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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



THE PRACTICAL LAWS OF ISLAM

by

Imam Khomeini

an abridged version of *Taudhih-al-Masa'il*



Islamic Propagation Organization

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Publisher's note:

The first edition of "The Practical Laws of Islam" was but a selective and interpretative translation of "*Taudhih-al Masa'il*" of Imam Khomeini. It was translated and edited by a Board of translators in America which included Dr. Bahram Goliaei, J. Maryam Tabatabaee, Nahla Gharavi-Naeeni and Tahera Claudia Erwin.

The first publication attracted healthy critical commentation from many quarters, two of which stand out in particular:

The first comprised a group of reviewers from the Muslim Student Association (Persian speaking group) of the U.S.A and Canada, whose constructive suggestions amply contributed to eliminate shortcomings and inaccuracies so common in translation.

The second was Dr. M.Golshani of the Islamic Propagation Organization and also a faculty member of the Sharif University of Technology, Tehran. His painstaking pinpointing of the many imperfections in the translation and interpretations of the rulings in the first edition were most encouraging and vital in rendering this second edition into an exact translation, far from the interpretative tone of the first.

Our debts go beyond this to the many persons through whose collective effort the publication of this second edition was made possible. It is our sincere hope that this

new edition will enable our Muslim brothers and sisters to understand and follow the rulings therein correctly.

International Relations Department
Islamic Propagation Organization.

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Introduction

Every leading *mujtahid* who qualifies to be an example and guide for Muslims has produced a treatise like *Taudhih-al-Masa'il*. Each book is basically the same in subject matter and format. They vary only in details of some practical rulings. *Taudhih-al-Masa'il* is a treatise of practical laws that Imam Khomeini has reviewed and given his stamp of approval. This book is a selective condensation and interpretative translation of his treatise.

We have tried, whenever possible, to retain the same format as is in *Taudhih-al-Masa'il*. This way, if readers have questions, they may refer back to the original with some hope of finding the corresponding section. It was necessary to alter the order in some instances, however, so that rulings on a common subject could be grouped together. For the sake of clarity, some rulings have been either broken down into two or more or combined when translated. In any case, the number of the corresponding ruling in *Taudhih-al-Masa'il* has been placed in parenthesis at the beginning of each ruling.

In *Taudhih-al-Masa'il*, there are about 3,000 rulings on different subject matters and *Practical Laws* contains only a fraction of those. The laws that have been omitted fall into three categories. The first includes ruling on subjects, such as inheritance, that are often highly technical and difficult

to interpret. Most persons needing help in these areas should consult either a *mujtahid* or an expert who can help him to understand these rulings. The second category is of subject matters that do not really apply to life today or that apply only to highly specialized or rarely needed areas. The last group is of rulings that are recommended acts rather than compulsory ones. While we would have liked to include more of these, we decided that we should use our limited space to cover more compulsory rulings in different areas. This way, the Muslims using this book will at least have the basics of behavior to use as reference.

Readers will find that in several places they are advised to refer to other books or back to *Taudhih-al-Masa'il*. Such references are a clue that the subject matter had become either not very relevant or too complex for most persons and was, therefore, left out. Most references to *Taudhih-al-Masa'il* were made by the present translators, but any reference to another book was translated directly out of *Taudhih-al-Masa'il*. In *Practical Laws*, we have retained usage of many Arabic terms. Our motive in doing so was to familiarize readers with those words that are most commonly used and understood by Muslims of all nationalities. Any Arabic word that is used consistently is defined in parenthesis after its first usage. Its English equivalent is not used thereafter unless, as in rare cases, awkward sentence structure or confusion necessitates it. In any case, readers may always refer to the glossary for the meaning of any Arabic term if they cannot find its definition in the text.

In some places, such as for prayer and the vows of marriage and divorce, it was necessary to transliterate entire sentences of Arabic. If it becomes necessary for a reader to use these transliterations, we advise him to seek the help of a person who speaks Arabic before he formally recites them. It is extremely important that the procedures for marriage, divorce and prayer be done correctly, for errors in recitation can render vows and prayers invalid.

In the original translation of *Taudhih-al-Masa'il* Sayyid Shushtary added footnotes giving the differing points of view of other leading *mujtahids*. We have dropped these rulings for two reasons. First, it was not possible for us to

obtain different rulings on the areas that we added. Also, the choices given to the reader lead him to pick and choose those rulings that best fit his situation at the time. As we read in Chapter 1 on *taqlid*, we must never do this unless our Islamic training and knowledge is so great that we are confident of our ability to judge. A reader who must rely on this book because he cannot read the Arabic text, does not qualify to be such a judge. We have, thus, dropped the footnotes so that we will not lead Muslims to deviate from this rule.

Finally, readers should keep in mind that *Taudhih-al-Masa'il* is not a "how-to" book for those who are just learning about Islam. It is, rather, a guide for established Muslims to use to improve their practice of everyday acts and for reference in less common matters of usage. For this reason, *Taudhih-al-Masa'il* and *Practical Laws* may assume a reader's basic knowledge of Islam when giving a ruling on a particular subject. If a reader finds that he lacks that basic knowledge, it is best that he seek the guidance of someone who does. This way, *Practical Laws* will hopefully serve only to enlighten his path rather than cause him to sink further into confusion.

We hope that, with the help of the Almighty, this work can serve as a stepping stone for English-speaking Muslims as they travel the straight path to Allah. May Allah guide our readers and all Muslims, and bless our leader, Imam Khomeini, with good health and a long life so that we may continue to benefit from his guidance.

1

Following (*Taqlid*)

- A. (1) A Muslim must accept the fundamental principles of Islam (*usulud-din*) with reason and faith and must not follow anyone in this respect without proof and conviction.
1. On the divine practical laws of Islam (*ahkamud-din*) one must be either a *mujtahid* (authority), so that one may be able to exercise independent judgement (*ijtihad*) based on reasoning. Or, one must be confident enough in one's ability to cautiously judge between rulings of different *mujtahids* (for example: If one *mujtahid* forbids an act and others do not, one must refrain from committing that act, or if *one mujtahid* makes an act obligatory and others only recommend it, one must perform that act).
 2. If one is not a *mujtahid* and does not have such confidence in himself, then one must follow a (*taqlid*) of a particular *mujtahid* and act according to his rulings.

B. (2) A *mujtahid* who qualifies to be followed by the people must possess the following attributes:

1. He must be male.
2. He must have attained maturity.
3. He must be sane.
4. He must be living.
5. He must be Shiite.
6. He must not be illegitimate by birth.
7. He must be just.
8. It is a necessary caution (*EHTIAT-e-WAJIB*) that he must also:
 - a. Not be materialistic or eager to secure worldly gain.
 - b. Be the most learned of the contemporary *mujtahids*.

C. (5) There are four methods of obtaining a *mujtahid's* rulings

1. Hearing them from the *mujtahid* directly.
2. Hearing them narrated by two just persons.
3. Hearing them from an honest, trustworthy person.
4. Seeing them written in a reliable treatise.

D. (11) One must learn the rulings of those religious matters which affect one's day to day life.

2

Cleanliness (*Taharah*)

A. Unclean substances (*Nejasat*)

1. Some substances are inherently *najis* (unclean).
The most important ones are:
 - a. (84) The urine and feces of human beings and of animals whose flesh is *haram* (forbidden) for consumption and whose blood gushes out when its blood vessels are cut.
 - b. (87) The semen of any animal whose blood gushes out.
 - c. (88) The carcass of any animal whose blood gushes out and who has died naturally or has not been slaughtered Islamically (see ch. 18).
 - d. (96) The blood of a human being and any other animal whose blood gushes out.
 - 1) (97) If an animal whose meat is *halal* (lawful) is slaughtered Islamically and bleeds normally, the blood remaining in the body is *tahir* (clean).

- e. (105) Dogs and pigs, including their hair, bones, claws and sweat. Seadogs and pigfish do not fall in this category.
 - f. (106) All parts of the body of a *kafir* [any person who denies the existence of Allah (an atheist), who brings a partner for Him or who denies the prophecy of Muhammad (peace be upon him)].
 - g. (111, 115) All alcoholic beverages.
2. Rules About *Nejasat*
- a. (125) If a *tahir* object comes into contact with a *najis* object, and if both or either of them is wet such that its wetness comes into contact with the other one, the *tahir* object will become *najis*.
 - b. (103) If any amount of blood substance falls into a pot of boiling food, all of the food and the pot will become *najis*. Heating or boiling it will not make it *tahir*.
 - c. (141) Eating or drinking anything *najis* is *haram*.

B. Purifying agents (*Mutaharat*)

1. Water

- a. (149) Water is a purifying agent if it meets the following requirements.
 - 1) It is pure (only) water. Liquids such as juices, etc. are not considered purifying agents.
 - 2) It is *tahir*
 - 3) The *najis* substance must not alter the taste, smell or color of the water.
 - 4) The *najis* substance must not remain in the water:
- b. Five types of water are considered pure:
 - 1) (16) A *kur* (384 liters or 102 gallons) or more of water.
 - a) (17) If a *najis* substance or object comes into contact with a *kur* of water and does not alter its smell, taste or color,

the water has remained pure and *tahir*.
(Translator's note: Such water may be used again to make an object that has become *najis tahir*.)

- 2) (25) Less than a *kur* of water that does not flow out of the ground.
 - a) (26) If a *najis* substance or object comes into contact with such water, the water will become *najis* and may not be used again.
- 3) Running water
 - a) (28) This is water which flows out of the ground, such as a spring or canal.
 - b) (29) Running water, even though less than a *kur*, which comes into contact with a *najis* substance remains *tahir* as long as its taste, color and smell do not change.
 - c) (35) If the source of tapwater is a *kur* or more of water, it is considered to be running water.
- 4) Rain
 - a) (37) Rain falling on something that has become *najis* (and does not contain an inherently *najis* substance) will make it *tahir*.
 - b) (40) Running rain water, if used while it is still raining, will make *najis* earth *tahir* as it flows over it.
 - c) (42) A pool of rain water that is used while it is still raining, may be used to make an object that has become *najis tahir*, even though it is less than a *kur*, as long as the taste, smell and color of the pool remains unaltered.
- 5) Well water
 - a) (44) Well water that flows out of the ground, even though it is less than a *kur*, will remain pure after contacting a *najis* substance or object if its color, taste and smell remain unaltered.
 - c) Rules on using pure water:
 - 1) (150) The object that has become *najis* must be rinsed three times with water which is less than a *kur*. In a *kur* or running water, one rinse is sufficient.
 - 2) (170) The *najis* substance must be removed

- from the object before it is rinsed to be made *tahir*.
- 3) (51) If one cannot determine whether or not a liquid is solely water or has been mixed with another liquid, he should not use it to make things *tahir* or for *ghusl* or *wudhu* (see ch. 3 and 4).
 - a) (51) If the volume is more than a *kur* and this liquid comes into contact with a *najis* substance or object, it will not become *najis* unless its taste, color or smell is altered.
 - 4) (50) If one has had pure water and cannot determine whether or not it has become mixed with another liquid, it should be considered pure.
 - 5) (50) If one has another liquid and cannot determine whether or not it has become pure water (through mixing with enough pure water so that the taste, smell and color of the pure water is not altered), consider it to be a liquid.
 - 6) (55) If one had *tahir* water and cannot determine whether or not it has become *najis*, consider it *tahir*.
 - 7) (55) If one had *najis* water and cannot determine whether or not it has become *tahir*, consider it to be *najis*.
 - 8) (56) Food and water that have been partially consumed by a dog, pig or *kafir* are *najis* and eating them is *haram*.
 - 9) (150) If a dog licks a vessel or drinks water or any liquid from it, first it should be rubbed with clean earth and then it should be made *tahir* by rinsing it twice with water.
 - 10) (226, 230) Eating and drinking from a gold or silver vessel is *haram*. There is no objection if the vessel is only gold or silver plated.
 - 11) (216) If the mouth or gums bleed and the blood becomes dissolved in the saliva, the mouth will remain *tahir*. However, den-

tures, etc. should be made *tahir*.

2. The Ground

- a. (183) This can be used to make the soles of the feet or shoes *tahir* if:
 - 1) It is *tahir* itself.
 - 2) It is dry.
- b. (183) If the soles of the feet and shoes become *najis* by walking on *najis* ground, it is possible to make them *tahir* by walking on *tahir* and dry ground until the *najis* substance is removed from them. There is no need to clean or wash them if the shoes become *najis* in some manner other than by walking on *najis* ground, walking will not make them *tahir*.
- c. (183,84) Ground is defined as soil, stones or brick. Asphalt, grass, carpet, wood and such is not considered to be ground.
- d. (185) It is recommended to walk 15 steps or more to assure that the shoes have become *tahir*.

3. Sunshine

- a. (191,92) If immovable things like the ground, buildings, doors, windows, trees and plants become *najis*, they will become *tahir* provided that the dampness of the *najis* spot becomes dry by the direct and continuous rays of the sun, without the aid of wind, etc.
 - b. (191-92) The *najis* substance must be removed first and the sun must not shine through anything such as a curtain or clouds.
4. (195) A *najis* object or substance becomes *tahir* by a change of state (chemical change *estehaleh*). For example, *najis* wood can be made into *tahir* ashes through burning. *Najis* wine can be changed into *tahir* vinegar through fermentation. Flour, however, made from *najis* wheat is *najis*. The cleanliness will not be achieved if the state or chemical nature is not changed. For example, flour, or bread, made from *najis* wheat is not *tahir*.
5. (207) When a *kafir* accepts Islam, he becomes *tahir*.

C. Elimination

1. (59) During elimination, one should not be directly facing or have his back towards *qiblah* (see glossary).
2. (65) Under most conditions, the site of defecation (the anus and the area surrounding it) may be made *tahir* through the use of paper, cloth, stone, etc., although rinsing with water is preferable. There are three circumstances under which one must use water to make the site of defecation *tahir*
 - a. When other *najis* substances, such as blood are present with defecation.
 - b. When the site of defecation has become *najis* for some other reason.
 - c. When the site of defecation has become more soiled than usual by the feces.
3. (66) Only water may be used to make the site of urination *tahir*. Once the urine has been removed, one rinse is sufficient to make the site *tahir*.
4. (67) Once fecal matter is removed from the site of defecation, one rinse is sufficient to make the site *tahir*. However, if one can remove all the fecal matter in one rinse, that rinse is sufficient to make the site *tahir* also.
5. (68) If one uses only paper, cloth, stone, etc. to clean the site of defecation, it is questionable whether the site is *tahir* or not, however, one may pray in this condition and if something comes into contact with the site of defecation, it will not become *najis*.

3

Ablution

(Wudhu)

A. Procedure for *wudhu*

1. (236) In performing *wudhu*, after making intention, the face, the right hand and then the left hand should be rinsed and then the top part of the head and the upper part of the feet should be wiped. All these actions must be done in corresponding order (*tartib*).
2. (237,248) The face must be rinsed first by taking water in the hand and wiping over the face with it beginning at the forehead and wiping downward to the chin. One must wet all areas from hairline to chin and in breadth from the tip of the thumb to the tip of the middle finger. This can be done no more than twice.
3. (245,248) Next one must rinse the right forearm from just above the elbow by taking water in the left hand and wiping all areas downward to the fingertips. This may be done no more than twice.
4. (245) Repeat for left forearm using the right hand.

5. (249-51) Using the hand, already moistened from previous steps, wipe the top of the head from the back part to the hairline with the middle fingers. Do this only once. One must endeavour to touch the scalp while doing this (example: part very long hair).
6. (252) After wiping over the head, the right and then the left foot must be wiped from the toe-tips to the upper part of the foot with fingers wetted with *wudhu* water remaining on the hands.
7. (256) Parts of the body that are wiped during *wudhu* must be dry before beginning *wudhu*.
8. (257) If water on one's hand is not enough to wipe the head and feet, one must use the water of *wudhu* remaining on one's face or arms to make one's hands wet. No other water may be used to wet one's hands for this step.

B. (265-98) Conditions for valid *wudhu* are as follows:

1. The water must be *tahir*.
2. The water must be pure.
3. The water and the place where *wudhu* is being made must not be stolen or belong to one who has not given permission to use it.
 - a. (270) Non-residents of educational institutions, arcades and hotels may perform *wudhu* using water belonging to these places provided it is usually used by non-residents.
4. The vessel holding the water must not be stolen or belong to one who has not given permission to use it.
5. The vessel must not be gold or silver.
6. The parts of the body that are subject to *wudhu* must be *tahir* at the time of *wudhu*. If any part of the body other than those subject to *wudhu* is *najis*, the *wudhu* is valid, but for prayers the *najis* parts must be made *tahir*.
7. (280) There must be ample time for both making *wudhu* and prayer. If there is not enough time, one must make *tayamum* (see ch. 5) instead, unless

he takes the same amount of time to do *wudhu* and *tayamum*, in which case he must do *wudhu*,

8. *Wudhu* must only be performed for the sake of Allah and not for washing one's face, etc. Doing *wudhu* for any reason other than remembrance of Allah invalidates it.
9. The steps of *wudhu* must only be done in the prescribed order.
10. *Wudhu* must be a continuous process.
 - a. (283) If, in the course of performing *wudhu*, a time gap occurs such that before continuing *wudhu* on the next section, the water on the section that has just undergone *wudhu* dries, then the entire *wudhu* is invalid. However, if the water on other sections has not dried, the *wudhu* is valid. For example, if at the time of rinsing the left arm, the water on the right arm has dried but the water on the face has not dried then, the *wudhu* is valid.
11. *Wudhu* must be performed by one's self, unless one is too seriously ill to do it alone.
12. The use of water must not be harmful to the individual in any way.
13. There must be no barrier between the water of *Wudhu* and the skin (example: rings or nail polish).

C. (316) Acts which Require *wudhu*

1. Obligatory Prayers (except prayer for a corpse-p.38).
2. If one must make up a missing or forgotten *tashahud* or *sajdah* and has lost his *wudhu*, he must do *wudhu* again.
3. *Hajj* (see ch. 10).
4. Having made a vow or oath to do *wudhu*.
5. Having made a vow or oath to touch the writings of the Quran with any part of the body.
6. Touching the names of the Almighty Allah in any language.

- D. (317) It is *haram* for someone who does not have *wudhu* to touch the writing of the Quran. There is no

objection to touching a translation of the Quran in any language.

E. (323) Things Which Invalidate *wudhu*

1. Urination.
2. Defecation.
3. Flatulation (passing gas).
4. Falling asleep such that the eyes do not see and the ears do not hear. However, if the eyes do not see, but the ears hear, the *wudhu* is valid.
5. Insanity, being under the influence of something which impairs one's senses, and unconsciousness.
6. *Istehadha* (see ch. 4).
7. Those things which necessitate *ghusl* (see ch. 4).

F. Splint *Wudhu*

1. (324) If there is a wound, boil or fracture on the face or arms which is not covered, and if contact with water is not harmful to it, then *wudhu* should be performed as usual.
2. (325) If the wound is on the face or arms (rinsing areas) and it is uncovered and water is harmful to it, then it is sufficient to rinse around the wound and avoid rinsing the wound itself.
3. (325,326) When the wound is on the head or feet (wiping areas) and is uncovered, if water is harmful to it, one should place a clean and *tahir* cover over it and wipe the cover during *wudhu*. He should then do *tayamum*. If one cannot use a cover to wipe over, he should do *tayamum* instead of *wudhu*.
4. (327) When the wound is covered, whether on the face, hands, head or feet, and water is not harmful to it, if possible the wound should be uncovered and *wudhu* be made as usual.
5. (329) When the wound cannot be uncovered:
 - a. If water is not harmful to it, the wound should be rinsed to be made *tahir* (if it is *najis*) and water should reach the wound at the time of *wudhu*.

- b. If water is harmful to it or the wound is *najis* and cannot be rinsed to be made *tahir*, one should rinse around the wound during *wudhu*. If the cover is *tahir*, it should be wiped over. If the cover is not *tahir* or cannot be wiped (example: When an ointment covers the wound a *tahir* cover should be placed over that cover and then this *tahir* cover should be wiped during *wudhu*).
- c. If even (b) is not possible, one should do as much *wudhu* as is possible and then do *tayamum*.
-

4

Obligatory Bathing (*Ghusl*)

A. Conditions requiring *ghusl*:

1. Sexual pollution (*janabah*).
2. Touching a human corpse (*massul-mayyit*).
3. Preparation for burial (*mayyit*).
4. Fulfillment of a vow or oath to Allah (see ch. 20 and 21).
5. Three apply only to women:
 - a. Menstruation (*haydh*).
 - b. Bleeding after childbirth or abortion (*nifas*).
 - c. Irregular or breakthrough bleeding (*istihadha*).

B. *Janabah* (Sexual Pollution)

1. (345) This type of pollution is caused by sexual intercourse (with or without ejaculation) or by seminal discharge while asleep or awake.
2. (355) While in this state, the following are *haram*:
 - a. Touching the writing of the Quran, the names of Allah, the Holy Prophets and Imams (peace be

- upon them).
- b. Entering Masjidul-Haram (Sacred Mosque in Mecca) and Masjidul-Nabi (Prophet's Mosque in Medina) or even passing through them.
 - c. Remaining in other mosques or shrines of the Holy Imams (peace be upon them). There is no objection to passing through them.
 - d. Leaving anything in a mosque.
 - e. Reciting all or part of any *surah* (chapter) of the Quran which has an *ayah* (verse) requiring the act of prostration. These *surahs* are 32, 41, 53 and 96.
3. (357) This type of *ghusl* is always recommended as a voluntary act of worship, but is compulsory to perform before praying.
 4. (391) After performing this *ghusl* it is not necessary to perform *wudhu* before praying.

C. *Haydh* (Menstruation)

1. (440) The normal menstrual period is defined as being three to ten days in length.
2. (450) Acts that are *haram* for a menstruating woman.
 - a. Reciting any prayers requiring *ghusl* or *wudhu*.
 - b. (1579) Fasting.
 - c. All those things which are *haram* for a sexually polluted person.
 - d. Sexual intercourse during menstruation is *haram* for both husband and wife.
 - 1) (452) Persons breaking this rule must pay atonement as follows:
 - a) If it occurs during the first third of the period, about three grams (18 *nukhods*) of gold must be given to a poor person.
 - b) In the middle third, about 1.5 grams (9 *nukhods*) of gold.
 - c) In the last third, about. 75 grams (4.5 *nukhods*) of gold.

- 2) (456) If it occurs more than once, the amount must be cumulative.
- 3) (461) If it is not possible to pay the entire atonement, one must pay as much as possible in charity. If he cannot pay anything, it is a necessary caution he must ask Allah for forgiveness.
3. (462) If a woman is divorced while she is menstruating, the divorce is invalid (see ch. 17).
4. (464) If a woman's period begins while she is praying, that prayer is invalid.
5. (466) After a woman's period has ended, she must make *ghusl* before she resumes praying or doing any act that is *haram* for her during menstruation. This *ghusl* must be accompanied by *wudhu* before praying.
6. (467) After a woman's period has ended, divorce and sexual intercourse are permitted before making *ghusl*. However, it is recommended that sexual intercourse be done after making *ghusl*.
7. (469) Daily obligatory prayers not performed during the menstrual period need not be made up afterward. However, any obligatory fast not observed during this period must be made up.
8. (503) If a woman who normally menstruates once a month has what seems to be two periods in one month, she must accept both as normal if they are separated by ten or more days.
 - a. (507) If a woman stops praying or fasting because she believes that she is menstruating and later finds that it was not a normal period, she must make up any missed prayers and fasts.
 - b. (507) If a woman prays or fasts when she believes that she is not menstruating and later discovers that she was, the prayers and fasts are invalid and the fasts must be made up.

D. *Nifas* Bleeding After Childbirth or Abortion

1. (508) The minimum duration of *nifas* is very short

and its maximum duration is ten days (any bleeding that occurs after ten days is considered to be *istehadha*, unless it is a menstrual period). The rules applying to a woman in the state of *nifas* are the same as those of a menstruating woman.

2. (509) Bleeding that occurs before childbirth and abortion is not considered to be *nifas*.

E. *Istehadha* (Irregular or Breakthrough Bleeding)

1. (393) Types of *istehadha*.
 - a. Slight spotting.
 - b. Light flow.
 - c. Heavy flow.
2. (394) For slight spotting, a woman must make *wudhu* for each prayer.
3. (399) For a light flow, a woman must perform *ghusl* before the first prayer said after observing the flow and also for the first prayer of everyday for as long as the flow lasts. She must also make *wudhu* before each prayer.
4. (396) For heavy flow, she must make one *ghusl* for *fajr* prayer, one for *zohr* and *asr* prayers and one for *maghrib* and *isha* prayers. There should not be any time gap between *zohr* and *asr* and *maghrib* and *isha* prayers. If there is a time gap she should make one *ghusl* for *asr* and one *ghusl* for *isha* prayers also. She also needs *wudhu* for each prayer.
5. (394,396) Before performing any prayers, a woman in *istehadha* must make sure that her body and garments are *tahir*.
6. (418) A woman in *istehadha* is permitted to fast, but if she requires *ghusl* to pray, she must also perform it before beginning her day's fast. She must also perform all other required *ghusls* as needed.
7. (420) If the state of *istehadha* changes, she must also change her *wudhu* or *ghusl* as necessary.
 - a. (421) If the flow changes from light to heavy during the prayers, she must stop praying and make *ghusl* and *wudhu* before repeating that prayer.

8. (427) A woman who is spotting must make a separate *wudhu* for any action requiring *wudhu*, such as touching the Quran. Her *wudhu* for prayers is not sufficient.
9. (432) If a woman in *istihadha* is making up defaulted prayers, she must be sure to observe the rules for those prayers according to her flow (example: If she is making up *zohr* and *asr* prayers and her flow is heavy, she must do a *ghusl* beforehand).

F. *Massul-mayyit* (Touching a Human Corpse)

1. (521,528) If a person touches a human corpse after it has grown cold and before it has been given *ghusl-mayyit*, he must make *ghusl-massul-mayyit*. The same applies if he touches any part of the body which contains bone and which has been amputated from the living body. This rule applies whether or not the act of touching was intentional or unintentional or whether one was asleep or awake.
2. (524) Touching the corpse of a child, even of an aborted fetus of four months or more, makes *ghusl* necessary. The mother of the aborted fetus must also perform *ghusl-massul-mayyit*. The above *ghusl* is also recommended, but not required, for an aborted fetus of less than four months.
3. (531) If a person touches several dead bodies, or touches one body several times, only one *ghusl* is necessary afterward.
4. (532) This *ghusl*, followed by *wudhu*, must be performed before praying. However, entering a mosque, sexual intercourse and reading the Quran are permitted before performing *ghusl-massul-mayyit*.

G. Methods of *Ghusl*

1. (360) There are two methods of *ghusl*, systematic and immersion.

2. (361,363) Systematic *ghusl*: With the intention of making *ghusl*, the water must first flow over the head and neck, second, over the right side of the body, and third, over the left side of the body. In order to assure that each of the three parts has been rinsed completely, an overlapping portion of the adjacent parts should also be rinsed while rinsing one part. If one doesn't follow the prescribed order, whether intentionally or not or because he does not know the ruling, his *ghusl* will be invalid.
3. (367) Immersion *ghusl*: In this *ghusl*, with the intention of making *ghusl*, the whole body must be immersed in water after making intention. If one intends to make immersion *ghusl* after he has already entered the water, he must do so by moving his body in water.
4. (372, 377) When making *ghusl*, the whole body must be made clean and free from *najis* substances. Also, anything which prevents water from reaching the skin directly must be removed.
5. (374) While making *ghusl*, it is essential that water reach all parts of the body. If a minute area is not rinsed, the *ghusl* is invalid. It is not necessary to rinse inside organs such as the ear or nose since they are considered to be interior organs.
6. (380) Conditions of valid *ghusl* are basically the same as for valid *wudhu* (see ch.3, sec.B).

H. *Ghusl-mayyit* (Bathing the Corpse)

1. (533) If it is possible, a dying Muslim should be placed as much as possible on his back, with the soles of his feet facing Qiblah (*see glossary*).
2. (542) Administering *ghusl*, shrouding, prayer and burial for the deceased Muslim is obligatory for every matured Muslim. As soon as these duties are performed by some, they no longer remain obligatory to other Muslims. If no one performs these duties, all will be sinning. (Translator's note: This lifting of obligation on one Muslim when the act is

- performed by another is called *wajibu-kifa'i*.)
3. (558) An aborted fetus of four months or more must be given *ghusl-mayyit*. If it is of less than four months, it must only be shrouded and buried.
 4. (550,551) It is obligatory to give three *ghusls* to the corpse. First, with water mixed with lotus leaves. Second, with water mixed with camphor. Third, with plain water. The amount of lotus leaves and camphor must not be so much as to make the water impure.
 5. (556) One who performs *ghusl* on the corpse must make intention for the sake of nearness to Allah before he begins.
 6. (559,560) Males should not perform *ghusl-mayyit* on females over age three and vice-versa. This is allowed in the case of a husband and wife, but it is not recommended.
 - a. (561) If no person of the same sex is available to perform *ghusl*, a related person of the opposite sex who is *mahram* to *mayyit* may perform it. In this case, the *ghusl* must be performed under a covering placed over the body.
 - b. (563) In all cases, the genital area must be covered, as looking upon this area is *haram*.
 7. (567) It is a necessary caution that one should not receive payment for performing *ghusl-mayyit*.
 8. (585) After performing *ghusl*, it is obligatory to perform *hunut* (rubbing the corpse with camphor on the forehead, palms, knees and the big toes). The camphor should be freshly ground and full of fragrance.
 9. (570,71) Shrouding: A corpse must be covered with three pieces of cloth. The first must reach from the navel to the knees, the second, from the shoulders to the shins and the third must cover the entire body.
 - a. (579) The shroud must not be usurped. If it is, it must be removed from the body, even if this requires exhumation of the corpse.
-

I. Prayer for a corpse

1. (594,95) After performing *ghusl*, *hunut* and shrouding, it is obligatory to perform prayer for the corpse.
 - a. If the prayer is performed at any other time, it is invalid
 - b. If the deceased is six years or more of age and is Muslim or has at least one Muslim parent, the prayer for a corpse is obligatory.
2. (596) It is not necessary for a person offering prayer for a corpse to have performed *ghusl*, *wudhu*, or *tayamum* or to have *tahir* clothes or body.
3. (597) At the time of prayer, one who offers the prayer must face *qiblah* and the corpse should be laid on its back in front of him in such a way that its head is on the right side of the person offering the prayer and the legs on the left side of him.
4. (603) The prayer for a corpse is said in a standing position and has five *takbirs* (*Allahu akbar*). One may offer this prayer as follows:
 - a. First, make intention:
 - b. Say *takbir*, then say:

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ

Ashhadu an la ilaha illallah, wa anna Muhammadan rasulullah (Allah is great. I bear witness that there is no god except Allah and I bear witness that Muhammad is His messenger).
Say *Takbir* a second time and say:

اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ

Allahumma salli ala Muhammadin wa ali Muhammad (Allah is great. O, Allah, bestow your blessing on Muhammad and his family).
After saying a third *takbir*, say:

اللَّهُمَّ اغْفِرْ لِلْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ

Allahummaghfir lil-mu'minina wal-mu'minat
(Allah is great. O, Allah, grant pardons to the faithful men and women).

Say *Takbir* a fourth time and say:

اللَّهُمَّ اغْفِرْ لِهَذَا الْمَيِّتِ
اللَّهُمَّ اغْفِرْ لِهَذِهِ الْمَيِّتِ

Allahummaghfir linadhal-mayyit (for a man) or
Allahummaghfir lihadihihil-mayte (for a woman)
(Allah is great. O, Allah, grant a pardon to this deceased).

Say a final *takbir*.

J. Burial of the Corpse

1. (613) It is obligatory, after offering prayer for a corpse, to bury the corpse deeply enough in the ground so that the odor will not emanate from the grave and animals cannot unearth the corpse.
2. (615) The corpse must be laid in the grave on its right side so that the whole front of the body faces the *qiblah*
 - a. (616) If someone dies aboard ship and the corpse cannot be stored without decaying, it should be prepared for burial and then weighted down so that it will sink to the bottom when thrown overboard. If the corpse can be stored without decaying, it should be kept until the ship reaches shore and buried in the ground.
3. (634,636) A mourner must not injure himself in any way, such as scratching his own face, etc. In some cases, atonement is necessary for this act. For rules concerning this, refer to *Taudhih-al-Masa'il*.
4. (641) Exhuming the body of a Muslim, even of a child or an insane person is *haram*, except in excep-

tional circumstances (refer to *Taudhih-al-Masa'il*).

- a. (641) Exhumation is permitted if the body has entirely decomposed.
 - b. (643) If the land for the grave or if anything on the corpse is usurped and one cannot convince the owner to either accept compensation or to give up his property, the body must be exhumed.
5. (642) Exhuming the bodies of the offspring of the Imams, martyrs, learned men of religion (*ulama-ud-din*) and pious men is not permitted, no matter how many years have elapsed since their death.

5

Dry Ablution

(Tayamum)

- A. (648) In the following cases, *tayamum* must be performed instead of *ghusl* or *wudhu*:
1. (648) When *tahir* and lawful water is not available.
 2. (669) When the use of water is harmful to one's body.
 3. (678) When the time is short that all or part of one's prayers will be defaulted if *wudhu* or *ghusl* is performed.
 4. (674) When the available quantity of water is only sufficient for quenching thirst or for making one's clothes or body *tahir*.
 5. (677) When using the water or its vessel is *haram*, e.g.; both the water and vessel are usurped.
- B. (684) *Tayamum* should be done on clean earth. If this is not possible, use sand, dirtclods, stone, mud, bricks or limestone (in the order of availability).
1. (694) The substance used for *tayamum* should not

be usurped.

- C. (700) *Tayamum* must be done in the following method:
1. After making intention, strike both palms simultaneously upon something on which *Tayamum* can be performed. (see.B)
 2. Then run both palms together from the hairline of the forehead to the eyebrows.
 3. Then run the left palm down the back of the right hand (from wrist to fingertips), and next repeat this with the right palm on the left hand.
- D. (701) The above method for *tayamum* is the same for both *wudhu* or *ghusl*.
- E. (702) If any part of the body that must be covered by *tayamum* is left untouched, the *tayamum* will be invalid.
- F. (705) When making intention one should specify whether the *tayamum* is being done in place of *wudhu* or *ghusl*. When it is in place of *ghusl*, he should specify which *ghusl*.
1. If by mistake one does *tayamum* for *ghusl* when it should have been for *wudhu* or vice-versa, or when he should have done *tayamum* for one *ghusl* and he does it for another, his *tayamum* is invalid.
- G. (719) If for any reason one performs *tayamum*, when that reason no longer exists, the *tayamum* is invalid.
- H. (720) All the things which invalidate *wudhu* will invalidate a *tayamum* done in place of *wudhu*. Also, all the things which invalidate a *ghusl* will invalidate a *tayamum* done in place of *ghusl*.

- I. (721) When several *ghusls* are required and one cannot perform *ghusl*, one should do one *tayamum* for every *ghusl* that is required.
- J. (723) When a *tayamum* is done for *ghusl-janabah*, it is not necessary to make *wudhu* for prayers. However, with *tayamums* done for all other *ghusls*, *wudhu* is required before praying. And if one cannot make *wudhu* he should do a *tayamum* for the *wudhu*.



6

Prayer

(Salah)

- A. Prayer is the most important of all acts of worship. If one's prayer is accepted, his other acts will also be accepted. If not, other acts will not be accepted. One who prays should repent of his sins, ask Allah for forgiveness and refrain from committing acts which will keep his prayers from being accepted by Allah (such as being jealous or prideful, gossiping, eating what is *haram*, drinking alcoholic beverages, not giving *khums* and *zakat*) and should refrain from committing all sins. One should also refrain from acts which reduce the value of prayer such as praying while sleepy or in need of using the restroom, or being distracted while praying. The devotee should instead do things which increase the value of prayer, such as wearing clean clothes, using perfumes, brushing one's teeth and hair.
- B. There are six types of obligatory prayer:
1. Daily prayers.
 2. Signs prayer.

-
3. Corpse prayer.
 4. *Hajj* prayer (obligatory prayer of circumambulation).
 5. Prayers that were omitted by parents that become obligatory to their eldest son upon their death.
 6. Prayers that one has made a vow or oath to perform.

C. Daily Obligatory Prayers

1. (731) *Zohr* (noon) prayer, which is four *rakaats* (units) and which must be said between high noon and the amount of time required to do the *asr* prayer before sunset. Therefore, if it takes ten minutes to do the *asr* prayer, *zohr* prayer must be done between high noon and ten minutes before sunset.
2. (731) *Asr* (afternoon) prayer, which is four *rakaats* and which must be said after *zohr* prayer and before sunset.
3. (736) *Maghrib* (evening) prayer, which is three *rakaats* and which must be said after the reddish glow of sunset has disappeared from the eastern sky and before the amount of time required to do the *isha* prayer before midnight (as for *zohr* prayer).
4. (736) *Isha* (night) prayer, which is four *rakaats* and which must be said after *maghrib* prayer and before midnight.
5. (741) *Fajr* (morning) prayer, which is two *rakaats* and which must be said between the first light of dawn and just before sunrise.

D. Rules on Timings for Prayers

1. (751) It is highly recommended that prayers be recited at earliest allowed time.
2. (754) If the time of prayer is ample, and a creditor demands his claim, one must first pay his debt and then say his prayers, if it is possible. Also, if an urgent obligatory work becomes necessary (example: cleaning a mosque that has become *najis*), one

should do the job first and then pray.

- a. If one prays first, his prayer will be valid, but he will be sinning.
3. (755) Prayers must be said in sequence, that is, *fajr* before *zohr*, *zohr* before *asr*, etc. If they are intentionally said out of sequence, they are invalid.

E. Rules about *Qiblah*

1. (776) The *ka'bah*, which is situated in the holy city of Mecca, is the *qiblah* (facing direction). One must face *qiblah* while praying, even though one may be far from it, by praying in what is generally considered to be *qiblah* by those Muslims in the area.
 - a. (784) If one cannot discover which way is toward *qiblah*, he should pray to all four compass points if he has time. If he doesn't have time, he should decide on one direction and pray that way.

F. Rules concerning clothes of devotee.

1. (798) Clothing worn by a devotee must satisfy the following conditions:
 - a. One's body and clothes must be known to be *tahir*.
 - 1) (800) If one is not aware of this rule, and prays with *najis* clothes or body, his prayer is invalid.
 - 2) (801) If one doesn't know that some substance is considered *najis*, and he prays with it on his clothes or body, his prayer is invalid.
 3. (802) If one doesn't know that his body and clothes have become *najis*, and he prays and afterward realizes that his clothes or body were *najis*, his prayer is valid. It is recommended, however, that he repeat his prayer.
 - b. (815) It must not be usurped. If a devotee aware

of this rule prays with clothes bearing even a single usurped piece of thread or button, he must, (a necessary caution) repeat the prayer with unsurped clothes.

- c. (821-823) It must not be part of any dead animal whose blood gushes out. One must not as a necessary caution pray while wearing or carrying anything that is made from a dead animal whose blood does not gush out, such as a snake or fish. This excludes non-living tissues such as hair (wool) or horns.
- d. (824) It should not be part of any animal whose meat is unlawful.
 - 1) This includes the hair of an animal whose meat is unlawful (such as a cat or dog) which may be attached to a devotee while he prays.
- e. (831, 834) Clothing of a male devotee must not be made of gold or pure silk and he must not be wearing gold jewelry (during prayers or at any other time).
 - 1) (831,834, 838) This rule does not apply to women.
 - 2) (833) If a man does not know or forgets that his clothing is made of gold and prays with them, his prayer will be valid.
 - 3) (836) If a man does not know or is unsure of whether his clothing is made of silk or not, he may wear it and is permitted to pray with it.
- f. (849) Since the body and clothing of one who is about to pray must be *tahir*, clothing or bandages around a wound that is oozing must be changed or cleaned if possible. If this is difficult to do, he may then pray with the same bandage.
- g. (788) A man must not pray while naked. He must at least cover his genital area, but it is better if he covers from the navel to the knees.
- h. (789) A woman must cover her entire body, head and hair during prayer, except for the part of the face that is rinsed in *wudhu*, the hands up to the wrists, and the feet up to the ankles.

G. (866-92) Rules about the place of prayer.

- a. The place where a devotee prays must not be of illegally usurped property.
- b. Prayers must be said on solid earth and not on something such as shifting sands, a haystack or a waterbed that moves as one prays.

One should only pray in transit (on a train, plane, etc.) if it is not possible to do one's prayer on solid ground. If it is necessary to do one's prayer in transit, one must attempt to pray toward *qiblah*. If the position of the vehicle changes during prayer, one must change his position accordingly so that he always faces toward *qiblah*.

- c. The place of *sajdah* must be *tahir*. Other sites of prayer should be *tahir*, but if they are not, they should not be so much wet that the wetness be transferable to the devotee.
- d. At the time of *sajdah*, the place where one puts his forehead must not be lower or higher than the height of four closed fingers from where his knees and toes are placed.

2) The mosque

- a. (900) It is *haram* to contaminate the floors, ceilings, roofs and interior walls of a mosque.
- b. (900) If one know that some part of a mosque has become *najis*, he must clean it immediately.
- c. (912) Saying prayers in a mosque has many virtues and a Muslim should go to the mosque whenever possible.
 - 1) It is recommended to keep a mosque well lit.
 - 2) It is recommended that a man going to the mosque wear perfume.
 - 3) All persons should wear clean and neat clothes and check to see that his shoes are not *najis*.
 - 4) One should refrain from making the area dirty or from spitting or blowing one's nose

- in the mosque.
- 5) One should avoid sleeping in a mosque.
 - 6) One should pass his time worshipping with due attention to Allah and should refrain from disrespectful actions and nonsense.

H. Obligatory Acts of Prayer

1. (943) Intention (*niyyah*): To designate which prayer one is about to perform and that its purpose is solely to seek nearness to Allah.
 - a. (947) If prayer or any part of prayer is done for any reason other than seeking nearness to Allah the prayer is invalid.
2. (948) *Takbiratul-ihram*. Saying *Allahu Akbar* at the beginning of prayer.
3. (958) Standing erect (*qiyam*): One must stand erect while saying *takbiratul-ihram* and before *rukoo* (bowing).
 - a. (958) Standing while reciting the *surahs* and after *rukoo* is not *rukun* (see sec. F). Thus, if they are left out unintentionally, the prayer is valid.
 - b. (970-71) If illness or incapacitation makes it impossible even to sit, one may lay down, preferably with the soles of the feet facing *qiblah*.
4. (978.1005) Recitation: In the first two *rakaats* of prayer, one must first recite *surah al-Hamd* (*surah 1*) and then one other complete *surah*. In the third and fourth *rakaats*, one must recite either "The Four Praises" (see sec. H) or *surah al-Hamd*.
 - a. (980) If one intentionally recites another *surah* before *surah al-Hamd*, his prayer is invalid.
 - b. (980) If one unintentionally does this, and realizes his mistake while he is reciting the other *surah*, he must stop his recitation and begin again with *surah al-Hamd*.
 - c. (983) If, for his second *surah*, he recites any of those *surahs* that require mandatory prostration (*surahs* 32,41,53 and 96), his prayer is invalid.

- d. (992, 994, 1007) Men must audibly recite *surah al-Hamd* and the other *surah* in the first two *rakaats* of *fajr*, *maghrib* and *isha* prayers. Women may do so in whisper. But if a *ghayrul-mahram* (see glossary) who can hear them is present, they should recite in whisper (necessary caution). Both men and women must recite the *surahs* in the first and second *rakaats* of *zohr* and *asr* prayers in a whisper. Both men and women must also recite the recitations of their third and fourth *rakaats* in a whisper for all prayers.
- 1) (995) If one intentionally recites in a whisper when he should be reciting aloud, or aloud, when he should be reciting in a whisper, the prayer is invalid.
 - 2) (995) If the mistake was unintentional due to ignorance of the ruling, the prayer is valid.
5. (1022) *Rukoo* (bowing by bending at the waist until the hands reach the knees; see sec. L)
 6. (1045) *Sajdah* (prostration, see sec. M)
 7. (1028,1049) *Dhikr* (recitations said during *rukoo* and *sajdah*; see sec. K)
 8. (1100) *Tashahud* (witnessing): To be said after the second *rakaat* of all prayers and also after the third *rakaat* of *maghrib* prayer and the fourth *rakaats* of *zohr*, *asr*, and *isha* prayers (see sec. K)
 9. (1105) *Salam* (salutation to be said after the final *tashahud* in all prayers; see sec. K)
 10. (1108) *Tartib* (reciting all parts of the prayer in the prescribed order)' If one intentionally changes the order of his prayer the latter is invalid.
 11. (1114) *Muwalah* (observing the consecutive acts of prayer without any gaps in time).

I. Acts of Prayer (*Rukn*)

1. (942) Some of the obligatory acts are *rukn* (essential)

parts of prayer. If these parts are left out or added, whether intentionally or not, the prayer becomes invalid. These acts are as follows.

- a. Intention.
 - b. *Takbiratul-ihram*.
 - c. Standing erect during *takbiratul-ihram* and before *rukoo*.
 - d. *Rukoo*.
 - e. Two *sajdahs* in each *rakaat*.
2. (1109) If one forgets to do one *rukun* act and doesn't realize his omission until after he has begun the next *rukun* act, his prayer is invalid.
 3. (1110) If one forgets to do one *rukun* act and he realizes his error before he begins his next *rukun* act, and goes back and does the forgotten *rukun* act and then proceeds from there, his prayer will remain valid.
 4. (942) Other acts and recitations are not *rukun*. This means that if they are left out or added intentionally, the prayer becomes invalid, but if they are left out unintentionally, the prayer does not become invalid.
- J. (1117) *Qunut*: This is an optional act of prayer that is recommended to be done after the recitation of the second *rakaat* and before *rukoo*. *Qunut* is performed by holding the hands before the face, palms upwards in a gesture of begging and reciting any *du'a* (supplication). (Translator's note: The following is a common *du'a*.)

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

Rabbana atina fiddunya hasanatan wafil akhirati hasanatan waqina 'adhabannar. (Oh, our Lord, bless us with goodness in this world and the hereafter and protect us from the fire of Hell.)

K. Arabic Recitation of Prayer

1. *Takbiratul-ihram*:

الله أكبر

- Allahu akbar* (Allah is great).
2. Surah al-Hamd:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Bismillahir rahmanir rahim (In the name of Allah, the Beneficent, the Merciful)

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Alhamdu lillahi rabbil-alam (All praise belongs to Allah, the Lord of the universe)

الرَّحْمَنِ الرَّحِيمِ

Ar rahmanir rahim (The Beneficent, the Merciful)

مَالِكِ يَوْمِ الدِّينِ

Maliki yawmid-din (Master of the day of judgement)

إِيَّاكَ نَعْبُدُ وَإِيَّاكَ نَسْتَعِينُ

Iyyaka na'budu wa iyyaka nasta'in (You alone we worship and You alone we ask for help)

اهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ

Ihdinas siratal mustaqim (Guide us on the right path)

صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ

Siratal ladhina an'amta alayhim (The path of those upon whom You have bestowed Your bounties)

غَيْرِ الْمَغْضُوبِ عَلَيْهِمْ وَلَا الضَّالِّينَ

Ghayril maghdhubi 'alayhim waladdhallin (Not that of those inflicted with Your wrath, nor of those gone astray).

Surah al-Ikhlās (The most highly recommended *surah* to be said as the second *surah* in the first and second *rakaats*):

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Bismillahir rahmanir rahim (In the name of Allah, the Beneficent, the Merciful)

قُلْ هُوَ اللَّهُ أَحَدٌ

Qul huwallahu ahad (Say, "He is Allah, the One)

اللَّهُ الصَّمَدُ

Allahus samad (Allah the Needless)

لَمْ يَلِدْ وَلَمْ يُولَدْ

Lam yalid walam yulad (He begets not nor is He begotten)

وَلَمْ يَكُنْ لَهُ كُفُوًا أَحَدٌ

Walam yakul-lahu kufuwan ahad (And there is none like Him").

4. Rukoo:

سُبْحَانَ رَبِّيَ الْعَظِيمِ وَبِحَمْدِهِ

Subhana rabbiyal 'azimi wabihamdih (Glorified is my Lord, the Cherisher, the Highest with glory) or

سُبْحَانَ اللَّهِ

b.

Subhanallah (Glory be to Allah). Recite this three times.

5. Sajdah:

a.

سُبْحَانَ رَبِّيَ الْأَعْلَىٰ وَبِحَمْدِهِ

Subhana rabbiyal a'la wabihamdih (Glorified is my Lord, the Cherisher, the Highest with glory)
or

سُبْحَانَ اللَّهِ

b.

Subhanallah (Glory be to Allah). Recite this three times.

6. Tashahud:

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ

Ashhadu anla ilaha illallahu wahdahu la sharika lah
(I bear witness that there is no god but Allah, He is One and He has no partner.).

وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ

Wa ashadu anna Muhammadan 'abduhu wa rasuluh
(And I bear witness that Muhammad is His Prophet).

اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ

Allahumma salli 'ala Muhammadin wa aale Muhammad (Oh Allah, bless Muhammad and his Progeny).

7. The Four Praises (*Tasbihatul-arba*):

سُبْحَانَ اللَّهِ وَالْحَمْدُ لِلَّهِ وَلَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ

Subhanailahi, wal hamdu lillahi, wala ilahi illallahu, wallahu akbar (Glory to Allah, and all praises to Allah, and there is no god but Allah, and Allah is great).

8. *Salam*:

السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Assalamu 'alayka ayyuhan 'nabiyyu warahmatullahi wa barakatuh (Peace be upon you, Oh Apostle, and the mercy and blessings of Allah).

السَّلَامُ عَلَيْنَا وَعَلَىٰ عِبَادِ اللَّهِ الصَّالِحِينَ

Assalamu 'alayna wa 'ala 'ibadillahis-salihin (Peace be upon us and all righteous servants of Allah) or

السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Assalamu 'alaykum warahmatullahi wa barakatuh (Peace be upon you all, and the mercy and blessings of Allah).

9. (997) One must learn how to pray in Arabic without error. If one cannot learn how to say his prayers correctly, he must pray as far as he can, and in any

case should not give up praying. If he cannot learn the Arabic, it is recommended that he pray in congregation whenever possible.

L. Rukoo

1. (1022) In every *rakaat*, after the recitation one must do *rukoo*. This means that he should bend his body to the extent that his palms rest on his knees. One must always do *rukoo* standing erect.
2. (1041) If one forgets to do *rukoo* and remembers after he has seated himself for *sajdah* and before his head touches the ground, he must stand up again and bow for *rukoo*. If he fails to stand up again, his prayer is invalid.
3. (1042) If, after one's head touches the ground for *sajdah*, he remembers that he had omitted the last *rukoo*, he must finish the prayer, but must do the entire prayer again.
4. (1040) After finishing the *rukoo*, one must stand erect and motionless before performing *sajdah*. If one performs *sajdah* intentionally before standing erect and motionless, his prayer will be invalid.
5. (1032, 1033, 1051) If one intentionally recites the recitations of *rukoo* or *sajdah* while moving or intentionally raises his head before finishing the recitations, his prayer will be invalid. If he does this unintentionally, his prayer is valid.

M. Sajdah

1. (1045) A devotee must perform two *sajdahs* after *rukoo* in every *rakaat* of his prayer. A devotee's forehead, palms, knees and big toes must rest on the ground while one performs *sajdah*.
2. (1056) After finishing the first *sajdah*, one must sit up motionless before performing the second *sajdah*.

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3. (1076) For *sajdah*, one's forehead must rest on earth, something from or growing on the earth that is not edible or worn. One's prayers will not be correct if one prays on cloth, foodstuffs, precious metals or stones, gems or anything which is not from or growing on the earth.
 4. One must only perform *sajdah* on something which is *tahir*. (see sec. D).
 5. (1090) To perform *sajdah* for anyone other than Allah is *haram*. Persons may prostrate before the tombs of the Imams (peace be upon them) only if their intention is to thank Allah. If it is for any other reason, it is *haram*.
 6. (1093) In the Quran, in *surahs* 32, 41, 53 and 96, there is one verse of prostration in each *surah*. If one recites, reads or hears such a verse, he must immediately perform *sajdah* at the end of it. If he forgets, he must perform *sajdah* when he remembers.

N. (1126-56) Things Which Invalidate Prayer

1. If during prayer, one realizes that a preliminary condition of prayer has not been met.
2. If something occurs while one is praying, that will invalidate *wudhu* or *ghusl*.
3. If one clasps his hands before him while praying.
4. If one says "*Amin*" after reciting *surah al-Hamd*. If one does this unintentionally, his prayer is valid. If one does this only out of fear for his safety his prayer is valid.
5. If one turns one's back toward *qiblah*, or turns his face away from *qiblah* while he is praying.
6. If one intentionally adds any extra word to the prayer (if he talks). If this is done unintentionally the prayer is valid (see sec. P).
7. If one laughs intentionally.
8. If one cries loudly for worldly reasons. Crying out of fear of Allah will not invalidate prayer (and is an admirable thing).

9. Doing anything which changes the appearance (or apparent configuration) of prayer, such as clapping or jumping, whether or not it was done intentionally.
10. Drinking or eating while praying.
11. Doubting the number of *rakaats* one has done in *fajr* or *maghrib* prayer or in the first two *rakaats* of *zohr*, *asr* or *isha* prayer.
12. If a *ruk'n* part of prayer is added or dropped, whether it was done intentionally or not the same holds if any obligatory (but not *ruk'n*) part of prayer is intentionally left out or added.

O. Conditions Under Which Breaking One's obligatory Prayer is Lawful

1. (1156-60) Intentionally breaking one's prayer for any reason other than those listed below is *haram*.
2. Lawful reasons for breaking one's prayer.
 - a. (1159-60) Threat of damage or destruction to one's self or property or to someone or something whose protection is necessary.
 - b. (1161) If a creditor asks for repayment of a debt while one is praying and there is ample time to pray, he must be repaid. If it is possible, this should be done while praying. If not, one must break his prayer, repay the debt and then repeat his prayer.

P. Forgetfulness During Prayer

1. (942,1109-11) If one has forgotten one of the acts of prayer and is about to do the next act when he remembers it, he must return at once to the forgotten act, provided he has not started the next *ruk'n* part. If he has started the *ruk'n* part, he may not return.

- In this case, if the forgotten act is a *rukn* one, his prayer is invalid. If not, it is valid.
2. (1236) In the following cases, two compensatory *sajdahs* must be performed after the prayer.
 - a. When one unintentionally talked while praying.
 - b. When one has left out one *Sajdah*.
 - c. If in a four *rakaat* prayer, after the second *Sajdah* one doubts as to whether he has done four or five *rakaats*.
 - d. When one has recited the *salam* at the wrong place: (Necessary caution).
 - e. When one has forgotten to say *tashahud* (necessary caution).
 3. (1250) The method of performing compensatory *sajdah* is as follows:
 - a. Immediately after reciting *salam* for the prayer in question, make intention to perform compensatory *sajdah*.
 - b. Then, while prostrating in the prescribed manner (see sec. M), recite:

بِسْمِ اللَّهِ وَبِاللَّهِ السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

- Bismillahi wabillahi, assalamu 'alayka ayyuhan-nabiyyu warahmatullahi wabarakatuh* (In the name of Allah and by Allah, peace be upon our Holy Prophet and the grace and blessing of the Almighty be upon you).
- c. Next, raise one's head and sit up properly.
 - d. Perform *sajdah* a second time in the same manner as described in (b) above.
 - e. Sit up properly and recite *tashahud* and *salam*.

Q. Traveler's Prayer

1. (1272-1355) A traveler must shorten his four *rakaat* prayers (*zohr*, *asr* and *isha*) to two *rakaat* prayers

under the following conditions:

- a. The journey must cover a total of 30.3 miles (8 farsakhs or 48 Kilometers) or more, or 15.15 miles (4 farsakhs or 24 kilometers) going and 15.15 miles returning, totalling 30.3 miles or more.
- b. One must have the intention of traveling 30.3 miles or more at the beginning of one's journey.
 - 1) If one intends to make a journey to Point A, which is less than 30.3 miles, he must not shorten his prayer.
 - 2) If, upon reaching Point A, he decides to travel to Point B, which is less than 30.3 miles from Point A, but which would make his total journey from home more than 30.3 miles, he must not shorten his prayer.
 - 3) If Point B is over 30.3 miles from Point A, he must shorten his prayers.
 - 4) If Point B is more than 15.15 miles from Point A, and one has the intention of traveling to Point B and then home, he must shorten his prayers.
- c. One does not change his mind or become uncertain about the course of his journey while he is traveling. If he changes his mind or becomes uncertain about the course of his journey before he travels 15.15 miles, he must perform complete prayers.
 - 1) (1287) If he changes his mind after he has travelled 15.15 miles, he must perform complete prayers if he decides to reside at the place where he stopped, if he decides to stay there for ten days or more or if he is uncertain about staying or returning.
 - 2) (1288) If he changes his mind after traveling 15.15 miles and decides to return home, he must shorten his prayers.
- d. If, upon traveling from Point A to Point B, which is more than 30.3 miles from Point A, one passes through his home town, he must not

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- shorten his prayers. The same rule applies if one substitutes "a place where one intends to stay for ten or more days" for "home town."
- e. His journey must not violate religious principles.
 - f. He should not be a nomad or wanderer.
 - g. He should not be a professional traveler. A person who commutes a long distance to work is not a professional traveler.
 - h. One should begin to shorten one's prayer when embarking on a journey of 30.3 miles or more when he is so far from his starting point that he can neither see the city limits nor hear the local *muezzin's* call (the man who calls people to prayer).
2. (1329) A place where a person has chosen to reside is termed "home," whether it is his birth place and his parent's home or a place he himself has chosen.
 3. (1335) A complete prayer must be said in one's hometown and in a place where one intends to stay for ten or more days.
 4. (1342) A traveler who intends to stay in a place for ten or more days, but then changes his mind or becomes uncertain about doing so before performing a four *raakat* prayer, must shorten his prayer. If he changes his mind after saying a four *raakat* prayer, he must observe complete prayers as long as he is in that place.
 5. (1353) If, after passing the 30.3 miles limit, he cannot decide to stay in a place for ten or more days, his prayers are to be shortened even if he stays there for 30 days in an undecided state. From the 31st day of his stay, he must perform complete prayers. If he becomes uncertain about his stay before reaching the 30.3 mile limit, he must observe regular prayers.
 6. (1354) If one intends to stay somewhere for nine or less days, and changes his mind sometime on or before the ninth day and decides to stay another nine or less days and continues in this manner for a total of 30 days, he must shorten his prayers. From the 31st day he must observe complete

- prayers.
7. (1356) A traveler may do complete prayers at Masjidul-Haram, Masjidul-Nabi, Masjidul-Koofa and in the mosque of the shrine of the third Imam.
 8. (1357) If one who knows that he is traveling and must shorten his prayer, intentionally or unintentionally does a complete prayer (except in the locations mentioned in "7" above), his prayer is invalid. If he forgets to shorten his prayer, he must do it again in the shortened form.
 9. (1368) If one defaults one of the prayers that he should have shortened, he must make it up in the shortened form, even if he is not traveling when he makes it up. If one wishes to make up a regular prayer while he is traveling, he should make it up in its complete form.

R. Defaulted Prayers

1. (1370) Anyone who has not performed his obligatory prayer in its prescribed time must perform it in the same manner (complete or shortened) when it is possible to do so.
 - a. (1370) A woman is exempt from prayers during menstruation or *nifas*. She is not required to make up these prayers.
 - b. (1371) If one does a prayer within its proper time and afterward realizes that his prayer was invalid and that there is no time to repeat it, he must do a defaulted prayer when he makes it up.
2. (1372) One who has missed an obligatory prayer should not neglect it, but it is not obligatory to perform it immediately.
3. (1390) It is obligatory for the eldest son to perform or hire someone to perform, after the death of his father, those prayers and fasts which his father missed during his lifetime.
4. (1533) After the death of a person, someone may be

hired on behalf of the deceased to perform prayers and other religious obligations such as fasting or *haji* which were not done during his lifetime. (Translator's note: Every person has a duty to fulfill his religious obligations during his lifetime and is also responsible for any kind of negligence in fulfilling them.)

S. Congregational Prayer

1. (1399) It is recommended that all obligatory prayers, especially the daily prayers, be said in congregation (*jama'ah*). It is highly recommended for those in the neighborhood of a mosque and those who can hear the call to prayer (*adhan*) to say *fajr*, *maghrib* and *isha* prayers in congregation.
2. (1403) When a congregational prayer is set up, it is recommended that one who has already done his prayers alone redo them in congregation. If he realizes later that for some reason his first prayer was invalid, his second congregational prayer will suffice.
 - a. (1404) If one wants to redo a prayer that he has previously done in congregation again in congregation, he may only do so if the second group is different from the first.
3. (1401) One must not miss congregational prayers because of negligence. It is not deserving for a person to avoid congregational prayers without a good reason.
4. (1453) One who conducts a congregational prayer (*imamul-jama'ah*) must be mature, sane, Shiite, just, legitimate by birth and must have the ability to recite correctly. If at least one follower praying behind him is male, the prayer leader must also be male.
5. (1420-21) If a follower knows before prayer begins that the leader's prayer will be invalid, he must not pray behind that leader. If, at the end of the congregational prayer it is discovered that the prayer leader lacked some of the above mentioned qualifi-

- cations or for some reason his prayer was invalid, the followers' prayers are still correct.
6. (1460) When one makes intention to pray behind a prayer leader, he should designate which leader he is following. One need not know the leader's name to do this.
 7. (1461) A follower must say all recitations, except *surah al-Hamd* and the second *surah*, which are recited by the prayer leader in the first two *rakaats*.
 8. (1467) A follower must recite *takbiratul-ihram* only after the prayer leader has done so.
 9. (1471) One must not rise from *rukoo* before the leader does so. If he does this unintentionally, he must return to position and wait for the leader. However, if before the follower reaches the position for *rukoo*, the leader rises from *rukoo*, the follower's prayer is invalid.
 10. (1472, 1473) One should not rise from *sajdah* before the leader does so. If one does this unintentionally, he should return to position and wait, for the leader. If, before he reaches the position for *sajdah*, the leader raises his head, the follower's prayer is valid. However, if this happens twice in the same *rakaat*, his prayer will be invalid.
 11. (1474) If one unintentionally rises from *rukoo* or *sajdah* and unintentionally does not return to position or waits because he believes that the leader is about to rise, then his prayer is valid.
 12. (1469) One may recite in a whisper those parts of prayer that he is required to say, along with the prayer leader. It is not necessary to wait until the leader has finished reciting. The exceptions to this are *takbiratul-ihram* and *salam* which should not be recited until after the leader has done so.

T. Signs Prayer

1. (1491) The prayer of signs (*ayat*) is obligatory when any of the following events take place.

- a. Solar eclipse.
 - b. Lunar eclipse.
 - c. Earthquake.
 - d. Thunder, lightning and storms which create fear among most people.
2. (1492) If more than one of the above happenings occur simultaneously, one must do one prayer for each of them.
 3. (1507) Signs prayer has two *rakaats*, each having five *rukooos*. It may be performed in either of two ways:
 - a. (1507) After making intention and saying *takbiratul-ihram*, recite *surah al-Hamd* and one other *surah* and then perform *rukoo*. Stand erect and repeat this procedure beginning with *surah al-Hamd*. Repeat it again until a total of five *rukooos* have been performed. After standing erect from the fifth *rukoo*, perform two *sajdahs*. This completes one *rakaat*. Stand erect and repeat the procedure in the first *rakaat* for the second *rakaat*. Complete the prayer with *tashahud* and *salam*.
 - b. (1508) After making intention, recite *takbiratul-ihram* and then *surah al-Hamd*. Divide the second *surah* into five parts and recite one part before each *rukoo*. Then perform two *sajdahs* and perform a second *rakaat* in the same manner as the first one. Finish with *tashahud* and *salam*.
 4. (1510) Everything which is obligatory and recommended for daily prayers is also obligatory and recommended for signs prayer.

U. Festival prayer

1. (Translator's note: Prayers said on *Idul-Fitr* and *Idul-Adha* are among the most important prayers in Islam. The festival of *al-Fitr* is on the first of *Shawwal* after the end of *Ramadhan* and *al-Adha* is on

the tenth of *zul-Hajj*.)

2. (1516) During the presence of the Holy Imam (peace be upon him), festival prayer is obligatory and is prayed in congregation. But now, in the period of the occultation of the Last Imam (upon whom be peace), this prayer is not obligatory, but is recommended and has many virtues. It should be said in congregation.
 3. (1519) The festival prayer has two *rakaats*. In the first *rakaat*, there are five *takbirs* and five *qunuts* and in the second *rakaat*, there are four *takbirs* and four *qunuts*. Festival prayer is performed as follows:
 - a. In the first *rakaat*, after reciting *al-Hamd* and one other *surah*, recite *takbir* and raise your hands and recite *qunut*.
 - b. After finishing, recite *takbir* and *qunut* again. Repeat for a total of five *takbirs* and *qunuts*.
 - c. After the fifth *qunut*, recite *takbir* and then perform *rukoo* and two *sajdahs* and stand erect. This completes one *rakaat*.
 - d. In the second *rakaat*, after reciting *al-Hamd* and one other *surah*, recite *takbir* and *qunut* four times in the same manner as in the first *rakaat* and complete the prayer as usual.
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7

Fasting **(*Sawm*)**

- A. Fasting is obligatory in the holy month of *Ramadhan*. It is one of the most important Islamic acts. In order to obey the command of Allah, a person who fasts must refrain from committing certain acts (see sec. E) from time of the first light of dawn to a little after sunset.

- B. (1550-51) Before beginning one's fast, it is necessary to make intention for fasting. This must be done before dawn, as one begins one's fast. It may be done everyday, and in the case of *Ramadhan*, it is recommended to be done at the beginning of the month with the intention of fasting the whole month.
 - 1. (1554) One who falls asleep before the first light of dawn without making intention to fast the next day may fast if he wakes up before noon and makes intention. If he does not make intention before noon, he may not do an obligatory fast that day, but may do an optional fast.

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- C. (1568) If one is not certain whether it is the last day of *Shaban* (the month preceding *Ramadhan*) or the first day of *Ramadhan*, he is not obliged to fast on that day.
1. If he chooses to do an optional or defaulted fast that day, he may do so.
 2. If one does fast, and later discovers that it was the first of *Ramadhan*, he may include it as a normal *Ramadhan* fast.
 3. (1739) It is *haram* to fast that day with the intention of the first day of *Ramadhan*.

D. (1730) Ways to Identify the First Day of *Ramadhan*

1. One sees the new moon himself.
2. A group of trustworthy people report seeing the new moon.
3. Two just men report seeing the new moon, and their descriptions do not disagree.
4. Thirty days have passed since the beginning of *Shaban*.
5. The leading *mujtahid* states that it is the first of *Ramadhan*.
 - a. (1731) Even those who are not followers of the leading *mujtahid* must accept his announcement. However, if one is certain that he is wrong, he must not obey the announcement.
6. (1732) An astronomical report on the new moon is not a binding verification of the first day of *Ramadhan*. However, if one feels certain that it is correct, he must abide by the report.

E. (1527) Actions Which Nullify the Fast

1. Eating or drinking anything in any quantity.
2. Sexual intercourse.
3. Any sexual activity that leads to ejaculation.
4. Attributing a lie to Allah, the Holy Prophet or the

Imams (peace be upon them).

5. Allowing heavy dust or thick smoke reach one's throat.
6. Submerging one's entire head in water.
7. Remaining in need of *ghusl-janabah*, *ghusl-haydh* or *ghusl-nifas* up to the time of the morning *adhan*
8. Taking a liquid enema.
9. Intentional vomiting.

- F. (1653) If one intentionally and willingly commits an act which breaks his fast, his fast will be invalid, but if an invalidating action is committed unintentionally, inattentively or involuntarily, then the fast is valid.
1. (1655) If something is put into one's throat by force or one's head is submerged into water by force, his fast does not become invalid, but if one breaks his fast after only being threatened, his fast is invalid.
 2. (1625) Someone who needs *ghusl-janabah* in the nights of *Ramadhan* and knows that if he or she sleeps he will not wake up until morning, he should not sleep before making *ghusl*. If he sleeps and does not wake up, his fast that day is invalid and he must do an act of atonement and make up the fast (see sec. G).
 3. (1627) If someone who is in need of *ghusl-janabah*, is sure that if he or she sleeps he will wake up before the time of *adhan* and has the intention of making *ghusl-janabah* after he wakes up, sleeps and does not wake up before the time of morning *adhan* his fast that day is valid.
 4. (1630) If the above mentioned person wakes up before the time of morning *adhan*, sleeps again with the intention of waking up before morning *adhan* and making *ghusl-janabah* and then doesn't wake up, his fast is invalid and he should only make up the defaulted fast. This is also true if he sleeps for the third time.

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- G. (1658) If a person for whom *Ramadhan* fasting is compulsory, intentionally and willingly vomits or remains in need of *ghusl-janabah* as mentioned in section F.4 (1630) he should only make up the defaulted fast. In any other case of intentionally and willingly breaking one's fast, he must do an act of atonement in addition to making up the defaulted fast.
1. (1660) There are three methods of atonement. Either method will atone for one day of defaulted fasting.
 - a. Freeing a slave:
 - b. Fasting for 60 days:
 - 1 (1661) The first 31 days of this fast must be consecutive.
 - 2 (1664) If, in the first 31 days, a reason arises for which one must break one's fast, such as a menstrual period or a journey which should be done, one need not start the 31 days of fasting over. Rather, he can resume counting when the cause is removed.
 - c. Feeding 60 poor Muslim persons (for one full meal):
 - 1) If he cannot afford to feed 60 poor Muslims, then he should feed as many as he can. If he cannot afford to feed anyone, then he should ask Allah for forgiveness (say *Astaghfore Allah*). It is a necessary caution to perform a method of atonement whenever he finds the ability to do so.
 2. (1665) If one breaks his fast with a *haram* act (drinking wine, adultery, having sexual relations during the wife's menstrual period, etc.), he must make up for that fast by observing all three atonements. If one cannot afford to observe all three atonements, he must observe those which he can afford.
- H. (1695) When a *kafir* accepts Islam, it is not obligatory for him to make up the fasts he missed before he became

Muslim. However, if a Muslim becomes a *kafir* and then resumes Islam, he should make up the fasts he has missed.

I. Exemptions From Fasting

1. (1703) If a person, by reason of illness, did not observe *Ramadhan* fasting, and his illness continues until the next *Ramadhan*, it is not compulsory for him to make up the defaulted fasts. However, for every day of defaulted fast, one must give $\frac{3}{4}$ kilogram (one *mud*) of wheat or any such staple food to the poor.
 - a. (1703) If one has not kept his fast for reasons other than sickness (example: being on a journey), and his reason continues until the next *Ramadhan*, he must make up the defaulted fasts and it is advisable for him to also give $\frac{3}{4}$ kilogram of food to the poor for every day of defaulted fast.
2. (1725) The following persons are exempt from fasting.
 - a. (1725) An aged person who cannot fast or for whom fasting is hard.
 - 1) In the latter case, he must pay $\frac{3}{4}$ kilogram of food to the poor for every day of defaulted fast.
 - 2) (1726) If, after *Ramadhan*, it becomes possible for the aged person to fast, he should make up his defaulted *Ramadhan* fasts.
 - b. (1727) One who has a condition which causes thirst and who cannot tolerate going without water or for whom fasting is hard.
 - 1) In the latter case, he must pay $\frac{3}{4}$ kilogram of food to the poor for every day of defaulted fast.
 - 2) He should limit his intake of water to the minimum necessary.

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- 3) If after *Ramadhan*, it becomes possible for him to fast, he should make up his defaulted fasts.
 - c. (1728) A woman who is pregnant and whose delivery time is near, if fasting will harm herself or her baby.
 - 1) She must give $\frac{3}{4}$ kilogram of food to the poor and, make up the defaulted fasts.
 - d. (1729) A woman who is breastfeeding her child, if fasting will harm herself or her child.
 - 1) She must give $\frac{3}{4}$ kilogram of food to the poor and make up the defaulted fasts.
 - 2) If she can find a wet-nurse to hire for the baby, she must do this and keep her fast.
- J. (1739) Fasting on the festival days of *al-Fitr* and *al-Adha* is *haram*.

K. Traveler's Fast

1. (1714) A traveler who has to shorten his prayers for a journey must not fast. A traveler who observes normal prayers, such as a professional traveler, must fast. If a journey is undertaken on unIslamic principles, the traveler must fast.
2. (1721) If one who is fasting begins his journey after noon, he must continue to fast. If he starts his journey before noon, when he reaches the point where neither one's hometown houses are seen nor the sound of *adhan* is heard, he must break his fast. If he breaks it before reaching that point, he will have to pay atonement.
3. (1722, 23) If a traveler returns to his hometown or reaches a place where he intends to stay for ten days before noon, and has not done anything which would invalidate the fast, he must fast that day. If he did do something that would invalidate the fast, that day's fast is not obligatory for him. If a traveler

arrives home or to a place where he intends to stay for ten or more days after noon, he must not fast that day.

- L. (1749) It is recommended that one who was not able to fast and who becomes able to fast during the day observe the rules of fasting for the remainder of the day, even though his fast is not valid.

8

One-fifth Levy (*Khums*)

- A. (1751) *Khums* is an annual tax that is levied on seven forms of wealth. It consists of $\frac{1}{5}$ the value of the following wealth.
1. Surplus income from one's business or from an employee's salary.
 2. Precious minerals.
 3. Treasure.
 4. Lawful property combined with unlawful property.
 5. Gems taken from the seabed.
 6. War booty.
 7. Property bought by a non-Muslim (living in an Islamic country) from a Muslim.
- B. When *Khums* Must be Paid
1. (1752) Whenever one earns a monetary income from business, industry or any other means, he must set aside 20% of each year's surplus after deducting all

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- his own and his family's lawful expenses.
- a. (1757) One who depends on another for his support must pay *khums* on any money that he earns except for that which he spends on pilgrimage or similar religious duties.
 - b. (1765) A merchant, businessman, laborer or employee whose incomes are lawful, must pay *khums* on the savings of their past one year's earnings, beginning when they start work.
 - c. (1766) *Khums* may be payed while income is earned, but payment may be deferred for one year.
 - d. (1775-76) *Khums* is not levied on income earned during the year that is spent on provisions, clothing, household essentials, the purchase of a house marriage expenses, wedding gifts for a daughter, or pilgrimage expenses, provided that the expenditure is not extravagant. Also, what is spent for one's vows, atonements, gifts or awards is considered to be part of one's annual expenses, provided that the expenditure is not extravagant.
 - e. (1780) If, at the end of the year, there is a surplus of provisions bought for consumption from the profit of the business, *khums* must be paid on that surplus. One may pay his *khums* from the same items subject to *khums* or on their current value.
 - f. (1790) If one does not pay *khums* on his profits, they may not be used lawfully.
2. (1799,1808) If extractions from a mine are equal to 75 grams (15 *mithqal*) or more of gold or 525 grams (105 *mithqal*) or more of silver in value after expenses, *khums* must be paid on it. The same applies to treasure.
 3. Lawful property mixed with unlawful property.
 - a. (1813) *Khums* must be paid on the entire mixed amount if both the owner and the value of the unlawful property are not known.
 - b. When *khums* is paid on such mixed property, it

- becomes lawful for use.
- c. (1814) If one can identify the unlawful portion of the mixed properties, but not the owner, that portion should be given in charity with the intention of the owner. It is necessary caution that this be done with the approval of an agent of the leading *mujtahid*.
 - d. (1815) If the unlawful portion of mixed property is not known, but its owner is, the two parties must reach a satisfactory agreement between themselves.
4. (1819) If gems from the sea are equal to or more in value after expenses to about three grams (18 *nu-khods*) of gold, *khums* must be paid on them.

C. Uses of *Khums*

1. (1834) *Khums* is divided into two equal parts.
 - a. The share of the Holy Imam (peace be upon him), which is either given to an agent of the leading *mujtahid*, or, with his sanction, is used for the protection of Islamic interests.
 - b. The share of the descendants of the Holy Prophet (peace be upon him). This portion is given to agents of the leading *mujtahid* to be used for needy, orphaned or traveling descendants of the Holy Prophet (peace be upon him).
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9

Wealth Tax (*Zakat*)

A. *Zakat* must be levied on the following items:

1. (1858) Wheat, barley, dates and raisins.
 - a. (1864) *Zakat* is obligatory on these if they reach a minimum weight of 847.3 kilograms.
 - b. Translators' note: For rates of *zakat* on these, refer to *Taudhih-ul-Masa'ul*.
2. (1858) Gold and silver coins.
 - a. (1898) Tax on these must be paid every year until their value falls below the taxable limits.
 - b. (1896) The minimum taxable limit for gold is 75 grams (15 *mithqal*). The rate of *zakat* then changes in increments of 15 grams (3 *mithqal*). Thus, if one has 87 grams of gold coin, he should pay *zakat* on the rate based on 75 grams, but if one has 91 grams, he should pay the rate based on 90 grams (75+15=90).
 - c. The amount of *zakat* on gold is 1/45 of its amount according to the above rule. Thus the

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- zakat* of 87 grams of gold is 1.875 grams. And that of 91 grams of gold is 2.25 grams.
- d. (1897) The minimum taxable limit for silver coins is 525 grams (105 *mithqal*). The rate of *zakat* changes in increments of 105 grams (21 *mithqal*) as explained in (b) above.
 - e. The amount of *zakat* on silver is 1/40 of its amount according to (d) and (c) above.
3. (1858) Camels, cows and sheep.
- a. Translator's note: For rates of *zakat* on these, refer to *Taudhih-al-Masa'il*.

B. (1925) Uses of *Zakat*

1. Given to a poor person whose income or cash in hand is not enough to meet his own and his family's expenses for an entire year.
2. Given to a needy person who is completely helpless and indigent.
3. Given to an agent of the Imam (peace be upon him) or an agent of the deputy of the Imam whose job is the collection of *zakat* and its distribution to the Imam or to those who deserve receiving it. (Translator's note: This *zakat* is given to the agent for his personal use, e.g., such an agent, himself, is a recipient of *zakat*.)
4. Given to those whose hearts can be influenced to incline to Muslims or Islam, such as non-Muslims who would be attracted to Islam or would help Muslims in a time of war if they are given proceeds from *zakat*.
5. To free slaves.
6. To repay the debt of one who cannot do so himself.
7. To be used in the way of Allah for works which are beneficial to the people, such as building mosques, schools or bridges.
8. To aid a traveler who is in need of help during his journey.

- C. (1929) *Zakat* can be given to a person who cannot meet his own or his family's annual expenses although he may have a house to live in or a means of transportation or other living essentials, provided that the loss of them would mean loss of his prestige and thus destroy his mode of living. If such a person needs these things, but doesn't have them, *zakat* may be used to buy them.
- D. (1930) A needy person who is able to learn a profession, must do so and not continue to live on *zakat*. He may accept *zakat* while he is training, however.
- E. (1935) It is not necessary to destroy a person's prestige or self-image by telling him that the money one is giving him is *zakat*. One may present it as a gift with the intention of it being *zakat*.
- F. (1946) It is a necessary caution that *zakat* be not given to a person who commits major sins in public.
- G. (1948) One cannot use *zakat* to meet the expenses of one whom he is responsible for, such as his parents or children. If they are in need and he does not provide for them, others may give them *zakat*.
- H. (1973) Priority Uses For *Zakat*.
1. It is recommended that the *zakat* paid on cows, sheep and camels be given to respectable and prestigious poor persons.
 2. Those who have the highest priority in receiving *zakat* are:
 - a. One's (non-immediate) relatives. .
 - b. Learned persons and those who maintain their high Muslim ideals.

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- c. Those who do not beg rather than those who do beg.
 - d. Those whose special circumstances warrant receipt of *zakat* over others at that time.

I. Zakatul-Fitr

1. (1991) This *zakat* is obligatory for any person who is mature, sane, conscious and financially able at sunset on the last day of *Ramadhan* to pay for himself and his dependents. The rate is three kilograms (1 *sa*) of wheat, barely, raisins, rice or similar produce per person. It is also permitted to give the cash value of such items.
2. (1995) The *fitrah* (tax) of a guest who arrives at his host's home before sunset (and remains after sunset) should be paid by the host.
 - a. (1997) The *fitrah* of a guest who arrives after sunset is not obligatory for the host to pay, even if the guest was invited before sunset or if he breaks his fast in the host's home.
3. (2014) *Fitrah* should be used in one of the eight ways designated for *zakat*.
 - a. (2017) *Fitrah* should not be given to someone who would use it to commit a sin.
4. (2029) The proper amount of *fitrah* must be paid or set aside before one offers the festival prayer on *Id-ul-Fitr* (see ch. 6, sec. R).
 - a. If one does not offer the festival prayer, he must pay *zakatul-fitr* before noon of that day.

10

Pilgrimage

(Hajj)

- A. (2036) *Hajj* (pilgrimage to the Holy Shrines at Mecca) is obligatory for every mature, sane and physically and financially able Muslim at least once in his lifetime.
1. This is provided that making *hajj* will not lead one to commit a *haram* action which is more serious than missing *hajj*.
 2. One should not forsake an obligation which is more important than making *hajj*.
 3. One should be *mustati*, that is, able to perform *hajj* physically, financially and safely, as well as have sufficient time to do so. This means that he must have enough money to make the trip as well as being able to provide for his dependent's expenses during the trip. He should also have a proper source of income so as not to incur any hardship on returning.
- B. (2037) For someone who cannot do without owning a home, *hajj* becomes obligatory whenever he can also

afford such a home.

1. (2039-40) If someone provides all one's *hajj* expenses including one's family's maintenance during one's absence, one is obliged to make *hajj*. This is true even if one is in debt or has no means of income.
 2. (2046-48) If one is *mustati* and never makes *hajj*, then becomes poor he must perform *hajj*, even though he may never again be *mustati* and making *hajj* is a great hardship. If such a person is hired to perform someone else's *hajj*, he must go, perform that *hajj*, and stay in Mecca until the next year and then perform his own *hajj*. If such a man is too aged or infirm to go himself, he must hire someone to go in his place.
- C. (Translator's note: There are special books that explain *hajj* in detail which may be referred to at one's convenience.)

11

Fighting and Defense

(Jihad)

Defense (Difā)

- A. (2826) If an enemy attacks an Islamic country, it is obligatory for Muslims to defend it by all possible means, even by sacrificing their lives and their properties. No permission is needed from the leading *Mujtahid* in this affair.

- B. (2831) A financial or commercial agreement which will lead to foreign control, in any way, of a Muslim country's resources is *haram* and Muslims must avoid it.

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12

Virtue and Vice

(Ma'ruf wa Munkar)

- A. (2787) Enjoining right and forbidding wrong is incumbent upon all Muslims. Every Muslim, when seeing the need for it, must enjoin right and forbid wrong, unless he finds that another has fulfilled the obligation.
 - 1. If fulfillment depends on the joint action of several people, all are obliged to join in until there are enough people to successfully enjoin right or forbid wrong.

- B. (2791) The following conditions must be met before it is obligatory to enjoin right or forbid wrong.
 - 1. One who enjoins right and forbids wrong, must himself be familiar with right and wrong, so that he will not misguide people. It is not obligatory for one who is not educated in these matters to enjoin right or forbid wrong.
 - 2. One who wants to enjoin right and forbid wrong must consider the probability of success. If he

knows or has confidence that it will have no effect, then it is not obligatory for him to enjoin right or forbid wrong.

3. One must know or suspect that the wrong act will continue or be repeated. If one knows that the act will not continue or be repeated, it is not obligatory for him to forbid that act.
4. If one is certain that by enjoining right or forbidding wrong, one will not seriously endanger one's self, reputation or property or that of one's relatives or acquaintances.
 - a. (2792) The exception to this is when the severity of the wrong warrants the risk, such as when many other Muslims may suffer from it or if it will lead to the destruction of all or part of the Islamic society or Islamic symbols (such as a mosque). In this case, one must judge as to whether the effect of the wrong is worse than the damage one risks by forbidding it. Thus, if the maintenance of Muslim ideology or Islamic principles depends upon the sacrifice of one's life or property, it is necessary for him to make the sacrifice.
 - b. (2793) If a detrimental innovation is introduced into Islam, such as sins committed by governments in the name of Islam, it is obligatory for the religious authorities to forbid the wrong. If their silence will defame Islam and religious authorities and weaken the faith of Muslims, then it is obligatory for them to forbid the wrong by all means, whether or not it will be effective.

C. Enjoining right or forbidding wrong is approached in three successive steps:

1. (2805) First by heartfelt expression of disgust, such that the transgressor knows that one disapproves of his act.
 - a. This may be done by facial expression, cutting communications or staying aloof.
 - b. If this does not stop the behavior, one should try

- step 2.
2. (2813-16) Verbally express one's disapproval.
 - a. It is best to be firm, but polite and courteous if possible.
 - b. If one must be harsh, one should never resort to lying or commit other sins (the exception is if the wrong is so serious that it must be stopped at all costs).
 - c. If this brings no result, go to step 3.
 3. (2818) One must act forcefully to prevent the wrong.
 - a. The method of action depends on the circumstances of the wrong.
 - 1) One should never take stronger action than is necessary.
 - b. (2824) If taking action means killing or destroying someone, it should only be undertaken with the approval of a leading *mujtahid*.
 - c. (2825) If the *haram* act is one of those that Allah deems most serious, such as unjustly killing someone, it must be prevented by any means.
 - 1) If this involves killing the killer, for instance, permission of the *mujtahid* is not necessary.
 - 2) If it is possible to prevent the *haram* act by any means other than killing, then one should first attempt to do so. Killing must be the last resort.
 - d. (2825) If one acts beyond the necessary limits, he himself will be guilty of a sin.

13

Business Dealings

(Mu'amilat)

A. Buying and Selling Commodities

1. (2051) Before engaging in business or commercial dealings, one must learn the Islamic rules that apply to them so that he does not indulge in usury and illegal transactions.
 - a. One should not sell goods at too high a price or be so inflexible on the price as to deprive someone who needs the goods of having them because he cannot quite afford them.
 - b. One should not show favoritism among his buyers by selling goods at a lower price to his friends (for example) than to other customers.
 - c. If one regrets his decision and demands cancellation of a deal, his demand should be accepted.
2. (2055) **Illegal Business Dealings**
 - a. Dealings in things which are inherently *najis* (pigs, wine, etc.).
 - b. Dealing in unlawfully usurped goods.
 - c. Dealing in things which are not properties.
 - d. Dealing in things whose ordinary usage is *haram*.

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- such as musical instruments or gambling devices.
- e. Dealings based on usury and fraud are *haram* as well as illegal.
 - f. (2059) Dealings in oils, medicines and perfumes that come from non-Islamic countries are lawful if one is not certain that they are *najis*. But if one obtains the oil from a *kafir* in a *kafir* city and it is from the body of a dead animal whose blood gushes out, it is *najis* and dealing with it is *batil* (invalid). If one buys from a *kafir* in a Muslim city, the deal is *batil*, unless one knows that the *kafir* has obtained the item from a Muslim.
 - g. (2061) Dealing in meats, fats or hides that come from non-Islamic countries or is obtained from a *kafir* is *batil*, unless one knows that they have been obtained from an Islamically slaughtered animal.
 - 1) (2062) Buying them from a Muslim is all right unless one knows that he has bought them from a *kafir* and has not verified that they are from an Islamically slaughtered animal.
 - h. (2067) Dealing in any musical instrument is *haram* and *batil*.
 - i. (2068) Selling or buying something whose ordinary usage is *halal* for *haram* usage (example: selling grapes for wine).
 - j. (2070) Dealings in gambling products, stolen products or products from a *batil* deal is itself *batil*. If someone buys such things, he must return them to their lawful owner.
 - k. Dealings that include interest (*riba*: see also, interest rules in sec. J).
 - 1) (2072) Trading anything, which is usually traded by weight or measure, of a certain quantity for a similar thing of a greater quantity is usury and *haram*.
 - 2) (2072) Receiving a larger quantity of something than what one gave, even if the quality

- of the larger amount is lower (example: trading a pound of high quality rice) is usury and *haram*.
- 3) (2073) Receiving anything additional with the traded commodity, even a commitment from the second party, is usury and is *haram* and *batil* (example: trading a pound of wheat for a pound of wheat and one dollar or a promise of labor from the second party).
 - a. (2074) If the party trading the smaller amount voluntarily adds something to the commodity, it is permitted, as long as it is not a negotiated part of the deal.
 - 4) (2080) If a Muslim receives interest from a *kafir* who is not under the protection of a Muslim state, it is not considered usury and is allowed.
 - 5) (2080) A parent and child or husband and wife may receive interest from each other.
3. (2081) A buyer and seller must possess the following characteristics:
- a. (2082) They must be mature. Dealing with an immature child is *batil*, even if he has his father's or guardian's permission, except in dealings of little value and those that are commonly done by a child.
 - 1) (2083) If one does deal with a child, he must return what he received to the proper owner (if it is not the child) or obtain permission of the owner to conduct the deal.
 - 2) (2083) If he cannot determine who the proper owner is, he must give what he has received from the child in charity with the intention of the owner, or give it to the leading *mujtahid*.
 - 3) (2083) If the child owns the commodity in question, it should be returned to his parents or guardian.
 - b. They must be sane, hence dealing with a mad or an intoxicated person is *batil*.

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- c. Their wealth must not have been interdicted by an Islamic judge.
 - d. They must be serious in business.
 - e. They must be free and willing to deal and should not be forced by anyone.
 - f. They must be the owner of the goods or have the owner's permission to dispose of those goods.
4. (2090) Characteristics of the commodity
- a. Its quantity must be known.
 - b. Its quality and properties, which influence its price, must be well defined.
 - c. All persons having a right to the commodity or its exchange must agree to the deal (example: one may not sell mortgaged property without the consent of the creditor).
 - d. The commodity should be obtainable for delivery (one may not sell a runaway horse).
 - e. One may not sell the rights to the profit generated by an item (example: one may not sell someone the right to collect the rent on a house that one owns).
 - 1) An owner may permit one to collect such profits in order to repay a debt that he owes.
 - 2) The buyer may buy something and allow the seller to have the benefit of his property for a limited period in payment.
5. Categories of transaction
- a. (2104) Cash: If the commodity is sold on a cash basis, the buyer and the seller may claim and collect their money or commodity immediately after the transaction.
 - b. (2105) Credit: In the credit transaction, the date of payment must be known. For example, if the commodity is sold subject to payment at the end of harvest, since the date of payment is not exactly specified, the transaction is not valid.
 - 1) (2106) If the commodity is sold on credit, the seller may not claim payment before the date agreed upon, but if the buyer dies and has left wealth, the seller may claim payment

- from the buyer's heirs before the due date.
- 2) (2107) If the payment date has passed, and the buyer cannot pay for his item, the seller should extend the terms of the contract to give the buyer more time (this does not apply to a buyer who can, but does not pay).
 - c. (2110) Forward purchase: A forward purchase is one when the buyer pays for the commodity and after a fixed time, takes delivery of it.
 - 1) (2112) Conditions pertaining to forward purchase.
 - a) The specifications and quantity of the commodity must be well defined.
 - b) The buyer should pay the full amount he owes at the time of the transaction.
 - c) The delivery time, date and place must be fixed.
 - d) It must be assured that the commodity will be available for delivery on the specified date (it must not be scarce or used up by that time).
 - e) The scale or measure by which the commodity is sold should be well defined.
 - 2) (2118) Contracting for deferred purchase and delivery, where the seller agrees to deliver a commodity at some future date and the buyer also agrees to pay for it at a future date, is *batil*.
 - d. (2119) Trading a fixed amount of gold for a larger amount of gold is considered to be usury and is *haram* and *batil*. This rule also applies to silver.
 - 1) (2120) Trading a fixed amount of one of these metals for a larger amount of the other one is permitted.
 6. (2124) Conditions when a business deal may be cancelled. A deal may be cancelled:
 - a. For any reason up to the time that the buyer and seller leave the place of transaction.

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- b. If it is discovered that one party has cheated the other.
 - c. When there is a clause in the contract that allows one or both parties to cancel the deal at a later date.
 - d. When the commodity exhibited is of a higher quality than the commodity delivered or the seller misrepresented the commodity and, thus, the agreed upon price is too high.
 - e. (2134) When a defect is found in the commodity, except:
 - 1) When the buyer knows of the defect before he buys the commodity.
 - 2) When the buyer is satisfied with the defect.
 - 3) When the buyer agrees to buy the item with any defect it may have.
 - 4) If the seller stipulates that he is selling the commodity "as is." However, if the buyer agrees to certain defects, but finds a new one after he buys the commodity, he may cancel the deal or ask for compensation.
 - f. When the condition agreed upon in the deal is not fulfilled.
 - g. If it becomes known that part of the commodity sold belongs to another partner who is unwilling to sell it, the buyer may either cancel the deal or get back the price of that part.
 - h. If the buyer buys the commodity against cash payment but fails to pay within three days, and the seller refuses to deliver the commodity, unless there is a condition in the contract governing this.
 - 1) The condition is for only one day in the case of perishable goods.
 - i. When the seller fails to deliver the commodity.
 - j. If the commodity is an animal, the buyer may cancel the deal within three days of the transaction.
 - k. If the seller describes a commodity which the

buyer has not examined and after the deal it becomes known that the description was not accurate.

B. Partnership

1. (2145) Those who enter into a contractual partnership must be sane, mature and should contract partnership out of their own free will. They also must be able to exercise control over their respective properties.
2. (2146) If in a contractual partnership, a condition is made that, for example, one who works more than the other takes more profit, or one who doesn't work or works less than the others takes more profit, then the partners must abide by that condition.
3. (2148) If there is no clause in the contract saying that one of the partners may take more profit, and if all partners invested equal amounts of capital, then profit and loss must be shared equally. If their shares of capital were not equal, then the profit and loss must be divided accordingly.
4. (2143) If a number of workers pool their wages and reapportion them later on, this is not considered to be a partnership.
5. (2149-50) If the partners stipulate in their contract that all, anyone or only one of them should transact business, then they must abide by that clause. If there is no specific stipulation in the contract, then none of the partners may transact business without the consent of the others.
6. (2152) If one partner's dealings violate the contract and results in a loss, he is responsible for the loss and will have to compensate for it.
7. (2153) If a partner who deals with the partnership's capital does not exceed his limits and is not negligent in maintaining the capital, he will not be responsible if all or part of the capital takes a loss.
8. (2156) If one partner wants to divide the capital and

take his share, the others must abide by it, even if their partnership has a definite time limit.

9. (2157) If one partner dies, becomes insane or mentally impaired or goes into a coma, so that a leading *mujtahid* interdicts the use of his wealth, his partners must not use any of the capital in their partnership.

C. Barter

1. (2160) One who barter, agrees with a second party to transfer a certain quantity of his goods or profits to him, or waives his claims or rights against that party in exchange for a certain quantity of the second party's goods or profits or for the second party waiving his claims or rights against the first party.
2. (2161) The two parties must be mature, sane, not under force to barter and not be interdicted by the leading *mujtahid* from using their wealth.
3. (2165) If a debtor owes a creditor a fixed amount of money and the creditor has forgotten the correct amount of the debt and wants to barter the debt at a lower than the correct amount, the debtor must make the creditor aware of his error. If he does not, the money he withheld is not *halal* for use.
 - a. If the debtor tells the creditor of his error and still convinces him to barter for the reduced price or if the situation is such that even had the creditor been aware of the correct amount he would have still bartered for a lower amount, the money is *halal* for use.

D. Lease

1. (2173) The lessee and lessor should be mature, sane, dealing out of their own free will and not be interdicted from using their wealth.
2. (2175) It is permitted for the father or guardian of a child to lease that child's labor or property. If the

lease extends up to the time of the child's maturity, he will have the right to cancel the remaining lease time. However, if the period of maturity was included because it was advantageous to the child, he may not cancel the lease.

- a. (2176) A minor may not be employed without the permission of his guardian or a *mujtahid*, in a case where there is no guardian. If a *mujtahid* is not available, then the permission of a just believer is necessary.
3. (2180) If one rents a house or shop with the stipulation that only the tenant use it, the tenant must not sublet to someone else.
 - a. If there is not such a condition, the tenant may sublet, but if he does so at a higher rent than he pays, he must somehow improve the property or receive the rent in a different form from what he is paying.
4. (2181) If one employs someone to work for him only, he may not transfer him to the employment of another person unless all parties agree.
 - a. If the original owner hires out his employee for the same type of wage that he uses to pay the employee, he may not receive an amount higher than what he pays the employee. However, if the type of wage he receives is different from what the employee receives, the owner may receive a larger amount.
5. (2182) Any commodity other than a house, shop, room or employee may be sublet at a higher price, unless the owner has specified that only the lessee may use it in the lease contract.
6. (2184) The commodity being leased should have the following characteristics:
 - a. It should be well defined.
 - b. The lessee should inspect the commodity or know exactly what he is leasing.
 - c. Delivery of the commodity should be possible.
 - d. The commodity must not be something that is depleted during use (example: a can of paint or

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- a loaf of bread).
 - e. It should be possible to use the commodity for the purpose it was leased (example: farm land should have water and be cultivable).
 - f. One must own what he is leasing or have the owner's permission to do so.
 - 1) (2186) A woman may lease her services as a wet-nurse without her husband's permission, unless the lease will somehow violate his rights.
7. (2187) Conditions for usage of leased property.
- a. The usage must be *halal* (example: using a shop to sell wine is *batil*).
 - b. The usage should not be for a purposeless endeavor.
 - c. If the leased item has several possible usages, the one that the lessee intends to use it for must be well defined.
 - d. The length of the lease should be well defined, or the terms of the job should be well defined.
8. (2195) If one makes an agreement with the other party to do some work for him in return for a certain remuneration or to lease something, he may not demand the remuneration or the rent before the completion of the work or delivery of the leased item.
9. (2197) If an agreement is made with a laborer that he should do a certain job on a specified day, and the laborer came to work, but the employer did not give him work to do, the employer must still pay his wage.
- 10 (2199) If one leases something and it is lost or destroyed, he will not be responsible if he was not negligent in preserving it and also did not use it excessively.
11. (2200) An artisan is responsible for the damage to an object given to him.
- a. (2201) If a butcher slaughters an animal and, in doing so, makes it *haram*, he must compensate the owner for the loss. This applies whether he

- was hired to do it or did it for free.
12. (2205) A doctor is responsible for the damage to or death of a patient under the following conditions:
 - a. If he gives a medication to a patient and the patient is harmed by taking it.
 - b. If he tells the patient his diagnosis and prescribes a specific medicine, and the patient is harmed because of it.
 - c. If the doctor errs in his treatment and harms the patient.
 - d. If the doctor generally says that such and such a medication is good for such an illness, but does not diagnose the patient's problem as that illness, or prescribes that medication for him, he is not responsible for the patient's own decision to take that medication.
 - e. (2206) If the doctor states that he will not be responsible for the patient and does his best to provide good care for that patient, he is not responsible for damage to or death of that patient.

E. Hiring an Agent

1. (2259) One who hires an agent and the agent as well must be mature, sane, and acting out of their own free will.
2. (2260) One may not become an agent to do something which he is not capable of doing or that is unlawful Islamically.
3. (2264) An agent hired by someone may not hire another agent to do the job for him.
 - a. It is permitted if the client orders him to do so.
 - b. (2265) The agent may not fire such an agent unless the client asks him to.
 - c. (2265) If the first agent dies or is fired, the second agent is still employed.
 - 1) (2266) If, with the permission of the client, a second agent is hired for the first one, then

both the client and the first agent may fire the second agent.

- 2) (2266) In the case of 1) above, if the first agent dies or is fired, the second one is dismissed.

F. Loans

1. Lending is a highly recommended act. The Quran and hadith contain many recommendations on lending and it is narrated that the Prophet (peace be upon him) said that, "Whoever gives a loan to his Muslim brother will have his wealth increased. One who is asked for a loan and does not consent will find that heaven has become *haram* for him."
2. (2275) If in lending, a fixed time for repayment is stipulated, the creditor should not demand repayment of the loan before expiration of the stipulated period. He may, however, demand repayment at any time if no period of time is stipulated.
3. (2276) If the creditor demands repayment and the debtor can repay his debt, he must do so as soon as possible, or he will be sinning.
4. (2277) If the debtor is not in a position to repay the debt and has no other means except his home and his necessary household articles, the creditor should not demand repayment, but should wait until the debtor can repay the debt.
5. (2278) If one is in debt and cannot repay it, but is able to work, it is obligatory that he work to earn and repay the debt.
6. (2283) If one demands a larger sum in repayment than the sum loaned, it is considered usury and is *haram*.
 - a. This also applies to adding another article or free labor to the amount of the loan.
 - b. It is not usury if the debtor, without being asked, repays a greater sum than he borrowed. This is, in fact, recommended.

7. (2284) Giving interest as well as receiving it is *haram*.
 - a. One who receives a loan on interest is not the owner of it and cannot use it.
 - b. If the lender would have been satisfied to loan the money without receiving interest, the money may be used.

G. Mortgage

1. (2300) The term mortgage is defined as a debtor - depositing some of his property to a creditor as collateral for a loan.
 - a. (2304) The mortgaged property must be one in which trade is *halal* (example: Liquor and similar things may not be mortgaged).
2. (2305) The mortgager retains the right to use the profit from mortgaged item.
3. (2306) Neither the mortgager nor the creditor may transfer ownership of the mortgaged property to another unless both parties agree to it.
4. (2307) If the creditor sells the property (with the mortgager's permission), the money received in the sale is now mortgaged.
5. (2308) If the loan becomes due and the mortgager does not pay his debt, the creditor may sell the item in order to obtain his money. The creditor should ask for the leading *mujtahid's* consent before selling the property, if possible.
 - a. Any extra money should be returned to the mortgager.

H. Transfer of Debts

1. (2289) If a debtor and a creditor agree, the debtor may transfer his debt to the third party.
 - a. (2289) The third party then becomes the debtor and the creditor may not try to collect the debt from the original debtor.

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- b. (2295) The creditor has the option of not accepting the transfer to a third party.
 - c. (2291) If the third party is a debtor, then it is a necessary caution that he accepts the transfer. But if he is not a debtor, the transfer is valid only if the third party, in addition to the debtor and creditor agrees to it.
2. (2298) If any of the three parties has been given the right of cancellation, he may use that right according to the contract.

I. Deposits

1. (2329) If one accepts a deposit from a child or insane person, he must return it to the proper owner or guardian.
 - a. If it is destroyed, the one accepting the deposit must replace it.
 - b. If one accepts property from a child or insane person so that it will not be destroyed by them, and is not negligent in guarding the property, he is not responsible for its loss.
2. (2332) One who deposits an article with someone may take back his deposit whenever he wants it and one who accepts the deposit may give it back to the owner whenever he likes.
 - a. (2333) If the one holding the deposit cancels the deal, he must return the item immediately or notify the owner or his agent of the contract's cancellation.
 - 1) If he fails to do this with no excuse and the property is destroyed, he is responsible for it.
3. (2334) One who accepts a deposit must find a suitable and safe place for it and keep it in such a way that it may not be said that he has neglected or tampered with it. If he keeps it in an unsuitable place and it is lost, he must compensate for it.
4. (2335) If one accepts a deposit, and in keeping it neither neglects nor tampers with it and it is lost,

- he will not be responsible for the loss.
5. (2340) If the owner of the property dies and has left several heirs, the property must be kept under the control of all of the heirs or be given to a person who has been appointed by all the heirs to oversee the property. If he gives it to one of the heirs without the consent of the other heirs, he will be responsible for the shares of the other heirs.

J. Borrowing

1. (2344) The term borrowing means to loan another person one's property without expecting a fee for its use.
2. (2345) Borrowing doesn't require a contract.
3. (2346) One must never loan out something that he has leased to someone else, unless the original owner or borrower agree.
4. (2347) A leased item may be loaned out by the lessor unless the lease contract prohibits it.
5. (2348) One may not borrow from a child or insane person unless the guardian approves of it.
6. (2349) If one has not been negligent in the use or care of an item he has borrowed, he is not responsible if it is lost.
 - a. This is true unless the borrower had agreed to compensate for any lost part of the borrowed item.
 - b. If the item was of gold or silver, he should compensate for it.
7. (2353) One who lends his property may take it back whenever he wants it, and one who borrows something may return it whenever he likes.
8. (2357) If one lends an article that is used for eating or drinking that he knows to be *najis*, he should inform the borrower of this.
9. (2358) The borrowed article may not be put out to hire or loaned to another person without the permission of the owner.

10 (2360) If one knows that the property he borrowed was illegally usurped, he must return it directly to the proper owner.

14

Marriage

(Nikah)

A. Upon making the marriage contract, the woman becomes *Halal* for her husband. There are two kinds of marriage contract: permanent and temporary. In the permanent contract, no time limit is set for the marriage. In the temporary contract, a time limit is set (such as one hour, one day, one month, etc.).

B Conditions of Marriage

1. (2370) **Conditions of the Marriage Contract** (*aqd*).
 - a. The marriage vows must be stated clearly by the parties involved. Mere agreement to be married is not sufficient.
 - 1) If they are not able to say the vows themselves, they may use an agent (*wakil*) to read it for them.
 - 2) The vows must be said in Arabic, if at all possible.

- 3) If they cannot do either of the above, they may say the vows in any language, but their words should encompass the meaning of the arabic vows ("I married myself to you for the agreed upon dowry," and "I accepted the marriage").
 - b. The parties making the contract (saying the vows) should have the intention of getting married or of marrying the man and woman concerned.
 - c. The person saying the vows (either the agent or the party involved) must be sane and mature.
 - d. If an agent or guardian is actually saying the vows, the couple he represents must be specified, by their names or other means.
 - e. The parties may not be married against their will.
2. (2375) The father or grandfather of an immature or insane child may marry his child (to another person). After the child matures or becomes sane, if the marriage is beneficial to him, he may not cancel the contract. If it is not beneficial, he may cancel the contract.
 - a. (2378) If the father or grandfather of an immature boy marries him to someone, after maturity the boy should assume normal responsibilities for his wife.
3. (2376) A mature, virgin woman must obtain the consent of her father to marry. In the absence of a father, the consent of her grandfather should be obtained.
 - a. (2377) If neither the father nor grandfather is available, and the girl is in need of getting married, then their consent is not necessary.
 - b. (2377) The father's consent to marry is not necessary for a non-virgin woman who has lost her virginity because of a previous marriage.
4. (2397) A Muslim woman may not marry a non-Muslim man.
 - a. A Muslim man may not marry a non-Muslim

woman. He may temporarily marry a woman who is from the People of the Book (Jews or Christians).

C. (2368) The Vows for Permanent Marriage

1. If the couple are reciting the vows themselves:
 - a. The woman first says,

زَوَّجْتُكَ نَفْسِي عَلَى الصَّدَاقِ الْمَعْلُومِ

“*Zawajtuka nafsi alas sadaghel ma’lum* (I married myself to you for the agreed upon dowry).”

- B. The man then says,

قَبِلْتُ التَّزْوِيجَ

“*qabiltu tazwij* (I accepted the marriage).”

2. If the vows are recited by one agent for the woman (example: Fatima) and one agent for the man (example: Ahmad):
 - a. The woman’s agent says,

زَوَّجْتُ مُوَكَّلَاتِي فَاطِمَةَ مُوَكَّلِكَ أَحْمَدَ عَلَى الصَّدَاقِ الْمَعْلُومِ

“*Zawajtu Mowakkilati Fatimatah Mowakkilaka Ahmada alas sadaghel ma’lum* (I married my client, Fatima, to your client, Ahmad, for the agreed upon dowry).”

- b. The man’s agent then says,

قَبِلْتُ لِمُوكِّلِي أَحْمَدَ عَلَى الصَّدَاقِ

"*Qabiltu limowakkili Ahmadah alas sadugh* (I accepted on behalf of my client Ahmad, for the agreed upon dowry)."

D. (2369) Vows for Temporary Marriage

1. If the man and woman say the vows themselves.
 - a. The woman says,

زَوَّجْتُكَ نَفْسِي فِي الْمُدَّةِ الْمَعْلُومَةِ عَلَى الْمَهْرِ الْمَعْلُومِ

"*Zawajtuka Nafsi fil muddatil ma'lumati alal mahril ma'lum* (I married myself to you for the known period and the agreed upon dowry) "

- b. The man then says,

قَبِلْتُ

"*Qabiltu* (I accepted)."

2. If the vows are said by one agent for the woman and one for the man:
 - a. The woman's agent says,

مَتَّعْتُ مُوَكَّلَاتِي مُوَكَّلَكَ فِي الْمُدَّةِ الْمَعْلُومَةِ عَلَى الْمَهْرِ الْمَعْلُومِ

"*Mattatu mowakkilati mowkelaka fil muddatil a ma'lumati alal mahril ma'lum* (I temporarily married my client for the determined time and dowry) "

- b. The man's agent then says,

قَبِلْتُ لِمَوْكَلِي هَكَذَا

"*Qabiltu limowakkili hakaza* (I accepted these terms on behalf of my client)."

E. Annulment

1. (2380) If, after marriage, the husband finds that the wife has one of the following defects, that was not known or agreed upon before marriage, he may annul the contract.
 - a. Insanity.
 - b. A genital defect that makes sexual intercourse impossible. (Translator's note: Refer to *Tau-dih-al-Masa'il* for more detail on this condition.)
 - c. Leprosy.
 - d. Blindness.
 - e. Crippled in such a way that her deformity is apparent.
2. If after marriage the wife finds that the husband has one of the following defects that was not known or agreed upon before marriage, she may annul the contract.
 - a. Insanity.
 - b. A genital defect that makes sexual intercourse impossible.
3. (2382) If one of the couple separates for one of the above reasons, it is not divorce and they must not say the divorce vows.
4. (2383) If the couple did not have intercourse before they separated, the husband is not required to pay a dowry to his wife.
 - a. If the separation was due to the husband's genital defect, he must pay half of the wife's dowry to her.
 - b. If the couple separates for any of the above reasons after they have sexual intercourse, the wife must receive her entire dowry.

F. Women *Haram* for a Man to Marry

1. (2384) His mother, grandmother, sister, daughter and all ascendants and descendants along these lines.
2. (2385) His mother-in-law, grandmother-in-law, and

- all ascendants along these lines, whether or not he has had intercourse with his wife after their marriage.
3. (2386) His daughter-in-law, her daughter and granddaughter of her wife and all descendants along these lines, if he has had intercourse with his wife, after their marriage.
 4. (2388) His aunt, from mother or fathers side, and all ascendants along these lines.
 5. (2387) A man cannot marry his daughter-in-law even if he has not had intercourse with his wife after their marriage as long as they are married.
 6. (2390-2384) Sister of his wife, whether their marriage is temporary or permanent.
 7. (2389) A husband's father, grandfather, son, grandson and all ascendants and descendants along these lines are *mahram* (see ch. 15) for his wife.
 8. (2392) His wife's niece without the consent of his wife.
 - a. If he does so without her permission, but she does not object later the marriage is valid.
 9. (2400) A woman who is in *iddah* (her waiting period after a previous marriage).
 - a. If the man and the woman or one of them knew that the woman is in *iddah* and knew that marrying a woman in *iddah* is *haram*, even if they have not had intercourse after their marriage, the woman becomes *haram* to him and cannot marry the man afterward under any condition.
 10. (2402) A woman who is already married.
 - a. If he does so for any reason, the marriage is invalid and he must separate from the woman. If the woman is later divorced or widowed, he still may not marry her (she is *haram* for him).
 11. (2403) A woman who has committed adultery is not *haram* for her husband. But if she does not repent of her sin, it is better for her husband to divorce her and pay her dowry.
 12. (2407) A man on *hajj* is forbidden to marry while he is wearing *ehram* (special clothing worn during *hajj*).

- a. If he does marry, the marriage is invalid.
 - b. If he marries even though he knows it is *haram*, the woman becomes *haram* for him to marry later.
13. (2409) If during *hajj*, a pilgrim fails to circumambulate the *ka'bah* for the *tawafun-nisa* (woman's turning), his or her spouse will be *haram* for him or her until he or she does it.

G. Rules for Permanent Marriage

1. (2412) A permanently married woman must not leave the house without her husband's permission.
2. (2412) It is the obligation of the husband to provide for his wife's basic needs, such as food, clothing and housing on the condition that the wife observes the rights of her husband.
3. (2412) A wife must yield to any sexual demand of her husband that is within the bounds of Islam at any time.
 - a. (2413) If she refuses, she is sinning and her husband is no longer required to fulfill his matrimonial obligations to her (except that she may retain her dowry).
4. (2414) A husband may not force his wife to perform household duties such as cooking, cleaning and laundry.
5. (2416) If a husband does not meet his matrimonial obligations to support his wife, she may then take her daily expenses from her husband's belongings without his permission or seek her own means of support. If this becomes necessary, she is not required to fulfill her matrimonial obligations to him while she is seeking her own means of support.
6. (2418, 2422) In both temporary and permanent marriage, a husband must have sexual relations with his wife at least once every four months.
7. (2419) If a husband wishes to give a dowry to his

- wife and the exact amount of it was not set in the marriage contract, he must approximate the dowries of other women of her social and economic level.
8. (2420) If a time limit for paying the dowry has not been set at the time of marriage, a wife may refuse to have sexual relations with her husband until she receives it. However, once she agrees to sexual intercourse, she may not refuse to do it later for any reason, within the bounds of Islam.

H. Rules for Temporary Marriage

1. (2369) The length of the marriage contract and the amount of the dowry must be specified.
2. (2423) A wife may stipulate in their contract that she and her husband will have no sexual intercourse. This clause may be rescinded at any time upon the woman's consent.
3. (2424) A husband is not required to provide for his wife's basic needs, such as food, clothing and shelter, even if she is pregnant.
4. (2425) Neither husband nor wife may inherit from his or her spouse.
5. (2427) A wife does not need her husband's permission to leave her house, unless doing so will infringe upon his rights.
6. (2429) The father or grandfather of an immature child may marry that child to an adult in a contract of one or two hours.
 - a. This contract must not infringe upon the rights or welfare of the child, if the child is a girl.
 - b. In the case of a girl, the mother of the child becomes *mahram* (see ch. 15) to the girl's husband and does not have to cover in front of him. In the case of a boy, the father of the boy becomes *mahram* to the boy's adult wife.
7. (2432) If, after a marriage expires, the couple wishes to marry permanently, it is not necessary for them to delay marriage until the wife's *Iddah* is over.

15

Social Relationships and Family Ties

- A. (2435) A woman must cover her body and hair from the sight of a *ghayrul-mahram* man.
1. This includes boys who may not be physically mature, but who are unusually sexually aware.
- B. (2433) It is *haram* for a man to look at the body and hair of a *ghayrul-mahram* woman.
1. He should also not stare at the face and hands of a *ghayrul-mahram* woman.
 2. A woman should also not stare at the body of a *ghayrul-mahram* man.
- C. (2437) It is permitted for a man and woman who are *mahram* (see ch. 14, sec. F) to look upon each other's body and hair (except for the genital region), so long as it is not with sexual desire.

D. (2439) It is permitted for a man to photograph a *ghayrul-mahram* woman.

1. Photographing should not be dependent on committing other *haram* acts.
2. If he knows the woman, and she is not disreputable woman, he should not look at her picture.

E. (2441) If a man must touch or look at a *ghayrul-mahram* woman in order to cure her illness or injury, it is permitted. If he can cure her by looking, he should avoid touching her and if he can cure her by touching he should avoid looking at her.

1. (2442) If one must look upon a person's genital region in order to cure him or her, one should use a mirror to do so. However, if this is not possible, it is permitted to look at him or her directly.

F. (2438) It is *haram* for a man to look upon the body of another male with sexual desire. Likewise, it is *haram* for a woman to look upon the body of another female with sexual desire.

G. Miscellaneous Rules on Marriage

1. (2443) Marriage is obligatory to a man who, because of having no wife, feels he must resort to *haram* acts.
2. (2448-2449) If a Muslim rejects Islam, his or her spouse becomes *haram* for him or her and his or her marriage becomes invalid.
3. (2458) If the father and mother are divorced, the father may not separate the mother from a daughter under age seven, as long as the mother is Muslim, sane and free.
4. (2463) If a wife believes her husband to be dead, remarries and then her husband returns, the second marriage is invalid and she must return to the first

husband. If the second husband had intercourse with her, she must complete *iddah* for him before returning to the first husband and the second husband must pay her dowry to her.

5. (2445) A *ghayrul-mahram* man and woman must never be alone together in a place where nobody else can enter if they fear that they may commit *haram* acts.

16

Wet-nursing

(Ridha)

- A. (2474) If a woman wet-nurses a child other than her own for the specified period, then that woman shall be in the position of a mother to that child under the following conditions:
1. The wet-nurse must be a living woman.
 2. The milk must not be *haram* (if the child whose birth caused the wet-nurse to lactate was conceived out of adultery or fornication, the milk is *haram*).
 3. The baby must suckle directly from the wet-nurse.
 4. It must be pure milk.
 5. It must be from one husband (that is, one child must not be fed on a woman's milk that is caused by pregnancies from two different husbands).
 6. The wet-nurse feeds the baby for a continuous 24 hours or for 15 complete feedings.
 7. The baby must not consistently bring up the milk after suckling because of illness.
 8. The baby must be under two years of age.

B. (2464) If a woman wet-nurses a child as described in sec. A, the following persons become *mahram* to that child.

1. The wet-nurse.
2. The husband of the wet-nurse (the husband who caused the wet-nurse to lactate).
3. Parents, grandparents, etc. of the wet-nurse.
4. The children of the wet-nurse.
5. The grandchildren, great grandchildren, etc. of the wet-nurse.
6. Brothers and sisters of the wet-nurse.
7. Uncles and aunts of the wet-nurse from both the father's and the mother's sides.
8. The children of the husband of the wet-nurse.
9. Brothers and sisters of the husband of the wet-nurse.
10. Parents, grandparents, etc. of the husband of the wet-nurse.
11. Uncles and aunts of the husband of the wet-nurse, from both the father's and the mother's sides.

C. (2475) The baby must become satiated from the milk only in every feed.

1. Within the 24 hour period of wet-nursing, the baby should not eat any complete meal or consume the milk of any body else, except that of the wet-nurse.

D. (2477) All the babies a woman wet-nurses will be considered siblings (they will be all *mahram* to each other) as long as she was married to the same man while she was wet-nursing them. These children are also *mahram* to the wet-nurse and her husband.

1. (2480) If a woman wet nurses a boy and a girl, while being married to the same husband, the brothers and sisters of the boy do not become *mahram* to the brothers and sisters of the girl.
2. (2490) Created-siblings do not inherit from each other.

- E ((2489) It is not recommended that a woman wet-nurse many babies since it complicates the social relationships between the children in later years.
1. (2483) Two women who are considered sisters because they have been wet-nursed by the same woman may not marry the same man simultaneously.
 - a. If he marries two women and later discovers that they are created-sisters, only the first marriage is valid.
- F. (2472) If a maternal grandmother wet-nurses her daughter's child, the daughter will become *haram* for her own husband. However, if the paternal grandmother wet-nurses her son's child, her son's wife will not become *haram* for him.
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17

Divorce

(Talagh)

- A (2498) A man who divorces his wife should be mature, sane and be purposefully divorcing her out of his own free will.

- B. (2499) At the time of divorce, the wife must be free from her menstrual period or *nifas* and the couple must not have had sexual intercourse from the time she became free.
 - 1. (2500) A woman that is menstruating or in *nifas* may be divorced under three circumstances:
 - a. If the couple had not had sexual intercourse after marriage.
 - b. If a woman is pregnant.
 - 1) If a woman is menstruating when her husband divorces her, but later discovers that she was pregnant at the time, the divorce is valid.
 - c. If the husband is on a journey and has no means

- of ascertaining whether or not his wife is menstruating.
2. (2501) If a husband divorces his wife and later discovers that she was menstruating at the time, the divorce is invalid. If a husband divorces his supposedly menstruating wife and later discovers that she was not menstruating, the divorce is valid.
 3. (2502) If a man who knows that his wife is menstruating goes on a trip and then decides to divorce her, he should wait until after the normal length of time for her period to end before he divorces her.
 4. (2503) If a man on a trip can estimate that his wife is on her period, he should wait until he feels that it has ended before he divorces her.
 5. (2504) If a husband has intercourse with his wife, he must wait until after her next menstrual period before he divorces her.
 - a. (2504) A husband may divorce his wife after intercourse without waiting for her next period if she is less than age nine, pregnant, or is past menopause.
 - b. (2505) If a husband divorces his wife without waiting for her period and later discovers that she was pregnant, the divorce is valid.
 - c. (2506) If the husband leaves for a trip after having sexual intercourse with a woman who is free from her menstrual period or *nifas*, he must wait until he estimates that her next period is finished before he divorces her.
 6. (2507) If a man wants to divorce his wife who does not menstruate because of illness, he must wait for three months from the last time they had intercourse before he divorces her.
 7. (2509) Temporary marriage doesn't have divorce. A divorce is accomplished when the marriage contract ends or when the husband condones the rest of the period. There is no need for witnesses or for waiting until the wife is not menstruating to end a temporary marriage.

C. Types of Divorce

1. (2522) *Talagh-ba'in*: A husband may not return to his wife after this divorce unless they have a new marriage contract. This divorce applies in six situations:
 - a. The divorce of a wife who is under age nine.
 - b. The divorce of a wife who is past menopause.
 - c. The divorce of a wife who did not have intercourse with her husband after marriage.
 - d. The third divorce between a husband and the same wife (see "3" below).
 - e. (2528) *Talagh-khola*: Where a wife does not want to stay married to her husband and remits her dowry or any money to her husband so that he will divorce her.
 - f. (2531) *Talagh-mobarat*: Both parties have a mutual desire for divorce. In this case, a wife may pay her husband to get the divorce.
2. (2522) *Talagh-ruj'a*: This includes all categories of divorce other than those mentioned above. After this divorce, the husband may return to his wife without a new contract as long as she is in *iddah*.
 - a. (2523) In this divorce, a husband may not turn his wife out of her house.
 - b. (2523) The wife should not leave her home unless it is absolutely necessary (during her *iddah*).
 - c. (2524) A husband may return to his wife under either of the following conditions:
 - 1) By stating that he wishes to return to her.
 - 2) By showing through his actions that he wishes to return to her.
3. (2527) If a man divorces his wife for the third time, she becomes *haram* for him to remarry unless all of the following conditions are fulfilled.
 - a. She permanently remarries another man.
 - b. The wife and her second husband have sexual intercourse.
 - c. The second husband either divorces her or dies.
 - d. She completes her *iddah* for the second husband.

D. *Iddah* (the woman's waiting period)

1. (2510) *Iddah* only applies to women who are over age nine and who are not past menopause.
2. (2511) If such a woman has had intercourse with her husband and then is divorced from him, she must observe *iddah* before she remarries.
 - a. *Iddah* for permanent marriage ends after the completion of two menstrual periods and upon the beginning of the third period.
 - b. If the couple has not had intercourse after marriage, the wife need not wait for an *iddah* before she remarries.
 - c. (2514) *Iddah* for a pregnant woman extends to the birth or abortion of her child.
 - d. (2515) *Iddah* for temporary marriage lasts until completion of two menstrual periods.
 - e. (2516) The *iddah* begins at the time the divorce contract is read, whether or not the wife knows of it.
3. *Iddah* for a widow.
 - a. (2517) *Iddah* for a woman who has lost her husband is for four months and ten days, regardless of whether the marriage was temporary or permanent.
 - b. (2517) A pregnant woman's *iddah* ends at her delivery time unless she gives birth or aborts sooner than four months and ten days after the death of her husband. In that case, her *iddah* is four months and ten days after the birth or abortion of her baby.
 - c. (2518) A widow in *iddah* is prohibited from wearing colored clothing or make-up.
 - d. (2519) If a widow remarries after her *iddah* and later discovers that her first husband had died later than she thought, she must divorce her second husband and:
 - 1) If she is pregnant, she must first observe *iddah* for the divorce of her second husband then *iddah* for the death of her first husband.

- 2) If she is not pregnant, she must first observe her widow's *iddah* and then her divorce *iddah*.
- e. (2520) The widow's *iddah* begins at the time when the wife learns of her husband's death.

E. (2508) The Divorce Vows

1. The divorce vow must be said in Arabic.
2. Two just men must witness the divorce.
3. If a man wants to divorce his wife, he must say (let his wife be named Fatima),

زَوْجَتِي فَاطِمَةُ طَالِقٌ

“Zowjati Fatimato talegh (My wife Fatima is free)”.

4. If an agent says the vow, he must say,

زَوْجَةُ مُوَكَّلِي فَاطِمَةُ طَالِقٌ

“Zowjato mowakkeli Fatimato talegh (Fatima, the wife of my client is free)”.

5. (2529) A man divorcing his wife by *talagh-khola* (see sec. E) should say,

زَوْجَتِي فَاطِمَةُ خَالَغَتْهَا عَلَيَّ مَا بَدَلْتُ هِيَ طَالِقٌ

“Zowjati Fatimato khalatoha ala-ma bazalat hi’ a talegh (I grant my wife, Fatima, a *khola* divorce for what she remitted and she is free).”

6. An agent representing both husband and wife in a *khola* divorce must say,

عَنْ مُوَكَّلَاتِي فَاطِمَةَ بَدَلْتُ مَهْرَهَا لِمُوكَّلِي مُحَمَّدٍ لِيَخْلَمَهَا عَلَيْهِ

“An mowakkelati Fatimata bazalto mah’raha le’ mowakkeli Mohammad leyakhla aha alayh (On

behalf of my client Fatima, I remit her dowry to my client Mohammad, so that he will divorce her).”
He must then immediately say,

زَوْجَةُ مُوَكَّلِي خَالَغْتُهَا عَلَى مَا بَدَلْتُ هِيَ طَالِقٌ

“Zowajatu mowakkeli khalaatuha ala-ma bazalat hi'a talegh (The wife of my client, I make her free, upon her remittance of the dowry).”

7. (2532) In *talagh-mobarat* (see sec. E), the husband must himself say,

بَارَأْتُ زَوْجَتِي فَاطِمَةَ عَلَى مَهْرِهَا فَهِيَ طَالِقٌ

“Baarata Zowjati Fatimata ala mahreha fahi'a talegh (I made my wife Fatima free upon remittance of her dowry).”

8. (2532) If an agent says the vows for the husband in *talagh-mobarat*, he must say.

بَارَأْتُ زَوْجَةَ مُوَكَّلِي فَاطِمَةَ عَلَى مَهْرِهَا فَهِيَ طَالِقٌ

“Baaratu zowjata mowakkeli Fatimata ala mahreha fahi'a talegh (I made Fatima, the wife of my client, free upon remission of her dowry).”

F. General Divorce Rules

1. (2538) If a man deceives a woman to obtain divorce from her husband and then to marry him, the marriage is valid, but they have both committed a great sin.
2. (2539) If a woman puts a clause into her marriage contract stating that she may divorce her husband if he (for example) travels for more than six months or doesn't support her, that clause is invalid (Translator's note: This means that the clause states that

she would actually say a vow and divorce him.)

- a. If the clause says that if he does the above, she may divorce herself on his behalf, the clause is valid.
 3. (2540) If a woman's husband has disappeared and the woman wishes to remarry, she must ask the guidance of a just *mujtahid* before she remarries.
 4. (2541) The father or grandfather of an insane man may act as an agent and divorce his wife if they feel it is necessary.
 5. (2542) The father or grandfather of an immature child whom he has temporarily married may end that contract early if he feels it is for the child's benefit. But he cannot divorce the child's permanent wife.
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18

Slaughter of Animals and Hunting

- A. (2583) Animals whose meat is *halal* must be slaughtered Islamically before they become *halal* to eat and *tahir*.
1. (2584) Domestic animals whose meat is *halal*, such as sheep or cattle do not become *halal* and *tahir* by hunting. They must be slaughtered Islamically.
 2. (2584) If they are wild, and it is not possible to catch and slaughter them, one may hunt them. This is also true of domestic animals that have become wild and free.
 3. (2585) If the wild animal does not have the option of escape, he must not be hunted (example: a baby that cannot run quickly or a wild animal that is fenced in).
 4. (2586) The body of an animal whose flesh is *halal*, but whose blood does not gush out (such as a fish), is *tahir* if the animal dies by itself before capture, but its eating is *haram* (see sec. E).
 - a. (2587) An animal whose blood does not gush out and has flesh which is *haram* to eat will

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- never become *halal*, even if it is slaughtered Islamically, however the flesh is *tahir*.
5. (2588) Dogs and pigs are *najis* and their flesh is *haram* to eat under any conditions.
 6. (2588) Those animals that feed on the flesh or excrement of other animals are *haram* to eat. However, if they are hunted, their flesh will be *tahir*.
 7. (2590) The flesh of a dead baby that is taken from a living animal is *haram*.

B. Slaughter

1. (2583) The animal whose meat is *halal* and that is slaughtered in the prescribed method is *halal* to eat or utilize in other ways.
2. (2594) The Islamic method of slaughtering an animal is fulfilled in the following five conditions:
 - a. The slaughterer must be Muslim.
 - b. The slaughtering instrument must be made of iron and be sharp enough to completely sever the major vein, artery, esophagus and windpipe in the animal's neck. If even one of these is not completely severed, the animal is *haram* for eating.
 - c. While being slaughtered, the animal must be positioned to face *qiblah*. If one intentionally does not do this, the meat will become *haram*.
 - d. One must utter "*Bismillah*" ("In the name of Allah") before killing the animal. If one intentionally does not do this, the meat will become *haram*.
 - e. There must be visible movement in the animal just after the slaughter.

C. Hunting

1. (2601) Hunting a wild animal whose meat is *halal* will make its flesh *halal* for eating under the following conditions:

- a. The weapon must be sharp or pointed so that it cuts the animal's flesh.
 - 1) The use of snares, clubs or rocks, etc. to kill an animal does not make its flesh *tahir* and *halal* for eating.
 - 2) If one uses a gun, the bullet must be sharp to cut and penetrate the animals flesh. If the bullet is not sharp, but penetrates and kills the animal through its impact or heat, it is doubtful that the flesh be *tahir* and *halal* for eating.
- b. (2601) The hunter is a Muslim or a Muslim child who can distinguish right from wrong.
 - 1) If the hunter is a *kafir* or a rejector of the Holy Imams (peace be upon them), the animal's meat will be *haram*.
 - 2) (2602) If two persons are hunting an animal, they must both be Muslim. If one is *kafir* or intentionally does not pronounce the name of Allah, the animal will be *haram*.
- c. He must be aiming his weapon at the animal he intends to kill (if he accidentally kills an animal, it will not be *halal* for eating).
- d. He must mention the name of Allah just before he kills the animal.
 - 1) If he intentionally does not do this, the meat is *haram*.
 - 2) If he accidentally forgets, the meat is *halal*.
- e. The animal should be dead when the hunter reaches him, or die so quickly thereafter that he has no time to slaughter it Islamically.
 - 1) If there is enough time to slaughter it Islamically and he doesn't do so, the animal is *haram* for eating.
- 2. (2603) If a hunted animal falls into the water after he is wounded, the hunter must be certain that the animal has died before he reached the water. If he is not certain of this or if he knows the animal was alive, the animal is *haram*.
- 3. (2607) If the hunter removes a live baby from the

animal he killed and slaughters it Islamically, its meat is *halal*.

a. If he allows it to die by itself, it is haram.

D. (2909) **Hunting by dog:** The meat of a *halal*, wild animal that is hunted by dog is *halal* to eat under the following conditions:

1. The dog is a trained hunting dog that obeys his master's commands. The dog should not habitually eat part of the prey before his master reaches him. If he does this once or twice accidentally, it is all right.
2. The owner must have sent the dog out to hunt. An animal hunted by the dog without the owner's command is *haram*.
3. The dog's master must be a Muslim or a Muslim child that can distinguish right from wrong.
4. The master must pronounce the name of Allah (*bismillah*) as he sends the dog out to hunt. If he intentionally fails to do this, then the meat will be *haram* for consumption.
5. The prey must die as a result of the wounds that the dog's teeth make in its body, An animal that chokes or dies of exhaustion or fright is *haram*.
6. The prey must be dead or die soon after the hunter reaches it.
 - a. If the prey is alive long enough for the hunter to slaughter it Islamically and he does not, it will become *haram*.
 - b. (2610) If he does not have a weapon to kill it with, the meat will be *haram*.
 - c. (2610) If his weapon jams, or somehow delays him so that the animal dies on its own, the meat will be *haram*.
7. (2611) If several dogs are sent out at once, they must all meet the requirements of a hunting dog. If even one does not, the prey will be *haram*.
8. (2612) If the master sends his dog out to hunt one animal and it hunts another, that animal is *halal*.

If he hunts both the first and second animal, they are both *halal*.

9. (2613) If even one of a group of persons sending the dog out are *kafir*, the meat will be *haram*.
10. (2614) If any animal other than a dog hunts and kills an animal, its meat is *haram*, but if that animal brings down the prey so that the hunter can slaughter it Islamically, the meat will be *halal*.

E. Fishing

1. (2615) Fish with scales that are caught and die out of the water are *tahir* and *halal* for eating.
 - a. If it dies in the water, it is *tahir* but is *haram* to eat.
 - b. If it does not have scales, it is *haram* whether or not it dies out of water.
2. (2617) The person catching the fish need not be Muslim, nor pronounce the name of Allah when he catches it, but a Muslim should know that the man caught the fish live and it died out of the water.
3. (2618) If one is not certain that a fish has died out of the water, he can accept it as *halal* if it is in the hands of a Muslim. But, if it is in the hands of a *kafir* who says that the fish was alive when brought out of the water, it is *haram*.
4. (2619) Eating a live fish is *halal*.
5. (2620) If the fisherman kills the fish out of water before it dies by itself, it is *halal*.

F. Other Types of *Halal* Food and Eating Practices

1. (2624) Birds that have talons are *haram*.
2. (2625) Any living part that is cut from a living animal is *najis* and *haram*.
3. (2626) Some parts of the body of a *halal* animal are *haram* for eating: blood, excrement, genital organs, womb, intestines, glands, spinal cord, gall bladder, pupil, eyeball, testicles, spleen or hoof.

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4. (2634) One should not sit or eat around a table where liquor is served.
 5. (2635) It is obligatory for a Muslim to give food or water, if at all possible, to a person who is dying from starvation or thirst.
 6. (2630) Consuming something that is harmful for one is *haram*.
 7. (2631) Eating horses, donkeys or related animals is not recommended.

19

Windfalls

(Luqtah)

- A. (2564) If one finds an item that has no identifying marks on it, and thus the owner cannot be found, he should donate the item to charity with the intention of the owner.
- B. (2565) If one finds a lost item for which the owner can be identified, and one knows that the owner would not want him to use the item for himself, he must not keep it. However, if the owner cannot be found and the item is worth less than two grams (12.6 *nukhod*) of silver, the finder may keep it.
- C. (2566,2568) If one finds a lost item of more than two grams of silver in value which has some sort of identifying mark on it, he should advertise for the original owner within the first year after he finds it everyday for the first week and every week for the rest of the year. If no owner can be found, he may keep the item with the understanding that if the owner is ever found, he should provide a substitute item for him. However, it is

recommended that he donates the item to charity with the intention of the owner.

1. (2571) If a child finds something, his guardian should advertise for the owner.
2. (2573) If the property is destroyed before the owner is found and the holder of the found item is to blame, he must compensate for the loss if the owner is ever found, If he was not negligent, he will not be responsible for the loss of the item.

20

Vows

(Nadhr)

- A. (2640) Making a vow implies that a person voluntarily dedicates himself to perform a desirable act for the sake of Allah, or give up an undesirable act for the sake of Allah.

- B. (2641) When making a vow, it is necessary to say the actual words aloud, but they need not be said in Arabic. An example of a correct vow is: When one vows that if someone who is ill recovers, for the sake of Allah, he (the one making the vow) will give ten dollars in charity.
 - a. Upon saying the vow, one must comply with it.

- C. (2642) One who makes a vow must be sane, mature and doing so purposefully out of his own free will.
 - 1. If it is done in anger or by force, it is not valid.
 - 2. (2644) The vow of a wife, if made without her husband's consent, is invalid.
 - a. (2645) If she has his permission, he cannot

demand that she break the vow later on or prevent her from fulfilling it.

3. (2647) One should only vow to do actions that are possible for one to do.
 4. (2648) It is not correct to vow to do something that is *haram* or to not do an obligatory act.
- D. (2651) One must fulfill one's vow exactly how he stated it (example. If one vows to fast on the first day of the month, he must do it on that day, or if he vows to give ten dollars in charity when an ill person recovers and he gives it before the person recovers, it does not fulfill the vow).
1. (2654) If one intentionally does not keep his vow, he must pay atonement of one of the following:
 - a. Free a slave.
 - b. Feed 60 poor persons.
 - c. Fast for 2 months consecutively.

21

Oaths

(Qasam)

- A. (2670) If one makes an oath to do or to abandon some work, he must comply with it (an oath is when one swears in the name of Allah that he will or will not do something).
1. If one intentionally does not comply with his oath, he must pay atonement of one of the following:
 - a. Free a slave.
 - b. Feed or give clothing to ten poor persons.
 - c. If he cannot afford (a) or (b) he must fast for three days.
- B. (2671) An oath becomes valid on the following conditions:
1. The person making the oath should be sane and mature and not in an angry mood.
 2. Its performance should have a better result than its non-performance.

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3. It should be done to avoid doing an undesirable or *haram* act or to comply with an obligatory or recommended act.
 4. It is done in the name of Allah.
 5. The oath must be said aloud. If one is not able to speak, he may sign the oath.
 6. Keeping the oath should be possible. If it becomes impossible to keep the oath, it will be cancelled.
- C. (2679) If one's father disallows one's oath, or one's husband disallows one's oath, their oaths are invalid.
- D. (2675) It is not recommended for one to swear to anything in the name of Allah, and if one swears in His name falsely, it is one of the greatest sins. However, if one swears falsely in order to save his life or that of another Muslim, it is permitted. (Translator's note: This kind of oath is different from what is explained in sec. A.).

Glossary

The definitions in this glossary are solely a contribution of the translators and do not constitute a section of *Taudhih-al-Masa'il*.

- adhan:** The call of the *muezzin* telling Muslims that it is time to pray.
- ahkamud-din:** The divine, practical laws of Islam.
- Allah:** The One God
- aqd:** Contract
- asr prayer:** One of five daily obligatory prayers. It must be performed after *zohr* prayer and before sunset (ch. 6).
- ayah:** One verse in the Quran.
- batil:** Invalid and unlawful. A contract becomes *batil* when it does not satisfy the divine, practical laws of Islam. For example: Dealing in musical instruments is *haram* and *batil* and both the instrument and any money received for the instrument are *batil* for use.
- dhikr:** Recitation, such as those said during *rukoo* and *sajdah* in prayer (ch. 6).
- du'a:** Supplication; a plea or prayer to Allah.
- ehram:** special white clothing worn during the period of pilgrimage (*hajj*) to the holy city of Mecca.
- estehaleh:** A chemical change in the state of an object, as in wood changing to ashes through burning.
- fajr prayer:** One of the five daily, obligatory prayers. It

- must be performed after the first light of dawn and before sunrise (ch. 6).
- farsakh:** A unit of measure equalling approximately 3.42 miles.
- fitrah:** A special *zakat* to be paid after the sunset on the last day of *Ramadhan* and before the prayer of the festival day of *Id-ul-Fitr* or before its noon.
- ghayrul-mahram:** One who is not *mahram*. A woman must cover her body from the sight of a *ghayrul-mahram* man. One who is *ghayrul-mahram* may or may not be lawful for marriage.
- ghusl:** Obligatory bathing that is required after certain acts or occurrences (ch. 4).
- ghusl-haydh:** *Ghusl* required after completion of a woman's menstrual period (ch. 4).
- ghusl-istehadha:** *Ghusl* required if a woman experiences irregular or breakthrough bleeding (ch. 4)
- ghusl-janabah:** *Ghusl* required after sexual intercourse or after seminal discharge (ch. 4).
- ghusl-massul-mayyit:** *Ghusl* required after contact with a human corpse (ch. 4).
- ghusl-mayyit:** *Ghusl* required for a human corpse before burial (ch. 4).
- ghusl-nifas:** *Ghusl* required by a woman after bleeding from childbirth.
- hajj:** Pilgrimage to Mecca that must be made at least once by every *mustati* Muslim (ch. 10).
- halal:** Lawful for use or consumption.
- haram:** Unlawful for use or consumption.
- haydh:** Menstruation.
- hunut:** The act of rubbing camphor on the forehead, palms, knees and big toes of a human corpse (ch. 4).
- iddah:** The period of waiting that a woman must observe after her husband divorces her or dies and before she may remarry (ch. 17).
- Id-ul-Adha:** Festival day on the tenth of the month of *zul-Hajj*.
- Id-ul-Fitr:** Festival day on the first of the month of *Shawwal* celebrating the end of *Ramadhan* fasting.

ijtihad: Independent judgement based on reasoning in interpreting the *ahkamud-din*.

imamul-jama'ah: The leader of congregational prayers (ch. 6).

isha prayers: One of the five daily, obligatory prayers. It must be performed after nightfall and *maghrib* prayer and before midnight (ch. 6).

jama'ah: Congregation, as in congregational prayers (ch. 6).

janabah: A state of ceremonial pollution resulting from sexual intercourse with or without ejaculation or by seminal discharge while awake or asleep.

jihad: Fighting in the way of Allah (ch. 11).

ka'bah: The small building built by the Prophet Abraham (peace be upon him) now in the center of Masjid-ul-Haram in Mecca. All Muslims must face toward the *ka'bah* when they do their obligatory prayers.

Kafir: One who rejects the existence of Allah, who brings a partner for Him or who denies the prophecy of Muhammad (peace be upon him).

khums: One-fifth levy; a yearly tax. (ch. 8).

kur: A unit of measure; approximating 384 liters or 102 gallons.

Luqtah: Windfall; something of value that one finds (ch. 19).

maghrib prayers: One of five obligatory, daily prayers. It must be performed after the reddish glow of sunset has left the eastern sky and before the amount of time necessary to do *isha* prayer before midnight (ch. 6).

mahram: The following persons are *mahram* to each other: one's spouse, parents, grandparents and all descendants and ascendants along those lines; uncles and aunts of oneself, one's parents and grandparents; brothers, sisters, and their children, one's spouse's parents and grandparents. The children of one spouse are *mahram* to the other spouse. A woman need not cover before a man who is *mahram* to her (ch. 15).

ma'ruf: Virtue (ch. 12).

massul-mayyit: Touching a human corpse.

mayyit: A human corpse.

Mithqal: A unit of measure equal to five grams.
mu'amilat: Business dealings (ch. 13).
mud: A unit of measure equalling 75 kilograms.
muezzin: The man who calls people to perform their daily obligatory prayers.
mujtahid: An authority on the divine, practical laws of Islam (ch. 1).
munkar: Vice (ch. 12).
mustati: One who is physically, financially and in all other ways able to perform *haji* (ch. 10).
mutaharat: Purifying agents capable of making an object that has become *najis tahir* (ch. 2).
muwalah: Observing the consecutive acts of obligatory prayer without any gaps in time (ch. 6).
nadhr: Vow (ch. 20).
najis: Ceremonially unclean: some things are inherently *najis*, others can become *najis* through contact with an inherently *najis* substance.
nejasat: Plural of *najis*.
nifas: Bleeding that occurs after childbirth or abortion (ch. 4).
nikah: Marriage (ch. 14).
Niyyah: Intention, e.g.; to designate which prayer one is about to perform and that its sole purpose is to seek nearness to Allah.
qasam: Oath (ch. 21).
qiblah: The facing direction; the direction one must stand in in order to be facing the *ka'bah* while praying.
qiyam: Standing erect while reciting *takbiratul-ihram* and before *rukoo* during obligatory prayers (ch. 6).
qunut: An act of supplication that may be recited during daily obligatory prayers (ch. 6). and must be recited during festival prayer (ch. 6).
rakaat: A unit of obligatory prayer which, in daily prayers, includes recitation of two *surahs* or praises of Allah, *rukoo* and two *sajdahs* and which may vary somewhat in content for other obligatory prayers (ch. 6).
ramadhan: Month in the Arabic lunar calendar which is a time of obligatory fasting for Muslims (ch. 7).
riba: Usury or interest, which is strictly forbidden in Islam

(ch. 13).

ridha: Wet-nursing (ch. 16).

rukṅ: An essential act of obligatory prayer which if left or added will invalidate the prayer (ch. 6).

rukoo: Bowing; a *rukṅ* act of obligatory prayers in which one bends at the waist so that his hands reach his knees and then recites *dhikr* (ch. 6).

sa: A unit of measure equalling three kilograms.

sajdah: Prostration; two *sajdahs* are considered to be one of the *rukṅ* acts of prayer (ch. 6).

salah: Prayer (ch. 6).

salam: Closing recitation said at the end of prayer (ch. 6,

sawm: Fasting (ch. 7).

shaban: The month of the Arabic lunar calendar that precedes *Ramadhan*.

shawwal: The month of the Arabic lunar calendar that follows *Ramadhan*.

surah: Chapter

surah-al-Ikhlās: *Surah* 112 of the Holy Quran. This *surah* is most highly recommended to be said as the second *surah* in the first two *rakaats* of obligatory prayers.

surah-al-Hamd: The first *surah* of the Holy Quran which must be recited in Arabic in the first two *rakaats* of daily obligatory prayer (ch. 6).

taharah: Ceremonial cleanliness (ch. 2).

tahir: The state of being ceremonially clean, the opposite of *najis* (ch. 2).

takbir: A term denoting the phrase "*Allahu akbar*."

takbiratul-ihram: The *takbir* which one must say at the beginning of all obligatory prayers (ch. 6).

talagh: Divorce (ch. 17).

talagh-ba'in: Type of divorce where a husband may not return to his wife without a new marriage contract (ch. 17).

talagh-khola: Type of *talagh-ba'in* where a wife desires divorce and remits her dowry or pays her husband to divorce her (ch. 17).

talagh-mobarat: Type of *talagh-ba'in* where both parties desire divorce (ch. 17).

talagh-ruj'a: Type of divorce where a man may return to

his wife without a new marriage contract (ch. 17).

taqlid: Following, where one must follow the rulings of a mujtahid concerning the *ahkamud-din* because he lacks the knowledge to interpret these laws himself (ch. 1).

tartib: The correct order in which one must do the parts of an act, e.g. prayers (ch. 6, sec. E). or *wudhu* (ch. 3).

tashahud: Witnessing; declaring one's belief in the unity of Allah and in the prophecy of Muhammad (peace be upon him) an obligatory act of prayer (ch. 6).

tawafun-nisa: Literally "the woman's turning"; an obligatory circumambulation of the *ka'bah* during *hajj* (ch. 14).

Taudhih-al-Masa'il: The book of practical laws approved or clarified by Imam Ruhollah Khomeini or other leading *mujtahids*.

Tayamum: Dry ablution; a substitute for *wudhu* or *ghusl* when, for specific reasons, these acts are not possible (ch. 5).

ulama-ud-din: Learned men of religion.

usulud-din: The pillars or fundamental principles of Islam (ch. 1).

wakil: Agent; one may use a *wakil* to perform duties that he himself is unable to do, such as reciting one's marriage vows in Arabic.

wajibu-kifa'i: An action that is obligatory for all Muslims to perform until some Muslim performs it and when it, therefore, will no longer be obligatory for other Muslims. For example: When a Muslim dies, it is necessary for his corpse to receive *ghusl-mayyit*. As soon as one Muslim performs this *ghusl-mayyit*, it no longer is obligatory for others to do so. However, if no one performs *ghusl-mayyit*, all will be sinning.

wudhu: An act of ceremonial ablution that is required before the performance of certain actions (ch. 3).

wudhu-ul-jabirah: Splint ablution; a variation of *wudhu* that one may perform if one has an injury that requires special attention (ch. 3).

zakat: Wealth tax to be paid on certain items (ch. 9).

zakat-ul-Fitr: A certain *zakat* that is paid on *Id-ul-Fitr*

(ch. 9).

zohr prayer: One of five daily obligatory prayers. It must be performed after high noon and before the length of time necessary to perform *asr* prayer before sunset (ch. 6 .

zul-Hajjah: The month of the Arabic lunar calendar during which *hajj* is performed.


