

# Minhāj al-Ṣāliḥīn

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In the name of Allah, the Compassionate, the Merciful

## Ijtihād and Taqlīd

### The need for Ijtihād

The primary source of religious laws (*aḥkām al-sharīʿa*) is the Qurʾān and the *Sunna*. But these laws are not easily discernable for most people because of the obscurity that surrounds them owing to our contextual separation from the time in which these texts originated. This is in addition to the fact that they are not always presented explicitly and clearly in the Qurʾān and *Sunna*, in such a way that no doubt or ambiguity surrounds them. Rather, they are presented throughout these texts as a general collection of statements. So these must be studied thoroughly, compared to one another, and have results extracted from them [in order for us to have a body of religious law.]

As our distance from the time in which these religious texts originated increases, so too does our need for precision and detail in the scholarly effort to understand them. This is because we have lost many of the *aḥādīth* that contain the correct interpretations for Qurʾānic verses, and because both the style of language and the context in which it is uttered have changed dramatically, not to mention the many fabrications and distortions that have crept into collections of narrations. All of this requires the utmost care in the study of texts.

Above and beyond everything we have mentioned, there is the development of human life in a general sense. People need a religion that keeps pace with this development and which responds to new situations in a contemporary fashion, giving rulings on the basis of such development.

It is because of all of these challenges that the legal agent (*mukallaḥ*) must be aware of religious law in sufficient detail to know or be satisfied that he has discharged his duty towards God. Such awareness can only come from intellectual and practical exertion to arrive at the right path. Yes, in some cases, the religious ruling is so clear that it needs no effort to understand, and we call such cases ‘necessities’ (*darūriyyāt*), as we shall explain.

## **The need for Taqlīd**

It is not possible for every individual to undertake such scholarly activities. Not everyone can occupy themselves entirely with studying, teaching and scholarly research for the sake of arriving at religious laws. This rule does not only apply to religious study, but to all disciplines and specialties; not everyone can study medicine for the sake of their own health, even though they need medicine. The same is true for architecture, law and accountancy, even though these are all necessary. Instead, we see that people rely on others with expertise and experience in these fields and follow their instructions.

This is why people need specialists in the Islamic sciences to provide them with the religious rulings that tell them what Allah wants from them.

Allah has not given permission to anyone who is not a specialist and a *mujtahid* to try and arrive directly at religious rulings from the Qur'ān and Sunna, relying solely on his personal abilities. Rather, Allah has guided him to see the necessity of arriving at these rulings through *taqlīd* and relying on scholars who are *mujtahids* and specialists in the field of law.

On this basis, Islam provides the principles of *ijtihād* and *taqlīd* so that people can know the stance of the religion.

Here, *ijtihād* means: **Expertise in the Islamic sciences, including doctrines (‘AQĪDA), ethics (AKHLĀQ) and jurisprudence (AL-FIQH AL-AŞGHAR).**

And *taqlīd* means: **The reliance of non-experts upon experts.**

**The connection between a follower (MUQALLID) and a religious authority (MARJA‘ DĪNĪ)**

Insofar as the two primary sources of the *Shari‘a*, as represented by the Qur'ān and the Sunna, have been preserved right down to the present day, it is only natural that *ijtihād* should continue – as a scholarly discipline – for the purpose of understanding these sources and extracting religious rulings from them. Moreover, it is only natural that this should be accompanied by the growth of the expertise

of the *mujtahids* and their collective accumulation of expertise and awareness with the passage of time. Hence a later *mujtahid* should always have a deeper and broader understanding of these texts.

This is a good argument against allowing followers to adopt the opinions of a scholar from the era of Occultation after the passage of a century or more, like following the opinions of a doctor after whom medical science has undergone significant development.

Hence the connection between a follower and a religious authority must be a living connection that is constantly being renewed. It is given an air of sanctity by the fact that the *marja'* acts as the general representative of the Imām {a} in matters of religion. This explains why a religious authority during the era of Occultation is an axis around which others must turn in understanding all aspects of religious knowledge, not merely the knowledge of the permissible and prohibited (*ḥalāl wa ḥarām*).

For this reason, we see that the *Shari'a* has played an important role in strengthening the principles of *ijtihad* and *taqlid* in such a way as to ensure they achieve their desired goal.

*Taqlid* is an established institution upon which the practice of life and the practice of the Muslims has run since the very beginnings of Islam to the present day. From here, the Imāms of the Prophet's Household {a3} directed their followers to perform *taqlid* of the jurists (*fuqahā'*) from their school of thought and to refer to them. Yes, the *Shari'a* forbids blind-following (*al-taqlid al-a'mā*), which is based on prejudice and ignorance, but the difference between following a scholar with expertise and following an ignorant person without any is clear.

### **Is TAQLĪD only for matters of religious law, or does it include doctrines too?**

The *Shari'a* has enjoined *taqlid* – in the aforementioned sense – in matters of law, but forbidden it in the case of fundamental doctrines. The legal agent is not allowed to perform *taqlid* in these, because in these issues he needs to have knowledge and certainty about his Lord, his prophet, his afterlife and his imām. Compare this to legal matters, [which only require his obedience]. This is why the *Shari'a* calls upon every Muslim human being to bear responsibility for his or her own

fundamental beliefs, rather than refer to an expert and take their word for it without carrying out any research or seeing any evidence.

If someone was to ask: ‘How can people, taking into account their differing levels of mental ability and education, achieve certain knowledge by themselves with regards to important issues such as divine unity, prophethood, imamate and the afterlife? Isn’t it unrealistic or even impossible to expect them to do this?’

We would respond that matters of belief fall into two categories:

**First: Fundamental beliefs:** These include proving the existence of Allah, His unity (*tawḥīd*), the sending of prophets, their infallibility, imamate, the afterlife and so on. In these matters, no *taqlīd* is allowed, as is the popular opinion (*mashḥūr*) of our scholars. In fact, it is a duty for people to learn and obtain certainty through their own research and investigation without any restriction. This is because these issues, insofar as they are of a limited number from one angle, and in accordance with human nature in general from another, are such that people can usually form a clear and immediate picture of them. And, because they have such importance in human existence, the *Shari‘a* enjoins each and every legal agent to search for them and discover their reality. This is actually something natural and does not entail a great deal of difficulty, nor does it usually interfere with someone’s everyday life. And even if it sometimes does, the importance of this subject makes those difficulties worthwhile.

Yes, studying this category of beliefs is only enjoined upon people according to their individual level of intellectual ability and education. No one is expected to research these matters beyond that which gives them complete certainty and conviction that these beliefs are true, such that they can bear personal responsibility for them in the eyes of their Lord. And Allah will hold them accountable according to their individual level of knowledge.

**Second: Secondary Beliefs:** Such as knowing the reality of the Straight Path (*al-ṣirāṭ al-mustaqīm*) on the Resurrection Day, and the Record of Deeds, or understanding the reality of infallibility and its levels, or whether or not the Prophet {p} and Imams {a} have *wilāya takwīniyya*. There are tens, if not hundreds, of theological questions such as these. But it is not expected of each

individual believer to look into them in detail, rather they are allowed to refer to experts in matters of theology for these issues, but with the condition that they are convinced by the explanation they are given.

## Methods of observing religious law

### 1. Religious law can be observed in one of three ways:

- a. **Ijtihād:** The ability to derive religious rulings from their detailed sources, namely the Qurʾān and *Sunna*.
- b. **Taqlīd:** This is when a legal agent (*mukallaḥ*) who is unable to derive religious rulings refers to one who is able to do so, namely a jurist (*muḥtabid*) who meets the necessary criteria.
- c. **Iḥtiyāt:** Or precaution. The course of action by which one is certain that they have fulfilled their responsibility (*barāʾat al-dhimma*) in an unknown situation. For example, if a particular matter could fall under one ruling or another, then in order to be certain that one has fulfilled their responsibility, they must act on both rulings if it is possible to do so.

### 2. The duties (*takālīf*) which the legal agent must observe are of two kinds:

- a. **First:** Those duties which the legal agent is able to obtain detailed knowledge (*ʿilm taḥṣīlī*) of, such as those rulings which are self-evident to every Muslim, such as the obligation to pray and fast, and the prohibition of fornication and usury, and many of the recommended acts (*mustaḥabbāt*) such as visiting the shrine of Imam ʿĪsāyān (as) or giving charity to the poor. The same is also true for many of the permissible acts (*mubāḥāt*) that many people know through their own consciences – what we call ‘necessities’ (*ḍurūriyyāt*). It is not obligatory for anyone to do *taqlīd* of any scholar with regards to these duties, but these are relatively few.

- b. **Second:** Duties which the legal agent cannot obtain detailed knowledge of, such as most of the acts of worship (*‘ibādāt*) and transactions (*mu‘āmilāt*), whether these are compulsory or otherwise. In such cases, a person must either do *ijtihād*, *taqlīd* or *iḥtiyāt*.

3. The necessary criteria for someone to be an object of *taqlīd* are:

- a. **Unrestricted ijtihād:** (*al-ijtihād al-muṭlaq*) Meaning that they are able to derive conclusions from the sources (*istinbāt*) in all fields of religious learning, whether doctrinal or practical.
- b. **Maturity:** (*bulūgh*) This is attained by legal agents – whether male or female – in one of the following scenarios:
  - i. The emission of semen in a male or the emission of fluids that accompany orgasm and sexual arousal in a female.
  - ii. The growth of coarse hairs on the pubes of males or females, but not the growth of fine ones.
  - iii. The completion of fifteen lunar years for boys and nine for girls.
- c. **Sound intellect** (*‘aql*)
- d. **Male:** (*dhakūra*) Insofar as one is responsible for holding general authority (*al-wilāya al-‘amma*). But this is not a requirement for deriving legal opinions (*iftā’*).
- e. **Legitimacy:** (*ṭayyib al-wilāda*) Meaning his paternity is known and he is of legitimate birth.
- f. **Faith:** (*īmān*) In the particular sense of the word, meaning believing in the Twelve Imams of the Prophet’s Household {a3}



- g. Moral rectitude:** (*‘adāla*) Meaning that they properly observe the religion of Islam and its way of living in such a way that this is their natural mode of conduct. In other words, they avoid all sins – whether major or minor – and perform all their obligatory duties. This is a requirement for a number of religious positions, including *marja‘iyya*, holding general authority (*al-wilāya al-‘āmma*) over the Muslims, being a judge (*qadā’*), leading prayers, and testifying as a witness in a legal case (*shahāda*). There is no doubt that the greater and broader the authority of a given post is, the more complete and scrupulous the moral rectitude it demands will be.
- h. Pre-eminence in knowledge:** (*a‘lamiyya*) This is required in a situation where the rulings of the jurists differ. So the legal agent must investigate who the most learned individual is and follow his legal opinions rather than those of others.
- i. Courageousness and competence in practical and scholarly affairs:** (*al-shujā‘a wa al-kafā’at al-‘ilmiyya wa al-‘amaliyya*) This is a condition for anyone who holds general authority over the Muslims and undertakes to manage the affairs of the *Umma*. As for one who undertakes to issue legal opinions and the role of [safeguarding] the law (*al-fiqh al-aṣghar*), this is not a condition.
4. Being alive is not a precondition for a *marja‘*, the question is rather one of pre-eminence in knowledge. So if a deceased scholar is more knowledgeable than living scholars, and his jurisprudential framework rests upon general principles which are compatible with contemporary jurisprudence, then it is even permissible to begin performing *taqlīd* of him [even though he is dead], not to mention continuing to do *taqlīd* of him [for those who followed him while he was alive.]
5. It is possible to identify and do *taqlīd* of the most learned scholar based on the following:

- a. Popularity amongst the people of learning and eminence (*abl al-ilm wa al-faḍl*), or in the ranks of the *Umma*, with the condition that this popularity is for the right reasons.
  - b. Testimony from two morally-upright experts (*‘ādilayn min abl al-khibra*), with the condition that they are capable of identifying the most-learned individual according to the criteria laid out in (3).
  - c. Personal investigation by the *muqallid* himself, such as attending the lessons of a particular jurist or reading his works, in such a way as to be able to identify his pre-eminence.
- 6. With regards to the testimony of the experts, should this testimony be contradicted by that of other experts, then the testimony of whichever of them has more expertise – in the sense that it produces greater confidence – should be taken. Just as it is possible to rely on any method which gives the legal agent confidence that a particular scholar is the most-learned.
- 7. The moral rectitude (*‘adāla*) of a *marja’* can be established by the following:
  - a. His fame and popularity, such that these produce confidence.
  - b. The testimony of two morally-upright individuals, or even the testimony of just one, or the testimony of any trustworthy person.
  - c. A good outward appearance, meaning that he is known for his religiosity and righteous conduct.
  - d. Personal acquaintance with him on the part of the legal agent.
- 8. Ijtihād is of two kinds:

- a. In all areas of religious learning, both doctrinal and practical, based on Allah's saying: 'to become learned in religion' (*Sūrat al-Tawba*, 9:122). This is what we call unrestricted *ijtibād* (*al-ijtibād al-muṭlaq*).
  - b. In religious laws only – if such a thing is even possible – and this field is known as the lesser *fiqh* (*al-fiqh al-aṣghar*). In this case, the *mujtahid* may either be able to derive laws in all fields or only some of them.
9. The *mujtahid* in the first sense can be followed by the legal agent (*mukallaḥ*) and hold general religious authority (*al-wilāya al-sharʿiyya al-ʾamma*), such as judgeship (*qaḍāʾ*), implementing prescribed criminal punishments (*ḥudūd*) and collecting religious taxes (*ḥuqūq*), as well as looking after the affairs of the legally impaired who have no guardian of their own, and managing religious endowments (*awqāf*) which have no particular trustee, and other such general affairs. On this basis, he is called a religious ruler (*ḥākim sharʿī*).
10. The *mujtahid* in the second sense can issue *fatwas* in his fields of expertise. And if he is the most-learned, it is only permissible to do *taqlīd* of him in the fields which he is most learned in, but he is not allowed to claim the position of *marjaʿ* in the aforementioned sense.
11. As for someone who disregards *ijtibād*, *taqlīd* and *iḥtiyāṭ* in his acts of worship and other acts: If he ensures or feels confident that his deeds are performed properly according to the *shariʿa*, or that they are in accordance with the *fatwas* of the most-learned scholar – which would be binding upon him if he did *taqlīd* – then there is no blame upon him. But if his deeds are not in accordance with the *fatwas* of the most-learned scholar, then if the mistakes he makes does not require him to repeat them, again there is no blame upon him; but if he makes mistakes in deeds that do require repetition or expiation, then he will be held responsible for this.

12. As for someone who follows a *muftahid* and then that *muftahid* passes away: If he was more-learned than the living scholars – in the sense we have mentioned above – then he must keep doing *taqlid* of the deceased *muftahid* in all issues, whether he is currently acting on them or not, and whether he currently knows about them or not. But if there is a living *muftahid* more learned than the deceased one, then he must turn to him in all matters. And if the deceased and the living are equal in learning, he may choose which one to follow and he is allowed to divide matters between them; following the deceased scholar on some issues and the living scholar on others.
13. With regards to remaining upon the *taqlid* of a deceased scholar or switching from him, the legal agent must seek the opinion of the most-learned living scholar in that regard. In fact, the first thing a legal agent must do when the object of his *taqlid* passes away is to refer to the most knowledgeable living scholar and acquaint himself with his legal position in that regard. If he permits people to continue following the deceased, then there is no problem. But if he forbids it, then the legal agent must forsake the *taqlid* of the deceased scholar and switch to that of a living one, even if the deceased scholar was more-learned than the living one.
14. If someone keeps doing *taqlid* of a deceased scholar out of negligence or self-indulgence, without seeking the opinion of the most-learned living scholar in that regard, then his actions are like those who acts without *taqlid*. The same applies if he follows someone who is not properly qualified to be a *marja'*, insofar as being the most-learned is one of the necessary qualifications for this.
15. If someone performs *taqlid* of the most-learned scholar then switches from him due to the latter's death or his scholarly equivalence with another, it is not necessary for them to repeat or expiate their past deeds, even if they were performed in a manner contrary to the *fatwas* of the new *marja'*.

16. A discerning child (*sabī mumayyiz*) can choose which *marja'* to follow, and if the *marja'* dies he can continue with his *taqlīd* provided that he was the most-learned.
17. If someone is not sure whether his *marja'* has changed his opinion on a particular issue or not, he is allowed to act on the assumption that his opinion has not changed so long as he sees no clear evidence that it has.
18. If someone realizes that his *marja'* has lost one or more of the conditions [necessary for him to be qualified as a *marja'*], insofar as these contain pre-eminence in knowledge, then he must change his *taqlīd* to one who fulfils all the necessary conditions.
19. If *mujtahids* disagree in their jurisprudential framework and this brings about a disagreement in the concept of 'most-learned,' as would be the case if one of them thought that the 'most-learned' is the one most capable to form opinions in all fields of religious learning, while the other thinks that the 'most-learned' is the one most fluent in jurisprudence and its principles, then the legal agent must himself choose a particular stance on that matter and follow the one he considers to be the most-learned.
20. A trustee or deputy of a *marja'* must act in accordance with his rulings if they are versed in them, otherwise they are allowed to act in accordance with whichever *marja'* they have chosen to follow.
21. Every legal agent must learn the constituents and conditions of the obligatory acts of worship (*'ibādāt*) and transactions (*mu'āmilāt*) for which he will be held morally accountable. There is no excuse for him not doing so, nor is there any excuse for his failure to discharge them properly on account of his ignorance thereof. Equally, he must learn the rulings connected to doubts (*shakk*) and lapses (*sabw*) which fall within the realm of his moral accountability. However, he is not obliged to learn

every single detail of the law, only enough so that he knows that his acts of worship are generally correct.

**22.** If the legal agent, whilst in the middle of an act of worship, is confronted by a relevant legal question for which he does not know the answer, he must ask about it or observe precaution (*iḥtiyāt*) wherever possible. And if he can neither ask nor observe precaution, then he is allowed to act according to however he thinks is probably appropriate and then ask about it once he has completed the act of worship. If he acted correctly, then his deed is sufficient. If not, then he must repeat whatever requires repetition.

**23.** Precaution (*iḥtiyāt*) is of two kinds:

- a. Precaution in matters generally, which is precaution in performing *taqlīd* between more than one jurist.
- b. Precaution in matters themselves, which sometimes requires repetition – for example praying both a shortened (*qaṣr*) prayer and a full-length (*ṭamām*) one – but at others does not – such as offering precautionary prayer – but the legal agent must know what is most greatest degree of religious precaution (*aḥwat*) to ensure that his actions are correct.

**24.** The kinds of precaution mentioned in the chapters of this legal manual are of two kinds:

- a. **Obligatory:** Which is either precaution with regards to the ruling, or a ruling of precaution; the first is called ‘precaution in obligation’ (*al-aḥwat wujūban*), while the second is called ‘obligatory precaution’ (*yajib ‘alā al-aḥwat*).
- i. **Precaution in obligation** means that the jurist has no ruling on this issue, so here the legal agent can choose to act according to this

precaution or refer to another scholar in order of pre-eminence in knowledge.

ii. **Obligatory precaution** means that the jurist's ruling for this issue is one of precaution and therefore the legal agent cannot make recourse to anyone else in this regard, rather he must observe this precaution.

b. **Supererogatory:** Meaning that it is better for the legal agent to follow the aforementioned precaution, even if he is allowed to disregard it.

**25.** The inclusion of many of the recommended actions (*mustahabbāt*) mentioned in this legal treatise depends on the fact that previous scholars have mentioned them as such, even if there is no particular evidence from the Qurʾān or narrations, or because there have been some reports which the jurists have accepted as a basis for them. Therefore it is proper to act according to them with the intention that you *anticipate* them to be desired by Allah, not with certainty that they are indeed desired by Him. For example, some of the supererogatory ablutions, prayers etc. The same is true of the detested actions (*makrūhāt*), in which case it is proper to avoid them with the intention that you *anticipate* them to be detested by Allah.

## Ritual Purity (Ṭahāra)

### Section one: Different kinds of water and their rulings

26. Water is either unmixed (*muṭlaq*) or mixed (*mudāf*). Mixed water is whatever cannot rightly be called water in the absence of some qualifying adjective, whether this is unmixed water that has been mixed with some other substance in such a way that we can no longer accurately call it water, such as tea or rose water, or water which has been extracted from some other substances, such as the various kinds of fruit juice.
27. Mixed water is pure itself but cannot purify other things. Therefore it is of no use in ritual purity, such as washing for prayer (*wuḍūʿ*), or material purity, such as washing away urine, blood or semen. If mixed water comes into contact with something impure (*najis*), it becomes impure itself.
  - a. If this mixed water is flowing on something impure with relative force, such as a liquid flowing from a height or gushing from a pipe, and it falls on something impure, then only that part of the fluid which comes into contact with the impurity will become impure. This will not affect the water above it or any other part of it. And if mixed water becomes impure, it cannot be purified unless it is made into unmixed water, whereat it can be made ritually pure by whatever purifies unmixed water.
28. Unmixed water is pure, as is mixed water, and therefore it is permissible to drink it and use it for various purposes. However, their rulings differ on the following points:
  - a. Unmixed water can purify something that has been made impure (*munajjas*), such as containers, clothing and the body, if these have been afflicted by



impurity. This is unlike mixed water, which cannot be used to purify something that has been made impure.

- b. Unmixed water can be used for *wuḍū'* to remove minor states of impurity (*al-ḥadath al-aṣghar*), and for *ghusl* to remove major states of impurity (*al-ḥadath al-akbar*). Again, this is unlike mixed water, which cannot be used for *wuḍū'* or *ghusl*. This is what the jurists mean when they say: 'Unmixed water is pure in itself (*tābir*), purifying for others (*muṭaḥḥir*), whether from states of impurity (*ḥadath*) or agents of impurity (*khabath*), while mixed water is pure in itself but cannot remove a state of impurity, nor eliminate agents of impurity.'
  - c. Unmixed water does not become impure when it comes into contact with impurity except in certain circumstances, which we shall explain. As for mixed water, it becomes impure simply by virtue of contact with something impure, if it is of a small quantity. On the other hand, if it is of a very great quantity, such as an oil well, then there is no evidence suggesting that it becomes impure by contact.
  - d. Unmixed water, should it become impure and then brought into contact with a large quantity of water, or have rain water fall upon it, then it becomes pure under conditions that we shall explain. As for mixed water, it cannot become pure by this method unless it is first turned into unmixed water, in which case it becomes pure with whatever purifies unmixed water.
29. Unmixed water is either protected from contamination (*mu'taṣim*) or unprotected (*ghayr mu'taṣim*). The first does not become impure through contact with impurity unless there is a change to its colour, taste or smell as a result. It is protected from contamination because it is either: (i) flowing, (ii) emanating from a spring, (iii) falling as rain in such abundance that it would flow over hard ground, or (iv) of a

volume equal to or greater than the measure of a *kurr*. Unprotected water becomes impure through contact with impurity, even if there is no change in its attribute, and this refers to a small quantity (*qalīl*) of water.

30. Unmixed water becomes impurity in its entirety if one of its three aforementioned attributes – colour, taste or smell – change as the result of contact with impurity, as opposed to any other qualities.
31. A change in its qualities is not significant if this is the result of adjacency without contact, just as there is no significance given to a change in the qualities of the impurity or the impurity itself.
32. If water protected from contamination changes as a result of coming into contact with an impurified object (*mutanajjis*), it does not become impure itself, unless it takes on the qualities of the original impurity that contaminated the impurified object, For example, *kurr* water that changes colour because of blood and turns yellow; this shows that it is impure.
33. By a change in the qualities of abundant water, signifying that it has become impure, we do not mean that the water must take on exactly the same colour, taste or smell of the impurity, only that some kind of change has taken place in these qualities, even if this change is not identical with the qualities of the impurity. For example, if abundant water becomes yellow in colour because of mixing with blood; in this case, it is impure.
34. When a small quantity of water becomes impure through contact with impurity, it becomes pure again when brought into contact with abundant protected water. For example: a small quantity of water in a container becomes impure through contact with an impurity that does not affect its colour, taste or smell. So we open a tap connected to the water mains and allow the water to flow into it. It becomes pure

again simply by being brought into contact with the water from the tap, immediately and without any need to wait for the tap water to spread throughout the container.

35. If abundant water changes in colour, taste or smell as a result of impurity, then it becomes pure again when one of two things happen: (i) When the change in attribute disappears and the water returns to its natural state, or (ii) when that water is brought into contact with rain water or water protected from contamination, like rainwater.
36. Flowing water and whatever shares its ruling, such as springs and other kinds of protected waters, becomes pure when the change in attribute disappears, even if this happens by itself.
37. A *kurr* refers to an area of approximately forty-three spans (*shibr*) according to the common span, even though the most correct opinion is that thirty-six spans is sufficient. When water reaches this quantity, it becomes protected from contamination (*mu'taṣim*) and does not become impure through contact with impurity unless its colour, taste or smell change – see above.
38. When *kurr* water is stagnant, it makes no difference if it is in a single place or many, nor whether part of it is higher, lower or equal in elevation, so long as the different parts remained connected in some way. In all of these situations it is still considered abundant (*kathīr*) and protected from contamination (*mu'taṣim*), so it does not become impure by mere contact.
39. A source (*mādda*) means that water is connected to either a body of *kurr* water or to flowing water. So if a body of water is less than a *kurr* but is connected to *kurr* water or flowing water, then it comes into contact with impurity, it does not become impure unless one of its qualities change.

40. Stagnant water connected to flowing water has the same ruling as flowing water in that it is not affected by contact with impurities or impurified objects. So a pool connected to a river by a channel does not become impure. The same is true of water at the banks of the river if it is stagnant.
41. Water pipes have the same ruling as protected waters, as do water-tanks in homes, so long as they are *kurr* [or larger] or connected to some protected water. But if [these tanks] are less than *kurr*, then they follow the same ruling as a small quantity of water. So if the water in a tank or other container is impure, then comes into contact with water from the mains, it becomes pure. In fact, that water will also be protected from impurity, so long as water from the pipes flows into it. It also has the same ruling as *kurr* water when using it to purify something else. This is true for all kinds of impure water – if it is connected to a source it becomes pure if the quantity of that source is *kurr* or greater.
42. When rain falls, it purifies whatever impurified objects it comes into contact with, so long as these can be purified. For example, water, carpets, containers and the ground itself. These impurified objects do not then require to be wrung out and washed again so long as the agent of the impurity has been removed. If the rain only reaches some parts of the object, then those parts are purified but not others. This is so long as the object does not contain any agent of impurity (*'ayn al-najāsa*). If it does, then the object will not be purified unless rain falls on it *after* the agent of impurity has been removed.
43. A small quantity of water which is used to remove a state of minor impurity remains pure itself and able to purify other things from states of impurity and agents of impurity. That which is used to remove a major state of impurity is also pure itself and able to purify other things, so long as it has not been affected by impurity. Water which is used to remove an agent of impurity (*khabath*) is impure, except that

which has been used to purify the area [from which faeces is excreted] or to purify the way [from which urine is emitted], and we shall discuss the ruling for this water below.

44. If water is rendered impure, then vaporized and condensed again into water, this water is pure. This is true for all liquids that are impurified, even if they are mixed, like rose water, or even if they are not water at all, such as milk. This ruling even applies to urine and other waste liquids; if they are vaporized and condensed, the resulting liquid is pure. That is unless [the resulting liquid] is still impure in of itself, as when alcohol is vaporized and then condensed back into alcohol.
45. Leftover (*su'r*) refers to water that is left in a cup after someone drinks from it. From this original meaning, it was then used for leftover food, before being used for anything that comes into contact with the body of an animal, whether food, drink or something else. All leftovers are pure, save that of the dog, pig and disbeliever – save for the People of the Book. However, the leftover of any creature whose meat is not eaten is disliked (*makrūh*), save that of the cat.

## Section two: Rules pertaining to evacuation

46. When one is evacuating – in fact, in all situations – one must cover their privates (*‘awra*) from any discerning onlooker (*nāẓir mumayyiz*) except their husband, wife or anyone to whom their ruling applies. By privates we mean both the front and the back for the man and woman, as well as the man’s testes.
47. A legal agent is not allowed to look at the privates of another from behind glass or the like, nor in a mirror, nor in reflective water, and the same ruling applies for modern technologies.
48. When evacuating it is forbidden to face towards the *qibla* or away from it. It is, however, permissible when one is washing oneself from the front (*istinjā’*) or performing *istibrā’* [see below], even if it is better not to. If someone is compelled to face towards or away from the *qibla*, then he may choose between them, though it is more suitable to avoid facing towards it. And if the *qibla* is not clear, it is not permissible to evacuate except when one has no hope of locating it and is unable to wait without enduring difficulty or harm.
49. It is not permissible to evacuate on someone else’s property without his permission, even if this is taken implicitly. Equally, it is not permissible to evacuate in endowments (*maṭwqūfāt*) unless he knows that this endowment is public. But it is sufficient [for permission] if he informs the endowment’s trustee (*mutawallī*) or some of its people, as is the case with any kind of usage for that endowment.
50. After urination, the urethra must be washed twice with a small quantity of water. If it is washed with more than a small quantity, such as flowing water, then a single time suffices. Nothing besides water can be used to purify the urethra. As for the anus, if the impurity has spread outside the orifice, then it must be washed with water until the anus is completely clean. If it has not spread then the legal agent

may choose whether to wash it with water until it is clean, or wipe it with some object that removes the impurity, such as tissues, stones and the like, but it is better to use water and more complete to use both.

51. When wiping with tissues and stones, this must be repeated three times. A single time is not sufficient. And each time must be with a different [tissue or stone]; the same one cannot be used three times. If the area is clean after less than three wipes, the full three wipes must still be completed. If the area is not clean after three wipes, then the person should keep wiping until it is clean.
52. The objects used for wiping must be pure (*tāhir*). Cleaning the urethra must also not be performed with venerated objects.
53. When washing with water, only the source of impurity and its trace must be removed. It is not necessary to remove its colour or odour. When wiping, it is sufficient to remove just the source and it is not necessary to remove the trace that does not normally disappear with wiping. When any other impurity comes out, whether before, at the same time as or after the faeces, and makes contact with the anus, only water can be used to remove it.
54. It is recommended (*mustahabb*) that a man perform *istibrā'* after urination. This is when he uses his hand to wipe between the base and the tip of his penis three times, then squeeze it three times. The point of this is that if he sees some fluid [emanate from his urethra] after this and he does not know whether it is urine or something else, it is judged to be pure and not to invalidate his state of ritual purity (*wuḍū'*). On the other hand, if he does not perform *istibrā'*, then the fluid in this situation is judged to be impure and invalidating to his state of ritual purity. If urine comes out after *istibrā'*, it invalidates his ritual purity anyway. But if someone who has not done *istibrā'* doubts whether or not a fluid has emanated from his penis, he can assume that it has not. The same is true if he knows that what he comes out

is prostatic fluid – the fluid which may come out after foreplay, intercourse or urination – then this is also judged to be pure.

55. *Istibrā'* has its effect, even if someone else performs it for you. If someone is unsure of whether they have cleaned their urethra or done *istibrā'*, then they must assume they have not, even if that is something they usually do. And if someone who has not done *istibrā'* is unsure of whether or not some liquid has emanated from his penis, then he can assume that it has not, even if he suspects that it has. And if he cleanses his urethra and does *istibrā'*, then doubts whether he did it correctly or not, then he can assume it was done correctly.

56. There is no *istibrā'* for women; any unknown liquid emanating from her is considered pure and she does not need to perform *wuḍū'* or *ghusl*.



### Section three: Wuḍū'

*Wuḍū'* is considered an act of ritual purification, and the one who performs it becomes ritually pure. The ritual purity a person attains as a result of *wuḍū'* remains effective until he or she does something to invalidate it; e.g. urinating, defecating or anything else that the religion terms 'a state of impurity' (*ḥadath*).

*Wuḍū'* is an act of worship (*'ibāda*), which means that it is neither correct nor does it produce ritual purity unless it is done with the pure intention of worshipping Allah. This also means that it is a deed composed of obligatory acts, which are four in number, and that it has conditions, rules and etiquettes.

#### Performing wuḍū'

**First:** It is obligatory to wash the face from the forelock to the tip of the chin vertically, and whatever is between the span of the thumb and middle-finger horizontally. Anything beyond that is not counted as part of the face, even if it is necessary to include some of the edges to be sure that the obligatory area has been washed. It is not obligatory to wash inside the eyes, mouth, nose, or the parts of the lips and eyelids which are covered when they are closed. It is obligatory to begin [washing] from the top of the face and move downwards in accordance with the usual understanding of this; it is not allowed to do the reverse.

57. If someone is bald or has hair growing on their forehead, they should estimate where to wash based on a similarly sized face which is neither bald nor has hair growing on their forehead. If someone's face is abnormally large or small, or has unusually long or short fingers, then he should wash the area of his face between an [imaginary] middle-finger and thumb of an appropriate size for his face.
58. The water must touch the face of the one performing *wuḍū'* without any barrier or impediment to it reaching [his or her skin]. So if someone knows that there is no such barrier to water, then that is what we mean. If not, then they must look at the

place where they think such a barrier exists or doubt that no such barrier exists, such as the eyelashes, eyebrows etc. It is not sufficient to think that there is probably no barrier, rather a person must check wherever he is unsure as to whether such a barrier exists, so that he knows or is confident that there is none.

**Second:** It is obligatory to wash the arms – first right, then left – from the elbow to the fingertips, beginning with the elbow and moving downwards according to the usual understanding of this, until reaching the fingertips. Someone with a partially-severed arm washes whatever remains. If it is severed from above the elbow, then it no longer needs washing. If someone has additional arms beneath the elbow, they must wash them both. The same is true of any extra flesh or fingers. If someone somehow has an additional hand above their elbow, it is better to wash this as well. If it is not clear which parts are original and which parts are additional, then they must all be washed and used to wipe. The elbow is the joint where the forearm meets the upper arm, and it must be washed with the arm.

59. Regarding substances on the limbs of the body, if these are considered a part of the skin, such as the colour of dye, henna and ink, they do not be removed [before ablutions]. But if they are considered to be distinct from the skin, such as grease, paint and tar, then they must be removed [before ablutions.] The same is true of dirt beneath the fingernails; if it is not abnormally abundant, then it does not need to be removed, unless it is exposed [on the surface of the skin]. So if someone trims their fingernails and what is beneath them becomes exposed, he must wash it after removing the dirt.

60. Whatever clots atop a wound and becomes like skin does not need to be removed, even if [the wound] has healed. It is sufficient just to wash its surface, even if it is easy to remove.

61. If some part of the hand is severed, for whatever reason, whatever remains of the hand's surface. As for the severed flesh, it must be washed so long as it remains attached to the hand, even if just by a flap of skin. If it is not [attached], then the ruling of the limbs to be washed in *wuḍū'* does not apply.

**Third: Wiping the head.** The wiping must be on the top of the head, meaning from the part of the head above the forehead, extending to the crown – meaning the highest point of the head. It is not necessary to wipe the skin of the head; one can wipe the hair growing in that place as well, so long as its length and extent do not exceed the place in which the hair of the head usually grows.

62. It is obligatory to wipe with the inside of the right hand, not its back, and either with the fingers or the palm. It is sufficient to wipe with even one finger of it, but it is recommended to do so with three. If one is unable to wipe with their fingers, then they must wipe with whatever remains of the hand. And if one cannot [wipe with the hand], they may wipe with their arm in whatever way they are able.
63. It is enough to wipe upon the hair of the top of one's head, so long as it does not extend beyond its region. If it does, gathering on the forelock, then it cannot be wiped upon. It does not matter how much moisture there is on the hand being used to wipe, even if it effectively washes the head. If someone cannot use the inside of their hand, they can use the back instead. If they cannot do that, they may use the inside of their arm. It is also considered important that there not be any apparent moisture on the area being wiped, such that it could mix with the moisture on the hand being used to wipe simply by virtue of touch.
64. If the moisture on someone's right hand becomes dry for some reason, then he may take the moisture from the parts of his beard that are on his face, or from his goatee – the hairs between his lower lip and his chin – or his moustache or eyebrows, or any limb that is part of *wuḍū'* and then wipe [his head] with them. If all

of his limbs have become dry, then he must repeat his *wuḍū'*. But if the moisture cannot remain due to heat or some other factor, then he must perform dust ablutions (*tayammum*) [see below].

65. If the moisture on his right hand somehow mixes with other moisture from one of the limbs which he has washed as part of *wuḍū'*: If this additional moisture was of an inconsiderable amount, such that we would still say he was wiping his head with the moisture of his right hand, then there is no problem, otherwise he cannot wipe with the moisture of his right hand. It makes no difference whether this additional moisture was from his left hand, from his face or from some other part of his body. It is possible, sometimes, for this even to have come from his head itself if it was already wet, and the ruling is as you already know, [see no. 63].

**Fourth:** It is obligatory to wipe both feet from the tips of the toes to the heels, to the ankle via the top of the foot. It suffices to do what is called wiping horizontally. It is obligatory to wipe the right foot with the inside of the right hand first, then the left foot with the inside of the left hand. The wiping must be done with the moisture of *wuḍū'* that remains on the hand. The ruling for a severed limb for wiping is the same as that of a severed limb for washing, as is the ruling for additional feet and heads. The rulings of the moisture and the dryness of both the wiping hand and the area being wiped are the same as above. It is not necessary to wipe the skin in particular, but also on the hair that grows upon it, so long as it is not abnormally thick or long, in which case the skin must be wiped.

66. Wiping cannot be performed while there is a barrier between the wiping limb and the area being wiped, even if this barrier is thin and does not prevent water from reaching the skin.

#### **Conditions of *wuḍū'***

**First:** That the water used is pure, unmixed and permitted [for usage.] It is not correct to use impurified water, mixed water or water that belongs to someone else without their permission (even

if that permission is implicit). As for *wuḍū'* with containers made of gold and silver; if the water is scooped out of them, the *wuḍū'* is valid but the act is prohibited. But if the limbs are submerged in that water, then it is invalid.

**Second:** The limbs being washed and wiped in *wuḍū'* must be ritually pure, and it is sufficient for each limb to be purified before it is washed or wiped.

**Third:** The absence of anything preventing the use of water, such as severe illness or thirst. In such situations, dust ablutions (*tayammum*) should be made [see below].

**Fourth:** Sufficient time to perform *wuḍū'* and pray, such that *wuḍū'* does not render prayer (*ṣalāt*) or any part of it outside of the [appointed time.] In such situations, *tayammum* must be performed.

**Fifth:** Correct intention (*niyya*), meaning: That the motivation behind performing *wuḍū'* is Allah's command, whether out of desire [for reward], fear [of punishment] or seeking nearness [to Him.] It is invalid if done for the sake of showing off (*riyā'*).

**Sixth:** Agency (*mubāshara*), which means doing *wuḍū'* for one's own self without assistance so long as you are able.

**Seventh:** Sequence (*muwālā*), meaning that according to common sense each act of washing and wiping follows on from the one before it; if the previous limb dries or if there is a long delay between the previous limb and the next one, the *wuḍū'* is invalid.

**Eighth:** Successiveness (*tartīb*), beginning with the face, then the right arm, then the left arm, then wiping the head, then wiping the right foot, then wiping the left foot. If someone mixes-up the order – whether intentionally or otherwise – they should go back to whichever step would restore the proper order and repeat from there.

67. It makes no difference, when *wuḍū'* is invalid because it has been performed with mixed or impure water, or because a barrier is present, whether this was done

knowingly or unknowingly, intentionally or otherwise. The same is true if the water was usurped (*magħṣūb*); the *wuḍū'* performed with it is invalid, even if the person was not aware.

68. No consideration need be given to the intention of obligation (*wujūb*), recommendation (*nadb*), or any other attribute or purpose, with regards to the validity of *wuḍū'*. If someone intends obligation in the place of recommendation, or the opposite, whether unknowingly or unintentionally, his *wuḍū'* is still valid. The same is true if someone intends to renew his pre-existing *wuḍū'* while he has actually entered a state of impurity (*ḥadath*), or he intends to remove a state of impurity thereby while he is actually in a state of ritual purity. If there are multiple reasons for performing *wuḍū'*, a single act of *wuḍū'* suffices for them all.

69. One is allowed to perform *wuḍū'* and drink from streams that are the property of individual persons, even if they do not know that the owners are happy for them to do so. The same is true of very vast tracts of land, or unbounded lands; one is allowed to perform *wuḍū'*, sit and sleep in them, and the like, so long as the owner does not prohibit it, or one does not know that the owner is either a minor or insane.

### **Wuḍū' for a medical dressing**

A medical dressing (*jabīra*) refers to anything that is put over a wound or injury in order to heal it, whether this is made from boards, bandages or any other such material. Boards and bandages are mentioned by our jurists [Q] by way of example, as broken-bones and wounds are in the same fashion. Anything that is attached to an injured part of the body for the purpose of healing it, which would be harmed by using water upon it, and which cannot be removed, then this falls under the category of medical dressings.

70. Anyone who has a medical dressing on one of his limbs that must be cleansed in *wuḍū'*, whether this is due to a broken-bone, a wound, a burn or a pain: If it is possible to wash what is beneath it by removing it or by washing it in water –

assuming it is possible to wash from the top to the bottom – then it is obligatory to do so. If this is not possible because there is a risk of harm, then it is sufficient to wipe over it exactly like skin. It must be wiped completely, except for those parts which cannot be wiped in the usual way, such as gaps that might exist between threads etc.

71. If the affected limb is not one of those cleansed in *wuḍūʾ*, but it will be harmed by washing the limbs that are, because it is close to them, then the patient must make *tayammum* instead of *wuḍūʾ*.
72. When the injury – whether a wound, sore or broken-bone – is upon one of the limbs cleansed in *wuḍūʾ*, and its area is pure, exposed and it is possible to wash it without any harm, then the patient must wash it as normal.
73. A limb encased in a plaster cast for treatment follows the same rule as the medical dressing. As for adhesive coatings, such as tar, then if it is possible to remove them, then this is obligatory. Otherwise it is necessary to perform *tayammum*, so long as the barrier is not in the places to be cleansed during *wuḍūʾ*, like the upper arm. If the barrier is on limbs cleansed in both *wuḍūʾ* and *tayammum*, then the person must perform both *wuḍūʾ* and *tayammum*.
74. If someone suffers from ophthalmia or a similar disease which means that using water in *wuḍūʾ* would cause him harm, he should perform *tayammum*; it is not necessary for him to apply a dressing and wash over it.
75. Someone with a medical dressing is not allowed to offer prayers at the beginning of their time if it is possible that he will recover by the end of it. If he prays at the beginning of time, anticipating that his excuse [for performing *wuḍūʾ* over his dressing] will persist, and then it happens that his excuse is removed while still in the time of the same prayer, he must repeat his *wuḍūʾ* and his prayer.

76. If someone believes that washing his skin will cause harm – because he believes he has a fracture, for example – and so wipes over the medical dressing, and then he discovers that he does not really have a fracture, neither his *wuḍū'* or his *ghusl* would be valid. On the other hand, if it is confirmed that he has a fracture and then he has it set, and he believes that it will cause him harm to wash it, and so wipes over the dressing, then he discovers there is no harm in doing so, his *wuḍū'* and *ghusl* are still valid. And when he believes that there is no harm, and so washes the area, only to discover that this was harmful and he should have wiped over the dressing, his *wuḍū'* and *ghusl* is still valid so long as the harm was not serious. But [if it was serious], then they are not valid.
77. In any situation where the legal agent is unsure as to whether his duty is to perform *wuḍū'* over the medical dressing or *tayammum*, he must do both.
78. It is obligatory to remove the dressing when the patient has recovered or when there is no risk of harm. If someone makes *wuḍū'* over his dressing and prays, then recovers after the time of prayer has past, it is obligatory for him to make a fresh *wuḍū'* for his forthcoming prayers, even if he has not entered a state of impurity.
79. There is no difference in the ruling for medical dressings whether they cover a wound or something else that requires dressing, and whether the person making *wuḍū'* has wilfully and intentionally injured himself, or if he received it without any intent on his part.
80. The dressing or bandage which is considered to replace the skin for ritual purposes must be ritually pure; it must also be no larger than usual and it must not cover all the limbs cleansed in *wuḍū'*. It must also be permitted [for the legal agent to utilise].
81. If some source of impurity coats the hand of the one performing *wuḍū'* and prevents water from reaching the skin, then this barrier – so long as it does not cover the limbs cleansed in both *wuḍū'* and *tayammum* – requires *tayammum*. If it does cover



those limbs, however, then the legal agent must perform *tayammum* and *wuḍūʿ*, exactly as he would if part of his body became coated in tar. But here he does not wash the barrier directly, because it is ritually impure. Instead, he places something ritually pure over it and wipes over that when performing *wuḍūʿ*. That said, if this is – for example – blood mixed with medicine, then it is possible that this blood might turn into something else and become considered part of the person's skin, in which case the ruling for this is the same as that of the skin.

### Rules of *wuḍūʿ*

82. If someone knows they have entered a state of ritual impurity but are unsure whether or not they have made *wuḍūʿ*, they must purify themselves again. The same is true if they suspect they have made *wuḍūʿ* in a way that is not deemed significant by the law. But if they know they have made *wuḍūʿ* but are unsure whether or not they have entered a state of ritual impurity, then they can assume that their *wuḍūʿ* is still valid, even if they suspect they have entered such a state in a way that is not deemed significant by the law.
83. When someone doubts they have made *wuḍūʿ* after prayer or something else that requires *wuḍūʿ*, they should assume that their deed is correct but must still make *wuḍūʿ* again for any subsequent deeds. That is unless the origin of the doubt lay before the deed, such that had they paid attention to it before the deed they would have doubted then too, in which case they must repeat the deed. If someone doubts their *wuḍūʿ* in the middle of a prayer that requires *wuḍūʿ*, they should stop their prayer and make *wuḍūʿ* before starting their prayer afresh.
84. If someone realizes that they have omitted to wash or wipe a limb, then they must go back and do it again then redo their *wuḍūʿ* from that point in accordance with consecutiveness, sequence and other conditions. The same is true if someone doubts whether or not they have performed one of the acts of *wuḍūʿ* before they

finish it. On the other hand, if they doubt after they have finished it, they should not pay attention to it. This is in accordance with the general rule of completion (*qā'idat al-farāgh*).

85. Whatever rules we have mentioned concerning uncertainty (*shakk*) applies to normal persons who do not suffer from *waswās* or excessive uncertainty. These people are those whose doubts lack a rational basis, such that rational persons would not usually be concerned by them. Such a person must always and completely ignore such doubts. If their doubts and *waswās* only concern a particular subject, then they should ignore them in that subject and treat their other doubts as valid.

86. If, after performing *wuḍū'*, someone is unsure whether or not there was a barrier, or whether or not something (e.g. a ring) acted as a barrier, or if they know that there was a barrier but they are unsure whether they removed it or ensured that water reached beneath it, they can assume that their *wuḍū'* is correct, so long as he might have paid attention to this while performing *wuḍū'*. [P34 – check]

- a. The same is true if someone knows that there is a barrier, but cannot remember whether the *wuḍū'* was performed before or after it was applied – he assumes that his *wuḍū'* is correct. All of this rests on the general rule of completion (*qā'idat al-farāgh*). This is if he may have paid attention to the nature of the barrier and its effects during *wuḍū'*. On the other hand, if he knows that he did not pay attention to that, then he must repeat his *wuḍū'*.

### **Nullifiers of *wuḍū'***

A nullifier of *wuḍū'* is something that renders it invalid, cancels its legal effect (ritual purity) and removes its intended outcome. All of these nullifiers of *wuḍū'* are called acts or states of ritual impurity (*ḥadath*). They are:

**First and second:** Urinating and defecating, when these occur through the usual orifices. Also in this category are fluids that emanate from the urethra if a man has not performed *istibrā'* [see above]. Also in this category is if either of these emanate from another place, which a person is accustomed to doing in unusual circumstances, e.g. illness and the like.

If these come out through something other than the natural place, such as a wound, without this being usual, then it nullifies *wuḍū'* if it emanated with natural force from the person's body. On the other hand, if it extracted by some equipment through that wound, then it does not nullify *wuḍū'*.

**Third:** Flatulence from the anus (or any other part of the body if this is usual). Burping is not relevant.

**Four:** Sleep which overcomes the mind – which is known because it overcomes hearing, sight and perception – regardless of whether the person is standing, sitting or laying down. The same applies to anything which overcomes the mind – madness, loss of consciousness, intoxication etc.

**Fifth:** Menstrual bleeding in women. We shall discuss this in detail below, God willing.

87. If someone performs *wuḍū'* and then is unsure whether they have experienced any of the aforementioned nullifiers since then, they can assume that they have not. If some fluid emanates from them and they do not know whether it is urine or something else, they assume that it is not urine if they have performed *istibrā'*. If they have not performed *istibrā'*, then they must assume that it is urine.

88. *Wuḍū'* is not nullified, nor is the urethra impurified by the emission of prostatic fluid, whether this comes out after urination, during foreplay or after ejaculation.

89. Whoever performs *wuḍū'* and then renews his *wuḍū'* and prays, only to realize that his first *wuḍū'* was invalid for some reason, his second *wuḍū'* is sufficient and his prayer is valid. He does not need to repeat his *wuḍū'* for the next prayer.

90. If someone has completed his *wuḍū'*, then knows with certainty that he has mixed-up the order of actions or made mistakes therein (e.g. he has wiped the socks covering his feet instead of the foot itself) but he does not know whether he has done that with a valid excuse (e.g. a medical dressing) such that his *wuḍū'* is valid, or not – in which case it was either a lapse or a case of inattentiveness. In such a situation, he does not have to repeat his *wuḍū'*, in fact it is considered valid, so long as he has started doing something else since then or a significant amount of time has passed.
91. The act of *wuḍū'* is itself an act of obedience and worship, even if it is not performed for the sake of another act, and it is recommended (*mustaḥabb*) in all circumstances. It is a precondition for the validity of obligatory and recommended prayers, and obligatory circumambulation (*ṭawāf*). It is forbidden for someone to touch the text of the Qurʾān in the holy book, even if only a single letter or diacritical mark. As for verses and words that are not in the book itself – or the names of prophets and imams {a3} – it is not forbidden.

### Rules for incontinence sufferers

Anyone who is perpetually nullifying his ritual purity, such as someone who suffers from fecal or urinal incontinence, and the like, has one of three situations:

**First:** That he has times in which he does not nullify his *wuḍū'* and in which he is able to make *wuḍū'* and offer prayers. His ruling is that he must wait for those times, then make *wuḍū'* and pray in them.

**Second:** That there is no time when he does not commit acts of ritual impurity at all, rather they are constantly happening without cessation or for a very short period of time, such that he cannot purify himself and pray therein. His ruling is that he should make *wuḍū'* and pray in that condition, and he does not need to make *wuḍū'* for another prayer, as long as the act of ritual impurity continues, unless he nullifies it in some other way, such as sleeping etc. in which case he must renew his *wuḍū'*.

**Third:** He has a time when he can purify himself and offer part of a prayer, and in which there is no hardship for him to repeat his *wuḍū'* once or more. His ruling is that he must wait for that time and then purify himself and pray in it. He does not need to repeat his *wuḍū'* if he unexpectedly nullifies his *wuḍū'* while praying or afterwards, nor does he have to renew his *wuḍū'* after prayer no matter how many times he nullifies his ritual purity while praying, even if there is no hardship for him in doing so. It is, however, obligatory for him to renew his *wuḍū'* for his next prayer if he nullifies his ritual purity after prayer. But he is not allowed – based on precaution – to pray two prayers with a single *wuḍū'*; rather he must perform *wuḍū'* for each and every prayer he wants to offer. If he wants to offer recommended prayers, he must also perform *wuḍū'* for them.

92. A sufferer from either kind of incontinence performs *wuḍū'* for a prayer, then offers a second prayer without renewing his *wuḍū'*, but by chance he does nothing to invalidate his *wuḍū'* from when he began to make *wuḍū'* for the first prayer until he has completed both of his prayers, both prayers are deemed valid in all three of the aforementioned situations.
93. Whenever an incontinence sufferer is allowed to pray with his *wuḍū'*, he is also allowed to touch the writing of the Qurṭān and the rules of ritually impure states (*ḥadath*) do not apply to him, until the *wuḍū'* is no longer valid for offering prayers.
94. An incontinence sufferer must ensure that – whenever possible – no impure substances contaminate his body or clothing, by using a bag or something similar. And it is obligatory for every prayer that he purify his glans (the head of the penis) and bottom, and whatever parts of his body or clothing have been contaminated by impurity.

#### Etiquettes of *wuḍū'* (Sunan al-wuḍū')

95. According to the jurists, some of the etiquettes of *wuḍū'* are as follows:
  - a. Cleaning the teeth by any means, even with one's fingers, and it is best to use a *miswāk* (a twig from the *Salvadora persica*).

- b. To wash both hands before taking any water for *wuḍū'*
- c. To rinse the mouth and nose three times each, and each time to use a fresh handful of water, although a single handful of water suffices for each set of three.
- d. To pronounce Allah's name when pouring the water over the arm. The minimum is to simply say 'In the name of Allah' (*bismillāh*), but it is better to say the complete 'In the name of Allah, the Compassionate the Merciful' (*bismillāh ir-raḥmān ir-raḥīm*). Better still is to say: 'In the name of Allah, and by Allah. O my Allah! Make me of the penitent and make me of those purify themselves!' (*bismillāh wa billāh, allāhumma aj'alnī min at-tawwābīn waj'alnī min al-mutaṭahhirīn*).
- e. To have presence of mind during all the individual acts that make up *wuḍū'*.

#### Section four: Ghusl

*Ghusl* means bathing the entire frame – the head, neck and body – and it purifies the person from a state of major ritual impurity (*al-ḥadath al-akbar*). There are both obligatory and recommended *ghusls*. Of obligatory *ghusls* there are those which are obligatory for the sake of another act (*wājib li ghayrihi*) and obligatory in of themselves (*wājib li nafsibi*).

Those *ghusls* which are obligatory for the sake of another act are: *Ghusl* after sexual intercourse, after menstruation, after spotting, after childbirth and after touching a corpse.

The *ghusl* which is obligatory in of itself is *ghusl* of a deceased person.

There are many recommended occasions for *ghusl*, including the day of Friday, the two 'īds, entering the sanctuary at Mecca, putting on *iḥrām* and others, as we shall see.

All obligatory *ghusls* render *wuḍū'* unnecessary, but the only recommended *ghusls* which suffice for *wuḍū'* are those mentioned in reliable evidences.

96. Any *ghusl* which has not been enjoined by the Lawgiver, whether obligatory or recommended, is neither an act of worship, nor does it provide ritual purity and nor does it suffice in place of *wuḍūʿ*. Every deed whose performance is conditioned upon purity from minor states of ritual impurity is also and primarily conditioned upon purity from major states of ritual impurity. Whatever is forbidden to someone in a minor state of ritual impurity until he performs *wuḍūʿ* is also forbidden to someone in a major state of ritual impurity until he performs *ghusl*. It is also forbidden to someone in a major state of ritual impurity to enter a mosque, recite the *azāʾim suras* of the Qurʾān, and to fast, according to what follows below.
97. Every *ghusl*, whether obligatory or recommended, follows a single method of performance. The only difference is in intention (*niyya*). As for washing the deceased (*ghusl al-amwāt*), it has its own special method which we shall explain.
98. *Ghusl* can either be performed through sequential washing (*tartībī*) or through full immersion (*irtimāsī*):
- a. **Sequential washing** means washing the entire head and neck first. Then washing the body, beginning with the right side, then the left side – or the opposite, or washing it all at once – so that the entire body has been washed. It is sufficient to do what is commonly called washing. It also suffices to wash the lower part before the higher part. There is no consecutiveness (*tatābuʿ*) for *ghusl*.
  - b. **Full immersion:** This means submerging the entire body in water in one go, so that the entire body is washed thereby. So one should comb one's hair while doing this if necessary and raise their feet off the ground, if they are placed on it. All of this must be done at what is sensibly considered the same time. The intention begins at the commencement of the act of

submergence; it is not sufficient to only make the intention at the time when the body is [already] completely submerged.

99. The conditions for the water to be used in *ghusl* are the same as those for water used in *wuḍūʿ*; it must be unmixed, ritually pure and permitted to use. The same is true for all the conditions we laid down for *wuḍūʿ*. And the conditions of the one performing *ghusl* are the same as those for the one performing *wuḍūʿ*.

100. *Ghusl* – in all of its types – is an act of worship and must therefore be done purely for the sake of Allah. If it is done for the sake of showing-off, it is invalid.



## Obligatory ghusls

FIRST: GHUSL FOR MAJOR RITUAL IMPURITY (GHUSL AL-JANĀBA)

101. A state of major ritual impurity (*janāba*) is achieved through two means:

- a. **First:** The emission of semen from the urethra, of any quantity, whether the man is awake or asleep, with or without his willing it, whether due to sexual intercourse or some other cause, permitted or prohibited.
- b. **Second:** Sexual intercourse, meaning: a man and woman acting upon sexual desire and having penetrative intercourse, whether from the front or the back – even if we say it is prohibited. Sexual intercourse is considered to have occurred if the man's glans or part of it disappears inside the woman, and thereafter both parties must perform *ghusl*, even if no ejaculation takes place, with no difference whether the parties are young or old, sane or insane, willing or otherwise, living or dead, and whether the act was permissible or not. If there is any doubt as to whether sexual intercourse has occurred, it can be assumed that it has not.

102. If someone knows that it is semen, then there is no doubt that he has entered a state of major ritual impurity, even if it is not its usual colour (for example, it looks like blood even though he knows it to be semen). However, if it is not known whether or not it is semen then: If it was ejaculated via orgasm, then its ruling is that of semen. It is irrelevant whether or not the man's penis becomes flaccid thereafter. This is for someone who is healthy. For someone who is ill, it is enough that he experienced some sexual desire for the liquid to be considered semen. What makes *ghusl* necessary is the emission of semen from the body; if it moves within the body but does not come out, then *ghusl* is not required.

103. Someone is allowed to enter into a state of major ritual impurity by having relations with his spouse even if he is incapable of performing *ghusl* and will be compelled to offer prayers with *tayammum* instead. It makes no difference and whether he has relations with his spouse before or after the time of obligatory prayers has set in [and whether he has offered them yet or not].

#### WHICH ACTS DOES GHUSL AL-JANĀBA NEED TO BE DONE FOR?

There are a number of acts that require someone to perform *ghusl al-janāba* before doing them in order to be either valid (*ṣaḥīḥ*) or permissible (*jā'iz*):

**First:** All kinds of prayer, even recommended ones – except for funeral prayers (*janāza*) – and any parts of them which have been forgotten, and precautionary prayer (*ṣalāt al-iḥtiyāt*). Ritual purity is not, however, required for the double-prostration for lapses (*sajdatay al-sahw*).

**Second:** All kinds of obligatory circumambulation in *iḥrām* which must be – as we said before – performed with *wuḍū'*. In fact, even recommended circumambulations require this by virtue of the fact that one must enter the mosque to perform them.

**Third:** Fasting, meaning that if one intentionally remains in a state of major ritual impurity until daybreak (*ḥajr*), then his fast is invalid, as is the fast of one who forgets to perform *ghusl*. We shall detail this in its proper place, God willing.

**Fourth:** Touching the text of the Qur'ān in the holy book.

**Fifth:** Remaining or even entering the grounds mosque, whether it is standing or ruined, belonging to one school of thought or another, even if it was only to put something inside it. In fact, it is not possible to put something inside it when one is passing through from outside of it. Yes, it is permissible to enter the mosque to take something that is in it, for example if some provision or book belonging to a person was in the mosque, then he must go and retrieve it without lingering therein.

It is permissible to pass through a mosque in the sense of entering one door and leaving from another, except for the two holy sanctuaries (in Mecca and Medina). The holy shrines containing the graves of the infallibles {a3} also fall under the aforementioned rulings, excluding their porches.

**Sixth:** Reading a verse requiring prostration (*āyat al-sajda*) in the *azā'im* suras of the Qur'ān (namely the *Suras: al-Sajda, Fuṣṣilat, al-Najm* and *al-'Alaq*).

104. Every deed that requires purification from minor states of impurity – i.e. *wuḍū'* - requires purity from major states of impurity. For example, prayer and other deeds mentioned in the section of *wuḍū'*.

105. Whoever performs *ghusl* while his private parts or some other part of his body is covered with a usurped item, his *ghusl* is still valid so long as this item does not prevent water reaching his sin. However, he is sinful for using usurped property.

106. Whoever has performed *ghusl* in a commercial bath and intended to do so – from the beginning – without paying its owner, or by paying its owner illicit money, or by paying him later, without first informing the owner, then it is recommended that he repeats his *ghusl*.

#### THE RULES OF GHUSL

107. *Ghusl al-janāba* suffices for *wuḍū'* in every situation it is required, and the same is true for any *ghusl* performed for a valid religious reason.

108. If there are a number of reasons why one should perform *ghusl*, such as sexual intercourse, menstruation and touching a dead body, a single *ghusl* for all of them suffices, whether it is intended for all of them or just a specific one of them.

109. If someone realizes they have omitted one of their limbs from *ghusl*, then if it was their head or neck they should repeat the *ghusl*; if it was any other part of the body – such as an arm or leg – then they should wash that part of their body. They do not need to wash the rest of their limbs again.

110. Someone who is unsure whether he has performed *ghusl* should perform *ghusl* again. However, someone who is unsure whether he has performed *ghusl* properly can assume that he has done so. Someone who is unsure whether he has washed a limb, if he has not yet done anything else, should wash his limb. But if he has done some other act, then he should assume that he has.
111. If, while making *ghusl*, something happens that would require *wuḍūʿ*, such as urination or flatulence, the person should complete his *ghusl* and then perform *wuḍūʿ* as well. But if, while making *ghusl*, something happens that would require *ghusl*, such as the emission of semen: if this was the original cause for which he was performing *ghusl* (e.g. he was performing *ghusl al-janāba* and then enters a state of major ritual impurity a second time while making *ghusl* for the first) then he should start his *ghusl* again. But if it is a different cause (e.g. touching a dead body while performing *ghusl al-janāba*) then he can either finish his first *ghusl* then perform a second one, both with the intention of anticipating that this pleases Allah (*niyyat al-rajāʿ*), or he can start his *ghusl* again.
112. Someone who forgets that he is in a state of major impurity and prays, his prayer is invalid and he must repeat it after *ghusl*. And if he sees some semen on his body or clothes and knows that it is from him, and he knows that he has not made *ghusl* to cleanse himself of the major ritual impurity, then he must perform *ghusl* and repeat every prayer that might have come after the occurrence of this major ritual impurity.
113. Whoever is unsure if he has entered a state of major impurity can assume he has not; whoever is unsure whether he has left such a state must assume he has not.
114. When someone prays and during it doubts whether he has cleansed himself from major impurity or not, his prayer is invalid and he must repeat it after *ghusl*. But if he

has already completed his prayer and then has this doubt, his prayer is valid but he must make *ghusl* before subsequent prayers.

115. *Istibrā'* with urination is not a condition for the validity of *ghusl*. However, if a man does not do this and performs *ghusl*, only to emit some fluid which might be semen, the ruling of semen applies to it and he must repeat his *ghusl*. The same is true if such fluid is emitted after *ghusl* and he cannot remember if he did *istibrā'* with urination before *ghusl* or not. He must assume he has not done so and repeat his *ghusl*.
116. If someone performs *ghusl* only to realize during or after that he did not follow the ritually-required sequence in washing – and so did not wash the head and neck before the body, rather washing them at the same time as it by pouring water over his whole figure, what he has done suffices for his head and neck. But he must repeat the washing of his body (excluding the head and neck).
117. If someone performs *ghusl* and doubts whether he has followed the proper sequence by washing the head and neck before his body, his *ghusl* is valid and he does not need to repeat it. This applies to someone who, while washing his body or after finishing, doubts whether he has washed his entire head and neck or only a part of them.
118. When someone is performing *ghusl* and washes his head and neck, then moves to his body, only to doubt whether he has washed a particular limb – such as his arm or his chest – he must wash the limb in question again, but he does not need to repeat the washing of anything else. This applies whether this doubt enters his mind after he has finished *ghusl* or during it. It makes no difference whether the limb in doubt is on his right side or his left.
119. Someone uncertain of his *ghusl*'s validity – e.g. he might have washed himself with impure or mixed water – then he can assume it is valid and does not need to repeat

it. This is true whether the doubt entered his mind after he finished *ghusl* or during it after having washed a particular limb and moved onto another one, or even having simply finished washing a particular limb before moving to another.

120. All the things prohibited for someone in a state of major impurity are only prohibited for someone who is aware that he is ritually impure. As for someone who is unaware or uncertain of the fact, he is permitted to do them and they are not prohibited in practice. This is unless he knows that at some point he was ritually impure, in which case he must assume he still is and these things are still prohibited to him until he is certain that he has purified himself.

121. Someone who knows that he must perform *ghusl al-janāba* without there being any other *ghusl* expected of him, and performs *ghusl* with the intention of *ghusl al-janāba*, his *ghusl* is valid. But someone who knows that he must perform *ghusl* but does not know which one, and so performs *ghusl* intending to discharge whatever duty is upon him, his *ghusl* is valid. And someone who knows that he must perform both of two *ghusls* and then performs *ghusl* with the intention of one or both of them, his *ghusl* is valid. However, if he performs *ghusl* not intended either of them, his *ghusl* is invalid.

## SECOND: GHUSL FOR MENSTRUATION

122. Women's bloods are of four kinds:

- a. That which belongs to their monthly periods, which is menstrual blood. This has its own specific kind of *ghusl* and rulings.
- b. That which comes out as a result of the tearing of the hymen or some injury.
- c. That which comes out because of disturbances in the womb, which is called 'spotting' (*istiḥāḍa*) and has its own sub-types and rulings.
- d. That which comes out at childbirth, called puerperial blood (*nifās*), which has rulings that we shall explain.

123. Menstruation (*ḥayḍ*) refers to the blood usually experienced by a pubescent woman every month, whether this comes out of the usual orifice or another, even if it comes out with a cotton. If only the initial blood comes out, that is sufficient for the ruling of menstrual blood to apply, even if the rest remains within the vagina. It is usually black or deep red and comes out in a gush with a hot sensation (unlike spotting). A menstruating woman must perform *ghusl* once her period has finished, and this is called the *ghusl* of menstruation (*ghusl al-ḥayḍ*).

124. If, after a woman loses her virginity, there is a lot of blood to the extent that she doubts whether this blood is from her period, her hymen or both, then she should insert a cotton and leave it for a while before gently bringing it out. If it is ring with blood, then this blood is from her hymen. But if it is soaked, then this is from her period. It appears that she cannot correctly perform [ritual] actions with certainty of intention without doing this.

125. In order for the rulings of menstruation to apply to her blood, the following conditions must be met:

- a. That she is between nine and fifty years old. If she does not know if she has reached fifty yet, then she assumes she is not.
- b. The blood must continue for at least three days. Nothing less than this counts. Small gaps in bleeding are not a problem.
- c. The blood must not continue beyond ten days, or else not all of it is menstrual blood.
- d. At least ten days must have passed since the last period, or else it is not considered menstrual blood.

126. It is possible for menstruation to occur even after a woman shows signs of pregnancy, so long as the blood has the qualities of menstrual blood, or if it comes on her usual days. Otherwise it is spotting.

127. Women are said to have regular periods when they see two similar successive periods, without any different period intervening. These could be similar in both timing and duration; e.g. her period lasts seven days at the beginning, middle or end of two successive months. This means that her period is regular in time and duration. Or these two could be similar in timing but not duration, such that her period lasts seven days at the start of the first month and five days at the start of the second. So her period is regular in time. Or they could be similar in duration alone; e.g. her period lasts five days at the start of the first month and five days in the middle of the second. So her period is regular in duration.

128. A woman with a regular time for her period is considered to be menstruating simply by seeing blood at the usual time or a day or two before, even if it was thin and yellow. In which case she stops her acts of worship and follows the rules of menstruation in all areas. But if she later discovers that it was not menstruation (e.g. because it stops before three days), then she must offer *qaḍā'* prayers.



129. When a woman without a regular time, like someone who is having their first period, experiences blood, if it meets all the conditions – heat, colour and gushing – then they are considered to be menstruating at first sight of it. But if she later discovers that it is not menstruation (as above) then she must offer *qaḍā'* prayers. On the other hand, if it does not meet all the conditions, then it is not treated as menstruation.
130. When blood comes much sooner or much later than its usual time and meets all the conditions of menstruation, then the woman is also considered to be menstruating. If it does not meet these conditions, then it follows the rules of spotting.
131. Whatever blood a woman sees on her usual days is menstrual blood, even if it does not meet all the conditions. Whatever she sees on other days, so long as it does not meet these conditions, is spotting.
132. When a woman experiences three days of blood and then it stops, and then she sees three or more days again, then if the total number of days – including those without blood – does not exceed ten days, then all of them are treated as a single menstruation, and the days without blood follow the same ruling as those with them. This is so long as both bloods were in the woman's usual days, or if one of them was in her usual days and the other exhibited the qualities of menstruation. But if one or both of them did not have these qualities and the one without these qualities was not in the woman's usual days, then this one is treated as spotting.
133. When a woman experiences three days of blood and then it stops, and then she sees three or more days again, and the total number of days exceeds ten but without any gap of purity between them, then if only one of them was in her usual days, then that one is always treated as menstruation and the other is treated as spotting. But if neither of them were at her usual time, or she does not have a usual

time, then if only one of them met the conditions of menstruation, then that one is treated menstruation and the other as spotting. But if they both meet the criteria, then she must act according to precaution (*iḥtiyāt*) [and treat both as menstruation.] If neither of them met the criteria, then she treats both as spotting.

134. When a woman experiences three days of blood and then it stops, and then she sees another three days or more with a gap of purity (i.e. ten days) between them, then each of these bloods is treated as a separate period, so long as they are both of them are either at the usual time or meet the necessary conditions. As for blood that does not meet the necessary conditions outside of the usual time, it is spotting.
135. If bleeding stops for less than ten [days] and it is possible that it is still in the vagina, then the woman should insert a cotton. If it comes out stained – even if only yellow – then she is still menstruating, if this is her first period, or her periods are not of regular duration, or her regular duration is ten days. If the cotton comes out clean, then she should perform *ghusl* and act as one who is free from menstruation.
136. If a woman does not have a regular duration for her periods, and her bleeding lasts more than ten days: If the blood on some days met the criteria for menstrual blood, then she must follow the rules of menstruation only on those days where the blood meets the criteria.
  - a. But if all or none of the blood meets the criteria, or the blood only meets the criteria on less than three days or more than ten: Then if this is her first period, she should follow what is usual for her female relatives in duration or timing, if they are roughly uniform in that. But if they have no regular duration or timing, then she must follow the rules of menstruation for six or seven days every month, and treat the remaining days as spotting. The choice of which days is up to her.

- b. But if she has no regular timing or duration for her period and her bleeding continues for more than ten days, she should choose six or seven days for her period and observe precaution (*iḥtiyāt*) in the remaining days by both abstaining from the actions prohibited to one who is menstruating and performing all those that one who is spotting must perform.

137. If a woman is regular in duration alone but forgets it, then experiences menstrual bleeding for between three and ten days, she treats all of these days as menstruation. If it exceeds ten, she treats what is likely to be her usual duration as menstruation and the rest of the days as spotting.

138. If a woman is regular in timing alone but forgets it, then experiences menstrual bleeding for between three and ten days, she treats all of these days as menstruation. If it exceeds ten, then if she knows generally that this blood falls within her usual time, then she observes precaution for the duration of the bleeding by both abstaining from the actions prohibited to one who is menstruating and performing all those that one who is spotting must perform, even if – on some days or all – the blood does not meet the criteria of menstruation. But if she does not know whether this is her usual time, then she treats her usual number of days as menstruation, assuming the longest time possible.

139. If a woman forgets her regular timing and duration, then experiences menstrual bleeding for between three and ten days, she treats all of these days as menstruation. But if it exceeds ten and she does not know whether it falls within her usual time, then she treats her usual number of days as menstruation, assuming the longest time possible. But if she already knows it will exceed ten days, then she treats it as spotting. If not all the bleeding meets the criteria of menstruation and she does not know whether it falls within her usual time, then

she treats whatever meets the criteria of menstruation as such and the rest as spotting.

#### RULES PERTAINING TO MENSTRUATION

140. A menstruating woman cannot perform any act of worship that requires ritual purity (*ṭahāra*), like prayer, fasting, circumambulation and seclusion (*i'tikāf*). And everything that is forbidden to one in a major state of ritual impurity (*janāba*) is forbidden to her.

141. Vaginal intercourse is forbidden to her and her partner. And some say it is a major sin. In fact, as part of what is commonly called intercourse, one must not even insert part of the penis' head. As for anal intercourse, it is absolutely forbidden. But there is no problem with other forms of sexual enjoyment, although it is disliked to derive enjoyment from whatever is under the wrapper between the navel and the knee; in fact it is better not to. And once she is not longer bleeding, intercourse is allowed even if she has not performed *ghusl*, so long as she has washed her vagina.

142. When a husband has intercourse with his wife before or during menstruation, then she is both menstruating and in major ritual impurity. If she makes *ghusl* for major ritual impurity during menstruation, her *ghusl* is valid and it removes the ritual impurity but not the menstruation.

143. A woman must make up for whatever fasting days she misses in the month of Ramaññ and even those fasts she vowed to perform (*mandhūr*) at a specific time. She does not have to make up for her daily prayers, *ayāt* prayers or those prayers she vowed to perform at a specific time.

144. She must perform *ghusl* for menstruation before doing anything that requires freedom from major ritual impurity. And this is done with the intention to be ritually pure for the sake of seeking nearness to Allah (*qurba*) in any way, shape or form. It

follows the same method and arrangement as *ghusl* for major ritual impurity, and it also suffices for *wuḍūʿ*.

145. A menstruating woman cannot be divorced unless she is pregnant, or her husband has not had intercourse with her, or he is absent. We shall detail this fully later, God-willing.

146. A woman can, while menstruating, perform recommended *ghusls* and *wuḍūʿ*'s and it is recommended for her to make *wuḍūʿ* at the times of prayer seeking nearness to Allah, and to sit in her usual place of prayer, facing the *qibla* for the duration of her prayer to remember Allah and recite *tasbīḥ*.

#### GHUSL FOR SPOTTING (ISTIḤĀḌA)

147. Blood from spotting is usually yellow in colour, fine and without heat. It does not gush out, unlike menstrual blood. Sometimes it shares certain qualities with menstrual blood, and there is no upper or lower limit to its duration, or for periods of purity between its instances. It can occur before and after puberty, and even after menopause. It invalidates ritual purity when it comes out, even if it is on a cotton, if the woman knows that it would have come out anyway. Otherwise it does not invalidate ritual purity when it comes out on a cotton. And it comes out from the usual place, whether originally or because of something else.

148. Spotting has three kinds: Light, medium and heavy.

- a. Light means that the blood does not cover a cotton.
- b. Medium means that the blood would cover a cotton but does not flow.
- c. Heavy means that the blood would cover a cotton and flow.

149. A woman experiencing spotting must test herself for prayer by inserting a cotton and waiting a short while, although not too long. Then she removes and inspects

the cotton and if she finds it has any of the aforementioned qualities, she acts upon this basis. But if she does not check, whether intentionally or otherwise, and acts, then if her actions fulfil the required duty with the right intention, then her action is correct, otherwise it is invalid.

150. A woman with light spotting must change her cotton or purify it and make *wuḍū'* for every prayer, whether obligatory or recommended, though not for forgotten parts of the prayer or precautionary prayer, in which case she does not need to renew her *wuḍū'*.

- a. A woman with medium spotting must – in addition to the above – make a single *ghusl* before morning prayer if she spotted before daybreak. If she spotted before *zuhr*, then a single *ghusl* suffices for *zuhr*, '*aṣr*', *maghrib* and '*ishā*'. If she spotted after *zuhr*, then she should perform a single *ghusl* before praying *maghrib* and '*ishā*'.
- b. A woman with heavy spotting must – in addition to both of the above – make two extra *ghusls*; one for *zuhr* and '*aṣr*', which she must combine; and one for *maghrib* and '*ishā*', which she must also combine. She cannot combine more than two prayers in a single *ghusl*.

151. If a spotting woman knows that she will have a time without spotting in which she can pray, she should wait for this time, purify herself and pray at this time. Otherwise she should simply pray after renewing her purity.

152. She must – after performing the aforementioned purifications – pray immediately, with the option of doing whatever she normally does, such as *adhān* and *iqāma*. She must also try to prevent blood coming out to the extent that she is able.

153. Once a spotting woman has done whatever is required for her daily prayers, she may offer any other prayer so long as she makes *wuḍū'* before each prayer. She does not need to repeat her *ghusls* for these prayers, even if her spotting is heavy.
154. When spotting stops and a woman is free from it, but this is before she carried out the necessary act of purification for spotting, whether *ghusl* or *wuḍū'*, she must still perform these purifications which were required for her to pray. In fact, even if the spotting stops during the act of purification or prayer, or after it, with enough time for purification and prayer, then she must – in all situations – purify herself again and pray.
155. If a woman does not know of a time without spotting and prays according to the rules of spotting, then the spotting stops – not permanently, but for a specific time in which she can purify herself and pray – she must purify herself again in whatever way was necessary for her to be able to pray.
156. When spotting stops and a woman is free from it, having performed all the required acts of purification for it, then she can immediately pray or delay it until the last possible moment, and return to her usual state for purification and prayer, as she was before the spotting.
157. When a woman's spotting increases from a lower level to a higher one (e.g. from light to medium or heavy, or from medium to heavy), then if this was before she performed any acts, then there is no problem with her acting in accordance with the higher level [for purposes of purification] for forthcoming prayers. As for prayers that she offered before the increase, then there is no problem with her not repeating them. But if the increase happened after she began her acts [of purification], she must add whatever is required for the higher level. The same is true if the increase happens in the middle of prayer, so long as she is firstly certain that the change took place in the middle of the prayer and secondly that she has sufficient time to

repeat it, then she must do whatever additional acts of purification are required and begin her prayer again. But it is not necessary for her to begin her prayer again if the required purification was the same (e.g. *ghusl* before morning prayer is shared between medium and heavy spotting – so if the increase was from medium to heavy, then what she has done already suffices).

158. When spotting decreases from a higher to a lower level, a woman must act according to the higher level for her first prayer, but then according to the lower for her prayers thereafter. So if her spotting goes from heavy to medium or light, she must do *ghusl* for *zuhr* and '*asr*', but only *wuḍū'* for *maghrib* and '*ishā'*'.

159. A woman whose spotting is light or medium can fast, whether she has purified herself through *wuḍū'* or *ghusl* or not. A woman with heavy spotting can also fast, even if she does not perform *ghusl* for morning or midday prayers, let alone evening ones. The same is true for the *ghusl* of evening prayers when she intends to fast the following day, although it is better for her to observe them.

160. A spotting woman – in all cases – is allowed to enter mosques and shrines and remain in them; she is allowed to read the verses of prostration in the '*azā'im*'. She can also be divorced.

161. If a woman whose spotting is medium or heavy has performed the necessary *ghusl*, then her husband may have intercourse with her. If she has not, then he cannot according to obligatory precaution (*aḥwat wujūban*). As for a woman who has light spotting, her husband can have intercourse with her in any case.

162. A spotting woman – in all cases – cannot touch the text of the holy book without performing the required purifications.

163. The method of *ghusl* for medium and heavy spotting is the same method as we have already mentioned above.





#### GHUSL AFTER PUERPERIAL BLOOD (NIFĀS)

164. Puerperal blood (*damm al-nifās*) is blood discharged from the womb during or after birth, in such a way that it is known to have originated therein. There is no lower limit to its duration, but its maximum duration is ten days from the birth or miscarriage. Blood which is discharged before the child emerges is not puerperal, even if it is connected to the birth. If it meets the criteria for menstruation or comes at the usual time, then the rules of menstrual blood apply to it, otherwise it is treated as spotting.

165. If no blood appears from the birth until ten days later, then the rules of puerperal blood do not apply. Anything that appears after ten days is treated as spotting. And a woman bleeds at her usual time or in the manner of menstruation, then it is menstrual blood.

166. There is no need for an intervening period of purity between two puerperal blood; for instance, if twins are born and blood is seen with each of them. In fact, the absence of blood between them means the woman is in a state of purity, if only for a moment. There is no need for any such gap whatsoever. For instance, if a woman gave birth and had puerperal blood for ten days, then gave birth again on the tenth day and had another ten days of bleeding, both of these are treated as puerperal bleeding.

167. Puerperal bleeding is of three kinds:

- a. That which does not exceed ten days, so all of it is treated as puerperal blood.

- b. That which exceeds ten days in a woman who has periods of regular duration, in which case her puerperal bleeding is given the same duration as her periods, and any bleeding thereafter is treated as spotting.
- c. That which exceeds ten days in a woman without periods of regular duration, in which case the full first ten days are treated as puerperal bleeding, and anything thereafter is treated as spotting.

168. When a woman experiences bleeding immediately after birth, then the bleeding stops for a day or more, but before the tenth day after birth she bleeds again, both bloods and the time between them are treated as a single period of puerperal bleeding.

169. Bleeding from the onset of labour until birth is not puerperal bleeding, whether it is joined with the blood of birth or not. It is also not treated as menstrual bleeding unless the woman is sure that it is. It is only spotting.

170. When a woman's puerperal bleeding stops and she becomes clean, she should perform *ghusl*. This brings her state of puerperal bleeding to an end, even if the blood stopped only a short time after birth, such as a day or less.

171. A woman with puerperal bleeding who has periods of regular duration which are less than ten days, whose puerperal bleeding exceeds their usual number of days: If she is certain that this bleeding will continue beyond ten days, then they perform *ghusl*, treat their puerperal bleeding as having ended and follow the rules of spotting for any further bleeding. But if they expect the bleeding to finish before exceeding ten days, then she may treat her continued bleeding as puerperal blood for two or more days – as she wishes – so long as the total number of days do not exceed ten. Beyond that, she treats any further bleeding as spotting.

172. A woman with puerperal bleeding who has periods of regular duration, but who has forgotten their duration, must think of the longest duration possible. So if she hesitates between five and six days, she assumes it is six, and follows the rulings for a woman with regular periods of six days.
173. If puerperal bleeding continues for a long time beyond ten days and the woman is acting according to the rules of spotting: If this woman has periods of regular timing, then she may continue following the rules of spotting unless:
- a. She is bleeding on her usual days, in which case she treats it as menstrual blood, even if it does not have the usual qualities thereof.
  - b. Her blood has the qualities of menstrual blood on days outside of her usual timing, distinguished by its colour and force compared to previous bleeding. In which case she abstains from the things forbidden during menstruation while fulfilling the obligations of spotting.
174. A woman with puerperal bleeding follows the rulings of a menstruating woman when the bleeding exceeds the usual number of menstruating days; she must observe *istizhar* [precaution and perform all the obligations of a spotting woman, while avoiding all the things prohibited to a menstruating one], and she must check herself when her bleeding appears to stop. She does not fast or pray; making up for missed fasts but not missed prayers. She cannot have intercourse, nor can she be divorced. All the rules for menstruating women in terms of obligations, prohibitions, recommendations and dislikes also apply to a woman with puerperal bleeding, namely: reciting verses which require a prostration, entering mosques not intending to pass through, loitering in mosques or placing anything in them, and entering the Holy Sanctuary or the Prophet's Mosque, even for passing through. She must perform the *ghusl* once her bleeding stops.

175. *Ghusl* for a woman with puerperal bleeding follows exactly the same form as that for menstruation, spotting and major ritual impurity.

#### GHUSL FOR TOUCHING A CORPSE

176. Whoever touches a corpse before its body has grown cold and its heat has dissipated does not need to perform *ghusl*. Yes, whichever part of him touched the corpse becomes ritually impure if he or the corpse he touched was wet; this is achieved by the transfer of moisture from one to the other, whereat only the limb of the person touching the corpse must be purified. Whoever touches the corpse of a Muslim after it has been washed for burial, then there is absolutely nothing upon him, even if it was a touch with moisture.

177. Whoever touches a corpse after the body has grown cold but before it has been washed for burial, then he must purify the limb with which he touched the corpse if it has become ritually impure – if there was a transfer of moisture – and he must also perform *ghusl*.

178. It makes no difference if the corpse was male or female, sane or insane, old or young, even if it was a miscarried foetus into whom life had crept. It also makes no difference whether the person touching the corpse did so with a hand or any other part of him capable of sensing touch. But if it was with a part that does not normally sense touch – like hair – then it has no effect. And if someone touches the hair of the deceased, then there is no need for *ghusl*.

- a. It makes no difference whether they touched the corpse intentionally or otherwise.
- b. It also makes no difference whether the part of the body they touched was external, such as the hand or face – or even a tooth or fingernail – or if it was something internal, such as the tongue or internal organs if these were

somehow exposed by cutting into the body, for example. In all situations, the person must perform *ghusl*.

179. If part of the corpse becomes separated, then if it is either a bone or contains a bone – even if it is a tooth – then whoever touches it must perform *ghusl*. But if it is neither a bone nor contains one, then there is no need to perform *ghusl* for touching it. There is no need to perform *ghusl* for a body part separated from a living person, even if it contains a bone and has flesh around it.

180. The *ghusl* for touching a corpse is the same as detailed above.

181. Someone who has touched a corpse and needs to perform *ghusl* can still enter mosques and shrines and loiter in them; he can also recite verses requiring prostration from the Qurʾān.

## Recommended ghusls

There are so many recommended *ghusls* mentioned in the manuals of law, supplication and visitation, that we cannot possibly discuss them all here. However –as we have already said – every *ghusl* that is ritually required suffices (*mashrūʿ*) for *wuḍūʿ* as well. Therefore, it seems appropriate to mention whatever recommended *ghusls* we believe are ritually required on the basis of reliable evidence, before mentioning some whose recommendation we do not believe has been conclusively established and therefore can only be done hoping that this is what Allah wants without them sufficing for *wuḍūʿ* as well.

There are three kinds of recommended *ghusls*:

**First:** Those related to a particular time.

**Second:** Those related to a particular place.

**Third:** Those related to a particular action.

### GHUSLS RECOMMENDED FOR A PARTICULAR TIME

These are *ghusls* recommended for a particular occasion. The most of important of these are:

**Ghusl al-Jumʿa:** Its preponderance is such that it cannot be denied, it is an affirmed recommendation (*mustaḥabb muʿakkad*) based on abundant narrations; the reports encouraging it are many indeed. Some notable scholars have even argued that it is obligatory, but the strongest opinion is that it is recommended to perform *ghusl* for the day of Friday.

182. The time in which this *ghusl* is performed is between daybreak on Friday until the end of the day, but performing it before *zuhr* is better than leaving it until after *zuhr*. If one delays it, he should do it with the intention of what is desired – whether discharging it or making up for it. If he misses the *ghusl* until sunset, he can make up for it (*qaḍāʾ*) until sunset on Saturday.

183. The *ghusl* is valid – even if it does not result in ritual purity – for one who is menstruating or in a state of major ritual impurity, and it suffices as *ghusl* for menstruation and major ritual impurity after the occasion for these states has passed.

**Ghusl for the two ‘Īds:** Namely *‘Īd al-Fiṭr*, on the first of Shawwāl each year, and *‘Īd al-Aḍḥā*, on the tenth of Dhū al-Ḥijja each year. They can be performed between daybreak and sunset.

**Ghusl for the days of Tarwiya and ‘Arafa:** The eighth and ninth of Dhū al-Ḥijja each year, whether someone is on *Ḥajj* or not. They can be performed between daybreak and sunset.

**Ghusl on the first, seventeenth, nineteenth, twenty-first, twenty third and twenty-fourth of the month of Ramaḍān.**

184. All of the aforementioned time-specific *ghusls* need only be performed once in their given times; there is no need to repeat them if someone enters a state of major or minor ritual impurity thereafter. They can be performed at point during their time.

185. Scholars have also mentioned the following time-specific *ghusls*:

- a. On the Day of GhadḌr, the eighteenth of Dhū al-Ḥijja
- b. On the Day of MubĀhila, the twenty-fourth of Dhū al-Ḥijja
- c. On the Prophet’s {p} birthday, the seventeenth of RabĠŸ al-Awwal
- d. On the first, middle and last days of Rajab, and the Day of MabŸath, the seventeenth of Rajab
- e. On the Night of the fifteenth of ShaŸbĀn
- f. On the first Day of the month of RamaĀĀn, all of its odd-numbered nights and for the ten last nights of it.



- g. Another one on the twenty-third night of the month of Ramaññ, just before *fajr*.
- h. Whenever there is a total solar eclipse

These *ghusls*, even if some of them have been mentioned in narrations, these are not reliably established, so they must be performed anticipating divine reward, but they do not suffice for *wuḍū'*.

#### GHUSLS RECOMMENDED FOR PARTICULAR PLACES

These are *ghusls* recommended as a preliminary for someone visiting a specific location. They are: For entering Mecca, for entering the Holy Ka'ba, for entering the Prophet's {p} Sanctuary, and for entering Medina.

186. These *ghusls* are to be performed before entering these places, close to them, except for the *ghusl* for entering the Meccan Sanctuary. For the latter, even though it is better to perform it before entering, it is recommended that whoever does not do so still do *ghusl* after he has entered, even if this means doing *ghusl* in Mecca itself.

187. Scholars have mentioned the following other *ghusls* connected to particular places: For entering the Holy Mosque, for entering the shrines of the Imams {a3} or any other shrine or holy place. But since these do not rest on firm evidence, it is better to do them anticipating divine reward, without them sufficing for *wuḍū'*.

#### GHUSLS RECOMMENDED FOR PARTICULAR ACTIONS

These are of two kinds:

**First:** Those which are recommended before performing an action, e.g. *ghusl* for *iḥrām* or circumambulation, *ghusl* for slaughter, sacrifice and shaving, *ghusl* for staying at 'Arafa during *Hajj* – after midday nearby 'Arafa – and the *ghusl* for bidding farewell to the grave of the Prophet {p} or *ghusl* for making up for the eclipse prayer when someone has failed to perform it intentionally, knowing about it, when it was a total eclipse.

188. For this kind of *ghusl*, one performs it at the beginning of the day if it is done during day, or at the beginning of night if it is done during the night; its effect does not last beyond that day or night.

189. Scholars have also mentioned the following *ghusls* in this category: For stopping at the Holy Mash'ar, for visiting the Prophet {p} and the Imams {a3}. But since these do not rest on firm evidence, it is better to do them anticipating divine reward, without them sufficing for *wuḍū'*.

**Second:** Those which are recommended *after* the performance of a particular action, such as the *ghusl* for touching a corpse after it has been washed for burial, or the *ghusl* of repentance for one who intentionally listened to illicit music and songs.

190. Scholars have mentioned a number of other recommended *ghusls* in this category: *Ghusl* after killing a lizard, *ghusl* for whoever goes to see a crucifixion, *ghusl* for any kind of repentance. But since these do not rest on firm evidence, it is better to do them anticipating divine reward, without them sufficing for *wuḍū'*.

191. All of the aforementioned kinds of *ghusl* follow the same method as above.

## Section five: Rules pertaining to the deceased

Death is when someone's soul is taken from their body. Every legal agent present at someone's death is obliged to turn the dying to face the *qibla*, by laying them on their back and facing his face, torso and feet towards it. In fact it is obligatory for the dying themselves to do this if possible. If someone who is not the dying person's heir wishes to do this, they should seek the permission of his heir(s).

192. Scholars have mentioned that it is recommended to take him to the place where he usually prayed if his transition is difficult, to encourage him to repeat the two testimonies of faith, and affirm his faith in the Prophet {p}, the Imams {a3} and any other true doctrines, to encourage him to recite the words of relief (*kalmiāt al-faraḡ*). It is disliked for someone who is in a state of major ritual impurity or menstruating to be present with him, or to touch him as he dies. When he dies, it is recommended to close his eyes and mouth, to tightly cover his modesty and place his arms by his sides before covering him with a robe, then reciting the QurPĀn in his presence and turn on the lights in the place where he died if he died at night. It is also recommended to inform believers of his death so that they can attend his funeral and to bury him as soon as possible. Unless there is some doubt that he has died, in which case one should wait until they are certain. It is disliked to weigh down his torso with something made of iron or anything else, or to leave him alone.

### Washing for burial

193. The deceased must be washed before being buried. If he is buried without being washed, for any reason – intentionally or otherwise – and no harm will come to his body, nor any violation of his dignity, nor any discord amongst his relatives as a result of exhuming him, then he must be exhumed, brought out from the grave and washed if possible. Or else he must be cleansed with *tayammum*.

- a. Whoever dies in a major state of impurity or menstruation, there is no need to perform any *ghusl* other than the *ghusl* of the deceased upon them.

#### **Who must be washed**

194. Every Muslim, even those of a different sect, must be washed. The same is true of their children and fetuses, even miscarried fetuses which had reached six months. In fact, even one which has reached four months must be washed. If a fetus is less than that, it does not need to be washed, only wrapped in some way and buried. This is if a soul has not entered its body, or else it must be washed, shrouded and buried as a fetus of at least four months.

195. Two kinds of person are exempt from the rules of washing:

- a. **First:** A martyr slain in a legitimate war to protect the essence of Islam, on the condition that the Muslims do not reach him while he clings to life. If they do reach him before he dies, then they must wash him as normal.
- b. **Second:** Whoever must be slain by stoning or reciprocity (*qiṣās*), for he is washed in the manner of the deceased, embalmed and shrouded first, then he is slain, prayed over and buried without any further washing.

196. Regarding the martyr, if in battle – or anything else – there was a fallen Muslim and a fallen disbeliever and they could not be told apart, then it is necessary to observe precaution and wash, shroud and bury both of them.

#### **Method of washing the deceased**

197. Any impurity must be removed from the body of the deceased before washing begins; it is permitted to remove it from each limb before it is washed, in fact it is permitted to remove it with the *ghusl* itself so long as the water used in washing will not be rendered ritually impure.

198. The deceased is washed three times: first with buckthorn water (*maṣāʾ al-sidr*), then with camphor water, and finally with pure water. Each one follows the same sequence as the *ghusl* for major ritual impurity. It must begin with the head and neck, then the right side and then the left side, and it is necessary to make the intention in the same manner as we discussed for *wuḍūʿ*. If the person died in *iḥrām* for *Hajj* or *ʿUmra*, then camphor should not be used in his washing, nor should he be embalmed with it.

199. The water used for *ghusl* must be ritually pure, unmixed and permitted for use, as must be the buckthorn and camphor. Both the buckthorn and camphor must not be used in such great quantities that they cause the water to become classified as mixed, nor such little quantities that it cannot be said to be mixed (*makhlūt*) with buckthorn and camphor. The pure water must be completely free from either of these, although there is no problem for trace quantities to be present so long as they cannot be said to be mixed (*khalṭ*).

200. The deceased can be washed from the moment his soul leaves his body and before it has grown cold. It can be washed from beneath a robe, and the one washing the body cannot look at the private parts of the deceased or touch them with his hand when washing. But this is allowed for the wife or husband to do.

201. If buckthorn or camphor cannot be obtained then – in place of the first washing – the deceased must be washed using pure water, with the intention of doing this in place of washing with water and buckthorn, and they must also be cleansed by *tayammum* with the same intention. And – in place of the second washing – the deceased must be washed using pure water, with the intention of doing this in place of washing with water and camphor, and cleansed by *tayammum* with the same intention. Thereafter the deceased must be washed a third time with pure water.

202. If for some reason the deceased cannot be washed, then they must be cleansed with *tayammum* three times; first with the intention of doing this in place of the first washing, second with the intention of the second, and the third without any need to make the intention that this is done in place of the third washing. *Tayammum* is performed on the deceased both with the hand of the living person and with his or her own hand – i.e. both together, if possible. *Tayammum* cannot be performed on the deceased unless there is no hope of washing him with water or no ability to do so. If there is any hope that he or she can be washed, then people must wait until either there is no hope of doing so or they fear some harm will come to the body.

203. If it again becomes possible to wash the body after *tayammum* but before burial, the *tayammum* is invalidated and *ghusl* must be performed. If *ghusl* becomes possible after burial, exhuming the body for *ghusl* is forbidden in that this will cause harm to the deceased. The same is true if they have been washed without buckthorn and camphor. But if no harm or violation of dignity will come to the deceased, then it is obligatory to exhume them and perform the necessary washings upon them.

204. If the body of the deceased is rendered impure during or after *ghusl*, whether by some external impurity or impurity from himself, he must be purified, even if this is after he has been placed in the grave. Yes, this is not necessary after burial. And if urine or semen are emitted by the deceased, there is no need to repeat the *ghusl*, even if this is before he is placed in the grave.

205. It is the obligation of every able adult, sane person to wash the deceased. This obligation is collective, meaning that this obligation is fulfilled if some individuals undertake it, whereat it is no longer an obligation for others. But if this obligation is not fulfilled by anyone, everyone is sinful.

### Conditions for those who wash

206. Those who wash must be mature, sane Muslims of the same gender as the deceased – save for exceptions. They must also be heirs to the deceased or authorized by the heirs. They must intend to do this seeking nearness to Allah, but they are allowed to receive payment for their work.
207. The opposite gender are allowed to wash in the following situations:
- a. **First:** The deceased is a child who has not reached the age of discernment, meaning the age in which they show embarrassment.
  - b. **Second:** A husband and wife, whether permanent or temporary.
  - c. **Third:** *Mahrams*, whether by blood, suckling or marriage, with the condition that they do not look at the private parts, so long as there is no one of the same gender.
208. The heir (*wali*) in this situation is the husband – in the event his wife passes away – and he has priority over even parents and children. After him come the first degree heirs in inheritance, then the second and the third degrees, in the order detailed in the rulings of inheritance. Those who are mature in each degree take precedence over others, and if the degree contains both men and women, there is no firm reason to give precedence to men over women in this regard.
209. If the heir refuses to undertake the task himself or to authorize anyone else to do it, his permission falls from consideration and the deceased can be washed without his permission. The same is true if it is not possible to seek his permission, e.g. if he was away and there was no means to contact him, then there is no need to wait for his permission.
210. It is permitted to wash the deceased from beneath their clothes, even if the one washing is of the same gender, but it is forbidden to look at their private parts. If

the gender of the deceased is not clearly male or female, both genders wash together, once with the hand of the male and once with the hand of the female, unless the deceased is beneath the age of discernment, in which case there is no need to repeat the washing.

#### **Etiquettes of washing the deceased**

211. Scholars have mentioned numerous etiquettes for washing the deceased. These include: placing the deceased on a raised surface when washing them, in shade, facing towards the *qibla* as when they were dying; that his shirt be removed via his feet and to tear it if the heir permits; to place a cover over his private parts, to gently massage his fingers and all of his joints; to wash his head with the froth of buckthorn and his private parts with potash (*ushnān*); to begin by washing his arms to the middle, three times in each *ghusl*, then with the right hand side of the head, then the left, and then wash each limb three times in each *ghusl*; to wipe his stomach in the first two, unless the deceased was pregnant and her child died in her womb, in which case that is disliked; and to dry his body with a clean robe or something similar.

- a. They also mention that it is disliked to sit him up while washing him; to comb his hair, trim his nails or to stand with his body between one's feet [check, p66]; to bring water in a chamber pot, shave his head or pubes, or trim his moustache. Likewise to pick his nails, or wash him with hot water – unless compelled to do so – or to ignore him when washing him. If any skin, tooth, nail or the like thereof falls from his body, it should also be placed in his shroud and buried with him.

#### **Embalming**

212. The deceased's seven points of prostration must all be touched with camphor, and whatever is commonly called touching is sufficient. The camphor must be ritually



pure, permitted for use and powdered with a smell. It is recommended to powder it by hand, and it is also recommended to wipe the deceased's joints, throat and chest; the bottom of his feet and the back of his hands. But if the deceased was in a state of *iḥrām* for *Hajj* or *Umra*, then they should not be embalmed.

213. Embalming should be performed after washing or *tayammum*, before burial or during it. If camphor cannot be acquired, then he should not be embalmed, no other fragrance should be used in its place.

214. There is no need to make an intention when embalming, and it can be done by any mature sane person, whatever his religion or sect; in fact it can even be done by one who is not mature or sane, as long as they can perform it properly.

### Shrouding

215. A deceased Muslim must be shrouded with three items of clothing:

- a. **First:** A wrapper that covers between his navel and his knees.
- b. **Second:** A shirt which covers from his shoulders to his mid-calves
- c. **Third:** A shroud that must cover the entire body, and each one must cover entirely the layer below it, not showing any of it, even if they cover the body entirely altogether.

216. The permission of the heir is required for shrouding in the same manner as washing, the intention of nearness to Allah is not considered when shrouding.

217. Anyone can perform shrouding, whether young or old, so long as they can perform it properly.

218. If the three pieces of clothing cannot be found, they must do whatever they can. And if they must choose which item to prioritize, the shroud should be given priority. If they must choose between the shirt and the wrapper, they should prioritize the

shirt. And if they have only enough to cover the deceased's private parts, they must do that rather than anything else.

219. Each piece of the shroud is required to be pure, even from ritual impurity that is overlooked in prayer, permitted to use and made from neither silk, gold nor an animal whose flesh cannot be eaten, whether hide, fur or hair, nor from the hide of an animal that is eaten, though there is no harm in using its hair or fur.

220. All of the aforementioned conditions are dropped when they cannot be performed, save for shrouding, which is never dropped unless it is essentially impossible to do, as we have already discussed. In this situation, if it is necessary and only possible to shroud the deceased with something ritually impure, silk or anything else prohibited under normal circumstances, then they should be shrouded in it. It is absolutely prohibited to shroud the deceased in something usurped, because it makes no difference whether such a thing is available or not.

221. If the shroud is impurified by some ritual impurity from the deceased or elsewhere, it must be removed, even if this is after the deceased has been placed in the grave, whether by washing it or cutting it out if it is easy to do so. And if that isn't possible, then it should be changed if possible.

222. The cost of the obligatory shroud comes from the estate of the deceased before paying any loan or bequests; the same is true of anything that is needed to prepare and bury him; buckthorn, camphor, the water to wash him, the cost of the earth and the salary of the bearers and gravediggers etc.

### **Praying over the deceased**

223. Praying over every deceased Muslim, whether male or female, no matter what sect they belong to, whether they were righteous or sinful, and whether they were sane or insane, is a collective obligation. It is not necessary for Muslim children unless they have reached six years, or if they learned and understood the significance of

prayer before this age. And any corpse found in Islamic lands should be assumed to be a Muslim, as are any foundlings in Islamic lands, or even in un-Islamic lands if they could be Muslims.

224. All kinds of ritual purity and freedom from sources of impurity are not observed in praying over the deceased, nor is the permissibility of one's attire or covering the private parts, even if it is better to observe all the usual conditions of prayer. In fact the following should be observed as a matter of obligatory precaution: 'Not speaking, laughing or turning away from the *qibla* during prayer.'

225. If someone doubts whether they have conducted a funeral prayer or not, they should assume they have not. If someone prays and doubts whether the prayer was properly performed, they should assume that it was. But if they know that their prayer was invalidated, then they must repeat it properly.

226. It is allowed to repeat prayers over a single deceased person, especially if the deceased was an important figure in the religion. If the deceased is buried without proper prayers, then his grave should be prayed over so long as his body has not decayed.

227. It is recommended for the imam to stand alone at the middle of a deceased man, or at the chest of a deceased woman. If there are numerous funerals being held, it is allowed to combine them into a single prayer by placing them all in front of the person praying, making sure they are parallel to one another. When there is a man and a woman deceased, it is more proper to place the man closer to the person praying and place the woman's chest parallel to the man's middle. It is allowed to place all of the deceased in a single line, with the head of each one at the midsection of the previous, like stairs, and for the praying person to stand in the middle of the line. When supplicating this person must observe femininity and plurality in his pronouns (he, she, they etc.).

228. The prayer is performed by beginning with *takbīr*, pronouncing the two testimonies of faith, a second *takbīr*, invoking blessings on the Prophet {p}, a third *takbīr*, a prayer for believing men and women, a fourth *takbīr*, a prayer for the deceased, a fifth *takbīr* and that is the end of the prayer. There is no recitation of the Qurʾān in this prayer, nor is there any invocation of peace. There is another longer version which can be found elsewhere.
229. There is no need for the one praying over the deceased to be of the same gender; a man can pray over a woman and vice versa.
230. This prayer can be offered alone or in congregation, but even those being led in prayer must pronounce the five *takbīrs* in the method described above. It is not sufficient for the imam to recite. The moral probity (*ʿadāla*) of the imam is not relevant for this prayer.
231. The following matters are necessary when praying over the deceased:
- a. Intention, in the manner described for *wuḍūʿ*
  - b. The presence of the deceased; the funeral prayer cannot be performed over one who is absent
  - c. Facing the *qibla* for the one praying
  - d. The head of the deceased should be to the right of the one praying and his feet to the left
  - e. The deceased should be laid upon his back
  - f. The one praying should stand behind him, parallel to part of him
  - g. The one praying should not be far from him, such that he cannot be said to be standing over him

- h. There should be no obstruction between the one praying and the deceased, such as a curtain or wall
- i. The one praying must be standing; the prayer is not valid unless it is performed standing, except where the person is unable
- j. Uninterrupted succession between the *takbīrs* and supplications
- k. The prayer should be performed after the deceased has been washed, embalmed and shrouded, but before burial
- l. The deceased must have their private parts covered
- m. The heir of the deceased must give permission, unless the deceased had made a will that a particular person should pray over him.

232. Praying over the deceased has the following etiquettes: That the one praying should be in a state of ritual purity, but *tayammum* is sufficient even if water is available if the one praying is worried he may miss the prayer by performing *wuḍū'* or *ghusl*; raising the hands when pronouncing the *takbīrs*; that the imam raises his voice in *takbīr* and supplication; that a place is chosen where people often meet; that the prayer be performed in congregation; that those being led in prayer stand behind the imam; that the prayers for the deceased and the faithful be said in earnest; and that before prayer the imam says: 'The prayer! The prayer! The prayer!'

### **The funeral**

233. It is recommended to inform the believers of the death of a believer so that they can attend his funeral, and it is recommended that they do so. Many narrations have come down concerning the merit of this. One of them reads: 'Whoever follows a funeral procession, on the Day of Resurrection he will be given four intercessions, and he will not say anything save that the angel will tell him: 'You shall have the

like thereof.' And another reads: 'The first thing that a believer will be presented with in the grave is forgiveness for anyone who followed his funeral procession.'

- a. There are many etiquettes mentioned for the funeral in detailed books of law, for example: That one should walk behind the funeral in a state of fear and reflection, and if they are carrying the body, it should be on their shoulder, saying as they lift it up: 'In the name of Allah and with Allah, Allah sends His blessings on Muġammad and the family of Muhammad, O Allah forgive the faithful men and women!' (*Bismillāh wa billāh, wa ṣall allahu 'alā muġammad wa āle muġammad, allāhum aghfir lil-mu'minīn wal-mu'mināt*) It is disliked to laugh, jest or engage in diversion during the funeral, or to walk hastily, amongst other things that are mentioned elsewhere.

## Burial

234. Burying the deceased in the earth, in such a way that his body is protected from wild animals and its odour will not bother people, is a collective obligation. It is not sufficient to place it in a building, tomb, glass coffin or the like thereof, even if both of the aforementioned objectives are attained. It is obligatory to place him on his right side, facing the *qibla*.
235. If one is uncertain of the *qibla*, then he may act on probability. If he cannot find out, then the obligation to face him towards the *qibla* drops if burial cannot be delayed. And if the person died at sea and one cannot bury him on land, even with a delay, then he should be washed, embalmed, prayed over, placed in a solid container which is firmly sealed, then cast into the ocean.
236. One cannot bury a Muslim in a graveyard of disbelievers or vice versa. Nor can one bury a Muslim in a place that dishonours him, such as a graveyard or waste pit, nor in a place owned by someone else without permission of its owner, or a land endowed (*waqf*) for something other than burial, such as schools, mosques,

*ḥusayniyyas*. One cannot bury in someone else's grave until it has become completely absorbed by the dust. Yes, if the grave had been exhumed, it is permissible to bury the deceased in it.

237. If a non-Muslim woman becomes pregnant by a Muslim man in a religiously sanctioned manner, then her foetus is considered a Muslim by virtue of its father. If she dies after life has entered her foetus, and the foetus died with her, then she is buried in the Muslim graveyard on her left side, facing away from the *qibla*, so that her foetus is facing it.

- a. It is recommended to observe the following based on precaution: That the right cheek of the foetus is facing the ground and the left facing upwards, and that is accomplished by placing the woman on her right side.

238. It is forbidden to exhume the grave of a Muslim in such a way that uncovers his body, unless it is known to have been absorbed completely by the dirt. It makes no difference whether they are young or old, sane or insane. Exceptions to this rule are if the body is exhumed in the interests of the deceased, for instance moving the body to sacred shrines, or to remove it from a dishonourable location, or because of a problem that can only be solved by removing and viewing the body of the deceased, and the like thereof.

239. One cannot – as some of the Shāfi'īs do – place the deceased somewhere and build over him without washing, shrouding or praying over him, then taking him to the holy shrines. Instead, he must be buried in the ground, facing the *qibla* in the religiously prescribed manner, after washing, shrouding and praying over him. After that he may be, with the permission of his heir, moved to the shrines in such a way that does not cause any dishonour to him.

240. It is better and more appropriate to bury the deceased in any Muslim land which he died in, whether it is homeland or elsewhere, rather than moving him to another

land. Yes, it is recommended to take the deceased to pure and sacred places, especially Najaf and Karbala.

### Prayer on the first night of burial

<sup>241</sup>. This prayer is called a gift to the deceased or his grave. It has been mentioned in the narrations. It can be performed at any time on the night of the burial. It is performed, like morning prayer, as two *rak'ats*; in the first, the person recites *Sūrat al-Fātiḥa* then *Āyat al-Kursi* (*Sūrat al-Baqarah*, verses 255-257); in the second, they recite *Sūrat al-Fātiḥa* and then recite *Sūrat al-Qadr* ten times. Once they finish their prayer, they say: 'O Allah, bless Muḥammad and his family, and send the reward of this prayer to the grave of [the deceased's name]' (*Allahumma ṣalli 'alā muḥammad wa āle muḥammad wa b'ath thawābā ilā qabri [name]*).

- a. According to a variant narration: In the first *rak'a*, he recites *Sūrat al-Ikhlāṣ* twice after *Sūrat al-Fātiḥa*; in the second, he recites *Sūrat al-Takāthur* ten times after *al-Fātiḥa*, and makes the same supplication after prayer.

<sup>242</sup>. One may employ someone to perform this prayer so long as the employee makes the intention of attaining nearness to Allah.

<sup>243</sup>. One may weep over the deceased, especially if this alleviates their grief or lightens their pain, so long as it does not negate their satisfaction with Allah's decree, nor lead to any prohibited things. One may not, however, strike themselves for the deceased, scratch themselves, pull out their hair or cry out immoderately.



## Section six: Tayammum

This refers to ritual ablutions made with dust, and is necessary in situations where one is excused from performing water ablutions.

### Reasons for performing tayammum

**First:** When sufficient water cannot be found for *wuḍū'* and *ghusl*.

244. If one knows that there is no water, they do not have to search for it. If it is possible that water could be found somewhere easy to reach, then they must search for it. If they find it, they perform *wuḍū'*, otherwise they perform *tayammum*. If one knows that there is water somewhere, they must try to reach it, even if it is far away, as long as that is possible without being difficult.

245. If one is in a place where they are sure that there is no water in a particular direction, they do not have to search in that direction; they need only search in those directions where water might be found. And if a trustworthy person testifies to the existence or absence of water, one should act upon this testimony.

246. If one gives up his search for water and performs *tayammum*, the *tayammum* is valid so long as no water is encountered. But if water is encountered, he must repeat his prayers. It is not necessary for someone to go and search themselves; they can send someone else to search for them.

247. If someone searches for water before the time of prayer and does not find it, he does not have to search again after the time for prayer sits in, even if he thinks he might find water if he looks again, because it may have been replenished somehow. But if he becomes certain or confident that water is there, he must go to it. If he has moved from that location, he must search again for water, so long as he thinks he might find it.

248. If someone searches for water after the time for prayer sets in, that is sufficient for other prayers as well. There is no need to search for water with every prayer, even if he thinks he might find it because it may have been replenished somehow. On the other hand, if he knows or is confident that water is there, then he must go to it.

249. The obligation to search for water lapses if time is short; in fact, it is forbidden and *tayammum* becomes obligatory. The same is true if one fears for his safety or that of his possessions because of thieves, wild animals or the like. Likewise if searching for water is unbearably difficult or onerous. If someone does not search for water until very little time remains for prayer, he is sinful but his prayer is still valid with *tayammum*. In fact, his prayer is valid even if he knows where to find water.

250. If someone does not search for water but prays with the intention of hoping that Allah will accept his prayers, then discovers that there is no water, his prayers are valid. But if someone searches for water and does not find it, then performs *tayammum* and prays, only to realize that there is water nearby afterwards, he must repeat his prayer if the time for it has not finished. But he does not have to make up for his prayers if the time has departed already.

**Second:** When one cannot reach water because of some incapacity, even if that incapacity is for religious reasons or the like thereof. For example, if the water was in a usurped (*maghṣūb*) container or place, or because one fears for the safety of his self, family or property due to wild animals, enemies, thieves or that it will be lost etc.

**Third:** When one fears some harm due to using water, whether catching a disease, making a disease worse or slowing his recovery from a disease, or he fears some harm to himself or part of his body (such as eye infections that prevent him from using water). The same is true if he is worried that he will suffer some disfigurement, namely a drying and cracking of the skin caused by some conditions.

**Fourth:** When one fears that using the water for *wuḍū'* will leave him or someone else he is responsible for thirsty, or an animal in his care, in which case it is forbidden for it to perish in this manner, even if the animal is not edible.

**Fifth:** When one can only obtain water by purchasing it at an onerous cost, or by a means that will cause him humiliation, or whose usage will cause unbearable hardship (*ḥaraj*) – for instance if it is very hot or very cold. In which case he is allowed to make *tayammum*, but if he makes *wuḍū'* anyway, his *wuḍū'* is valid.

**Sixth:** If he is under some obligation for which he must use the water and nothing else can be used in its place, like removing impure substances (*ḥabath*) from a mosque, or his clothes or body, in which case he must perform *tayammum* and use the water to remove the impure substances.

**Seventh:** When there is not enough time to obtain water, or use it even if one has it, such that performing *wuḍū'* or *ghusl* will mean his that prayer – in all or part – will fall outside of its time, in which case he must perform *tayammum* and keep the times of prayer.

251. If the legal agent disregards the above and makes *wuḍū'* anyway in such a situation that the *wuḍū'* is extremely difficult, such as in conditions of extreme cold, the *wuḍū'* is still valid. But if he performs *wuḍū'* in a situation when it is forbidden to do so, the *wuḍū'* is invalid. And if he does so in a situation where he must preserve water, his *wuḍū'* is still valid.

252. If a man goes to bed and remembers that he does not have *wuḍū'*, he may perform *tayammum* anticipating Allah's reward, even if he is able to use water – just as one is allowed to perform *tayammum* for funeral prayers if one cannot both use water and reach the prayer in time. In fact, there is no problem with him doing *tayammum* if he can do both, anticipating Allah's reward.

**What can be used for tayammum?**

253.       *Tayammum* must be performed using the face of the earth or something taken from it, on the condition of being pure and permitted to use, whether dirt, stone, sand or dry clay.

- a. *Tayammum* can be performed using plaster, cement and other building materials, so long as these are taken from the earth, even if they have been fired or crafted. This is also the case for parts of buildings made out of cement, such as tiles and mosaics, so long as they do not have a coating not taken from the earth. But usually even coloured tiles coated in this way. *Tayammum* can also be performed with marble.

254. It makes no difference whether the *tayammum* surface is in the ground or part of a wall; one can make *tayammum* using a wall by striking his hands against it so long as it is made of the things we mentioned above.

255. If one cannot find an appropriate surface for *tayammum*, he may use the dust of substances suitable for *tayammum*. One cannot perform *tayammum* with the dust of flour, cement etc. If one cannot find dust, then with mud; and if he can dry it first, then he must do so.

256. One cannot make *tayammum* with something impure, usurped or mixed with something in such a way that it can no longer be called “earth.” But it does not matter if it is mixed with something that common sense says has disappeared in it.

257. If one cannot tell permitted dirt from usurped, then he can use neither. If one cannot tell dirt from ash, flour etc. and makes *tayammum* with both, it is valid. In fact he must do this if he has nothing else he can use. The same applies if one cannot distinguish a pure substance from a dry impure one.

258. If one cannot find anything – water, dirt etc. – with which to ritually purify himself, he must offer his prayers on time and make up for them later.

### How to perform tayammum

One must strike the ground with the palms of his hands once, then wipe all of his forehead and brow with both of them together – from his hairline to the top of his nose and eyebrows. Then he wipes the entire back of his right hand from his forearm to his fingertips with the palm of his left. Then he does the same for the back of his left hand with the palm of his right. [While doing this,] he must lift any hair that hangs over his forehead and wipe beneath it. But he does not have to do this for hair growing on his forehead. Nor must he wipe with the entirety of his palm; it suffices to wipe with enough of the hand to cover the forehead and brow. By forehead (*jabha*) we mean the flat part, and by brow (*jabīn*) we mean what is between his forehead and between the top of the eyebrow to the hairline.

259. If one is unable to strike and wipe with the palm of his hand, he should use the back of it. The same is true if his palm was ritually impure and the impurity could spread, but he is unable to remove it. But if the impurity will not spread, then he can strike and wipe with it anyway.

260. When striking the ground with the palms of his hands, it is necessary to do this once only, whether this *tayammum* is instead of *wuḍū'* or *ghusl*. If one strikes the ground twice – once for the face and once for the hands – then this is better and more proper, especially if this *tayammum* is instead of *ghusl*.

261. Someone who has had one of his hands severed should strike the ground with the one that remains, wipe his face with it and wipe its own back against the ground. This suffices him. Someone who has had part of his hand severed can use whatever remains as his palm. It suffices someone who cannot use either hand to simply place them on the ground. And whoever cannot even perform *tayammum* in this way, someone else can do it for him using his hands.

262. When one of the limbs of *tayammum* is bandaged, then the ruling is the same as for someone who must perform *wuḍū'* with a dressing. He wipes over it in place of the skin that it covers.

#### Conditions of *tayammum*

263. *Tayammum* has the following conditions:
- a. Intention (*niyya*): Aiming to perform *tayammum* to seek nearness to Allah.
  - b. To do it oneself if able.
  - c. Succession: The absence of any gap between the acts that make up *tayammum*.
  - d. Following the proper sequence of limbs. If one does not do this, it is invalid.
  - e. Beginning [on all limbs] from the top to the bottom. If one does the opposite, it is invalid.
  - f. Ritual purity of the wiping limb and the limb being wiped.
  - g. Removing any barrier between the wiping limb and the limb being wiped, e.g. a ring.
264. *Tayammum* removes a state of impurity (*ḥadath*) when one is compelled to perform it, like *wuḍū'* and *ghusl*. But it is not obligatory to make the intention of removing impurity or that of it being recommended for prayer, for instance.
265. *Tayammum* must be through the movement of the wiping limb, not the limb being wiped.
266. If one has doubts about a part of *tayammum* after finishing it, he pays them no heed. But if the doubt was about the last part and the condition of

succession has not lapsed, and one has not yet begun an action depending upon it (e.g. prayer), then he should pay attention to the doubt. But if one doubts in a part of it after leaving his place, he pays it no heed.

### Rulings of *tayammum*

267. *Tayammum* cannot be performed for the sake of a timed prayer before its time has set in, unless its time is extremely short. One can perform *tayammum* when they have ample time to pray if they have no hope of finding water. But if one makes *tayammum* in this situation, then later has access to water, he must repeat his prayer.

268. If one performs *tayammum* for a valid reason in order to offer an obligatory or supererogatory (*nāfila*) prayer, then the time for another prayer sets in: If he has despaired of this reason being removed or of being able to perform ritual purification with water, he may pray immediately even if there is ample time for prayer. In fact, he can pray immediately even if he has not despaired. But in both cases, should the excuse be removed during the time of prayer, he must repeat his prayer.

269. When water is found during a deed dependent upon ritual purity, one's *tayammum* is voided. If he made *tayammum* for prayer and began praying, then found water during it, his prayer is invalidated and he must repeat it with *wuḍū'*.

270. If one in a state of major ritual impurity (*junub*) performs *tayammum* instead of *ghusl*, this suffices him for *wuḍū'* so long as nothing happens to necessitate *wuḍū'* thereafter. If something like this happens, he must wake *wuḍū'* if possible, otherwise *tayammum*.

271. If one in a state of major ritual impurity performs *tayammum* instead of *ghusl*, then enters a state of minor ritual impurity, this does not void his *tayammum* for the major impurity. But he must perform *wuḍū'* or *tayammum* for the minor



one. For example, if someone performs *tayammum* for major ritual impurity, then sleeps or urinates, then his *tayammum* for major ritual impurity is still effective, but he must perform *wuḍū'* because of urinating or sleeping, if he can do so. Otherwise he must perform *tayammum* instead. This is also the case if a woman performs *tayammum* for menstruation instead of *ghusl* and then sleeps or urinates; she does not need to repeat her *tayammum* for menstruation; she need only make *wuḍū'* if possible, or else *tayammum* in place of *wuḍū'*.

272. *Tayammum* is prescribed for every obligation and recommendation that requires ritual purity, or anything whose complete performance requires ritual purity when one is bid to do it in the complete manner – for example, reciting the QurṭĀn, being in a mosque etc. – in fact, it is not unlikely that it is legitimate for the sake of being in a state of purity. In fact, it appears that *tayammum* can be performed for those acts forbidden to one in a state of ritual impurity, such as touching the text of the QurṭĀn or the names of Allah.

273. Anything that requires *ghusl* – aside from sexual intercourse – such as touching a corpse, which happens at the same time as something requiring *wuḍū'* - before or after it – and one is not able to perform *ghusl*: Then he must perform *tayammum* instead of *ghusl*, but that does not suffice his *wuḍū'*. Instead, he must also perform *wuḍū'* if possible, or else perform *tayammum* again in its place.

274. Whoever has *wuḍū'* then experiences something that requires *ghusl*, such as one with *wuḍū'* who touches a corpse, then cannot perform *ghusl* and so does *tayammum* instead, he does not need to perform an additional *wuḍū'* or *tayammum*, because his original *wuḍū'* is still in effect.

275. If one in a state of ritual impurity performs *tayammum* for some reason, such as prayer, he is able to do anything else with it. So if one performs

*tayammum* to be in a state of purity, his prayer is also valid and he can enter mosques and shrines, and do anything else whose validity (*siḥḥa*), completeness (*kamāl*) or permission (*jawāz*) requires water ablutions. However, this does not apply if *tayammum* was performed only because there was not enough time to use water.

276. One cannot throw away water of a quantity sufficient for *wuḍū'* or *ghusl* after the time for prayer has set in. If one does so intentionally, he is sinful. But he must perform *tayammum* if he cannot find any other water and this still suffices. But if he gains access to water later, he must repeat the prayer in its time. He does not, however, need to make up for it if he gains access outside of its time. And if one has *wuḍū'*, he cannot invalidate it after the time of prayer sets in if he knows that there is no water or he does not expect to find any. But if one invalidates it in this situation, he must perform *tayammum* and it will still suffice.

277. If someone has multiple reasons to perform *ghusl*, a single *tayammum* suffices for all of them.

278. If one has ample time to perform *wuḍū'* but does not do so and then can no longer do so, the legal agent cannot rely on any previous *tayammum* he has performed. Instead, he must renew his *tayammum* because his previous *tayammum* was voided by the availability of water.

279. If one can obtain ice but cannot melt it for *wuḍū'* but is able to wipe the limbs of *wuḍū'* upon it in such a way that he can be said to have washed them, he must do so. But if it cannot be done in such a way, he must perform *tayammum*. However, it is recommended as a precaution (*iḥtiyāt mustaḥabb*) to do both, so long as he can pray on time.

## Section seven: Sources of impurity

Impurity (*najāsa*) literally means ‘uncleanliness.’ In the context of Islamic law, it means what every Muslim must purify himself of, and wash away whatever of it afflicts him for prayer. Opposite impurity stands purity (*ṭahāra*). One can also call impurity (*najāsa*), impure substances (*khabath*), and so purity here would mean ‘purity from impure substances.’

By sources of impurity (*a’yān al-najāsa*) we mean specific things which the religion has decreed to be innately impure, namely that these things are not rendered impure by anything else.

An impurified substance (*mutanajjis*) is something which is innately pure, but it has acquired its impurity through contact with something impure or unclean. It is called ‘impurified’ to distinguish it from something actually ‘impure.’ So urine is a source of impurity, but the hand which touches it is impurified.

The sources of impurity are:

**First and second:** Urine and faeces from any animal with blood that pumps whom it is forbidden to eat, whether essentially – like a dog, pig or beast of prey – or forbidden for some other reason – such as an animal that has been fed excrement or used in an act of bestiality. As for animals who do not have blood that pumps, such as insects, or whom it is permissible to eat, like a cow or sheep, their urine and faeces are pure. As for the urine and droppings of birds, they are pure even if their meat is not eaten, such as a peacock. The same is true for those creatures who are not thought of having meat, such as scorpions and scarabs, even if it is not permissible to eat them.

280. If one is uncertain whether an animal has blood that pumps, its urine and faeces are judged to be ritually pure. The same is true if one is unsure whether an animal’s meat is permitted for consumption.

**Three:** The semen of an animal with blood that pumps, even if its meat is permitted for consumption, let alone if it is prohibited. The same goes for the human being, although this only applies to the man, for there is no evidence that a woman produces ejaculate, though she must still

purify her body and clothing from it. As for the semen of something without blood that pumps, it is ritually pure.

281. Fluids other than urine and semen that come out of a human being, such as prostatic fluid [see no. 88], are all ritually pure and do not require washing.

**Fourth:** Corpses and the carrion of animals with blood that pumps, even if their consumption is permitted. The same applies to any body parts of theirs, no matter how small, so long as they were living parts. Miscarried foetuses, lost before the spirit entered them are also ritually pure, as is a chick in the egg if it dies.

282. Any parts of a carrion which were not living are pure, e.g. wool, hair, fur, bones, horns, beaks, claws, talons, feathers, hooves and teeth. Eggs, when the outer shell has formed, even if it has not yet hardened, are also ritually pure. All the above are pure whether they were taken from animals whose consumption is permitted or from those whose is prohibited, namely those slaughtered in an un-Islamic fashion, whether these are obtained by shearing, plucking or some other method. Yes, anything plucked must be cleansed of the fluids of the carrion. Included in the above is rennet and milk in the teat, if the animal's meat was edible. It is not impurified by a ritually impure udder. This is all for the carrion of an animal that is usually pure. As for one that is usually impure – like a dog – then none of the above are exempt from its impurity.

283. Musk glands, taken from the male musk deer, are ritually pure whether they are taken from a living musk deer or a dead one.

284. A severed part of a living creature is treated as part of a carrion. Exempt from this are warts and pustules, and whatever is above the lip, sores and the like when they are healing, and scabies scales and the like, attached to any

hair that comes off, or come off in scratching and the like; all of that is pure when separated from a living animal.

285. The carrion of an animal without blood that pumps is ritually pure, such as a lizard, scorpion, fish or scarab; the same applies to anything about which one is unsure.

286. By carrion we mean the body of any animal whose death was caused by something other than the Islamic method of slaughter, such as illness, a fight etc.

287. Whatever meat, grease or leather is taken from the hand of a Muslim or his shop, if someone doubts whether the animal it was taken from was slaughtered in accordance with Islamic teachings, the apparent ruling is that it is ritually pure and permitted to consume. It is not unlikely that this applies even if a disbeliever previously owned it, if it is possible that the Muslim ensured its purity. This also applies to whatever is produced in an Islamic country or found in Muslim lands, if its signs of usage indicate that it is ritually pure – e.g. for water, fat or milk – as opposed to containers for waste and impurities. If the aforementioned items were taken from the hand of a disbeliever, they are not deemed to be ritually pure unless it is known that they previously belonged to a Muslim.

288. Just as carrion is ritually impure, it is also prohibited for consumption; one cannot eat it, nor pray in its leather or any part of it. On this basis, anything whose purity is doubted – whether meat or leather – if it is not in the possession of a Muslim, then it can neither be eaten or prayed in, despite its purity. On the other hand, if it was in the possession of a Muslim and used by him in such a way that leads one to believe it is pure – such as a Muslim butcher displaying

meat for sale – it is permissible, and it can be eaten, just as its leather can be worn in prayer.

- a. There is one exception to this rule: We know that the Muslim has taken it from the hand of a disbeliever casually, without any checks or scrutiny. In this situation it is forbidden, and we shall discuss its prohibition in its proper place in the chapters on prayer and foodstuffs.

289. If one knows that this meat, grease or leather was not slaughtered Islamically, then it is both forbidden and ritually impure, whether it belongs to a Muslim or a disbeliever.

**Fifth:** Blood from animals whose blood pumps, whether humans or other animals, edible or otherwise. Exempt from this is the blood that follows slaughter after the usual blood that comes out with slaughter, for it is pure. It can, however, be impurified by an external impurity, such as the knife with which the slaughter takes place, and thereby be rendered impure.

290. A drop of blood that might be found in an egg is pure, even if it is forbidden to eat it. As for blood that is in milk at the time of milking, it is impure and impurifies the milk. As is any blood that comes from the embryo in its early stages.

291. The blood of animals without pumping blood, like that of fish, fleas, lice, insects etc.

292. If one finds blood (on his clothing, for example) and does not know whether it is from an animal with pumping blood or not, then he assumes it is pure.

293. Blood drawn by insects like fleas, lice etc. which do not have blood of their own, when they consume the blood of humans and other animals, this blood becomes pure by virtue of their consuming it.

294. If a yellow liquid comes from a wound or sore and one does not know whether it is blood or not, he can assume it is pure. Also if one doubts whether a dark patch is blood or pus, he assumes it is pure and does not need to check. This also applies if one scratches his body and some fluid comes out and he is not sure whether it is blood or yellow fluid, he assumes that it is ritually pure.

295. If one knows that this blood is either from himself, or from a parasite which sucked blood from him, or another person or an animal with pumping blood – as usually happens – then it is impure and must be cleansed from the body or item of clothing.

**Six and seven:** Pigs and dogs of all breeds, and all of their parts, their leavings and their fluids. Every other animal besides pigs and dogs is pure, even if it cannot be eaten, like foxes, rabbits and mice.

**Eight:** Intoxicants which are liquid under normal circumstances and derived from grapes, but not derived from anything else, and not those which are solid, such as marijuana and the like. Even if these become liquid somehow, they remain pure.

296. If grape juice is boiled over fire and two thirds of it do not evaporate, it becomes prohibited to consume by virtue of boiling, but it is still ritually pure. But if two thirds of it evaporate through boiling, then it is permitted to consume in addition to being ritually pure.

297. Drinking beer is prohibited because it intoxicates, but it is not ritually impure because it is not made from grapes, but from barley.

298. The juice of dates, raisins and sour grapes is pure in all circumstances, whether boiled over fire or not, and permitted if it boiled over fire or the like thereof. But if it was boiled without that and over a long period of time then it is

prohibited, in that it becomes an intoxicant thereby, though even then it keeps its ritual purity.

**Nine:** A disbeliever. Meaning someone who denies Islam and does not believe in it, meaning that he denies the two testimonies of faith or just the second of them. He is ritually impure according to obligatory precaution.

299. Two types of person are exempt from this impurity:

- a. The People of the Book (*ahl al-kitāb*): They are disbelievers who claim to follow what were initially authentic divine religions but were later distorted, such as Judaism, Christianity and Zoroastrianism.
- b. People who claim to be Muslims while at the same time openly professing doctrines which contradict the fundamentals of Islam. For example extremism (*ghuluw*) and antipathy towards the Prophet's Household (*naṣb*); they are disbelievers, but they are still considered ritually pure.

**Ten:** The sweat of an animal which has become accustomed to eating human excrement – called a *jallāl* – is ritually impure. Its meat, urine and all other leavings are also ritually impure, even if it is of an edible species. Until its system is fully cleansed, meaning it is prevented from eating such food for a while and given clean food to eat until it has been dissuaded from its habit and returns to its natural diet.



## Transmitting impurity

300. When a ritually pure object comes into contact with a ritually impure one, the impurity is not transferred unless one is sufficiently moist, meaning that the moisture transfers from one to the other by simply touching. But if they are both dry or only damp, then the pure object is not impurified by touch. The same is true if one of them was liquid with no moisture, such as gold, silver, mercury or some other metal; even if they are melted in a ritually impure container, they are not impurified.

301. For impurity to be transferred between liquids, there are two conditions:

- a. That the liquid is not flowing onto the impurity, or else only the part of it which touches the impurity becomes impure and this does not reach its other parts. If water is poured from a container onto something impure, the impurity does not ascend to the water still in the container or the container itself.
- b. That the liquid is not viscous, or else the impurity is restricted to the place where it comes into contact with the impure object. For example, if some impure substance – such as blood or a dead mouse – comes into contact with thick treacle, the impurity does not affect all parts of the treacle, only the point of contact itself. Yes, if it was a thin liquid, then the impurity would be transmitted to all of its part, such as oil, thin honey, thin treacle, milk etc. The criterion for viscosity is: the liquid is such that if a part of it was taken, a void would be left behind – although this may eventually fill up again. But if it fills immediately when part of it is removed, then it is deemed thin.

302. Solid objects which come into contact with impurities in the presence of moisture only become impure on the point of contact. Adjacent parts of the object are not affected by impurity, even if the moisture covers the object. When

a cucumber or watermelon, for example, touches something impure, only the point of contact is impurified and nothing else. So it is possible to remove the impurified part and consume the rest. The same is true for sweat on a person's body, even if there is a lot of it and he touches some impurity, it is only the point of contact that is impurified, unless the impurified flows over another part of his body, in which case that part is also impurified.

303. When a carpet is placed on a ritually impure patch of ground and it absorbs impurified moisture, and thereby becomes heavier, then common sense says that this moisture transmits the impurity, meaning: Common sense does not distinguish between moisture being transmitted by contact or by absorption. The same is true of a wall adjacent to some ritually impure places, such as a cesspit; the moisture travels from it into the walls in such a way that it impurifies them if it affected the wall in such a way that it causes a stain to appear or some external residue to coat it.

304. If the object touching a source of impurity is part of a person's insides, such as his tongue, inside his nose, ears or internal organs, none of these can be impurified by contact, just like the body of an animal. If blood touches someone's tongue or he places an impure/impurified morsel in his mouth, he does not need to wash his tongue or inside of his mouth. It is sufficient to remove that source of impurity or impurified object.

305. When a source of impurity is still inside a person and it touches a pure object originally from outside the person's body, the latter is not impurified. For example, if a doctor inserts a needle into a patient's body and it comes into contact with blood, but then he removes it and it is clean, it is still ritually pure.

306. An object impurified by contact with a source of impurity, impurifies anything that touches it in the presence of sufficient moisture. For example,

your hand touches the hair of a wet dog, then you place your damp hand on your clothing; your hand was impurified by a source of impurity, and your clothing is likewise impurified because there is only one intermediary between it and the source of impurity. However, anything else that touches your clothing with moisture is not impurified, as there is more than one intermediary between it and the original source of impurity.

307. Ritual impurity is established by one's own knowledge, the testimony of two just individuals, being informed by the items possessor (*dhīyad*) or being informed by anyone trustworthy.

308. A legal agent might know that something pure has touched something impure, but he is not sure whether or not there was sufficient moisture for the transfer of impurity. In this situation, he assumes it is still ritually pure and has not been impurified by contact, even if he knows that either object was moist before but it could have become dry by the time the two touched; in this case he need not consider it impurified, unless he becomes certain, whether through his own senses or some legal evidence, that there was sufficient moisture present when the two things made contact.

309. In situations where someone is unsure whether impurity has been caused, he does not need check thoroughly or ask about it. In fact, he assumes it is ritually pure until he obtains certainty through one of the means listed above. If he does not, but he suspects that impurity has occurred, he should ignore his suspicions and continue to assume it is pure until he is certain that is impure. And whatever comes to the mind of one who suffers from *waswās*, it should be ignored.

310. Whatever is taken from the hand of a disbeliever deemed ritually impure – by obligatory precaution – whether bread, oil, honey, water, milk or any other

liquid or solid is ritually pure, unless it is known that when they touched it there was sufficient moisture to transmit the impurity; the same is true of clothes and containers.

#### **Rulings for ritual impurity**

311. It is a condition for obligatory and recommended prayers, as well as any forgotten parts of prayer and precautionary prayers, that the body of the worshipper, its extensions (hair, fingernails etc.) and his clothes must all be ritually pure – it makes no difference whether these clothes are those covering his private parts or any other. Obligatory circumambulation is the same as prayer in this regard.
312. If the legal agent's body is impurified and he does not have the means to cleanse it, he must pray with the impurity; for the obligation of prayer never lapses under any circumstances. But if he can cleanse some parts because he has a little water, then that suffices; if he cannot clean all of his body, he must cleanse as much as possible.
313. If some impurity is upon his body and some on his clothes and he does not have enough water to clean them both, it is more proper to cleanse the body.
314. Whoever has two items of pure clothing and one of them is then impurified but he cannot tell which one is which, then he cannot pray in either of them until he cleanses it. He can, however, pray twice; once in each item.
315. Whoever realizes, while praying, that the clothes he is wearing were ritually impure before he began praying but he had forgotten, his prayer is invalid and he must terminate it, cleanse his clothing and start his prayers again.

316. Whoever knows, while praying, that the clothes he is wearing were ritually impure before he began praying but he was ignorant of that, the ruling is the same as above; his prayer is invalid.

317. For a prayer to be correct, the place of prostration must be ritually pure, meaning the place where he places his head but not the other parts of his body, although it is better to ensure they are pure as well. If he cannot prostrate somewhere pure, then he must prostrate on something else. If one prostrates on impurity out of ignorance or forgetfulness, then realizes after raising his head from prostration, then his prayer is valid; he need not repeat it.

318. If one was ignorant of some ritual impurity upon his clothes, body or place of prostration and does not become aware of it until after he has completed his prayer, then he need not repeat it in its time or make up for it afterwards.

319. If one knows during prayer that there is some impurity on his person or clothing and there is ample time, his prayer is invalidated and he must repeat it after cleaning the impurity. But if there is not enough time to do this and repeat his prayer up to the first *rak'a*, then if he is able to change or cleanse it during his prayer without breaking it, then he should do that and continue with his prayer. Otherwise, he must pray in it, but it is best to also make up for the prayer.

320. If an impurity appears during prayer and one is able to cleanse it or change one's clothes in such a way as not to invalidate the prayer, he should do so and complete his prayer; there is no need to repeat it. But if one cannot do that, then if there is ample time, he should break his prayer and begin it afresh once he has cleansed himself. But if time is short, then if he cannot remove the clothing for some reason, such as the cold or even because of

onlookers, then he should finish his prayer and he need not do anything else. If he can remove the item of clothing but he has no other covering, then he should finish his prayer while wearing it.

321. If one knows about an impurity, forgets to cleanse it and prays, he must repeat his prayer if he remembers during its time. If he remembers after its time has lapsed, he must make up for it. It makes no difference whether he remembers after prayer or during it, and whether he can change or cleanse it or not.

322. When one cleanses his impure clothing and prays in it, only to realize that the impurity is still there, he does not have to repeat it or make up for it, because he follows the ruling of one who was ignorant of the impurity.

323. If a part of a person's body and a part of his clothing is impurified, or two parts of his body, or two parts of his clothing, and he only has enough water to cleanse one of them, then he can choose whichever to clean, unless one patch is larger than the other, in which case he should prefer the larger patch.

324. One cannot eat or drink something ritually impure, though he can still use it for anything that does not require ritual purity, such as for feeding animals or some other use.

#### **Rulings pertaining to mosques**

325. It is forbidden to impurify a mosque, its building or any item that belongs to it, including its carpet. When any part of it is impurified, it is obligatory for the one who knows about this and is able to cleanse it to do so. In fact, it is forbidden to bring any source of impurity – even one that cannot spread – into the mosque if that is disrespectful to the mosque (e.g. bringing dogs or putting excrement or carcasses therein). But there is no problem if it is not disrespectful to the mosque, especially if that is something not considered because it is part

of the person entering the mosque (e.g. if someone entered with blood from a wound on his clothing or person).

326. One must hasten to remove impurities from a mosque, its items and its carpets. If one enters a mosque to pray in it and finds some impurity, he must remove it before he prays so long as there is sufficient time. If he prays and does not cleanse it, he is sinful but his prayer is valid. But if there is little time for prayer, he must pray first and then cleanse it.

327. If a mosque or any part of it that we have mentioned is impurified by the actions of a specific person, that person must cleanse it, in addition to the collective duty upon every legal agent. In other words, that person has a greater responsibility than anyone else. But when the one who impurified the mosque refuses to do his duty, someone else can do it instead, and they can also demand compensation from the person who impurified it for any costs they incur.

328. When someone cannot cleanse the mosque themselves, they must inform others who are likely to ensure it is cleansed, whether directly or through an intermediary.

329. One cannot impurify a mosque that has fallen into ruin, even if no one prays in it; they must purify it if it is impurified. This is assuming some trace of it remains.

330. In addition to mosques, shrines and the Qurʾān in the form of a holy book share the rulings prohibiting their impurification and the obligation to cleanse them immediately.

331. Spaces of worship belonging to other faiths, such as churches and monasteries, do not share the rulings of mosques unless they become

mosques, although they must still be respected for other reasons. As for mosques of other Islamic sects, the ruling applies to them, even if they are entrusted to or run by those sects deemed to be disbelievers.

#### **Impurities excused during prayers**

**First:** Blood from wounds and sores, whether it is on the body or clothes, until they are healed. So as long as the wound remains, its blood is excused no matter how much it is. However, this exemption is conditioned upon the specific difficulty involved in continuously cleansing the impurity or changing clothes. If there is no difficulty involved, then there is no exemption. Blood from external haemorrhoids, or even internal ones, is included in this, as is that of any internal injury that happens to reach the exterior.

332. One with a wound or sore does not have to try and prevent the blood or the impurity thereof from reaching his clothes so long as that impurity is excused. And just as the blood of wounds and sores is exempt, so too is any pus outside of them, and any medicine applied to them or sweat connected to them.

333. If there are a number of wounds or sores close to one another, such that common sense would count them as a single wound or sore, then they are treated as such. So if some of them heal, it is not necessary to wash them and they are excused until all of them are healed.

334. If one is unsure whether some blood is from an exempt wound or sore or not, it must be cleansed and it is not exempt. And if one is unsure whether his wound has healed, it remains exempt until he is sure that it has.

335. If there are tiny spots of blood scattered over the clothes of one who is praying, their combined area should be noted. If their combined area reaches that of the tip of an index finger, then they are not excused, otherwise one can pray with them.



**Second:** Blood on one's body and clothing, if its area is less than the tip of an index finger. This exemption is conditioned on this blood not belonging to something that is a source of impurity, like a dog, or from a carcass, or from an inedible animal, like a cat, or menstrual, spotting or puerperal blood, because these are not excused. This ruling does not apply to things impurified by blood either, so if some blood – excused by this ruling – falls on clothes, then some water falls on it, the impurified water is not excused.

336. If blood spreads from one side of an item of clothing to another, then it is treated as contiguous. However, if blood spreads from one of clothing to another (as if a robe is made up of two or more layers), then each patch is treated as separate. In this case, the size of both together is noted, so if the size of both together is less than the tip of an index finger, they are excused, otherwise they are not.

337. If one is unsure whether the size of the blood is equal to or less than the tip of an index finger, he can pray without further investigation. And if, after prayer, he realizes that this blood was not exempt, he neither needs to repeat his prayer or make up for it.

**Third:** Items of clothing which are not sufficient by themselves for prayer – i.e. they do not cover the two private parts – like *khuff*,<sup>1</sup> socks, waistbands, caps, rings, bracelets and armbands, are exempt for the purposes of prayer, if these were impurified, even with an impurity from an animal that cannot be eaten, so long as no part of such an animal is in it, or else it is not exempt. It is also not exempt if it is taken from a source of impurity, such as carrion dog hair, pig leather etc.

338. Something in one's pockets at times may be impurified (*mutanajjis*) and at others a source of impurity. The former is exempt, such as handkerchiefs, pens and money put in one's pocket. The latter, if it does not touch the body of

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<sup>1</sup> A kind of slipper without heels that was open at the front.

the one praying (as if some blood or urine was in a container in his pocket), then it is exempt, otherwise it is not.

- a. Excluded from the above exemption is anything that contains part of an impure carrion or is taken from an animal that cannot be eaten, like the blood of a rabbit.

339. There is no such exemption for a child's carer of this kind. Her excuse relies on the principle of difficulty (*'asr*) practical hardship (*ḥaraj fī 'lī*).

### Section eight: Purifiers

Sources of impurity and impurified objects can be removed and cleansed by the following:

**First:** Water, which purifies any impure object washed with it in such a way that it covers the impurified area. It might be necessary to wash repeatedly, as we shall discuss. In fact, even impure water can be purified in the manner we detailed above in the section on water. Although mixed water cannot be purified so long as it is mixed, nor can other liquids.

340. The water used to cleanse impurity is either abundant (*kathīr*) or limited (*qalīl*) in quantity. If it is abundant, such as equal in volume to a *kurr*, flowing or rain, it is sufficient to cover the impurified area with water after the source of impurity has been removed. It is not necessary to squeeze it out or repeat. When cleansing with a limited quantity of water, one must ensure: that it removes the source of impurity from the impurified object, but this is not sufficient for purification; it must be washed again after that, even if this just means continuing to wash it after the source has been removed. There is no need to repeat washing by stopping the water and pouring it again.

341. Any substance which fluids can enter, like soap, earth, clay and wood, impurities can also enter. But one can purify their exteriors by pouring water over it, and there is no doubt that their interior can be purified by pure water

entering it after their exterior has been cleansed, in such a way that water penetrates to wherever parts the impurity has reached and predominates over it.

342. Impurified dough can be purified by being baked and placed in abundant water such that the water soaks into it. The same is true of bread that becomes impure after baking, as well as impurified clay, earth, wood, cheese and the like thereof; they are purified when a little pure water penetrates them, not to mention a lot or if they are submerged in abundant water.

343. Things impurified by urine – except containers – when purified with a limited quantity of water, must be washed twice. Things impurified by something else, including an object impurified by something itself impurified by urine – again, excluding containers – need only be washed once. This is assuming the source of impurity has been removed before washing. But if it is removed by washing, then this does not suffice unless the water continues to be poured over the spot after it has been removed. Then the spot is considered purified of impurities other than urine. If it is impurified by urine, it must be another time.

344. A container that has been impurified by a dog lapping up its contents should be washed three times; first, water mixed with dirt, then twice with just water. If it is washed with abundant or flowing water, a single washing suffices after it has been washed by dirt mixed with water.

345. If a dog strikes a container, or drinks without lapping because its tongue has been severed, or touches it with its saliva, it is purified according to the same method as if it had lapped it. As for if it was impurified by its sweat, any of its leavings or contact with one of its limbs, then the ruling of lapping

does not apply. And the dirt used to wash the container must be pure before usage.

346. When cleansing a container impurified because a pig has drunk from it, it must be washed seven times. The same is true if it is impurified by a rat dying in it. It makes no difference whether it is washed with an abundant or limited quantity of water. Containers impurified by wine must be washed three times, even if they are washed with abundant or flowing water – and it is better to wash them seven times.

347. When clothes and the like are impurified by urine, it is sufficient to wash them in flowing water once, and tap water is counted as flowing. Otherwise they must be washed twice and wrung out in between washings to squeeze out the dirty water and to fulfil the common criteria for two washings.

348. When something is purified by rainwater which soaks the patch of impurity, there is no need wring it out or repeat the washing, whether it was a container or something else, and whether the impurity was urine or something else. However, a container impurified by the lapping of a dog must have been washed with dirt beforehand, even if it does not need to be washed repeatedly.

349. One washes a container with limited water by pouring some water into it, then stirring it around so that it reaches all of its parts, then pouring it out. If this is done three times, then the container has been washed three times and is now pure.

350. With regards to the water used for purification, one must ensure that it is pure before usage. With regards to purification one must ensure that the source of impurity is removed, though not necessarily its qualities, such as its colour and odour. If one or both of these remain, this does not affect purity so long as one knows that the source of impurity has been removed. Water used

for purification must also be unmixed and unchanged by impurity in such a way as to render it impure, it must soak the impure area on an impurified object. In the case of abundant water, this is achieved either by allowing to flow and pouring it over the impurified object, or by submerging the latter in abundant water. As for limited water, this is achieved by pouring water over the impurified object only; it cannot be achieved by submerging the latter in the water.

351. Solid ground, or ground covered with bricks, stones, asphalt or the like, can be purified with limited water by pouring it over it, but the area where the waste water collects is still impure, if the waste water becomes impure.

352. When waste water from purifying an area flows from the impure spot to pure spots, these are not impurified. It makes no difference whether this is on clothing, the body or something else. The water that falls from the object is ritually pure when the place it is falling from is being purified thereby.

353. There is no need to wash something successively if it requires multiple washings; if it is washed once on one day and again on another, this suffices. Although it is better to wring something out straight away if needed.

354. Large, immovable containers can be cleansed with a limited quantity of water by pouring the water into them and stirring it until it has reached all of their parts. The waste water that gathers in the middle is then removed, whether by ladling or some other means. It is better to remove it straight away. This must be done three times. No harm is caused by any gap between washings, or drops of waste water sprinkling on the same water gathered in the container as it is removed.

355. Grease on meat or one's hand does not obstruct purification; if a greasy hand is impurified and then cleansed by covering it with water, it becomes pure, even if the grease is still on it. This is unless there is so much grease that it

acts as a barrier, but then it would not be called grease but something else entirely.

356. A trinket made by a ritually-impure disbeliever, if one does not know that he has touched it with moisture he should treat it as pure. If he knows that he has, then he must purify its exterior but its interior will remain impure. If he uses it for some time and is unsure whether the exterior has been exposed, he must purify it again.

357. The corpse of a Muslim is ritually impure, as we mentioned, and this is a source of impurity. The corpse is purified by washing it in the Islamic fashion described above. On this basis, washing the dead is one of the ritual purifiers. As for the corpse of an impure animal, it cannot be purified, nor can any other. The leather of an animal is not rendered pure by tanning and treatment.

**Second:** Transformation (*istiḥāla*), meaning that an impure or impurified object changes into another object. So impure wood or refuse will become pure when it is burned into ash, smoke or vapour; vapour produced without fire is also purified in this way. This applies to urine which turns into vapour and then condenses into liquid again. As for bricks, tiles, plaster or lime produced by fire, these are still ritually impure, as is anything turned into charcoal.

**Third:** Spontaneous change (*inqilāb*) purifies wine if it ceases to be wine by this means, whether it becomes vinegar or something else.

**Fourth:** Accepting Islām purifies all parts of a disbeliever, including his hair, fingernails and his fluids such as saliva, mucus and vomit.

**Fifth:** The ground purifies the underside of the foot and whatever protects it, such as shoes, slippers, socks and the like by wiping against it or walking upon it, so long as the source of impurity is removed thereby. If the source of impurity is removed before that, it is sufficient to wipe or walk

upon it. This applies to any impurity obtained by walking on the ground. Purity cannot be obtained by wiping the impurity against dirt or rocks separated from the ground.

358. By 'ground' (*ard*) we mean whatever is commonly called the ground, whether rock, dirt or sand. In fact it includes anything that is commonly walked upon, like bricks, tiles or asphalt. Walking on anything other than the ground, such as carpets, wood etc. will not produce purity. Just as wiping against the ground suffices for purity so long as the source of it vanishes.

**Sixth:** The absence of a Muslim purifies his clothes, carpets, containers and other things attached to him, if they could have been purified and he had known of their impurity. But if their owner treats them as though they are pure, while knowing they are impure and understanding the conditions of purity, so long as he is not someone who is not attentive to issues of ritual purity, then he can assume that they are pure.

359. Purity is established through knowledge and demonstration, namely: the testimony of two just individuals, being informed by the owner if he is not known to be a liar, and the same is true of a single trustworthy person. If one is unsure about something's impurity, while knowing it was previously pure, he assumes that it is pure.

360. It is forbidden to use containers made from gold or silver for eating or drinking, and likewise in acts of purification from impure states and substances, and other uses too. The food or drink therein is not prohibited, and it is better not to ornament [one's food] with them, and not to acquire, sell or buy them, nor to rent them out.

## Prayer (Ṣalāt)

### The importance of prayer

Prayer is the most important act of worship in Islam; it is a pillar of faith, as has been mentioned in a tradition. It is narrated from the Prophet {p}: '[Prayer] is first deed of the son of Adam to be investigated; if it is sound, then the rest of his deeds will be considered; if not, then no other deed of his will be considered.'<sup>2</sup> Prayer's similitude, as we are told in another tradition, is like that of a river; so just as no dirt will remain on the body of someone who bathes in a river five times a day, so too does one who offers prayers receive the expiation for all the sins he commits in between them.<sup>3</sup>

Mu'āwiya b. Wahb asked Imam al-Ṣādiq {a} what was the best deed by which God's servants could seek nearness to their Lord, and what was dearest to him? He said: 'I know nothing, after knowledge (*ma'rifa*), better than this prayer! Do you not see that the righteous servant, Jesus son of Mary said: **'and He has enjoined me to prayer and zakat as long as I live'**?'<sup>4</sup>

The importance that Imam al-Ṣādiq {a} attached to prayer was so great that his wife, Umm Hamīda recounts that when Abū Baṣīr came to offer her his condolences for his death, she wept and he wept, then she said: 'O Abū Muḥammad! Had you seen Abū 'Abd Allah as he died, you would have seen something amazing! He opened his eyes and said: 'gather everyone to whom I am related.' She said: 'So we gathered every last person, then he looked at them and said: 'Verily our intercession will not be obtained by one who takes prayer lightly.''<sup>5</sup>

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<sup>2</sup> *Wasā'il al-shī'a* 3/23; ch8 *min abwāb a'dād al-farā'id*, tradition no. 13

<sup>3</sup> *Wasā'il al-shī'a* 3/6, ch2 *min abwāb a'dād al-farā'id*, tradition no. 3

<sup>4</sup> *Wasā'il al-shī'a* 3/25, ch10 *min abwāb a'dād al-farā'id*, tradition no. 1 – the verse is Sūrat Maryam (19):31

<sup>5</sup> *Wasā'il al-shī'a* 3/17, ch6 *min abwāb a'dād al-farā'id*, tradition no. 11



## Section one: The number of obligatory prayers, supererogatory prayers and their times

361. There are six obligatory (*wājib*) prayers: (i) Daily prayers, including the Friday prayers, which one is given the option of offering instead of *zuhr* prayers on a Friday and which, if performed according to its conditions, suffices in place of *zuhr*; (ii) The prayer of circumambulation (*ṭawāf*); (iii) the prayer of signs (*āyāt*); (iv) funeral prayers; (v) prayers offered by the eldest son to make up for those missed by his deceased father; (vi) prayers on the two *ʿīds*. Every other prayer prescribed by the religion is supererogatory (*mandūb*) and recommended (*mustahabb*); these are only obligatory if occasioned by one of the general reasons which make them so, such as a vow (*nadhṛ*), oath (*yamīn*), commission (*ijāra*) or the like.

362. Supererogatory prayers are many; the most important are the daily ones: eight *rakʿas* before *zuhr*; eight before *ʿaṣr*; four after *maghrib*, two performed sitting – counted as a single *rakʿa* – after *ʿishāʿ*; eight for night prayers (*ṣalāt al-layl*), two for *shafʿ* after these and a single for *witr* thereafter, then two before *ḥajr*. On Friday another four are added before noon. And these have etiquettes mentioned in their proper place.

363. All supererogatory prayers are offered two *rakʿas* at a time, like morning prayers, without *adhān* or *iqāma*, except *witr* because it is a single *rakʿa*. One can restrict himself to performing only some of the aforementioned supererogatory prayers, while performing any complete group of them. One can also restrict himself to offering only four supererogatory *rakʿas* for each of *zuhr* and *ʿaṣr*, or to only *shafʿ* and *witr* from the night prayers, or only *witr* by itself; and two *rakʿas* of the supererogatory prayers at *maghrib*.

364. One can offer the daily supererogatory prayers and others while sitting if he chooses. In this case, it is religiously better to count every two *rak'as* as a single one, so – for example – the supererogatory prayers at *fajr* would become four *rak'as* while sitting. In doing this for *shaf'* or *witr*, it is better to make the intention of hoping for divine reward. One can also offer supererogatory prayers while walking by inclining the head, but he must face the *qibla* while walking, or at least when he pronounces the *takbīrat al-iḥrām*. It does not suffice to incline the head while one is stationary whether standing or sitting, unless one is compelled to do so.

365. When at home, the daily obligatory prayers total seventeen *rak'as* and eleven when travelling. The supererogatory prayers total twice the number of *rak'as* as the obligatory ones while at home – thirty four *rak'as* – making their combined total fifty one. According to a narration, regularly offering these prayers is the mark of a true believer. When travelling, sixteen *rak'as* are dropped from the supererogatory prayers; those of *zuhr* and *'aṣr*, leaving eighteen behind. It is possible that all besides those of night prayers are dropped. Therefore it is better to offer the others with the intention of hoping for divine reward when travelling – namely those of *fajr*, *maghrib* and *'ishā'*. As for night prayers, these are recommended whether one is travelling or at home.

#### The times of obligatory and supererogatory prayers

366. The time for *zuhr* and *'aṣr* prayers lasts from noon until sunset. The former's exclusive time lasts from noon for the time it takes to perform it; while the latter's exclusive time is however much time it takes to perform it before sunset. Between these two points, the time is shared. Noon (*ẓawāl*) refers to the midpoint between sunrise and sunset and it is known by the fact that the length every person's shadow becomes normal after being short, or by the reappearance of a shadow after it had disappeared completely.

367. The time for *maghrib* and ‘*ishā*’ prayers lasts from sunset (*maghrib*) until daybreak (*fajr*); the former’s exclusive time lasts from sunset for the time it takes to perform it, while the latter’s is the same but before daybreak. Whatever time is between these two points is shared between them. It is better to treat the shared time and that exclusively for ‘*ishā*’ as lasting until midnight and thereafter to pray with the intention of hoping to fulfil one’s prayers [on time] and [if not] then to make up for them. This applies whether one delayed them intentionally or otherwise. Midnight is the mid-point between sunset and sunrise; sunset is known by the disappearance of the Sun’s disc, but one must wait until any redness in the eastern horizon has disappeared before praying.

368. The time for *fajr* prayer lasts from true daybreak to sunrise. True daybreak is a lightness on the horizon which gradually grows clearer. Before it is false daybreak: a rectangular lightness on the horizon which rises towards the heavens like a pillar – it has no ritual relevance.

369. The time for the daily supererogatory prayers is the same as that of the obligatory prayers to which they belong, so long as its proper position in relation to the obligatory prayer – whether before or after – is maintained, and so long as it is not offered in a time specifically for its obligatory partner. If the supererogatory prayers of *fajr*, *zuhr* or ‘*asr*’ be offered after their time, it should be with the intention of making up for them. However, preceding main the *maghrib* and ‘*ishā*’ prayers with their supererogatory prayers is not legitimate.

370. The best time for night prayers is dawn (*ṣaḥar*), which is the last sixth of the night – though apparently the last third suffices, or even the second half of the night. One can offer the supererogatory prayers of *fajr* after them or interpolate the two. The nearer the night prayers are to *fajr*, the better; it is even permissible to offer them after *fajr* has begun with the intention of making up.

371. Legally, one can be certain that the time for prayer has set in by the following methods:

- a. Direct knowledge
- b. The testimony of two just witnesses
- c. The *adhān* of a trustworthy *mu'adhdhin* who knows the relevant rulings
- d. The testimony of any trustworthy person who knows the relevant rulings

372. If the time for prayer begins and sufficient time passes to perform the prayer but one does not pray, only to be taken by an impediment which means they cannot pray, they must make up for that prayer. If sufficient time does not pass, they do not have to. And if the impediment is removed at the end of the time, then if there is sufficient time to offer both prayers having performed ritual purity, they must do so. The same applies if they have sufficient time for five *rak'as* – for *zuhr* and *'aṣr* – or four – for *maghrib* and *'ishā'* plus purification, or else they must offer the second of the two prayers so long as there is enough time for a single *rak'a* of it. Otherwise there is no obligation whatsoever.

373. One cannot offer a prayer before its time has set in; in fact, one cannot pray unless they know it to be the time themselves or have been given testimony to that effect (see above). The *adhān* of one who is trustworthy and aware of the rulings, or the mere act of such a person informing him is sufficient. And it is permissible to act on probable knowledge in exceptional circumstances.

374. If someone is certain that the time for prayer by his own perception or by a valid means – see above – then prays, only to realize that the time for prayer had not actually begun. If his prayer in its entirety fell outside its appropriate time, it is null, as if he had not prayed at all. But if the time had set

in before he completed the prayer, even just before the *taslīm* or during it before he finished, then his prayer is valid.

375. Whoever prays without making sure that the time has begun and approaches prayer unaware of the time, then realizes that the time for prayer began before his prayer, his prayer is valid. But if he realizes that the time of prayer began either during his prayer or after it, then his prayer is invalid.

376. One must follow the proper order in the afternoon prayers by beginning with *zuhr*, and in the evening prayers by beginning with *maghrib*. If he reverses the order intentionally during the time shared between them, then he must repeat his prayers. But if he did so accidentally, then he need not repeat them, according to the above.

377. One must switch from the later prayer to the earlier one. For instance if he has put '*aṣr*' before *zuhr* or '*ishā*' before *maghrib* accidentally, only to remember during the prayer, he must switch his prayer to *zuhr* or *maghrib* respectively. He cannot, however, do the opposite; so if – while praying *zuhr* or *maghrib* – he realizes he has already prayed them, he cannot switch to '*aṣr*' or '*ishā*'. And he can only switch from '*ishā*' to *maghrib* if he has not entered the fourth bowing (*rukū*'), otherwise his prayer is invalid and he must begin it again.

378. The time for '*ishā*' prayers begins with sunset – according to the definition we gave for *maghrib* prayers – until midnight, exactly like the obligatory prayers of *maghrib*, save that he cannot pray '*ishā*' before *maghrib*. So whoever prays it before *maghrib* prayers intentionally, knowing that this is not allowed, his prayers are invalid and he must pray *maghrib* before '*ishā*' [again.]

379. Those with an impediment to prayer can bring a prayer forward to the beginning of its time if they despair of this impediment being removed. But if the impediment is removed while there is still time, they must repeat the prayer.

Yes, in *taqiyya* it is permitted to hurry, even if one knows that the impediment will be removed, and there is no need to repeat the prayer should there still be time once it is removed.

380. If a child reaches maturity during the prayer time, they must pray so long as there is sufficient time for a single *rak'a* or more with the necessary preliminaries. If one prays before maturity then attains it during prayer or after it, it is sufficient and he does not need to repeat the prayer, even if it is better to repeat in both cases. And if he becomes aware of his maturity during prayer, he must switch his intention in prayer from recommendation to obligation.

## Section two: Qibla

381. One must face the general direction of the area or place in which the Sacred Ka'aba resides, and this extends – for the purposes of religious devotion – from the depths of the earth to the highest heavens, meaning in the sense that these can be inhabited by people, whether underground or in the sky.

- a. It is only obligatory to face the *qibla* in all of the daily obligatory prayers and their components, including forgotten parts and prostrations for lapses (*sujūd al-sabw*) too and supererogatory prayers when they are prayed by one stationary on the ground. If these are prayed while one is walking or riding, there is no need to face the *qibla*.

382. Compasses and other technologies, whether independent or connected to other things, such as a navigator, or a program on a mobile phone, that allows one to locate the direction of the *qibla*, can be relied upon so long as they yield confidence.

383. One must know that they are facing the *qibla* based on some evidence, or because someone trustworthy told them, or the *qibla* in a Muslim country based on their prayers, graves and *mibrābs*, so long as their builders are not known to have been erroneous. Whoever cannot rely on any of the above, must do his best to work out the direction of the *qibla* and act accordingly, even on the basis of probable knowledge (*ẓann*). Whoever cannot do so must face the direction commonly faced [by others]. Whoever is unaware of this may pray in any direction he pleases.

384. Whoever prays in a direction, believing it is the *qibla*, or prays towards it inattentively as though it is the *qibla*, only to realize his error after his prayer: If he was off-course between his left and right, his prayer is valid; and if he

realizes it during his prayer, he continues and turns to face the proper *qibla* for the remainder of his prayer. It makes no difference whether time remains for prayer or not, nor whether he has certainty or probability, nor whether he had forgotten or been inattentive, nor whether he had a religiously-valid proof or not. As for one who was off-course by more than that, even if only directly to the left or right, must repeat his prayer if there is time. This, whether he becomes aware during his prayer or after it. He does not need to make up for his prayers if he realizes after the time.

385. Whoever prays without facing the *qibla*, knowing that he is not facing the *qibla*, his prayer is invalid whether he knew and was aware that the Lawgiver has obliged him to face it, was ignorant of this fact, or knew it and forgot the ruling when he prayed, and thus did not face the *qibla*.

### **Section three: The worshipper's clothes**

386. Assuming one is able, he must cover his private parts in prayer and acts connected to it, except for the prostration for lapses, even if there is no onlooker present or he is praying in the dark. If his private parts are exposed because of the wind or his inattentiveness, or they were exposed from the beginning but he was not aware, or he forgot to cover them, his prayer is valid. But if he realizes he is exposed in the middle of his prayer, he must go immediately to cover his private parts and his prayer is valid. If he does not do this, his prayer is invalid.

387. A man's private parts in prayer are his penis and testes and his buttocks, but not what is between them.

- a. A woman's private parts are her entire body, including her head and hair, except for the part of her face washed in *wuḍū'*, and her hands to the wrists, and her feet to her ankles – the top and bottom of both.



- b. One must ensure that they are covered somewhat in excess of these limits, to ensure that they are properly covered.

#### **Conditions for the worshipper's clothes**

**First:** Ritual purity, except in those matters which are excused for prayer, as we have discussed in the section on ritual impurities.

**Second:** Permitted for usage; a legal agent cannot take a robe or anything else to wear without the permission of its owner. If he wears it, he is sinful whether he prays in it or not. But if he prays in it, his prayer is valid, even if he is sinful for his lack of respect for other people's property.

**Third:** His clothes must not be made of pieces of carrion in which life is said to reside, whether this animal is permitted or prohibited for eating.

**Fourth:** That his clothes must not be made of something whose flesh is not eaten. It makes no difference whether it has pumping blood or not, nor whether its parts are those in which life is said to reside. It makes no difference whether prayer is completed in this clothing or not. Exempt from this ruling are all water-dwelling creatures.

388. If one is unsure about his clothes or anything on his clothes, such as moisture, hair etc. or whether it is from an edible animal or not, his prayer is valid in it.

389. There is no problem with wax and honey taken from bees, nor silk mixed with something else. The same applies to bedbugs, lice, hornets or any other animal that has no meat. There is also no problem with mother of pearl, or human leavings such as hair, saliva, milk etc. even if these belong to someone other than the worshipper. The same applies to hair wigs and extensions, whether they are taken from a man or woman.

**Fifth:** Nothing a man wears must be made of gold, even if it is only an ornament like a ring. If something is gold-plated such that it is considered a colour, there is no problem. All of the above

is permitted for women, just as what men carry in their pockets is allowed, such as a pocket-watch, coins or pens. However it appears that a watch is not allowed if it is made of gold and worn around the arm or neck, or upon his clothes in such a way as it is commonly considered clothing. A man cannot wear gold outside of prayer even; whoever does this is sinful.

390. One praying can keep a gold watch in his pocket. He is also allowed to have a golden tooth, whether it is visible or not. There is no problem with a gold button, or gold medals on a soldiers uniform, for none of this counts as wearing gold.

**Sixth:** Men may not wear pure silk, even outside of prayer (like gold), though there is no problem with them carrying it with them during prayer, spreading it on the floor, or wrapping oneself in it or anything else that is not considered wearing it. There is no problem with silk seams, tassels, embroidery or laces on clothing, no matter how numerous they might be.

391. There is no problem with silk mixed with cotton, silk or other materials permitted to wear in prayer, but in such a way that these items of clothing can no longer be called “pure silk.” It is not sufficient to mix them with such a small quantity that it disappears. The ruling on silk does not apply to artificial silk or other silky materials, no matter how expensive. If one is in doubt as to whether an item of clothing is silken or not, he may wear it. The same is true if one is unsure whether it is pure silk or mixed.

392. If the worshipper realizes while praying that some part of his body he must cover in prayer is exposed, he should break his prayer and repeat it covered. The same is true if he prays exposed, not knowing that covering is obligatory for the worshipper, and realizes this during the prayer; he must repeat his prayer.

393. If one can only find an impure robe and he cannot purify it, he should pray in it and his prayer is valid.

394. If someone has two robes, one of which he is forbidden to wear under any circumstances and he cannot pray in it – like a robe of pure silk – while the other is one he can wear both in and out of prayer, but he cannot tell which is which and he has no other robe, then he must put both aside and pray as he is, trying to cover his private parts with a leaf or the like thereof.

395. If one cannot find clothes to wear in prayer, but finds some other kind of covering, such as leaves, grass, branches, clay etc. then he can use them to cover his modesty and pray.

396. If one cannot cover his privates even with leaves or the like, he might be somewhere he can be seen, or somewhere where he is unlikely to be seen. In the first case, he should pray seated, inclining his head for bowing and prostration; not exposing himself to the extent he is able. In the latter, he may pray as normal, but as a precaution he should offer another prayer, sitting and inclining his head for bowing and prostration.

397. One who cannot find clothing is allowed to pray as soon as it times begins, whether nude or with some emergency covering, according to the situations and rulings we have detailed above, even if the impediment affecting him might be removed before the time for prayer finishes.

- a. So if someone prays at the beginning of the time without clothes, then after finishing his prayer finds the necessary religious attire, there is no need for him to repeat his prayer except in those situations where he offered daily prayers by inclining his head for bowing and prostration.

398. Covering for prayer is not achieved by thin clothes through which the colour of the skin can be seen. In fact, it must be thick and dense enough to hide the colour of the skin.



## Section four: The place of prayer

The following must be considered for the place of prayer:

**First:** That one is allowed to use it; obligatory and supererogatory prayers cannot be offered in a usurped location.

**Second:** It must be ritually pure; it cannot be contaminated with an impurity that could spread to the worshipper's clothes or body. As for impurity that cannot spread, there is no problem with it. As for the place where the forehead will be placed, it must be free from all kinds of impurity.

**Third:** Stability; the location cannot be moving or shaking such that the worshipper is not stable there. Therefore prayer is not valid on trains, aeroplanes or cars that are in motion; if they are still, there is no problem. But if one is compelled or time is short, then there is no problem [praying in them.] The place of prayer must also allow the worshipper to bow and prostrate in the normal fashion.

399. Prayer is only invalidated in usurped property if permission has not been given by the owner for prayer, even if it is given to a particular individual, otherwise it is valid. Permission from the owner for prayer or other actions, is broader than just his explicit assent – whereby he is aware of the prayer and permits it – to include his implicit assent – whereby it is known that if he knew of the activity, he would permit it. So one can pray in someone else's property even if that person is not aware, so long as one is sure that if he knew of it he would allow it.

400. If one believes that a location is usurped but prays in it, his prayer is invalid, even if it turns out not to be.

401. It is not enough to put a permitted carpet, mat or prayer rug of any kind down over usurped land, in order that prayer might be permitted.

402. Whoever is imprisoned in a usurped location and prays in it, his prayer is valid.

403. A location might not be usurped, but a person might not be allowed to remain in it, because of some harm that might come to his person or faith, such as falling into prohibited acts whether by his will or against it. So if a person refuses to leave and prays there, his prayer is still valid.

404. The manners for one who wishes to pray in the shrines of the Imams {a3} in the room where their tomb is kept: That their place of prayer must not be with his back to the infallible's grave. But if one cannot pray anywhere but with his back to the grave, then he should pray in a space attached to the tomb room. Here there is no problem in standing with one's back to the tomb so long as there is some barrier – such as a wall – between it and the place of prayer. If a worshipper stands with his back to the tomb but did not know that the tomb was there or that he should not pray with his back to it, or he did so inattentively, his prayer is still valid.

405. There is no problem if a man prays while a woman is praying to his left, right or front, whether she is his wife, a relative or a stranger; whether she is near or far. That said, it is recommended for a man to be in front of the woman, even if only by the length of his torso, such that when they prostrate, the woman's head is parallel to his knees, or that there was some barrier between them – such as a wall – no matter how short; even if it still allows them to see one another.

406. It is recommended to offer prayers in a mosque; some texts even say that praying alone in a mosque is better than praying in a congregation outside of one.

- a. The best mosque is the Holy Sanctuary in Mecca, and some texts say that one prayer therein is equal to a million elsewhere; then the Prophet's Mosque in Medina, in whom one prayer equals ten thousand prayers elsewhere; then the Mosque of Kufa, in whom one prayer equas a thousand prayers elsewhere; then the Mosque of al-AqÒÁ, in whom one prayer equals a thousand elsewhere; then the congregational mosque (*masjid jāmi'*) in a given land, in whom one prayer equals a hundred elsewhere.

407. It is recommended to pray in the shrines of the Imams {a}, especially in that of the Commaner of the Faithful {a}.

408. It is recommended to visit mosques frequently. One narration says: 'Whoever goes to one of Allah's mosques, each step he takes until he returns to his home shall be worth ten good deeds and efface ten wicked ones, and shall raise him ten degrees.'<sup>6</sup> It is also recommended to sit in mosques and wait for prayer. The Prophet {p} is narrated to have said: 'The monasticism of my *Umma* is to sit in mosques and wait for prayer!'<sup>7</sup>

#### The forehead's place of prostration

409. In addition to everything we have mentioned above, the place where the head prostrates must be made from earth, plant or paper; the best is the earth of Karbala, whose superiority many narrations proclaim.

410. One cannot pray on anything that is not considered 'earth' (*arḍ*), such as gold, silver and the like; nor can one pray on anything that is not considered 'plant' (*nabāt*), such as dust and charcoal.

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<sup>6</sup> *Wasā'il al-shī'a* vol. 5, *bāb istiḥbāb al-mashī ilā al-masājid*, tradition no. 4

<sup>7</sup> *Wasā'il al-shī'a* vol. 4, *bāb istiḥbāb al-julūs fī al-masjid wa intizār al-ṣalāt*, tradition no. 7

411. With regards to plants, they must not be edible (e.g. wheat, barley, beans, fruits etc.) even if they are not ripe or they require processing to be made edible.
412. Furthermore, these plants should not be worn, like cotton, linen or hemp, even before they have been woven or spun. There is no problem, however, with prostrating on their wood or leaves, the same is true of palm leaves and fibres, which are not suitable for clothing even if sometimes people do wear them.
413. Apparently one can prostrate on all forms of paper, even if they are made from something that cannot be prostrated on, such as cotton, silk or linen. There is also no problem prostrating on written pages, so long as any writing is considered a colouring of course.
414. If one cannot prostrate on the proper surface because of *taqiyya*, he may prostrate on whatever *taqiyya* requires.
415. If one is occupied with prayer and in the middle of it he loses the surface for his forehead, then he must break his prayer if there is sufficient time (even if only for a single *rak'a*). If there is no time, he should prostrate on his sleeves. If he cannot do that, then he may prostrate on whatever he can.
416. If one prostrates on something unsuitable for prostration believing that it is, then if he realizes after prayer, he does not need to do anything. And if he realizes after prostration, he continues praying and changes it for the following prostrations. If he realizes during prostration, he should drag his forehead to a suitable surface if possible, otherwise he should break his prayer if there is sufficient time, or complete it if there is not.



417. When prostrating for prayer, one must ensure that his forehead rests firmly upon the place of prostration; one cannot prostrate on soft clay, dirt on which his forehead cannot rest, nor on something spongy. However, so long as his forehead rests firmly, all of the above is allowed. And if he prostrates on clay or dirt and some of it clings to his forehead, he must remove it before his next prostrations.

### Section five: The components of prayer

There are obligatory and recommended components of prayer. The recommended ones are many, including: the *adhān*, *iqāma*, *qunūt* and *ta'qīb*. As for the obligatory ones, they are the acts of the prayer itself, namely: *takbīrat al-iḥrām*, bowing and prostration.

#### Adhān and iqāma

418. It is strongly recommended for both men and women to recite the *adhān* and *iqāma* in their daily prayers, whether on time or making up for them, at home or travelling, in sickness or health, and alone or in congregation. Both are most strongly recommended for on time prayers, especially at *maghrib* and *fajr*. The most strongly recommended of the two is the *iqāma*, especially for men. In fact it is recommended precaution that they perform it. Neither *adhān* or *iqāma* are valid for *nawāfil* prayers, nor in non-daily obligatory prayers, such as the prayers of signs and *ʿid*.
419. The *iqāma* for *ʿaṣr* drops on Friday when one has prayed Friday prayers in congregation, and on the day of ʿArafa when one has prayed *zuhr* in congregation. Both are also dropped for one who suffers incontinence or anyone who is in a perpetual state of ritual impurity when they join two prayers with a single *wuḍʿūʿ*, especially if they only have a short time in which they can preserve their ritual purity. Perhaps it is even obligatory for them not to recite

them in this situation, even between *wuḍū'* and a single prayer, intending for as little impurity as possible to occur during the obligatory prayer.

420. Both the *adhān* and *iqāma* are dropped in the following situations:

- a. One who joins a congregational prayer for which an *adhān* and *iqāma* have already been said, even if he did not hear them.
- b. Someone who wants to begin one congregational prayer immediately after another for which an *adhān* and *iqāma* have already been said, so long as some of the people in both congregations are the same.
- c. One who enters a mosque before the congregation has dispersed, whether he leads a congregation, follows one or prays alone, on the condition that they are said to be in one location.
- d. The *imām* of the congregation suffices with the *adhān* and *iqāma* of one of his followers, even if he does not hear it. And vice versa.
- e. When one person hears another make the *adhān* and *iqāma*, whether he is an *imām*, a follower or praying alone.

421. The *adhān* has eighteen parts: “*allāhu akbar*” four times; “*ashhadu an lā ilāha ill allāh*” twice; “*ashhadu anna muḥammadan rasūl allāh*” twice; “*ḥayy ‘alā aṣ-ṣalāh*” twice; “*ḥayy ‘alā al-falāḥ*” twice; “*ḥayy ‘alā khayr il-‘amal*” twice; “*allāhu akbar*” twice; “*lā ilāha ill allāh*” twice.

- a. The *iqāma* follows the same pattern, except that all of its phrases are in pairs of two, except for the final “*lā ilāha ill allāh*”, which is only once, and after the three pairs beginning “*ḥayy ‘alā...*” one adds: “*qad qāmat aṣ-ṣalāh*” twice – giving it seventeen parts total.

- b. It is recommended to send blessings on Muḥammad {p} and his Household when his name is mentioned; it is also recommended to accompany the two testimonies of faith with one testifying to the *wilāya* and leadership of ÝAID b. AbÐ ÓÁlib {a} in both the *adhān* and elsewhere.

422. The *adhān* and *iqāma* have the following conditions:

- a. **First:** Intention, both before and during them, seeking nearness to Allah.
- b. **Second and third:** Soundness of mind and faith, though a discerning child suffices for both *adhān* and *iqāma*.
- c. **Fourth:** That the one reciting them be a man if men are present; the *iqāma* and *adhān* of women are not counted for others.
- d. **Fifth:** Sequence, by putting the *adhān* before the *iqāma* and reciting the phrases in their proper order. If one says the *iqāma* first, he must repeat it after the *adhān*. If one changes the order of the phrases, he must go back and repeat in a way that restores their sequence. This, unless continuity has been lost, in which case he must go back to the beginning.
- e. **Sixth:** Continuity between the *adhān* and *iqāma* and the phrases in each of them, and between them and the prayer. If there is a gap between them, they must be repeated.
- f. **Seventh:** They must be recited in properly pronounced Arabic, without accent.
- g. **Eighth:** The time of prayer must have set in; they are not valid after it. However, one can recite the *adhān* before *fajr* to alert people.

423. Whoever does not recite the *adhān* and *iqāma* or one of them intentionally cannot break his prayer [to recite them] and begin again after pronouncing *takbīrat al-iḥrām*. But if he forgot to recite them, it is recommended that he break his prayer to attain them.

424. For the *adhān* the following are recommended: Freedom from impure states (*ḥadath*); standing, and facing the *qibla*. It is disliked to speak during it. The same applies to the *iqāma*; in fact, it appears that it is conditioned upon purity and standing. It is extremely disliked for anyone speak after the one reciting *iqāma* has said “*qad qāmat aṣ-salāh*” for any purpose other than the prayer.

## Obligations of prayer

They number eleven:

(i) Intention, (ii) *takbīrat al-iḥrām*, (iii) standing, (iv) recitation of the Qur'ān, (v) remembrance (*dhikr*), (vi) bowing, (vii) prostration, (viii) testimony (*tashshahud*), (ix) invoking peace (*taslīm*), (x) sequence, and (xi) continuity.

The fundamentals which invalidate the prayer if they are left out or added to, intentionally or otherwise, are five: Intention, *takbīrat al-iḥrām*, standing, bowing and the two prostrations. All other parts are not fundamentals and the prayer is not invalidated if one unintentionally leaves them out or adds to them.

### Intention

This means aiming to perform a deed in such a way that it is motivated by Allah's command. It is not necessary to say this aloud, nor to put in mind the full details of the deed when aiming to perform it; it suffices to know what one is doing, without intending obligation or recommendation, nor distinguishing the obligatory parts of the act from its recommended part, nor any other attributes or goals. It suffices that one has a general desire to perform the act that stems from Allah's command, and this desire brings about the act in the same way as any other voluntary acts from a free-willed person, as opposed to one who is unaware (*sāhī*) or inattentive (*ghāfil*). This intent must remain effective until the termination of the deed, meaning that there should be no goal which contradicts or invalidates it.

425. Proper intent requires sincerity (*ikhhlās*). If showing-off (*riyā'*) is added to [obedience to] Allah's command, the prayer is invalidated. This applies to any other obligatory or recommended act of worship. It makes no difference whether the intent to show-off was there before or during the deed, or whether

it occurred in all parts of the act or in an obligatory one, in the act itself or in some of its necessary conditions. There are parts of the prayer whose invalidity would invalidate the obligation; for example, if one shows-off by offering his prayers in congregation then, insofar as the congregation is invalidated, so too is the prayer itself. On the other hand, aspects such as praying in a mosque or at the beginning of its time may be performed with the intention to show-off, but the prayer with its constituent parts and conditions is still offered with sincerity, and this is sufficient for it to be considered valid. As for the suggestion that showing-off in recommended parts of the prayer, such as supplication (*qunūt*) or adding glorifications (*tasbīḥ*), invalidates it, there is an objection to it. The most apparent ruling is that the prayer is valid; in fact, the apparent ruling is that the prayer cannot be invalidated by showing-off in anything outside of the prayer itself, for instance washing away impurities (*khabath*) before prayer, or giving charity, enjoining good or glorifying Allah during it.

426. Showing-off does not mean feeling pleased that people see you doing a good deed when that deed was done sincerely for Allah. Neither do stray thoughts invalidate one's prayers, especially if one is distressed by these thoughts or knows them to be false. And if the intention behind praying in front of people is to remove some bad opinion of him or avoid some other harm, then it is neither showing-off, nor does it invalidate the prayer.

427. Showing-off after the act of worship does not invalidate it, as when someone has sincerity during the deed, but after he has finished it he mentions his good deeds to people.

428. Any stray thoughts and *wasāwas* that enter someone's mind during the prayer have no effect on it. So long as one is not satisfied with them upon reflection, or does not utter them, they have no effect, especially if one is

distressed by them or he knows that they go against the religious principles in which he believes.

429. When one begins praying and then doubts whether he made his current prayer *zuhr* or '*aṣr*', or something like that, then if he has not already offered *zuhr* he makes the intention of *zuhr* and completes his prayer. But if he has already offered *zuhr*, his prayer is invalid and he must start again with the intention of '*aṣr*'. The same is true if one begins a prayer and does not know whether he intended *maghrib* or '*ishā*'; if he has not offered *maghrib* yet, he must intend *maghrib* and complete his prayer so long as he has not bowed for the fourth time, then he prays '*ishā*' afterwards. But if he has already offered *maghrib*, his prayer is invalid and he must begin again with the intention of '*ishā*'.

430. If one is in the middle of praying and intends to break his prayer, or to do something that would break his prayer, even if at a later point: then if he continues his prayer and performs an obligatory part of the prayer in this state – such as recitation or bowing – his prayer is invalid, let alone if he completes it in this state. But if he returns to his initial intention and puts aside the idea of breaking it before performing any obligatory part, his prayer is valid and he should complete it, so long as he has not actually resolved to break it or done something which breaks it.

431. One cannot switch from one prayer to another, except in the following cases:

- a. When two prayers are performed one after another – such as the afternoon and evening prayers – and he has begun the second of the two before the first; then he must switch from one to the other if he remembers during the prayer.

- b. When two prayers are being made-up for and he begins the later of the two only to remember that he owes a previous one, then he must switch to the previous one. This is for prayers performed one after another, and he can also switch in others.
- c. When one begins a present prayer (*ḥāḍira*) only to realize he must offer a passed one (*fā'ita*), in which case he can switch to the latter.
- d. He can only switch in the aforementioned situations so long as he has not exceeded the prayer to which he is switching. If one remembers in the fourth bowing of '*ishā*' that he has not offered *maghrib*, then his prayer is invalid and he must repeat it again after offering *maghrib*.
- e. If one begins to offer an obligatory prayer alone, then a congregation begins, it is recommended to switch it to a recommended prayer [so long as he has not exceeded to *rak'ats*], then complete it and join the congregation.
- f. If a traveller begins offering shortened prayers then intends to reside [where he is] before the invocation of peace (*taslīm*), then he should switch his prayer to full-length. If a resident begins offering full prayers, then ceases to be a resident [where he is] before the third bowing, he switches to shortened prayers. But if this is after the third bowing, his prayer is invalid and he must repeat it.

432. One can switch intentions repeatedly, so if someone is offering a passed prayer, then remembers that there is another one prior to it, then switches to the latter, only to remember that there is yet another one prior to that, he can switch yet again and his prayer is still valid.



### Takbīrat al-iḥrām

Also called the *takbīr* of opening the prayer (*takbīrat al-iftitāḥ*), its formula is: “*allāhū akbar*”. No equivalent saying in Arabic (such as “*allāhu a‘zam*”) suffices, nor does its translation to another language. When one performs it they have consecrated the prayer and are prohibited from doing anything that would invalidate the prayer. And this must begin with the beginning of the *takbīr*.

433. The *takbīrat al-iḥrām* is a fundamental (*rukṇ*) whose omission invalidates prayer as does its addition if it is intended to consecrate (*iḥrām*) the prayer. As for whatever people say unintentionally, ignorantly or wrongly believing that it has no harm, their prayer is valid.

434. One must pronounce it in Arabic form and content, one who does not know Arabic can be prompted by someone else or learn; if he cannot, he does whatever he can so long as common sense says it is a *takbīr*. If he cannot do this, he may use words to its effect, and if he cannot do that, he may translate it.

435. Someone who is mute or otherwise unable to speak for some reason, sets his heart upon *takbīrat al-iḥrām*, while signalling with his fingers and moving his tongue if able.

436. One must be standing completely upright during the *takbīr*, and this is a fundamental (*rukṇ*). If he does not do this, intentionally or otherwise, it is invalid. It makes no difference whether someone in the congregation joins the prayer just as the *imām* is bowing or in any other state, he must wait until he knows that he has said the complete *takbīr* while standing. As for standing still, as opposed to walking or leaning one way or the other, or still in the sense of calmly: even though this is obligatory while performing *takbīr*, it is not a fundamental component, so if one omits it unintentionally it does not invalidate the prayer.

437. If one pronounces the *takbīr* and then doubts whether it was the obligatory *takbīrat al-iḥrām* or a recommended *takbīr* before bowing, then he should assume the first. And if he performs it but doubts its validity, he should assume it is valid. And if he doubts whether he performed it at all having already begun the recitation of the Qurʾān, he should assume that he has performed it.

438. It is recommended for the worshipper to raise his hands to his ears or the side of his face when performing *takbīrat al-iḥrām*, facing his palms towards the *qibla* and holding his fingers together.

439. One can pronounce the *takbīrs* in quick succession without any supplication, but it is better to pronounce three and then say: '*allāhumma anta malik ul-ḥaqq, lā ilāha illa ant, subḥānaka innī ẓalamtu nafsī faghfir lī dhanbī, innahu lā yaghfir udh-dhunūb illā ant.*' Then to pronounce two more and say: '*labbayk wa saʿdayk wa al-khayr fī yadayk, wa ash-sharr laysa ilak, wa al-mahdī man badayt, lā maljaʿa minka illā ilayk, subḥānaka wa ḥanānayk, tabārakta wa taʿālayt, subḥānaka rabb al-bayt.*' Then to pronounce two more and say: '*wajjahtu wajhī lilladhī faṭar as-samawāti wa al-arḍ, ʿālim il-ghaybi wash-shahāda, hanīfan musliman wa mā ana min al-mushrikīn, inna ṣalātī wa nusakī wa maḥyāya wa mamātī lillāh rabb il-ʿālamīn, lā sharīka labu, wa bidḥālik umirtu wa ana min al-muslimīn.*' Then he should seek refuge with Allah from Satan and recite *Sūrat al-Ḥamd*.

### Standing (Qiyām)

There are five kinds of obligatory standing in prayer:

**First:** Standing while pronouncing *takbīrat al-iḥrām*.

**Second:** Standing when reciting the Qurʾān or saying *tasbīḥ*.

**Third:** Standing before bowing.

**Fourth:** Standing while bowing, meaning that one bows from a standing (as opposed to sitting) position.

**Fifth:** Standing after one has raised his head from bowing.

Leaving out any of these kinds of standing invalidates prayer if done deliberately by someone who is aware of the religious rulings.

But if one leaves them out unintentionally, forgetfully or because they were unaware of the religious rulings, then the prayer is invalidated if the one left out was the first – by pronouncing *takbīrat al-iḥrām* while sitting; the third – by bowing from a sitting position rather than standing; or the fourth – by bowing while seated. The prayer is not invalidated by the second – by reciting Qurʾān or *tasbīḥ* while sitting; or the fifth – by going down to prostration from bowing without standing up.

440. When standing in prayer for any of the above – assuming one is fit and able – there are the following conditions:

- a. Standing firm and straight; one cannot lean or twist, nor should one separate his feet or open his thighs to the extent that he can no longer be said to be standing up straight.
  - i. Standing while bowing is obviously exempt from this, for one cannot simultaneously bow and stand straight. For the fourth kind of standing our only concern is that it should be done standing rather than sitting.
- b. One cannot pronounce *takbīrat al-iḥrām* and recite Qurʾān – for example – while walking.
- c. Stillness (*ṭamaʿnīna*) means that one should not be fidgeting, moving or leaning from side to side when standing. The third kind of standing is

exempt from this, as it involves bowing from a standing position, so it does not require stillness.

441. It is not necessary to stand on both feet together; it suffices someone to stand on just one of them so long as he observes the above conditions.

442. If someone is only able to stand for some of the prayer but not all of it, he should stand until he is no longer able and then sit. Then if he feels able to stand again, he should stand, and so on. He does not need to repeat whatever he has done while sitting; so if he recites Qurṭān while sitting and then finds himself again able to stand before bowing, he should stand for bowing and then bow, without any need to repeat the recitation.

443. If one must choose whether to stand in an earlier part or later part of the prayer, such as standing for recitation or before bowing, one should always prefer the earlier part, even if standing is not a fundamental component (*rukn*) for the earlier part but it is for the later one.

444. If one is able to do something that common sense would call standing, even if it means leaning in one direction, or with his feet wide apart, or resting on something, he should pray standing. If he cannot do this, he should pray sitting.

- a. When praying seated one must remain still and calm to the extent one is able. If he cannot even sit, then he should pray laying on his right side facing towards the *qibla* as one lays in his grave. If he cannot do that, then on his left side facing towards the *qibla*. If he cannot do that, then on his back with the bottom of his feet facing the *qibla* as one on his deathbed. One laying on his side or back must incline his head for bowing and prostration if he is able, inclining more deeply for prostration

than for bowing. If he cannot incline his head, then he should do so with his eyes.

445. If one is able to stand for prayer, but cannot bow standing up or incline towards it with his body, and if he begins the prayer standing but cannot bow seated, then he has two options: Either he must pray standing and incline his head for bowing, or he pray sitting completely; in this situation he should choose the first.

446. When someone prays seated but thereafter his vigour returns to him and he is able to pray standing before the time for prayer elapses, he must repeat his prayer.

447. When standing in prayer, it is recommended to let one's arms and hands hang to his sides (*sadl*), placing his palms on the side of his thighs above the knee; the right hand on the right thigh and the left on the left, and to keep his fingers closed; to look at the place of prostration and place his feet straight and parallel, facing towards the *qibla*, leaving a gap of three open fingers, a handspan or more between them, and to rest his weight on them evenly; to be in a humble, fearful state, as a lowly slave stands before his lofty master. However his outer fear should not exceed his inner, or else this is showing-off (*riyā'*).

### Reciting the Qur'ān (Qirā'a)

In the first and second *rak'a* of every prayer – whether obligatory or recommended – it is obligatory to recite *Sūrat al-Fātiḥa* and – especially in obligatory prayers – to recite another complete *sūra* after it. If someone recites another *sūra* before *al-Fātiḥa* intending to do precisely that, his prayer is invalid; but if he recites it unintentionally and remembers before bowing then: if he has recited *Sūrat al-Fātiḥa* after it, he should repeat the second *sūra*, and if he has not then he should recite it and

repeat the second *sūra*. But if he remembers after bowing, he continues his prayer. The same applies if he forgets to recite or only recites one of the *sūras* and remembers after bowing.

448. It is obligatory to recite a *sūra* in obligatory prayers, even if the recitation becomes recommended like one that is repeated, but not if the prayer itself becomes supererogatory (*nāfila*) by the worshipper changing his intention. It is not obligatory to recite a *sūra* in supererogatory prayers, even if it becomes obligatory by way of a vow etc. However, in those special supererogatory prayers which are described as being performed with a specific *sūra*, such as *ṣalāt al-ghuḥfayla*, one must recite this *sūra* as these prayers are not valid without it. Unless the *sūra* is a condition for the ideal performance (*kamāl*) of the prayer and not for its basic validity (*maṣhrūʿiyya*). The obligation to recite a *sūra* drops for one who is ill and finds the additional recitation difficult. It also drops for one who is in a hurry or who fears something should he recite it, or if there is insufficient time left for it before the time for prayer lapses. In these situations it might be necessary to drop it.

449. The *bismillāh* is a part of every *sūra* – except *Sūrat al-Tawba* – meaning that it is obligatory to recite the *bismillāh* with every *sūra*. And if it is specifically for a *sūra*, one cannot recite any other *sūra* without reciting another *bismillāh* for it. But if one recites the *bismillāh* without specifying a *sūra*, he must repeat it and specify it for a particular *sūra*. The same applies if one specifies it for a *sūra* and then forgets which he specified it for. And if one is not sure which *sūra* he will choose, he can only recite the *bismillāh* after he has chosen one.

450. One must recite the Qurʾān correctly in prayer, by properly pronouncing its letters according to the rules of the Arabic language. Likewise, its words must be recited in an Arabic fashion, with proper pronunciation of

their vowels, stops and declensions. If any of these are done improperly, the recitation is invalid.

451. If one believed that a word was a certain way, whether with regards to its declension or pronunciation, and prayed for a while reciting it in that way, only to later realize that it was incorrect, he does not have to repeat his prayer. The same is true if he realizes his error after beginning another part of the prayer after recitation. However, if he notices the error during recitation or immediately after it, he should repeat his recitation correctly.

452. Men must recite aloud for the *fajr* prayer and the first two *rak'ats* of *maghrib* and *'isha'*, while reciting quietly in their other *rak'ats*. Likewise, they must recite quietly in *zuhr* and *'asr*, except for the *bismillāh* and except for on Fridays, on which they can choose to recite loudly or quietly in the first two *rak'ats*.

453. The criterion for distinguishing between a loud recitation and a quiet one is common sense, not whether someone standing beside the worshipper can hear him or not. A husky recitation cannot said to be quiet, even if the full sound does not emerge. One also cannot go to extremes in loud recitation, such as shouting. In quiet recitation, one must be able to hear his own voice, whether actually or potentially (as when someone is deaf or suffers some other impediment to hearing).

454. There is no [obligation to] recite loudly upon women, rather they can choose whether to recite loudly or quietly for those prayers where men must recite loudly, but they must recite the quiet prayers quietly. The same exemptions apply to them as to men. And it is obligatory for them to recite quietly if reciting loudly falls under a prohibited act, such as arousing sexual attraction.

455. Whoever cannot recite Arabic without an accent, even if this means he changes [the pronunciation] of some letters and cannot learn to recite properly, it suffices him. He does not have to pray all of his prayers following in congregation. The same applies if there is not enough time for him to learn. However, if he is at fault for not learning properly, then he must pray in congregation.

456. If someone recites loudly when they should recite loudly, or vice versa, intentionally, his prayer is invalid. But if he did so forgetfully, because he was ignorant of the ruling itself, or because he did not know the meaning of ‘aloud’ or ‘quiet’, his prayer is valid. If someone who forgot remembers, one ignorant of the ruling learns of it or one who is inattentive notices during prayer, he should immediately change to reciting in the proper way. He does not have to repeat his prayer.

457. If someone forgets recitation or *dhikr*, then remembers after he has reached the stage of bowing, he should continue with his prayer and it is considered valid. But if he remembers before then, he should perform whichever is necessary. If one becomes unsure of whether he recited after inclining to bow, he should continue with his prayer and it is valid. But if he becomes unsure before that, he should perform it. And if he is unsure of whether it was performed correctly, he should assume it is correct.

458. One can choose to switch from one *sūra* to another so long as he has not exceeded half of it. But once he has exceeded half of it, he cannot switch. This does not apply to *Sūrat al-Jahd* or *Sūrat al-Tawhīd*; in these two *sūras*, he is not allowed to switch at all, whether to another *sūra* or to the other one of the two, if he has so much as recited the *bismillāh* for one of them. However, one can switch from another *sūra* to one of these two, or from one of these *sūras* if



he is compelled to do so, for example if he forgets part of them or does not have enough time to finish it, or if the prayer is supererogatory. And if one chooses to recite *Sūrat al-Jum‘a* in the first *rak‘a* of either Friday prayers or the *zuhr* prayer on Friday, or they choose to recite *Sūrat al-Munāfiqūn* in the second *rak‘a* and begins to recite it, then they cannot switch from these *sūras* to another.

459. It is disliked to not recite *Sūrat al-Tawhīd* in all of the five daily prayers; it is also disliked to recite it in a single breath, or to recite the same *sūra* in both *rak‘ats* except for *Sūrat al-Tawhīd*.

460. The worshipper can choose any *sūra* he likes to recite, whether long or short, so long as the time for prayer does not elapse because of a long *sūra*. And if one chooses a long *sūra* in spite of the shortness of time, his prayer is invalid according to necessary precaution. But if he chose it inattentively or absent-mindedly while there is no time for him to complete it, then he comes to his senses in the middle of reciting, he must switch to another *sūra* for which he has enough time. But if his inattentiveness continues beyond the end [of recitation], his prayer is invalid.

461. The worshipper cannot choose to recite one of the four *azā‘im sūras* – *al-Sajda*, *Fuṣṣilat*, *al-Najm*, or *al-‘Alaq*; because these *sūras* contain verses that require a prostration. This leads to a contradiction, as the worshipper must prostrate for those verses in the middle of his prayer [which would invalidate the prayer itself.] But if, despite that, he chooses to recite one of these *sūras* and recites the verse that requires prostration, he must prostrate and repeat his prayer. But if he does not prostrate, he is sinful but his prayer is valid.

462. The prohibition on reciting the *azā‘im* is only in obligatory prayers. As for supererogatory prayers, it is permissible to recite them as it does not lead to

the aforementioned contradiction; he can prostrate when he recites the verse and then stand and continue his prayer.

463. If someone usually recites a particular *sūra*, such as *Sūrat al-Ikhlāṣ*, and recites the *bismillāh* following this habit, this counts as choosing the *sūra* even if the name of the *sūra* does not come into his mind at that moment.

464. The worshipper must recite the verses of *al-Fātiḥa* and the other *sūra* according to their order in the holy book (*maṣḥaf*) – he cannot recite the second verse before the first – and in a continuous manner – so he cannot fall silent between one verse and another, or between two sentences in a single verse, for such a duration that one would be deemed separate from the other. A pause caused by a cough or the like thereof does not invalidate the prayer, no matter how long, when it occurs between two sentences or verses.

465. When someone finds himself silent while he knows he has pronounced the *takbīrat al-īhrām*, and is unsure whether he has recited *al-Fātiḥa* and another *sūra* or not, he must recite [again.] But if he knows he has recited *al-Fātiḥa* but is unsure whether he has recited another *sūra* as well, then he must recite the other *sūra*. But if he becomes unsure about any of the above after having bowed, then he should proceed with his prayer and ignore his doubts.

466. It is recommended to seek refuge with Allah (*istiʿādha*) before reciting the Qurʾān in the first two *rakʿats* of prayer – in fact, even in the latter two if one is reciting *al-Fātiḥa*. The shortest form of this is: “*aʿūdhu billāh min ash-shayṭān.*” Alternatively one can say: “*aʿūdhu billāh is-samīʿ il-ʿalīm min ash-shayṭān ir-rajīm.*” Or: “*aʿūdhu billāh min al-shayṭān ir-rajīm.*” And it is more appropriate to recite this quietly.

## Dhikr

In the third *rak'at* of *maghrib* and in the last two *rak'ats* of prayers with four, the worshipper can choose between reciting *al-Fātiḥa* or reciting *tasbīḥ* in the form of: “*subḥān allāhi wal-ḥamdu lillāhi wa lā ilāha ill allāhu wallāhu akbar.*” And the *tasbīḥ* is better than recitation for the *imām*. It must be pronounced properly in Arabic; it is sufficient to pronounce it once, but it is better to recite it three times and best to add repentance (*istighfār*) to it [with the formula: “*astaghfirullāha rabbī wa atūbu ilayh.*”] It must be pronounced quietly, as must be the recitation, except for the *bismillāh*. One also does not have to choose the same act for both of the last *rak'ats*; he can choose to recite in one and perform *tasbīḥ* in the other.

467. If the worshipper intends to recite *al-Fātiḥa* but because of a slip of the tongue he performs *tasbīḥ* instead, or vice versa, he should pay no attention to this unintentional slip and begin reciting *al-Fātiḥa* or pronouncing *tasbīḥ* again. But if he begins one of the two intentionally and then desires to change to the other, he can do that as well.

468. One must recite the letters of each word continuously such that they can be said to be a single word. If one fails to observe this continuity unintentionally, the word he was reciting is invalid. If he fails to observe it intentionally, his prayer is invalid unless he repeats it. The same principle applies between two verses, such that the unity of the *sūra* is not lost; and between *al-Fātiḥa* and the *sūra* after it, such that the unity of the recitation is not lost; and between the acts of prayer generally, such that the continuity of the prayer is not lost and the person can be said to be praying. If at any point this continuity is lost but one is able to regain it, he should do so and his prayer is valid. Otherwise his prayer is invalid.

469. If someone neither recites *al-Fātiḥa* nor *tasbīḥ* and bows intentionally, knowing that this is not permissible, his prayer is invalid. But if he does so

forgetfully or because he is unaware of the ruling, only to realize after he has bowed, his prayer is valid and he need not do anything. But if he remembers before he reaches the level of bowing, he must perform whatever he has forgotten, even if he has begun inclining to bow. He must remain standing and recite whatever is necessary before bowing.

470. When someone recites or pronounces *tasbīḥ* loudly because he forgot or because he was unaware of the ruling, his recitation and *tasbīḥ* are still valid and he does not need to repeat them even if he realizes before bowing.

471. If someone performs *tasbīḥ* and is unsure of how many times he has recited it, whether two or three, he should assume the lesser amount and continue until three.

472. It is recommended to recite the *bismillāh* loudly in the first two *rak'ats* of the afternoon prayers, to recite in a chanting manner (*tartīl*) without singing, and to stop with a silent ending (*sukūn*) at the end of the verses; and to remain silent for a moment between *al-Fātiḥa* and the next *sūra*, and between the second *sūra* and the *takbīr* for bowing or supplicating (*qunūt*). And to say after reciting *Sūrat al-Ikhlās*: "*Kadhālik allāhu rabbī*" or "...*rabbunā*." And to say after *al-Fātiḥa*: "*al-ḥamdu lillāhi rabb il-'ālamīn*." The follower in prayer says this after the *imām* has completed it.

### **Bowing (Rukū')**

It is obligatory to bow once in every *rak'a* of prayer, whether obligatory or supererogatory, except for the prayer of signs (*āyāt*), which has five bowings, as we shall discuss. Bowing is a fundamental component (*rukn*) which invalidates prayer should it be added to subtracted, intentionally or otherwise. This is unless it is done by one who is following in a congregational prayer, in which case adding another bowing following the *imām* does not invalidate the prayer, or in supererogatory prayers, as these are not invalidated by adding another bow unintentionally.

473. When bowing, the following are obligatory:

- a. **First:** Bending with the intention of displaying humility, to the extent that one's fingertips reach his knees. One whose proportions are unusual – whether from having abnormally long or short arms – refers to someone with normal proportions to attain the aforementioned bending. And there is no problem with differences between people of normal proportions, for each person has his own particular rule.

474. One must bow from a standing position – as someone can bow standing or seated. The first is called 'bowing standing' and the second is called 'bowing seated.' In prayer, bowing standing is obligatory. So if the worshipper finishes his recitation, sits and bows, his prayer is not correct.

475. This act of bowing must follow standing straight; so someone must bow from standing. This is because sometimes a person might be standing straight, then bend and bow, but in other situations he might be sitting and stand up with his back bent until he reaches the position of bowing and stop himself there. In both cases, he is said to be bowing standing because he is bowing on his feet, not sitting. But the first case is bowing *from* standing, while the second is bowing *from* sitting, because he was sitting and got up while bowing into the bowing position. But it is obligatory to bow standing *from* standing.

**Second:** Remembrance (*dhikr*); it suffices one to say "*subhāna rabbī al-ʿazīm wa bi ḥamdihī*" once, or "*subhān allāhi*" three times. In fact, any kind of *dhikr* suffices, whether "*al-ḥamdu lillāh*", "*allāhu akbar*" or "*lā ilāha illa llah*" or anything else, so long as it lasts as long as it takes for one to say "*subhān allāhi*" three times. For example: "*al-ḥamdu lillāh*" three times, or "*allāhu akbar*" three times. One can also recite the longer and shorter forms of *dhikr* together, and either of them with any other kind.

476. Remembrance has the following conditions: That it is recited in Arabic, continuity, proper pronunciation and correct declension.

**Third:** Stillness for the duration of *dhikr*; one cannot begin reciting *dhikr* until he has reached the bowing position.

**Fourth:** Raising one's head from [bowing] until standing straight [again.]

**Fifth:** Stillness in the upright position after [bowing.] If one cannot remain still due to illness or some other reason, the obligation is dropped. The same is true during *dhikr*.

477. If one moves [from bowing] while reciting the obligatory *dhikr*, if this was done intentionally then the prayer is invalid because he has forgone a necessary component of it intentionally. But if it was unintentional or involuntary, he must repeat the *dhikr* to be sure.

478. If one doubts whether he has bowed, recited *dhikr* or stood after bowing, having already entered prostration, he should ignore his doubt. But if he doubts before entering prostration, he should heed his doubt.

479. If one's body is in the position of bowing, then if one can stand completely upright for reciting the Qurʾān and for inclining to bow, it is obligatory to do so, even if he needs someone or something to support him. But if he cannot, then if he is able to lift his body to the extent he can be said to be bending towards a bowing position, then he must do that. Otherwise, he must incline his head. Failing that, he must indicate with his eyes.

480. When one is praying seated, then the bowing position is when his face is level with his knees, though it is better to bow deeply so that his back is completely level. But if he cannot bow, then he must incline or indicate as above.

481. If someone forgets to bow and starts lowering himself into prostration, then if he remembers before actually prostrating, he should stand again then bow. The same applies if he has prostrated once but has not yet prostrated a second time. But if he remembers after his second prostration, his prayer is invalid and he must pray again.

482. It is recommended to make *takbīr* before bowing while raising one's hands; to place the hands on one's knees so that their palms cover the kneecaps; to lock the knees, make the back level and extend the neck so that it runs parallel to the back; to direct the gaze between the feet; to let the elbows stick out; to place the right hand on its knee before the left, and for a woman to place her palms on her thighs rather than her knees. It is recommended to repeat *subhānallāh* three, five, seven or more times, and for the *dhikr* to be said an uneven number of times; and to say before *subhānallāh*: "*allāhumma laka raka'tu, wa laka aslamtu, wa 'alayka tarwakkaltu, wa anta rabbī, khasha'a laka qalbī was am'ī wa baṣarī was ha'rī wa basharī wa laḥamī wa dammī wa mukbbhī wa 'aṣabī wa 'izāmī wa mā aqallat-hu qadamāya, ghayr mustankifin wa lā mustakbirin wa la mustahsir*"; and to say when standing straight after bowing: "*sami' allāhu li man ḥamidah*"; to add: "*al-ḥamdu lillāhi rabb il-'ālamīn*" and: "*'abl ul-jabarūt wal-kibriyā' wal-'aẓama, wal-ḥamdu lillāhi rabb il-'ālamīn*"; and to raise one's hand when standing straight; to send blessings upon the Prophet {p} while bowing. It is disliked to tilt one's head, or to lift it up, to hold the arms in, to place one palm upon the other and hold them between one's knees, to recite the Qur'ān while bowing, or to place one's hands under one's clothes, sticking them to the body.

### Prostration (Sujūd)

Two prostrations are obligatory in each *rak'a*. Together they constitute a fundamental component (*rukn*) whose addition or subtraction invalidates the prayer, whether done intentionally or otherwise. A single unintentional addition or subtraction does not invalidate it, however.

483. In prayer, prostration is achieved by placing the forehead upon the ground for the sake of Allah, and another part of the body, such as the chin can take the place of the forehead, as we shall see. The prostration being for the sake of Allah is broader than humility, fear, love, obedience or the like thereof; this is what the addition or subtraction of prostrations revolves around. Prostration for any other reason is not considered.

484. The obligatory elements of prostration are as follows:

**First:** Prostrating on seven parts of the body: the forehead, both hands, both knees, and both toes. For the hands, it is obligatory to spread the palms across the ground or – if compelled to do so – the backs of them, then to whatever is closest, and so on. The fingers by themselves do not suffice for prostration, nor does clenching them, whether the palm or the back of the hand is placed on the ground, just as it is obligatory to place both toes on the ground.

485. By forehead (*jabha*) is meant the flat part on top of the face, between the hairline and the eyebrows.

486. Both knees must stick to the ground, and it is sufficient for a part of them to do so, it is not necessary for the entirety.

**Second:** *Dhikr* in the same manner as when bowing; and if reciting the longer *dhikr*, one must say *al-a'lā* instead of *al-ʿazīm*, or say *subḥānallāh* three times or more.

**Third:** Stillness in prostration, as we mentioned for bowing.

**Fourth:** The points of prostration must remain in their place while one is reciting *dhikr*. If one wishes to lift any of them, he should remain silent until he puts it back down, then continue with his *dhikr*.

**Fifth:** Raise the head from the first prostration and sitting upright and still. And doing the same after the second prostration.



**Sixth:** The worshipper must be permitted to use the place of prostration, as we have said, in addition to the other conditions above.

**Seventh:** One must sit still between the two prostrations before bending to the second prostration.

**Eighth:** One must place the forehead on something which can be prostrated upon, namely the ground, or whatever grows from it that is not eaten or worn, as we saw in the discussion of the place of prayer.

**Ninth:** The place where the worshipper places his forehead must be level with the place he stands; the difference should not be more than a brick – the breadth of four closed fingers. It makes no difference whether the place of prostration is higher or lower if the difference is apparent. But if the difference in height is not apparent, such as the surface of a hill or the beginning of a bridge, then the aforementioned measure is not applicable.

487. If the worshipper places his head on a higher or lower place and this cannot be called prostration, then he should lift his head and place it somewhere level. But if it can be called prostration, or the place of prostration is something which cannot be prostrated upon, then apparently he must also raise his head and prostrate on something which can be prostrated upon. And if he has placed it on something which one can prostrate upon, he can drag his forehead to a better or easier place.

488. If a worshipper cannot prostrate completely, he should go down to the extent he is able and lift the place of prostration to his head, putting the rest of the points of prostration in their place. If he cannot bend at all, or he can but not to the extent that one could say he was in prostration, he should incline his head and bring – or have brought – something he can prostrate upon to his forehead. And if he cannot do that, then he should indicate with his eyes.

489. If someone's forehead has a sore or something else which prevents him from prostrating upon it, then if it does not cover the forehead, he can prostrate on the healthy part of his forehead, even if he must make a small pit for the healthy part to touch the ground. But if the injury covers the entire forehead, he can prostrate with any other part of his face.

490. If someone forgets both prostrations but remembers before bowing again, then he must go back by breaking his standing and perform them before continuing with his prayer. But if he remembers after bowing again, then his prayer is invalid. If he only forgot a single prostration then he should go back and perform it if he remembers before bowing again. But if he remembers after a bowing again then he should continue with his prayer and make up for it after invoking peace (*salām*). We shall detail this in full when we discuss making up for forgotten parts of the prayer. And if someone forgets the *dhikr* of prostration, only to remember after he has raised his head, his prayer is correct.

491. If the worshipper recites *tashabbud* and invokes peace in the final *rak'a*, then remembers that he has forgotten either or both prostrations from the final *rak'a*: Then there are those things which would invalidate the prayer if done with his intention and attention, such as speaking, and there are those things which would invalidate the prayer even if they were done unintentionally, such as one of the acts that requires *wuḍū'*. Therefore, if the worshipper realizes that he has forgotten after invoking peace before anything happens to invalidate his prayer, and before sufficient time has passed to interrupt the continuity of his prayer, then he must perform the forgotten prostrations and then recite *tashabbud* and invoke peace again, and he need not do anything else. The same is true if he performs an action of the first kind, which does not invalidate his prayer unless it was done with intention and awareness on his part. But if he performs an act of the second kind, then if he had forgotten both

prostrations, his prayer is invalid; if he had only forgotten a single prostration, his prayer is valid and he must perform another prostration in a state of ritual purity and perform two prostrations of *sahw*.

492. One must sit at rest for a moment [before standing up] after the second prostration of the first and third *rak'a* so long as he is not reciting *tashahhud* in them.

493. In prostration it is recommended to say a *takbīr* while standing upright after bowing and raise one hands at the same time. It is also recommended that the hands touch the ground first, that the entire forehead touches the ground, and to press one's nose against the ground; it is also recommended to keep one's fingers closed, so that the thumbs point towards the *qibla* parallel to the ears; and to supplicate before beginning *dhikr*, to repeat the *dhikr* and finish after an odd number of times; one can choose to recite the longer *dhikr* or *subhānallāh* three times, though five or seven is better; and to prostrate on the ground, or rather dirt (*turāb*), with the position of the forehead level with the place of standing; in fact, with the position of all the points of prostration level with one another.

- a. It is recommended to supplicate while in prostration, asking whatever worldly or otherworldly needs you might have, especially permissible sustenance (*rizq ḥalāl*). It is also recommended to sit on one's thighs in between prostrations, and on the left thigh after prostrations – placing the top of the right foot over the bottom of the left foot. It is recommended to say between prostrations: "*astaghfirullāh wa atūbu ilayh*" and to say a *takbīr* after rising from the first prostration and sitting still, and to say another *takbīr* for the second prostration before it while

sitting, and to say a *takbīr* after the second prostration in the same manner, and to raise the hands whenever one is saying a *takbīr*.

- b. It is recommended to place one's hands on one's thighs while sitting; the right hand on the right thigh and the left on the left, and it is recommended to send blessings on the Prophet and his Household in both prostrations.
- c. It is also recommended to spread one's hands over the earth to get up from prostration, to lengthen the prostration, recite a lot of *dhikr* in it and to keep one's forehead firmly pressed to the ground throughout.

494. For a woman, it is recommended that she place her hands on the ground after her knees when going into prostration, and that she not lift her elbows off the ground, but rather lay down her forearms and press their undersides against the ground; and to keep her limbs together and not to lift her buttocks as she gets up to stand, but rather to rise upright.

#### Prostration for verses of the Qur'ān

495. It is obligatory to prostrate when one recites any of the four verses in four *sūras*, these being: when Allah says: '**...and they are not arrogant.**' (*Sūrat al-Sajda*, 16:49), and: '**...if it is Him that you worship.**' (*Sūrat Fuṣṣilat* 41:37), and at the end of *Sūrat al-Najm* and *al-'Alaq*. It is also obligatory for anyone who hears this recitation if they are not in prayer; if they are in prayer then they should indicate with their head for prostration and prostrate after the prayer.

496. This prostration is obligatory when reciting or listening, even during prayer, though it is not obligatory for one who merely hears it, even if it is better to do so. It must be performed immediately and to delay it is sinful, unless one does so out of inattentiveness, forgetfulness or ignorance. If he later

remembers or realizes, he must prostrate immediately if possible, or at the earliest available opportunity.

497. It is recommended to prostrate at eleven points throughout the Qurʾān. These are:

- a. '...they glorify Him and prostrate to Him.' (*Sūrat al-Aʿrāf*, 7:206)
- b. '...and their shadows at sunrise and sunset.' (*Sūrat al-Raʿd* 13:15)
- c. '...and do what they are commanded.' (*Sūrat al-Naḥl* 16:50)
- d. '...and it increases them in humility.' (*Sūrat al-Isrāʾ*, 17:109)
- e. '...they would fall down weeping in prostration.' (*Sūra Maryam*, 19:58)
- f. '...Indeed Allah does whatever He wishes.' (*Sūrat al-Ḥajj*, 22:18)
- g. '...so that you may be felicitous.' (*Sūrat al-Ḥajj*, 22:77)
- h. '...and it increases their aversion.' (*Sūrat al-Furqān*, 25:60)
- i. '...the Lord of the Great Throne.' (*Sūrat al-Naḥl*, 27:26)
- j. '...and fell down prostrate and repented.' (*Sūra Ṣād*, 38:24)
- k. '...they will not prostrate?' (*Sūrat al-Inshiqāq*, 84:21)
- l. And it is most appropriate to prostrate for every verse which bids or mentions prostration.

498. When prostrating for the aforementioned verses, there is no need to recite any *dhikr*, *takbīr*, to have ritual purity, face the *qibla* or to fulfill any other obligation or condition of prayer. There are only five things that must be observed in this prostration, namely:

- a. **First:** Intention; the prostration must be intended for the sake of attaining nearness to Allah
- b. **Second:** That all seven points of prostration are on the ground in the same manner as described for prayer.
- c. **Third:** The worshipper must be permitted to use the place of prostration.
- d. **Fourth:** That the place of the forehead should not be higher or lower than that of the place of standing, as we discussed above.
- e. **Fifth:** That the forehead be placed upon something upon which prostration can be performed.

499. This kind of prostration is repeated as many times as there are occasions for it. If one hesitates between a higher and lower number of times, then he may do the lesser. It suffices for repetition to simply lift one's forehead from the ground and then place it down again without needing to lift any of the other points or to sit [between prostrations.]

500. If one hears the verse while driving or in a street where he cannot prostrate, then his duty behoves him to incline his head and then perform the prostration at the first available opportunity.

501. It is forbidden to prostrate for anyone other than Allah, whether for the Infallibles {a3} or anyone else. The prostrations some people perform in the shrines of the Imams {a3} must be done for the sake of Allah, whether in humility, thanksgiving, glorification or the like thereof. If it is done for the person in the grave, it is forbidden.

502. It is recommended to prostrate in thanksgiving to Allah, whenever a blessing is bestowed or a calamity repelled, or when one remembers such an

occasion. It is also recommended when one has been granted the success of performing any obligatory or supererogatory act, or any good deed for that matter; and to wipe the place of prostration with one's hand then wipe it over one's face and the front of one's body; and to say during prostration: "*Shukran*" or "*Shukran lillāb*" once or more, up to a hundred times, or to say a hundred times "*‘afwan ‘afwan*", or to say a hundred times: "*al-ḥamdu lillāhi shukran*", and after every ten of these to say: "*shukran lil-mujīb*" and then say: "*yā dhāl-mann il-ladhī la yanqatī‘u abadan, wa lā yuḥṣīhi ghayruhu ‘adadan, way ā dhāl-ma‘rūf il-ladhī lā yanfadu abadan, yā karīm, yā karīm, yā karīm.*" Then one should supplicate, plead and mention his needs. Some narrations have mentioned other methods, and all of them are sufficient. And it is best to ensure that one prostrates on something suitable for prostration and to prostrate with all seven points.

### **Tashahhud**

*Tashahhud* is an obligation, but not a fundamental component (*rukʿn*) of prayer. So if the worshipper forgoes it intentionally and aware of the obligation, his prayer becomes invalid; however, if he forgoes it unintentionally or forgetfully, his prayer is not invalidated.

503. In a prayer of two *rakʿats*, *tashahhud* is obligatory once, after having raised one's head from the latter prostration of the second *rakʿa*, and it is obligatory to sit at rest. In prayers of three and four *rakʿats*, it is obligatory twice; after the second prostration of the second *rakʿa* – as above – and then again after the second prostration of the final *rakʿa* (whether third or fourth).

504. If one forgoes *tashahhud* unintentionally or because they forgot, only to realize this when standing again or before bowing, they should perform the *tashahhud* and continue with their prayer. But if they only remember after bowing, then they should continue with their prayer and make up for it afterwards. This is for the middle *tashahhud*. As for the final *tashahhud*, if one forgoes it

unintentionally and begins to invoke peace, then he should repeat it and invoke peace again. The same is true if one has finished invoking peace but has yet to begin another action, or break continuity with his prayer, or do anything that would require *wuḍū'* or *ghusl*, in which case he must make up for it and perform two prostrations for lapses (*sahw*).

505. If the worshipper finds himself sitting after the second prostration and is unsure of whether he has performed *tashabbud* or not, then he must perform *tashabbud*. And if he gets up for the third *rak'a* and while getting up he becomes unsure of whether he has performed it, he should sit down again and do so.

506. If one performs *tashabbud* and after finishing it or a part thereof doubts whether he did so correctly, then he does not need to repeat it.

507. In *tashabbud* it is obligatory to recite the two testimonies of faith and then send blessings of Muḥammad and his Household as follows: "*ash-hadu allā ilāha ill allāh waḥdahu lā sharīka lah, wa ash-hadu anna muḥammadan 'abdahu wa rasūluh, allāhumma ṣalli 'alā muḥammad wa āle muḥammad.*" While doing this, it is obligatory to be seated, to remain still, and to recite it in Arabic with continuity between its words and parts. The worshipper can choose whether to recite it aloud or quietly; one who cannot learn it can be prompted by someone else, and if he cannot find anyone to prompt him he should recite what he can if it can be called a testimony of faith – for example: "*ash-hadu allā ilāha ill allāh wa ash-hadu anna muḥammadan rasūl ullāh.*" If someone who is not an Arab cannot recite it in Arabic, he can recite its translation. And if he cannot do that, he can recite any other *dhikr* for the same duration.

508. During *tashabbud* it is recommended to sit on one's thighs, as we saw for prostration; and to say before beginning: "*al-ḥamdu lillāh*" or: "*bismillāhi wa billāhi wa khayr ul-asmā' lillāhi*" or "*al-asmā ul-ḥusnā kulluhā lillāh.*" It is



recommended to place one's hands on one's thighs with fingers together; and to direct one's gaze to one's lap; and to say after sending blessings upon the Prophet and his Household: "*wa taqabbal shafā'atahu warfa' darajatahu.*" And to say: "*subhānallāh*" seven times after the first *tashabbud*, then to stand up and to say while getting up, or whenever getting up in prayer: "*bi ḥawl illāhi wa quwwatihi aqūmu wa aq'udu wa arka'u wa asjudu*" in a single continuous statement. It is recommended when sitting that a woman sit with her knees up, her thighs held to herself.

### Invoking peace (Taslīm)

*Taslīm* is obligatory in every prayer and it is prayer's final part; it comes after the last *rak'a* of every prayer, brings the worshipper out of his prayer and thereby allows him to engage in actions that would invalidate prayer, such as speaking, eating etc.

It has two formulas, the first is: "*as-salāmu 'Alaynā wa 'alā 'ibād ullāh iṣ-ṣāliḥīn*" and the second is: "*as-salāmu 'alaykum*" with the addition of "*wa raḥmat ullāh wa barakātuh*" – although this can be omitted too. Whichever one of these he recites, the worshipper ends his prayer; if he begins with the first, it is recommended for him to recite the second as well, but not vice versa. As for saying: "*as-salāmu alayka ayyuh an-nabī wa raḥmat ullāhi wa barakātuh*" this is not a formula of *taslīm* and does not end the worshipper's prayer – but it is recommended and better to say it. *Taslīm* must be recited in Arabic, and while the worshipper is sitting still. One who cannot perform it properly follows the same rules as the one who cannot perform *tashabbud* properly, above.

509. If someone forgets the *taslīm* and then engages in an act that would break his prayer, there are three possible situations:

- a. First: That he engages in an act that invalidates his prayer only if it was done intentionally, such as turning around, talking, laughing etc. In which case he should perform *taslīm* and his prayer is valid. This is so

long as he has not lost continuity. Otherwise his prayer is still valid and he need not do anything.

- b. **Second:** That he does something which invalidates his prayer whether it was done intentionally or not, such as entering a state of impurity. In this situation he must repeat his prayer.
- c. **Third:** He has not engaged in anything before remembering that would invalidate his prayer, in which case he should recite *taslīm* and his prayer is still valid, so long as a long time has not passed for him to remember, otherwise he does not need to recite *taslīm* and his prayer is valid.

### **Sequence (Tartīb)**

The acts of prayer must follow a particular sequence: (i) *takbīrat al-iḥrām*, (ii) recitation of *al-Fātiḥa*, (iii) recitation of another *sūra*, (iv) bowing, (v) prostration, (vi) *tashahhud*, (vii) *taslīm*, as detailed above. If one alters this order by putting a later action before an earlier one, then: if this was done intentionally his prayer is invalid, but if it was unintentional or because he was ignorant of the ruling (without being blameworthy for not knowing it), then: if he brought one fundamental element (*rukn*) before another, the prayer is invalid; if he brought a fundamental element before something else – e.g. he bowed before recitation – he should continue and the place of whatever he forewent in the prayer is lost. If he brings something which is not a fundamental element before a thing that is, then he should return to the sequence; the same is true if he puts one non-fundamental element before another.

### **Continuity (Muwālā)**

Continuity is obligatory in the acts of prayer, meaning there should not be a gap between them in a way that would deprive the prayer of its form in the eyes of religious people. According to this meaning, loss of continuity invalidates prayer whether it is intentional or otherwise. Continuity is not affected by the length of one's bowing or prostrations, the recitation of long *sūras* of the Qur'ān,

unless these cause him to no longer be worshipping. As for continuity in the sense of one part following immediately after another, this is not obligatory.

### Supplication (Qunūt)

*Qunūt* literally means obedience and humility. In the language of the jurists it signifies supplication and praise of Allah at a particular point in the prayer. It is recommended in obligatory and supererogatory prayers. It comes in the second *rak'a* after the recitation of the Qur'ān before bowing. The recommendation of *qunūt* is strongly emphasized in those obligatory prayers that are recited aloud, especially *fajr*, Friday prayer and *maghrib*, and in the *witr* prayer. In fact, it is better not to forgo *qunūt* in any obligatory prayer.

510. As we said, *qunūt* is recommended once after recitation, before bowing in the second *rak'a*. This is except in Friday prayers, in which there is a *qunūt* before bowing in the first *rak'a* and another after bowing in the second; and except in the 'Īd prayers which have five *qunūts* in the first *rak'a* and four in the second; and except in the prayer of signs, which have a number of *qunūts*; and except in *witr* prayers, which are a single *rak'a* and have a *qunūt* before bowing in it, as we shall see.

511. There is no specific formula that must be recited in *qunūt*; it is sufficient to say whatever *dhikr*, supplication or praise is easiest, or to invoke blessings upon Muḥammad and his Household; in fact any kind of *dhikr* or supplication suffices in *qunūt*, even if it is poetry, spoken with an accent, spoken in the common dialect or even in a language other than Arabic, so long as nothing erroneous is uttered, nor anything prohibited sought. Of course, there is no doubt that whatever supplications have been narrated from the Imams {a3} are to be preferred, as are supplications found in the Qur'ān.

512. It is recommended to say a *takbīr* before *qunūt* while raising one's hands and then return them to one's side before raising them again in front of the face

and flattening them with their palms facing upwards and their backs towards the ground, fingers together, thumbs held against the side; one's gaze should be directed to his hands and it is recommended that the *imām*, the follower and the person praying individually recite aloud in *qunūt*.

513. If someone forgets *qunūt* and inclines to bow, then if he remembers before reaching the bowing position, he can stand up again and perform *qunūt*. But if he only remembers after entering a bowing posture, then he should perform *qunūt* after standing upright following his bow. And if he remembers after prostrating, he can perform *qunūt* after prayer, sitting and facing the *qibla*, and this is also better if he remembers after inclining towards prostration but before putting his head on the ground.

#### After prayer worship (Ta'qīb)

Once one has finished his prayer, he can occupy himself with *ta'qībāt*, such as *dhikr*, supplication and reciting the Qur'ān. It is recommended to say three *takbīrs* after *taslīm*, raising the hands to the face with each one. The best act is the *tasbīḥ* of Fāṭimat al-Zahrā' {ah}, which is to say “*allāhu akbar*” thirty-four times, “*al-ḥamdu lillāh*” thirty-three times, and “*subḥānallāh*” thirty-three times. After that it is recommended to say “*lā ilāha ill allāh*” once. And this *tasbīḥ* is recommended in all situations, even without a prayer. It has been narrated from the Imams {a3} that there is no glorification of Allah better than this, and that it is dearer to Him than a thousand units of prayer.

Another recommended act of *ta'qīb* is to recite *Sūrat al-Fātiḥa*, *Āyat al-Kursī*, the verse “**Allah bears witness...**” and *Āyat al-Mulk*.

Other recommended acts have been mentioned elsewhere.

#### Section six: Things which break or invalidate prayer

They are several:

**First:** Entering a state of ritual impurity (*hadath*), whether minor or major, invalidates prayer no matter when it occurs during it, or whether it occurs intentionally or otherwise. Even if it happens during *taslim*, it invalidates it.

Those suffering from incontinence and other such conditions are exempt from this ruling for their particular occasion of impurity but no others; the same is true of a spotting woman, as we have discussed.

**Second:** Turning the entire body away from the *qibla*, even if unintentionally or involuntarily, because of a wind, a jostling or something else. If one does so unintentionally and does not realize until the time has lapsed, then he does not need to make up for it. But if he remembers while the time for prayer has not yet lapsed, he must repeat his prayer, unless [the turning] did not reach his right or left-most point, in which case there is no need to repeat the prayer, let alone make up for it.

This ruling also applies to turning only one's face, while the rest of the body faces the *qibla*, if one turned his head for an indecent cause, in which case the same ruling of invalidity applies that we mentioned if it was done intentionally. As for turning one's face without one's body, it does not invalidate the prayer if it was slight. [145]

**Third:** Any action which deprives the prayer of its proper form in the eyes of the religion, such as dancing, clapping repeatedly and occupying oneself with threads and button excessively, and other such acts. It makes no difference whether this was done intentionally or not, or even if one was coerced or compelled to do so. Even if this only deprived the prayer of its form slightly, like jumping.

514. An action which does not deprive prayer of its form can still interrupt its continuity (*mawālā*), in which case it invalidates the prayer, but only if it was done intentionally. But if it does not interrupt its continuity, then whether it was done intentionally or not, it does not invalidate the prayer, even if it was a lot; wiggling one's fingers, for example. There is also no problem with carrying a child, putting it down or suckling it; nor with taking a few steps so long as one keeps facing the *qibla*, even if the steps are to the side, especially if this is to

help order the place of prayer properly. The same is true of bending down to pick something up from the ground, or an elderly person reaching for his cane; and killing a snake or scorpion if it only requires a few simple strikes. It is also true of loudly reciting *dhikr* or Qurʾān to alert someone of something, and other things like that which do not break the prayer according to the practice of religious people. And if someone is uncertain of whether an action has deprived the prayer of its form or not, he need not do anything about it.

**Fourth:** Speaking intentionally. Anyone who speaks during prayer, aware of the fact that he is praying, has invalidated his prayer. By speaking, we mean: Uttering something, even if only one letter, whether that sound has a meaning or not, whether it is addressed to anyone or not and whether someone was compelled to speak or not. But if someone speaks unintentionally in prayer, his prayer is still valid.

Prayer is not invalidated by clearing one's throat, blowing, moaning or sighing, so long as these do not produce a complete letter. So if someone says: "Oh!" or "Oh my sins!" If this was said in complaint to Allah, then it does not invalidate the prayer, but otherwise it does.

515. Kinds of speaking which do not invalidate the prayer are:

- a. If one speaks supplicating to Allah
- b. If it is *dhikr* or supplication, so long as it is not addressed to anyone but Allah. So if someone says to another worshipper: "May Allah forgive your sins" (*ghafar allāhu lak*) then his prayer is invalid, even though this is a supplication because it addresses someone other than Allah. But if someone says: "Forgive me, my Lord!" (*ighfir lī yā rabbī*) or "May Allah forgive my father" (*ghafar allāhu li abī*), his prayer is not invalidated.
- c. If the worshipper was reciting the Qurʾān in his speech, for prayer is not invalidated by reciting the Qurʾān.

516. If a Muslim greets him with peace, then he can – in fact, he must – respond to the greeting. So if a Muslim says: “*as-salāmu ‘alayk*” or “*salāmun ‘alayk*” or “*salāmun ‘alaykum*”, he must respond with a similar expression, putting the word “*al-salām*” before “*‘alayk*” or “*‘alaykum*.”

- a. But if a Muslim greets him unusually with, “*‘alayk as-salām*” or “*‘alaykum as-salām*” then the worshipper can respond however he wishes, putting the word “*salām*” before or after the other words, even if it is better to repeat his prayer after he has finished praying.
- b. The same is true if the worshipper does not know the word someone has used, so he does not know – for instance – whether the person said “*salāmun ‘alaykum*” or “*‘alaykum as-salām*.” In this case, the worshipper can respond in either way, but it is recommended precaution that he repeat his prayer. But if the worshipper does not respond at all, his prayer is valid but he is blameworthy for not responding to the greeting.

**Fifth:** Guffawing, meaning to laugh loudly and repeatedly, whether by choice or involuntarily. But if this happens as a result of him forgetting that he was praying, then he need not do anything. Prayer is not invalidated by smiling, even if it is done intentionally, nor by holding in laughter and going red in the face, so long as the worshipper remains in control of himself and contains his sound.

**Sixth:** Intentionally crying aloud if it is because of a worldly matter or because one has remembered someone deceased. But if it is out of fear of Allah, fervent desire for His pleasure, humility towards Him, even if this is done for a worldly need – let alone a religious or otherworldly need – then there is no problem with it. The same applies if he weeps for Imam Ḥusayn {a} or the other oppressed infallibles {a3} if the weeping goes back to an otherworldly reason, just as there is no problem with crying unintentionally or crying without any sound (whatever the reason may be;

religious or worldly). But if one is so overcome by grief that they cannot stop crying even for prayer, then there is no blame upon them.

**Seventh:** Eating and drinking, even a little, if it can be called eating and drinking, when one is aware that he is praying, otherwise the prayer is not invalidated. And if it cannot be called eating or drinking, the prayer is not invalidated, such as swallowing sugar that has melted in one's mouth or remnants of food. And if someone eats or drinks unintentionally, then if it is enough to deprive the prayer of its form, then it invalidates the prayer, otherwise there is no problem.

517. The exception to this rule is if someone is so thirsty that it distracts them during the supplication of *witr* when they have intended to fast that day with and *fajr* is approaching, such that the person fears it will overtake him before he finishes. If there is water in front of him or within two or three steps of him, he can walk over to it, quench his thirst and then return to his place and complete his prayer, so long as he keeps facing the *qibla*.

518. Placing one hand over the other while reciting QurṭĀn in prayer, technically known as *takfir*, is not called for by the religion and whoever does it intending that it is something desired and loved by the Lawgiver has sinned by claiming something is part of the religion when it is not. Whoever does that without intending it to be part of the prayer, his prayer is valid. But if someone intends it to be part of the prayer, his prayer is invalid so long as he does not erroneously believe that it is a part. The same applies to saying "*āmin*" after reciting *al-Fātiḥa*.

519. All of the aforementioned acts which invalidate prayer, do not invalidate the prayer of one who is ignorant of the religious ruling and unaware that such an action invalidates his prayer, except for the first and second, and anything that deprives prayer of its proper form, for ignorance in these situations is not an excuse.



520. A person cannot voluntarily break an obligatory prayer, but he is allowed to do so for any religious or worldly necessity. For example, if continuing to pray would mean that he or someone else might come to harm, or if he prays in a mosque and realizes that there is some ritual impurity he must remove, and other similar excuses and exigencies. In these circumstances, he can break his prayer and repel the harm. As for supererogatory prayers, a person can break them in any case, even it is something undesirable. And if there is a situation where it is obligatory for someone to break their prayer but they do not and continue praying, they are sinful, but their prayer is valid.

521. It does not behove a worshipper to turn his face while praying, even a little, and the same applies for his eyes, nor is it appropriate for him to play idly with his hands, beard, head or fingers, let alone something else such as prayer beads. Nor to blow the place of prostration, to spit, to crack his fingers, stretch or yawn. If he intentionally pronounces a letter, his prayer is invalidated, as we saw above. It is also disliked that he hold in urine, faeces or wind, to loaf, act drowsily, act bored or to blow his nose; to bring one foot next to the other without any gap between them, to spread one's fingers, to wear tight socks or sandals, to talk to oneself in thought, to look at writing on rings, papers or books, or to place one's hand on one's hip intentionally, and other actions which have been detailed elsewhere.

#### **Invoking blessings on the Prophet and his family**

522. It is recommended to invoke blessings on the Prophet and his family {a3} for the one who mentions him or has him mentioned to him, even in prayer, whether he is mentioned by name, *kunya*, title or pronoun. If someone mentions his name repeatedly it is recommended to repeat the invocation. And if it is during *tashabbud*, the invocation not suffice for the invocation that is part of

*tashabbud*, just as recommended invocation does not suffice for the obligatory one.

523. It appears that it is recommended to recite the invocation immediately. There is no specific method for doing this. Yes, one must always mention his family {a3} with him in the invocation. And the recommendation is not restricted to when he {p} is mentioned, even if it is strongly emphasized on those occasions, rather this recommendation applies at all times so long as it does not interfere with another obligation or recommendation whose time is about to lapse.

## Section seven: Defects in prayer

524. Whoever intentionally forgoes any part or condition of prayer intentionally, knowing that it is a part or condition of prayer, invalidates his prayer, even if it was only a single letter or vowel of recitation or *dhikr*. The same applies to anyone who intentionally adds any part to his prayer while knowing that he is not allowed to do so, whether it is a word or action, intending to make it a part of the prayer. It makes no difference whether it is a fundamental (*rukn*) of prayer or something else, nor whether it is in accord with the parts of prayer or in conflict with them, nor whether he intended to do so at the beginning of the act or during it.

525. Such an addition does not occur unless one intends to make it part of the prayer, so if someone does something not intending to make it part of the prayer, for example: Moving one's arm or scratching one's body, or other such acts performed by the worshipper without intending to make it part of the prayer, then this does not affect the prayer's validity unless it deprives the prayer of its proper form. As for adding a fundamental, such as bowing or two prostrations, these invalidate the prayer even if they are done unintentionally.

526. Whoever forgoes a part of prayer unintentionally and remembers before its place in the order of prayer has lapsed, he should do it and [repeat] whatever came after it. But if its place has lapsed, then if it was a fundamental, his prayer is invalid, otherwise his prayer is valid and he must make up for the missed-part after prayer, if what he forgot was a *tashahhud* or a single prostration, as we shall see.

527. A forgotten part of prayer is said to have lapsed in the following situations:

- a. **First:** When the worshipper begins a subsequent fundamental (*rukn*), such as someone who forgets to recite Qurʾān, *dhikr* or some other obligatory component of prayer, then bows. If he remembers before bowing, then he must go back and perform it, even if it was a fundamental itself, while still observing the proper order of prayer.
- b. **Second:** Exiting the prayer. Whoever forgets the two prostrations until he has performed *taslīm* and done something that would break his prayer, whether intentionally or otherwise, his prayer is invalid. But if he remembers before doing something to break his prayer, he should go back, perform the two prostrations and then recite *tashabbud* and *taslīm* again, before offering two prostrations for lapses (*sahw*) on account of the extra *taslīm*. But if he forgets only one of the two prostrations, or *tashabbud* or only part of it until he has recited *taslīm* but before he has done anything that would break his prayer, then he should go back, offer the missed prostration and then complete his prayer with two prostrations for lapses. But if he only remembers after doing something that would break his prayer, his prayer is still valid and he can continue [whatever he is doing] but he must make-up for the forgotten part of prayer and perform two prostrations for lapses, as we shall see below.
- c. **Third:** Moving on from the stage of prayer in which a forgotten part should have been performed, like someone who forgets *dhikr* or to remain still in bowing or prostration. In this case, he should continue with his prayer. The same applies if one forgets to put one of the points of prostration in its place (other than the head), or if he forgets to stand straight after bowing and does not remember until he prostrates or is lowering himself into prostration. In both cases, he should continue with his prayer.

## Doubt (*shakk*) and its types

Doubt (*shakk*) refers to uncertainty experienced by the legal agent about his prayer and its parts. It has three types:

**First:** Doubt about performing the prayer itself

**Second:** Doubt about the prayer's parts, acts or conditions

**Third:** Doubt about the number of *rak'ats* performed

And we shall discuss each of these in detail.

### FIRST: DOUBT ABOUT THE PRAYER ITSELF

528. If someone doubts and does not know whether he has prayed or not, if there is still time, he should pray. But if the time has lapsed, he should ignore his doubt. And thinking it likely (*ẓann*) that one prayed follows the same ruling as doubt detailed above, unless one has surety (*itmi'nān*) or confidence (*wuthūq*), which follow the same ruling as certain knowledge (*ilm*). And if one is unsure whether there is enough time left to pray, he should assume that there is.

529. If someone doubts praying *ẓuhr* and *Yāṣr* in the time reserved for *ʿaṣr*, he should assume he has prayed *ẓuhr* and offer *ʿaṣr*. If he doubts and there is enough time even for a single *rak'a* of prayer, he should offer the prayer. But if there is not enough time even for that, he should ignore his doubts. And if someone doubts that he has prayed *ẓuhr* in the midst praying *ʿaṣr*, he should switch his intention to *ẓuhr* and complete the prayer as such. This is so long as there is still enough time for *ẓuhr* and *ʿaṣr* or for *ẓuhr* and a single *rak'a* of *ʿaṣr*.

530. One who is often uncertain of whether he has prayed or not follows the same ruling as everyone else, above, in that he should offer the prayers if there

is time and ignore his doubts if there is not. As for one afflicted with *waswās*, he should always assume that he has prayed, even if there is still time.

#### SECOND: DOUBTS ABOUT THE ACTS OF PRAYER

531. If someone doubts a part or a condition of a prayer after he has finished it should ignore his doubts. If he has doubts about *taslīm*, then if he doubts whether he performed it correctly, he should pay his doubt no heed. The same is true if he doubts whether he has performed it after doing something that would break his prayer, even unintentionally. But if he doubts before having done something to break the prayer, he must go back and pay attention to his doubt.

532. Whoever doubts an act of prayer, having begun a subsequent part of it, should continue with his prayer and not heed his doubt. The same applies to one who doubts whether he has performed *takbīrat al-iḥrām* while reciting QurṢĀn, or doubts reciting *al-Fātiḥa* while reciting another *sūra*, or even reciting a verse when he is reciting the one after it, or the beginning of a verse when he is reciting the end of it. Or if one doubts whether he has recited QurṢĀn while he is bowing, or bowing while one is in prostration, or prostrating while one is saying *tashahhud* or standing for the next *rak'a*. In all of these situations he should not pay attention to his doubt. This also applies if one doubts *tashahhud* while one is standing for the next *rak'a* or reciting *taslīm*; he does not heed his doubts in any of these situations and it is obligatory for him to continue with his prayer. But in order that one be said to have begun a subsequent part of prayer, this part must be one of prayer's obligatory parts. So if someone doubts his recitation of QurṢĀn while he is in *qunūt*, then he must heed his doubt and go back.

533. If someone doubts performing an act before entering the part of the prayer that follows it, he must perform the act; as when someone doubts *takbīrat al-iḥrām* before beginning to recite, or doubts reciting QurṡĀn before bowing, or doubts bowing before prostration – even if this doubt occurs as he is lowering himself to prostrate – or doubts prostration during prostration or while sitting for *tashabbud* or getting up again for the next *rakʿa*. The same applies if someone doubts *taslīm* while performing after-prayer worship (*taʿqīb*) before doing anything that would break his prayer if done intentionally or otherwise. In all of these cases, he must heed his doubts, go back and perform the act. If he does not do this, his prayer is invalid.

534. If someone doubts performing an act while still at its place in prayer, then performs it, only to realize that he had in fact already done it, his prayer is not invalidated unless it was a fundamental (*rukn*). If he doubts performing an act after its place in prayer had passed, then does not perform it, only to realize that he had – in fact – not done it, then if able he should go back and perform it. Otherwise his prayer is valid so long as it was not a fundamental, in which case his prayer is invalidated.

535. If someone recites *tasbīḥ* and is unsure of how many times he has recited the formula – has he recited it two or three times, for instance? – then he should assume the lesser and complete it by reciting a third.

536. If someone is uncertain whether a part of his prayer which he has performed is valid or defective – but not whether he has performed it – then it is assumed to be valid in all circumstances, whether the doubt occurs after he has begun another component of his prayer or not. So someone who pronounces *takbīrat al-iḥrām* then doubts its validity, the *takbīr* is considered valid even if he has not yet begun to recite the QurṡĀn. The same is true of

someone who doubts the validity of his recitation before bowing. This general rule to ignore doubts concerning validity of what has already occurred, when the doubt occurs after its occurrence, is what jurists call 'the rule of completion' (*qā'idat al-farāgh*).

537. If one begins prayer having met all its conditions, only to doubt whether these conditions continued to be valid throughout his prayer or if some part of them were voided during his prayer, he should ignore this doubt.

538. Someone afflicted by excessive doubting (*kathīr al-shakk*) should not heed his doubts, whether concerning the number of *rak'ats*, the acts of prayer or its conditions. In other words, he assumes that his prayer is valid. So if he doubts something whose absence would ruin his prayer, he should assume its existence; and if he doubts something whose existence would ruin his prayer, he should assume its absence. Just as if he doubts whether he has prayed four or five *rak'ats*, or whether he has bowed once or twice – for instance – where the existence of an additional *rak'a* or bow would ruin his prayer, he should assume their absence.

539. The criterion for being an excessive doubter is common sense. And if someone doubts in three consecutive prayers once or more, he is said to suffer from excessive doubt. However, it must be ensured that this doubt is not the result of some external factor; such as fear, anger, anxiety or other such states that cloud one's senses. In these states, one is not deemed to be an excessive doubter.

540. If someone doubts whether they are in a state of excessive doubting, they should assume they are not. The same also applies in reverse; if they are in a state of excessive doubting and are unsure whether they still are, they should assume they are.



541. The worshipper might suffer from excessive doubts in one particular area, such as *takbīrat al-iḥrām*, but no other. In which case, he should ignore his doubts in this particular area while paying attention to them as a normal person would in other situations.

542. If someone doubts, after facing doubts a number of times, whether he is doubting excessively – according to the definition we offered above – then he should assume he is not doubting excessively until he becomes certain that he is.

### THIRD: DOUBT IN THE NUMBER OF RAK'ATS

543. If the worshipper is unsure of how many *rak'ats* he has offered, it is recommended that he pause and think for a little while without continuing his prayer. If he arrives at probable knowledge (*ẓan*) – and probable knowledge of the number of *rak'ats* follows the same rule as certainty – then he should continue his prayer and he need not do anything else. But if he cannot shake his uncertainty, then if he is offering a two or three *rak'at* prayer, or he is in the first two *rak'ats* of a four *rak'at* prayer, his prayer is invalidated. Otherwise, if he is certain that he has completed both of the first *rak'ats*, meaning that he has recited the obligatory *dhikr* for the second prostration – even if he has not lifted his head – then any doubt thereat can be corrected, as we shall discuss below.

544. There are many different kinds of doubt one can entertain about the number of *rak'ats*:

- a. Any doubts after completing the prayer are of no consequence, religiously.
- b. Doubts which cannot be resolved automatically invalidate the prayer; these are any doubts in which the worshipper is not certain that they have offered the first two *rak'ats* – such as hesitating between the first

and second, or the second and third – before reciting the obligatory *dhikr* for the second prostration, as when bowing or in the first prostration. But it must be remembered that this refers to doubt that abides after taking a moment to think. And hesitating between the second and forth *rak'a*, or the second, fourth or fifth, if any of them occur before one is sure they have completed both prostrations in the second *rak'a*.

- c. Other doubts which invalidate the prayer include those where the worshipper does not know how many *rak'ats* he has prayed, such that he hesitates between more than three possibilities, even if these are correct in themselves, like one who hesitates between three, four, five or six *rak'ats*. He must repeat his prayer.
- d. There are doubts during prayer that do not need to be resolved, like someone who begins *tashahhud* and doubts whether he has completed the *rak'a* before it.
- e. Then there are those doubts during prayer which need resolving, whereat the prayer is correct. For these, there are nine possibilities:
  - i. Hesitating between two and three *rak'ats* after the *dhikr* of the second prostration; the worshipper assumes he has offered three *rak'ats*, offer a fourth and complete his prayer, before offering an additional *rak'a* from standing as a precaution. If, however, his duty was to sit in prayer, then he should offer this additional *rak'a* sitting also.
  - ii. Hesitating between three and four *rak'ats* at any point; the worshipper assumes he has offered four, completes his prayer, then offers an additional *rak'a* standing, or two sitting, as a

precaution. If, however, his duty was to sit in prayer, then he should offer an additional *rak'a* sitting.

iii. Hesitating between two and four *rak'ats* after the *dhikr* of the second prostration; the worshipper assumes he has offered four and completes his prayer, then offers two *rak'ats* from standing as a precaution, If, however, his duty was to sit in prayer, then he should offer these additional *rak'ats* sitting.

iv. Hesitating between two, three and four *rak'ats* after the *dhikr* of the second prostration; the worshipper assumes he has offered four, completes his prayer and then offers two *rak'ats* standing and another two sitting as a precaution. If, however, his duty was to sit in prayer, then he should offer two *rak'ats* sitting, followed by an additional one sitting.

v. Hesitating between four and five *rak'ats* after the second prostration; the worshipper assumes he has offered four *rak'ats*, completes his prayer and then makes two prostrations for lapses (*sahw*).

vi. Hesitating between four and five *rak'ats* while standing; the worshipper sits back down and follows the ruling of one who hesitates between three and four (mentioned above). He completes his prayer and observes precaution as detailed in (ii).

vii. Hesitating between three and five *rak'ats* while standing; the worshipper sits back down and follows the ruling of one who hesitates between two and four *rak'ats*; he should complete his prayer and then observe precaution as detailed in (iii), above.

viii. Hesitating between three, four and five *rak'ats* while standing; the worshipper sits back down and follows the ruling of one who hesitates between two, three and four *rak'ats*; he should complete his prayer and then observe precaution as detailed in (iv), above.

ix. Hesitating between five and six *rak'ats* while standing; the worshipper sits back down and follows the ruling of one who hesitates between four and five *rak'ats*; he completes his prayer and prostrates for lapses (*sahw*).

545. If someone does not know whether he has doubt (*shakk*) or probable knowledge (*zann*), that in of itself is probable knowledge and he should act on its basis. The same applies if the worshipper doubts something, then arrives at probable knowledge (*zann*), or has probable knowledge only to doubt it; he should observe his present state and act upon it. So if someone hesitates between three and four *rak'ats*, for example, then assumes he has offered four only to arrive at probable knowledge that he has in fact offered three. Then he should act on this new state and offer the fourth. On the other hand, if he has probable knowledge that he offered three *rak'ats*, but then doubts whether he has offered three or four, he should assume he has offered four and perform precautionary prayer.

#### Precaution prayer (Ṣalāt al-iḥtiyāt)

546. It appears that one is not obliged to resolve the doubts concerning the number of *rak'ats* detailed above, but it is permissible to break the prayer in which one has these doubts by doing something to invalidate it (e.g. turning away from the *qibla*) and then begin it again. But if he proceeds with his prayer

as we have detailed above, then he must resolve the doubts through precautionary prayer (*ṣalāt al-iḥtiyāt*).

547. Precaution prayer is treated the same as other prayers with regards to its parts and conditions; it requires an intention, *takbīrat al-iḥrām* and reciting *al-Fātiḥa* quietly (even the *bismillāh*), though it does not require another *sūra*; it is obligatory to bow, prostrate and recite *tashabbud* and *taslīm* in it. And if something occurs to void the prayer, it is invalidated and must be begun again.

548. If one realizes that the prayer he has offered was complete before beginning the precaution prayer, he does not need to perform it, so long as he has surety and confidence. Probable knowledge (*ẓann*), here, is treated the same as doubt (*shakk*), so he must proceed with his precautionary *rakʿat*. But if he realizes this during the precaution prayer, he can either break it or complete it as a supererogatory prayer by changing his intention.

549. Precaution prayer follows the same rules for lapses (*sabw*), the addition or subtraction of parts, doubts etc. as all other obligatory prayers. And if someone doubts the number of *rakʿats* he has offered in it, he must assume he has offered whichever number is higher, lest it ruin the prayer as we discussed.

550. If one doubts whether he has offered precaution prayer, he should assume he has not, unless the time for prayer has lapsed or he has done something that would void the prayer, whether intentionally or otherwise. If he forgets a fundamental of precaution prayer and he cannot go back to it, then he must repeat the prayer; the same applies if he adds an additional bow or two prostrations in a single *rakʿa*.

### **Making up for forgotten parts of prayer**

551. If someone forgets a single prostration – in any *rak'a* – and does not remember before the next bowing, he must make up for this prostration after the prayer and after any precaution prayer he owes.

552. If someone forgets a *tashahhud* and does not remember before the next bowing, he must make up for it, whether immediately after prayer or after precaution prayer, if he owes any. The same applies if he forgets a single prostration and the *tashahhud* of the final *rak'a* and does not remember these until after *taslim* and doing something that would void the prayer, intentionally or unintentionally. But if he remembers after *taslim* but before doing anything that would void the prayer, then he must go back and prostrate, recite *tashahhud* and *taslim* again, and then perform two additional prostrations for lapses (*sahw*).

553. No other forgotten parts of prayer besides a single prostration or *tashahhud* are made up for. When making up for these, the worshipper must observe all the necessary parts and conditions, and he must make the intention of doing these in place of what he forgot. He cannot allow these to be separated from the prayer by something that would void it, or else he must repeat the prayer. And if he doubts performing a forgotten part, he should assume he has not, unless he doubts after doing something that would void the prayer intentionally or otherwise. And when he doubts having done something that would void the prayer, he should assume he has not.

### **Prostrations for lapses (sujūd al-sahw)**

554. One must perform two prostrations for lapses for the following:

- a. First: When the worshipper speaks forgetting that he is praying or wrongly believing that he had finished praying.

- b. **Second:** When he recites *taslīm* in other than its proper place because he was not concentrating; e.g. if he recites it after the first *tashabbud* in a four *rak'a* prayer.
- c. **Third:** When he is unsure whether he has prayed four, five or six *rak'ats* of prayer, as above.
- d. **Fourth:** When he forgets a single prostration or the *tashabbud* in full or part; he makes up for what he missed and then prostrates twice for lapses.
- e. **Fifth:** When he neglects an obligatory sitting. For example, when he realizes upon finishing his prayer that he did not sit at rest for a moment after the second prostration in the first *rak'a*.
- f. **Sixth:** When he neglects an obligatory standing, For example, when he realizes after finishing his prayer that he went straight from bowing into prostration, without first standing straight again.

555. This prostration is performed as follows: A pair of prostrations with no gap between them, like the pair performed in any *rak'a* of prayer. However, one is not required to face the *qibla*, be in a state of ritual purity, cover his private parts or pronounce *takbīr*. But he must have the intention of seeking nearness to Allah and place both his palms, knees and toes on the ground, and the place where he prostrates his head must be suitable for prostration in prayer.

556. One repeats the prostrations for lapses as many times as he has occasions to do so, but he does not repeat it for repeated speaking unless he forgets he is in prayer, remembers and then forgets again. But even if he speaks a lot because of a single lapse, he only needs to perform a single pair of prostrations. And there is no need to order these prostrations according to

the order of lapses that occasioned them, nor is it necessary to specify which prostration is for which cause.

557. It is recommended in every prostration to do *dhikr* of Allah and His prophet with these words: '*bismillāhi wa billāhi was-salām 'alayka ayyuhā-nabiyyu wa rahmat ullāhi wa barakātuh.*' And after the two prostrations it is obligatory precaution to recite *tashabbud* and *taslīm*.

558. Prostrations for lapses come after precaution prayers. The same applies to parts of the prayer that must be made-up for. These prostrations these cannot be delayed after the prayer and nothing to invalidate the prayer must occur before them. But if someone delays them and does something which would invalidate his prayer intentionally or otherwise, his prayer is not invalidated and the obligation to perform them does not lapse, nor does the obligation to do them immediately. If he forgoes these prostrations intending not to do them, he is sinful but his prayer is still valid.

559. If someone is unsure of whether he has cause to prostrate, he should pay no attention to this doubt. And if he is unsure of how many occasions he has to prostrate, he should assume the least amount. And if someone doubts whether he has performed them after knowing he must do so, he should perform them again. And if someone believes that he has cause to prostrate, but he doubts this after *taslīm*, he should not pay attention to his doubt. The same is true if he doubts whether he has cause to prostrate but later knows that he does; he must perform it. And if he doubts whether he has performed one or two prostrations, he should assume the lesser, unless he has begun *tashabbud*. And if someone doubts whether they have recited the *dhikr* during the prostration, he should recite it. But if he doubts after the prostration, he should continue, even if he knows he has not recited it.





## Section eight: Congregational prayer

Congregational prayer carries with it tremendous reward, and many traditions have been narrated encouraging people to perform it and reprimanding those who forgo it. Nothing like this has been narrated about any other recommended acts; it is strongly recommended in all daily prayers, even those being made up for, and in the prayer of signs, funeral prayers and *Ṭd* prayers, even when the conditions necessary for it to be obligatory are not met, as in Friday prayers. This recommendation is especially strong in morning and evening prayers.

560. Praying in congregation is obligatory for Friday prayers and *Ṭd* prayers under the necessary conditions, whereat it becomes a precondition for their validity. It is not obligatory in any other situation. Yes, it could become obligatory due to an external factor, such as a vow or the like thereof, or because someone has not learnt proper recitation while being able to do so, or because there is not enough time to perform a single *rak'a* before the prayer lapses except by joining a congregation, and so on.

561. Someone offering one of the daily prayers can follow someone offering another one of them, even if one requires recitation aloud and the other quiet; one is on time and the other is making up for a missed prayer; or if one is shortened and the other full length. So, for instance, the follower could offer shortened *zuhr* prayers, while the *imām* offers *'ishā'* on time or late. The same is true if two people are offering sign prayers, even if the sign of each is different. However, someone offering daily prayers cannot follow someone offering *Ṭd* prayers, sign prayers or funeral prayers, and the opposite is also true.

- a. Neither can one follow someone else in precaution prayers, nor prayers offered out of obligatory precaution because someone does not know whether they must offer shortened or full-length prayers, meaning that

the duty of the *imām* is to pray both shortened and full-length prayers out of precaution. Unless both persons share the cause for precaution; if two people know that they must either offer shortened or full-length prayers, and so pray together in congregation both shortened and full-length prayers.

562. The smallest number required for congregational prayers other than Friday prayers is two persons, one of whom is the *imām*, even if the follower is a woman or a discerning child. As for Friday prayers, these require five persons, one of whom is the *imām*, as we shall discuss. As for *ʿĪd* prayers, when performed in congregation, there is no specific number required for them.

563. Congregational prayer requires that the follower (*ma'mūm*) makes the intention to follow in prayer, whether the *imām* makes an intention to lead or not. If the follower does not make this intention, he is not considered part of the congregation. Of course, Friday and *ʿĪd* prayers require the *imām* to make the intention to lead, by intending to offer a prayer in which the followers have made him an *imām*. The same applies if the *imām*'s congregational prayer is a repeat (*ma'āda*).

564. A follower cannot intend to follow another *imām*, nor two persons, even if they synchronize their words and deeds, nor either one of two persons if the follower is unsure which to follow. If someone makes this intention, he is not part of the congregation. It is, however, sufficient to specify the *imām* in a general sense; for instance, intending to follow the *imām* of this congregation, or to follow whoever's voice this is, even if this could be either one of two persons.

565. If someone is unsure whether he made the intention to join a congregation, he should assume he did not and complete his prayers

individually. This is unless he knew that he stood up to pray with the intention of joining the prayer, and he has the appearance of being part of the congregation because he listens [to the *imām*], stands in the lines etc. such that his doubt vanishes and he becomes assured that he was in congregation.

566. If two people pray together in congregation and realize after prayer that each of them intended to lead the other, their prayer is valid individually. And if they realize that each of them intended to follow the other, their prayer is also valid individually. But if either of them did anything that would invalidate the prayer intentionally or otherwise, he must pray again.

567. If someone prays individually, he cannot join a congregation in the midst of his prayer. He can, however, break his prayer and join the congregation. One can also switch from prayer in congregation to praying individually at any point in the prayer, so long as it was not his intention to do so from the beginning, or else there is a problem with the validity of his congregational prayer. And if he intends to leave the congregation, even for a moment, he cannot return to his previous intention of praying in congregation.

568. There is no need to make the intention of seeking divine nearness when praying in congregation, whether for the *imām* or his followers. If the intention of either was some permissible worldly goal, such as avoiding doubts in prayer or being weary of reciting for oneself and the like, then the prayer is valid and all the rules of congregation apply to it, save for its reward. But if one prays in congregation for a false intention, such as showing-off, bothering others or the like thereof, then there is a problem not only with the validity of the congregation, but with the prayer itself.

569. One can catch the congregation by joining it from the moment the *imām* stands for a *rak'ā*, from the first letter of *takbīrat al-īhrām* until the end of his bow

(*rukūʿ*). So if someone joins the congregation during the *takbīr* or after it, while the *imām* is standing before recitation, during it, or after it before bowing, or while inclining to bow, or during his bowing, even after the *dhikr* has finished, then he has attained that *rakʿa*. This does not require him to bow at the same time as the *imām*, so long as he pronounced his own *takbīr* before the *rukūʿ* of the *imām*, though he must otherwise follow the *imām*'s actions. In order for him to reach the bowing in time, he must be in the state of bowing at the same time as the *imām*, with both of them holding still, even if only for a moment, even if he pronounces *takbīr* after the *imām* bows. Without this, his congregational prayer's validity is problematic, just as it is when they are both in the state of bowing when the follower is inclining to bow and the *imām* is raising his head from bowing, in which case obligatory precaution requires him to pray individually.

570. If one bows, believing that he has caught the *imām* while bowing, only to realize that he has not, then his prayer is invalid. The same is true if he becomes unsure if he has done so. If he makes the intention to pray in congregation and pronounces *takbīr*, only for the *imām* to raise his head before the follower reaches the state of bowing, then the follower can choose whether to continue with his prayer individually – by going straight to recitation – or switching his intention to supererogatory prayer, then returning to the congregation after either completing it or breaking it.

571. If someone intends to form a congregation with someone offering a prayer which cannot be offered in congregation, either absent-mindedly or because they are unaware of the ruling, such as a supererogatory or precautionary prayer: If they remember before doing anything that would invalidate an individual prayer, then they should switch their intention to praying individually and their prayer is valid. The same is true if they remember after

completing their prayer and they did nothing in it that would be contrary to praying individually. But if they do something which would invalidate individual prayer, intentionally or otherwise, their prayer is invalid.

572. If someone intends to pray individually after the recitation of the *imām* but before bowing in the first or second *rak'a*, it is obligatory for him to recite for himself as one praying individually would.

### **Conditions for congregational prayer**

The validity of congregational prayers requires:

**First:** There should be no barrier between the *imām* and his followers, nor between some followers and others, such that it breaks their connection with the *imām*. It makes no difference whether this barrier is a curtain, wall, tree or anything else, so long as it falls under the category of an obstruction. There is no problem with a small barrier, to the extent of roughly a handspan. This applies when the follower is male; as for women, there is no problem with there being a barrier between them, the *imām* and other followers if the *imām* is a male. But if the *imām* is a woman, then the same rule applies for them as men. The important point is that it is allowed for there to be a barrier or curtain between men and women, but not between members of the same sex, whether leading or following.

573. In congregational prayer, a separator is allowed so long as it does not obstruct sight between the *imām* and his followers, or between one line of worshippers and another, such as glass, perforated screens etc. because these do not prevent us from saying that the people are “joined” (*ijtimā'*). Equally, one can pray in the presence of a barrier that is not fixed, like a person passing by etc. As for dust, darkness and other things that obstruct vision, they definitely do not obstruct one's connection to the congregation.

**Second:** The position of the *imām* must not be a distinct level higher than his followers, as in buildings, steps etc. or even if it was on a slope like a hill. However, there is no problem with a

gentle slope which we can still call “flat ground.” There is also no problem with a small distinct elevation in level, so long as it is less than a hand span. There is also no problem with the position of the followers being higher than that of the *imām*, so long as one can still say that they are “joined” (*ijtimāʿ*). The same applies with regards to some followers being higher than others.

**Third:** The follower should not be an excessive distance from the *imām*, nor from other followers, such that the place where the *imām* stands and the place where the follower prostrates are not more than this distance apart. The same is true of the standing position of the forward row and the prostration position of the row behind it, and between the people of the same line. It is better still to ensure that there is no gap whatsoever between the standing position of the forward line and the prostration position of the line behind it. This applies only when the connection to the congregation is from one direction only; if the connection is from two or three directions, then there is no harm in a gap from one side so long as the connection remains on another.

**Fourth:** The follower must not stand in front of the *imām*. According to obligatory precaution, he should not even stand level with him. Nor should his place of prostration, bowing or sitting be in front of the *imām*’s and according to obligatory precaution, if there are a number of followers, they should stand directly behind the *imām*. This is in a congregation of men; as for a congregation of women led by a woman, they she can stand in the midst of them and not in front of them.

574. The aforementioned conditions apply both when commencing the prayer and in its midst; if some obstruction or separation occurs, or if the *imām* is elevated or a follower steps in front of the *imām* during the prayer, his participation in the congregation is invalidated. And if one is uncertain if any of these conditions have been broken while before they had not, then one should assume they have not been broken.

575. If someone joins a congregation while a barrier is present and they are unaware of it or blind, their congregation is not valid. If they realize this before

doing something that would invalidate individual prayer, even unintentionally – such as an additional bowing because they followed the *imām* in this – they should complete their prayer individually and it is valid. It is also valid so long as they have not done anything that would invalidate it if done intentionally, such as forgoing recitation of the QurPĀn.

576. If a follower close to the *imām* of the congregation is praying shortened prayers – for example – but the follower praying behind him is offering complete prayers, such that the former will complete his prayers before the latter, then this does not affect the validity of the latter's following the *imām*; he is still counted in congregation. If the gap between him and the *imām* was great, then he can come forward immediately, take an appropriate position and continue his prayer. The same applies to someone who was praying beside the traveller and was connected to the *imām* through him; it will not harm his prayer. And if the gap was large, then he can move closer to take an appropriate position, while ensuring that he continues to face the *qibla*.

577. Some worshippers standing in front of others does not harm the congregation, even if they have not joined the prayer, if they were preparing to do so. There is no problem with temporary obstructions, such as a person passing in front of another etc. However, if there is a constant stream of people walking, his congregation is invalid. A discerning child participating in the prayer also does no harm when it is possible that his prayer is valid.

#### **Conditions for the *imām* of a congregation**

The following are required for the *imām* of a congregation:

**First:** Faith, sound-mind and pure birth; one cannot pray behind someone who has corrupt beliefs, is insane or is the offspring of fornication.



**Second:** He must be male if any of the followers are men; women can only lead other women in prayer.

**Third:** Moral rectitude (*‘adāla*); one cannot pray behind an open sinner (*fāsiq*). And one must be certain of this like all other conditions before beginning prayers, even if this takes the form of surety obtained by any means. One cannot pray behind someone whose moral rectitude is unknown (*majhūl al-ḥāl*), unless he was previously known to have fulfilled this condition.

**Fourth:** The *imām* must be able to recite properly; one cannot pray behind someone who does not recite in proper Arabic, recites with an accent or errs in his recitation.

**Fifth:** Someone sitting cannot lead a congregation that is standing, nor can one laying down lead a congregation that is sitting, whereas a standing *imām* can lead followers who are standing, sitting and laying down. Someone with *tayammum* can lead someone with *wuḍū’*, and someone who has made ablutions with a bandage, can lead others who have not. A traveller can also lead someone who is not travelling.

578. If, after his prayer, a follower discovers that the *imām* lacked one of the conditions necessary for the validity of the prayer or leading it, his prayer is still valid, so long as he did not do anything that would invalidate his prayer intentionally or otherwise. And if he discovers this while praying, he completes his prayer individually in the first case and repeats it in the second.

579. If the *imām* and the follower disagree in the components and conditions of prayer, whether as a result of *ijtihād* or *taqlīd*, then if the follower knows that the prayer of the *imām* is invalid, even if he learns this via a reliable source, he cannot pray behind him. Otherwise, he can. The same applies if the disagreement between them is in external factors, such as the *imām* believing that a certain body of water to be ritually pure and thus making *wuḍū’* with it, while the follower believes it to be ritually impure; or the *imām* believes that a certain item of clothing is ritually pure and prays in it, while the followers

believes it is ritually impure – one cannot pray behind him in the first instance, but one can in the second.

- a. There is no difference in what we have mentioned between starting prayer and continuing with it; the follower's knowledge in this regard does not affect the validity of the *imām*'s prayer for the *imām* himself. This is in issues that the *imām* does not take responsibility on behalf of his followers, as for issues where he does – such as recitation (*qirā'a*) – then there are different situations; someone who believes that one must recite a *sūra* after *al-Fātiḥa* – for instance – cannot pray behind someone who does not recite it because he believes it is not obligatory.

#### Rules of congregational prayer

580. The *imām* does not bear responsibility on behalf of a follower in any word or deed of prayer except recitation in the first two *rak'ats* when the latter is following him during them, in which case the *imām*'s recitation suffices.
581. The follower must follow the *imām* in his actions, meaning that he should neither perform them before him nor delay them a great deal, and it is recommended precaution to not perform them at exactly the same time. As for words, then the apparent ruling is that it is not necessary to follow in them, so one can recite them before, at the same time as or after the *imām*. This is except for *takbīrat al-iḥrām*, as if the follower pronounces it before the *imām*, his prayer is individual. In fact, it should not be pronounced at the same time either. So it is best to follow in words, especially when one can hear the *imām* and during the *taslīm*.
582. According to obligatory precaution, the follower should not recite in the first two *rak'ats* of prayers with quiet recitations; it is better that he occupies himself with *dhikr* and sending blessings on the prophet {p} and His household.

As for the first two *rak'ats* of prayers with loud recitations, it is obligatory for him to forgo recitation; and it is more fitting based on precaution to remain silent for recitation. And if he cannot even hear the murmur of recitation, he is allowed to recite with the intention of seeking nearness to Allah and the intention of fulfilling this part of the prayer. However, he must recite silently, even in prayers that have loud recitation when offered individually.

583. If the follower catches the *imām* in the last two *rak'ats* of prayer, he must recite *al-Fātiḥa* and another *sūra*. And if reciting another *sūra* means that he will not be able to follow in bowing, he should recite only *al-Fātiḥa*. And if reciting *al-Fātiḥa* will mean the same, then based on obligatory precaution he should pray individually. In fact, according to recommended precaution, if he is not certain that he will complete *al-Fātiḥa* before bowing is that he should not join the congregation until the *imām* bows, and then he does not need to recite.

584. If a follower deliberately forgoes following the *imām* in prayer, this does not affect his prayer, though it does invalidate his congregation, so he should complete his prayer individually. But if he bowed before the *imām* while the *imām* was reciting, his prayer is invalid unless he recited for himself.

585. If he intentionally bows or prostrates before the *imām*, he should pray individually. He cannot, in the name of following the *imām*, bow or prostrate a second time. And if he prays individually, whatever bowing or prostration he has already performed suffices.

586. If he intentionally raises his head from bowing or prostration before the *imām*, then if this was before the *dhikr*, his prayer is invalid – as long as he deliberately intended to do so – otherwise his prayer is valid, though his congregation is not. And if he raises his head after *dhikr*, his prayer is valid and he should complete it individually; he cannot rejoin the congregation and follow

the *imām* into bowing or prostration again. If he raises his head from bowing or prostration unintentionally, then he should go back into them; if he intentionally does not do so, he should pray individually and his congregation is invalid; if he does so unintentionally, both his prayer and congregation are valid. And if he goes back and bows to follow the *imām*, but the latter raises his head before he reaches the state of bowing, his prayer is invalid.

587. If he raises his head from prostration and sees the *imām* prostrating and, believing him to be in the first prostration, returns to prostration intending to follow the *imām*, only to realize that it was in fact the second prostration, it suffices him. And if he believes it is the second prostration, so prostrates again with the intention of the second, only to realize it is the first, it still counts as following the *imām*.

588. If a follower joins the congregation and he does not know whether the *imām* is in the first or last two *rak'ats*, then he is allowed to recite *al-Fātiḥa* with the intention of seeking nearness. If he realizes that the *imām* is in the last two, then the recitation is in its proper place; if he realizes the *imām* is in the first two, it does no harm.

589. If a follower catches the *imām* in his second *rak'a*, the *imām* recites on his behalf therein, although it is the first *rak'a* of the follower's prayer. He follows the *imām* in *qunūt* and sitting for *tashabbud* as if about to get up, and it is recommended that he recite *tashabbud* also. Then, in the *imām*'s third *rak'a*, he should hold back from standing, sit for *tashabbud* and then catch up with the *imām*. The same applies to any obligation he has besides the *imām*, and it is best [in the final *rak'a*] to sit for *tashabbud* until the *imām* recites *taslīm* before getting up for his own fourth. But he can also stand up immediately after the *imām*'s second prostration in his fourth *rak'a* – which is his third – and pray the

rest individually, so long as he did not intend to pray individually from the start of his prayer.

590. Someone who has prayed individually can repeat his prayer in congregation, whether as an *imām* or as a follower. The same applies to anyone who has prayed in a congregation as an *imām* or a follower; he can repeat it in another congregation as an *imām*. There is a problem with the validity of this, however, if both the *imām* and the followers have prayed individually and want to repeat their prayers in congregation without anyone present who has not already offered their obligatory prayers. If, after repeating the prayers, they discover that the first (individual) prayers were invalid, then the repeated (congregational) prayers suffice them. It is not religiously valid to repeat a prayer alone for no reason unless there could have been some fault with it in the first place, even if it appeared to be correct.

#### **Recommended acts in congregation**

591. It is recommended that the *imām* stand parallel to the middle of the first row; and that he pray in the manner of his weakest followers. so he should not lengthen the prayer unless the followers desire it; and that those behind him can hear those recitation and *dhikrs* of his which do not need to be silent; and that he lengthen the bowing if he senses someone wants to join the congregation, to the extent of two normal bowings; and that he does not stand up from his place when he finishes prayer until those behind him have finished praying.

- a. It is recommended that the follower stands to the right of the *imām* if he was an individual man, and slightly behind him according to obligatory precaution; and to stand behind him if she was an individual woman. If there is a man and a woman, the man should pray to the right of the

*imām* and the woman behind him. And if there are more, then they should form lines behind him with the men in front of the women.

- b. It is recommended for important persons to pray in the first line, with the most important to the right-hand side; the right side of each line is better than its left. And the final line in funeral prayers is the best. It is recommended that the lines be straight, that any gaps be closed, that shoulders be parallel to one another and that each line connects to the standing place of the line in front; and to stand when the *mu'adhdhin* says: "*qad qāmat iṣ-ṣalāt*" and to say: "*allāhumma aqimhā wa adimhā waj'alnā min khayri ṣāliḥi ahlihā*"; and when the *imām* finishes *al-Fātiḥa* to say: "*al-ḥamdu lillāhi rabb il-'ālamīn*."

592. It is disliked that a follower in congregation should stand in a line of his own if there is space in the forward lines; it is also disliked to perform supererogatory prayers after the *iqāma* has begun, even more so after the phrase "*qad qāmat iṣ-ṣalāt*" has been uttered; speaking after it [is also disliked] unless it is for the purpose of arranging the congregation, such as putting the *imām* in front etc. or the *imām* reciting *dhikr* audibly. And it is disliked that one who is praying full prayers should follow one who is praying shortened ones, and vice versa.

### Section nine: Traveller's prayers

593. It is obligatory that the traveller shorten his four-*rak'a* prayers by dropping the last two *rak'ats* of them when travelling; *fajr* and *maghrib* prayers remain the same.

Prayers are not shortened, except in the following conditions:

**First:** A journey traversing the minimum distance, which is eight parasangs (44 kilometres) lengthways, whether going or returning; or a round trip with four parasangs (22 kilometres) going and another four returning, whether the return leg is immediate or separated by one or more nights en route; or in a destination which is exactly four [parasangs from home], whether this distance was travelled quickly – as in a matter of minutes – or at length – such as several hours – or over the course of a day or more, so long as at no point does one settle in such a way that interrupts their journey, or any of the other interruptions we shall discuss below. But if the distance travelled is less than that, even if only a little, complete prayers must still be offered. The same applies if one is unsure whether they have reached the aforementioned distance or only has probable knowledge of that. The distance is measured from the boundary of their home region as defined by common sense, whether large or small.

594. Distance travelled can be established by knowledge or religiously-accepted testimony (i.e. two just witnesses), though it is not unlikely that the testimony of one just person, or any trustworthy indication, is enough; e.g. road signs. But if none of this is at hand to establish the distance travelled, then the traveller keeps offering full prayers. And in the event that the indications are contradictory, they are discounted and full prayers must be offered.

595. Someone who believes that their journey fulfils the distance requirement and so shortens their prayers only to realize that it does not must repeat their prayers. Someone who believes that their journey does not fulfil the distance requirement and so offers full prayers, only to realize that it does, need only repeat prayers whose time has not lapsed. If one is unsure whether their journey fulfils the distance or believes it does not, only to realize en-route that it does, should shorten his prayers, even if what remains of the journey does not meet the distance requirement.

596. If there are two routes between two lands and one of them is shorter, equalling one-third of the distance requirement, while the second is longer, equalling two thirds: Then, if someone chooses to take the longer route – equalling two-thirds of the distance requirement – both going and returning, or takes the longer route in either his outbound or inbound journey and takes the shorter (which equals one third) in the other, then he shortens his prayers. But if he takes the shorter journey both coming and going, he does not shorten his prayers.

597. The journey must fulfil the distance at its outset. If someone intends to travel less than the distance requirement, only to take a new destination to somewhere which is shorter than it when he gets there, and so on, then he must offer full prayers even if he covers the distance. Yes, when he begins his return, and the distance is at least eight parasangs, then he shortens his prayers, otherwise he should keep offering full prayers. Someone who is seeking a lost traveller, a debtor, a runaway or the like thereof, completes his prayers until they have exceeded eight parasangs horizontally in pursuit of their quarry, or if they have a round trip which exceeds eight parasangs, as above.

598. It does not matter in determining destination whether one's journey is independent. If one person is following another, such as a spouse, slave, servant or prisoner, they must shorten their prayers if their destination follows the destination of the one they follow. If they are unsure of the latter's destination, they should continue offering full prayers. It is recommended precaution to ask the latter about their destination. But if it is easy to ask and there is no burden in it, then it is obligatory to ask. And if someone learns of the destination during the journey, then if what remains of it or the round trip meets the distance requirement, they shorten their prayers, otherwise they continue



praying full prayers. And if they have prayed full prayers, they must repeat them.

- a. There is no doubt that prayers must be shortened even on involuntary journeys, as when someone is thrown into a train or boat that would take them beyond the distance requirement, and the person knows that he will reach it, or even if he only expects that he will.

**Second:** Continuity of destination. So if someone, before reaching four parasangs, turns back or becomes unsure of his destination, he must offer full prayers and repeat any shortened prayers whose time has not already lapsed. And if he has broken his fast, he should continue not fasting. But if he turns aside from his destination or goes back and forth after reaching four parasangs, and had intended to return before remaining ten days, he should continue offering shortened prayers and not fasting.

599. If someone becomes unsure of his destination during his journey and then becomes certain again: Then if the distance remaining on it meets the distance requirement – even if this includes the return – and he begins journeying, he should shorten his prayers, otherwise he must offer full prayers. However, if this uncertainty occurred after he reached four parasangs and he intends to return before ten days, he should shorten his prayers.

**Third:** The traveller should not intend, at the outset of his journey, to spend more than ten days somewhere before reaching the required distance nor should he be unsure of that, or else he must offer full prayers. The same applies if he intends to pass his homeland or abode, or if he is unsure of that. Nor should he intend to stop on the journey at a particular place for a month before completing the required distance.

**Fourth:** His journey should be for a permissible purpose. If he is travelling for something prohibited, he should not shorten his prayer. This applies whether the journey was forbidden in itself – such as the disobedience of a spouse – or forbidden because of its goal – such as killing an innocent,

theft, fornication, to assist an oppressor or the like thereof. Included under this heading is a journey undertaken to avoid performing an obligation; for instance, if one owed some money and travelled while the lender was demanding its repayment while the traveller could only pay it back while he was present, but not while travelling. It is obligatory to complete one's prayers if one's journey is intended to avoid some obligation. On the other hand, if the journey merely coincided with some prohibited acts or shirking of obligations which occurred during it, such as backbiting, drinking wine, forgoing prayers etc. while doing forbidden acts or avoiding obligations was not the purpose of the journey, then one must shorten one's prayers.

600. If the outset of someone's journey was sinful, but he then returns to what is permissible, then if the remainder of his journey meets the distance requirement – even if this includes the return leg – he must shorten his prayer, otherwise he must offer full prayers. Someone returning from a sinful journey must also shorten his prayers if the return trip meets the distance requirement and is not for a sinful purpose, even if the person does not repent.

601. If someone travels for a purpose mixed of obedience and sinfulness, he must offer full prayers, unless the sin is subordinate to the journey and would not by itself present an occasion to travel, in which case the worshipper shortens his prayers.

602. If the journey itself is permissible but the traveller rides a usurped mount, or walks upon usurped land, he must still shorten his prayers. However, if he travels on a beast intending thereby to escape with it from its owner, he is sinful and must offer full prayers.

**Fifth:** The traveller should not be a nomad carrying his home with him, like Bedouins who have no fixed abode, but rather follow water and grazing pastures, taking their homes with them, namely: tents and marquees. They should offer full prayers even when they are carrying their homes to move from one spot to another. However, they do shorten their prayers on other journeys, such as

going for *Hajj*, *ziyārat* or the purchase of foodstuffs. The apparent ruling is that they must offer full prayers in any journey during which they carry their homes with them, but not other journeys.

**Sixth:** The journey should not – in itself – be a form of employment, such as a driver, sailor, shepherd or a travelling merchant, and anyone else whose work involves travelling distances equal to or over the distance requirement. These and others like them should complete their prayers so long as they are going out for the purpose of work. But if they use their journeys for themselves, such as a donkey driver who is taking his possessions or family from one place to another, then his duty is to shorten his prayers, unless his work is the main purpose of the journey and the other use is simply convenient.

603. Just as a travelling merchant offers full prayers, so too does any worker who travels for his work, such as a carpenter who goes from one city to another to work, or a builder who travels between different cities, villages and suburbs to build roundabouts etc., and metalworkers who travel between different places to fix doors, windows, machinery and the like; any worker who travels the land for the purposes of work and employment. This includes lumberjacks and importers who bring herbs, fruit, seeds etc. to countries. They also offer full prayers.

604. There are applied examples of this condition:

- a. **First:** If the journey is for someone's work – i.e. they earn money from the journey itself, such as animal herders, drivers and pilots. When they travel for their work, they offer full prayers and fast, but when they travel for other purposes they shorten their prayers and do not fast.
- b. **Second:** When one's work is in the journey, meaning that their work depends on the journey, such that it would ordinarily be impossible to do one's work without travelling. For example, if one works in a city other than the one in which they live, like a doctor, nurse, soldier,

student, employee or the like thereof; if they are travelling for their work, they pray and fast as normal. There is no difference between those who study for religious and secular purposes, the latter being those who use knowledge as an investment in their future, upon which their future life depends, not just studying a historical problem – for example – from its sources.

- c. **Third:** When one's work takes the form of journeying from one place to another, like those we have mentioned; their ruling is that they must complete their prayers.

605.        Anyone who owns a car and drives it continuously, traversing the required distance every day, for the purpose of passing time, or for the purpose of continuously visiting shrines, this travelling is not considered to be his work or occupation. If someone asked: 'What is this person's job?' You would not say: 'His work is passing time or visiting shrines.' The same applies to someone who does not own a car but is continuously travelling.

606.        If someone's work is connected to travel, but not beyond the required distance, he must shorten his prayers if he happens to meet the distance requirement. Yes, if his work involves travelling a specific distance – such as someone who drives from Najaf to Karbala – but he happens to receive a fare to somewhere else, he should offer full prayers in this case.

607.        When determining whether one must continue to offer full prayers while travelling, having repeated the journey at least three times is not a condition; it suffices that the journey is for the purposes of work, even if this is the first time he is undertaking it.

608. If someone who travels regularly for work undertakes a journey that is not for work – e.g. a driver travels for visitation of shrines or *Hajj* – then he must shorten his prayers.

609. An itinerant – someone who travels and has no homeland – offers full prayers. The same is true if someone has a homeland but leaves it for good without taking another, and not intending to take another; otherwise, he must shorten his prayers.

**Seventh:** That when the traveller is setting off, he must reach the point whereat he is permitted to shorten prayers; he cannot shorten his prayers before it. This point is the place where the traveller is no longer within line of sight of the city limits. If someone is unsure of whether he has reached this point, he must observe precaution by offering full prayers, until he is confident of this fact. This roughly corresponds to a distance of three kilometres.

610. Somewhere that a person stays for thirty days, throughout which he is unsure whether he is going to remain there for at least days, does not fall under the same ruling as his homeland with regards to the point (*ḥadd*) after which he can shorten his prayers. In both cases, the traveller can shorten his prayer again by merely setting out on his journey.

611. If someone is unsure whether they have reached this point, they should assume they have not and continue to offer full prayers while departing, and shortened prayers while returning. If someone thinks they have reached the point, and so offers shortened prayers, only to realize they have not reached the point, the prayer is invalid and it must be repeated as full-length before the traveller reaches the point, or shortened thereafter. If he does not repeat it, he must make up for it. The same applies if someone offers full prayers on the return journey, thinking they have reached this point, only to realize they have

not. They must repeat it shortened before they reach the point, or fully thereafter. If they do not repeat it, they must make up for it.

612. Air travel is the same as land travel in the following: the distance requirement, the point at which one can shorten prayers, the obligation to offer full-prayers in certain situations etc. However, vertical distance is not considered for the purposes of distance requirements or the point after which prayers can be shortened, rather it follows the ruling of the earth that is beneath it. So if would be obligatory to offer full prayers on the earth, so too in the sky; and the same applies for shortening.

### **Interruptions of travel**

If the aforementioned conditions for travelling are met, one must shorten his prayers while in this state, and he must continue to do so until one of the following criteria are fulfilled, which are called ‘interruptions of travel’ (*qawāṭi‘ al-safr*). They are: Passing-by one’s homeland, meaning the place one takes as a permanent residence if left to his own devices indefinitely, such that if he has no reason to leave it, he would not leave, whether this is his place of birth or he has emigrated there. It does not matter whether he has any property therein, nor whether he has resided there for six months, nor whether he has chosen this voluntarily, compelled by some necessity or coerced into staying; all are valid reasons.

613. Something is classed as a homeland if common sense says it is, even if this subordinate to someone else’s status – such as a person’s spouse, dependents or servants. It is not sufficient to intend somewhere to be one’s homeland in order for the relevant laws to apply; rather common sense must say that this is one’s homeland and this differs according to different people and particulars. If somewhere is said to be one’s homeland, then he must offer full prayers even on the first day.

614. If someone abandons his homeland, the rulings of the homeland no longer apply and one must shorten his prayers should he travel to it in future, even if he has some property there, dwells in it for six months or is his birthplace. If he is not sure whether somewhere is his homeland, after the fact of it being his homeland, then it continues to be classed as his homeland until he actually abandons it.

615. The rulings pertaining to the homeland apply to a land which one takes as an abode for a fixed period of time, though for an extended period, such that his presence there cannot be called travelling. This is like a university student who comes to Baghdad – for example – and lives there for four years for the purposes of his studies. In this case, Baghdad is treated as his homeland; he should complete his prayers for the duration of his residence there. And the same applies to those who are subordinate to him, as we have discussed above.

616. If someone has two residences, spending some days in one and other days in the other, such as a man with two wives in two different lands; he stays with one for a week, then stays with another for a week, so long as he lives or for a long period of time. In this case, he should offer full prayers.

617. If a resident of one land leaves it to go and live in another, if he intends one to be his homeland, then he should offer full prayers in one and shorten them in the other. But if it is not a homeland for him, then he should shorten his prayers therein and offer them fully in the other, so long as it is not his place of work – like a student who lives in the land where he studies, or an employee who lives in his place of employment, such as a teacher or doctor, and others like them. In this case, full prayers must be offered in both their homelands and their places of work.

618. Just as travel is interrupted by passing one's homeland, so too is it interrupted by passing one's place of work, insofar as this is considered a place of residence. For example, if someone lived in Najaf and worked in a place twenty kilometres or more away, then he prays fully whenever he passes his place of work, because his travel has been interrupted.

619. If someone's place of work is nearer than the required distance, then it is more proper to pray fully there. So if someone's residence is in Najaf and his place of work is in Kufa, to which he travels every day and returns at night, then he should offer full prayers in both Najaf and Kufa. And if he leaves Najaf heading for his place of work in the morning, then heads for Baghdad after midday, he must offer full prayers in Kufa. And when he returns to Najaf from Baghdad and reaches his place of work, he must offer full prayers if he intends to return to work, but not if he merely intends to pass through it, whether coming or going, in which case he should shorten his prayers – in Kufa. The same ruling applies to residents of the Ka'ûzimiyya district of Baghdad; if they have a place of work in Baghdad and travel to it before heading to Karbala, for example.

**Second:** Deciding to remain in one place for ten consecutive days or knowing that one will remain this length of time therein, even if this is not voluntary; the first and middle nights of stay are included in this count, but not the last. And it suffices to join one partial day with another, so if someone intends to stay somewhere from midday today until midday eleven days from now, he must offer full prayers. The apparent ruling is that for our purposes the day begins with sunrise. So if someone intends to stay from sunrise today until sunset on the tenth day, this is sufficient for him to offer full prayers.

620. This is conditional upon common sense judging the place of stay to be one place. So if someone intends to stay in what common sense would call two



places, one must shorten his prayers, let alone more places – such as Najaf, Kufa, Baghdad and KÁÛimiyya.

- a. It is not, however, conditional upon him intending not to leave the borders of the land or the city limits; if he intends to leave and head to some places connected to the land where he is staying – such as orchards, farms, graveyards or factories etc. – which the inhabitants of the land frequent, this does not affect his status as staying in a particular place.

621. It is problematic for one staying in a particular area to pass beyond the point where prayers would be shortened in relation to it, for example intending to stay in Najaf while planning to go to the Mosque of Kufa or Sahla. But if the time one is away is short and does not invalidate the intention to stay, such as an hour or two – without spending the night – then one continues to offer full prayers.

622. If someone who intended to stay ten days somewhere changes his mind, then if he has already offered full four *rak'a* obligatory prayers, he must continue to do so until he travels. Otherwise he goes back to praying shortened prayers, whether he has not prayed at all, or prayed a prayer that does not require shortening (such as *fajr* or *maghrib*), or was in the first two *rak'ats* of four-*rak'a* prayer, so long as he has not finished the first four *rak'a* prayer since he interrupted his journey. He goes back to offering shortened prayers, even if he has done something which a traveller cannot do, such as obligatory or supererogatory fasting, or supererogatory prayers.

623. If someone has completed the duration of their stay somewhere, he does not need to intend to stay longer in order to keep praying full-length prayers; instead, he keeps offering full prayers until he travels, even if he has

not prayed a complete obligatory prayer while he stayed. And even if he intends to travel after staying for ten days; he continues to offer full prayers, even if he has not offered a single full obligatory prayer.

624. In order to be classed as staying somewhere, one does not have to be classed as a moral agent. So someone who is not yet legally mature (*bāligh*) but is otherwise reasonable and discerning, intends to stay somewhere, only to reach legal maturity after twelve days, he must offer full prayers for the remained of his stay, even if this occurred before ten days. And before he is legally mature, he must also offer full prayers.

- a. The same applies to a woman who is menstruating when she intends to stay; on whatever days remain of her stay after she has become ritually pure, she must offer full prayers. In fact, even if she was menstruating for the entire ten days, she must still offer full prayers until she begins to travel again.

625. If a traveller arrives in a land he does not intend to reside in, and offers shortened prayers, he may at any time thereafter decide to reside, though he must count the days of his stay from the time of his decision. So if he decides to remain on his fifth day in that land until at least the fifteenth day, then he is considered to reside there and he must begin offering full prayers henceforth. And if he makes this decision to stay while offering *ḡubr*, *‘aṣr* or *‘ishā’*, then he must pray them in full.

626. If someone is residing in a particular place, only to change his mind and go somewhere else that falls beneath the distance requirement, if he intends to remain either in his destination, in the place he is currently residing or elsewhere, then he continues to offer full prayers. This, even if he makes a new journey that would require him to shorten his prayers in second place of

residence. The same applies if he intends to return to his first place of residence and travels from it before ten days have passed; he continues to offer full prayers when leaving, when at his destination and when returning to it.

627. If someone begins praying with the intention of shortening his prayers, then intends to reside where he is during them, he must complete his prayers fully. But if he intends to stay thereafter, he need not repeat any prayers. And if he intends to stay somewhere, so begins praying with the intention of offering full prayers, then changes his mind during prayer: If this was before he began the bowing of the third *rak'a*, he should complete his prayer as shortened. But if this it is afterwards, the prayer is invalidated. And if someone changes from the intention of residing and doubts whether he changed his mind after offering full prayers, and does not know whether he should continue offering full prayers [until he travels] or shorten them, he assumes he has not prayed any full prayers and returns to praying shortened ones.

628. If someone resolves to reside somewhere and intends to fast, then changes his mind after midday but before offering any full prayers, he must continue to fast and his fast is accepted. As for his prayers, he must offer shortened prayers as above. But he cannot fast the following day if he remains in this state; he will be counted as travelling and must break his fast.

**Third:** If someone resides in a place for thirty days without intending to stay ten days, whether he intended to stay nine days or less, or he was unsure of how many days he would be staying, then he can shorten his prayers for up to thirty days, after which he must offer full prayers until he travels afresh, even if this is only for a single prayer. And if he is unsure about his duration of stay in a number of places, he should continue to shorten his prayers, even if the duration of his stay reaches thirty days.

629. By thirty days is meant thirty periods of daylight, including the twenty-nine nights in between.

630. If someone remains in one location for twenty nine days or so, unsure when he is departing, then moves to another location and remains there for another twenty nine days or so in the same state of uncertainty, and so on, he must continue offering all his prayers shortened until he intends to remain in one location for ten days, remains uncertain in one location for thirty days, or makes a journey connected to his employment.

631. Whenever someone sets out on a journey of the required distance, and shortens his prayers, then something interrupts his journey before he completes this distance, he must repeat any shortened prayers as full prayers. And if his journey is not interrupted but he changes his destination or turns back before reaching his original destination, he must consider the distance he has already travelled and the distance he now has left to travel and see if this requires him to make a new intention; if this distance meets the distance requirement, his shortened prayers are valid, otherwise he must repeat them.

#### **Rules for prayer while travelling**

632. There are no supererogatory prayers for *zuhr* and *‘aṣr* while travelling, though there is no problem offering them hoping for Allah’s reward. However, the night prayers and supererogatory prayers for *maghrib* and *fajr* remain in effect.

633. One must shorten the obligatory four-*rak‘a* prayers by reducing them to their first two *rak‘as* only, as we outlined above. If someone offers them fully, while knowing the ruling, his prayer is invalid and he must repeat it or make up for it. But if he was ignorant of the ruling itself, or did not know that a traveller must shorten their prayers, he need not repeat them, let alone make up for

them. And if he was unaware of the ruling because he did not know some of the particulars that require him to shorten prayers, such as residing somewhere for ten days, or that a sinful journey does not require him to shorten prayers, or that after he repents he must shorten them etc. Or if he was ignorant of the object of the rulings, meaning that he did not know that his journey met the distance requirement – for example – and so he offered full prayers, only to realize later. If he forgot he was travelling, or the rulings pertaining to travelling, and therefore offered full prayers, and realized while the time for prayer had not yet lapsed, then he must repeat his prayers. And if he only remembers after the time for prayer has lapsed, then it appears that he does not need to make up for them. Fasting follows the same rulings as prayers in what we have mentioned; it is invalidated if one knows what he is doing, but it is valid if done in ignorance, whether this ignorance was of the ruling itself, the particulars of it, or its object. But if he realizes his error during the day, he must break his fast and make up for it when he is not travelling.

634. If someone who must offer full prayers shortens his prayers instead, his prayers are invalid in all situations and he must either repeat them or make up for them. There is only one exception to this: If a traveller resides somewhere for ten days and offers shortened prayers, unaware that a traveller in his situation must offer full prayers. In this case, his prayers are valid.

635. If the time for prayer sets in while someone is in residence and they can offer full prayers but do not do so, then they travel until they pass the point at which the traveller can offer shortened prayers while the time has not lapsed, they must offer shortened prayers. And if the time sets in while he is travelling and he is able to offer shortened prayers but does not pray until he returns home or place of residence, he must offer full prayers. The determining factor

is the time at which one is performing the prayers, not the time when these prayers became obligatory.

636. If someone misses a prayer while in residence, it must be made up as a complete prayer, even while travelling. And if someone misses a prayer while travelling, it must be made up as a shortened prayer, even while in residence. And if someone was in residence at the beginning of the prayer time and travelling when it lapsed or vice versa, then he should observe the time when he missed the prayer in making up for it, which is at the time it lapsed. So he would offer a shortened prayer in the first case and a full prayer in the second.

637. Whoever makes his [intent to] travel conditional upon a condition whose fulfilment is unknown is not considered to be intending to travel and he follows the ruling of someone who is in residence. For example, if someone leaves home and travels less than the distance requirement searching for a friend who is travelling, and if he finds him he will accompany him to his destination, otherwise he will return to whence he came.

#### **Four places where one may choose**

638. The traveller may choose whether to offer full or shortened prayers in four sacred locations, namely: The Holy Sanctuary (Mecca), the Prophet's {p} Mosque (Medina), the Mosque of Kufa and the Shrine of Imam al-Íusayn (Karbala). In these situations, offering full prayers is better, but shortening one's prayers is closer to precaution. The apparent ruling is that the entire land of Mecca and Medina fall under the same ruling as the Sanctuary and the Prophet's Mosque, but not the lands of Kufa and Karbala. And there is disagreement about the boundaries of the shrine of Imam al-Íusayn, and the apparent ruling is that one can offer full prayers throughout the shrine, but not in its galleries or courtyards.

639. Fasting is not included with prayer in the aforementioned choice; a traveller cannot fast in these four places. The aforementioned choice is restricted to prayers being performed on time, it does not apply to make-up prayers.

640. It is recommended that every traveller say after every shortened prayer, thirty times: *"subhānallāh wa al-ḥamdu lillāh wa lā ilāha ill allāhu wallāhu akbar."*

### **Section ten: The prayer of signs (Ṣalāt ul-ayāt)**

641. This prayer is obligatory upon every legal agent – aside from a menstruating or puerperal bleeding woman, although it is recommended that they make up for it – at the occurrence of a solar or lunar eclipse, even a partial one. The same applies to earthquakes or any natural event (*aya*) which inspires fear in most people, whether this is in the heavens – such as a sandstorm, intense darkness, a cry, crash or fire that appears in the sky – or upon the earth, such as the ground opening up etc. Anything which is not frightening or only frightens a small number of people is discounted. However, fear or its absence is not considered for either solar or lunar eclipses or earthquakes, wherein prayer is obligatory in all cases.

642. Prayer is only obligatory during the eclipses for those people who can see them and during earthquakes for those in the affected region, and whichever area is affected by fear (general or particular) for the other signs. It is not necessary to offer a prayer of signs in other places, even in adjacent regions or in a single large region – unless fear and apprehension have extended to them.

643. The time for this prayer during the eclipses lasts from the beginning of the eclipse to its end, though it is recommended precaution to begin before the eclipse starts to wane. If the worshipper has only enough time to offer a single

*rak'a* of prayer, he still offers his prayer on time. And if he has less time than this, then he prays without specifying whether he is praying on time or making-up for a missed prayer. This is in situations where there is ample time during the event, but if the eclipse lasts a very short time, such that one cannot pray fully in it, then there is disagreement about whether the prayer of signs is obligatory in it. However, precaution demands that it be offered on time. As for all other signs, there is disagreement about the particular time of their prayers; one must hasten to prayer as soon as they begin. If one disobeys this, then he must pray the prayer at some point in his life, without making a specific intention of offering the prayer on time or making-up for a missed prayer.

644. If someone is unaware of the eclipse until it has finished completely, and the eclipse was not total, he does not need to make up for the missed prayer of signs. But if he was aware of it and neglected the prayer, even out of forgetfulness, or if the eclipse was total, then he must make up for the missed prayer. The same applies to someone whose prayer is defective. As for signs other than the eclipses, someone who intentionally delays their prayers is sinful and the obligation to offer them remains in force so long as he lives, without making a specific intention of making up or praying on time.

645. If an eclipse happens at the same time as one of the daily obligatory prayers and there is time for both, then the worshipper may choose which to offer first. But if there is only a short time for one of them, he should offer that first. And if there is only a short time for both of them, he should offer the daily prayers first. And if he begins one for which ample time only to realize that there is little time for the other, such that he fears he might miss the prayer if he waits until he completes the one he is currently offering, then he should break his current prayer and offer the other, then pray the first prayer again.



## How to perform the prayer of signs

646. The prayer of signs is two *rak'ats*, with five bowings in each one. Each bowing is followed by standing straight and there are two prostrations after rising from the fifth bowing. There is a *tashabbud* at the end of the two *rak'ats* followed by *taslīm*.

- a. In detail, this works as follows: The worshipper makes *takbīrat al-iḥrām* with his intention in mind, as he would with any other prayer. Then he recites *al-Fātiḥa* and another *sūra*. He bows and stands straight. Then he recites *al-Fātiḥa* and another *sūra*, and so on until he has bowed five times. When he rises out of the fifth bowing, he goes down into prostration, prostrating twice, before getting up and repeating what he did in the first *rak'a*. Then he performs *tashabbud* and *taslīm*.

647. A worshipper can divide a single *sūra* between the five bowings; so in the first standing, after *al-Fātiḥa* he recites part of a *sūra* – one verse, or more or less, so long as it is a complete statement, and the *bismillāh* is counted as a verse in this regard – then he bows and rises out of bowing before reciting another part of the same *sūra* from where he left off, without reciting *al-Fātiḥa* again, then he bows and rises up a second time before reciting a third part, again without *al-Fātiḥa*. He then bows a third time, and so on and so forth. So for all the bowings, he has recited *al-Fātiḥa* once and another complete *sūra* divided up between them, whether he divides the *sūra* between all of them or less.

- a. A worshipper can perform the first *rak'a* according to one of these methods and the second *rak'a* according to the other.
- b. A worshipper can also divide the *sūra* between less than five bowings, but the next time he rises from bowing after completing the *sūra* he must

begin again with *al-Fātiḥa* and another complete *sūra* or part thereof. And if he has not completed the *sūra* in the previous standing, he cannot begin by reciting *al-Fātiḥa* in the next one. As we mentioned, he must continue reciting whence he left off. Based on precaution, one cannot continue reciting the rest of the *sūra* after the fifth bowing by moving it to the sixth one [in the next *rak'a*.] Instead, the worshipper must finish it in the fifth bowing and begin the sixth by reciting *al-Fātiḥa* afresh, though it is more appropriate to say that he must have finished a complete *sūra* by the tenth bowing.

648. This prayer follows all the rules of two *rak'a* prayers with regards to it being invalidated by doubting the number of *rak'ats* offered. And if someone is unsure how many times he has bowed, he should assume the lesser number, unless this goes back to a doubt in the number of *rak'ats* offered (as in when someone doubts whether he is in the fifth or sixth bowing), in which case his prayer is invalid.

649. All the bowings of this prayer are treated as fundamentals (*ruk'n*); the prayer is invalidated if one is added or subtracted, whether intentionally or otherwise, like daily prayers. The same conditions apply as in daily prayers, with regards to the parts, conditions and obligatory and recommended *dhikrs* etc. And it also follows the same rules for lapses (*sabw*), and doubts both during and after the prayer.

650. The occurrence of an eclipse and other signs is established either by direct knowledge, the testimony of two just persons, or even the testimony of a single trustworthy person. It is also established by reports from reliable monitoring stations.

651. If there are multiple signs, there are multiple prayers required. A single prayer does not suffice for multiple signs. It is obligatory precaution to specify which prayer is for which cause, unless two signs are of the same variety – such as two earthquakes or two lunar eclipses – whether these are being offered on time, late or in hope of divine reward, or for a mixture of these intentions.

652. It is recommended to supplicate (*qunūt*) in these prayers after reciting in every even numbered standing between bowings; it is allowed to restrict oneself to only supplicating in the fifth and tenth, however. It is also allowed to restrict oneself to supplicating in the very last standing. It is recommended to make *takbīr* when one inclines to each bowing and when rising from it, or to say: “*sami‘ allahu li man ḥamidah*” when rising.

653. It is recommended to offer this prayer in congregation, whether on time or late, for both full and partial eclipses. In congregation, the *imām* is responsible only for the recitation of the Qurʾān, like daily prayers. This prayer can be joined by catching the *imām* before the first bowing, or in the *rukūʿ* of each *rakʿa*. But if one joins the congregation after this, there is a problem. However, unlike daily prayers, it is not recommended to repeat this prayer in congregation for someone who has already offered it individually or in congregations. Doing this has not been established.

- a. It is recommended to extend the prayer during a solar eclipse until the eclipse has ended completely, so long as no part of the prayer occurs outside of it. So if someone completes the prayer before the end of the eclipse, he should sit where he prayed and occupy himself with supplication or repeat the prayer hoping that it will be accepted as

supererogatory. However, if the *imām* is causing difficulty for his followers by extending the prayer, he may shorten it.

- b. It is recommended to recite lengthy *sūras* like *Yāsīn*, *al-Nūr*, *al-Kahf*, and *al-Hijr* and to complete the *sūra* in each standing, so long as there is no shortage of time. If time is short, then one must not complete the *sūra*, in fact one might even need to forgo it altogether. And it is recommended to extend each bowing and prostration for the duration of recitation. And it is recommended to recite aloud whether by day or by night, even during a solar eclipse, whether under open air or in a mosque.

### **Section eleven: Make-up prayers (ṢALĀT AL-QADĀ')**

It is obligatory to make up for daily prayers which have been missed, intentionally, unintentionally, out of ignorance, because one was asleep, or any other reason. The same applies if one's prayer was defective (*fāsid*), such that it lacked some component or condition whose absence meant it was invalid. It is not necessary for one who is insane (*majnūn*) to make up for those prayers missed while he was insane, or a child those prayers missed while he was a child, or one who is unconscious (so long as he did not render himself unconscious), or someone born a disbeliever those prayers missed while in disbelief. The same is true of those prayers forgone by menstruating and puerperally-bleeding women if the impediment to prayer lasted for the duration of its time. As for the apostate (*murtadd*), he must make up for prayers which he missed while in apostasy after his repentance, and they are valid, even if he was a born Muslim. And one who is drunk or otherwise intoxicated must make up for missed prayers, whether he was willingly intoxicated or not.

654. If a menstruating or puerperally-bleeding woman becomes ritually pure while there is still time for prayer, then if she is able to make water ablutions and prayer in that time, she must perform it on time. And if she misses it, she must offer make-up prayers. The same applies if she cannot perform water

ablutions, whether due to illness or some other valid excuse, but she can perform dust ablutions. But if she cannot perform water ablutions due to a shortage of time, then she must offer prayer with *tayammum* and that will suffice.

655. If a young child becomes legally mature, an insane person comes to his senses, or someone unconscious regains consciousness, while there is still time for prayer, they must perform the prayer on time so long as they can manage at least a single *rak'a* with all the necessary conditions before the time lapses. And if they forgo prayer they must make up for it.

656. One must make up for non-daily obligatory prayers – except the *'id* prayers. And if a supererogatory prayer with a particular time – daily or otherwise – becomes obligatory because of a vow etc. then it is better for the legal agent – according to recommended precaution – to make up for it if he misses its time. However, if he does not make up for it, he is not sinful.

657. One can make up for missed prayers at any time of the night or day, whether in residence or travelling; he can make up for missed shortened prayers even when in residence, and missed full prayers even while travelling. And if the time of a missed prayer was spent in part in residence and in part travelling, he must make up for whatever was obligatory at the end of its time.

658. If someone misses a prayer in one of the locations where one can choose between shortened and full prayers, they must make up for it shortened, even if they have not left that place (let alone if they have left and returned, or left without returning). And if what they missed is a prayer where precaution required them to offer it both shortened and full, then the make-up prayer must also be performed thus.

659. There is no order required for missed non-daily prayers, whether between themselves, or in relation to the daily prayers. As for missed daily

prayers, they must be performed in order, if they are normally arranged in a single day – such as two afternoon prayers or two evening prayers from a single day. But if they are not as such, then there is no need to observe any order.

660. If someone knows he must perform one of the five daily prayers (without knowing which one), it suffices him to offer one *fajr*, one *maghrib* and one four *rak'a* prayer with the intention of discharging whatever his duty is, whether *zuhr*, *'aṣr* or *'ishā*'. If he was travelling, then it suffices him to offer one *maghrib* and one two-*rak'a* prayer with the intention of discharging whatever his duty is; *fajr*, *zuhr*, *'aṣr* or *'ishā*'. And if he does not know whether he was travelling or in residence [when he missed the prayer], then he should offer one two-*rak'a* prayer (as when travelling), one four-*rak'a* prayer (as when in residence) and *maghrib*. And in all circumstances where he is unsure, one can choose whether to recite quietly or aloud.

661. If someone doubts whether he has missed one or more obligatory prayers, he does not need to make-up for them. And if he knows he has missed prayers, but hesitates between a greater and lesser amount, he can restrict himself to only performing the lesser amount, though it is recommended precaution that he continues praying until he knows he has discharged them.

662. A person does not have to offer make up prayers straight away, but can delay them so long as this does not cause him to treat his duty lightly.

663. A person who has prayers to make up for and still perform supererogatory prayers.

664. Those with impediments to prayer may delay making up for missed prayers until such a time that these impediments are removed, if they know that these impediments will be removed thereafter. But they can pray immediately if they know that these impediments will remain until the end of their life, or

even if it is possible that this will be the case. But if they make up for prayers and the impediment is removed, they must repeat the prayers if there was any defect in the fundamentals of the prayer [as a result], such as forgoing the obligatory standing, but they need not repeat the prayers if there were defects in any other part of the prayer.

665. If someone has missed prayers and wants to make up for them all at the same time, he recites *adhān* and *iqāma* for the first, but only recites *iqāma* for each thereafter.

666. It is recommended to make up for the daily supererogatory prayers, or any supererogatory prayer with a specified time. This is not emphasized for someone who missed them due to illness. But if someone cannot make up these prayers, it is recommended that he gives one measure (*mudd*) as charity (*sadaqa*) for every two *rak'ats*. And if he cannot do that, then one measure (*mudd*) for the supererogatory prayers of night, and another for those of day.

#### **The eldest son making up for his father's missed prayers**

667. When a person dies, his executor – namely, his eldest son – must: Make up for any obligatory prayers which he missed, if he missed them due to some impediment such as illness. However, he does not have to make up for any prayers missed by the deceased which the latter had to make up for someone else – for example his own father's missed prayers, or prayers which he was hired to perform, or prayers which he vowed to offer etc.

668. The eldest son must make up for his father's prayers even if he is forbidden from receiving inheritance because he murdered his father, apostatized or was taken as a slave, as we shall discuss in the chapter on inheritance, God willing. But if the eldest son was a child when his father died, or insane, he must make up for these prayers when he matures or returns to

his senses. However, if the eldest dies after his father's death, no other brothers need undertake this, nor does the cost of it need to be subtracted from the estate of the deceased eldest son.

669. If someone volunteers to undertake the deceased's missed prayers, this obligation drops from the executor. The same is true if the executor or legatee of the deceased hires someone to perform this or someone volunteers to pay for this and the prayers are performed on this basis.

670. If someone is unsure whether something has been missed, it is not obligatory to make up for it. But if someone knows something has been missed but is unsure how much, he can restrict himself to the lesser amount. Yes, if he knows that the deceased has missed prayers, but he does not know whether they are those which it is obligatory to make up for or merely recommended, he is not obliged to make up for them.

671. If someone dies during the time of prayer, while there has been sufficient time to prepare for and offer the prayer, before he has prayed, then the executor must make up for this prayer.

672. If the son is sure that his father has missed prayers, but he does not know whether he had made up for them before his death or not, then he must perform them.



## Section twelve: Hiring-out prayer (ṢALĀT AL-ISTI'JĀR)

It is not permitted to make up for obligatory acts of worship on behalf of a living person, whether voluntarily or as someone hired to perform them, even if the living person is unable to perform them. This is except for *Hajj*, if someone has the financial means to go but is physically incapable, then he must appoint someone to perform *Hajj* in his place. However, one can volunteer to perform supererogatory deeds on behalf of someone who is living.

673. A person can volunteer to perform obligatory and supererogatory deeds on behalf of deceased persons, and one can also perform these in return for a wage. As for gifting the reward of good deeds to living persons in obligatory and recommended prayers, this is effective and religiously sanctioned, even in those deeds that a person discharges on his own behalf. In some narrations we are told this even increases the reward of the one performing the act.

674. A person can pay someone else to perform prayers and all other acts of worship on behalf of deceased persons, and discharge the deceased's duty through the acts of the hireling. It makes no difference whether the one employed to do so is a legatee, an executor, an heir or someone else entirely. As for gifting the reward of an act, this does not discharge the duty of the deceased, and it is problematic to take payment for this.

675. The hireling must be of sound-mind, sound-faith and legally mature. He must also know the rules pertaining to making up for prayers in such a way that he is able to perform them correctly. It is obligatory to specify whom he is acting on behalf of, even in a general sense, and intend to discharge his duty.

676. Both men and women can be hired on behalf of other men and women; in reciting aloud or quietly, the ruling appropriate to the hireling is observed. So

a man will recite loud prayers aloud, even if he has been hired on behalf of a woman, whereas a woman will not, even if she has been hired on behalf of a man.

677. It is not permitted to hire those with impediments to prayer; such as one who is unable to stand, unable to maintain proper purity from agents of impurity, one who has a dressing on a wound, one who suffers from either kind of incontinence, or one who has *tayammum*, unless no one else can be found. The apparent ruling is that they cannot even volunteer on behalf of others. And if the hireling is sometimes unable to stand, then he must wait until such a time as he is able to.

678. If someone is hired on the condition that he personally undertakes the act, the hireling may not subcontract his work to someone else, nor can anyone else volunteer to do it on his behalf. However, people can still volunteer on behalf of the deceased directly, and the same if the hiring is unconditional according to precaution, so long as it is not explicitly stipulated that a particular person should not perform the prayers. However, in this case the hireling cannot subcontract his work to someone else for less than the wage he is being paid, unless that person is only doing part of the work.

679. If the employer sets a specific time frame for the hireling [to do the work in], but the hireling does not perform all or part of the work therein, he may not perform the work thereafter without the permission of the employer. If he performs it after the specified time without the latter's permission, he is not entitled to a wage for it, even if it discharges the duty of the one on whose behalf it was performed.

680. If the employer does not specify how the acts are to be performed, with regards to including supererogatory actions, the hireling must perform the acts

in the way he normally would. But if the hireling forgets some of the supererogatory actions, and these were specified in the hiring agreement, he must deduct their value from his wage.

681. If the hireling hesitates between a greater and lesser amount of deeds, he may perform only the lesser amount. But if he hesitates between two different deeds, he must observe precaution by performing both.

682. If the hireling dies before completing the deeds for which he was hired, and it was stipulated that he personally should perform the deeds, then if sufficient time has not passed for the hireling to perform these deeds in, the hire agreement is invalid and the heirs must return the aforementioned wage from his estate. Otherwise, the heirs must pay a wage equivalent to the deeds he left undone, even if this ends up being greater than the original wage.

- a. If it was not stipulated that the person must perform the prayers himself, then the heirs must hire someone from his estate, as is the case in all monetary debts. And if he has no estate, the heir is under no obligation to do anything, and the deceased remains responsible for either the deeds he was hired for, or the money which he was paid.

683. Whoever has missed prayers and fasts he must perform, he must immediately make up for them if he sees indications that he will soon die. If he cannot, then he must appoint someone to do this on his behalf from the third of his estate set aside for bequests. And if he has a monetary debt to people – even if this is something like *zakāt*, *khum*s or giving people back their due – he must fulfil these immediately. He is not allowed to delay, even if he knows he will continue to live. But if he cannot fulfil them and he has an estate, then he must make a bequest to a trusted and reliable person to deliver them after his death.

684. It is sufficient that the hireling be trustworthy when he is informed of the make-up prayers, it is not necessary for him to be just in order to accept his word.

### Section thirteen: Friday prayers (ṢALĀT AL-JUM‘A)

685. Friday prayers are one of the most important rituals of Islam. Allah says in the Qurʾān: ‘O you who have faith! When the call is made for prayer on Friday, hurry toward the remembrance of Allah, and leave all business. That is better for you, should you know.’<sup>8</sup>

- a. A *ḥadīth* from Imām al-Ṣādiq {a} says: ‘There is no foot that hastens to Friday prayers save that Allah declares its body forbidden to Hellfire’<sup>9</sup>
- b. It is performed as two *rak‘ats*, exactly like *fajr* prayer, except that the worshipper intends to offer Friday prayers seeking nearness to Allah. It is also distinguished from *fajr* prayer by the fact that it is recommended to make two *qunūts* in it; the first before bowing in the first *rak‘a*, and the second after bowing in the second *rak‘a*.

### Conditions for Friday prayers

686. Friday prayers are not valid unless the following criteria are met:

- a. **First:** That they are performed in congregation, with a single *imām* and the rest following him as he stands, bows and prostrates, and we shall discuss the full rulings for this below. And this has all the same requirements as were laid out for congregational prayer, above.
- b. **Second:** The number of people in the congregation for Friday prayers should not be less than five persons, one of whom is the *imām*. If there

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<sup>8</sup> Sūrat al-Jum‘a, (62):9

<sup>9</sup> *Wasā’il al-shī‘a* 5/3, ch1 *min abwāb ṣalāt al-jum‘a*, tradition no. 7

are only four or less persons, their Friday prayers will not be valid and they must pray *zuhr* instead.

- c. **Third:** Two sermons (*khutba*) given by the *imām* must precede the prayer. He does this by standing as a preacher, praising and magnifying Allah, enjoining people to *taqwā*, and reciting a *sūra* from the Holy Qurʾān. Thereafter, he should sit a little while before standing and preaching a second time, praising and magnifying Allah, invoking blessings on Muḥammad {p} and the Imams of the Muslims {a3}, and asking that Allah forgive the sins of believing men and women, before beginning the prayer.

687. During the two sermons, the *imām* must raise his voice so that many of the followers can hear him.

688. Aside from the Qurʾān, no other part of the sermon needs to be in the Arabic language, even though this is better and a recommended precaution. But if the followers do not understand the Arabic language, the *imām* must preach to them in the language they understand.

- a. **Fourth:** No other Friday prayer must be in performance nearby to this prayer. By nearby, we mean that the distance between the two prayers is less than a parasang, which is approximately five and a half kilometres.

689. If two Friday prayers are performed closer than five kilometres together, both are invalid. And if one precedes the other, even if only by a *takbīrat al-iḥrām*, the later prayer is invalid. It makes no difference whose sermons began first.

### Friday prayer during the Occultation

690. During the Major Occultation, Friday Prayer is an elective obligation (*wājib takhyīrī*), meaning that the legal agent must perform an obligatory prayer at *zuhr* on Friday, whether by offering Friday prayers in accordance with the aforementioned conditions, or by performing *zuhr* prayers. And whichever of these the legal agent performs discharges his duty and suffices. Hence this is an elective obligation, even though it is better and carries more reward to offer Friday prayers.

691. The obligation of Friday prayers begins at the start of *zuhr* and it is best that those undertaking it do not delay it long after midday; they must perform it before the preferred time for *zuhr* prayers ends on all other days, or rather that the very beginning of this time, and before the shadow of a wall running north to south extends more than two-sevenths of its height to the east.

692. It is permitted to preach the two sermons before midday, but it is not permitted to begin the prayer itself except after midday.

693. If someone misses Friday prayers, it is not allowed to perform it twice in the same day, even if there is time remaining. Rather he is obliged to perform *zuhr* prayers.

## Section fourteen: 'Īd prayers

'Īd prayers are obligatory in the presence of the Infallible, and recommended during the Occultation, whether in congregation or individually. There is no minimum number of people required, nor minimum distance between two congregations, nor any of the other conditions mentioned for Friday prayers above. They are recommended for both the resident and the traveller who shortens his prayers.

694. The 'Īd prayers differ from Friday prayers in their timing; their time begins from sunrise on the day of 'Īd and lasts until midday. By 'Īd, we mean the two days in the year, 'Īd al-Fiṭr – the first of ShawwÁl – and 'Īd al-Aḍḥā - the tenth of Dhùl-Íjja. They also differ from Friday prayers because the sermons are after the prayer, whereas in Friday prayers they come before.

695. 'Īd prayers are two rak'ats, in both of them *Sūrat al-Fātiḥa* is recited, and it is better to recite *Sūrat al-Shams* in the first and *Sūrat al-Ghāshiya* in the second; or *Sūrat al-A'lā* in the first and *Sūrat al-Shams* in the second. Then in the first rak'a, there are five *takbīrs* with a supplication (*qunūt*) after each one. In the second rak'a, there are four *takbīrs* with a supplication after each one. And in each *qunūt* it is sufficient to recite whatever suffices in any other prayer. The worshipper can also restrict himself to three *takbīrs* in each rak'a after recitation, with a supplication after each *takbīr*.

696. It is recommended that the worshipper recite the following supplication in *qunūt*, which has been narrated as follows: '*Allāhumma ahl al-kibriyā'i wal-'azama, wa ahl al-jūdī wal-jabarūt, wa ahl al-'afwi wal-rahma, wa ahl al-taqwā wal-maghfira, as'aluka bi ḥaqqi hadh al-yawm aladhī ja'altahu lil-muslimīna 'īdan, wa li muḥammadin sall allāhu 'alayhi wa ālihi dhukhran wa mazīdan, an tuṣalli 'alā muḥammadin wa āli muḥammad, ka afdali mā ṣallayta 'alā 'abdin min 'ibādik, wa ṣalli*

*‘alā malā’ikatika wa rusulika waghfir lil-mu’minīna wal-mu’mināti wal-muslimīna wal-muslimāt, al-aḥyā’i minhum wal-amwāt, allāhumma innī as’aluka khayra ma sa’alaka ‘ibāduk aṣ-ṣāliḥūn, wa a’ūdhu bika min sharri masta’ādha bika minhu ‘ibāduk al-mukhlaṣūn.*

- a. And if the worshipper cannot memorize the text of this supplication, then there is no problem with him opening a book during prayer and reciting from it.

697. There is no *adhān* or *iqāma* in this prayer; rather it is recommended for the *mu’adhdhin* to say “*aṣ-ṣalāt*” three times. In this prayer, the *imām* only discharges the recitation of the Qur’ān on behalf of his followers. And if someone is unsure whether they have performed a part of it while they are still in its place, they should perform it. But if its place in prayer has passed, then they should continue with their prayer.

698. The time of this prayer lasts from sunrise to midday, and there is no need to make up for it if it is missed. It is recommended to perform *ghusl* beforehand and to recite aloud, whether one is praying as an *imām* or praying individually, and to raise the hands during *takbīr*, to prostrate on the ground, and to go out into the desert to pray it, except in Mecca wherein it is better to perform it in the Holy Sanctuary, and to go out to pray it walking, barefoot, wearing a white turban, with one’s garment lifted to his calves, and to eat before going to prayers on *‘Īd al-Fiṭr* and after returning from *‘Īd al-Aḍḥā* from that which one has slaughtered when one has done so.



## Section fifteen: Some supererogatory prayers

There are many such prayers mentioned, some of which are based on firm evidences, while others less so. The most important of these are the daily supererogatories, as we mentioned at the beginning of this section. Other important ones are night prayers, prayers on the first night after someone is buried, the *ghuḥḥayla* prayer, the prayer at the beginning of the month, the prayer of Ja'far, the prayer of *istikhāra*, the prayer for asking needs, and others.

### Night prayers

These are one of the daily supererogatory prayers, their recommendation cannot be disputed by anyone who accepts Islam, and magnificent sayings and rewards have been narrated for them. Their *rak'ats* are part of the fifty-one daily *rak'ats* which are one of the signs of a true believer, and we have already discussed the number of their *rak'ats* and their times.

699. Night prayers consist of six prayers; the first four are each made up of two *rak'ats*, as is the fifth – called the two *rak'ats* of *shaf'* - whereas the sixth consists of a single *rak'a* and is called *witr*. On this basis, the night prayers are eleven *rak'ats*, but the legal agent may restrict himself to only performing *shaf'* and *witr* together, or even only *witr* by itself.

700. In the *witr* prayer it is recommended to recite the following supplication during *qunūt*: 'Lā ilāha ill allāh ul-ḥalīm ul-karīm, lā ilāha ill allāh ul-'alī yul-'azīm, subḥānallāhi rabb is-samāwāt is-sab' wa rabbi l-'arḍīn as-sab' wa mā fīhinna wa mā maynahunna wa rabb il-'arsh il-'azīm, wal-ḥamdu lillāhi rabb il-'ālamīn, was all allāhu 'alā muḥammadin wa ālih iṭ-ṭābirīn.'

701. It is also recommended to supplicate for forty believers and say 'astaghfirullāh rabbī wa atūbu ilayh' seventy times. And to say: 'hadha maqām ul-'ā'idh bika min an-nār' seven times. And to say 'al-'afw' three hundred times.

702. The time for night prayers begins in the middle of the night, and continues until daybreak when the time for the obligatory prayer of *fajr* begins. The best time for night prayers is *saḥr*, the last third of the night.

703. It is permitted to bring the night prayers forward to the beginning of the night, though it is not appropriate except in times of necessity. But it is better to make up for them during the day in times of necessity, than bringing it forward from its appointed time at night.

### Prayers on the first night of burial

This is known as the Prayer of loneliness (*waḥsha*), and it is two *rak'ats*; in the first one recites *Ayat al-Kursī* until '**They shall dwell therein forever**' after *Sūrat al-Fātiḥa*, and the second *Sūrat al-Qadr* ten times after *al-Fātiḥa*. Then after *taslīm* one says: 'O Allah! Send your blessings upon Muḥammad and the House of Muḥammad, and send the reward of this prayer to the grave of [person's name].' (Arabic: '*allāhumma salli 'alā muḥammadin wa āli muḥammadin wab'ath thawābahā ilā qabri* [person's name].')

An alternative narration says that one should recite *Sūrat al-Ikhlāṣ* twice in the first *rak'a*, after *al-Fātiḥa*, and then *Sūrat al-Takāthur* ten times in the second, after *al-Fātiḥa*, before reciting the aforementioned supplication. But is better and more appropriate to follow both methods together.

704. There is no problem in hiring someone to perform this prayer, so long as the hireling makes the intention of seeking nearness to Allah.

705. The time for this prayer is the first night after someone is buried. So if the deceased is not buried save for a while, then this prayer is delayed until the first night they are buried. It can be performed at any point in the night, from sunset to sunrise, though it is preferable to offer it sooner and it should be offered before sunrise according to obligatory precaution. And if someone is buried during the day, this prayer must be put off until the night, for it is not valid

during the day. Also, if this prayer is missed on the first night, it cannot be offered later.

### **Prayer at the beginning of the month**

This is a prayer of two *rak'ats*. In the first, the worshipper recites *Sūrat al-Fātiḥa* followed by *Sūrat al-Ikhlāṣ* three times; in the second, the worshipper recites *al-Fātiḥa* followed by *Sūrat al-Qadr* three times. Then he gives whatever amount of charity (*sadaqa*) is easy for him, purchasing thereby the security of this month. And it is recommended to recite the following verses after it:

**‘In the name of Allah, the Compassionate the Merciful’**

**‘There is no animal on the earth, but that its sustenance lies with Allah, and He knows its [enduring] abode and its temporary place of lodging. Everything is in a manifest Book.’<sup>10</sup>**

**‘In the name of Allah, the Compassionate the Merciful’**

**‘Should Allah visit you with some distress there is no one to remove it except Him; and should He bring you some good, then He has power over all things.’<sup>11</sup>**

**‘Allah will bring about ease after hardship.’<sup>12</sup>**

**‘[This is] as Allah has wished! There is no power except by Allah!’<sup>13</sup>**

**‘Allah is sufficient for us, and He is an excellent trustee.’<sup>14</sup>**

**‘I entrust my affair to Allah. Indeed Allah sees best the servants.’<sup>15</sup>**

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<sup>10</sup> Sūrat Hūd (11):6

<sup>11</sup> Sūrat al-An‘ām (6):17

<sup>12</sup> Sūrat al-Ṭalāq (65):7

<sup>13</sup> Sūrat al-Kahf (18):39

<sup>14</sup> Sūrat Āle ‘Imrān (3):173

<sup>15</sup> Sūrat Ghāfir (40):44

“There is no god except You! You are immaculate! I have indeed been among the wrongdoers!”<sup>16</sup>

“My Lord! I am indeed in need of any good You may send down to me!”<sup>17</sup>

“My Lord! Do not leave me without an heir, and You are the best of inheritors.”<sup>18</sup>

706. The time of this pray is from sunrise to sunset on the first day of the month.

### The prayer of Ja'far

This is also called the prayer of *tasbīḥ* and is one of the most highly recommended prayers. It consists of two prayers, each one containing two *rak'ats*. The general form of the prayer is augmented by one saying: “*subḥānallāh wal-ḥamdu lillāh wa lā ilāha ill allāhu wallāhu akbar*” seventy-five times in each *rak'a*; fifteen times after reciting the Qur'ān, ten times when bowing, ten times after raising one's head from bowing while standing, ten times in the first prostration, ten times when sitting between prostrations, ten times after the second prostration, and ten times while sitting after the second prostration. The second *rak'a* follows the same pattern, then the worshipper recites *tashahhud* and *taslim*. He then repeats this in the second prayer.

There are narrations encouraging people to perform this prayer every week, or every month, stating that Allah will forgive their sins because of it.

A person can offer this prayer as supererogatory or as making-up for one he has missed, and because there have been other elements added to the prayer distinguishing it from others, the worshipper will receive the extra merit of this prayer with whichever intention he offers it.

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<sup>16</sup> Sūrat al-Anbiyā' (21):87

<sup>17</sup> Sūrat al-Qaṣṣaṣ(28):24

<sup>18</sup> Sūrat al-Anbiyā' (21):89

### Prayer of ISTIKHĀRA

The prayer of *istikhāra* is a supererogatory prayer by which one of Allah's servants asks his Lord to set right his affairs and make easy that which is beneficial to him. It is narrated from Imam al-Ṣādiq {a}: 'If one of you desires something, then let him offer two *rak'ats* of prayer, then praise and extol Allah and invoke blessings upon Muḥammad and his Household, before saying: 'O Allah! If this matter is good for my religion and my worldly affairs, then make it easy for me to attain and ordain it [for me.] But if it is not, then keep it away from me.' (Arabic: '*allāhumma in kāna hadh al-amru khayran fī dīnī wa dunyāya, fa yassir-hu lī wa qaddir-hu, wa in kāna ghayra dhalik, faṣrif-hu 'an-nī*')<sup>19</sup>

### Prayer for asking one's needs

It is recommended to offer two *rak'ats* of prayer seeking the fulfilment of one's needs, and a number of methods of performing this prayer have been narrated:

One method is that the person in need should perform *wuḍū'* and pay some charity (*ṣadaqa*), before going to the mosque and offering two *rak'ats* of prayer, which he follows by praising Allah and magnifying Him, invoking blessings upon the Prophet and his Household, then asking Allah for his need and promising to perform a particular good deed in gratitude to Allah if his need is fulfilled. For example: To fast in the month of Rajab, or to visit al-Ḥusayn {a}, or to give charity to the poor, or to share in some good project, or some other good and righteous deed.

### The prayer for rain (SALĀT AL-ISTISQĀ')

This prayer is recommended when a land has a dire need of water and its rains have been cut off; it consists of two *rak'ats* and it is performed in exactly the same way as the *Ṭi* prayers detailed above with regards to its additional *takbīrs* and *qunūts*, and the sermon after prayer, with the difference that in *qunūt* it befits the worshipper(s) to supplicate to their Master to send down rain and grant the land the water it needs.

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<sup>19</sup> *Wasā'il al-shi'a* 5/206; ch1 *min abwāb ṣalāt al-istikhāra*, tradition no. 1

The prayer for rain can only be performed in congregation, and both the *imām* and his followers, before, during and after prayer, must plead to Allah to alleviate them.

## Fasting (ṢAWM)

### Section one: Fasting in the month of Ramaḍān and at other times

Fasting is one of the most-noble acts of obedience; only Allah can comprehend its reward. Allah's Messenger {p} says: 'Allah says: All the deeds of the son of Adam are [rewarded] ten to seven-hundred fold, except steadfastness (*ṣabr*) for it is for me [alone] and I shall [personally] recompense it.' So the reward of steadfastness is locked away in Allah's knowledge, and steadfastness is fasting (*ṣawm*).'<sup>20</sup>

Fasting during the month of Ramaḍān is one of the most important acts of obedience and obligations in the religion of Islam, and it is one of the five pillars upon which Islam in its entirety rests.

#### Intention

707. Fasting (*ṣawm*) is an act of worship (*'ibāda*), so it must have the intention required in any act of worship, namely that the worshipper intends to observe the duties of fasting and avoid anything that would break his fast, seeking nearness to Allah. This is conditioned upon sincerity (*ikhhlās*), so if it is contaminated by showing-off (*riyā'*) it is invalidated, as is the case in all other acts of worship. Intention means that fasting occurs seeking nearness to Allah, not that it is done *intentionally* like other acts of worship. In fact, it is sufficient for fasting to occur because the person can obtain nothing to break his fast with, or because of a psychological aversion to them, even if he would have otherwise broken his fast were it not for this fact. So if someone intends to fast the night before, then falls asleep before *fajr* or chooses to sleep and then remains asleep until the next night, his fast is still valid. However, this does not

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<sup>20</sup> *Wasā'il al-shī'a*, v10, ch1 *min abwāb al-ṣawm al-mandūb*, tradition no. 33

apply to someone who is intoxicated or otherwise inconcious, according to obligatory precaution.

708. It is sufficient to make a single intention to fast for the entirety of the month of RamaĀĀn before the month begins, just as it suffices to do this in other situations, such as fasting as expiation for a sin (*kaffāra*) and the like.

709. It is not obligatory to make a specific intention of obligation (*wujūb*) or recommendation (*nadb*), nor whether one is performing it on time or making up for a missed fast, if the fast was religiously specified for a certain time, such as fasting in the month of RamaĀĀn or a specific vow (*nadh*). In this situation, it is sufficient to intend to do what one has been bid, or to seek nearness to Allah. But if the fast is non-specific then the worshipper must specify which he is performing.

710. When one person is making up missed fasts on behalf of another, he must intend to obey the injunction directed to him as a deputy (*nā'ib*) of someone else, not to obey the injunction directed to someone else, according to what we have discussed about acting on behalf of someone else in prayer. Because the action emanates from himself, its correct performance depends upon him obeying the injunction to fast directed to him and doing it himself. And in both situations, a general intent to do this suffices.

711. If someone does not make the intention to fast in the month of RamaĀĀn, because he had forgotten the ruling, the subject of the ruling (i.e. the month of RamaĀĀn), or because he was unaware of them, and he does not do anything that would break his fast (*iftār*), then there is disagreement about him making his intention or realizing what he must do before midday. The apparent ruling (*zāhir*) is that his fast is valid, but it is recommended precaution (*iḥtiyāt istiḥbābi*) to make up for it as well.



712. It is not obligatory for someone to know everything that will break his fast in detail. If he intends to fast and avoid everything that breaks his fast in a general sense, this is sufficient for his fast to be valid.

713. One's intention to fast must continue until the end of the day. If someone actually intends to stop fasting, or hesitates between doing so or not with conviction but not *waswās*, his fast is invalidated. The same is true if he intends to break his fast later, or hesitates between doing so and not, or intends to do something that would break his fast, knowing that it will do so. But if he hesitates because he is unsure whether or not his fast is valid, the apparent ruling is that his fast is still valid. This is in the case of an obligation whose time of performance is religiously specified (e.g. in Ramaññ), as for an obligation whose time has not been specified, none of the above affects it so long as he returns to his intention to fast before midday.

714. No other fast beside that of Ramaññ may be performed during the month of Ramaññ, even if someone is not obliged to fast, like someone who is travelling. If someone intends to observe some other fast, it is invalid, unless he is either ignorant or forgetful of that, in which case his fast suffices for the Ramaññ fast and no other.

715. If someone fasts on a day of doubt (*yawm al-shakk*) with the intention of a supererogatory ShaYbñ fast, making up for a missed fast, a vow, a general anticipation of divine reward, or performing whatever his duty actually is, then this intention suffices for the Ramaññ month if the month has set in. But if he realises that the month of Ramaññ has begun whether before or after midday, he should renew his intention of observing an obligatory fast. But if he fasts on a day of doubt with the intention of the Ramaññ fast, it is invalid. And if he

fasts with the conditional intention of supererogatory if it is still ShaYbĀn and obligatory if it is RamaĀĀn, his fast is valid.

716. The time of making an intention to observe a specific obligatory fast – even due to an external factor, such as a vow – is at the beginning of *fajr*, whence the fast originates joined to the worshipper's intention. But in a non-specific obligatory fast, this time extends to midday, even if this is a very short time. So if someone intends to break his fast, but realizes before midday that it is obligatory to fast and so intends to do so, this is sufficient so long as he has done nothing to invalidate his fast. As for renewing his intention after midday, this is not sufficient. For supererogatory fasts, the time in which one can renew his intention extends until the end of the day.

#### **Things which break a fast and their rules**

These are things which cause a fast to become invalid if they happen intentionally, as we shall see:

**First and second:** Any kind of eating and drinking, no matter how little, and even if they do not enter by the normal route; this includes anything that enters stomach, even by another route.

717. Injecting food or medicine into the stomach with a needle invalidates the fast. As for injecting something into the hand, thigh or another body part through a needle, this does not invalidate the fast no matter what it is, even if it contains sustenance. The same applies to putting medicine drops in the eyes and ears. As for using inhalers for shortness of breath and the like, then this invalidates the fast if someone is sure that it contains additional substances that enter the body. But if someone doubts this, or is certain that it only contains air or oxygen, then this does not invalidate the fast.

718. One can swallow those fluids and substances expectorated from the chest, so long as they do not enter the mouth cavity. The same applies for

those that fall from the head. But if they reach [the mouth cavity], then one cannot swallow them intentionally. There is also no problem with swallowing saliva that has gathered in the mouth, no matter how much there is, even if it was gathered intentionally, like someone who remembers a sour taste, and even if it came into contact with foodstuffs attached to the teeth, so long as these are not swallowed with it.

**Third:** Sexual intercourse, whether vaginal or anal, for both the active and passive partner, whether one is alive or dead, or even if one is an animal – according to obligatory precaution. It does not invalidate the fast if someone intends to rub his penis between his partner's thighs – for example – only for its head to enter one of the orifices.

719. Sexual intercourse invalidates fasting, whether one ejaculates or not.

It is also true that if one intentionally ejaculates or do something that would ordinarily result in ejaculation, then one's fast is invalidated even without intercourse. If one intentionally does something that would ordinarily result in ejaculation, even if he does not ejaculate, his fast is still invalid, but there is no expiation (*kaffāra*) necessary. It makes no difference whether any of the above are themselves permitted or prohibited acts, the fast is always invalidated.

**Fourth:** Ejaculation through an action that would ordinarily cause it – whether this was as a result of using one's hand, an inanimate object, or because of foreplay – knowing full well that it would result in ejaculation. But if someone was sure that he would not ejaculate, and he ejaculates accidentally, or if he ejaculates without doing anything, then it is obligatory precaution that he both completes the fast with the intention of anticipating divine reward and then makes up for it.

**Fifth:** Submersing one's head in water, whether suddenly or gradually; however it does not affect his fast if he submerges the various parts of his head one after another, even if it is covered by water. The same applies if he submerges his head in water, while having placed it in a glass or other covering, as is used by divers.

720. If a fasting person fully submerges his head in water intentionally for the purpose of washing, then if he had forgotten that he was fasting, both his fast and his *ghusl* are valid. But if he did so remembering his fast, then if this was in the month of Ramaññ, both his fast and *ghusl* are invalid.

**Sixth:** Lying about Allah, Allah's Messenger {p} or about one of the Imams {a3}, let alone more than one. Obligatory precaution requires that the prophets {a3} be included under this heading. As for their successors (*awṣiyā'*) and other noble persons, even non-human ones such as angels, these are included on the basis of recommended precaution. Lying invalidates the fast regardless of whether it was about a religious or worldly issue, and whether it was tantamount to disbelief (*kufr*) or not. But if someone intended to say something true, though it turned out to be false, there is no problem. And if someone intended to say something false but it turned out to be true, it is the same as one who intended to break his fast intentionally with knowledge of the ruling. So he has already invalidated his fast by his intention.

721. If someone utters a lie, not directing his words to anyone while there is no one there who can hear him, or if these words were directed to something that cannot understand them, such as an animal or deceased person, then there is scholarly disagreement about whether his fast is invalidated thereby. The apparent ruling is that his fast remains valid so long as he is certain that no one capable of understanding heard his words. But if he is sure that someone did, or is uncertain, then precaution requires him to make up for his fast.

**Seventh:** Intentionally inhaling dust, whether thick or otherwise. However, anything which is difficult to prevent, or whose parts have become very small, there is no problem with it. Obligatory precaution means that smoke should be counted as dust.

**Eighth:** Having a liquid enema, though there is no problem with solid suppositories. There is also no problem with liquids that enter the body via means other than the throat, so long as these are not considered food or drink, as when someone puts medicine in a wound, his ear or his urethra.

**Ninth:** Intentionally vomiting, even if this is necessary to treat some illness or the like thereof, though there is no problem with involuntary vomiting. If some stomach contents rise up with a burp and then go back down involuntarily, this does not invalidate the fast. But if it reaches the mouth cavity and the person swallows it voluntarily, his fast is invalid and he must make up for the fast and offer an expiation (*kaffāra*).

**Tenth:** Intentionally remaining in a state of major impurity until daybreak during the month of Ramaḍān, or on a day one is making up for its fasts, or for any other obligatory fast. As for recommended fasting, this does not affect it.

722. If someone intentionally enters a state of major ritual impurity at night, at a time when he cannot make *ghusl* or *tayammum*, aware of this fact. Then he is counted as intentionally remaining in a state of majority ritual impurity. However, if he can make *tayammum*, then he must do so and fast and his fast is valid. But if he forgoes *tayammum* intentionally, he must make up for his fast and perform an expiation.

723. If one wakes up in a state of major ritual impurity his fast is judged to be invalid even if this was not intentional, such as if he fell asleep, forgot or was compelled, whether he was fasting for Ramaḍān or any other specific obligatory fast. The same applies to make-up fasts for Ramaḍān; they are not valid in this case if he realizes he is ritually impure during the day, even if its time is short.

724. If someone in a state of major ritual impurity cannot perform *ghusl* because of an illness or the like, he must perform *tayammum* before *fajr*. If he forgoes *tayammum*, his fast is invalid. If he performs *tayammum* he does not need

to remain awake until *fajr*. And if he thinks he has enough time for *ghusl* and becomes ritually impure only to realize he was mistaken, then he is not blameworthy so long as he observed sufficient precaution, otherwise he must make up the fast.

725. The states of ritual impurity caused by menstruation and puerperal bleeding are not like that caused by sexual intercourse (*janāba*) insofar as the latter invalidates fasting of one intentionally remains ritually impure. If a woman is cleansed of bleeding before daybreak during Ramaññ but does not perform *ghusl* until the time of *fajr*, and fasts and performs *ghusl* after *fajr* begins, her fast is valid.

726. If someone forgets to perform *ghusl* for a major state of ritual impurity at night until a day or more from the month of Ramaññ has passed, his fasts are invalid, and he must make up for them but need not perform an expiation. The same is true for any other obligatory fast, whether it is specified or not.

727. A woman experiencing the highest level of spotting (*istiḥāḍa*) can still fast, even if she does not perform the required purifications during the day on which she is fasting - namely at *fajr* and *zuhr* – let alone if she does not perform *ghusl* for *maghrib* out of precaution the night before. However, it is recommended precaution that she observe these purifications.

728. If someone enters a state of major ritual impurity one night in the month of Ramaññ, then falls asleep until morning: If he slept intending to forgo *ghusl*, unsure whether he would wake up for it, or not considering it, then he falls under the ruling for those who intentionally remain in a state of major ritual impurity. But if he slept intending to wake up for *ghusl* or unaware of it, then if this is the first time he has slept, his fast is still valid. But if this is the second time he has slept – meaning he fell asleep once, knowing he was in a state of

major ritual impurity, then woke up and remembered this, only to sleep again while not intending to forgo *ghusl* until he woke up, then he must make up for that day's fast, though he need not perform an expiation for it. The same applies if he woke up and slept more than twice in that night, even though it is recommended precaution that he perform expiation as well.

729. If someone ejaculates in his sleep during the day in the month of Ramañ, he does not need to make *ghusl* straight away, and he may urinate and perform *istibrā'* if he knows that some semen remains in his urethra. It makes no difference whether he urinates before or after *ghusl* insofar as he must repeat it.

730. Sucking on a ring or chewing food for an infant does not invalidate the fast. Nor does tasting broth or the like thereof so long as it does not pass the throat, or does so unintentionally or because someone has forgotten they are fasting. As for whatever intentionally passes the throat, it invalidates the fast even in small quantities. There is also no problem with chewing mastic gum, even if it gives flavour to one's saliva, so long as the taste is not caused by it breaking into parts, in which case it invalidates the fast.

#### **Rules pertaining to things that break the fast**

731. If someone who is fasting does something to break his fast, forgetting that he is fasting or unaware of the fact, his fast is not invalidated. And if someone who is fasting does something believing it does not invalidate his fast while really it does, then it does not invalidate his fast either. For example: To lie about Allah or His messenger invalidates the fast, but someone says something believing that it is true; or someone has a liquid enema while believing that it was solid.

732. If any of the things that break the fast occur without the person fasting's intent; for example someone else opens his mouth and pours water down his throat; or if the person fasting is swimming in a river and a wave comes and submerges him completely without his intending it, or if he trips on some rough ground and falls head-first into some water, in all of these situations, his fast is not invalidated; because none of these things happened by his own intent and will.

733. If someone is coerced into breaking his fast, his fast is invalid. The same applies if it was done for the purposes of *taqiyya*, whether the *taqiyya* was in forsaking the fast – as when someone does not fast on the *ʿid* days of the majority – or whether it was for the purposes of performing the fast – as when one breaks his fast before *maghrib* in order to break it at the same time as them, or submerging one's head in water during the day – all of these require the fast to be made up, but no expiation is necessary.

734. If someone fasting is overcome with thirst and he fears he may do harm to himself by continuing to fast, or it is unbearably difficult for him, he is permitted to drink to the extent that it is necessary. This voids his fast, but he must continue fasting for the remainder of the day during the month of Ramaān, for all other obligatory fasts, whether specific or otherwise, he does not need to keep the fast for the remainder of the day.

735. Fasting is not invalidating by touching a corpse, even intentionally, whether this was at night and the person did not perform *ghusl* before *fajr*, or whether this was during the day.

736. It is disliked for someone who is fasting to touch women, kiss them or play intimately with them, if this is done without the intention of ejaculating and is not something that would usually occasion it. If someone does this intending



to ejaculate, then he has intended to break his fast, whether this was something that would usually occasion it or not. It is also disliked for someone who is fasting to apply make-up (*kuḥl*) as its taste or smell might reach the throat, such as ambergris or musk. The same is true of going to the bathhouse if one fears weakness, or blood-letting if it causes weakness, or snuffing if one knows it will not reach the throat, otherwise there is disagreement about it. It is also disliked to smell plants with a pleasant odour, to moisten one's clothes upon the body, for a woman to sit in water, or to use a solid enema. As is to pull teeth or anything that causes bleeding in the mouth, to use a date branch to brush one's teeth, to chew for no reason, or to recite poetry – except in mourning the Imams {a3} or praising them.

- a. In some traditions we read: 'When you fast, guard your tongues against lying and lower your gazes; do not dispute, envy or backbite; do not quarrel, deceive or have sexual intercourse; do not differ, become angry or revile; do not vilify, call names or debate; do not utter obscenities, wrong or behave foolishly; do not scold others nor neglect the remembrance of Allah or the prayer. Observe silence, stillness, good manners, patience, honesty and avoidance of wicked persons. Avoid speaking falsehoods, lying, hypocrisy and disputation; harbouring evil thoughts about another, backbiting and slander. Be looking towards the Hereafter, awaiting your days, expecting what Allah has promised you, preparing yourselves to meet Allah. Be tranquil, dignified, awed and abased as a fearful servant is before his Master, hoping and desirous for His reward; fearful and terrified of His punishment. You have purified your hearts from defects, sanctified your souls from corruption, and cleansed your bodies of pollutants. You will have disassociated to Allah from His enemies and become His friend through fasting, and by silence

from everything that Allah has forbidden you, whether in private or in public; and you will have feared Allah as He deserves to be feared in private and in public; you will have given yourself to Allah in the days of your fast, and devoted your heart to Him in whatever He has commanded you to do and called you towards; if you do that altogether, then you are truly one who is fasting for Allah and doing as He bid you. And whatever of the above appears lacking to you, then your fast is deficient to the same extent.'

- b. There is no doubt that these qualities are desired by Allah in all situations, whether during a fast or at other times; it makes no difference whether the fast is obligatory or recommended, and whether it is being performed on-time, made up for, performed as an expiation or any other reason.

#### **Expiation for breaking one's fast, its quantity and to whom it must be given**

An expiation (*kaffāra*) is obligatory if someone intentionally breaks their fast by one of the means outlined above, provided that the fast is one which requires such an expiation if it is intentionally voided, such as that of the month of Ramaḍān, a make up fast after midday, or a fast whose performance was vowed for a particular day. The apparent ruling is that an expiation is only required for one who knowingly broke his fast, but if he did not think what he was doing would void his fast, there is no need for him to offer an expiation, even if he was at fault and his ignorance of the rulings was not excusable.

- 737. For breaking one's fast during the month Ramaḍān, the expiation is either to free a slave, fast for two consecutive months or feed sixty poor persons, with each person being given one measure (*mudd*) of food, which is equal to 750g.

- a. For breaking a make up fast from the month of Ramaññ after midday, one must feed ten poor persons, with each receiving one measure of food. If he cannot do this, then he must fast for three consecutive days.

738. Some jurists say that if someone breaks their fast with something prohibited – such as wine, pork, fornication and masturbation – then they must expiate this by doing all of the aforementioned deeds.

739. An additional expiation is required for every day someone breaks their fast, but not if they do several things that invalidate their fast in a single day, except for sexual intercourse or masturbation, for which an additional expiation is required every time they are performed. If someone has sexual intercourse and masturbates on a single fasting day, then he must offer two expiations. The same applies if someone eats food and has sexual intercourse, or lies about Allah and His Messenger and masturbates, then they must also offer two expiations.

740. Whoever cannot perform any of the above expiations must sincerely seek Allah's forgiveness, and it is better if he gives whatever charity he is able.

741. If a man who is fasting forces his fasting wife to have sexual intercourse with him during the month of Ramaññ then obligatory precaution requires that he offer two expiations and be subject to two discretionary punishments (*ta'zīr*) of fifty lashes. He receives one expiation and one punishment on her behalf and another on his own. It makes no difference whether the wife was permanent or temporary. The wife also does not receive the husband's punishment if she compels him to have sexual intercourse. As for if she had sexual intercourse with him out of obedience, each of them must offer an expiation.

742. If the husband is not fasting for a valid reason, such as travelling or illness, and he compels his fasting wife to have sexual intercourse, then he does not have to offer expiation or receive punishment on her behalf, even though he is sinful in doing this, just as she must make up for the fast but need not perform an expiation.

743. If someone intentionally breaks his fast and then invalidates it with a religiously valid reason, such as a woman who breaks her fast for no reason and then menstruates, or travels before midday, whether she had intended to travel when she broke her fast or not, an expiation is obligatory.

744. The obligation of offering an expiation is not time-specific, even though it is better to perform it immediately if possible, but it is not permissible to delay it to the extent that one would be considered to be taking his obligations lightly.

745. It is permissible to volunteer to perform the expiations of a deceased person, whether in the form of fasting or something else. But there is a problem with performing it on behalf of a living person, though the strongest opinion is that one can offer expiations other than fasting on his behalf.

#### **How must the expiation be paid?**

746. For feeding the poor, this can be accomplished either by inviting them, taking food to them or providing them with sufficient food for that. Any kind of food is permitted, whether dates, wheat, flour, rice, livestock or anything else that can be called food. The person performing the expiation's duty is fulfilled by simply giving the expiation to the poor person; it does not depend on the poor person eating it. And when performing expiation in this way, the food can be given to both the young and old equally; each receives a measure.

747. It is not sufficient as an expiation – if one is able – to feed a single person twice or more, or to give him two measures or more. It must be given

to sixty people unless sufficient numbers cannot be found, whereat it is permissible to give additional measures to one person. And if a poor person has poor dependants, it is permissible to give him enough for all of them, if he was either their legal guardian or authorized by them to receive their share. If he takes any of the expiation on their behalf, it is treated as their property and he may not dispose of it without their permission if they are legally adults. But if they are minors, then he must use it to feed them. And if the poor person is neither a legal guardian or authorized on behalf of another, but he is trustworthy, it is permissible for him to act on behalf of the one offering the expiation and deliver the food to others. This does not only apply to the head of a family, nor to someone who is poor, so long as the person delivers it to those in need.

#### **Situations in which one must make up for the fast without expiation**

**748.** One must make up for fasts without offering expiation in the following situations:

**First:** If one sleeps while in a state of major ritual impurity (*janāba*) until he wakes up, as detailed previously.

**Second:** If someone invalidates his fast by failing to make proper intention without actually doing something that would break it.

**Third:** If someone forgets to perform *ghusl* for a state of major ritual impurity and spends a day or more in this state.

**Fourth:** If someone does something to break his fast after sunrise, while not observing the fast because he has not seen any indication that the sun has yet risen. But if there is some indication that the sun has risen, then he must make up for the fast and offer an expiation, so long as it is not established that the sun had not yet risen thereafter. But if this was done while observing the sky and believing that it was still night, then there is no need to make up the fast or offer an expiation, whether

someone tells him that it is still night or someone tells him that it is daybreak but he thinks they are mistaken. This is if it is during the fast of Ramaḍān.

**Fifth:** Breaking one's fast before nightfall, with a make up fast for the expiation as well [??? – there seems to be an error in the original here as this does not make sense – 211].

749. If someone is uncertain whether night has fallen, they may not break their fast. And if they do so, they are sinful and must offer an expiation as well as a make up fast, unless it becomes clear afterwards that night has in fact fallen. The same ruling applies if someone sees evidence that night has not fallen, breaks their fast and then realizes that it had in fact fallen. On the other hand, if someone sees evidence that night has fallen, or is certain that he has – even due to negligence – because of gloom or some other reason, and breaks their fast, only to realize that night had not yet fallen, their fast is still valid and they need not offer any expiation or make up for the fast. If someone is uncertain whether day has broken, the apparent ruling is that they can continue to do things that break their fast. And if they realize they were mistaken in this, then the ruling has already been discussed above in the fourth section of these seven.

**Sixth:** Putting water in the mouth to rinse it out, and accidentally swallowing some; this requires one to make up for the fast but does not require an expiation. And if someone forgets and swallows the water, there is not even a make up fast. The same is true if this rinsing was for *wuḍū'*. The apparent ruling is that this applies to the month of Ramaḍān and all other kinds of fasting too.

**Seventh:** Accidental ejaculation as the result of foreplay, if it was unintentional and unexpected, irrespective of whether one was confident that no ejaculation would occur or not, then one must – according to obligatory precaution – make up for the fast, though no expiation is necessary.

### Conditions for the validity of a fast

750. The validity of a fast depends on the following:

**First:** Legal maturity, as fasting is not obligatory before this, even for a discerning child. Yes it his fasts are valid just like all other acts of worship.

751. If a child fasts voluntarily and matures during the fast, even after midday, he does not need to complete the fast, even if this is recommended precaution – in fact it is actually recommended. And if he does not fast, then no make-up fast is necessary.

**Second:** A sound mind; the fast of someone who is insane (*majnūn*) and does not comprehend the times of prayer is not valid. If he comes to his senses during the day, he does not need to fast until its end, nor does he need to make up for this fast.

**Third:** The legal agent must not fall unconsciousness before intending to fast, if he falls unconscious suddenly, before intending to fast for the coming day, and his state of unconsciousness persists until daybreak, then he does not need to fast for that day, even if he awakes in the morning or at midday.

**Fourth:** Being free from menstrual or puerperal bleeding for the entire day. If a woman is ritually impurified by either of these during the day, even for a moment, then she need not fast and it is not valid that she fast. And if she is bleeding but becomes cleansed thereof after *fajr*, even a second after it, then she need not fast either.

**Fifth:** Being free from illness; the fast of an ill person is not valid if fasting will harm him by causing him to suffer, by delaying his recovery or by causing him pain, all of that is according to whatever he is accustomed to. It makes no difference whether he is certain of this or merely thinks it probable to the extent that it worries him. Fasting is also not valid for a healthy person who fears that it will cause him to become ill, let alone someone who knows he will become ill as a result of that. As

for someone who is ill but knows that fasting will cause him no harm, then he must fast and his fast is valid.

752. If someone fasts believing that it will do him no harm and sure of his own well-being, then he realizes – after completing the fast – that he was mistaken and that the fast has harmed him, he must make up for the fast and not suffice himself with that fast. And if someone fasts believing it will cause him harm, then realizes that he was mistaken and that the fast will not harm him, then his fast is accepted from him and excuses him from making up for it on two conditions:

- a. **First:** That the harm he believed he would suffer was not dangerous
- b. **Second:** That the fast he performed was for the sake of Allah, namely that he had the intention of seeking nearness to Him, just as if he was ignorant of the fact that someone who is ill is not expected to fast, and so fasted truly for the sake of Allah while believing that he was ill and would be harmed by fasting. But if he knew that the ill person should not fast, then he cannot intend nearness to Allah while knowing that he is sick.

753. A doctor's opinion, if it gives one reason to believe that fasting will harm him, or merely causes him to worry that it will, then he must break his fast on this basis. The same applies if the doctor was proficient and trustworthy, if one is not convinced that he is mistaken. It is not permissible to break one's fast on the basis of a doctor's opinion except in these two forms. If the doctor says there is no harm in fasting but the legal agent worries that he will come to harm or believes that he will, then he must break his fast, even if the doctor is trustworthy.



754. If someone who is sick recovers before midday and has not done anything that would invalidate his fast, he must continue his fast on that day and make up for it as well afterwards.

**Sixth:** Absence of difficulty or hardship in fasting. This means the fast must not cause him difficulty or unbearable hardship in his life and sustenance. For example, if fasting prevents him from doing his work by which he seeks sustenance, whether by making him so weak that he is unable to work, or because it causes him to be unbearably thirsty, or any other reason. If he is able to alter his working habits, or take a break from work while being able to rely on some savings or loan for his sustenance, then he must do so that he can fast. Otherwise the obligation to fast no longer applies to him, whereat obligatory precaution requires that he not allow himself to eat, drink and do whatever a person who is not fasting does however he places; instead he must restrict himself to lowest limit that his work requires and that removes the difficulty from him, then he should make up for these fasts later if he is able.

755. If someone fasts with the possibility of experiencing unbearable difficulty without suffering any illness, like one who is working, then his fast is valid and suffices him so long as it does not cause any actual harm to him. He may also fast for the beginning of the day throughout the month of Ramaññ, hoping that he will be able to complete his fast. So if he is relieved of his impediment to fasting before midday, then he should renew his intention to fast and his fast will suffice him.

**Seventh:** To not be travelling on a journey that would require someone to shorten their prayers, with knowledge of the rulings about obligatory fasting, except in three situations:

*First:* Three days of fasting, which are part of the ten supposed to be offered in place of the sacrifice on *Hajj* if one is unable to perform it.

*Second:* Fasting eighteen days, which someone performs instead of offering a large animal (*badana*) as an expiation for leaving ‘Arafāt before sunset.

*Third:* Fasting for a vow which must be performed during the journey.

756. A traveller's fast is valid if he is ignorant of the ruling. But if he becomes aware of the ruling during his journey, his fast is invalidated. The fast of someone who forgets the ruling is not valid. The fast of a traveller who must offer full prayers is not only valid, but obligatory as well, such as someone who is intending to reside at his destination for the prescribed number of days or a traveller whose journey is for a sinful purpose.

757. If the legal agent sets off on a journey that meets the required distance to shorten his prayers before midday, he is allowed to break his fast if he reaches the point after which he can shorten his prayers, then make up for it. And if he does not break his fast – in this situation – until he returns to his homeland, then he should – as a matter of obligation – renew his intention to fast, and his fast is valid. But if he travels after midday, he must continue fasting and he cannot break his fast.

758. It appears that the crux of the matter is beginning the journey before midday or after it, and the same applies to returning to one's homeland, rather than reaching the point at which one can shorten his prayers. Yes, the traveller cannot break his fast when he leaves a land where he must offer full prayers until he has reached the point at which he is allowed to shorten his prayers. And if he breaks his fast before this point, whether he is aware of the ruling or not, he must offer an expiation. This is in his homeland. As for somewhere he resides for ten days or he has remained uncertain of when he is departing for a month, then he may break his fast as soon as he leaves the land in question and he does not need to wait until he reaches the point at which he would shorten his prayers.

**Eighth:** When elderly persons are excused from fasting, because it is unbearably difficult for them, this covers anyone who has reached seventy years of age and their aging has weakened them and made fasting too difficult for them. Such persons, if they wish to fast, they may still do so, but if they wish to not fast, then they are allowed to forgo fasting and make up for it with compensation (*fidya*), which is 750g of wheat, bread or other foodstuff, for each day that they do not fast during the month of Ramaḍān, which they can pay to some poor persons, and they need not make up for any fasts missed in this way. The duty to pay compensation does not drop if they are physically unable to fast.

**Ninth:** That they are not afflicted with a condition that causes them to experience abnormal thirst, such that they constantly feel intensely thirsty and no matter how much they drink they are always thirsty. Anyone afflicted with such a condition and experiences extreme difficulty in fasting, may break his fast and forgo fasting, and compensate for this with the same compensation mentioned above. And if this difficulty reaches such a level that he ultimately must be excused from fasting altogether, he is not excused from the compensation.

**Tenth:** A woman should not be advanced in pregnancy such that fasting would harm her baby. If this is the case then she may break her fast and offer the above compensation for each day that she forgoes fasting, and she must make up for her fasts thereafter. This is if fasting is harmful to her baby. On the other hand, if fasting is harmful to her own health, then this means she falls under the **fifth** condition listed above, in which case she can break her fast and does not need to offer any compensation.

759. A woman who is breast-feeding is similar to a woman who is pregnant; if her fast will harm the child or reduce its feed, then she can break her fast and offer the same compensation as above, then make up for the fasts later. But if her fasting would be harmful to her, then she can break her fast without any need of offering compensation. This does not apply to a woman who can feed her child with things other than her own milk, such as tinned milk powder, so long as this does not harm her child.

760. One can choose to travel during the month of Ramaān, even if they do this as a means of avoiding the fast, but this is disliked (*makrūh*), except for the purposes of *Hajj*, *Umra*, some property they fear will be squandered, a person whose life they fear is in danger, fighting for the sake of Allah, or after the first thirteen nights. If the legal agent has a time-specific obligatory fast, then he may travel, even if this means he misses his obligation. And if he is already travelling, he does not need to reside somewhere in order to perform his fast. However, if the fast is one which he has been hired to perform in a short space of time, then this contract of hire is prohibited.

761. A traveller may enjoy food and drink, as well as sexual intercourse during the day, though all of these are disliked. It is recommended precaution that he forgo all of these, especially sexual intercourse.

#### **Sighting the crescent**

762. The new crescent for the month of Ramaān and other months is established in one of the following ways:

- a. Sighting it directly, even with advanced viewing equipment, because sighting the crescent actually establishes for the one who sights it that the new moon has been born and it is possible to sight it, or else he would not have been able to actually sight it.
- b. Testimony from others that they have sighted the moon. If someone has not seen the moon himself, but others testify that they have, this suffices.
- c. The passage of thirty days from the crescent of the previous month, because no religious lunar month lasts longer than thirty days. If thirty days pass and the new crescent is not sighted, then it is assumed that it is there, and the new lunar month begins thereby.

- d. Any scientific procedure causes one to become certain or convinced if it demonstrates that the new moon has been born and that the luminous portion of it (the crescent) facing towards the earth is present in the skies in such a way as it can be seen.

763. If the crescent is seen in one land, then the first of the month is established for that land and in any other land which shares a night with that land, even if only a little. As for lands whose night only begins after the night in the land where the moon was sighted has finished, then the first of the month is definitely delayed for them. This is what jurists mean when they say: It is not a condition to share a horizon in order to establish the new crescent; even if the times of sunrise and sunset differ greatly between these lands, it suffices for them to share a tiny portion of night together.

#### **Rules for making up for fasts missed from the Month of Ramaḍān**

764. It is not necessary to make up for fasts missed as a child, while insane, unconscious or before one embraces Islam (*kufr aṣlī*). Other than that, it is obligatory to make up for fasts missed on account of apostasy, menstruation, puerperal bleeding, sleeping, intoxication or illness. It is also not necessary for the elderly to make up for fasts, or those who suffer a condition that causes intense thirst, or someone who misses his fasts on account of illness and this illness persists through the year until the following Ramaḍān.

765. If someone doubts whether or not they have performed prior fasts, they should assume that they have done so. And if they are unsure how many they have missed, they can assume the lesser number.

766. It is not necessary to make up for fasts straight away, even if recommended precaution dictates that one should not delay making up for Ramaḍān fasts beyond the following Ramaḍān. And if someone misses fasts

from a single month it is not necessary to specify which day he is fasting for, nor to perform the fasts in order. And if someone owes fasts from a previous Ramaññ and a recent one, then he still does not need to specify which he is fasting for or to fast in order either. It is permissible for him to make up for missed later fasts before earlier ones, and the opposite as well, unless there is not sufficient time for both before another Ramaññ comes, in which case it is obligatory precaution to make up for the most recent fasts first. And if someone intends the earlier fasts at this point, then his fast is valid but he must offer some compensation for delaying the more recent fast. And it is not necessary to perform make-up fasts in order with other kinds of obligatory fasting, such as expiatory fasts and non-specific fasts; he can perform whichever he likes first.

767. If someone misses a few days of fasting from the month of Ramaññ because of an illness and dies before recovering, there is no need to make up for these fasts on his behalf, whether he dies during the month of Ramaññ or after it. The same applies if he suffers illness for a year, pays a compensation and then dies. On the other hand, if he is able to make up for them during the year and does not do so, or he is not able to and does not pay compensation for them. Then it is precaution to make up for them on his behalf. The same applies to someone who misses fasts on account of menstruation, puerperal bleeding and dies in this condition, or after the bleeding has stopped but before sufficient time to make up for them has passed, although this is counted day-by-day. So if she misses ten days – for example – and she can make up for five of them, but does not do so and dies, then those five must be made up for on her behalf, but not the remainder.

768. If someone misses the month of Ramaññ or part of it because of illness, then this illness continues until the next Ramaññ, there is no need for him to make up for the missed fasts, but he should give some charity (*sadaqa*)

for each missed day; with one measure (*mudd*) of food, and he cannot make up for the charity in the year that follows. But if he misses the fasts for some reason other than illness, such as travelling, then he must make up for it and he must offer a compensation as well based on obligatory precaution. The same applies if he misses the fasts on account of illness, but delays making them up because of travel, and vice versa too.

769. If someone misses all or part of Ramaññ, whether for a valid reason or intentionally, and he delays making up for these fasts until the following Ramaññ, while he is able to make up for these fasts, whether this is because he is deliberately delaying this, or simply treating his duties lightly, he must make up for the fasts and offer compensation together. But if he intended to make up for these fasts before the following Ramaññ but then was prevented from doing so by some valid reason, then he must make up for the fasts and even pay the compensation too. It makes no difference whether the reason for his delay was illness or something else, unless this illness was continuous from the beginning of the previous Ramaññ to the beginning of the following one in that he must pay the compensation although the obligation to make up for the fasts is dropped. The same applies if he is excused from making up for these fasts because of illness and he was unable to perform them on time because of some other valid reason, as we discussed above. And if he broke his fasts intentionally [and without a valid reason] then in addition to the compensation he must pay [for delaying the make-up fasts], he must also offer the expiation for intentionally breaking one's fast.

770. The expiation for delaying making up for one's fast does not increase with the passage of years; so if someone remains ill for three consecutive Ramaññs, he needs only offer compensation for the first and second

Ramaññ and make up for the third so long as his illness does not persist until the fourth.

771. It is not obligatory for one person to pay another's compensation, even if they are responsible for their maintenance (*nafaqa*), such as a husband is for his wife or child. And it is permissible to pay the compensation for numerous days, whether from one month or multiple months, to a single person.

772. It is not sufficient to pay money in place of the compensation, rather one must pay the compensation itself, namely food. The same applies to expiations. But it is permissible to give the money to a trustworthy poor person for him to spend it on food.

773. It is allowed to break one's fast in a supererogatory fast at any time until sunset; it is not allowed to break one's fast when making up for a Ramaññ fast after midday if he is making up for his own fast; in fact, we have already said he must offer an expiation. As for before midday, he can break his fast. For obligatory fasts whose time is not specified, other than making up for the Ramaññ fasts, the apparent ruling is that one can break them at any time, although avoiding breaking them after midday is in accordance with precaution. These rules regarding the prohibition on breaking fasts and offering expiations for them do not apply to someone who is making up for the fasts of someone else, even if it is recommended precaution that all of these rules be observed.

774. If someone vows (*nadhrr*) to fast some days or months, he is not obliged to fast continuously unless he intends that in his vow or the context of the vow is to that effect, such that it is clearly continuous. And if he misses a fast which is conditioned on being continuous, then it is obligatory precaution that he observes continuity when making up for it.



775. It is obligatory to follow continuity when fasting for two months, whether in expiation for sexual intercourse or expiation for breaking one's fast intentionally, and it suffices to fast the first month entirely and one day of the next month consecutively. And it is obligatory precaution to fast eighteen days in place of the two months, and three days in place of the Íajj sacrifice, without separating them with anything other than ÝĪd. As for continuity in all other expiations, it is recommended precaution.

776. For every fast in which continuity is a condition, should someone be compelled to break his fast because of a valid reason, then when this reason is removed, should continue fasting from the point he was at when he broke it, even if this reason was the result of an act that the legal agent was compelled to perform. On the other hand, if he was not compelled to do so, he must begin his entire continuous fast from day one again.

777. It is the duty of the eldest male child – at the time of death – to make up for whatever fasts his father has missed for a valid reason if this was a fast for which making-up for it was obligatory. The same applies to whatever the father missed intentionally or performed incorrectly, and if he missed fasts which he does not have to make up for, such as if he died while ill, then it is not obligatory to make up for them. And we have discussed some aspects of this in the chapter on prayer.

### **Other kinds of fasting**

Fasting is a strongly emphasized supererogatory act (*mustahabb mu'akkad*). It has been narrated: 'It is salvation from Hellfire and purification (*zakāt*) of the body by which the servant enters Paradise. For as long as his fast continues, the one who fasts is worshipping, his silence is *tasbīḥ*, his deeds are accepted, his prayers are answered and the odour of his mouth is sweeter to Allah than the

scent of musk; the angels supplicate for him until he breaks his fast and he shall have two joys; the joy of breaking his fast and the joy of meeting Allah.’

778. There are six obligatory fasts:

- a. First: Fasting in the month of Ramaān
- b. Second: Fasting for expiations
- c. Third: Making-up for missed fasts
- d. Fourth: Fasting in place of the sacrifice on Ījj
- e. Fifth: Fasting due to a vow (*nadhhr*), pledge (*‘ahd*) or oath (*yamīn*)
- f. Sixth: Fasting on the third day of retreat (*i’tikāf*)

As for supererogatory fasts, there are many: (i) Fasting three days of every month, and the best way to do this is to fast the first and last Thursday of the month and the first Wednesday of the middle ten days; (ii) fasting on the day of *Ghadīr*, whose reward is like that of a hundred properly performed and divinely-accepted Ḥajj pilgrimages, ‘Umra pilgrimages; (iii) fasting on the day of the Prophet’s {p} birth and (iv) the day he was sent as a messenger (*mab‘ath*); (v) the day on which the earth was spread out, which is the twenty-fifth of Dhī al-Qa‘ida; (vi) the day of ‘Arafa so long as one will not be too weak to supplicate and there is no doubt concerning the crescent, though a religiously-valid proof to this effect suffices; (vii) fasting for the day of *Mubāhila* on the twenty-fourth of Dhūl-Ḥijja; (viii) fasting all the days of the month of Rajab and (ix) all the days of Sha‘bān, and some of the days of each of these two months according to their varying degrees of merit; (x) the first day of Muḥarram, the third and the seventh; (xi) every Thursday and Friday, so long as these do not fall on an ‘īd, during a necessary journey, even if this journey is made necessary by a vow (*nadhhr*).

As for disliked (*makrūh*) occasions to fast, there are several, the most important of which are: (i) for someone who fears that fasting will make him too weak to supplicate; (ii) fasting on a day when there is doubt about the crescent such that this day could *Īd al-Adḥā*; (iii) for a guest to offer a

supererogatory fast without the permission of his host or against the latter's express wishes; (iv) for a child to fast without the permission of his father, let alone against his express wishes, so long as this does not cause distress to him, even out of affection, or else it is forbidden. And it is most appropriate to apply the same ruling to the mother's permission as well.

As for forbidden fasts, they are: (i) fasting on the two *ʿīds*, namely the first of Shawwāl and the tenth of Dhūl-Ḥijja; (ii) fasting on the days of *tashrīq* when one is in Minā, whether performing the rituals of Ḥajj or not, these are the three days following *ʿĪd al-Aḍḥā*; (iii) fasting due to a disobedient vow; namely vowing to fast in thanksgiving for a forbidden thing, though there is no problem in fasting to punish oneself for something forbidden; (iv) the fast of *wiṣāl*, which means to include part of the night with the day in the intention to fast, or the entire night. There is no problem with delaying the breaking of the fast (*ifṭār*), even to the following night, so long as this is not included in the intention to fast, even though it is recommended precaution to avoid it; (v) any fast which is not religiously valid, such as the fast of a traveller, a menstruating woman, a woman experiencing puerperal bleeding or someone who is sick and will be harmed by fasting; (vi) fasting on a day of doubt (i.e. when there is doubt about the sighting of the crescent) on the assumption that it is Ramaḍān; (vii) silent fasting, which means to fast with the intention of silence being part of the fast.

779.       A wife may not voluntarily fast without the permission of her husband if this would interfere with his marital rights. But if it does not interfere with his rights – though it would still be better to seek his permission – then her fast is valid.

## Section two: I'tikāf

Seclusion (*i'tikāf*) means to remain in a mosque intending to seek nearness to Allah; it is recommended (*mandūb*) in of itself, and can become obligatory by way of a vow or the like thereof. It is valid at any time fasting is valid and the best time to perform it is during the month of Ramaḍān, particularly the last ten days thereof.

780. In addition to soundness of mind and faith, the following conditions must be met in order for seclusion to be valid:

- a. **First:** The intention of seeking nearness, as with all other acts of worship, and this intention must be made at its beginning and continue to its end.
- b. **Second:** Fasting – seclusion is not valid without it. If the legal agent is one of those who cannot fast, whether because of travelling or some other reason, then his seclusion is not valid.
- c. **Third:** Duration – it cannot be shorter than three days (three days with two nights in-between), though it can extend beyond this, even for a day, night or part thereof. It includes the first night and the middle nights, but not the last one, although it is permissible to include the last one in one's intention.
- d. **Fourth:** Location – the seclusion must be performed in a congregational or central mosque in which the people of the land gather, and it is best to perform it in one of the four mosques: the Holy Sanctuary, the Prophet's Mosque, the Mosque of Kufa or the Mosque of Ba'ora, or any mosque in which the Prophet or one of his successors prayed in.

781. If someone secludes himself in a particular mosque, but something occurs to prevent him from remaining in it, his seclusion is invalidated and he cannot move to another mosque with the intention of completing the seclusion he began in this one, and he must make up for it based on precaution, if it was obligatory, in another mosque, or in the same mosque after the impediment to his remaining in it is removed.

- a. **Fifth:** Permission from whoever's permission is needed, such as a husband's permission for his wife, if this interferes with his marital rights, and the permission of the parents with regards to their children if this would cause distress to them; even if it is out of affection.
- b. **Sixth:** Continuity – one must remain in the mosque in which he begun his seclusion for the duration thereof; if he leaves it for any reason save those which are valid, his seclusion is invalidated regardless of whether he knew the ruling or not, or whether he forgot or not. This does not apply to someone who was compelled or coerced into leaving, or had to leave for some need, whether urination, defecation, the *ghusl* for major ritual impurity, spotting or having touched a corpse, even if this occasion happened voluntarily. However, if he leaves for a long time, such that he can no longer said to be in seclusion, then his seclusion is invalidated. And if he can perform *ghusl* in the mosque, then the apparent ruling is that he is not allowed to leave for this purpose, so long as the state of ritual impurity does not prevent him from remaining in the Mosque, as the case would be with touching a corpse.

782. Someone in seclusion can leave the mosque for the purpose of participating in a funeral procession, funeral prayers, washing, shrouding and

burying the corpse, or any one of these issues individually. He can also leave the mosque to visit the sick and offer testimony in a just, religious court of law.

783. A discerning child can perform seclusion so long as he or she is fasting.

784. It is allowed to break seclusion in the first two days, but afterwards one must complete the third day. As for seclusion that is the result of a vow (*nadhhr*), then if it is time-specific, one cannot break it even in the first two days. But if it is not time-specific, then one can still do so.

785. It is valid for someone in seclusion to stipulate conditions under which he will leave his seclusion when making his intention, this can be whenever he wishes even if it is not due to any external factor, and even on the third day. It is also valid for one making a vow of seclusion to stipulate this condition when making his vow.

#### **Rulings of seclusion**

786. The following are forbidden to one in seclusion:

- a. Sexual intercourse, or lustful touching and kissing, for both men and women.
- b. Masturbation
- c. Smelling pleasant fragrances for enjoyment. This does not apply to someone who has lost his sense of smell.
- d. Any kind of trade, though there is no problem with engaging in permissible worldly affairs, even stitching, sewing and the like, though it is recommended precaution to avoid these. If someone is compelled to buy and sell for the sake of food and drink, to the extent of his needs, and he cannot send anyone else in his place, then he may do so even

if he must leave the mosque. And if someone does buy and sell during his days of seclusion, his contract of purchase and sale is still valid, even though his seclusion has been invalidated.

- e. Debate in any religious or worldly matter that is motivated by a desire to demonstrate one's own superiority, though not that which is motivated by a desire to demonstrate the truth and disprove errors, for this is the best kind of worship. Ultimately it comes down to the purpose of the debate; and if someone intends *both*, then the desire to win is to be treated as the determining factor.

787. The seclusion is not invalidated if any of these actions are performed by the one in seclusion unintentionally. They are also prohibited regardless of whether they are done by day or by night; it is forbidden to knowingly and intentionally perform them as a matter of religious duty (*taklīf*), even if the seclusion itself is not a time-specific obligation.

788. If a seclusion is invalidated by one of the above invalidators, then if it was a time-specific obligation, precaution requires the person to make up for it. But if it was not a time-specific obligation, then it must be performed again. The same applies if it was a recommended act and it was invalidated after two days. But if it was invalidated before two days had elapsed, nothing need be done. It is also not obligatory to make up for it immediately.

789. Seclusion is invalidated by anything that invalidates fasting, and the person in seclusion is not prohibited from doing those things forbidden to the *Hajj* or *ʿUmra* pilgrim in a state of consecration (*iḥrām*), such as concluding contracts of marriage and wearing stitched clothing, even if it is better to avoid such things.

790. If someone invalidates an obligatory seclusion through sexual intercourse, even at night, they must offer an expiation (*kaffāra*). No expiation is required if it is invalidated by any other means. The expiation for sexual intercourse is the same as that which is required for intentionally breaking a fast during the month of Ramaān.

791. If the seclusion is during the month of Ramaān, and someone invalidates it through sexual intercourse during the day, he must offer *two* expiations; one for breaking his fast during the month of Ramaān, and another for invalidating his seclusion. The same applies during a Ramaān make-up fast after midday. And if the seclusion was a time-specific obligation, one must offer a *third* expiation for violating a vow. And if the intercourse was with his wife who was fasting and whom he compelled to have intercourse with him, while she herself was in seclusion during the month of Ramaān or a make-up fast from Ramaān, he must offer a *fourth* and a *fifth* too!



## Zakāt

[Please note that, for the sake of conciseness, *Zakāt* on property has been omitted and only *Zakāt* of *Fiṭr* will be covered.]

### Section two: Zakāt al-Fiṭra

It is the unanimous consensus of all Muslims that the *Zakāt* of *Īd al-Fiṭr* is obligatory. Of its many benefits is that it repels death for that year from whomsoever pays it and that it guarantees the acceptance of one's fasts. It has been narrated from Imam al-Ṣādiq {a} that he told his agent (*wakīl*): 'Go and give *fiṭra* from all of our dependents without leaving out a single one of them, for if you leave out any of them I would fear their loss.' The agent asked: 'What loss?' He {a} said: 'Death.' And it has also been narrated from him {a}: 'Part of the fulfilment of the fast is giving *zakāt* just as invoking blessings upon the Prophet {p} is part of the fulfilment of prayer. There is no fast for the one that does not give *zakāt*, should he forgo it intentionally, just as there is no prayer for he who forgoes invoking blessings upon the Prophet {p}. Verily Allah has mentioned it before prayer: **'Felicitous is he who purifies himself [by giving ZAKAT], celebrates the Name of his Lord, and prays.'**<sup>21</sup> And in this report, the meaning of *zakāt* is that of *fiṭra*, as we can glean from some traditions which explain the meaning of the verse.<sup>22</sup>

856. *Zakāt al-fiṭra* is obligatory upon every free, wealthy person of sound mind. It is not obligatory upon children, the insane, the unconscious or the poor person who does not possess his needs for the year, as is discussed in the *zakāt* on property. These conditions must be met at some time from before sunset on the eve of *Īd* until sunset itself. If any of these conditions are not met at or slightly before sunset, then the *zakāt* is not obligatory. The same applies if

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<sup>21</sup> Sūrat al-A'ṭā (87):14-15

<sup>22</sup> *Wasā'il al-Shī'a*, ch12 *min abwāb zakāt al-fiṭra*, tradition no. 6

someone did not meet these conditions but then did so after sunset, even though it is then recommended that he pray the *zakāt* anyway.

857. It is recommended for the poor person to pay it also. And if he has only a little, then he should give charity (*sadaqa*) from it to one of his dependents, then this dependent gives it to another, so that it is passed between all of them, before giving it as charity to someone not in the family.

858. It is obligatory on anyone who meets the criteria to pay the *zakāt* on behalf of himself and on behalf of any dependants he may have, whether he is obliged to pay their maintenance (*nafaqa*) or not, whether they are near or far, Muslims or not, young or old, even the baby born before the crescent of Shawwāl is sighted. As for the guest who enters his house before sunset on the eve of *ʿĪd* with his consent, then if he is one of the dependents of the home's occupier, insofar as he intends to remain some time with him, then the home's occupier must pay *fiṭra* on his behalf also. As for someone who is only invited for the eve of *ʿĪd*, they must pay their own *fiṭra* and the occupier need not pay it for them. It is also not necessary for someone to pay *fiṭra* on behalf of his employees, even if he is responsible for their food and drink.

859. Whoever has their *fiṭra* paid by someone else, whether because he is a guest in the house or a dependent of that person, he does not need to pay *fiṭra* himself, even if he is wealthy and meets all the conditions. This means his *zakāt* is upon the one who is hosting him or maintaining him financially. However, if the host or his maintainer sinfully fails to pay on his behalf, then he must then pay it himself.

860. If someone is dependent upon two persons, then they are both responsible for his *fiṭra*, divided between them. The same applies if there are many persons receiving upkeep. And if one of the maintainers who are

responsible for the upkeep of others is poor, he is not obliged to pay *fiṭra* but the other maintainer still must do so. If both are poor, neither need pay it. It is only obligatory upon a maintainer if he meets all the criteria.

861. As for the criterion for *zakāt al-fiṭr* itself, it is whatever is considered provision by most people, such as wheat, barley, dates, rice or corn. And it is sufficient to pay the price of the foodstuffs instead of giving the foodstuff themselves. This price is determined by the price at the time which they are to be given, not the time when it becomes obligatory, and the country in which the money is to be spent, not the country of the legal agent who is paying it. And there is no need for whatever he gives from himself to be identical with that which he gives on behalf of his dependants. Also, whatever is given as *fiṭra* must be in sound condition and not damaged, nor must it be mixed with anything that is unacceptable.

862. The amount that must be paid is one measure (*ṣāʿ*), namely three kilograms or a little more; and it is best to give three and a half kilograms and a little more.

#### **When and to whom must *FIṬRA* be paid?**

863. *Fiṭra* becomes obligatory on the eve of *ʿĪd al-Fiṭr* at the time of sunset. It must be set aside between sunrise and midday on the day of *ʿĪd* and it is best to pay it before going out for *ʿĪd* prayers. And this can be achieved by putting it aside before the prayers. It is not allowed to delay it after midday. And if one puts it aside, one can delay paying it if there is some reasonable cause for this, such as waiting for a deserving recipient, or some difficulty that is expected to be removed. And if someone does not pay it or set it aside before midday, obligatory precaution requires that it be paid with the general intention of seeking nearness to Allah. This precaution extends throughout the day of *ʿĪd*, in fact it extends throughout the entire year, no; the entire lifespan of a person.

It is also permissible to pay it in advance during the month of Ramaññ, even though it is better to do so in the form of a loan to a poor person and then consider this as *fiṭra* when the day of *Īd* comes.

864. It is allowed to set it aside either as foodstuffs of that kind, or in money to the value thereof. And if it has been set aside, then it becomes specified and it is not allowed to swap it for something else. And if its payment is delayed while it is possible to pay it to a deserving recipient, and there is no reasonable cause to delay it, then he is responsible for any loss or damage to it, as is discussed in the *zakāt* on property.

865. It is allowed to send the *fiṭra* to another country if there are no deserving recipients [in the country where the legal agent lives.] If there are deserving recipients there, however, then obligatory precaution requires that it not be sent elsewhere, but rather that it is paid to a deserving recipient in the same country. But if someone is travelling from the land in which this became obligatory to elsewhere, he is allowed to pay it in another country.

866. *Zakāt al-fiṭra* does not become obligatory unless the crescent has been established by religiously-sanctioned proof, whether it is on the eve of the thirtieth by sighting the moon, or the night thereafter (by virtue of it being thirty days since the previous sighting). And if someone pays it before the crescent is established, he has paid in advance as we discussed in ((851)). On this basis, one can pay the *fiṭra* in advance during the month of Ramaññ, but in the form of a loan.

867. The only recipients of *zakāt al-fiṭra* are the poor and the needy, and not any of the other categories of recipient eligible for the *zakāt* on property.

868. It is forbidden for a Hashemite to receive *fiṭra* from a non-Hashemite, though a non-Hashemite can still receive *fiṭra* from a Hashemite. The difference being

that between a donor and a recipient; if the recipient is Hashemite but not the donor, then the latter cannot give *fiṭra* to a Hashemite, whereas the opposite is allowed.

869. It is recommended to give precedence to relatives, then to neighbours, with priority given on the basis of knowledge, religion and piety.

## The One-Fifth Tax (KHUMS)

### Introduction

Normally, the discussion of *Khums* in manuals of Islamic law deals with the following topics:

- *Khums* on profits
- *Khums* on mineral wealth
- *Khums* on buried treasure
- *Khums* on pearls
- *Khums* on land bought from a Muslim by a protected minority (*dhimmī*)
- *Khums* on excess income
- Licit property intermixed with illicit property.

And insofar as discussing the first divisions of *khums* is not beneficial or practically applicable in this day and age, whether because these are now the purview of nations and governments, or because they simply no longer apply, we shall focus our discussion on the last two divisions of *khums* alone, because these are practically applicable.

### **KHUMS on excess income**

870. It is obligatory for every legal agent (*mukallaf*) to pay *khums* on the profits of his work, trade, agriculture, salaries and legitimate earnings, and any profit that belongs to him. The exceptions to this are:

- a. First: Provision to earn profits throughout the year; namely money that is spent in pursuit of profits.

b. **Second:** Provision for himself and his dependents; namely anything that someone spends in his day-to-day life for a reasonable purpose, whether this is to meet his own needs or those of his family. Basically it is anything that common sense would say is a reasonable expense, whether this is required by social status or not. This is not conditioned upon religious preponderance, insofar as the criteria for provision is on the act of spending not on the need towards it. So there is no distinction between that which he expends in of itself, such as food, drink and medicine, and what one utilises without using it up, such as a house or furniture. However, if someone purchases something with his annual income, only to realize that he does not need it, then he must pay *khums* for it. The same applies if he purchases something and knows he does not need it.

871. It is not necessary for someone to pay *khums* for things they have purchased as provision and utilized as such, only to no longer need them in future, such as clothes and trinkets, whether one no longer needs them in the year of purchase or thereafter. However, if someone purchases a house and lives in it for a while, then obtains another house, whether someone donates it to him, or it is given to him by his employer – for example – he must then pay *khums* on the first.

872. In the exemption for one's provision, it is not a requirement that he spends for this provision out of the income itself; if he spends for them from a loan or some other property, he can exempt the equivalent amount from future gains.

873. If someone saves wealth from a number of years for a purpose and only spends from them in future years, then he must pay *khums* on the wealth he has saved. On the other hand, if he gradually receives income, so he buys a piece

of land in the first year, then building materials in the second, then in the third builds the first floor, without living in it, and this is the only way he is able to complete construction, he does not need to pay any *khums* on it. The same applies to money saved for marriage and other such essential needs.

874. If someone spends from his annual income to build an incomplete house, then lives in it in the same year, then continues to build it gradually in the following years, he does not need to pay any *khums* from this income.

875. Land given by the government to employees, and the dependents of martyrs, prisoners etc. as compensation or for free, is classified as a profit or income which must have *khums* paid on it. If someone sells it and profits, they must pay *khums* for it, unless the land was given to someone who needs it to build on it but they did not have sufficient money to build on it in the same year. In this case, it is not necessary to pay *khums*, as we have discussed.

876. If someone sells fruit from an orchard for a number of years, the money earned through sale is classified as income and *khums* must be paid on any income over and above what is needed for provision. However, offset against this income is any shortfall in the market price for the produce of this orchard, insofar as it represents lost profits in the period following the end of the financial year. If the year-end comes and some produce is ready but not others, then anything that has been produced will be classified as income for that year, and *khums* should be paid on it after the deduction of provision. And anything that is not yet produced will be counted as income for the following years.

877. If someone has produce which is exempt from *khums* or which has already had its *khums* paid, then it grows or increases, then if this increase is effectively separate from it, this increase must have *khums* paid for it. And if this increase is in its market value, there is no need to pay *khums* for it.



878. If someone purchases something not intending to use it for trade or business, but as a way to store and safeguard one's wealth, to use it now or in the future, then if it is purchased using wealth which has not been his for a year and has not had *khums* paid for it, then he must pay *khums* on it. And if he purchased it using money on which *khums* is due, then he must also pay *khums* on it. But if he purchases it using wealth for which the *khums* has already been paid, he need not pay anything more.

879. If someone has wealth and property prepared for trade and business, then if a year has not passed, *khums* must be paid for it. And if a year has passed and someone has not paid *khums* on it, whether deliberately (and sinfully) or because he has forgotten, then he must pay *khums* from whatever capital he has immediately. As for future profits and income in his capital, because of an increase in market price, then he must also pay *khums* on that when it is sold and counted as part of the income for that year. And if his trade is conducted with wealth for which *khums* has already been paid, he does not need to pay *khums* from his capital, only on any profits he makes.

880.        Anyone whose wealth for trade is a mixture of wealth for which *khums* has been paid and wealth for which it has not, then if he is able to distinguish one from the other, each will follow its own ruling. But if he cannot do so, then he must pay *khums* on the amount which he is sure he has not yet paid it on.

881. People who own herds, such as livestock and cattle, must pay *khums* on any profits which they derive from them, whether these are connected to or separate from them, at the end of the year. This is after deductions for provision throughout the year. If someone sells some of this during the year and part of its price remains, he must pay *khums* on that too, if the *khums* has not already been paid on the original property. On the other hand, if the money used to

purchase these animals has had the *khums* paid on it, or it was inheritance, then there is no need to pay *khums* on it, or on the money obtained through its sale.

882. Provision – such as wheat, butter etc. – that is stored, if a surplus remains until the following year and its price rises, but the original goods have had *khums* paid on them, it is not necessary to pay *khums* for the surplus. And if its price falls, the difference should not be deducted from profits.

883. If someone trades with capital several times in a single year, then generates a loss in some transactions and a gain in others, then if profits and loss are equal such that only the original capital remains at the end of the year, there is no need to pay *khums* on it; it makes no difference whether the profit or loss was generated first. But if the capital increases, then *khums* must be paid on the increase. And if some property is lost, which is not part of the property for business and trade, nor from his annual provision, then he is allowed to deduct this from profits.

### **General conditions for paying *KHUMS* on surplus income**

884. Some of the most important general conditions which must be fulfilled in order for *khums* to be paid on surplus income are as follows:

- a. **First:** That the property is the legitimate property of the legal agent; if it is common property or borrowed, there is no need to pay *khums* on it.
- b. **Second:** That the property does not belong to those things exempt from *khums*, whether there is a specific evidence for this – such as expected inheritance (*muhtasab*) – or because it does not belong in the general category of “profit” (*fā’ida*).

885. Gifts, donations and endowments which a person receives are of two kinds:

a. **First:** Ordinary gifts which are commonly exchanged between people in their social lives. *Khums* must be paid on these at the end of the financial year if they have not been used for a person's provision, or if they themselves are not items which are for a person's provision.

b. **Second:** Unusual gifts, such as lottery tickets. If we suppose that it is permissible to purchase these tickets, then if someone wins a prize they must pay *khums* on it immediately, and the usual rules of provision and surplus do not apply to it.

886. There is no *khums* on a woman's bridal gift (*mahr*), even if it exceeds her provision, so long as its value does not exceed what is considered in her social circumstances. On the other hand, if her bridal gift is exceptional in its value, then it is likely that she should pay *khums* on whatever part of it exceeds the usual value of women's bridal gifts. *Khums* must also be paid on the compensation given for a *khal'* divorce, if it exceeds provision.

887. Any *zakāt* or *khums* that the legal agent receives must have its *khums* paid if it exceeds his needs, but on the condition that he was endowed with this property as a compensation or for free. Otherwise, if it is in the form of communal property, then no *khums* need be paid upon it, even if it exceeds his provision. Whatever the legal agent receives by way of voluntary charity (*sadaqa*), expiation (*kaffāra*), restitution (*radd al-mazālim*), income from general or personal endowments (*waqf*), money which has been bequeathed to him and the like thereof; all of this must have *khums* paid upon it if it exceeds his provision.

888. Inheritance which is expected (*yuḥtasab*) is anything which a person reasonably expects to receive, even from lesser degrees of inheritance, such as what someone receives from his parents, or from his cousin if there are no other

eligible inheritors. Inheritance which is not expected is that which a person would never expect to receive under normal circumstances.

889. If some money is left from expected inheritance and it has had its *khums* paid already or is counted as part of the inheritor's provision, then there is no need for him to pay *khums* on it. But if the inheritor knows that *khums* has not been paid on it after becoming responsible for it, then he must pay the *khums* from it before it is divided. And if an inheritor obtains some property and doubts whether *khums* must be paid on it or not, then he does not need to pay *khums* on it. And if he later realizes that this money was from profits and income that the deceased had obtained, and doubts whether he used it for his provision or was surplus to his provision, then he must pay *khums* on it then. This all assumes that the deceased died after a complete year had passed for his property; but if he passed away in the middle of the financial year, then only the property used for his provision until he died is exempt from having *khums* paid on it. As for other property and wealth that is not spent on provision, then he must pay *khums* on it immediately so long as it has not already had *khums* paid on it.

890. If the inheritance is of the unexpected variety, then *khums* must be paid on it immediately. However, if it is from a father or son then it is expected inheritance and the aforementioned rules apply.

891. A woman who works must pay *khums* if her husband is providing for her needs, and even if he is not and her salary or income exceeds her reasonable needs. And if she receives money from her father, husband or family and this exceeds her needs at the end of the year, she must also pay *khums* on this.

892. If an inhabited dwelling collapses and thereby someone loses some property which was part of his provision, such as furniture, clothing, a car or anything else he needed, then he can rebuild his house and purchase equivalent to

whatever was destroyed, so long as he still has need of it. This is then considered to be part of his provision which is exempt from *khums*. Yes, one cannot exempt the value lost in the collapse from future income in that year if he has not spent that money in replacing what was destroyed.

### **Rules pertaining to trade property**

893. 'Trade property' (*māl al-tijāra*) refers to goods which a person owns and intends to sell them for a profit in order to expand his wealth, not for the sake of his necessary provision. This property is in two states:

- a. **First:** That the person who owns it has property not set aside for the purposes of trade. And if this property is sufficient to cover all of his annual needs, such as a salary from employment, then he must pay *khums* on his trade property. But if this property is not sufficient to cover his annual needs unless some profit from trade is added to it, then he does not need to pay *khums* on trade property. But if, by trade, his income exceeds his annual provision, then he must pay *khums* on the surplus.
- b. **Second:** That the person only as the trade property. So if this property is equal to his annual needs, he does not need to pay *khums* on it. But if it exceeds it, then he must pay *khums* on the surplus. The general criterion for the payment or non-payment of *khums* on property set aside for trade is to consider the extent of his annual needs, and then exempt an equivalent amount of trade property, while paying *khums* from the rest.

### **Sources of trade property**

Property which someone uses for trade is obtained through means such as trade, employment, gifts, loan or inheritance.

If he obtains them through trade, employment, gifts or the like thereof, and he has either owned them for a year, in which case he has paid *khums* on them before putting them aside for trade, or he has not in which case he does not pay *khums* on them and sets them aside with the rest of his trade property, or they are part of his annual profits for which a year has not yet passed.

If he obtains them by way of loans, then sometimes he has repaid the loans, sometimes he has not, and sometimes he has paid part of them back.

If he obtains them from inheritance, then sometimes this is expected inheritance and sometimes it is not.

894. If this property is taken from annual income for which a complete year has not passed and which the person uses to purchase goods for trade, then a financial year passes for these goods, he must pay *khums* on the goods at the price which he purchased them at, whether their market value has since gone up or down. If the property was taken from annual income for which a complete year has passed, and for which the legal agent has paid *khums* before buying goods with it, then so long as price of the goods in question has not risen, he does not need to pay *khums* for it. On the other hand, if the market price of the goods increases, he does not need to pay *khums* on the increase unless he sells the goods at that price. And any difference in market price when he sells will be counted as annual income for which he must pay *khums* on at the end of the next financial year.

- a. On the other hand, if that property was from his annual income for which a complete year has passed and he does not pay *khums* for it, then he uses it for trade, then he must pay *khums* for the initial capital which had not already had its *khums* paid. And if the market price goes up for those goods and then they are sold, the profits made in this way

are treated as income for the year in which they are sold and *khums* must be paid on them if they exceed his annual provision.

895. If the new financial year begins and some or all profits surplus to a person's provision, were entrusted as a loan to someone else, then if the lender asks the debtor to repay the loan but the debtor is unable to do so for one reason or another, then the legal agent can choose either to (i) wait for the loan to be repaid, then pay *khums* from his property immediately, without waiting for the next financial year-end, because it is counted as profits from the previous year; or (ii) to calculate the current value of the loan and pay its *khums*. As for if the debtor is able to repay the loan on demand, then the lender can choose whether to accept the repayment and pay *khums* from it, or to delay the repayment and pay the *khums* for the loan from his other property.

896. Every legal agent must, at the end of the year, pay *khums* on whatever exceeds his annual needs, even if he has saved it for the purpose of future provision, such as foodstuffs, drinks, clothes and other domestic needs. However, if he has a loan which he has taken for the purposes of his annual provision and this loan is equal to his surplus income, he does not need to pay *khums* on the surplus. The same applies if the loan is more than his surplus. But if the loan is less than his surplus, he must pay *khums* on whatever surplus would remain after the loan was deducted.

897. Repayment of a loan is classified as *khums*-exempt provision, whether the loan was taken in the present year or before it, and whether the person had an opportunity to repay it before or not. However, if he does not pay his loan until the end of the financial year, he must pay *khums* for any profits derived from it without exempting the repayment of the loan from *khums*, unless the loan was taken to allow him to earn an income on which there is no financial return, or

the loan was for his annual provision, as when someone borrows money to purchase food for his family; the quantity of this loan is exempt from income, even if the debtor has not yet paid it. In the same category as loans are other monetary obligations such as vows, expiations and the like thereof.

898. If someone puts down an advance payment on some real estate and it is not part of his annual provision, then a year passed, he does not need to pay *khums* on that real-estate. Then, when he pays the full price in the following year, the real estate is counted as part of his annual income and he must pay *khums* on it. And if he pays half of the full price in the following year, then half of the real estate is treated as the income of that year and he must pay *khums* on that half. So however many instalments he pays, the portion of the real estate he now owns as a result of that becomes part of his annual income. This is if collateral for the loan exists, on the other hand if the loan is lost, then there is no *khums* to be paid on his repayment thereof.

899. If someone buys a home to live in with an advance payment, then lives in it, before paying its price the following year, he does not need to pay *khums* on it. And the same applies if he pays some portion of the price in the following year, he does not need to pay *khums* on any share of the property, and this rule applies to any kind of provision purchased with a loan.

#### **Rules for the financial year-end**

900.       The financial year begins at the time when income comes in; it makes no difference what kind of profession, trade, craft or employment the person is engaged in; annual provision is exempt from this. And the legal agent can choose whether to set a separate financial year-end for each individual income he has, or between setting a single financial year-end for all forms of his income, whether trade, agriculture, industry, craft or anything else.



901. The legal agent can choose any day of the lunar or solar year for his financial year-end. He can also change his financial year end, on the condition that he pays *khums* for whatever he has earned so far and begin the year anew, just as he can change the financial year-end from one month to another for forthcoming income, whether he bases his year on a lunar or solar calendar, without needing to consult his *marja'*.

902. Someone who has not done his accounts for several years, whether due to negligence, laxity, procrastination or even intentionally while being aware of the religious ruling. When such a person becomes aware of the state he is in, he must divide his property into two kinds:

a. **Frist:** Properties which are either currently part of his provision or were previously so. If he knows that he bought these things from earnings for which a full year had not elapsed, then he need not pay any *khums* on them at all. But if he bought them from earnings for which a full year had passed, then he must pay *khums* on the price he paid when he bought them. And if he knows that in some years he did not make any profits at all, even to the extent of his provision for that year and was instead spending from earnings in his previous years, then he must pay *khums* on the money which he spent on his provision. And if he is in doubt as to whether he purchased it from his earnings in that year or from earnings in previous years, he need not pay anything, but it is better for a believer to make an agreement with his *marja'* in situations such as this.

b. **Second:** Property which he currently owns, such as money, real estate, shares etc. and which is not part of his provision. As for money, he must pay *khums* on this immediately if a full year has elapsed for it. If it is from

earnings for which a full year has not yet elapsed, then he need not pay its *khums* immediately and may pay *khums* on it at the end of the year as normal. As for real estate, shares and the like thereof, if he knows that he purchased them with wealth for which a full year had elapsed, then he must pay *khums* on the price at which he bought them, even if their price has since risen.

#### How to pay KHUMS

903. Even if *khums* applies to a commodity, the owner may choose whether to pay from the commodity itself or pay its monetary value; he may not however pay with other commodities of equivalent value without the permission of his *marja'*. He also may not dispose of commodities on which *khums* is due after the financial year-end unless the goal of the transaction is to purify his wealth and pay *khums*, in which case he may do so.

904. When the financial year ends and someone has not paid *khums*, but he wants to pay from the profits of the coming year, then if the profits of the previous year remain, whether in the form of a commodity or its equivalent, then the amount of *khums* is not based on the provision of the coming year, rather he must pay *khums* to the amount which is due from the previous year, such as the surplus profits from the year in which it became due. And if there are no surplus profits from the previous year, whether as commodities or their equivalent, then the payment of *khums* must be from the provision in the year which it is paid, in which case no *khums* is obligatory in its amount.

905. At the financial year-end, when someone does his accounts and sets aside the amount of *khums* payable but does not pay, there are two forms to this:

- a. **First:** He sets aside the *khums* from money by agreement with his *marja'*, in which case the legal agent becomes responsible for the debt, and the commodities he owns become exempt from *khums*.
- b. **Second:** He sets aside the amount of *khums* by himself without the agreement of or seeking permission from his *marja'*. So sometimes the commodities remain with him, and in this case if their prices rise before he pays *khums* and he sells them, then he must pay *khums* on the current price [and not the price at the time of his calculations.] And if the price reduces, the amount of *khums* payable also reduces, and the legal agent is not liable for the reduction in price. Other times, he gives away the commodities on which *khums* is due for free – as if gifting them to another – in which case he must pay *khums* on the goods at their current price, not on their price at the time of sale. A third situation is that the legal agent suffers some loss with these commodities – for example, if they are stolen or lost – so if he was neither at fault nor negligent in the delay in paying *khums* and neither in the loss of these goods, then the amount of *khums* payable is reduced proportionate to the amount of goods lost. So if someone loses fifty percent of his goods, then his *khums* payable is also reduced by fifty percent. But if someone was at fault or negligent, whether in delaying the payment of *khums* or the loss of goods, then the legal agent is liable for the *khums* in its entirety.

906. An owner can delay paying *khums* on profits until the end of the year, even if he knows they exceed his provision.

#### **General rules pertaining to KHUMS**

907. For *khums* to apply to profits on earnings, the following conditions must be met: legal maturity and soundness of mind. So if someone is either a minor

or insane at the beginning of the year, *khums* does not apply to his property. And whenever he matures or comes to his senses, that will be the beginning of his year with regards to the property he owns. If this exceeds his annual provision after he comes to his senses or matures, then he must pay *khums* on the surplus.

908.        There is no prohibition in forming a business partnership with someone who does not pay *khums*, whether the partner does not believe that *khums* is due on profits, or he does believe but does not pay it either intentionally or due to negligence. [There is no prohibition] because the duty [to pay *khums*] falls upon the individual and does not encompass anyone else. However, one must still pay *khums* from his own share.

909.        If some property is transferred from one person to another and the legal agent knows that the original owner did not pay *khums* for it, then if that person was not a Muslim or does not believe in the duty to pay *khums* on profits, then the recipient does not need to pay *khums* on it. The same applies if the former believed in the duty to pay *khums* but did not pay it, whether sinfully or negligently.

910. If someone rents out his services for a number of years, then if in each year he receives the wage due for that year, then he need only pay *khums* on anything that exceeds his provision. But if he receives payment for five years – for example – in the first year, on the basis of him performing the work in subsequent years, then he does not need to pay *khums* on those wages given to him for forthcoming years, because they are not counted as profits for the year he is in. Rather they are profits from future years.

**How is *khums* to be spent and who is entitled to spend it?**

911. The most important use for *khums* during the era of the Major Occultation is in the service of the True Faith, by proclaiming its call, raising its slogans, safeguarding its sanctities, defending it from the schemes of the oppressors, promoting its doctrines and disseminating its teachings. Some of the most pertinent examples of this are: Helping sincere men of learning who are intending to discharge their duties and give their time to studying the teachings of religion in general – including *tafsīr*, doctrines, not just matters of law – and who devote themselves to teaching the uneducated and guiding those who have gone astray, defending the doctrines, the sect and the clear religion. The sample applies to looking after the needs and necessities of the observant believers, giving a helping hand to them, giving aid to the weak and comfort to the distressed, for they are truly the dependents of the Rightful Master – may Allah bless him! – and therefore it is only fitting that their sustenance should be guaranteed and their hardships alleviated.
912. An owner of property is not permitted to dispose of *khums* unilaterally – whether from the share of the *sādat* or that of the Imam – as is the well-known opinion of our jurists – and spend it in the aforementioned manner. Rather, he must refer to his *marjaʿ* who is aware of the general and particular directions [in which *khums* can be utilized], who knows how it can be disposed of, who is easily able to undertake this, even he must rely on people of trustworthiness and expertise to do this. In this case, it has been spent properly as mentioned above, whether by the *marjaʿ* deputizing his follower to do so, or vice versa, or the two coming to a common agreement on how it must be spent.
913. If someone wishes to change the end of their financial year, they either wish to bring it forward or delay it. If he wishes to bring it forward, then he can do his accounts now and pay whatever *khums* is due at a time appropriate to him, in

which case this time will be his new year-end and there is no need for him to refer to his *marja'*, as above. But if he wants to delay his financial year-end, then he must refer to his *marja'* and take permission in delaying payment until the new date.

914. If the legal authority (*al-hākim al-shar'i*) permits someone undeserving to receive *khums*, whether to ward off some danger from him, or because of an error in judgement after thorough investigation of his capabilities, such property is not licit for that person because the legal authority, even if he has an excuse in this situation, has done his best to discharge his duty, but no *marja'* has the power to permit that which is prohibited, nor vice versa, nor to change truth to falsehood, nor vice versa.

915. When an owner of property delivers the *khums* to his *marja'* or the representative thereof, he has discharged his duty. The same applies if he spends it in the proper manner with the permission of his *marja'* or the representative thereof.

### **Licit property which is mingled with illicit property**

The meaning of licit property mingled with illicit (*al-māl ul-ḥalāl ul-mukhtalaṭ bil-ḥarām*) is goods and commodities, some of which a person has earned through licit means and others which he has earned through illicit means – through invalid transactions, for example – and then the two kinds have intermingled such that he cannot distinguish one from the other.

916. Licit property mingled with illicit, if someone cannot distinguish the two and does not know its quantity, nor its proper owner – even to a limited extent – can have its *khums* paid. But if he knows the quantity of illicit property but does not know its proper owner, then he should give it as voluntary charity (*sadaqa*) with the permission of his *marja'*. And if he knows the owner but does not know the quantity, he should come to a mutually-acceptable resolution with the owner.

And if the proper owner will not accept this, then he may pay the least amount if he is satisfied with it, otherwise it is duty to take recourse to the legal authority to resolve the disagreement. And if he knows both the owner and the amount of property, he must return it to him. But if he knows the amount of forbidden property but not its precise owner, though it is limited to a specific group of people, then he must seek all their satisfaction if possible. If this is not possible, either because he expects to suffer some harm thereby, or it will cause him extreme difficulty should they know of this, or because some or all of them will backbite about him, in which case then he must refer to the legal authority to resolve the issue.

917. If, either at the outset or after paying *khums*, one learns that the illicit portion of his property is greater than the amount of *khums* he must pay, it is not sufficient for him to pay *khums* to purify his property. Rather, he must pay the difference so that he is sure as well. And if he knew from the outset that the illicit portion of his property is less than the *khums* due on it, then he may restrict himself to paying whatever he is sure is illicit. However, if he knows it is less after paying *khums*, then he may ask that the excess payment is refunded.

918. If the licit portion of the property mixed with illicit property has *khums* due upon it, then he must pay *khums* twice; once to make his wealth licit and once for the wealth that has become licit thereby.

919. If after paying *khums* to his *marja'*, the owner realizes [how much of his property was illicit and to whom it was due], then there is no liability upon the legal agent. And he may refer to the legal authority and request that his property be refunded to him.

920. If someone has had another person's property deposited with him and despairs of knowing who its owner is or of reaching him, then he must make

the intention of fulfilling his responsibility [to return it] if able. And the same applies if he is on his deathbed; he must entrust the property to another and entreat him to return it. However, he can also give it as voluntary charity (*sadaqa*) with the permission of his *marja'*. This is not obligatory, but this does not discharge his duty regarding the property if he is able to find its owner or his inheritor.

## Enjoining Good and Forbidding Evil

Without a doubt, one of the most important religious duties is to enjoin good and forbid evil (*al-amr bil-ma'rūf wal-nahī 'an al-munkar*). Allah says: **‘Let there be a nation among you summoning to the good, bidding what is right, and forbidding what is wrong. It is they who are the felicitous.’**<sup>23</sup> And ‘Alī b. Ibrāhīm narrates from Hārūn b. Muslim, from Mas‘ada b. Sadaqa, from Abū ‘Abd Allāh [al-Sādiq] {a}: ‘The Prophet {p} said: ‘How shall you be when your womenfolk are corrupt and your youth are sinful and you neither enjoin good nor forbid evil?’ Someone asked: ‘Will that happen, O Messenger of Allah?’ He replied: ‘Yes, and worse than that! How shall you be when you enjoin the evil and forbid the good?’ Someone asked: ‘O Messenger of Allah! Will that happen?’ He said: ‘Yes, and worse than that! How shall you be when you see good as evil and evil as good!’”<sup>24</sup>

And it has been narrated from the Prophet’s Household {a3}: ‘It is by good that duties are done, roads are kept safe, earnings are made licit, injustices are prevented, lands are developed and the wronged seeks justice from the wrongdoer. People shall remain in a good state so long as they enjoin good, forbid evil and assist one another in righteousness. If they do not do that, they shall be deprived of blessings and some of them shall be given power over others, and they shall find no helper in the Earth, nor in the heavens.’<sup>25</sup>

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<sup>23</sup> Sūrat Āle ‘Imrān (3):104

<sup>24</sup> Kulaynī, *al-Kāfī*, 5/59

<sup>25</sup> Ḥurr al-‘Āmilī, *Wasā’il al-shī’a*, v11, *kitāb al-amr bil-ma'rūf wal-nahī 'an al-munkar, bāb wujūbihimā wa ḥurmat tarkihimā*, tradition no. 18



921. To enjoin an obligatory good or forbid a prohibited evil is a collective obligation (*wājib kifā'i*). If one or more people who are sufficient undertake it, the obligation drops from all others. But so long as a sufficient number of people are not undertaking it, whether no one has undertaken it or an insufficient number have done so, all the people who did not try to do so are sinful and deserving of punishment. And if the good in question is recommended (*mustahabb*) rather than obligatory, then enjoining others to it is supererogatory. And if the evil is disliked (*makrūh*) or improper (*marjūh*), then forbidding it is recommended. In neither case is it obligatory, but it does entitle one to divine reward. However, should one not undertake it, they are neither sinful nor deserving of punishment.

922. There is no difference in the obligation to undertake the duty of enjoining good and forbidding evil, whether the sin is great or small, so long as it is either forbidden to do it or forbidden to forgo it.

923. For enjoining good and forbidding evil to be obligatory, the following conditions must be met:

a. **First:** Knowing good and evil, even in a general sense. If someone does not know that a deed is evil, he is not obligated to forbid it.

b. **Second:** The probability that enjoining good or forbidding evil will have an effect, meaning that someone will either perform an obligation or avoid a sin as a result. If it is not likely and the legal agent knows that the person in question neither cares about divine commands and prohibitions nor takes an interest in them, then it is not obligation for him to do anything. However, if he knows or thinks it possible that his repeated admonitions will have some effect, then he should repeat them.

924. If one sees clear evidence or is told by someone trustworthy that his admonitions will have no effect, then this duty is not obligatory for him.

a. **Third:** The subject must be resolved to forgo a good deed or commit an evil one. As for if there is some indication that he might refrain from it, there is no obligation to enjoin good or forbid evil. So if there is someone who forgoes an obligation or commits a sin, but it is not known whether he intends to do this again, or whether he has turned aside from it, or regretted it, then there is no duty. This is with regards to someone who has actually sinned. As for someone who wants to sin, it is obligatory to enjoin him to good and forbid him from evil also.

b. **Fourth:** The person must actually be sinning though his actions, meaning that he must be aware that something is forbidden and then do it, or that something is obligatory and forgo it. On the other hand, if he is excused in doing something prohibited or forgoing an obligation, whether because he believes the former is permitted rather than prohibited, or because he believes whatever he has forgone is not obligatory, then he is excused by virtue of his confusion about the subject of a ruling or the ruling itself, and it is not obligatory [to enjoin good and forbid evil] in this case.

c. **Fifth:** Enjoining good and forbidding evil must not bring any harm to a person's own life, family or property, whether to the one enjoining good and forbidding evil, or to any other believer or Muslim. If this will bring harm to him or to another Muslim, it is not obligatory [to enjoin good and forbid evil]. The apparent ruling is that there is no difference between certain knowledge that this harm will occur, probable knowledge or the mere common sense expectation that it might occur.

925. Enjoining good and forbidding evil might sometimes not require [the fifth] condition to be fulfilled, namely the condition that one does not expect any harm to result from this, and that is when one is certain – or, in fact, thinks probable – that the deed or the doer is important, such that it will have a harmful effect on society as a whole. It could be that a sin done by such and such a person will have a terrible effect on society, in which case it requires one to endure any harm that might come to him, and therefore it becomes his duty to enjoin good and forbid evil even if he is sure that it will bring harm to him, let alone if he merely thinks it likely.

926. The duty to enjoin good and forbid evil is not restricted to a particular group of people to the exclusion of others. Rather it is obligatory, when all of the aforementioned conditions are met, for scholars and laypersons, for righteous persons and others, for rulers and subjects, for rich and poor, and so on. Nor are those persons who can be admonished in this manner restricted to only one group of people. This duty encompasses all legal agents, whether they are admonishing or admonished, when the necessary conditions are fulfilled.

927. There are different levels to enjoining good and forbidding evil:

a. **First:** Rebuking with one's heart, which is the lowest level and the least degree of faith. This level is a basic requirement of faith; if it is not found in someone's heart, they have not attained complete faith. And this level is not dependent upon the aforementioned conditions.

b. **Second:** Expressing disgust with an action, meaning that one shows disgust towards a sin or the failure to perform a duty, whether by displaying annoyance with the doer, turning away from him, avoiding

talking to him, or leaving the place in which he is found, or any action like this which displays disgust with what he has done.

- c. **Third:** Rebuking with one's tongue, by informing them of the religious ruling, admonishing and advising them; reminding them of what a painful punishment in Hell Allah has prepared for the sins, or reminding them of the beautiful rewards that await the obedient in Paradise.

928. It is not obligatory for enjoining the good to take the form of an actual command or the like thereof, nor for forbidding the evil to take the form of an actual prohibition. Instead, they can take any form or approach that the legal agent deems appropriate to attaining the goal, namely that the person desists from evil deeds or performs his obligations, whether this takes the form of stories, preaching, parables or the like.

- a. **Fourth:** Rebuking someone by striking them painfully to prevent them from sinning, so long as this is possible and likely to have a positive effect, as above, whether this is done with one's hand or some other implement.

929. Each of these levels has a gentle approach and a harsh one. What is obligatory is to follow them in sequence; so if exhibiting one's disgust is sufficient in preventing someone from sinning, they should restrict themselves to this, or else they should take some action to demonstrate this. And if this does not work, they should rebuke with their tongue. And if this fails, then they can use their hand. It is not permitted to go to the next level if the prior one would have had an effect on the person, and in this case any excess is sinful.

930. **Question:** Can this reach the level of shedding someone's blood, by wounding or killing them, if the aforementioned degrees are not sufficient in making them desist?

a. **Answer:** There is no doubt that this duty does not apply in *taqiyya*. As for when it is possible to do so, then it is not unlikely that it is obligatory to do so, so long as one restricts themselves to the least amount [of force] required to prevent a sin taking place, and any excess is not only sinful but whoever exceeds the proper bounds is liable. This means that he can be charged with intentionally or unintentionally committing a crime, each according to its limits. And as we mentioned in [[no. 925]], this depends entirely on the kind of sin we are discussing. Some sins may require people to endure harm, bloodshed and spend money in order to prevent them, but this duty may also drop because of *taqiyya* in some situations.

931. **Question:** Is it obligatory to seek the permission of the legal authority when the legal agent needs to use physical force or the like to prevent a person from sinning, or can he do so without this permission in some situations?

a. **Answer:** Yes, he cannot do any of this without referring to the legal authority. [277]

932. The obligation of enjoining good and forbidding evil is strongly emphasized in relation to the family of the legal agent. In fact it is something specifically mentioned in the Qurʾān, when Allah says: ‘O you who have faith! Save yourselves and your families from a Fire whose fuel is people and stones, over which are [assigned] angels, severe and mighty, who do not disobey whatever Allah has commanded them, and carry out what they are commanded.’<sup>26</sup> So it is obligatory, if someone sees their family taking their religious obligations lightly – such as prayer, its components and its conditions, for example by not performing it properly by not reciting properly or uttering the required *dhikrs*, or

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<sup>26</sup> Sūrat al-Taḥrīm (66):6

not performing *wuḍū'* correctly, or purifying their bodies and clothing from impurities correctly, then it is that person's duty to educate them, enjoin them and forbid them according to the aforementioned order, so that they perform it correctly. The same applies in all other religious duties, and in transactions and any other ruling, or if one sees them taking prohibited things likely, such as backbiting, slander or enmity, whether towards one another or towards others, or fornication, drinking wine or theft, then it is his duty to forbid them from evil, until they give up sinning.

933. If someone enjoins or forbids some of his family and they do not desist from sinning, and he does this repeatedly without any effect, then his duty has been discharged so long as he has followed the aforementioned degrees of admonition properly. After that, it is not his duty to abandon his family, or move to another place, throw out the sinner or anything like that, so long as there is no other important benefit in doing so. And the person most entitled to remain quiet after repeating their admonitions is a wife if she sees that her husband is an incorrigible sinner, for even then she does not have the right to deprive him of his necessary rights. In this case, she falls under the category of: "*a woman's jihād is to be good to her husband.*"

934. If someone sins accidentally or unintentionally, and another person knows that he is not persistent in this, but he has not repented for it, then he must bid him to repent. This is because repentance is a religious obligation, and forgoing repentance for a sin is itself a terrible sin, assuming that the sinner knows he must repent and intentionally forgoes it. But if he does not even realize he must repent for his act, then it is only recommended to bid him to repentance.

935. If the legal agent becomes certain or is confident that someone else has fulfilled the religious duty to enjoin good and forbid evil, he does not need to do it [any

further.] However, if the opposite becomes apparent thereafter, he must do it so long as this state of affairs persists.

936. If the legal agent can do [only one] of two duties to enjoin good, or two to forbid evil, or one to enjoin good and another to forbid evil, and he cannot possibly do both, then he must see which is more important and undertake that. And if both are equally important, he can choose either.

937. If someone knows or thinks likely that enjoining good or forbidding evil will have an effect to the extent that it reduces the frequency of a sin, though not eliminating it outright, it is obligatory. In fact, it is not unlikely to be obligatory if it can bring about a lesser evil. All of this depends on the legal agent understanding the religious law, being able to distinguish major sins from minor ones and identify varying degrees of priority.

938. If stopping someone from sinning depends on doing something to the sinner or some device he uses, such as taking a weapon from him, or a glass of alcohol, or taking him by the hand or otherwise restraining him, it is not only permissible but obligatory if one is able. As for if enjoining good and forbidding evil depends on some financial harm coming to the sinner, such as breaking his glass, weapon or the like, is this permissible? The answer is that this depends on the gravity of the sin, so long as the aforementioned conditions have been fulfilled.

939. Whatever we have said in many places here is restricted to situations when there is no authority capable of repelling criminals and deviants. In case such an authority is present, as is the case in most Islamic and non-Islamic countries today, then this duty drops from the shoulders of the legal agents as individuals. In this case, the responsibility falls on the shoulders of the state, which becomes the first and last guarantor of society's safety from deviation and

crime. Yes, there are still some areas with an ethical, educational or instructive aspect, in which case this is still the purview of the individual and not the state.



## Addenda to Enjoining Good and Forbidding Evil

**First: Those matters which are defined as good**

Taking recourse in Allah: **‘And how would you be faithless while the signs of Allah are recited to you and His Messenger is in your midst? And whoever takes recourse in Allah is certainly guided to a straight path.’**<sup>27</sup> Abū ‘Abd Allah {a} says: ‘Allah revealed to David {a}: No servant of mine takes recourse in Me rather than in any of My creation, and I know it from his intention, save that even if the heavens and the earth and everyone in them were to conspire against him, I would provide him an escape from between them. And no servant of mine takes recourse in one of My creations, and I know it from his intention, save that I remove the means of the heavens and the earth from his grasp and I cause the ground to crumble beneath his feet, and I care not in which valley he dies.’<sup>28</sup>

Relying on Allah: Allah says: **‘And whoever puts his trust in Allah, He will suffice him. Indeed Allah carries through His command. Certainly Allah has set a measure for everything.’**<sup>29</sup> Abū ‘Abd Allah {a} says: ‘Might and wealth rove across the land, but when they reach the place of reliance upon Allah (*tawakkul*), they settle.’<sup>30</sup>

Holding a good opinion of Allah: One of the sayings of the Commander of the Faithful {a} reads: ‘Verily Allah’s Messenger said upon the pulpit: By He who there is no god besides, a believer has never been given good in this world or the Hereafter except by holding a good opinion of Allah, placing his hope in Him, having good conduct and avoiding backbiting about the faithful. By He who there is no god besides, Allah will not punish a believer after he has repented and sought forgiveness save because of his having an ill opinion of Allah, not placing his hope in Him, having bad character and backbiting about the faithful. This is because Allah is the All-Magnanimous, in

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<sup>27</sup> Sūrat Āle ‘Imrān (3):101

<sup>28</sup> Kulaynī, *al-Kāfī* 2/63

<sup>29</sup> Sūrat al-Ṭalāq (65):3

<sup>30</sup> Kulaynī, *al-Kāfī* 2/65

whose hand is good, and when His believing servant holds a good opinion of Him, He is too embarrassed to go against his opinion and disappoint his hope. So have a good opinion of Allah and long for Him.<sup>31</sup>

Patience (*sabr*): With the following categories: Patience in obeying Allah, patience in avoiding disobedience to Allah, and patience in hardship. Allah says: **'Say, '[Allah declares:] O My servants who have faith! Be wary of your Lord. For those who do good in this world there will be a good [reward], and Allah's earth is vast. Indeed the patient will be paid in full their reward without any reckoning.'**<sup>32</sup> And He says elsewhere: **'So be patient, and you cannot be patient except with Allah['s help]. And do not grieve for them, nor be upset by their guile. Indeed Allah is with those who are Godwary and those who are virtuous.'**<sup>33</sup>

Allah's Messenger {p} says in a tradition: 'If you are able to act upon patience with complete certainty (*yaqīn*) then do so, and if you cannot then be patient anyway, because verily enduring that which you dislike contains abundant good. And know that divine assistance (*naṣr*) comes with patience (*sabr*), and relief (*faraḡ*) comes with sorrow (*karb*), and with hardship there is ease. Verily with hardship there is ease.'<sup>34</sup> And the Commander of the Faithful {a} says: 'The patient will not be denied victory; no matter how long it takes.'<sup>35</sup> And he {a} says: 'Patience is of two kinds; patience in distress which is pleasant conduct, but better still is patience in regards to that which Allah has forbidden to you. And remembrance (*dhikr*) is of two kinds; remembering Allah in distress, but better than that is remembering Allah with regards to that which He has forbidden you such that it becomes a barrier [to you sinning.]'<sup>36</sup>

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<sup>31</sup> Ḥurr al-ʿĀmilī, *Wasā'il al-shī'a* v10, *bāb wujūb ḥusn al-ẓann billāh*, tradition no. 3

<sup>32</sup> Sūrat al-Zumar (39):10

<sup>33</sup> Sūrat al-Naḥl (16):127-8

<sup>34</sup> Ḥurr al-ʿĀmilī, *Wasā'il al-shī'a* v11, *bāb istiḥsān al-ṣabr fī jamī' al-umūr*, tradition no. 4

<sup>35</sup> Ibid., tradition no. 6

<sup>36</sup> Kulaynī, *al-Kāfī* 2/90

Abstinence (*‘iffa*): Abu Ja‘far [al-Bāqir] {a} says: ‘There is no act of worship better in Allah’s eyes than abstinence of the stomach and the private parts.’<sup>37</sup> Abū ‘Abd Allah says: ‘The *Shi‘a* of Ja‘far are only those who practice abstinence with their stomach and private parts, and who strive and work earnestly for their Creator, hope for His reward and fear His punishment. So when you see them, they are the *Shi‘a* of Ja‘far.’<sup>38</sup>

Clemency (*hilm*): This means to suppress one’s anger. Allah’s Messenger {p} says: ‘Allah will never honour someone because of ignorance, nor will He ever humiliate them because of clemency.’<sup>39</sup> The Commander of the Faithful {a} says: ‘The first compensation of the clement (*halīm*) because of his clemency is that people will support him against the ignorant.’<sup>40</sup>

Humility: Allah says: ‘**Do not turn your cheek disdainfully from the people, and do not walk exultantly on the earth. Indeed Allah does not like any swaggering braggart.**’<sup>41</sup> Allah’s Messenger {p} says: ‘Whoever is humble for the sake of Allah, Allah will elevate Him. And whoever is arrogant, Allah will bring him down. Whoever is moderate in his lifestyle, Allah will sustain him, but whoever is wasteful, Allah will deprive him. And whoever remembers death abundantly, Allah will love Him.’<sup>42</sup>

Treating people fairly: Even at your own expense. Allah’s Messenger says: ‘The master of deeds is to treat people fairly in affairs related to you, being kind to your brother for the sake of Allah and remembering Allah in all circumstances.’<sup>43</sup>

Focusing on one’s own faults rather than the faults of others: Allah’s Messenger {p} says: ‘Blessed be he whose fear of Allah keeps him from fearing people; blessed be he whose own faults

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<sup>37</sup> Ibid. 2/80

<sup>38</sup> Ḥurr al-‘Āmilī, *Wasā’il al-shi‘a* v15, *bāb wujūb al-‘iffa*, tradition no. 13

<sup>39</sup> Kulaynī, *al-Kāfī* 2/112

<sup>40</sup> Ḥurr al-‘Āmilī, *Wasā’il al-shi‘a* v15, *bāb istiḥbāb al-ḥilm*, tradition no. 13

<sup>41</sup> Sūrat Luqmān (31):18

<sup>42</sup> Kulaynī, *al-Kāfī* 2/122

<sup>43</sup> Ibid., 2/145

prevent him from seeing the faults of his believing brothers!’<sup>44</sup> Imam al-Bāqir {a} says: ‘The quickest good deed to be rewarded is kindness (*birr*), and the quickest evil deed to be punished is oppression (*baghi*), it suffices as a fault for someone to see deficiencies in others that he is blind to in himself, or to reproach people for that which he cannot give up, or to bother his sitting companion with that which does not concern him.’<sup>45</sup>

Reforming one’s self when it inclines towards evil: Allah says: ‘Yet I do not absolve my [own carnal] soul, for the [carnal] soul indeed prompts [men] to evil, except inasmuch as my Lord has mercy. Indeed my Lord is all-forgiving, all-merciful.’<sup>46</sup>

The Commander of the Faithful {a} says: ‘Whoever sets right his heart, Allah will set right his reputation; and whoever strives for his faith, Allah will suffice him in worldly affairs; and whoever makes good his relationship with Allah; Allah will suffice him in his relations with others.’<sup>47</sup>

Abstinence in worldly affairs and giving up all desire for them: Abū ‘Abd Allah {a} says: ‘Whoever practices abstinence in this world, Allah will ground wisdom in his heart, pronounce it upon his tongue, and reveal to him the faults of this world; its malady and its cure, and take him from this world in good health to the Abode of Peace.’<sup>48</sup>

A man said: I told Abū ‘Abd Allah {a}: ‘I only meet you once every few years, so tell me something I can hold fast to.’ He told me: ‘I enjoin you to wariness (*taqwā*) of Allah, piety and struggle. And know that no struggle will suffice you unless it has piety in it.’<sup>49</sup>

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<sup>44</sup> Ibid., 2/169

<sup>45</sup> Ibid., 2/460

<sup>46</sup> Sūrat Yūsuf (12):53

<sup>47</sup> Ḥurr al-‘Āmilī, *Wasā’il al-shī’a*, v15, *bāb wujūb iṣlāḥ al-naḥs ‘inda maylibā ilā al-sharr*, tradition no. 5

<sup>48</sup> Kulaynī, *al-Kāfī* 2/128

<sup>49</sup> Ibid. 2/72

## Second: Those matters which are defined as evil

Anger: Allah's Messenger {p} says: 'Anger ruins faith as vinegar ruins honey.'<sup>50</sup> And Abū 'Abd Allah says: 'Anger is the key to every evil.'<sup>51</sup>

Abū Ja'far {a} says: 'A man will surely become angry and never be satisfied again until he enters Hellfire; whenever a man becomes angry with someone while standing, let him be seated at once, for this will remove Satan's filth from him. And whenever a man becomes angry with a relative (*dhū raḥim*), let him approach him and touch him, for when a womb (*raḥim*) is touched, it becomes still.'<sup>52</sup>

Envy: Abū Ja'far and Abū 'Abd Allah {a2} say: 'A man will be ungrateful at the slightest thing; verily envy consumes faith as fire consumes kindling.'<sup>53</sup> Abū 'Abd Allah {a} says: Allah's Messenger {p} said: 'Allah said to Moses son of Amram: O son of Amram! Never let yourself envy people for what I have given them out of My grace, nor gaze at it with your eyes, nor covet it in your soul. For verily the one who envies is vexed by my blessings and he opposes the way in which I have apportioned them amongst My servants. And whoever is like this, I am not of him and he is not of Me!'<sup>54</sup>

Oppression: Abu 'Abd Allah {a} says: 'Whoever wrongs another, he will be punished for it in his own self, his property or his children.'<sup>55</sup> And he {a} says: 'Verily no one attained anything good through oppression; of course, the oppressed shall take from the faith of the oppressor more than the oppressor has taken from the property of the oppressed, whoever does evil to people should not object if evil is done to him.'<sup>56</sup>

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<sup>50</sup> Ibid. 2/302

<sup>51</sup> Ibid. 2/303

<sup>52</sup> Ibid. 2/302

<sup>53</sup> Ibid. 2/306

<sup>54</sup> Ḥurr al-Āmilī, *Wasā'il al-shī'a* v15, *bāb taḥrīm al-ḥasad wa wujūb ijtinābih*, tradition no. 6

<sup>55</sup> Kulaynī, *al-Kāfī*, 2/332

<sup>56</sup> Ḥurr al-Āmilī, *Wasā'il al-shī'a* 15, *bāb taḥrīm al-zulm*, tradition no. 9

Being someone whose harm others fear: Allah's Messenger {p} says: 'The worst of people in Allah's eyes on the Day of Resurrection are those who are given respect to ward off their harm.'<sup>57</sup>

Abū 'Abd Allah {a}: 'If people fear a man's tongue, then he is in Hellfire.'<sup>58</sup>

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<sup>57</sup> Kulaynī, *al-Kāfī* 2/327

<sup>58</sup> Kulaynī, *al-Kāfī* 2/327

## Addenda to the Acts of Worship

### Part one: Vows, pacts and oaths

#### Section one: Vows

940. For a vow to be effective, the following conditions must be met in the one who makes it: Legal responsibility (*taklīf*), free-will (*ikhtiyār*) and intent (*qaṣd*). It is not necessary to seek the permission of one's husband in anything that does not conflict with his rights. As for a vow which does conflict with his rights, then there is no problem with predicating the vow on his consent, even at a later time, if the vow was made by a married woman. But if a vow is made by a woman before marriage, then the apparent ruling is that it is valid [without any need for the future husband's permission.] As for a child's vow, it is not valid if his parents forbid him from its object, and he is released from his vow if they forbid him after he makes it.

941. If there is a single object of a vow and the person making it does not receive permission from those who have a right over them – such as a father or husband – then it is invalid as above. But if the vow has multiple objects, as when someone vows to fast every Friday, then those who have a right over them forbids them from fasting *one* Friday, then they are not obliged to fast on that day, but the obligation for all others remains in effect.

942. Regarding the vow, the following are considered essential for it to be binding:

943. A vow must be made for Allah using His Proper Name (*lafẓ al-jalāla*). And any vow not done in this way is not considered religiously legitimate and does not need to be fulfilled. So if someone says: "I must do X," "I am bound to fulfil X,"

“For so-and-so, I must do X,” or “I will do X,” then he does not have to fulfil it, even if it is recommended to do so. However, a vow made in a language other than Arabic is valid and must be fulfilled.

944. There are several different types of vow, including: (i) Those made as an act of thanks giving (e.g. “If I am given a child, I must do X for Allah”); (ii) Those made to repel tribulation (e.g. “If so-and-so recovers from his illness, I must do X for Allah”); (iii) Those which are there to deter oneself from sinning (e.g. “If I commit a sin, I must do X for Allah”); (iv) Those which are there to encourage oneself to obedience (e.g. “If I do not pray, then I must do X for Allah”); (v) Those which are purely voluntary (e.g. “I must do X for Allah”). And in all cases, whatever someone is vowing to do must be an act of obedience to Allah and something which they are capable of doing.

945. If someone vows to perform some act of obedience without specifying what, he should either give some charity (*sadaqa*), pray two *rak'ats*, fast for one day or do some other good deed.

946. It is not necessary to vow to do something specific in order for the vow to be effective. If one does not specify something, it is valid as above. One can also predicate it on certain conditions; if the object of the vow is not restricted with regards to time or place, then it is valid in all circumstances, on the other hand if it is predicated on being performed in a particular time or place, it is obligatory to do so.

947. If someone vows to fast on a particular day and they happen to be ill, menstruating, bleeding from child birth, or it happens to be an *'Id* on that day, then they must break their fast and make up for it in the future. The same is true if someone is compelled to travel or practice *taqiyya*, but they cannot travel voluntarily.



948. One cannot make a vow for someone else to do something, nor vow that another free person will do something, not even a father on behalf of his son. So if someone vows for his son to work for a mosque or the like thereof, it is not valid. It is also not valid to make a vow with the property of others, or that which cannot be legally owned, such as wine or swine.

949. If someone vows to do something on behalf of the Prophet {p} then its validity or invalidity depends upon the intention of the one making the vow; and if there is any doubt about this it goes back to the apparent meaning of the words used by the one making a vow. So if someone means nothing other than this, he must enact it in such a way that returns to the one for whom he made the vow, such as spending money on pilgrims to his shrine, or spending money on the shrine itself. And if someone vows something for the shrine itself, he should spend money on its structure, decoration, furnishings or the like thereof.

950. If someone vows to give some money to a living person, they must do so. And when the latter receives it, then it is his property to dispose of as he pleases. But if the person dies before receiving it, the one who made the vow should pay it to his inheritors. And if someone vows to give some money to a deceased person, he must spend the money in such a way that the reward of it returns to the deceased, and it should not be treated as inheritance between his heirs.

## **Section two: Pledges**

951. A pledge (*'ahd*) means to say: "I pledge to Allah..." or "Upon me is a pledge to Allah that when X happens, I will do Y." It is only effective when pronounced with Allah's Proper Name. It is effective when its fulfilment is not predicated on anything else, such as when someone says: "I pledge to Allah to do X." It is also effective when predicated on something else, such as: "I pledge to Allah to do X at this time and this place." And the same conditions must be met by

both the one making the pledge and the pledge itself as must be met in the case of a vow (*nadhhr*), above.

952. Pledges, vows and oaths are only effective when spoken aloud. No consideration is given to mere intent, no matter how firm or resolute, even if this is connected to some external indication, unless someone is unable to speak – such as a mute – in which case intent is sufficient.

953. If someone pledges to Allah to give everything he owns away as charity, but fears coming to harm as a result, he should estimate the market value of his possessions and then pay this a bit at a time until he has fulfilled his pledge.

### Section three: Oaths

954. A religious oath (*yamīn*) is effective when pronounced with any of Allah's Names which are restricted to Him, or with anything that refers to Him. So it is valid if someone says: "By Allah, I will do X", "By the Lord of the Ka'aba...", "I swear by Allah..." or the like thereof. Also valid are: "By Allah's right...", "By Allah's greatness..." with the intention of swearing an oath.

955. It is forbidden to swear an oath disassociating from Allah, the Prophet or the Imams {a3}, and such an oath is not valid.

956. Oaths can be made to do something obligatory, recommended or generally permitted if there is some reason for it, or to forgo something prohibited or disliked, or to forgo something generally permitted if there is some reason for it. And if the object of the oath is something to which both religious and worldly affairs are completely indifferent, it is still obligatory to act upon it.

957. The actions of another cannot be made the object of an oath; such an oath is actually imploring another to do something. For example: "By Allah, you must do X!", or "I swear, you must do X!". Oaths cannot be made about the past

either, not about impossible things; such oaths are not effective. Rather, oaths can only be made in relation to future acts, whether near or far.

958. Oaths are not effective in cases where they will lead to harm, hardship or unbearable difficulty. They are also not effective when their object is either of two things. And if someone swears an oath to do something nominally possible, but finds himself incapable of fulfilling it until its specified time has elapsed, or indefinitely if there is no particular time set for it, then he is released from this oath and has no further liability.

959. One is allowed to swear an oath that runs contrary to reality if it yields a specific good, such as protecting one's property or the property of a fellow believer from a wrongdoer, even if could have used evasive language instead. In fact, it could be obligatory to swear a false oath, if this is the only way to avoid something forbidden or to save one's own life or the life of a fellow believer.

960. If someone swears an oath but makes it conditional on the Divine Will then he is released from the oath. For example, he could say "By Allah, I will do it *in shā' allāh* (God-willing)" actually intending to make this conditional upon the Divine Will. But if he only intended to mention the Divine Will, he must still fulfil his oath. Other examples of this are: "If Allah wishes..." "If Allah decrees..." and so on. And if someone makes his oath conditional on something other than the Divine Will, the oath is effective. For example, someone might say: "By Allah, I will do it if I am borne a son."

961. No child may swear an oath with his father, nor any wife with her husband, meaning that any oaths they swear depend on receiving permission from their father or husband. The father may release his child from an oath should he wish to do so, as a husband may do for his wife.

962. An expiation (*kaffāra*) is only required if someone breaks their oath by failing to do what they swore they would, or by doing what they swore they would not, on the aforementioned conditions. However, if one is incapable of fulfilling the oath, he does not need to do so.

963. One may not swear a false oath on something happening in the past, though there is no expiation required if one does so. Neither can one swear on the basis of a past event unless they know it has happened. And by “know”, we mean the common sense of the word.

## Part two: Expiations

Expiation (*kaffāra*) means to repent for a sin one has committed. Such an expiation can have a specific order (*murattiba*), be chosen from a number of options (*mukhayyara*), be a combination of both of these, or be a collection of acts.

964. The expiation for one who breaks his fast in the month of RamaāĀn or violates a pledge may choose between either freeing a slave, fasting for two consecutive months, or feeding sixty poor persons.

965. The expiation for pronouncing a *ḡibār* divorce or accidental killing has a specified order; first is freeing a slave, but if someone cannot do that they should fast for two consecutive months, and if they cannot do that they should feed sixty poor persons.

966. The expiation for someone who breaks his fast after midday while making up for a RamaāĀn fast also has a specified order; first is feeding ten persons, then if he cannot do that he must fast for three consecutive days.

967. The expiation for annulment (*ilāʾ*), or violating an oath or vow – even a vow to fast on a specific day – has elements of choice and arrangement; first, one

should either: free a slave, feed ten poor persons or clothe ten poor persons. But if he cannot do this, he should fast for three consecutive days.

968. The expiation for intentionally and wrongfully killing a believer is a collection of acts; freeing a slave, fasting for two consecutive months and feeding sixty poor persons. And it is most appropriate to observe this expiation for breaking one's fast with something forbidden in the month of Ramaññ.

969. If a group of persons participate in a killing, whether intentionally or accidentally, each of them must offer the expiation so long as common sense would say that they had each killed the victim or dealt him a fatal blow. Otherwise, the expiation is only due from those to whom this description applies.

#### Rules for expiations

970. In the case of a specified order of expiations, if one cannot free a slave then they should fast, and if they cannot fast – even if this is only because it is very difficult for them – then they must feed poor persons. And however many persons they are required to feed, if this is by handing over a quantity of food (*taslīm*) then each poor person must be given a measure (*mudd*) of wheat, flour, bread or some other kind of food, and two measures is best. If this is to be accomplished by feeding them (*ishbā*'), then any kind of food suffices.

971. One is allowed to feed small children – so long as they eat the usual quantity and types of food – by providing them with the foodstuff directly, or handing it over to their guardian to feed them. But if this is by feeding them, then there is no need for the guardian's permission. It is also permissible to feed some and provide foodstuffs to others, by feeding some and providing foodstuffs to the rest of them.

972. The one performing the expiation must have legal responsibility (*taklīf*), meaning he must be mature, of sound mind and a Muslim. An expiation from a

non-Muslim does not suffice, even if it is obligatory for him to perform it. And the only criterion for those who receive the expiation is that they should be poor. It is not permissible to pay the expiation as part of one's obligatory maintenance for dependents, though one can pay it to relatives and perhaps this is to be preferred.

973. In expiations consisting of a collection of acts, then if someone cannot free a slave, the rest of the acts are still obligatory. The same applies if they are unable to perform any of the other acts. And precaution requires him to seek forgiveness (*istighfār*) in place of whatever he is unable to perform.

974. A woman who suffers distress might pull out her hair, scratch her face or the like thereof, but she need not offer any expiation for this. She need only repent and return to her good sense, adorning herself with steadfastness (*ṣabr*) and submitting to Allah's command. Equally there is no expiation due for anyone who has sexual intercourse with his wife while she is menstruating, even though he has sinned. Nor is there any expiation for someone who falls asleep and misses '*ishā*' prayer.

975. Anyone from whom an expiation is due, whichever of the above kinds it may be, must seek divine forgiveness if he is unable to fulfil it.

976. Anyone from whom an expiation is due, on the basis of recommended precaution it is best for him to perform it straight away, but this is not obligatory. And if he sets a later time for it or performs it gradually, it is valid and he is not sinful.

977. If the legal agent is unsure whether he has done something that would require an expiation, there is no obligation upon him. But if he knows he must offer an expiation but does not know whether he has done so, it is obligatory for him to offer it.

978. If he knows that he must offer several expiations but does not know how many, he need only do the least possible amount; it is not obligatory for him to do more.

979. If someone knows that he has broken his fast in such a way that he must offer an expiation, but he does not know whether his fast was a fast in the month of Ramaññ itself or a make-up fast for Ramaññ after midday, then he is exempt from the responsibility to feed sixty poor persons. And if he knows he owes a single expiation in which he can choose between several acts, for example, and he does not know whether this is due to breaking his fast in Ramaññ or because he broke a pledge, then it is sufficient for him to offer a single expiation for “whatever he did” even if he does not know exactly what it was.

#### **Supererogatory expiations**

980. There are numerous supererogatory expiations one can offer, including:

- a. The expiation for working on behalf of the government is to look after the needs of one's brethren.
- b. The expiation of sitting with others is to say when you get up: 'Glory to your Lord, the Lord of Honor, above what they ascribe, and peace upon the messengers, and praise be to Allah, Lord of the Worlds.' (*subhāna rabbika rabb al-'izzati 'ammā yaṣifūna wa salāmun 'al al-mursalīn wal-ḥamdu lillāhi rabb il-'ālamīn*)
- c. The expiation of laughing is to say: 'O Allah! Do not abhor me!' (*allāhumma lā tamqutnī*)

- d. The expiation for backbiting is to seek pray for forgiveness for the sins of the person about whom you have backbitten. This is if you are not able to obtain his forgiveness; if you can, then it is obligatory, and you must pray for the forgiveness of his sins as well.
- e. The expiation for seeing an evil omen in something is to rely on Allah and hold a good opinion about Him.
- f. The expiation for striking one's cheeks is to seek forgiveness from Allah and repent.



## Food and Drink

### Section one: Water creatures

1707. Of the water-dwelling animals, anything which can be rightly called a fish is permissible to eat so long as it has scales. If one is unsure whether it has scales, he must assume it is prohibited. The same applies to sea snakes, eels, *zammyar* [??? – 477], turtles, frogs and crabs. But there is no problem with mackerel, *rabīthā* [??? – 477], *ṭamar* [477], sea birds, *iblāmī* [??? – 477], or herbs. Fish eggs fall under the same ruling as the fish that laid them; any fish that is edible, its eggs are edible, and any which is not, its eggs are not. And if there is any confusion [about the fish to whom the eggs belong], they are forbidden.

1708. Any permitted fishes found in the belly of a permitted fish are edible; fish discarded by snakes should not be eaten unless they are discarded alive.

### Section two: Land creatures

1709. The following domesticated animals can be eaten; all kinds of camels, cows and sheep, even those of unfamiliar breeds, so long as they can be rightly called any of the above. Of wild animals, mountain goats, cows, donkeys, gazelle and *yaḥāmīr* [??? – 477] can be eaten. It is disliked to eat the meat of horses, mules and donkeys. It is forbidden to eat any of these animals which is an excrement-eater, namely those which consume only the excrement of human beings, unless they are cleansed and no longer considered excrement-eaters, as we have already discussed.

1710. All land animals with claws are forbidden to eat, such as lions, wolves and foxes. The same applies to rabbits, lizards and jerboas, as well as all manner of insects, such as beetles, worms, lice, ants etc.

1711. If a person has sexual intercourse with an animal whose consumption is permitted and whose meat is sought, its meat and milk becomes forbidden forever. And obligatory precaution requires the prohibition of the meat and milk of its offspring as well. It makes no difference whether the perpetrator was young, old, sane or insane, nor whether the poor animal was male, female, young or old. Meat that has been made before intercourse is not prohibited, nor is the meat prohibited if the animal was already dead, nor if it was not a four-legged animal.

1712. An animal whose meat is eaten that is abused in this manner should be slaughtered, and once dead it must be incinerated. And if the perpetrator was not its owner, he must pray its value to its owner. On the other hand, if the animal is a mount, it should be sent to a new place and sold and the perpetrator must pay its value to the owner if he was not the owner. Once it is sold, the price is given to the perpetrator.

1713. If an animal whose meat is permitted for consumption drinks wine and becomes intoxicated, and is then slaughtered, it is permissible to eat its meat. Any wine that remains must be washed away. And if the animal drinks urine or any other ritual impurity (aside from faeces), its meat is not forbidden, and its innards can be eaten after it has been washed if the source of ritual impurity remains.

### **Section three: Birds**

1714. It is forbidden to eat birds that are predators like eagles, falcons, vultures and hawks. Also forbidden are any birds whose wingspan exceeds the

distance which they flap them in flight. If these two spans are equal, then the bird is permissible if it possesses one of the following criteria, or else it is forbidden. These criteria are: (i) that it is a game bird, (ii) that it has a claw, (iii) that it has an accessory metatarsus (the rear-facing toe on a bird's foot). The presence of any one of these criteria is sufficient to render a bird permissible for consumption. But if none of them are present, then it is forbidden. But if none are present in a bird whose flap is longer than its wingspan, then the latter takes priority; so a bird whose flap is longer than its wingspan is permitted to consume even if none of these traits are present. Whereas if it has one of these traits but its wingspan is longer, then it is still forbidden. However, if one or all of these traits are present but someone is not sure how the bird flies, then the bird is assumed to be permitted for consumption.

1715. It is forbidden to eat storks, bats, peacocks, crows in all their varieties, birds that eat faeces, flying insects like bees, flies, and all kinds of insects as we already mentioned. It is disliked to eat swifts, hoopoes, *ṣards* [??? – 479], *ṣawāmm* [??? – 479], *shaqrāq* [??? – 479], *fākhita* [??? – 479] and larks.

1716. Eggs fall under the same ruling as the species which lays them. Eggs belonging to birds whose flesh can be consumed are themselves permissible, while those belonging to birds whose flesh is prohibited are also prohibited. And if there is any doubt as to whether the eggs belong to a permitted or prohibited species, then eating them is forbidden.

#### **Section four: Solids**

1717. The carrion of an animal with pumping blood is forbidden and ritually impure, as is any part of it in which life inheres. As for those parts in which life does not inhere and were ritually pure while the animal was alive, they remain ritually pure after its death. This includes hair, fur, feathers, horns, scales and

eggs if the outer shell has hardened. All of these are ritually pure even in carrion, even if the animal in question is not permitted for consumption. The same applies to rennet.

1718. The following parts of a slaughtered animal are forbidden to eat: the penis, testicles, teeth, hooves, blood, bladder, gall bladder, placenta, vagina, aorta [??? – 479], bone marrow, glands, the brain's "bead" (*kbirzat al-damāgh*), and the eye. This is in animals that are not birds. As for birds, the forbidden parts of them are their *rajī'* [??? – 479], blood, gall bladders, spleen and the testes in some species. It is disliked to eat the ears of their hearts [??? – 479] and their kidneys.

1719. It is forbidden to eat sources of ritual impurity such as faeces and urine, or the severed part of an animal which has pumping blood. It is also forbidden to eat all kinds of earth and clay, except for a tiny fragment (no larger than a chick-pea) of the earth from around the grave of Íusayn {a} in order to seek its healing properties. No other minerals or stones are forbidden, nor are any plants save those which are harmful.

1720. Deadly poisons and anything which will probably cause harm to a person is forbidden to consume, including drugs such as opium and marijuana.

### Section five: Liquids

1721. It is forbidden to consume any intoxicant (*muskir*), wine or otherwise, even in solid form, and beer, blood and clots of blood, even if it is in an egg, and any ritually impure liquids. It is also forbidden to consume any ritually impurified liquids, whether water or something else. In fact it is forbidden to consume any impurified substance, liquid or otherwise. However, what is prohibited is specifically eating and drinking it. Putting it into the body by some

other means, such as intravenously or through a tube is allowed. But taking an intoxicant intravenously or via a tube is still forbidden.

1722. If some ritual impurity falls into a solid substance, such as hard cooking fat or honey, then the impurity and any of the substance it came into contact with must be removed, but the rest is still permitted for consumption. And if the liquid was very thick, then it is treated as solid and the ritual impurity does not spread throughout it; instead it remains ritually pure. The criterion for this is that if one was to dip one's finger into the liquid and pull it out, then if the liquid returns to its original state quickly it is treated as liquid, but if the trace of your finger remains for a while, then it is treated as solid.

1723. The urine of any animal whose meat is not permitted is forbidden, as is that of any edible animal besides the camel. The milk of any animal whose meat is not permitted is forbidden, save human milk.

1724. If wine turns into vinegar, it becomes ritually pure and permissible to consume. As for grape juice, if it is boiled on a fire, then it is forbidden to drink it and remains so until two thirds of its volume has boiled away.

1725. It is permitted to eat from the household of those mentioned in the verse of *Sūrat al-Nūr*, namely fathers, mothers, brothers, sisters, maternal and paternal uncles and aunts, friends and trustees. Including with these are spouses and children. It is permitted to eat from their households at ease so long as one does not suspect that they are displeased with that, or even if one is unsure whether or not they are.

1726. It is permitted for someone compelled by hunger to eat forbidden foods to the extent that it keeps him alive, save for the rebel (*bāghī*), meaning one who fights the Imam, the transgressor (*ʿādī*), meaning a bandit, or a thief. However it is a rational obligation for the transgressor to do so by way of the duty to

observe the lesser of two evils, though he will still be punished for it. And compulsion is determined by the legal agent himself, and it could differ from person to person.

1727. It is forbidden to eat from or even sit at a table where there is wine or any intoxicant.

1728. It is recommended to wash one's hands before food, to say *bismillāh* beforehand, to eat with one's right hand and to wash one's hand thereafter and say *alḥamdulillāh*. In fact, it is best to say *bismillāh* and *alḥamdulillāh* for every kind of food he eats, or even for every mouthful. And it is recommended to lie down after food, crossing one's right leg over one's left.

