ṣadaqah to the poor in lieu of feeding sixty paupers?

A: It is permissible if one informs them of that so that they buy food with it.

The specifics of clothing

Case: The garment that is given for clothing the pauper as part of the kaffārah should be as per the norm, for example the pauper should be clothed in jacket, trousers, and suchlike.

Miscellaneous issues on kaffārah

Q: I deliberately broke my fast in the holy month of Ramaḍān, but I was unaware of the ruling of the kaffārah, and after one year I learnt that if one deliberately breaks his fast he is liable to kaffārah. What is the ruling in my case?

A: The kaffārah remains obligatory, which is freeing a slave, or fasting two consecutive months, or feeding sixty paupers.

Q: What is the ruling for someone who deliberately breaks his fast during the holy month of Ramaḍān, and what is the ruling if one is not able to offer the kaffārah?

A: If the breaking of the fast was deliberate and it was with a *ḥarām* thing, such as if one breaks his fast with wine – Allah forbid – then he must perform the qaḍā' of the fast and he is liable to the combined kaffārah, which is: freeing a slave, sixty days fasting, and feeding sixty

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

paupers (as an obligatory precaution),¹ and if it were with a ḥalāl thing, such as water, he is liable to the qaḍā' of the fast and one of the three kaffārāt.

If he is not able to offer the kaffārah, he has a choice between fasting eighteen days or feeding whatever number of paupers he can, and if he is not able to offer that too, then he should seek forgiveness from Allah Almighty, even if only once, and he should offer the qaḍā' of the fast of that day. This is applicable if at the time of breaking the fast one was aware of the ruling, or negligently ignorant (*moqaṣṣir*)² of the ruling, but if he was ignorant (*qāṣir*) and unaware of the ruling, then he is not liable to kaffārah, and he should only offer the qaḍā' of the fast only.

Q: If a faithful falls into *shirk* or polytheism out of his own ignorance, and thereafter he realises this and regrets it for not knowing that what he did was *shirk* to Allah Almighty, and sincerely repented, will Allah Almighty accept his repentance? What is the meaning of the Almighty's words ﴿Surely Allah does not forgive that anything should be associated with Him, and forgives what is besides that﴾.³ Please explain when does Allah Almighty forgive a servant and when does He not, we seek refuge to Allah?

A: Allah Almighty does not forgive anyone who dies while he was a polytheist, but He forgives whoever repents from polytheism before his death. The mercy of Allah Almighty is greater than everything.

Inability of offering Kaffārah

Case: In the case of the combined kaffārah, [which is freeing a slave, fasting sixty days, and feeding sixty paupers,] if one is not able to offer the freeing of a slave, then that is waived for him and he is not liable to anything in lieu of the setting free of the slave. As for fasting, it is

¹ The content between () is not part of the fatwa of the late Imam Shirazi.

² *moqaṣṣir* or the negligently ignorant is one who is ignorant of a certain ruling but he knows the means to obtain the ruling – i.e. where to look for the answer or who to approach to enquire about the ruling – but does not make the effort to do so.

³ The Holy Qur'an, Women (4):48.

mandatory for him to fast, for every day he had broken his fast, sixty consecutive days,¹ and if he is unable to fast sixty-days, it is mandatory for him to fast eighteen days consecutively. If he is unable to offer that, he should fast as much as he can. And if that is not possible for him either, it is mandatory for him to seek forgiveness by offering *istighfār* for every day he had broken his fast. As for feeding the poor, it is mandatory for him to feed sixty paupers for everyday he had broken his fast, and if he is unable to do that he must feed whatever number of paupers he can, and if he cannot offer that too, he must seek forgiveness – by offering *istighfār* – once for every day he had broken his fast.

¹ This should be in the form of at least thirty-one days without a break. He can fast the balance, i.e. twenty nine days in whatever sequence he wishes until the sixty days are complete.

Part Eight

Foundations and Endowments

PART EIGHT: FOUNDATIONS AND ENDOWMENTS

Chapter One: Foundations and Societies

The Freedom of societies and groups

Case: Societies, organisations, and groups do not need permission from the government, because Islam has granted the complete freedom to the Muslim individual, other than the prohibited, which are few as mentioned in the shari‘ah. But since the West decided to demand permission for such matters, the Muslims followed suit without thinking independently. They thought permission is required to the extent that some say: it is in order to keep the order, but the answer to that is: the order is within the framework of the shari‘ah not within that of the West.

Setting up societies

Case: If “bidding good and forbidding evil” (*amr bil-ma‘ruf, nahy anil-munkar*) is facilitated by setting up organisations, groups and societies, then it is obligatory to set up these entities.

Funds

Case: It is *mostahab* to set up trust funds, or other such schemes, to raise money for various Islamic and humanitarian projects – rather this would be obligatory if the project is in aid of a mandatory cause; for example if it were to promote Islam.

Charitable Organisations

Charity institutions

Case: It is encouraged (*mostahab*) to set up maternity centres, adoption agencies, hospices, centres for foundlings or abandoned children as well as centres for the homeless, since these project and charitable institutions are manifestations of cooperation and ﴿help in goodness and piety﴾,¹ and some of these deeds might even be obligatory.

¹ The Holy Qur’an, Table spread (5):2.

Education of the disabled

Case: It is encouraged (*mostahab*) to set up schools for people with disabilities, such as the blind and all other disabilities, and to teach them reading and writing, since this is a manifestation of cooperation and help in goodness and piety.

Marriage institutions

Case: There is no objection to setting up an organisation dedicated to facilitating marriage for unmarried men and women [who are getting old] in accordance with the shari‘ah criteria, which include the performance of the marriage contract, the observance of the *‘iddah* [in the case of divorce], protecting the child from going astray, and suchlike. Such institutions help eradicate brothels and suchlike, and those who despise such an idea are unaware or tend to ignore that prostitution and the many crimes that are perpetrated across the world are due to the denial of the ḥalāl opportunities for the youth and the unmarried.

Through these institutions the unmarried men and women are married, and accommodation and capital obtained to help them kick start their married life. If the number of women exceed men, the solution is in polygamy, and all of this is attainable if Islam is practically implemented for “the land belongs to Allah and to whoever develops it”¹ and it is divided between the people and each builds for himself, even if necessary by himself and the help of his relatives.

Charitable lottery

Case: It is encouraged (*mostahab*) to raise funds from the public, even by enticing them with lottery prizes – in its permissible form² – in order to build hospitals, colleges, orphanages, and suchlike, since it is a form of help and “cooperation unto good”. This is not a form of gambling, even if the organisers of the lottery give some prizes to the participants, even from the funds raised.

¹ Al-Kāfi, vol.5, p279.

² See page 726 of this work for more details.

Charitable contribution

Case: If contributors donated money for the building of a hospital, say, and also for giving prizes to all the contributors – for example if every one of a total of one thousand individuals gives 100 Dinars, and they allowed some of it to be allocated to prizes – as motivation – that is permissible, because it is money donated with consent.

Charity fund for goodly loan

Case: It is permissible, rather it is encouraged (*mostaḥab*) to establish charity funds for interest-free loans (*qard al-ḥasanah*) in order to help those who are in need for such loans. Similarly it is permissible to deposit money in this fund and borrow money from it.

Housing Cooperatives

Case: It is valid for an individual or a company to build houses or housing estates and sell them for a profit; for cash or finance [by instalments]. For example to build one thousand housing units for one million Dinars and sell them for one and quarter million, and to make the finance period, say five years. This is on the condition of doing no injustice or unfairness (*ijḥāf*), because injustice is prohibited as per hadith and fatwa [of the religious authorities], otherwise, the *ḥākim al-shar‘i* would stop him to prevent injustice.

Monopolising public services

Case: It is not permissible for one to exploit common public services for more than one’s need as per common norm, for example to keep the public telephone occupied for more than the normal requirement while people are waiting to use it, and suchlike. This is because the endowment or the provision does not give him the right to more than his need, since otherwise he would be usurping others’ rights, and would be liable to [compensation for] the exceeding limit.

Miscellaneous issues

Disposing of charity fund

Q: If someone, who is responsible for his family's expenses but does not pay for the expenses of his family, or he does not spend enough for their essential needs, despite the fact that he is well off, is it permissible for the charity fund to give help to his family?

A: If they needed that [help] there is no harm.

Charity fund investment

Q: Is it permissible to invest a percentage of the fund in authorised fields, and how should the percentage be determined?

A: This depends on the view of the board of trustees, and with the condition that this does not violate the donors' objective.

Borrowing for Luxuries

Q: There are some who borrow money to spend on non-essential luxuries, which in turn makes them in need of help. Do they qualify for help?

A: If they are actually in need of help, then there is no harm.

The fund and religious dues

Q: Is it permissible for the charitable funds to dispose of religious dues, on the basis that they know the needy families, or do they need your permission?

A: Yes they need the permission of the ḥākīm al-shar'ī, and the permission extends only to some [of the religious dues].

Surplus fund

Q: A fund was raised for a sick person to be sent overseas for treatment, but he died before his treatment. What should this fund be spent for?

A: It should be given to another similar case.

Means assessment

Q: In order to establish the truth about the need of an individual for help, is it permissible to check his bank account without his knowledge?

A: If that does not constitute disrespect or humiliation, and if it is necessary to do, then there is no harm.

Smoking

Q: Is it permissible for the pauper to buy cigarettes from the money he receives as help from the charity fund?

A: If the help given is not specified for a particular use, then it is permissible.

Public institutions and unions

Help and rescue institutions

Case: It is *mostahab* to partake in helping and rescuing the sick, elderly, disabled, disadvantaged, and those who have problems, in one form or another; these could be through setting up societies, or coordinating with relevant bodies in order to alleviate their difficulties, and suchlike; through material, practical, or campaign promotional help. This is of course if there is no prohibiting or obligating issue involved, in which case the help would be prohibited or mandatory depending on the underlying circumstance.

Limitations of unions

Case: The formation of unions with the consent of the parties concerned and without imposing a condition or clause that runs counter to Islam is permissible. It is not permissible to form a union that imposes itself on others or its constitution a condition or a clause that opposes Islam. The exception is if there are circumstances when the general national interest supersedes the interest of individual freedom, and supersedes the interest of the default or primary ruling [which in this case being free to sell foodstuff]. For example, if the country faces famine such that the Islamic government is forced to call on those who are in possession of foodstuff, and bring them under a particular entity in order to save the

people in this critical situation, and imposes on them to sell the wheat, say, to the people on credit, when the people and government have no money to pay in exchange for the wheat. This will be permissible on grounds of Circumstantial Overriding Ruling.¹ The assessment of such circumstances and the need for such extraordinary measures must be decided by the pious and righteous (*'ādil fuqahā'*) or qualified religious scholars, by consulting between themselves directly or through their appointees and representatives.

Private libraries

Q: Is it permissible for the government to prohibit individuals to send abroad huge book collections which are considered to be amongst the country's wealth?

A: The answer to this question has two possibilities. It is not permissible for the government to do so given the principle of the people having authority over their wealth and property, except if there is an issue that makes the prohibition mandatory, which is of a higher priority than the principle of authority, in which case it will precede that principle given the principle of "competing priorities". The case of the library is the same as those of all precious and valuable items which may belong to individual(s), and the obligatory requirement of obeying the government in exceptional cases depends on the provision that the government has shari'ah authority under the supervision of the pious and righteous (*'ādil fuqahā'*), otherwise it is not obligatory to obey the government.

¹ Circumstantial Overriding Ruling (COR) is a ruling that overrides the default or primary ruling in compelling circumstances. For example, taxation – other than the two prescribed by Islam – is expressly prohibited, but on grounds of compelling circumstances – for example a war – the just leader may, using COR, levy some extra form of taxation to help cover the cost of the war. However, this is only a temporary measure which should be lifted as soon as the compelling circumstances are over, and revert to the normal rulings concerned.

Islamic club

Case: It is necessary to set up Islamic clubs to fill the youths' idle times. This is not a trivial and insignificant issue, since if such clubs are established, then many of those who visit mixed clubs would attend these ones; and the same goes for segregated swimming pools vis-à-vis mixed swimming pools.

Zakāh for student grant

Case: It is permissible to use the zakāh to sponsor students overseas to learn new sciences in a bid to raise the Muslims' level of achievement and ensure their progress in the fields of manufacturing, technology and all other modern worldly sciences. Rather it becomes mandatory if the obligatory¹ depended on it. Needless to say it is imperative that the zakāh must be provided according to its criteria as mentioned in the book of zakāh.

Political Institutions

Factions and organisation

Case: It is permissible to form groups, organisations, societies and associations in order to serve Islam, the Muslims, and the oppressed – even the non-Muslims. Similarly it is permissible to form political parties for this purpose. Rather, they would be obligatory if necessary services depend on such entities. In the hadith it is stated, “Allah’s hand is with the group”,² and in another “organise your affairs”.³ As for forming factions or groups in the secular party-political sense, then it is not permissible.

Case: The political party in the secular sense is a party that lays down laws that may – wholly or partially – run counter to Islam; however any

¹ The obligatory subject matter in this respect [could be people’s severe medical needs, which in turn require] the learning of new sciences and skills.

² Nahj al-Balāghah, sermon # 127

³ Nahj al-Balāghah, letters, 47; his advise to his sons Hasan and Husayn, peace be upon them, when he was assaulted by ibn Muljam, Allah’s curses be upon him.

Islamic organisation that does not have a principle that counters Islam, and its existence leads to serve the country and the people, is permissible.

Infiltrated institutions and organisations

Case: If an institution, company, association, and suchlike, becomes a means for the non-believers to exert negative influence on the Muslim country, it would be mandatory to close it down, or purge it from threat of negative influence. Priority lies with purging if it is possible, because it is not permissible to deprive people their freedoms any more than it is necessary. If it is not possible to purge, it would be mandatory to close it down, since that would eliminate vice (*munkar*).

Deviant organisations

Case: It is not permissible for the government to grant permission to set up misguiding missionary or deviant organisations, regardless of whether it is under the name of missionary projects or media, or it is business or suchlike on the surface but in fact it is missionary in purpose, because they are organisations of deviance and straying, and it is *ḥarām* to allow straying and deviance.¹

Usurped seminaries

Case: If an oppressor/tyrant [authority] usurps a seminary, is it permissible for the students to remain in that seminary or not? If remaining in the seminary constitutes an endorsement for oppression or the oppressor it is not permissible, otherwise it is permissible; unless there is another external or overriding issue that determines the requirement for remaining in or leaving the seminary.

Diplomatic representations

Case: It is imperative to use the diplomatic channels to disseminate Islam and promote virtue and prohibit vice (*amr bil-ma'ruf, nahy anil-munkar*); for example to motivate the government to instruct its

¹ This should not be confused with the right and freedom of religious minorities practicing their religion.

ambassadors to endeavour to promote Islamic books, or arrange special programs on religious occasions, and suchlike.

Business Institutions

Confiscation

Case: It is not permissible for the government to confiscate the assets of a company or an association or suchlike, if it were not conducting its business according to the laws of companies and associations, except if the government is legitimate or shari'ah-based, and the confiscation was according to the shari'ah criteria. But if the two criteria are not met, then the managers of the company or association have the right to object and act counter to the rules and regulations, and do the necessary to help them out of the problem. In all cases it is necessary to respect the rights of the people.

Colonial companies

Case: It is not permissible for the Muslim government to grant permission to such a company of the non-believers that is feared to be an access route for occupying the Muslim country, such as the East India Company that was set up by the foreigners in India centuries before, and ended up in taking over the country. If such a company is set up, it is obligatory for the Muslims to close it down, and to expel it, and if it is not possible for them to do so, they are obliged to boycott it and not deal with it; and that should be done according to the stages of repelling the vice (*munkar*) and prohibiting it.¹

Cooperation with non-believers

Case: It is not permissible to deal with companies that set aside a portion of their profits for the benefit of the non-believer combatants and suchlike, because this benefits those who fight the Muslims.

Trading agencies

Case: The ruling of the trading agencies commonly available today is the same as the ruling of the agency with all its criteria, as mentioned in the book of agency, unless there is an issue that is prohibited in which

¹ They have been outlined in Chapter Four of Part One; see page 395.

case it is mandatory to abstain from that prohibited issue. However, if the agency is itself *ḥarām* by default, as it is common in Western countries, such as a prostitution agency and suchlike, then that would be invalid.

Chapter Two: Rulings of Endowment

Case: If an individual assigns something as *waqf* or endowment, then it ceases to be his property, and therefore it is not permissible for him or anyone else to sell it or donate it, and no one can inherit anything from it.

The declaration for *waqf*

Case: It is not necessary for the ‘prescribed wording’ to be uttered in Arabic, rather it is sufficient if said in any language. If one said in any language, “I assign my house as *waqf*”, and then the assignee of the *waqf*, or his representative or guardian says: “I accept”, the *waqf* is valid. However, if one assigns something as *waqf* not for a particular person but for the general public, for example the assignment of a mosque or a school as *waqf*, or the assignment for a particular sect of people like the Sayyid or the poor, it is not mandatory for someone to make the acceptance response.

Case: It is not conditional to intend *qurbah* for the *waqf* to be valid, even though it is precautionary to do so.

It is mandatory to assign the property as a perpetual *waqf*, as a precaution, from the moment of uttering the ‘prescribed wording’. So if one says, “this property is assigned as *waqf* after my death”, and since the property is not assigned as *waqf* from the moment of uttering the *waqf* prescribed wording but until his death, the *waqf* is not valid. Similarly, if one says, “This property is *waqf* for the duration of ten years and it is not *waqf* after that”, or if he says, “This property is assigned as *waqf* for ten years and then it is not *waqf* for five years, and after that it becomes *waqf* again”, this *waqf* is not valid.

Criteria of the donor

Case: The prerequisite of the *wāqif* (the *waqf* donor) is that he is sane, bāligh, intentional, and is out of his own volition, and that he is not barred as per shari‘ah. The *waqf* of the feebleminded (*safeeh*) is not valid.

Case: If one assigns as *waqf* a property for the poor or the Sayyids for example, or assigns a property as *waqf* the proceeds of which are to be used for charitable causes, and he does not appoint a trustee for that *waqf*, its affairs should be referred to the ḥākīm al-shar‘ī.

Case: If the *waqf* property breaks up or is destroyed, it does not lose its *waqf* status.

Miscellaneous queries on *waqf* matters

Usage of *waqf* for other than the purpose specified

Q: Is it permissible to move property assigned as *waqf* for a mosque to outside the mosque for the people to use and then return them back? For example the books assigned as *waqf* for the mosque’s library are borrowed for studying outside the mosque. Is there a difference between the holy Qur’an, the supplication books, and other books?

A: There is no difference between the Holy Qur’an, supplication books, other books, and all other properties of the mosque as far as the *waqf* status is concerned; the criteria concerning them is that: if properties are assigned as *waqf* for use specifically inside the mosque, it is not permissible to take them out, otherwise, it is permissible with the permission of the shari‘ah-compliant trustee.

Q: If there is a piece of equipment assigned as *waqf* for use in the husayniyyah, is it permissible to lend it to an individual to use on a mourning occasion or a charitable deed outside the husayniyyah?

A: It is permissible with the permission of the shar‘ī trustee of the husayniyyah.

Purchase of *waqf* property

Q: Is it permissible to purchase the bricks and timber belonging to a mosque?

A: It is permissible if the shar‘ī-legal trustee decides to sell them, and it is permissible to change them for the better.

In ruins

Q: If the building that is assigned as *waqf* is in ruins, does it lose its *waqf* status?

A: No it does not lose its status.

Waqf specifics

Q: One of the faithful, who has passed away, may Allah have mercy on him, has assigned a land as *waqf* for building a mosque only, and no toilets have been built on it. Is it permissible to use some of this land to build toilets?

A: If he had assigned the land as *waqf* for a mosque, it is not permissible to build toilets on it.

Q: What is your opinion about the properties assigned as *waqf* for a husayniyyah with this title: “*waqf* for the ABC husayniyyah”, is it permissible to use the proceeds of those *waqf* properties for various aspects of the said husayniyyah, such as organising programs for celebrating the birthdays of the pure Imams, peace be upon them, and other religious occasions and facilitating other services associated with the husayniyyah?

A: It is permissible if they are not assigned as *waqf* for a specific purpose.

Sale of the *waqf*

Q: There are some properties assigned as *waqf* for a husayniyyah, the donors of some of them are known and some others are not, and they are not being used, is it permissible for us to sell them and use the proceeds for the husayniyyah itself?

A: If those properties are not being used, it is permissible to sell them and use the proceeds for the same husayniyyah.

Khums of the *waqf*

Q: A *waqf* land was sold to buy another property instead such as a building or a shop, and the proceeds were deposited in a bank, and the sum increased in value. Is it therefore mandatory to give some of the

increase to the poor, or does the increase become part of the original sum?

A: The increase in the bank deposit should be *khums*ed first, because it is *ḥalāl* money combined with *ḥarām*, and the rest should be added to the original sum.

Q: Is it permissible to hand over the *waqf* to someone who does not give *khums*?

A: It is permissible, with the permission of the *ḥākim al-sharʿi*, or the trustee of the *waqf*, on the condition that the person concerned is competent to manage the business of the *waqf*.

Usage of the *waqf*

Q: A widow owns a house which consists of two parts; she lives in one part and the other is rented out and the rent proceeds is used for her living. She wishes to assign the entire house as *waqf* for Imam Husayn, peace be upon him, but only after her death. Is this valid? And if not, what is the solution?

A: She may assign it as *waqf* today with the condition that it remains for her usage until she dies.

Borrowing the *waqf* property

Q: There is a land that the father has assigned as *waqf* for those of his sons who are seminary students, and because of its limited benefit, it was sold – with the prior permission of the *ḥākim al-sharʿi* – in order to buy another place as *waqf* for the same price. However, now one of the sons who is not a seminary student is seriously in need of financial assistance; is it permissible for one of the seminary students, for whom the land has been assigned as *waqf*, to borrow some money from the sale proceeds of the land for his brother, while guaranteeing to return it for the *waqf*, or is this not permissible because it is tantamount to disposing of the land?

A: It is not permissible.

Waqf of modern items

Case: It is valid to assign as *waqf* modern items such as cars, planes, trains, broadcasting studios, and suchlike, for the benefit of the offspring, or a particular group, or a private or public cause. Rather it is permissible to assign as *waqf* the benefits [of an entity]. For example, if one owns houses, properties, cars, and suchlike, he may wish to assign their use and benefits as *waqf*, and he may give authority to the trustee to make use of the property, say, as he observes fit, and change the use of the property, for example from house into a shop and suchlike.

Mosques and husayniyyahs

Q: More than three years ago we set out to raise fund from the faithful in order to buy a husayniyyah, and on this basis many of the faithful donated to this cause, but after a period of time some of the members of the society had different thoughts about the matter and some suggested to use the funds to buy a cultural centre instead. Is this permissible?

A: If it is with the consent of the donors [who contributed the money] then there is no objection to that. However, if it is not possible to obtain their consent, then the permission of the ḥākīm al-shar‘ī will be required.

Q: What is the ruling for placing the pictures of the scholars, or other faithful in holy places such as mosques and husayniyyahs?

A: It is *makrooh* in mosques.

Q: What is the ruling for attending mosques accompanied by children?

A: There is no objection to that if the child wished to pray, or to listen to the sermon, or to learn, and suchlike.

Q: What is the ruling for holding religious programs in the mosques, such as holding Husayni programs or religious celebrations on the occasions of the birthday of the Ahl al-Bayt, peace be upon them?

A: There is no objection to that.

PART EIGHT: FOUNDATIONS AND ENDOWMENTS

Part Nine

Penal Code and Punishment

PART NINE: PENAL CODE AND PUNISHMENT

Chapter One: The Law

The Adequacy and Competence of Islamic Law

Case: The Islamic Law is fit and suitable for implementation [in every aspect of every domain of the human life] and this is not only because of our belief, but because it has been subjected to reason and evidence and has been proven by experience. The problem, however, has been with its followers who have no sound strategy that is suitable to convince the people [to its suitability and competence]. Furthermore, its followers who invite others to embrace it often do not themselves embrace the ethics and good manners of the virtuous and competent reformer.

Therefore it is imperative for whoever who wants to implement the laws of Islam anew, is to embrace and furnish his policy and method with that which would have the people gather round him, so that he can lead them forward.

Groundless Criticisms

Case: The Islamic Law has been criticised, by some, for its suppression of freedoms that are granted by the laws of secular systems; such as fulfilling the desires of the individual in terms of drinking alcohol, adultery, gambling, and usury with the consent of both parties; and for the denial of some of women's right; and suchlike. All these criticisms against Islam – despite the misunderstanding in the case of some of them – are in fact amongst the virtues of Islam; this is in addition to the fact that the obligation of obeying the commandments of Allah Almighty is for the good of mankind and to distance him from conducts that harm him. The full explanation of that requires detailed presentation, but we address them very briefly here:

Suppression of Freedoms

Case: There is no doubt that freedom should be in a framework that is in the interest of the human being as a human being; he should not harm himself nor harm others, otherwise it will be chaos and madness; is it correct to condone calls for the freedom of murder and bloodshed, robbery, rape, suicide, and suchlike?

Deprivation of Women

Case: Not prescribing something that is contrary to the status of woman and to her womanhood is a notion that is logical and sane individuals tend to affirm. Therefore, Islam takes into account woman's interest and her dignity; it legislates some rights for her that are different from those of man in a bid to protect her natural disposition and emotion, and to preserve her personality, dignity, and honour.

Harshness of the Penal Code

Case: In many cases the Islamic penal laws in reality serve more to deter than to be implemented, and this proves the falsehood of those who claim harshness of the penal laws in Islam, such as the laws of *ḥudood*, *ta'zīrāt*, *qisās*, and *diyāt*.¹

If by severity and harshness is in reference to adultery, then it is not deemed proven except through many criteria that are often not readily met, for example: that four righteous (*'ādil*) witnesses see it (i.e. penetration) actually taking place; or that the individuals concerned admit to that four times of their own free choice, and this does not happen except rarely. Therefore the ordinance of such punishment is more intended to deter than to be implemented, and that is in aid of protecting and preserving the society.

If in their criticism they mean the penal code for theft, the punishment cannot be executed except after the meeting of nearly fifty preconditions.²

And if it is meant the harshness of *qisās* (requit), we see that capital punishment (*qisās*) is upheld by some of the Western governments who pronounce themselves as civilised.

¹ *ḥudood*, plural for *ḥadd*, meaning punishment, are the penal codes prescribed for the various crimes. *ta'zīrāt* are the lesser punishments – than *ḥudood* – prescribed by the judge when the *ḥudood* are not applied. *qisās* are the requital in the cases of murder or loss of limb. *diyāt*, or expiation, is in lieu of *qisās*.

² These preconditions are cited by the late Imam Muhammad Shirazi in his work "*momārasat al-taghyeer*", pp448-451.

This is in addition to the fact that the Imam, peace be upon him, has the authority of pardon in all these cases if he considers it appropriate.

Surpass in Punishment

Case: Some people question the way the Shari‘ah prescribes punishment such that it extends to the innocent. For example, if the daughter of a family commits adultery, God forbid, then she is liable to the *ḥadd* punishment, and executing the *ḥadd* punishment on the girl tarnishes the reputation of the family while they are not guilty; and this is contrary to the Almighty’s statement that ﴿no bearer of burden shall bear another’s burden﴾¹ and ﴿and indeed mankind has none but that for which has strived for﴾.²

This is the case when there is a more important issue at stake which is of a higher priority; the violation of the chastity of society mandates an inevitable punishment, and mending the social chastity is more important than the consequence of scarring the reputation of the family and relatives. This is in addition to the outcome of these in terms of the mass abstention and future guarding which bring about the care and concern of the relatives about their offspring so that they would not slip into vice.

That which calls for legislation

Case: It is said that the principal physiological needs are ten which are: housing, clothing, transportation, food and drink, medicine, marriage, offspring, means of relaxation, beauty, and socialising. These are the matters a human being needs and seeks, and therefore it is necessary that the law provides for them according to various degrees.

Furthermore, the fundamental spiritual needs are ten too which are: faith, knowledge, virtue, piety, progress, safety, independence, freedom, equality, and justice.

¹ The Holy Qur’an, the Cattle (6):164

² The Holy Qur’an, the Star (53):39.

Addressing the people, Imam Ali peace be upon him, said: “And amongst your rights for me . . . to teach you so that you are not ignorant [on matters of your concern] . . .”¹

The Law between strictness and leniency

Case: In general, the Islamic Law is laid down to facilitate simplicity and ease; whether in the obligatory duties, or in the *mostahab*/recommended ones; whereas strictness – which is infrequent – is made on the basis of the competing priorities, which is an exception, not the norm.

On the other hand, why did Islam not make ‘simplicity’ and ‘ease’ an obligation? This is because Islam prescribes what is necessary and “can’t do without” as obligatory or prohibited, and for other than that it gives the choice, such that Islam would not restrict man by ever-increasing the obligatory and the prohibited. Islam prescribes other than that (i.e. obligatory and prohibited) as *mostahab* and *makrooh* in a bid to give people the choice to seek merit and virtue, by inclining towards practicing the *mostahab* and abstaining from the *makrooh*.

The Shari‘ah Rulings in the format of statutory law

Case: It is permissible to present the Islamic rulings in the form of the modern statutory laws, on the condition that no changes are introduced into the rulings. This is because the important thing is the ruling, but as for the form, it is not particularly significant]. Needless to say, it is imperative that the presentation is such that it does not cause any restriction to the absolute nature of the ruling, nor lessening its restriction, but it is imperative to ensure that the state of each category is observed as they are defined.

Legislation

Case: It is not permissible to legislate laws that are non-Islamic, for this is covered by the Almighty’s statement, ﴿Whoso judges not by that which Allah has revealed: those are the disbelievers﴾.¹

¹ Nahj al-Balāghah, sermon 34

Detaining an individual

Q: I work as a public prosecutor in the Interior Ministry in a country. The prosecutor's role is to institute or conduct legal proceedings in respect of crimes on behalf of the public. Amongst the authority of the prosecutor is to detain the accused or the suspect from four to twenty one days – and it is possible to extend this detention period, to up to six months pending the inquiry into the case, every fifteen days. All of this is in line with the statutory law. What is the [Islamic] ruling for this?

A: It is not permissible to detain an individual except by a warrant from ḥākim al-shar‘i, and it is reported that Allah's Messenger, peace be upon him and his pure family, used to detain a person accused of murder for sixteen days only.

¹ The Holy Qur'an, the Table Spread (5):44.

Chapter Two: Rulings of the Judiciary and Witnesses

Attributes of the Judge

Case: It is mandatory that the judge is bāligh, sane, believer, of legitimate birth, and a mojtahid. Also it is mandatory that he does not suffer from extreme forgetfulness; since it is not permissible for someone who is forgetful to take up a judicial post. If a judge [who is not mojtahid] makes judgement according to the fatwa of his marje‘ [and with his permission], his judgement will be correct.

Case: It is mandatory for the judge to pass judgement bases on sound principles of justice, and must treat both sides equally in greeting them, addressing them, looking at them and hearing them; without discrimination.

Case: It is *mostahab* for the judge to make his court in the centre of the city, and to face the Qiblah during judgement, and it is *makrooh* to pass judgement when in a state of anger, or when thirsty or hungry. Similarly it is *makrooh* to pass judgement at the time of severe sadness or happiness. It is *makrooh* for the judge to have a door keeper or a warden.

Case: Before taking oath from the parties concerned, it is *mostahab* for the judge to admonish and caution them of the consequences of the oath so that they would not swear an oath dishonestly. Similarly it is necessary to for the witnesses to give their testimonies separately.

Case: It is essential that the judge frequently accompanies the mojtahids and marāje‘ and visits them, and to think about the delicate issues and subtle conducts that influence the validity and soundness of judgement. And he should have extensive knowledge of the biographies of judges, the cases they dealt with, the procedures they followed, and the judgements they made, and especially the judgments of Amir al-Mo‘mineen, Imam Ali, peace be upon him.

Criteria of the claimant

Case: It is conditional that the claimant or plaintiff should be *bāligh*, sane; pursues his claim with intent and out of his free will and choice. The claim should be for himself or for someone he has authority over such as the minor, or for his client, and suchlike.

Criteria of the witness

Case: It is mandatory for the witness to be *bāligh*, sane, believer, righteous (*‘ādil*), and of legitimate birth, and that he has not been accused [of lying]; however, the testimony of children is accepted in some cases. Also it is not permissible for the witness to conceal a testimony if he knows about or has witnessed the matter concerned, on the condition that he is sure of what he knows, and by giving the testimony it does not constitute significant harm to him. It is mandatory for the judge to punish the witness who gives false testimony as he observes fit, and to expose him.

Case: It is not permissible for the judge to make the witness feel uneasy or interrupt him as he speaks, but he should let him finish his testimony.

Case: If an individual who was a sinner/liar repents from his conduct, his testimony would be accepted.

Judgement by non-Islamic rulings

Case: Passing judgement and ruling by other than Islamic rulings is *ḥarām* and absolutely false, given the statement of Allah Almighty, ﴿Whoso judges not by that which Allah has revealed: those are the disbelievers﴾.¹

Bribery

Case: It is *ḥarām* to take a bribe for passing a ruling or a judgement, even if the ruling is just. Similarly the fees that are commonly charged in courts these days are *ḥarām* too. (However, it is permissible for someone to give the bribe if it is to facilitate for a just ruling and it is out

¹ The Holy Qur’an, the Table Spread (5):44.

of compulsion,¹ but it would still be prohibited for the judge to accept the bribe.)²

By any means possible

Case: If one's property is in the possession of another, it is permissible for him to take it back by whatever means possible, except if that involves something harmful or *ḥarām*. If one is owed a debt but the debtor denies the debt, it is permissible for the creditor to take from his (debtor's) wealth without his permission, and as an obligatory precaution one should seek the permission of the *ḥākim al-shar'ī*. (Furthermore, as an obligatory precaution salvaging [one's wealth from the person] should be restricted to this procedure, [i.e. seeking the permission of the *ḥākim al-shar'ī*.])³

eJudgement

Case: It is not permissible to seek the aid of computers in securing judgement, assuming judgement programs are available, since what is permitted is to seek judgement from judges approved by the Shari'ah. Of course, if we are sure that computers do not produce erroneous results – although they could give erroneous results and they can be manipulated – they may be used to access databases [of verdicts] and not seek a judgement. Needless to say, if two individuals agree to seek judgement from a computer and to accept its judgement, it would be permissible, since this is based on an agreement between the two. Of course, the judgement of the e-machine is not binding except if it is made a condition in a contract or suchlike – provided that it does not violate the Islamic Law.

False testimony

Case: It is not permissible to give false testimony, and it is not permissible to take a fee in return. The custom in some courts of there being individuals who give testimony for money is a two-fold false. As

¹ Needless to say, this permission is for such conducts under current diabolical systems that are in place, where one is forced to resort to such measures in a bid to get some justice, otherwise, with the presence of any decent Islamic judicial system, there will be no need for such conduct.

² The content between () is not part of the fatwa of the late Imam Shirazi.

³ The content between () is not part of the fatwa of the late Imam Shirazi.

for someone who feels he has a just case and needs witnesses, and if he does not have any alternative other than to call on those witnesses and pay them a fee, then his action is permissible, and he is not liable to be punished for giving the fee; if salvaging the truth depended on it. As for it being “two-fold falsehood”, this is because the court is false – given that referring to courts of the oppressors is prohibited except for the compelled, and the false testimony in it is another false, given the prohibition of the false testimony.

Chapter Three: Rulings of Expiations & Punishment

The cases that carry the expiation for killing

Case: There are a number of cases whose expiation (or *diyah*) is the same as the *diyah* for murder,¹ which are:

1. To cause the blinding of an individual, or cutting the four eyelids. If one eye is blinded, the expiation is half the murder *diyah*.
2. To cut the external ears of someone, to do something that causes deafness; but if one ear is cut or deafened, the liability is half the murder expiation. If one cuts the two earlobes he is liable to one third of the murder expiation.
3. To cut the nose completely, or to cut its tip.
4. To cut the tongue from its base; but if cut partially, then liability is in the same ratio, for example if half the tongue is cut he is liable to half the murder expiation.
5. To destroy all the teeth. The expiation of twelve frontal teeth, which are the six above and the six below, for each one the liability is fifty *shar‘i mithqāl* of gold [180 gram].² The expiation of the sixteen posterior teeth, eight above and eight below, is twenty five *shar‘i mithqāl* of gold [90 gram].
6. To cut both hands. The liability for cutting off one hand is half the murder expiation.
7. To cut all ten fingers. The expiation for each finger is one tenth of the murder expiation.
8. To break the back of someone such that it can never be restored.

¹ It is presented on page 854.

² A *shar‘i mithqal* is 3.6 grams.

9. To cut the two breasts of a woman. Cutting one is liable to half the murder expiation.
10. To cut the legs of someone, or to cut the ten toes. The expiation of each toe is one tenth of the murder expiation.
11. To cut the two testicles.
12. To cause someone to lose his mind.
13. To cause someone to lose his ability to smell, or to lose the ability to ejaculate semen, or to lose vision.

There are other cases other than the above.

Expiation for abortion

Case: If a person does something to cause a pregnant woman to miscarry or abort her foetus as a result.

If the aborted foetus is a pre-embryo or conceptus, then the expiation is twenty shar‘i mithqāl of gold [72g].

If it is a clot, then the expiation is forty mithqāl [144g].

If it is a lump, then the expiation is sixty mithqāl [216g].

If it has bone [formed in it], then the expiation is eighty mithqāl [288g].

If it has flesh [formed on the bone] and the soul had not entered it, then the expiation is one hundred mithqāl [360g].

If the soul had entered it, then in the case of a boy it is a complete expiation, and in the case of a girl it is half. [Details of the expiation is given later on.]

Case: If the pregnant woman does something to cause herself to miscarry the foetus, she is liable to the expiation in the manner mentioned in the previous case. The expiation is given to the heir of the child and she does not inherit anything.

Expiation for slapping

Case: If one slaps an individual, for example the if father slaps the son, and his face becomes red as a result, the expiation is one and half *shar‘i mithqāl* of gold [5.4g], and if it becomes green, its expiation is three *mithqāl* of gold [10.8g], and if it is blackened, the expiation is six *mithqāl* [21.6g]. However, if another part of the body is reddened, greened or blackened due to slapping, then the expiation is half that mentioned above. He is also obliged to seek forgiveness from Allah Almighty. In the case of the father-son scenario, this is applicable if it is not for the purposes of disciplining, or if it were more than the limit required for disciplining, otherwise, if it were for the purpose of disciplining and meets its criteria, no *diyah* would be payable.

Expiation for wounding an animal

Case: If one wounds a *ḥalāl*-meat animal, or cuts some of its flesh, it is mandatory for one to compensate the owner, which is by giving him the difference between the price of a similar sound animal and the price of that injured one.

Expiation for damage caused by an animal

Case: If an animal damages someone’s crop or other property, and the owner of the animal was negligent in keeping it, it is mandatory for him to pay for the damage caused to the owner of the property or crop.

Expiation for hitting a child

Case: If a child commits a major sin,¹ it is permissible for his guardian or his teacher to hit him as a reprimand, and in that case expiation is not mandatory, but if he hits him beyond what is intended to reprimand, he would be liable to expiation.

Expiation for torture

Case: If someone tortures an individual, then the tortured person has the right to do to him likewise, if possible, without exceeding the limits [of

¹ Major sins are those like drinking wine (knowingly), or stealing.

the injuries sustained] or that which lead to death. And if one fears those, he has the right to compensation or expiation as prescribed in the Shari‘ah, and if it is not prescribed in the Shari‘ah, then the compensation for that is determined by the judge [on the basis of the injury inflicted], as detailed in the fiqh.

Expiation for suicide

Case: If a teacher gives a student the marks he deserves and he fails in the exam, and the student gets upset and commits suicide; the teacher is not liable to expiation. Similarly, if the son seeks money from his father or the wife from her husband and they don’t give, and they commit suicide, the father or the husband are not liable to expiation. The same applies to similar cases. Expiation is not liable because this is the action of an individual out of one’s own choice. Of course, if one knows that the student would commit suicide, it is not permissible for the teacher to fail him; this is on the basis of the “competing priorities”, since saving life is more important. (Also if the suicide would be prevented by giving money, it would be mandatory – as a *kifā’i* obligation – to do so, in order to repel evil (*munkar*). The same applies to all other [cases of attempting to prevent] prohibitions. The amount of money that needs to be spent varies according to the significance of that evil (*munkar*).¹

Miscellaneous issues

Q: In cases such as car accidents where an individual is run over, when the expiation is mandatory as per the law, is it permissible for me as an investigator to refer the next of kin to one of the lawyers and obtain a commission from the lawyer? Needless to say this commission is deducted from expiation of the deceased.

A: It is not permissible to deduct the commission from the deceased *diyah*, because the *diyah* belongs to the heirs, except if they consent to that.

¹ The content between () is not part of the fatwa of the late Imam Shirazi, but it is: (If cost of repelling vice (*munkar*) is small it is mandatory to do so, otherwise it is not mandatory.)

Q: What is the ruling for the insane, or the minor, or the non-believer who commits an act that would normally renders the individual face the *ḥadd* punishment while he is in a state of insanity, or underage, or disbelief, and then he becomes sane, or *bāligh*, or a Muslim?

A: They are not punished.

Q: What is the ruling for the insane who commits something that renders him liable to the Shari‘ah penal code, but then he recovers from his insanity? What is the ruling for a minor who commits something that renders him liable to the Shari‘ah penal code, and then he becomes *bāligh* (adult)? What is the ruling for a non-Muslim who commits something that renders him liable to the Shari‘ah penal code while he is non-Muslim, and then he becomes a Muslim?

A: An insane person is not punished if he commits something that renders him liable to the Shari‘ah penal code while he is insane. Nor is he liable to any disciplinary action if he recovers and is rendered sane. The (formal) punishment is also not applicable because the offence he committed occurred when he was insane. Similarly the minor is not punished if he commits something in his childhood that carries punishment and then he becomes *bāligh*. The same applies to the non-believer if he becomes a Muslim. He would not be punished due to the principle given in the hadith: “Islam waives what preceded it.”¹

The *qiṣāṣ* punishment

Case: The *qiṣāṣ* punishment is applicable either to the individual – such as killing a person – or to the limbs – such as cutting the ear or gouging the eye of a person.

Categories of killings

Case: Killing falls into three categories:

1. Deliberate killing, which is often when a person kills another intentionally with a weapon that is normally lethal, or intends to

¹ Mostadrak al-wasā’il, vol.7, p448.

hit someone with a weapon that is normally lethal, even if he does not intend to kill him.

2. Pseudo-deliberate killing, in that one deliberately hits someone but does not intend to kill him, and the weapon is not normally lethal; for example one hits a child with a view to disciplining/reprimanding and the child unexpectedly dies as result.
3. Killing by sheer mistake, in that one does not intend to kill or hit a person, but rather kills him by mistake; for example one intends to shoot an arrow at a deer, but instead hits a person by mistake and kills him. Another example of this category in which one does not have an intention at all, is that while asleep [on the rooftop] one nudges another [sleeping person] by his foot until he falls off the rooftop to his death.

Case: If one kills another person deliberately and unjustly, it is permissible for the guardian of the victim to kill the killer as per the *qiṣāṣ* punishment, but in the second and third categories of killing, that is in the semi-deliberate and sheer mistake, the guardian of the victim has no right to kill the killer, but rather it is permissible for him to seek expiation from the killer.

Expiation for deliberate killing

Case: In the case of the deliberate killing, if the guardian of the victim foregoes the *qiṣāṣ* punishment and agrees to the expiation instead, it is mandatory for the killer to give one of the following six items as *diyāh* or expiation:

1. One hundred camels.
2. One hundred cows.
3. One hundred Yemeni garments.
4. One thousand sheep.
5. Ten thousand *shar‘i* dirhams.¹
6. One thousand *shar‘i* dinārs.¹

¹ One *shar‘i* dirham is 2.6grams of pure silver.

Case: In the case of the deliberate and semi-deliberate killing, the issue of the choice of *diyyah* is for the killer; the killer chooses one of the six types of expiations to give, and it is mandatory to accept that. In the case of accidental killing, the choice is for the clan, i.e. those who are related to the killer from the parents' side, or from the father's side only, such as the fathers, uncles, and their sons and suchlike.

Expiation for pseudo-deliberate killing

Case: The *diyyah* for the semi-deliberate killing is one of the six types given above with the difference that the camels are required to be thirty-three of 2years of age and above, and thirty-three of 3years and above, and thirty-four of 5years and above. The *diyyah* must be given within two years of the killing. However, the concluding verdict here is that whatever is called camel suffices, both in this and the following case.

Expiation of accidental killing

Case: The *diyyah* for the accidental killing is one of the six types given above with the difference that the camels must be twenty female that have entered their second year, and twenty male of 2years of age and above, and thirty female of 2years of age and above, and thirty of 3years and above. This *diyyah* must be given within three years of the killing.

The source of expiation money

Case: It is mandatory that the *diyyah* for deliberate and semi-deliberate killing is given from the property of the killer himself, but the expiation for the accidental killing must be paid by the clan, i.e. those who are related to the killer from the parents' side, or from the father's side only, such as the fathers, uncles, and their sons and suchlike.

Settlement in expiation

Case: It is permissible for the victim to reach a settlement with the culprit in that instead of the *qīṣāṣ* punishment, he obtains from him a sum equivalent to the *diyyah* – or less or more than that.

¹ One *shar‘i* dinar is 3.6grams of pure gold.

Punishment of limbs

Case: If the culprit does not have the limb that qualifies for the *qiṣāṣ* punishment, its *diyyah* is resorted to.

If a person injures another, it is permissible for the injured to seek the *qiṣāṣ* punishment from the culprit, provided that the length, width and depth of the wound is observed – and seek punishment to the same extent, and it is *ḥarām* to exceed that.



Glorified be thy Lord, the Lord of Majesty, from that which they attribute (unto Him)

And peace be on the messengers

And praise be to Allah, Lord of the Worlds

And blessing and peace be upon Muhammad and his pure family.

PART NINE: PENAL CODE AND PUNISHMENT

APPENDIX

APPENDIX

Quick Chart for Ṣalāh

Ṣalāh is for purifying the soul and cleansing the self; just as washing is to the body;

Ṣalāh is one of the most important means of achieving spirituality for the soul, and closeness to the Almighty;

It is essential that one gives ṣalāh meticulous care and due diligence;

This is because when one stands for ṣalāh, one stands before the Almighty.

Thus, one must realise to whom one is talking to;

One must appreciate before whom one is stood;

That one pays particular and focused attention to one's ṣalāh;

That one acquires a state of physical composure and tranquillity during the course of the ṣalāh;

It is essential that the person who performs the ṣalāh seeks forgiveness from Almighty Allah; entirely devoting oneself to Him.

To attain its true outcome, it is imperative that in the course of one's life, one abandons conducts that counter the intended outcome of ṣalāh; that one shuns sins and disobediences that prevent the ṣalāh from being accepted; such as jealousy, arrogance, backbiting, and indeed absolutely any disobedience and prohibited conduct for that matter.

Furthermore, one should not pray while he or she is sleepy. One should not look to the sky during the ṣalāh, or to any other location, but only towards the place of prostration. That body and limbs are motionless during different stages of ṣalāh. It is mostaḥab to wear agate (aqeeq) ring, clean garments, perfume, also to brush the teeth, brush the hair, and suchlike.

The following are a **Quick Chart for Ṣalāh** and an **Outline Procedure for Ṣalāh**, which are intended for novices and newcomers.

APPENDIX

Rak'ah	Action	Action			
	Takbirat-al-Ehrām				
First Rak'ah	Recite surah of al-Ḥamd, and surah of choice				
	ò				
	Rokoo'				
	ò				
	Sojood				
	ò				
	Stand up right again				
	ò				
Second Rak'ah	Recite surah of al-Ḥamd, and surah of choice				
	ò				
	Quonoot				
	ò				
	Rokoo'				
	ò				
	Sojood				
	ò				
	Tashahhud òò	ò	ò	Salām	end of 2-rak'ah ṣalāh
	ò				
	Stand up right again				
	ò				
Third Rak'ah	Recite the four-tasbeehāt				
	ò				
	Rokoo'				
	ò				
	Sojood				
	ò				
	Āòòòòò	Tashahhud	ò	Salām	end of 3-rak'ah ṣalāh
	ò				
	Stand up right again				
	ò				
Fourth Rak'ah	Recite the four-tasbeehāt				
	ò				
	Rokoo'				
	ò				
	Sojood				
	ò				
	Tashahhud òò	ò	ò	Salām	end of 4-rak'ah ṣalāh

Outline Procedure for Ṣalāh

The different acts of the ṣalāh, and its different stages are given below in a concise manner. For the detailed presentation and discussion the main book should be consulted.

1. Niyyah

Foremost in the ṣalāh, as with any other acts of worship, is making the niyyah or intention of what one is to do. In the case of the ṣalāh, one should form the niyyah for performing the particular ṣalāh with the intention of compliance and seeking closeness to Allah Almighty.

2. Takbirat-al-Eḥrām

After setting the niyyah or intention of the particular ṣalāh, the first act of the ṣalāh is *takbirat-al-eḥrām*: which is to say **Allah-o Akbar**. This initiates the ṣalāh. [this is a *rukn* or key-element of ṣalāh without it the ṣalāh is rendered void.]

First Rak'ah

3. Recitation: The next act as can be seen from the chart above, is to recite the surah of al-Ḥamd, and a surah of choice. The surah of choice could be surah of Tawḥeed, for example.

For Maghrib, 'Esha, and Ṣoḅḅ prayers, the male should recite al-Ḥamd, and the other surah audibly. The recitation should be done in Arabic. It is important that one learns the meaning of the text of the surah one is reciting. In this way one appreciates better what one is doing and whom one is addressing in the course of the ṣalāh.

All focus and attention should be concentrated on the ṣalāh. It is essential that one makes sure that one's attention is not diverted or deviated to any other matter throughout the duration of the ṣalāh.

The transliteration and translation of these two Qur'anic surahs are given in the tables below:

APPENDIX

The Surah of al-Ḥamd (Praise), surah #1 in the Qur’anic list:

Bismillah er-Raḥmān er-Raḥeem	In the name of Allāh, the Most Gracious, the Most Merciful.
al-Ḥamd-o lil-lāhi rab-bil ‘ālamdeen	Praise is to Allāh, the Lord (Cherisher and Sustainer) of the worlds
Ar-Raḥmān er-Raḥeem	The Most Gracious, the Most Merciful;
Māliki Yawm-id-deen	The Master of Judgement Day
Ey-yāka Na‘bod, wa-ey-yāka Nasta‘een	You alone we worship, and You alone we seek help from
Ehdinal-Ṣirāṭal-Mostaqem	Guide us to The Right Path
Ṣirāṭal-ladheena an‘amta ‘alayhim, Ghayril-Maghḏoob-e ‘alayhim, walaḏ-ḏālleen.	The path of those on whom you have bestowed Your Grace, Not (the path of) those who have incurred your wrath, Nor (those who) have gone astray.

The Surah of Tawḥeed (Oneness), surah #112 in the Qur’anic list:

Bismillah er-Raḥ man er-Raḥeem	In the name of Allāh, the Most Gracious, the Most Merciful.
Quol Huwa-llāh-u aḥad	Say: “He is Allāh, the only One
Allāhuṣ-Ṣamad	Allāh, the Absolute Master
Lam yalid, wa lam youlad	He does not beget, and nor was He begotten
wa lam yakon lahu kofowan aḥad.	And there is not a one His equal.

4. Rokoo‘ or bowing

The next act, after the recitation of these two surah, is rokoo‘ or bowing:

In the state of bowing, one should say the *dhikr*: **Subḥān Allāh**, 3times. [meaning: Glorified and immaculate is Allah.]

After the saying of the *rokoo‘ dhikr*, one should stand upright, [this is a *rukṅ* without it the ṣalāh is rendered void] and then say **Allah-o Akbar**.

5. Sojood or prostration

Next, one should head for sojood. While resting in the state of prostration, one should say the *dhikr*: **Subḥān Allāh**, 3times.

[At the state of prostration, one should have seven points of one’s body on the ground; these being the forehead, the palms of the hands, the knees, and the big toes.]

After saying the sojood *dhikr*, one should sit up, rest motionless, say **Allah-o Akbar**, and then head for sojood again, to perform the second *sajdah*, saying the same *dhikr* as before: **Subḥān Allāh**, 3times.

After the second *sajdah*, one should sit up again, rest motionless, and say **Allah-o Akbar**. [This is the end of the first rak‘ah.]

After this, one should stand up to commence the second rak‘ah.

Second Rak‘ah

6. Recitation: Just like the first rak‘ah, one should recite the surah of al-Ḥamd, and a surah of choice such as surah of Tawḥeed, or al-Qadr.

7. Quonoot

Having finished this, before heading for rokoo‘, one should perform Quonoot. In the Quonoot, one should raise one’s hands to the level of one’s face, with the palms of the hands open upwards towards the sky, holding the palms side-by-side. In that posture supplications are said, with some being recommended for quonoot, such as:

Allāhum-ma Ṣal-li alā Muḥammad wa āle Muḥammad wa ‘Ajil Farajahum.

[Meaning: “O Lord; Send your blessing upon Muhammad and the Progeny of Muhammad, and expedite their victory.” Victory refers to the reappearance of Imam Mahdi peace be upon him.]

Having finished the Quonoot supplications, one lowers one’s hands, says: **Allah-o Akbar** and heads for rukoo‘ and then sojood, in the same way done in the first rak‘ah.

8. Tashahhud

After the second sajdah of the sojood, before standing up again – while sitting down motionless – one should perform the tashahhud. In the tashahhud, one should say:

***al-ḥamdo lil-lāh,
ash-hado al-lā-ilāha il-lal- lāh, waḥ-dahoo lā shareeka lah,
wa-ash-hado an-na Muḥammadan abduhoo wa-rasooloh
al-lāhum-ma ṣal-li alā Muḥammad wa āle Muḥammad.***

[Meaning:

Praise is to Allāh,

I testify that there is no god but Allāh,

He is One; there is no partner for Him,

And I testify that Muḥammad is His Servant and Messenger.

O Allah, send your blessings upon Muḥammad and the descendants of Muḥammad.]

At this stage, the second rak‘ah ends, and depending on the particular ṣalāh one is performing, one should either proceed to complete the ṣalāh or continue to the third rak‘ah.

9. Salām or Tasleem

If one were to perform a two-rak‘ah ṣalāh, [such as the Ṣoḥḥ prayer], after the tashahhud, one should say the tasleem, which is:

***as-salāmo alayka ay-yuhan-nabeyyo wa raḥ-matul-lāh, wa barakātuh,
as-salāmo alaynā wa ‘alā ‘ebādil-lāh aṣ-ṣāleheen,
as-salāmo alaykum wa raḥ-matul-lāh, wa barakātuh.***

[Meaning:

O Prophet; Peace, Mercy and Blessing of Allah be upon you
Peace be upon us and the pious Servants of Allah,
Peace, Mercy, and Blessing of Allah be upon you.]

After the Salām, ṣalāh is completed. After the Salām, it is recommended to say: **Allāh-o Akbar** 3times. This ends a two-Rak‘ah ṣalāh.

Three Rak‘ah Ṣalāh

In the case of the Maghrib prayer, which is a 3-Rak‘ah ṣalāh, after saying the Tashahhud at the end of the second rak‘ah, one should not continue to say the Salām, but rather should start the third rak‘ah by standing upright and recite the following four-Tasbeehāt:

Recitation of the Tasbeehāt

Subhān-Allāh,	Glorified is Allah
wal-ḥamdu-lil-lāh,	And Praise is to Allah
wa-lā-ilāha-il-lal-lāh,	And there is no god but Allah
wal-lāho-abkar.	And Allah is greatest.

It is recommended to repeat the above four-Tasbeehāt 3times in the third rak‘ah.

After this, one should perform the roko‘, sojood, tashahhud, and salām, and thus ends the 3-rak‘ah ṣalāh.

Four Rak‘ah Ṣalāh

In the case of a 4-Rak‘ah prayer such as the ‘Esha, Duhr, and ‘Asr, a fourth rak‘ah exactly similar to the third one – as given above for the Maghrib ṣalāh – must be performed. In this case, after the second sajdah of the third rak‘ah, one should not perform the tashahhud and salām, but instead should proceed to start the fourth rak‘ah by standing upright and recite the four-Tasbeehāt, in the same way as the third rak‘ah.

After the four-Tasbeehāt, one should perform the roko‘, sojood, tashahhud, and salām, and thus ends the 4-rak‘ah ṣalāh.

Important Notes

- Ø All Surah must be recited starting by Bismillah er-Raḥmān er-Raḥeem. Failure to recite the Bismillah would render the entire prayer void.
- Ø Hands must NOT be crossed in front of the body, otherwise the ṣalāh would be void.
- Ø The uttering ‘amen’ must not be made after reciting the Surah of al-Ḥamd, for this would render the ṣalāh void.
- Ø All sojood (prostration) must be carried out on the ground, soil, stone, any plant by-products (like wood or paper) or plants that are not edible. Performing sojood on anything else would render the prayer void. In sojood the forehead should come to rest on the place of Sajdah, which is soil, stone, etc. [It is desirable and recommended that one obtains a clay stone for sojood that is made from the soil of the land of Karbala, where Imam Husayn peace be upon him was killed and buried.]
- Ø When performing the ṣalāh of Fajr, Maghrib, and Esha’, it is mandatory for male individuals to recite the Surah of al-Ḥamd, and another Surah in the first and second Rak‘ah in audible voice. The third and fourth Rak‘ah of the ṣalāh must be recited inaudibly. This is not mandatory for the female worshippers, and they may do so if non-Maḥram males are not present in the locality. In the case of the Duhr and ‘Asr ṣalāh, all the surahs must be recited inaudibly with the exception of the Bismillah er-Raḥmān er-Raḥeem, of each of the surah, which is highly recommended to be recited audibly.
- Ø All prayers must be performed in the direction of Makkah. During the prayers, one may not talk to others if present in the vicinity, and may not turn his or her face to any direction other than that of the Qiblah.
- Ø Needless to say, no prayer is valid, unless one has performed the ritual washing of Woḍu’.

On the Distinctions of the Islamic Society

The Islamic society is the society that adheres to the human ethics and social etiquettes that Islam has brought forward, and so it is distinguished from other societies by the following issues:

1. The Islamic society has a characteristic other than that of the society we see today. For it enjoys – after the faith in Allah and the Day of Resurrection – from the Islamic ethics and etiquettes, which regulate the behaviour [of the individual] to the extent that no other earthly system can. And thus the very lofty and sublime human values will become widespread throughout the society, whereas today's world speaks of mankind in terms of a mechanical tool, robbing him of all values of good and goodness. Furthermore, in an Islamic society psychological complexities and many of current problems will be extinct, while on the other hand confidence and sociability will prevail, and love and affection will reign in both individual and social terms.
2. Life, in all its aspects and dimensions, will blossom and prosper under the just Islamic system, and thus the country will be revitalised, houses built, the land farmed, the industries developed, trades expanded, wealth grows, and the people will be enriched in an environment wherein there is no wronging or oppression, no terror or violence, no restrictions or conditions, no prison or torture, no suffering or poverty. It was for this reason that development, progress, love, and confidence were commonplace when Islam was practically implemented; something that the world today cannot find despite the substantial increase in all the means and facilities available.
3. Every member of the Islamic society is a manifestation of Islam and its teachings through his words and actions, caring for every member of his community and his nation and being responsible for them, promotes virtue and prohibits vice, invites to Islam and calls for a single universal Islamic government ﴿with wisdom and good advice, and reason﴾ for that ﴿in the best manner﴾.¹

¹ The Holy Qur'an, The Bee (16):125

Islam and Ethics are Twins

The essence of Islam and the reality of the Islamic religion is the essence of the human moral ethics, and the reality of the lofty and sublime social etiquettes. They are twins that may not separate, rather they are one truth for one reality, since there is nothing that morality encourages that Islam does not enjoin to, and nothing that the etiquettes promote that Islam does not encourage and invite to. So all laws and tenets of Islam and its lofty teachings, ranging from acts of worship to transactions and suchlike are founded on lofty ethical bases, and firm pillars of etiquettes, and as an outline we shall mention briefly some of those that Islam has commanded as obligatory, prohibited as forbidden, or warned as ethically undesirable, or encouraged and called for amongst the etiquettes and morally ethical. We will see that all of them are in harmony with the human nature, concords with his soul and his spiritual values, but even with his body and materialism . . . while being in the loftiest moral level, and highest peak of human etiquettes.

The Obligatory

Almighty Allah states, ﴿Surely Allah bids to justice and good doing and giving to kinsmen﴾,¹ therefore it is mandatory for the Muslim individual to learn the obligatory duties and to act upon them, and we shall mention some of them here:

Believe in Allah, His messenger and His Authorities

- To have faith in Allah and the Day of Resurrection.
- To have certainty in Allah and the Day of Resurrection.
- To devote entirely to Almighty Allah.
- To worship Allah.
- To rely on and entrust Allah in [all] affairs.
- Remembrance of Allah under every circumstance.
- Seeking the means to attain closeness to Allah.²

¹ The Holy Qur'an, The Bee (16):90

² In reference to the Qur'anic verse 5:35.

- Seeking the favour of Allah.¹
- Humility of the heart and fear of Allah.
- To abstain from Allah's prohibitions.
- To be content with Allah's decree.
- To speak of Allah's bounty.
- To think about Allah's bounties and His benefits.
- To submit to Allah, and to exalt and glorify Him (i.e. to consider Him free from any false attributes).
- To race to Allah's forgiveness.
- To have good opinion of Allah.
- To rule by what Allah has revealed.
- To return to Allah through repentance.
- Supplication.
- To call to the way of Allah.
- To heed to Allah's call and His messenger's.
- To consider prohibited that that Allah and His messenger have prohibited.
- To refrain from what Allah and His messenger have prohibited.
- To obey Allah, His messenger and the *awliya'* peace be upon them.
- To adhere to what the Prophet and his Ahl al-Bayt have brought forth.
- To visit [the shrines of] the Prophet and the Imams from his Ahl al-Bayt, peace be upon them.
- To love Allah and His authorities (*awliya'*).
- To disassociate from the enemies of Allah and the enemies of His devotees.

¹ In reference to the Qur'anic verse 62:10.

Acts of worship and related issues

- To keep the prayers, acts of worship, covenants, and the things deposited in trust.
- Night prayers, reciting the Qur'an, worshipping at night time (after midnight).
- To be in sequence with the imam of the congregational prayers.
- To wear beautiful apparel at places of prayer.¹
- Fasting during the month of Ramaḍān.
- To perform Hajj.
- To pay Khums.
- To give Zakāh.
- To give the due of the crop.

To be kind to the parents and relatives

- To thank Allah and the parents.
- To be kind and gentle to the parents.
- To keep company with the parents and relatives in goodness.
- To be kind to kinsfolk.
- To love the kinsfolk.

Seeking knowledge

- To learn the principles of religion, [and issues one is required to know to act according to Islam in all circumstances, and be able to fulfil his duties accordingly], and ethics and etiquettes.
- Thorough learning in religion.
- Seeking knowledge in general.
- To learn from admonitions, and other's fates and experiences.
- Listening to the Wise Qur'an.²

¹ In reference to the Qur'anic verse 7:31.

² In reference to the Qur'anic verse 7:204

Avoiding evil

- To avoid singing and music.
- To avoid worshiping other than Allah.
- To avoid thinking bad of others.
- To destroy matters of corruption.
- To prohibit evil.
- To repel evil.
- To destroy deviation.

Family life

- To marry.
- To give the wife her dues and her *mahr*.
- To stay with the wife overnight.
- To live with the wife cordially.
- To care for the children.
- To educate and raise the children.
- To protect one's chastity.
- To lower one's gaze.
- To have a fervour or a sense of honour [with respect to one's wife, etc.].
- For a woman to wear hijab in the presence of non-*mahram* men.

Trustworthiness

- Giving the wealth/property of the orphan [back to them when appropriate].
- To give back the things deposited in trust.
- To bear witness [sincerely].
- To give back the right of the people, and the right of Allah.
- To seek forgiveness from the person who has been wronged.
- To compensate what one has damaged/destroyed.

Resilience and perseverance

- To uphold the religion and to practice it.
- To remain steadfast in [all] matters.
- To keep to the truth.
- To keep striving.

Virtues

- To regret [committing] a sin.
- To repent.
- To seek forgiveness.
- To persevere.
- To be with the truthful.
- To advise the believer and support.
- To have good and true intention.
- To be truthful in speech.
- To have beautiful speech.
- To disseminate the truth.
- To judge by the truth.
- To guide the people to the truth.
- To facilitate reconciliation between people.
- Justice.
- Faithfulness.
- Cooperation.
- To enjoin good and virtue.
- To adhere and be enjoined to good and virtue.
- Feeding the hungry.
- To make room [for others] in assemblies.¹
- To make donations in the way of Allah.
- Seeking sustenance.

¹ In reference to the Qur'anic verse 58:11.

- Ḥalāl earning.
- Weighing with correct measure.¹
- To protect oneself and the family from hellfire.²
- To take precaution [in one's behaviour in every aspect].³
- To seek permission when entering [others'] house.⁴
- To initiate greeting [to others].
- To reply back to a greeting or a letter.
- To incline to peace.⁵
- To denounce innovators in religion.
- To defend the religion and the self.
- To show one's despise to those who commit sin.
- To give the wage of the breast-feeder.
- Migration.⁶

The Prohibited Conducts

Almighty Allah states, ﴿Say: "Come, I will recite to ye what your Lord has forbidden to ye"﴾.⁷

Just as it is compulsory for the Muslim individual to learn his or her obligatory duties and act upon them, it is also mandatory to learn the prohibited matters and refrain from them, and henceforth we list here most of the prohibited matters that are of common cause for concern:

Beliefs

- Not to believe in Allah.
- To consider individuals or things as partners of Allah.

¹ In all aspects of life, i.e. not having double standards.

² In reference to the Qur'anic verse 66:6.

³ In reference to the Qur'anic verse 4:71, 102.

⁴ i.e. to respect others' privacy; this is in reference to Qur'anic verse 24:27-28.

⁵ In reference to the Qur'anic verse 8:61.

⁶ e.g. to leave one's country when one's life or religion is in danger.

⁷ The Holy Qur'an: The Cattle (6):151

- To believe that Allah has children.
- Praying, prostrating or kneeling for something other than Allah.
- To consider oneself above the worship of Allah.
- To become unconcerned about the wrath of Allah.
- To abandon the practice of remembrance of Allah.
- To protest against Allah in matters of fate and destination.
- Disputing with Allah, Allah's messenger, the Ahl al-Bayt peace be up on them, and the *marāje'* who follow their teachings, on the decrees of the shari'ah rulings.
- To cause difficulties for the Prophet, peace be upon him and his pure family.
- Swearing to disassociate oneself from Allah, the prophets, the Imams and Islam.
- Lying against Allah, the Prophet, or Imams.
- To deny any of the fundamental principles of religion.
- To deny any aspect of the holy Qur'an or the laws of *Shari'ah*.
- Blasphemy, especially, in the house of Allah.
- To become hopeless of the mercy of Allah.
- To deny the hereafter.
- To deny miracles.

Shari'ah & Religion

- Not to comply with the laws of the Shari'ah.
- Not learning the basic principles of beliefs and details of the rules of the religion.
- Not teaching the principles and rules of religion to those who are ignorant of them, when they are seen acting or practicing something, which is wrong.
- Innovating in (the laws and practices of) religion.
- Declaring the lawful as unlawful.
- Declaring the unlawful as lawful.
- Giving judgement not in accordance with Allah's orders.

- To rebel against the Imam (leader) who is just and qualified.¹
- Denying what is due to Allah (e.g. *Khums*, *Zakāh*).
- Refusing to pay religious taxes such as *Khums*, *Zakāh*, or other obligatory dues.
- Delaying one's dues.
- Not exercising *taqiyyah* when in danger.²
- Migrating to places where one's religion or faith would be endangered.
- Friendship with the enemies of religion in the absence of an urgent necessity.
- Swearing in general, especially towards Allah, the prophets, the Imams, Islam, Qur'an, and other sacred things.
- To mislead people away from the path of Allah.

Obligations

- Not practicing the principle of “*Bidding Good and Forbidding Evil*”.
- To break an obligatory fast such as that due to a vow or fast during Ramaḍān, without good reason.
- Not fasting for days missed during the month of Ramaḍān before the commencement of the next month of Ramaḍān.
- To delay a prayer until its time is over.
- To discontinue an (ongoing) obligatory prayer.
- To abandon obligatory prayers.
- To abandon any other obligation.
- To delay performing Hajj from the year it becomes obligatory.

¹ By qualified, it is meant he who meets all the criteria prescribed by Islam for a fit leader. It is only in the case of such a leader or imam that rebelling against is harām or prohibited.

² *Taqiyyah* literally means to ‘guard’ or ‘protect’. A Muslim must exercise all means within his disposal to protect his life when threatened. One example of *taqiyyah* is not to disclose one's belief under certain dangerous circumstances in order to protect one's life.

- Rejecting the orders of the scholars in their Shari'ah verdicts.
- Accepting payment for religious obligations that have to be carried out.

Qur'an

- Touching the holy Qur'an without formal purification, *Woḍu*.
- Selling the holy Qur'an.

Mosques

- Making the mosque unclean.
- Working to destroy mosques.
- Preventing people from going to mosques.
- Going to or staying in mosques while in a state of *Jonob*.¹
- The above individuals passing through the two grand mosques in Mecca and Medina.
- To violate the sanctity of the holy Ka'bah or any other of the holy sites.

The Believer

- Animosity towards believers.
- To defame a believer.
- To disgrace a believer.
- To hurt or abuse a believer.
- To threaten or terrorise a believer.
- To make fun of the believers.
- To ridicule or demean the Muslims.
- To defame a believer in poetry etc.
- Abandoning the believers.

¹ An individual is said to be in a state of *jonob* after sexual intercourse (or ejaculation), and therefore an obligatory *Ghusl* bathing is required to attain a spiritual purity as well as personal hygiene. Similarly a *Ghusl* bathing is also mandatory after the occurrence of menses or childbirth.

Others' Rights

- To publicise someone's secrets without his consent.
- Hoarding goods needed by the public.
- To falsely suspect others and act on the basis of that [suspicion].
- To falsely accuse people.
- Not to answer the salām greeting.
- Looking for others' shortcomings.
- Harming others; be it swearing at them, or beating/wounding them, and suchlike.
- Detaining someone for no reason.
- Unlawful killing.
- Denying the rights of people that are due to them.
- Usurping the wealth or property of an orphan.
- Seizing and confiscating others' property, possession, or wealth.
- Reporting on individuals to oppressors.
- Incarcerating a woman or young people for indecent acts.
- Obstructing the roads used by others.

Male/Female Interaction

- Muslim women not wearing Ḥijāb in public.
- For Muslim women to wear anything, in terms of cosmetics, perfume, and clothing, etc. which would attract the attention of 'non-*maḥram*' men.¹
- Non-*maḥram* male and female touching one another.
- Non-*maḥram* man and woman kissing one another.
- Kissing a person with lust, except for spouses.
- Touching others with lust, except one's spouse.

¹ A 'non-*maḥram*' man is any adult male in whose presence a woman must wear ḥijāb, and this includes all adult male cousins, brothers-in-law, etc. as well all non-relative male.

- Women shaking hands with ‘non-*maḥram*’ men (and vice versa).
- Looking at a non-*maḥram* woman (or man) with lust.¹
- Looking at boys (or girls) or *maḥram* relatives with lust.
- Going to mixed swimming pools, schools, clubs.
- Going to schools that would lead one to corruption.
- Looking at the private parts of others, (except for the spouses).
- To reveal one’s private parts in the presence of others.
- Adultery.
- Homosexuality.
- Lesbianism.
- Paedophilia
- Accusing someone of adultery or homosexuality.

Marriage

- Proposing marriage to a married woman or to a woman during the ‘*iddah*’ period (of four months after divorce or after becoming a widow).
- False marriage (e.g. forcing either of the two parties to marry, or the marriage of a Muslim and an atheist, *Kāfir*, (excluding People of the Book, i.e. Jews and Christian.))
- To marry one’s *maḥram* relatives, or relatives by marriage or by breast-feeding.²

¹ It is *ḥarām* for a man to look at a Muslim woman who does not wear *ḥijāb*, even if without lust.

² *maḥram* relatives, in the case of the male, are those such as his mother, sisters, nieces, and aunts. [In the case of the female, the *maḥram* relatives are her father, brothers, nephews, and uncles.] Marriage is not allowed between *maḥram* relatives and therefore a woman does not need to wear *ḥijāb* from her *maḥram* relatives. Non-*maḥram* relatives are those such as cousins, brothers- or sisters-in-law, etc. and a woman must wear *ḥijāb* in the presence of her non-*maḥram* relatives. Marriage is allowed between cousins.

Marital issues

- For a husband not to have sex with his wife for more than four months.
- Masturbation, which is to cause ejaculation by hand or any other means – it is allowed if it is done by the spouse, for example in foreplay.
- For a husband to have sex with his wife when she is going through her monthly menstruation period.
- For a woman to go out of the house without the knowledge or permission of her husband. (This excludes cases that are considered necessary.)
- For spouses to publicise each other's secrets.

Children

- Not disciplining one's children such that it would lead them astray.
- For children to disobey their parents.
- Relating a child to someone other than his natural father.

Personal Conducts

- Lying.
- Fraud.
- Cheating.
- Cheating in weighing and measuring.
- Deception.
- Treachery.
- Hypocrisy.
- Forging a will.
- Stealing and robbery.
- Going against one's vow.
- Breaking one's covenant.
- Backbiting or listening to it.

- Slander and defamation or listening to it.
- To be jealous and to act up on it.
- To be haughty.
- To be extravagant.
- To wear gold or silk (applicable to men only).
- To use gold and silver utensils even for decoration purposes.
- Not keeping oneself clean from urine and other unclean substances.
- Endangering one's own life.

Food and Drink

- Drinking intoxicating liquors.
- Eating animal flesh not slaughtered according to Islamic law, also consuming forbidden animals' flesh such as pork, etc.
- Eating forbidden parts of the animals such as testicles.
- Eating and drinking of the unclean or that which has become unclean.
- Eating mud or other prohibited things.

Social issues

- To hurt neighbours.
- Looking into the houses of neighbours without permission.
- Sitting at a table where alcohol is served.
- Prevention of good deeds and charitable works.
- Sitting with people who make innovations in religion.
- Justifying or excusing the oppressor and the people who make innovations and supporting them.
- Reaching power by unlawful means (from viewpoint of Islamic law).
- Extracting confessions through torture.
- Playing chess, backgammon, card games, even if no gambling is involved.

- To work as a pimp.
- Spreading corruption on earth.
- To create commotion by setting individuals against one another.
- To praise one in one's presence and abuse one in one's absence.
- Exhumation of graves.
- Sitting with those who indulge in meaningless talks about the *āyāt* and signs of Allah.
- Frolic and frivolity - to engage in useless activities, which are wasteful and distract from the remembrance and path of Allah.
- To practice astrology or seek the help of astrologers. (To believe in and take action accordingly.)
- To subdue ghosts, *Jinns* and angels, etc. or seek the help of those who practice them (to harm others).
- To practice black magic, witchcraft, or seek the help of those who practice them.
- To use magic to cause separation between husband and wife, or to cause one love the other beyond their control.
- Hypnotism (except for necessary medical purposes).
- Altering the will of the deceased.
- Issuing decree (fatwā) without being qualified to do so.
- Acquiring people's money through falsehood.
- Going to a country where one's religion may be harmed.
- Staying in a country where one cannot protect and keep one's religion, and practice the Islamic rites.
- To be haughty and arrogant.

Sin

- To consent in sin.
- To publicise one's sins.
- To publicise indecency.
- To help others commit sin.
- To persist in committing minor sins.

- To order or encourage others to commit evil or sin.
- Considering one's sins not serious such that this would lead to disregard repentance.
- Promoting indecent acts.

Oppression

- Oppression and transgression.
- Helping an oppressor and condoning his actions.
- To become employees of the oppressors.
- Asking for judgment from an oppressor unnecessarily.

Gambling

- Betting or any form of gambling.
- Manufacturing gambling tools and products.
- Betting in ways other than those mentioned in the section of Islamic laws about archery and horseracing.
- Betting on horseracing competitions.

Music, etc.

- Dancing.
- Singing, and listening to it.
- Visiting nightclubs, discos, etc.
- Manufacturing, buying, selling, possessing, or playing musical instruments.
- Playing drums, flutes and suchlike.

Truth

- To accept or give bribe to hide a truth or make something false prevail.
- Presenting false testimony.
- Destruction of the truth.
- Swearing a false oath.
- Hiding a testimony.

- Hiding the truth.

Falsehood

- Accepting false religions, like Sufism, Baha'i, etc.
- To become a member of parties of falsehood like communism.
- Keeping, buying, selling, teaching and publicising false and misleading literature.
- The learning of corrupting subjects, or teaching them to other than those who want to refute them.

Miscellaneous matters

- Making statues, as well as buying, selling, and promoting them for the purpose of worship.
- Buying and selling swine and fighting dogs.
- Taking and giving usury, managing or dealing with any aspect of preparing or finalising the process of a contract involving usury, and the brokerage involved in it.
- Shaving one's or others' beards.
- To be self-praising about one's own worships.
- A fury that leads to Ḥarām.
- To break one's bond with relatives.
- Earning by unlawful means.
- To write erotic poetry about a chaste woman or a boy, etc.
- The use of intoxicants; whether drinking, serving, selling, buying, growing and farming the plants [of such fruits] for this purpose, making, using their proceeds, taking them to others, renting a property, a vehicle, or anything else for this purpose. Also any utilisation of them [intoxicants]; such as for treating injuries in other than urgent or emergency cases, and suchlike.

Needless to say, some of the conducts above may be related to others in the list, but they have been included to underline the seriousness of the conduct, as this has been indicated by various Qur'anic verses or Prophetic Ḥadith or traditions.

Furthermore, it should be noted that some of the conducts mentioned above constitute *kufīr* (disbelief), some are *shirk* (polytheism or association), some are *kabā'ir* (major sins), and some are subject to *kaffārah* (payment of fine or compensation), or subject to *ḥadd* (punishment predefined in the Qur'an or the hadith) or *ta'zeer* (punishment as prescribed by the Islamic judge), all of which are detailed in relevant jurisprudence texts.

Unethical Conducts

There are habits and traits that are morally abominable and therefore it is imperative for the Muslim individual to avoid them and refrain from them, and they are many. The scholars of ethics have mentioned them in their books and here we shall mention most of them, some of which, according to *shari'ah*, are even prohibited.

- To seek revenge.
- To boast about oneself.
- To be very optimistic or overconfident about oneself.¹
- To consider one's own good deeds as great.
- To belittle others' good deeds.
- To consider others' bad deeds as great.
- To belittle one's own bad deeds.
- Not to care about one's own bad conduct and ignore others' protests against it.

- To look down on people.
- To cause inconvenience to others.
- To transgress, even by sitting comfortably in a packed place.²
- Insulting others even if not up to the unlawful limits.

¹ Such that one would forget, or abandon, the need to refrain from evil and repentance.

² i.e. having no consideration for others.

- Hurting others even though an act causing it may not be unlawful, such as building one's house such that it blocks sunlight or air from reaching the neighbour's.
- Frightening people even if not to the unlawful degrees.
- Hostility even if less than the unlawful limits.
- The use of swear words even if not unlawful.

- Jealousy that is less than the prohibited.
- Overindulgence
- To be rancorous and vindictive.
- To be stingy.
- To be malevolent.
- To be greedy.
- To be hasty.
- To cause commotion.
- To be hardhearted.
- To be awkward and not to get on with others.
- To be bad mannered.
- To be proud
- To be haughty.
- To show off even in non-worship matters.
- To suspect people.
- To be afraid of people.
- Going back on one's promise.
- To be excessive in sexual lust.
- To have no self-respect.
- To have a low self-esteem and enthusiasm.
- To have no sense of honour.
- To have eager and fervour unnecessarily.

- To publicise matters that are best kept private.

APPENDIX

- To cover up the truth, even if it were not mandatory to reveal it, even by keeping quiet.
- To say lies when joking.
- To accuse someone of something in a joke, like “he eats too much”.
- To make fun of others.
- To joke a lot.
- To laugh too much.

- To rely on [or take advantage of] others.
- To burden others.
- To do useless things.
- To talk about things that are not one’s concern.
- To spy on things that is not one’s business.

- Taking good deeds lightly.
- Not caring about desirable acts.
- Persisting on detestable matters.
- To get involved in indecent things.
- Involving one self in undesirable matters, even if they are not unlawful.

- To be materialistic; caring too much for material things, e.g. clothing and housing, etc. in a similar way to those who lead an extravagant life.
- To express grief in difficulties and tribulations.
- To complain about life.
- To grieve about worldly things.
- To have long worldly hopes.
- Not to be content with one’s sustenance in life.
- To be unconcerned about issues of the hereafter.
- Love of being praised.

- Love of leadership or high position.
- Love of this world.
- Love of wealth.
- To be too busy with making money.
- To be too wealthy that would lead to arrogance.

- To be pessimistic about Allah.
- Not to have trust in Allah.
- To ignore Allah's guidance, and warnings, etc.
- Not to care about the rules of shari'ah.

- Discrimination, fanaticism, and racism.
- To get angry without justifiable reasons.
- Not to be respectful to the elders.
- To be unkind to children.
- To be unfair.
- To be ungrateful.
- To be unthankful.
- For one's outer and inner [approach] to be contradictory even in worldly matters.
- To be insolent.
- To neglect the believers.
- To sleep a lot.
- To have no work or skills.
- Not to observe cleanliness.
- Scrupulosity and obsession (*waswasah*), even in worldly matters.
- To be either extremist in one's affairs or indifferent.
- To frown one's face for no reason.
- To associate with sinners.
- Keeping company of contemptible individuals.

Ethical Conducts

There are virtuous ethics and praiseworthy traits that Islam encourages and has commanded the Muslims to be described by them. It is imperative that a Muslim individual adorns oneself by them. They are many, some of which are as follows:

- To have confidence in the promises of Allah.
- To belittle oneself before Allah.
- To spend for the cause of Allah.
- To take comfort with Allah.
- To repent from unlawful things that Allah dislikes.
- To submit oneself to the orders of Allah in all matters.
- To have trust in Allah.
- To love Allah and those whom He has ordered to love.
- To love because of Allah.
- To dislike because of Allah.
- To have fear of Allah.
- To have hope in Allah.
- To be thought-out in one's affairs.
- To have fairness.
- To be independent of people.
- To observe Altruism or selflessness.
- To help people.
- To train oneself in good matters.
- To encourage others to do good deeds.
- To stop others from doing abominable things.
- To bring reform and improvement among people.
- To be sincere in one's deeds.
- To be good to one's parents.
- To be humble.
- To visit friends.

- To be friendly.
- To be steadfast in good deeds.
- To be forbearing.
- To be good mannered.
- To protect the rights of the neighbours.
- To fear sins.
- Not to rely on one's deeds as the only means to secure the hereafter.¹
- To be considerate with people.
- Not to do or practice anything (spiritually or materially) to the extent that it results in extreme pressure on oneself.
- To be nice to the family and children.
- To be content with destiny.
- To forsake worldly pleasures.
- To be respectful.
- To be protective of people.
- To correct one's mistakes.
- To be pleasant in one's speech with others.
- To be thankful of the bounties.
- To reform people ﴿with wisdom and good advice﴾. (H.Q. 16:125)
- To spend in charity and help the weak.
- To maintain good relations with one's relatives.
- To spread peace and harmony.
- To reach-out for the weak, the sick and the orphans.
- To be clean.
- To conceal people's faults and shortcomings.
- To be the same in outwardly and inwardly in all matters.
- To be truthful and stay away from lies even when joking.

¹ Rather, we also need to seek the favour and mercy of the Almighty and the Ahl al-Bayt, peace be upon them, and their intercession.

APPENDIX

- To have patience.
- To be hospitable to guests.
- To accept invitations.
- To give and accept gifts on traditional occasions.
- To forgive people.
- To be chaste.
- To have justice in all matters.
- To have reverence for religious people.
- To stay away from despicable individuals.
- To have courage.
- To love the poor.
- To strive against one's desires.
- To give loans.
- To help the believers in need.
- To prevent any harm from reaching the believers.
- To keep a secret and not to publicise it.
- To mention people with good names.
- To hasten in doing good deeds.
- To keep the habit of holding oneself to account on daily basis.
- To give good advice to believers.
- To intend to do good things.
- To cleanse one's soul and remove the abominable traits from it.
- To be pious.
- To be God fearing.
- To avoid matters that are doubtful.
- To persevere with avoiding sin.
- To persevere with worship and prayers.
- Remembrance of death and the hereafter.
- To be content.
- To be bashful.
- To have a happy face.

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The Fourteen Infallible (*ma‘şoom*) Personages

Name	Date of Birth	Date of Death	Tomb location
The Prophet Muhammad ibn Abdullah (s)	17 Rabe‘ I 53BH/570CE	28 Şafar 11H/632CE	Medina, Arabia
Fatima al-Zahrā’ <i>bint</i> Muhammad ibn Abdullah (a.s.)	20 Jamādi II 8BH/615CE	3 Jamādi II 11H/633CE	Medina, Arabia
1. Imam Ali ibn Abu Tālib, Amir al-Mo’mineen (a.s.)	13 Rajab 23BH/600CE	21 Ramaḍān 40H/663CE	Najaf, Iraq
2. Imam Ḥasan ibn Ali, al- Mujtabā (a.s.)	15 Ramaḍān 3H/624CE	7 Şafar 49H/669CE	Medina, Arabia
3. Imam Ḥusayn ibn Ali, Sayyid al-Shuhadā’ (a.s.)	3 Sha‘bān 3H/624CE	10Muḥarram 61H/685CE	Karbala, Iraq
4. Imam Ali ibn Ḥusayn, Zayn al-‘Ābideen, al- Sajjād (a.s.)	15 Jamādi I 36H/656CE	25Muharram 95H/713CE	Medina, Arabia
5. Imam Muhammad ibn Ali, al-Bāqir (a.s.)	1 Rajab 57H/676CE	7Dhil-Ḥijjah 124H/742CE	Medina, Arabia
6. Imam Ja‘far ibn Muhammad, al-Şādiq (a.s.)	17 Rabe‘ I 83H/702CE	25 Shawwāl 148H/765CE	Medina, Arabia
7. Imam Musā ibn Ja‘far, al- Kādim (a.s.)	Dhil-Ḥajjah 128H/745CE	25 Rajab 183H/800CE	Kāḍimiyyah, Iraq
8. Imam Ali ibn Musā, al- Riḍā’ (a.s.)	11dhil-qa‘da 148H/766CE	30 Şafar 203H/818CE	Khorāsān, Iran
9. Imam Muhammad ibn Ali, al-Jawād (a.s.)	10 Rajab 195H/811CE	30dhil-qa‘da 220H/836CE	Kāḍimiyyah, Iraq
10. Imam Ali ibn Muhammad, al-Hādi (a.s.)	2 Rajab 202H/818CE	3 Rajab 254H/868CE	Sāmarrā’, Iraq
11. Imam Ḥasan ibn Ali, al- Askari (a.s.)	10 Rabe‘ II 232H/846CE	8 Rabe‘ I 260H/873CE	Sāmarrā’, Iraq
12. Imam Muhammad ibn Ḥasan, al-Mahdi (a.s.)	15 Sha‘bān 255H/870CE	Alive and in occultation	-

The twelve Imams, and Fatima al-Zahra', peace be upon her – the chief of the women of the worlds (*Sayyidato-Nisā' al-Ālamin*) – the daughter of the Prophet, are all like the grand Prophet Muhammad as regards to knowledge and wisdom, virtue and morals, purity and inerrancy, and all other virtues and perfections; all except the station of prophethood which is particular to Prophet Muhammad, peace be upon him and his pure family. “They are all one light”¹ and “whoever adheres to them will be saved and whoever lags behind them will drown and perish”.² Sayyidah Fatima al-Zahra' is the wife of the Imam, mother of the purified imams, but she is not an Imam.

On instructions from the Almighty, the Prophet of Islam, Muhammad, peace be upon him and his pure family, appointed twelve *imams* (or leaders) to succeed him, and said: “**The successors (*khulafā'*) after me will be twelve.**”³ The hadith to this effect are reported frequently and found in abundance in various sources and references.

The Prophet named them one by one, of whom three were alive at the time; namely Imam Ali, Imam Hasan and Imam Husayn, peace be upon them all.

¹ *Bihār al-Anwār*, vol.26 p16.

² This is an allusion to the tradition related that the Messenger of Allah, peace be upon him and his pure family, said: ‘The similitude of the people of my house is the example of Noah’s Ark; whoever boards it will be saved and whoever abandons it will drown.’

³ See for example:

Ṣaḥīḥ of Muslim: vol.3, p.1452, 1453.

al-mustadrak ‘alaṣ-Ṣaḥīḥayn of al- Ḥākim: vol.3, pp.715-716.

sunan of Abu Dawood, vol.4, p.106.

musnad of Ahmad ibn Ḥanbal, vol.5, pp86-93, 100, 101, 106, 107.

Faṭḥ al-bāri of al-‘Asqalāni, vol.13, p.211, 213.

Majma‘ al-zawā'id of al-Haythami, vol.5, p190.

Mu‘jam al-awsaṭ of al-Ṭabarāni, vol.1, p263, and vol.6, p268.

Mu‘jam al-kabir of al-Ṭabarāni, v2, pp195-199, 206, 208, 214, 232, 253, 255

Commentary of al-Nawawi, on the *Ṣaḥīḥ* of Muslim vol. 12, p210.

tafsir of Ibn Kathir, vol. 2, p33, and vol.3, p303.

[To show the critical nature of *imamate* to the Muslims] Prophet Muhammad, peace be upon him and his pure family, used to say:

“Whoever dies without knowing the Imam (leader) of his time has died the death of the age of ignorance.”¹

There are numerous hadith that report that these twelve successors and imams were named by the messenger of Allah.²

The last of the twelve successors of these pure personages is the Imam who is al-Muntaḍar (the Awaited) al-Mahdi (the Guided) who is alive in this world, but hidden from sight, and who will reappear when Allah Almighty grants him permission; so that he can fill the earth with justice and equity after it having been filled with wrongdoing and oppression. At that time the servants of Allah will unite under his banner in a single Islamic government which will flourish by the will of Allah.

There are widespread and abundant traditions and narrations about Imam Mahdi, may Allah hasten his reappearance, reported from the Prophet Muhammad, peace be upon him and his pure family.³

One of the final but concise teachings of the Prophetic heritage to humanity was particularly emphasised upon by the prophet. This was to ensure that people are left in no doubt as to which path to follow and which guidance to adopt. By adhering to this hadith alone would ensure that people are on the right course, and they are guaranteed they are following the teachings of Allah’s final messenger to mankind.

In the last days of his blessed life in this world, Allah’s Messenger, peace be upon him and his pure family, used to say:

¹ See for example: the *musnad* of Ahmad ibn Ḥanbal vol.4, p.96.

² See for example:

Yanābi’ al-mawaddah of al-Qanduzi al-Ḥanafī, p. 529;

Farā’id al-simṭayn, vol.2, p.132, trad.431;

Ghāyat al-marām p.743, trad.57.

³ See the book *al-mahdi fi al-sunnah* of Ayatollah Ṣādiq al-Shirazi.

“I am leaving with you the two weighty entities (*thiqlayn*) – the book of Allah and my family; the people of my house – the *Ahl al-Bayt* – as long as you adhere to these two you will never go astray after me ever.”¹

¹ See for example:

Ṣaḥīḥ of Muslim: vol.2, p.362 (‘Isā al-Ḥalabi’s edition); and vol.15 p.179-180 of the Egyptian edition with al-Nawawi’s exposition.

Ṣaḥīḥ of al-Tirmidhi, vol.5, p328, hadith 3874 and 3876, (dār al-fikr, Beirut; vol.13, pp199-200 al-Ṣāwī library, Egypt; and vol.2 p308, boulaq, Egypt).

musnad of Ahmad, vol.3, pp17, 26, 59; and vol.4, p366, 371; and vol.5 p181 (al-Maymaniyyah edition, Egypt).

yanābee‘ al-mawaddah of al-Quonduzi al-Ḥanafī: pp 29-31, 36, 38, 41, 183, 191, 296, 370 (Istanbul edition).

tafsir of ibn Kathir: vol.4, p113 (dār ihyā’ al-kotob edition, Egypt).

jāmi‘ al-uṣul of ibn al-Atheer, vol.1, p187, hadith 65, 66. (Egypt).

al-mu‘jam al-kabir of al-Ṭabarāni, p137.

al-durr al-manthur of al-Siyouṭi: vol.2, p60, and vol.6, pp 7, 306. Dhakhā’ir al-‘Uqbā, p16

al-ṣawā‘iq al-muḥriqah, pp147, 226 (Muhammadiyah edition), p 89 (al-Maymaniyyah edition, Egypt).

al-mu‘jam al-ṣaghir of al-Ṭabarāni, vol.1, p135.

osud alghābah fi ma‘rifāt al-ṣaḥābah of Ibn al-Atheer al-Shāfi‘i: vol.2, p12.

muntakhab tārikh ibn ‘asākir, vol.5, p436 (Damascus edition).

majma‘ al-zawā‘id of al-Haythami, vol. 9, pp 162-163.

al-jāmi‘ al-ṣaghir of al-Siyouṭi, vol.1, p353 (Egypt edition).

al-manāqib of al-Khawārizmi al-Ḥanafī: p223.

fārā‘id al-simṭayn, al-Ḥamwini al-Shāfi‘i: vol.2, p143, section33; and p272, hadith 538.

al-ṭabaqāt al-kubrā of ibn Sa‘ad, vol. 2, p 194 (dār ṣādir, Beirut).

tārikh dimishq of ibn ‘Asākir, vol.2, p36, hadith 534, 545.

ansāb al-ashrāf of al-Balādhiri, vol.2, p110.

kanz al-ommāl, vol.1, p158, hadith 899, 943-947, 950-953, 958, 1651, 1658, 1668. etc.

Months of the Islamic Calendar

The Islamic calendar is based on the occasion Prophet Muhammad, peace be upon him and his pure family, emigrated from Mecca to Medina. The prophetic emigration took place on the 3rd of Rabee‘ I – thirteen years after the start of the holy prophetic mission.

It is reported that after his arrival in Medina, the Prophet, peace be upon him and his pure family, ordered that the date system [to be based on the hegira.]¹

Furthermore, al-Ṭabari also reports that when Omar wanted to order the date system, he asked, “From which day should we start the calendar?” Imam Ali, peace be upon, who was the most knowledgeable about the Prophetic teachings said to him, “[we should start the calendar] From the day Allah’s Messenger, peace be upon him and his pure family, emigrated, and left the land of polytheism.”²

And the day that Prophet Muhammad, peace be upon him and his pure family, emigrated was on the 3rd of Rabee‘ I.

Of course, according to the teachings of Ahl al-Bayt, peace be upon him, it was none other than archangel Gabriel – on instruction from the Almighty – who cited the beginning of the Islamic hegira calendar as the day the prophet emigrated from Mecca to Medina. This is given in a hadith from Imam Sadiq, peace be upon him.³

In this way, as can be seen from above, the first month of Islamic calendar should be Rabee‘ I.

However, the rulers who had strayed from Ahl al-Bayt, peace be upon them, acted against the teachings of the Prophet and his Ahl al-Bayt, peace be upon them, and, in this case, set the first month of the Islamic calendar as Muḥarram – two months earlier than the emigration month of Rabee‘ I.

¹ Ṭāreekh al-Ṭabari, vol.2 p110.

² Ṭāreekh al-Ṭabari, vol.2 p112.

³ Biḥār al-Anwār, vol.55 pp350-351.

Therefore the order of the months according to this calendar is as follows:

1. Muḥarram
2. Şafar
3. Rabee' I
4. Rabee' II
5. Jumādi I
6. Jumādi II
7. Rajab
8. Sha'ban
9. Ramaḍān
10. Shawwāl
11. Dhil-Qa'dah
12. Dhil-Ḥajjah

Glossary

<i>Bismillah al-Raḥmān al-Raḥeem</i>	In the name of Allah the Beneficent the Merciful
‘ādil	<p>Literally means “to be righteous”. A ‘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 report of his good nature, commitment, and piety.</p> <p>Righteousness (<i>‘adālah</i>) is the observance of and discharging all the obligatory duties and refraining from all prohibited deeds. It is a nurtured inward aptitude or trait that prevents the individual from committing sin and disobedience. It is recognised through good sound appearance, which is revealed through one’s own knowledge or assumption, and it is confirmed by the testimony of two righteous individuals and through the widespread common knowledge. Righteousness (<i>‘adālah</i>) is one of the criteria of the congregational prayer leader.</p>
‘āq al-wālidayn	Unkindness to parents
‘abā’	All-encompassing head-to-toe covering that is worn by Muslim women as part of the complete hijab.
‘abā’ah	All-encompassing veil-shroud that is worn by women as a complete hijab.
‘aqd (‘aqd al-nikāḥ)	Contract (marriage contract)
‘aqidah	Doctrine or belief
‘Arafāt	An area near the holy city of Mecca, and of the three

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	sites for observing <i>woquof</i> i.e. ‘staying’ or ‘being present’ there as part of the hajj rites.
‘Aṣr	After noon
‘azā’	Mourning programs (for Ahl al-Bayt)
‘Eid-al-Fiṭr	The ‘Return’ or ‘Festival’ of breaking the fast at the end of the holy month of Ramaḍān, or the first day of Shawwāl.
‘Eshā’	Evening; in reference to the Evening prayer.
‘iddah	Count, in the case of divorce it is the divorce waiting period before a woman can remarry.
‘iṣmah	Infallibility or the quality of not committing sin, nor erring, forgetting, and suchlike. See also ma‘ṣoom.
‘unwān thānawi	Circumstantial Overriding Ruling (or ‘ <i>unwān thānawi</i> as it is known in the literature of Islamic jurisprudence) is a ruling of exceptional circumstances in that it overrides the default or primary ruling to the extent that something that is prescribed as obligatory (<i>wājib</i>) by primary ruling becomes prohibited (<i>ḥarām</i>), or something is prohibited (<i>ḥarām</i>) could become obligatory (<i>wājib</i>). For example, fasting is obligatory, but in the case of an individual who suffers from a particular illness and fasting is harmful to him, as per COR it is obligatory for this person not to fast; thus the obligatory becomes prohibited for such an individual given his particular circumstances. Another example of COR is that eating the meat of an animal that is not killed in the prescribed way, and the pork meat is prohibited (<i>ḥarām</i>), but if one is stranded in the middle of desert, say, and has no access to permissible food, and is faced between imminent death or eating from <i>ḥarām</i> meat, then the COR is

	that under these circumstances it is permissible for him to eat from that meat; indeed it would be mandatory for him to do so if his life depends on it. [Needless to say, one should eat only the minimum necessary and not more than that.] Thus in compelling circumstances the prohibited could become obligatory. An example of COR or ‘ <i>unwān thānawī</i> ’ on governmental scale is that other than the two taxes prescribed by Islam – namely <i>khums</i> and <i>zakāh</i> – any other form of taxation is expressly prohibited (<i>ḥarām</i>). However, under exceptional compelling circumstances – as in the case of a war for example – the just leader may – under COR – levy some extra form of taxation to help cover the war expenses. However, as with eating the <i>ḥarām</i> meat, this is only a limited and temporary measure which should be lifted as soon as the compelling circumstances are gone, and revert to the normal rulings concerned.
a‘lam	Most learned amongst scholars or fuqahā’.
āyah (pl. āyāt)	Literally means “sign”. All creation is a sign of Allah. With respect to the Qur’an, it is in reference to the Qur’anic verse, a collection of which forms a surah or chapter of the holy Qur’an.
adā’	to perform a duty within its prescribed time; see also qaḍā’.
adhān	The call for ṣalāh.
adhkār	Plural for <i>dhikr</i> ; remembrance.
aḥādith	Plural for <i>ḥadith</i> ; saying of the prophet or a <i>ma‘soom</i> individual.
aḥkām	rulings

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ahl al-kitāb	People of the book
al-Ḥamd	The name of the first or opening surah of the holy Qur'an.
amr bil-ma'ruf nahy anil- munkar	Bidding good forbidding evil or (promoting virtue / prohibiting vice)
awliyā'	Plural for <i>waliy</i> , devotee [of Allah]
bāligh	Adolescent. The individual who has reached the age of <i>boloogh</i> (adolescence). See also <i>boloogh</i> .
bāṭil	False, void, invalid, falsehood, evil
basmalah	<i>basmalah</i> is the short form or name for Bismillāh al-Raḥmān al-Raḥeem, which is "In the name of Allah the compassionate the merciful".
bay'ah	Allegiance
bayt al-māl	i.e. the public treasury
bid'ah	innovation in religion – for example much practiced <i>salat-at-taraaweeh</i> which was innovated by the second ruler Omar ibn al-Khattab is <i>bid'ah</i> – by his own admission. He called it "a nice <i>bid'ah</i> ".
boloogh	The age of adolescence. It is the completion of nine lunar years for the female, and fifteen lunar years for the male.
<u>d</u> ann	Means to belief or suspect that one has done certain thing. The difference between <u>d</u> ann and shakk is that in the case of <u>d</u> ann one assumes, or believes, that he has done (or is doing) a certain thing, whereas in the case of the shakk one is not sure whether or not he has done the thing, or is uncertain if one is doing the

Glossary

	correct thing. See also shakk.
Deen	Religion
dhikr	Literally it means remembrance, in the case of ṣalāh, the utterance of rukoo‘ and sujood.
dhimmi	A <i>dhimmi</i> individual is the non-Muslim who is in the care of or lives under the protection of the Islamic State.
diyah	Expiation
Dinār (<i>shar‘ie</i>)	Gold currency, equals one mithqāl of pure gold. One mithqāl = 3.6 grams
du‘ā’	Supplication
<u>D</u> uhr	Noon
edām	food supplement, taken as part of a meal.
Efrād	One type of hajj applicable to the inhabitants of Mecca and its surroundings.
Eid	Festival
Fajr	Break of dawn, or the onset of the sky beginning to brightening up, which is referred to as the ‘astronomical dawn’ when the sun is 18 degrees below the horizon.
faqih (plural fuqahā’)	Jurisprudent, qualified expert in Islamic law.
farsang	Also known as farsakh, and parasangs, is a unit of length, equal to about 5.5 km.
fiyah	Atonement or redemption (for not performing an obligatory duty). This is normally in the form of donation to charity or the poor.
fiṭrah	Natural disposition

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forādā	Solo.
ghayb	The unseen
ghirah	fervour or watchfulness
ghusl	The ritual head-to-toe wash or bathing, which in some cases is obligatory
Ḥākim al-Shar‘i	Literally the religious ruler/judge, who is the marje‘.
Ḥajjat-al-Islam	The obligatory hajj.
Ḥaram	The sacred precinct of a sanctified place. In the case of the holy city of Mecca it is in reference to the city and the encompassing zone around it which is about 500km-sq.
ḥadath	The discharge of faeces, urine, wind, semen.
ḥadd al-tarakhuṣ	it means the “limit/boundary of town/city” (where one must perform the ṣalāh as qaṣr or in shortened form). It is the point defined as where the walls of the city [that one has departed] are not visible, and the <i>adhān</i> cannot be heard.
ḥadith	The saying of Prophet Muhammad, his daughter Lady Fatima, or one of the twelve divinely-appointed Imams, peace be upon them all.
ḥalāl	Permissible
ḥarām	Prohibited, unlawful
ḥayḍ	The monthly menstruation period
ḥijāb	The dress code required by a Muslim woman to wear when in public or in the presence of men who are not maḥram to her.
ḥijāmah	Cupping or bloodletting, a procedure that is of medicinal benefit.

Glossary

hady	Sacrificial offering.
Ḥusayni majlis	The gathering where Husayni lectures are delivered
Ḥusayni sha‘ā’ir	Husayni rites
Ḥusayniyyahs	Religious centres where Husayni programs are held
iftār	The break of fast.
iftinān	Captivation, attraction
iḥrām	<p>As the first of the hajj rites, the hajj pilgrim (Ḥājj) declares and assumes the state of iḥrām, or consecration, and subsequently a number of issues become prohibited for Ḥājj and he must refrain from them as long as he is in the state of iḥrām. One of the prohibited things is to wear sewn clothing, (applicable for men) and therefore the iḥrām clothing consists of two pieces of towels one of which is worn around the waist to cover the lower part of the body, and the other is worn around the shoulders to cover the upper body, and the two pieces cover almost the entire body with the exception of the feet and lower parts of the legs.</p> <p>One may not enter the holy city of Mecca or its sanctified encompassing zone without being in the state of iḥrām, and one is not able to leave the state of iḥrām except after performing certain rites, as given in the rulings of hajj.</p>
iḥtilām	The occurrence of ejaculation during sleep
iḥtiyāṭ	Precaution, or taking the side of. A ruling may be based on iḥtiyāṭ meaning a precautionary measure, to be on the safe side, and thus not mandatory.
Iḥtiyāṭ Ṣalāh	The iḥtiyāṭ ṣalāh is required to be performed if, for example, in the course of the daily obligatory ṣalāh

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	one develops a doubt about the number of raka‘āt performed, as detailed in the section on doubts in ṣalāh.
ijhāf	undue injustice or unfairness
Imāmi	One who believes in the authority of the divinely appointed 12 <i>ma‘soom</i> Imams who were appointed by prophet Muhammad peace be upon him and his pure family on instructions from Almighty Allah, glorified be He.
imān	faith
iqāmah	The calling heralding the inauguration of the ṣalāh.
irtimāsi	Submergence or Immersion. This is in reference to a category of the ghusl bathing when the body is totally immersed in water.
istighfār	Seeking forgiveness from Almighty Allah
istiḥāḍah	Undue menses.
istiḥālah	Transformation, the process which consequently results in change of ruling accordingly, for example transformation of wine into vinegar renders a ḥarām item into ḥalāl.
istikhārah	It is the process of seeking guidance or goodness from Allah Almighty using the Holy Qur’an or the <i>sibḥah</i> (rosary).
istibrā’	It is the process of ensuring no urine remains in the urethra after urination.
istisqā’	Seeking rain.
istiṭā’ah	Ability, in reference to the ability and liability to perform the hajj.

Glossary

Ithnā Ashari	Literally Twelver, this is in reference to the Shi'a who believe in the twelve divinely appointed imams to lead the nation after the prophet Muhammad peace be upon them.
jallāl	An animal that subsists on <i>najāsāt</i> or najis things or human excreta.
jamā'ah	Congregation
janābah	A man or a woman who has engaged in sexual intercourse is said to be in a state of <i>janābah</i> , even if ejaculation does not take place. A state of <i>janābah</i> is also acquired if semen is discharged or orgasm takes place, even if it does not involve penetration.
Jilbāb	gowns or mantles
jonob	One who is in the state of <i>janābah</i> is referred to as <i>jonob</i> . <i>Ghusl</i> bathing is obligatory for a <i>jonob</i> individual in order to attain a spiritual purity as well as personal hygiene. Without <i>ghusl</i> a <i>jonob</i> may not perform his obligatory daily prayers and suchlike.
Ka'bah	The cubical building at the centre of Masjid al-Ḥarām in the holy city of Mecca, which is referred to as Bayt al-Allah or the House of Allah.
kāfir	Literally means 'coverer', but normally used to mean 'un-believer'.
kafan	The cloth used for shrouding the deceased.
kaffārah	Compensation, expiation, or atonement
khilāfah	Succession [of Prophet Muhammad]
khums	<i>noun</i> – one-fifth. <i>verb</i> – subjecting a wealth to the levy of 20%, or

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	<p>paying to the marje‘ 20% of the wealth that is surplus to one’s annual expenses.</p> <p>Khumsed - Khumsable -</p>
Khutbah	Sermon.
kitabī	Of or pertaining to Ahl al-Kitab. See Ahl al-Kitab.
kurr	<p>A volume of water that is at least 3 shibr wide by 3 shibr long by 3 shibr deep (which is in total 27 cubic shibr). A <i>shibr</i> is the span of the stretched hand, or the distance between the tips of the stretched thumb and little finger, when the hand is fully extended.</p> <p>[In metric measurement, on average a shibr/span is nine inches or 23 cm, and therefore the minimum Kurr volume is about one-third of a cubic meter.]</p>
layl	Night.
ma‘ṣoom (plural ma‘ṣoomeen)	<p>Infallible. One who does not commit sin, does not err, does not forget, and suchlike. Example of ma‘ṣoom individuals are Allah’s prophets and messengers, as well as the members of Ahl al-Bayt who are Prophet Muhammad, his daughter Fatima and the twelve Imams, peace be upon them all.</p>
Ma’moom	<p>Literally means follower of Imam. In the context of prayer, it means one who follows an imam in congregational prayer.</p>
mabeet	Staying over night at location.
maḍālim	See <i>radd al-maḍālim</i> .
Maghrib	<p>The time after sunset (<i>ghuroob</i>) when the redness of sunset reaches mid-sky; and this is the time for the Maghrib adhān and thus the Maghrib prayer.</p>
maḥram	<p>A maḥram man is an adult male in whose presence a woman is not required to wear ḥijāb such as her</p>

	<p>father, brother, uncle, son, nephew, son-in-law, etc. A ‘non-maḥram’ man is any adult male whom a woman must wear ḥijāb from, and this includes adult males such as cousins, and brothers-in-law as well all non-relative males.</p>
Mahr	<p>“Dowry”, or material, money, article, donation, or endowment which according to the instructions of Islam is mandatory for the husband to give to his bride.</p> <p>Mahr al-Sunnah is the <i>mahr</i> that the Prophet Muhammad peace be upon him and his pure family, prescribed as <i>sunnah mahr</i> or the prophetic-tradition mahr, and accepted by Lady Fatima al-Zahrā’, peace be upon her, on the occasion of her marriage to Imam Ali. The <i>mahr</i> was 500 dirham or silver coins. Thus Mahr al-Sunnah is equivalent to 1,262.5 grams of pure silver, which is just over 44.5 ounce of pure silver.</p>
majhool al-mālik	Unknown owner
makrooh	Undesirable, Discouraged, [but not ḥarām].
manto	gowns or mantles, similar to jilbab
Marje‘ (pl. Marāje‘)	<p>Religious authority to whom an individual who is not learned in Islamic law must refer to for all acts of worship and other matters to ensure compliance with the teachings of Islam in every aspect of life. As well as being a mojtahid (expert) in Islamic law a marje‘ must have other qualities which have been given by the imams of Ahl al-Bayt:</p> <p>“As for he who is amongst the <i>fuqahā’</i> who; * safeguards his self [against temptations, etc.], * protects his religion, * opposes his own desires,</p>

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	*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 <i>fuqahā'</i> of the Shi'a, not all of them". Wasā'il al-Shi'ah, vol.27, p131. Biḥār al-Anwār, vol.2, p88.
Masgid, or masjid	Masjid literally means the place of prostration, Mosque.
maitah	<i>maitah</i> it is the animal that has been killed contrary to the Islamic way, or that has died a natural death, or that has been savaged by a predator. In other words, a ḥalāl-meat animal that has not been slaughtered in the Shari'ah Islamic way is referred to as a <i>maitah</i> .
midnight	Midnight is midpoint between sunset and the Fajr (and not sunrise). It is around 23:00 plus/minus a few minutes
miḥrāb	a prayer niche in a mosque indicating the direction of the Qiblah.
Mina	An area near the holy city of Mecca, and one of the hajj pilgrimage sites.
miqāt	A miqāt is any one of the designated sites from where a person wishing to perform the hajj pilgrimage must declare and assume iḥrām before going any further.
mithqāl	A common <i>mithqāl</i> is a unit of weight equal to about 4.8 grams or one-sixth ($\frac{1}{6}$) of an ounce. A <i>shar'ie mithqāl</i> is equal to about 3.6 grams.
mo'takif	One who devotes himself to supplication and prayers in the mosques for a period of time.
modd	A unit of weight equal to about 750 grams.

Glossary

modhakkā	An animal that has been slaughtered according to the correct Islamic method and procedure.
moḥaddith	Hadith expert
moḥṭalim	One who has experienced ejaculation during sleep.
mojtahid	A qualified jurist or expert in Islam Law who is competent to deduct the rulings of any given case from related sources and evidences.
mokallaf	A <i>mokallaf</i> is the individual, male or female, who is liable to the obligatory duties in the various of religious duties. An individual is deemed mokallaf when he or she reaches the age of adolescence (boloogh).
moqallid	An individual who follows the opinions or decrees of a mojtahid is referred to as a moqallid.
moqaṣṣir	“the negligently ignorant”: A person who is ignorant of the ruling of a case he has come across, but he is capable of learning or obtaining the ruling for that but negligently fails to do so and does not make the effort for that; he continues to remain liable as far as that case is concerned. See also <i>qāṣir</i> .
moṣālahah	To reach a settlement or an agreement. Khums is calculated at 20% of the capital in question, whereas <i>moṣālahah</i> 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.
moṣalli	the person performing the ṣalāh.
mostaḥab	Recommended, desirable. Not only ḥalāl, but one is encouraged to do the <i>mostaḥab</i> thing, and one is rewarded for the <i>mostaḥab</i> thing. Antonym: <i>makrooh</i>

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mostaṭee‘	Literally meaning ‘able’. This is in reference to such criteria as the physical, financial, security ability one must have in order for an individual to be considered as “able” – and therefore liable – to go to the hajj pilgrimage.
moṭahhir, pl. moṭahhirāt	Purifier, something that renders a najis thing ṭāhir. The most common purifier is water.
moṭlaq	Literally means absolute, in the context of water, this is in reference to pure water.
mobāḥ	Free, Optional or Permissible. mobāḥ is one of the five categories the status of an act or entity can be. The five are: <i>wājib</i> (Obligatory), <i>ḥarām</i> (Forbidden), <i>mustaḥab</i> (Recommended), <i>makrooh</i> (Reprehensible/Discouraged), and <i>mobāḥ</i> (Permissible; <i>mobāḥ</i> is referred to anything that is not categorised as either obligatory or prohibited).
muḍāf	Literally it means “added to”. Flavoured drinking water, squash drink, and suchlike are considered muḍāf.
muftir, pl. muftirāt	An act that ‘breaks’ and therefore invalidates the fast.
mughassil	The person who performs the ritual wash of the deceased
muḥarrim	The breastfeeding that causes individuals to become maḥram to one another. See also maḥram.
muḥrim	An individual who is in the state of iḥrām.
muṣḥaf	A bound copy of the Holy Qur’an, as referred to at the time of the Prophet Muhammad, peace be upon him and his pure family. On instructions from the Almighty, Prophet Muhammad commissioned Imam Ali, peace be upon him, to collate the Holy Qur’an

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	into a single bound copy, which Imam Ali did under the prophet's supervision. This muṣḥaf was then placed next to the minbar of the prophet in his mosque, and during the lifetime of the prophet, people made their own copy of the holy book by copying this muṣḥaf.
mut'ah	Fixed-term marriage
nāfilah, pl. nawāfil	Nāfilah literally means “extra”, and it is also in reference to the optional set of ṣalāh each of the daily obligatory ṣalāh has.
nāṣibi	The one who harbours animosity and hatred towards the Ahl al-Bayt, peace be upon them
nadhr	A vow to do something when certain condition is met or achieved.
nafaqah	expenses
najāsah	An inherently <i>najis</i> thing.
najis	Ritually unclean, contrary to ṭāhir.
nifās	the postpartum blood seen after childbirth
niyyah	Intention.
Niyyat-al-Qurbah	The intention of seeking closeness – that is – the intention of abiding by the command of Almighty Allah.
noshooz/nāshiz	non-compliance/ discord/ failure to fulfil duty.
Parasangs, or farsang	Also known as farsakh, is a unit of length, equal to about 5.5 km.
Precaution	When a mojtahid does not arrive at a definitive fatwa, he gives an <i>iḥtiyāṭ</i> or ‘precautionary’ ruling. This ruling can be either ‘obligatory’ or ‘optional’. In the case of the obligatory precaution ruling, the

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	moqallid is required to comply with that ruling. Alternatively, concerning this case the moqallid also has the option to refer to another fully qualified marje' who has a definitive fatwa concerning that case. In the case of <i>mostaḥab</i> precaution, which concerns an optional alternative, there is no referral to another marje'; for example the four tasbeehāt that are said in the third and fourth rak'ah of the ṣalāh, they should be said once, and as a <i>mostaḥab</i> precaution three times.
Qārān	The individual performing the Qirān hajj, which is applicable to the inhabitants of the holy city of Mecca and its vicinity. See Qirān.
qāṣir	A person who is ignorant of the ruling of a case he has come across, but he is either unaware of his ignorance or incompetent about seeking the ruling to the case. See also <i>moqaṣṣir</i> .
qaḍā'	expired / in lieu of: to perform a duty after the expiry of its prescribed time. see also adā' (the opposite of qaḍā').
Qiblah	The direction towards the Ka'bah that the ṣalāh is performed in.
Qirān	The Qirān hajj, which is applicable to the inhabitants of the holy city of Mecca and its vicinity, when the individual performing this type of hajj – known as Qārān – is accompanied with the sacrificial animal.
qiyām	Standing upright.
Quonoot	The act of supplication performed during the ṣalāh in the second rak'ah by raising and holding the hands to the level of the face, with the palms of the hands facing upwards.

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qurbah / niyyat-al-qurbah	The intention of seeking closeness – that is – the intention of abiding by the command of Almighty Allah.
radd al-maḍālim	When one is liable to others but does not know them [or fails to reach them], he should give the money to the Ḥākīm al-Shar‘ī, in order to discharge himself from their responsibility and consequences. This is known as <i>radd al-maḍālim</i> .
raj‘ei divorce	i.e. revocable divorce.
rak‘ah, pl. raka‘āt	A rak‘ah is a “unit” or “cycle” of a ṣalāh, which is the combination of the recitation of the al-Ḥamd and surah, rukoo, and sujood.
Ramaḍān	The holy month of Ramaḍān the fasting of which is obligatory upon every mokallaf Muslim.
ramy	Hurling or throwing: in reference to one of the hajj rites of hurling seven small stones at the obelisks (jamarāt) the sites of which are the appearance of the Satan to prophet Ibrahim in an attempt to persuade him not to execute the command of the Almighty, when the prophet responded by hurling stones at the Satan to repel him.
reebah	Literally means doubtful, but in the context of looking at someone else it means ‘pleasure seeking’
Respected (moḥtaram)	Anything that merits compensation if harmed, damaged, abused, or offended is referred to as <i>moḥtaram</i> or respected
rijāl	the science of rijāl (narrators) and hadith
riyā’	Boast, show off.
rukṅ	Pillar or fundamental aspect.

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rukoo‘	The act of bowing, as one of the fundamental acts of ṣalāh.
ṣā‘	a unit of weight measurement – one ṣā‘ is equivalent to 3 modds, and one modd is equivalent to 750 grams approximately.
ṣalāh	The prayer which normally consists of recitation of al-Ḥamd and surah, rukoo‘ and sujood, etc.
ṣobḥ	Morning.
Sa‘y	One of the hajj rites, which is to walk the distance between mounts Ṣafā and Marwah.
ṣabr	Patience
safeeh	The feeble-minded
sahw	Oversight, or omission. <i>sojood as-sahw</i> and <i>sajdatay-as-sahw</i> are used interchangeably to mean the prostrations required to be performed after the ṣalāh for an inadvertent act or oversight during the ṣalāh.
sajdah	A single act of prostration: as one of the fundamental acts of ṣalāh, where the forehead is placed on the ground and in the process the two hand palms, knees, and toes are also positioned on the ground.
salām	Salutation, the final act of ṣalāh.
sanad	or the chain of narration
sarqufli	It is the purchase of the right of use of a property from the owner of the property, or from the holder, i.e. the one who bought the right from the owner.
Sayyid	Descendent of the holy prophet Muhammad, Allah’s peace and blessings be upon him and his pure family.

shakk	Doubt. It means to doubt whether or not one has done something. See also <u>dann</u> .
shar‘ie	In compliance with the Shari‘ah.
shibr	A <i>shibr</i> is the span of the stretched hand, or the distance between the tips of the stretched little finger and the stretched thumb. Using metric measurement units, on average a <i>shibr</i> is about 23 cm.
shubhah	<p><i>shubhah</i> literally means ‘erroneous’, and this status concerns any action or transaction that involves a possible or unintended prohibited (<i>ḥarām</i>) act.</p> <p>In the case of marriage, for example, if a couple marry and later it transpires that the couple were in fact deemed brother and sister through breastfeeding – when they were infants – then this marriage is <i>shubhah</i>, and they must separate, regardless of how long they have been married. A child from such a marriage is also deemed <i>shubhah</i>. A <i>shubhah</i> child is not deemed an illegitimate child, but is not referred to as a legitimate child either; though they are of the same status and rights on such issues as inheritance.</p> <p>Another scenario is if a woman is divorced from her husband, but through incorrect divorce process, or the divorce procedure was not followed precisely, then from the Shari‘ah viewpoint the woman remains the wife of her husband. If the woman in question – being unaware of the invalidity of her divorce – marries another man, after observing the ‘<i>iddah</i> or divorce waiting period, the marriage is referred to as <i>shubhah</i>, and if she bears a child, this child is referred to as a <i>shubhah</i> child, because from the Shari‘ah viewpoint the woman in remains the wife of her first husband.</p> <p>The category <i>shubhah</i> also applies to the case of a woman who has married a non-Muslim man; such a marriage is not permissible, and they must separate</p>

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	immediately, and thus the marriage and intercourse between the Muslim woman and the non-Muslim man is referred to as <i>shubhah</i> and the children of such marriage are referred to as <i>shubhah</i> -children.
sujood	Prostration.
sunnah	tradition of Allah’s Messenger, peace be upon him and his pure family
surah	A chapter of the Holy Qur’an
Ṭahārah	Cleanliness.
ṭāhir	Ritually clean. ṭuhr is also used in the same context.
ṭawāf	One of the hajj rites, which is circumambulation or going round the Ka‘bah.
ta‘qeebāt	Follow-on. This is in reference to the recommended acts of worship and various supplications that an individual is encouraged to perform after any one of the daily obligatory ṣalāh.
ta’weel	interpretation
tabarri	Disowning the enemies of Allah, the Prophet, Ahl al-Bayt, and of their devotees. See also <i>tawalli</i> .
tafsir	exegesis
Takbirat-al-Ehrām	The declaration of “Allah_o Akbar” that heralds the commencement of ṣalāh.
taqiyyah	Literally, it means protection. In a bid to avert persecution or protect one’s life in the face of danger, one may need to conceal one’s faith and belief, and this practice is referred to as taqiyyah. ﴿And a believing man of Pharaoh's family, who hid his faith, . . . ﴾ [40:28]
taqleed	Following the opinion and decrees of a mujtahid

	concerning acts of worships, etc.
tasbiḥāt	This is in reference to the four-tasbiḥāt uttered during the third and fourth rak‘ah of ṣalāh, as well as to the tasbiḥāt of Fatima al-Zahrā’ peace be upon her performed after each and every ṣalāh as a recommended act of worship.
tashahhud	The declaration of faith stated during ṣalāh.
tasleem	salām and tasleem – the closing stage of the ṣalāh – are used interchangeably to mean the same thing.
taṭbir	<i>tatbir</i> constitutes striking the scalp of the head with knife or sword to make cuts to the scalp and make blood flow from the head.
tawalli	Devotion [to Allah, the Prophet, Ahl al-Bayt, and their devotees]. See also <i>tabarri</i> .
tayammum	Dry ablution. Tayammum is performed on the ground or soil instead of woḍu’ when no water is available, or water is harmful for the individual, and suchlike.
thawāb	Reward
torbah	literally means earth, but in the context of the ṣalāh it is also in reference to solid baked clay made of ṭāhir soil. The torbah is used as the place of prostration (sujood) during ṣalāh. Performing prostration during ṣalāh on other than soil, or that which grows from the soil, renders the ṣalāh bāṭil or void. It is valid to perform prostration on those things that grow from the soil that are not used for eating or wearing. The torbah is sometimes made of the earth of the holy city of Karbalā’ where the beloved grandson of the Prophet Muhammad, Imam Husayn peace be upon them is buried, which is highly recommended

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	to use for ṣalāh.
ulama	Scholars
Ummah	The (Muslim) nation
wājib	Obligatory
wājib ‘ayni	“Individual Obligation”; it is an individual duty that is specifically obligatory on every individual adult Muslim, such as the daily prayer and fasting.
wājib kifā’i	<p>“Collective Obligation” or “obligatory as per sufficiency”.</p> <p>A <i>kifā’ie</i> obligation is a collective duty that is commonly obligatory on every Muslim until a sufficient number of people take up the duty and execute it, and therefore discharge the obligation of that duty. In that case the remaining members of the community would be absolved of the responsibility of that <i>kifā’ie</i> obligation.</p> <p>For example, if there is a community, town or village and there is not a single medical doctor whom the community need then it is the obligation of all in the community (as a <i>wājib kifā’ei</i>) to learn medical science and practice as a local doctor, but if a sufficient number of them commit themselves to the task of training as qualified medical doctors, then the obligation of others is absolved from this collective duty (<i>wājib kifā’ei</i>).</p> <p>An ‘ayni obligation is an individual duty that is specifically obligatory on every individual adult Muslim regardless of how many others perform it. For example the daily prayer, fasting, and suchlike are ‘ayni obligations.</p>
Wahhābi	Follower of the extremist cult founded by an obscure fanatic known as Ibn Abdul-Wahhāb, born in the

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	Arabian Peninsula (1115-1206H – 1703-1792CE). He joined forces with a professional gangster and highwayman by the name Saud, and together with their thugs they spread terror throughout the land by their raids, pillages, and murders. Saudi Arabia is named after this Saud.
wakeel	Representative
walāyah	Authority
waliy (plural awliyā')	Devout servants/authorities of Allah
waqf	Endowment
wara‘	Abstention from <i>ḥarām</i>
waṣiyyah	Deceased’s Will
waswasah	In the context of discharging the obligatory duties, it means obsession, or excessive/habitual doubting. For example, whoever has a habit of excessively doubting the correctness of the prayer, and has made a habit of being doubtful, need not pay attention to such suspicion.
wilāyat al-faqih	“authority of the religious scholar”
woḍu’	Ablution. The ritual washing required for performing ṣalāh, etc. Woḍu’ consists of two washes and two wipes; the washes of the face and forearms, and the wipes of the head and feet.
woquof	Literally means standing or staying, it is one of the rites of hajj, that one observes rite by engaging in supplication and prayer during specific periods in specific locations.
yā’isah	Menopause

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zakāh	Zakāh literally means growth. In Islamic terminology, the term Zakāh also means purification, and here it concerns the wealth of the individual, and is divided into two categories of Khums and Zakāh. The reason this term is used in Islamic jurisprudential terminology is because zakāh leads to the growth of society as a whole.
zeenah	Ornament
ziyārah, pl. ziyārāt	Visitation to shrines and other sacred places and locations. The term also applies to the salutations that are remotely recited when addressing the prophet, his divinely appointed successors, or other members of the Ahl al-Bayt.

* * * * *

Transliteration

In the Arabic language, there are a number of letters that do not have a corresponding equivalent in the English language. As a result the sound or pronunciation of those letters would be unfamiliar to the English reader who has not come across them before. Some of them may easily be pronounced by the English reader, whereas s/he would find others difficult to pronounce, unless he has already been exposed to the sounds of the Arabic alphabet.

The Arabic consonant characters are given below along with their equivalent English characters or sounds.

b = ب	z = ز	f = ف
t = ت	s = س	q = ق
th = ث	sh = ش	k = ك
j = ج	ṣ = ص	l = ل
ḥ = ح	ḍ = ض	m = م
kh = خ	ṭ = ط	n = ن
d = د	ḏ = ظ	h = ه
dh = ذ	ᶜ = ع	w = و
r = ر	gh = غ	y = ي

This presentation is an effort to describe the sounds of these letters, and endeavour to explain how their sounds are generated, so that the reader may obtain some idea about these particular characters, when they appear in some Arabic terms used in this work.

To distinguish these letters, either a combination of two letters is used or, in the case of the majority of the difficult letters, a normal Latin letter is used in association with a diacritic – dot or a line above or below the letter as shown in the table above. Furthermore there are also a couple of letters in the Arabic alphabet which are represented using the symbols: ʾ and ᶜ.

Beginning with the easy ones, there is the letter that is symbolized as:

th, which sounds like the ‘th’ in the word ‘three’. The other letter is:

dh, which sounds like the ‘th’ in the word ‘there’.

As for the more difficult ones, they are as follows:

Gh or **gh**, the nearest sound for this is that of the French ‘r’.

H or **h**

The sound of this letter resembles the sound of ‘strong, breathy’ H. The sound for **h** is generated from the proximity of the throat that the normal **h** is, but from an area slightly further up the throat, with more tension in the local throat muscle, with the back end of the tongue closing in against the roof of the throat immediately before the uvula.

Kh or **kh**

The sound for this is perhaps somewhere between that of ‘h’ and ‘k’, as far as the location of mouth where it is generated is concerned. It is generated at the back of the mouth, by pressing the back end of the tongue against the soft palate whilst forcing the air through in the outward direction, causing the uvula to vibrate.

The example of the sound of ‘kh’ found in English or that the English reader may be familiar with is *Loch*, the Scottish for lake, where the ‘ch’ in loch is pronounced as the designated ‘kh’ in Arabic.

Ş or **ş**

The sound of this letter resembles the sound of ‘strong’ S. It is generated by involving the main trunk of the tongue, by slightly curving the centre of the front half of the tongue in the downward direction. In aid of pronouncing the sound of the ‘strong’ S, it would be helpful if you consider saying the normal letter ‘S’, when the front upper and lower teeth are brought closer together reducing the airflow, thus producing the sound of the letter ‘S’. The opposite process is used to generate the sound of the ‘strong’ S, i.e. the sound is produced when slightly moving apart the upper and lower teeth, thus pronouncing the ‘strong’ S.

D or **ḍ**

The sound of this letter is somewhere near the sound of the normal D. Whereas the sound of a normal D is generated by placing the front end of the tongue at the front end of the hard palate or the roof of the mouth adjoining the top teeth, the sound of ḍ is generated by touching, to the same location, more of the front trunk of the tongue while caving in the middle part of the tongue.

D or **ḍ**

The best description of this sound is that it could be the strong version of the sound of ‘dh’ as in the word ‘*there*’. Whereas ‘dh’ is generated by placing the tip of the tongue between the upper and lower front teeth, whilst pressing against the upper front teeth, the sound for ḍ is generated by pressing more of the front end of the tongue between the upper and lower front teeth, whilst pressing against the upper front teeth, and the centre of the tongue is curved downwards.

Ṭ or **ṭ**

The sound of this letter resembles a ‘strong’ T. Whereas a normal T is generated by involving the front end of the tongue; the ‘strong’ T is generated by pressing the front end of the trunk of the tongue against the front end of the hard palate or the roof of the mouth. Also when the normal T is pronounced, the lower jaw does not move, whereas in the case of pronouncing the strong T, or Ṭ, the lower jaw moves outwards.

Q or **q**

The sound for this letter is a short and sharp version of the letter ‘gh’ or the French R. Whereas in the process of generating the sound of ‘gh’ the back end of the tongue is pressed slightly against the uvula, allowing some air to flow, in the case of the sound of the Arabic alphabet represented by Q, the same process takes place with the difference that the passage is completely blocked, and the sound is actually generated by the sudden release of the passage.

’ or the *hamzah*; which is the character representing the glottal stop.

◌ also shown as ◌

This symbol is used to characterize an Arabic alphabet that represents the sound of a strong ‘throaty’ A. Just as the sound for A is generated at

the back of the throat, in the same proximity, the sound for ˆ or ˙ is also generated with the difference that the entire throat back is engaged in the process by a stroke of contraction in the muscle there. In this process more of the throat is blocked, which also involves the back end of the tongue, than when pronouncing the normal A. Just in the case of the normal A, the sound is actually generated at the time of the release of the contraction of the muscles involved.

‘Long’ a

There are also cases when there is a diacritic or a small horizontal line above the letter, like ā: this is to represent ‘long’ a, an alternative to writing aa. The nearest example for the long a, or ā, in English words is case of “far” as opposed to the word “fat”. In the case of “far”, the ‘a’ is elongated in the pronunciation, whereas in the case of “fat”, the ‘a’ is short.

‘Double’ consonant letters

In the Arabic language, there are many instances where a letter in a word has double pronunciations with a very slight pause between the two. The first pronunciation is always the sound of the letter itself, and the second is the sound of the letter together with that of the following letter. For correct pronunciation of the word, it is important that there is a very slight pause between the sounds of the double letters. Some examples are as follows:

Allāh, where the presence of ‘ll’ indicates the requirement of the double pronunciation of the letter ‘l’. It may help if the word is considered as Al-lāh, with the pause due to the hyphen being very slight. Another example is Muhammad.

N.B. Diacritics and other transliteration characters are avoided where it is assumed that the reader is familiar with the pronunciation of those words, and that such characters are only used for less common and unfamiliar words only. So for such words as Allah, Qur’an, Muhammad, and ayah no diacritics are used.

o-o-o-o-O-o-o-o-o



The Author

A brief biography of the eminent Islamic authority Grand Ayatollah Sayyid Şādiq Shirazi:

He was born on the 20th Dhil-Ḥajjah 1360 H, *circa* January 1942 CE, in the holy city of Karbala, Iraq. He was raised and cultured in a family that was renowned for its history of learning, striving, sacrifice, and morals.

He received his specialist education of Islamic sciences at the hands of eminent scholars of the ḥawzah until he acquired a distinguished degree of ijtihād.

Through his relentless endeavours he developed in himself the quality of continually seeking knowledge along with unremitting observance of piety; tirelessly promoting the teachings of Ahl al-Bayt, peace be upon them, disseminating their culture, and defending their sacred laws and shari'ah.

He has written numerous works in various fields and on different levels, ranging from politics, economics, history and ethics to specialist works for ḥawzah studies on such topics as Fiqh and Oṣool (jurisprudence) that total more than eighty.

Sayyid Şādiq has been teaching at the ḥawzah for more than 40 years.

He is distinguished for being accessible to the people; directly dealing and meeting with various sectors of members of society, listening to diverse views from different spectrum of the community.

Equally, he is distinguished for his humility; respecting the young and old, and also for his tolerance in responding to insult or evil with kindness and courteousness.

He is renowned for his independence and for his policy of boycotting despotic governments.

He over observes hundreds of organisations and institutions throughout the globe; for example those that address social issues such as marriage services and social reforms, those that address humanitarian matters such as clinics, orphanages, financial organisations giving interest-free loans (*qard al-ḥasanah*), intellectual institutions such as centres for research and studies, seminaries, ḥawzahs, libraries, as well as religious centres such as mosques and ḥusayniyyahs.

o-o-o-o-O-o-o-o-o

Publications by *fountain books*

1. *Fundamentals of Islam*

In the first part of this brief discourse the author outlines and briefly discusses *Oṣool al-Deen* (the fundamental principles or beliefs of Islam), which are *Tawḥeed* (the indivisible Oneness of Allah), ‘*Adl* (the Divine Justice of Allah), *Nobowwah* (the belief in Prophethood), *Imāmah* (leadership of mankind), and *Mi‘ād* (resurrection or belief in the hereafter). The author also addresses the subject of the Prophet’s eternal miracle – the glorious Qur’an.

In the second part of this publication author goes on to address *Foroo‘ al-Deen* (the essential principles and practices of Islam), which are not only the well-known ten acts of worship such as prayers, fasting and hajj but also other aspects of the teachings of Islam that are significantly relevant in modern times; issues such as the human community, social order, politics, the economy, the armed forces, the justice system, culture, media, education, health, and social freedoms. Through this discussion the author establishes that a government based on the teachings of Islam would provide the most favourable system of government for mankind.

In the third and final part of this work, the author discusses the third component that a Muslim is required to adhere to, namely the Islamic morals and etiquettes (*akhlāq* and *ādāb*). Here, the author briefly outlines and discusses the ‘four pillars’ of Islamic ethics and the ‘two pillars’ of its etiquettes. The author then lists conducts and behaviours that Islam prescribes as one of obligatory, forbidden, unethical, or the recommended moral conduct. This basic yet concise book serves as a good introduction to Islamic beliefs and principles.

2. *Islamic Beliefs for All*

In this book the author discusses the five fundamental principles of Islam in some details. These principles are *Tawḥeed* (the indivisible Oneness of Allah), ‘*Adl* (the Divine Justice of Allah), *Nobowwah* (the belief in Prophethood), *Imāmah* (leadership of mankind), and *Mi‘ād*

(Resurrection). The unique aspect of this book is the author's subtle approach in addressing the issues concerned and the simple examples given to illustrate the discussion. This authoritative work is not only important to Muslims, but it would also be of interest to those non-Muslims who seek to explore Islam and its doctrine. The simplicity of this book makes it a valuable resource for Religious Education.

3. What is Islam? An introduction to principles and beliefs

To attempt to summarize the Islamic faith in a book of this size is a tremendous challenge. This was the aim of the late Grand Ayatollah Muhammad al-Shirazi, one of the most eminent Islamic authorities of modern times. Through the use of clear and concise language within a "question and answer" format, the author has sought to convey the richness and profound spirituality of the Islamic message in all its aspects to the widest possible audience. The late Sayyid Shirazi covers all the main aspects of Islam, from the fundamental beliefs such as the Oneness of God and His justice and Prophethood to topics such as ablutions, praying, fasting, and performing the Hajj pilgrimage. In addition, the text also discusses a selection of diverse subjects such as Islamic law, economics, politics, the Islamic view of society, the issue of freedom in Islam, and so forth. This work serves as a useful resource for Muslims who want to learn more about their religion, and also for non-Muslims who seek a concise introduction as to what Islam is all about.

4. The Family

In this book the author highlights the problems he observes primarily in Islamic societies and particularly in the West today from the phenomenon of unmarried young men and women through to birth control and contraception. He surveys the idea of marriage in various religions, cultures and schools of thought while also discussing the issue of polygamy from the Islamic perspective. In his endeavours to provide practical solutions to today's social problems, the author calls for simplicity in the process of marriage and draws our attention to the Islamic teachings and laws in this pivotal aspect of life.

As well as being a call to the Muslim world to revert to the true teachings of the Qur'an and the Prophet Muhammad, peace be upon him and his family, this book also serves as a preamble to others who seek answers to the some of the social problems of today. Islam promises success in every area of human life from individual to social levels, the practicality of which has been historically proven.

5. *The Qur'an: When was it compiled?*

In this book the author addresses the issues concerning the timing of the compilation of the Holy Qur'an, on what and whose instructions and authority this task was carried out, and ultimately who accomplished its compilation in the form that it is available today. In this work the author presents undisputable evidence to address these crucial questions. Through historical, methodical and logical analyses, the author establishes how and when the compilation of the Holy Qur'an was achieved. In Part Two of the book the author presents Prophetic traditions (*hadith*) on the virtues of reciting and learning the Holy Qur'an.

6. *War, Peace and Non-violence: An Islamic perspective*

In this work the author addresses three significant issues, which have come to be associated with Islam. Through his extensive knowledge of the teachings of Islam, the author presents the Islamic stand on war, peace and non-violence, as found in the traditions and teachings of the Prophet of Islam, which could serve as exemplary models for mankind. Detailed accounts of the traditions of Prophet in his dealings with his foes during times of war or peace are presented in this book, giving the reader a clear insight into the way and basis upon which the Prophet of Islam conducted his socio-political affairs.

7. *The Islamic System of Government*

In this introductory book the author outlines the basic principles of government based on the teachings of Islam. The author begins with the aim and objectives of the government according to Islam and the extent of its authority in that framework. He then addresses, from the Islamic

viewpoint, the significance and fundamental nature of issues such as the consultative system of government, judicial system, freedoms, party political pluralism, social justice, human rights and foreign policy. The author concludes by outlining the socio-political policies of a government such as education, welfare, health, and crime, as well as matters such as the government's system of income distribution, and authority.

8. If Islam Were To Be Established

This book may serve as the Muslim's guide to the Islamic government. If an Islamist opposition group has a plan for an Islamic government, this book would help to check various aspects of the plan. In the absence of such a plan, this book serves as a useful outline. To the non-Muslim, the book presents a glimpse of the typical Islamic system of government while also serving as a yardstick for all who wish to check the practices of any government that asserts to have implemented an Islamic system of government.

9. The Bible and Christianity: an Islamic view

Part one of this book presents some of the encounters there have been between Muslims and Christians. In the second part of this work the author presents some of his discussions with fellow Christian scholars in gatherings at his residence in Karbala, Iraq. The debates concerned their understanding of Islam and its doctrine as well as their own religious beliefs. In this presentation the author demonstrates how he invited non-Muslims to Islam through a calm yet rational and intellectual medium through the use of simple arguments.

Presented in part three of this book is the author's brief research and analysis into the Bible. Through his findings he states his contention with various biblical stories, particularly those in relation to past Prophets. In his discussion, the author uses reason and sound evidence to validate his arguments. Part Four of this work presents some of the Qur'anic verses about Jesus Christ and his noble mother Mary, peace be upon them.

This book makes an interesting read, given the simple yet thought provoking arguments that are put forth at various stages.

10. The Rights of Prisoners according to Islamic teachings

In general, Islam considers imprisonment as a case of last resort. According to Islamic teachings there are only a few offences that would lead to imprisonment. Any chastisement prescribed by Islamic teachings may only be implemented if the relevant criteria and the preconditions are met. If the criteria are not met, then the prescribed punishment may not be executed.

In this book the author addresses issues such as the fundamental nature of freedom, the rights of a prisoner, and the harmful effects of imprisonment on the individual as well as on society in general. The book goes on to discuss the kind of offences that would lead to imprisonment under an Islamic system. The author also cites a few cases from Islamic History in order to demonstrate the attitude an Islamic ruler should take towards an offence, which may have been committed, and identify possibilities of waiving relevant punishments. This work also discusses the issue of torture and mental and physical ill treatment that is often carried out under the guise of interrogation or for the purpose of extracting confession from a detainee or a suspect.

This brief work presents the teachings of Islam with respect to the rights of those when imprisoned, and shows that the teachings of Islam are designed, by the designer and maker of mankind, for the benefit of mankind wherever he may be.

11. Ḥusayn - The Sacrifice for mankind

This is a collection of articles about a unique individual who, through his remarkable sacrifices, managed to change the course of history and the direction that mankind was heading toward. He is none other than Ḥusayn, the grandson of the Prophet of Islam, Muhammad, peace be upon him and his family. Imam Ḥusayn stood up to tyranny and oppression and gave everything he had, including his life and the lives of his most beloved sons and brothers as well as those of his closest

allies, in order to awaken the masses, reform society, and rectify the distortion that had been inflicted on Islam.

The articles in this work cover some aspects of the aims and objectives of Imam Ḥusayn's movement, the difference between his strategy and that of his brother Imam Ḥasan in facing tyranny and despotism, the examples he set, and the lessons that are learnt from the events that lead up to the tragedy of Karbala fourteen centuries ago. Above and beyond the benefits of his movement, the personality of Imam Ḥusayn peace be upon him as reflected by the many narrations and teachings of Prophet Muhammad is also discussed. Included in this work are a number of questions and answers about the commemoration ceremonies observed by the Muslims around the world on the occasion of Ashurā'.

12. The Guide to Ḥajj Rites

This handbook is a comprehensive but easy to use companion that guides the reader through all the stages of the Ḥajj pilgrimage. It addresses all aspects of the Ḥajj programme and the rites that must be observed during the pilgrimage. It is a must for anyone who intends to go to the Ḥajj pilgrimage.

13. Aspects of the Political Theory of Imam Shirazi

The author, Muhammad G. Ayyub is an Islamist political activist well-known within the Iraqi circle who has established a long history of political struggle over the past four decades. He was attracted by the views of the Imam Muhammad Shirazi in the fields of social and political science. Prompted by the endeavours and views of Imam Shirazi, the author chose to write this book in order to introduce the reader to views that have remained relatively unknown amongst Muslim activists and reformists. This work covers aspects of Imam Shirazi's views on politics such as freedom of expression, party-political pluralism, social justice, peace and non-violence, human rights, the concept of consultative system of government, as well as the issue of the concordance of the various sects of the Muslim community.

14. The Qur'an Made Simple

The Noble Qur'an is the final and greatest of the books of Allah. It is not merely a compilation of chronicles of an ancient people, nor a group of Prophets. Nor is it solely a book of morals. It is certainly not a simply a book of science, and it is not solely a book of rules and laws. Rather, The Noble Qur'an it is a set of arguments in the Divine dialect setting out exactly why the reader should recognise Allah, glorified be He, submit to Him, and follow the Divine religion. These arguments are rational, addressed to the mind, and spiritual, addressed to the heart.

In the Divine words the Noble Qur'an is a book 'of guidance', guiding man from darkness to light, from evil to good, from ignorance to knowledge, from uncertainty about the origin and the end, and about man's role in the world, to certainty and conviction.

This volume that has been published is the translation of the last three parts or *juz'* of the Noble Qur'an, and the associated commentary by the late Imam Muhammad Shirazi, elucidating the Qur'anic text to produce a clear, succinct, and easy to follow explanation of the divine scripture.

15. The Prophet Muhammad, a mercy to the world

This book offers an easy introduction to the life and teachings of the Prophet Muhammad. It endeavours to convey a glimpse of those illuminating moments in the life of the Prophet that helped bring about one of the greatest transformations in the history of mankind. The book highlights what kind of person the Prophet was, and how his conduct with friends and foes, in peace and war, provided an impeccable example for generations to come.

16. The Shi'a and their beliefs

Shi'a Muslim beliefs and practices in various aspects of the Islamic doctrine and religion are presented in this work. The Shi'a Muslims' primary concern is to be in total harmony with the teachings of both the holy Qur'an and the Prophet Muhammad peace be upon him and his pure progeny. It is therefore paramount that every aspect of their belief and practice is inline with those teachings.

In presenting and discussing the Shi'a belief and its origin, this work also shows the precise compatibility of every single aspect of the Shi'a belief and practice with the Book and the *Sunnah*. Extensive references are given citing major references such as the *sihah* and *masanid*. In this way it can be seen that none of the Shi'a beliefs deviate from any one of the teachings of the holy Qur'an or of the Prophet.

17. *Ghadir Khum*

Seventy days before his demise, the Prophet Muhammad delivers an historic sermon at Ghadir Khum. In his speech to the nation, the Prophet addresses the issue of his succession, and identifies as to who can succeed him and why. In the most defining action of his mission, and on specific instructions from the Almighty, the Prophet then goes on to formally appoint his successors and the leaders of the Muslim nation after him. The Prophet points out that his divinely-chosen successors are twelve in number. Prophet Muhammad stresses that only under the leadership of his divinely-appointed successors, mankind would attain happiness and prosperity in this life and in the hereafter, but without the guidance of the prophet and his appointed successors, mankind would not attain eternal salvation.

After the delivery of his momentous and unique sermon at the site of Ghadir Khum, the Prophet Muhammad then goes on to seek Shari'ah-binding pledge of allegiance from those present for his first successor. Some 120,000 had gathered on that day by Lake Khum.

The full text of the Prophet's Ghadir Khum sermon is presented in the original Arabic along with the English translation.

There were those, however, who had drawn up other plans for the Prophet's succession and they had their own agenda. They swore to do anything possible to undo whatever the prophet has done.

An insight is presented into the circumstances that followed the momentous event of Ghadir Khum.

18. Islamic Law

Islam is a complete way of life that addresses every aspect of the human life, ranging from personal and family matters to social, economic, political, and spiritual issues. The teachings of Islam are devised to aid mankind to attain prosperity in this life and in the Hereafter. To achieve this goal, an individual needs to conduct his or her affairs, behave and respond according to the teachings of Islam in all aspects of life.

An individual therefore should learn the teachings of Islam on those issues that he or she may come across in life. Some of these teachings may be readily available, and if not, he or she must endeavour to learn or seek the answers to one's queries. Every conduct that a Muslim does according to the teachings of Islam constitutes an act of worship, no matter what aspect of life it may concern.

In a concise and informative manner, this work presents the teachings of Islam one may need to know and practice. It combines the essence of the traditional *risalah* together with the benefits of contemporary additions, which in turn makes it a practical and a must have book.

This work consists of books one and two. The rulings concerning ritual cleanliness, daily prayers, fasting, hajj, and *zakah*, are given in book one, while in book two the rulings for other domains such as culture, freedom, human rights, social and family, peace and non-violence, health and medical issues, food and drink, economics, immigration, morality and ethics are presented.

Teachings of Islam
www.TheGrandAyatollah.com

**A site dedicated to the cause of Islam, Muslims and
Mankind**

Islam aims to bring about prosperity to all mankind. One of the leading authorities on Islam today, Imam Shirazi, calls upon all Muslims to adhere to the teachings of Islam in all domains in order to regain their former glory and the salvation of mankind. These teachings include:

- PEACE in every aspect.
- NON-VIOLENCE in all conducts.
- FREEDOM of expression, belief, etc.
- PLURALISM of political parties.
- CONSULTATIVE System of Leadership.
- The RE-CREATION of the single Muslim nation - without geographical borders, etc. between them, as stated by Allah:

“This, your community is a single community and I am your Lord; so worship Me.”

- The REVIVAL of Islamic brotherhood throughout this nation:
“The believers are brothers.”
- FREEDOM from all the man-made laws, and restrictions as the Qur'an states:

“... and (Prophet Muhammad) releases them from their heavy burdens and from the shackles that were upon them.”

You can email your queries to the website of Imam Shirazi:
www.TheGrandAyatollah.com.