






Al-Wajeez

In Worshipping Condition
in concordance with Fatwas, edicts, of
His Eminence, the Supreme Religious
Authority

Al-Sayyid Ali Al-Husseini Al-Sistani



2022

1443



Secretariat General
of Al-'Abass Holy Shrine



Intellectual and Scientific
Society of Al-'Ameed

Title of the Book: Al-Wajeez

**Translation: Intellectual and Scientific Society of Al-'Ameed
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**Revision: Intellectual and Scientific Society of
Al-'Ameed with Haider Qassim Al-Asadi**

**Printing: Al-Kafeel House for Translation
Republic of Iraq, Holy Karbala
First Edition**

**Copies:
Year: 2022/ 1443 hegira**

Sistani, Ali al-Husayni, 1930-

AL-WAJEEZ : in concordance with Fatwas, edicts, of His Eminence , the Supreme Religious / Authority Al-Sayyid Ali Al-Husseini Al-Sistani ; Translation Prof. Dr. Haider Al-Moosawi In cooperation with Hussein Al-Bazzaz, Buraq Abdulhassan Al-Asadi ; Revision Intellectual and Scientific Society of Al-'Ameed with Haider Qassim Al-Asadi.- First Edition.- Karbala, Iraq : Al-Abbas Holy Shrine, Intellectual and Scientific Society of Al-'Ameed, 1443 hegira = 2022.

97 page : Table ; 24 cm

1. Sistani, Ali al-Husayni, 1930- Minhaj Al-salihin. 2. Ibādāt (Shi'ah).
A. Al-Moosawi, Haider, translator. B. Al-Bazzaz, Hussein, translator. C. Al-Asadi, Abdulhassan, translator. D. Al-Abbas Holy Shrine. Intellectual and Scientific Society of Al-'Ameed, proofreader. E. Al-Asadi, Haider Qassim, proofreader. F. Title.

LCC : KBP494.76.S67 A369 2022

Cataloging Center and Information Systems - Library and House of Manuscripts of
Al-Abbas Holy Shrine

Consignment Number in Books and Documents House:3272

ISBN:978-9922-625-49-2



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

﴿وَجَادِلْهُمْ بَالَّتِي هِيَ أَحْسَنُ﴾

صدق الله العلي العظيم

سورة النحل / الآية: ١٢٥

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In the Name of Allah the Compassionate, the Merciful



Introduction



Praise be to Allah; the Lord of all the Worlds and Blessings and Peace be to the Best of His Creation-Muhammad and his benevolent and immaculate progeny.

Then:

This is a succinct book which entitled as:

Alwajeez takes hold of the most important conditions of the five worshipping acts; the prayer and its requirements of chastity, fasting during Ramadan month, Al-Haj (pilgrimage to Mecca), Az-Zakat (Obligatory Alms) and Al-Khums, the one- fifth alms, with a brief commentary on the conditions of Taqlid, following a Mujtahid (a high religious authority) and doing Good and forbidding Evil.

This book is arranged and prepared in accordance with the Fatwas of the eminent Ayatollah Al-Sayyid Ali Al-Husseini Al-Sistani (May Allah prolong his blessings) to meet the demands of adherents. We beseech Allah, the Most High, the Supreme in glory, to render this book into being a useful guidance to our brethren and believers and into being in His grace and consent. He is the Giver of all.

Conditions of (Taqlid) Following a Mujtahid's (Competent Jurist) Fatwa

Issue 1:

Holy Islamic law includes duties and forbidden deeds mukalif should observe for the sake of being safe from them and obedient to them. Mostly such cannot be achieved unless there is an endowment of ijtahad or dependence on one of these two ways:

1-Taqlid (following a competent jurist) that is: the mukalif⁽¹⁾ is to be in conformity with the fatwas of a competent jurist (a Mujtahid)⁽²⁾.

2- Ihtiyât denotes taking precaution. The adult in charge is to perform his legal duties in a way that makes him feel sure of releasing his part from what should be done. For instance, if he expects Iqama [also Iqamah) is the Islamic second call to salah (prayer), which signals that it's time for the prayer to start], it would be incumbent on him to perform it. Yet, if he expects the forbiddance of smoking, it would be also incumbent on him to avoid it when being precautionous. In other cases, precaution may require repetition of the same deed in various ways like the repetition of a midday prayer, for instance, it is shortened in performance once and completed in another as in some cases of travel. Since the knowledge of the manner by which precaution takes effect will - as usual - requires a wide and broad jurisprudential background which is unavailable in more sectors in the Islamic society. In time, there is difficulty of taking a precaution in most cases and impossibility in other cases. As such, Taqlid tends to be a practical and the most

1. A person at the adolescence.

2. An Islamic scholar who is qualified to perform ijtihad.



perfect style for the most mukalifs to avert Islamic laws they have to obey.

Issue 2:

The Maturity age of female, takleef to bear the responsibility of the religious duties, starts from completing full nine lunar years, yet the male does from completing full fifteen lunar years. But if he grows thick hair in the pubic area or ejaculates in dreaming or being a wake before completing fifteen years, in such a case he is to be considered as an adult according to the Islamic law.

Issue 3:

A Mujtahid is qualified to be followed if he meets the requirements below:

1-Maturity

2-Sanity

3-Masculinity

4-Immaculate birth, it means that his birth has been done in accordance with the legal conditions i.e. normal marital contract and without adultery.

5-Faith, that he is to be a Twelver, Ithna'ashari or Imamiyyah.

6-Justice, it means the probity in line with Islam and never deviates from it, that is, he is to do what he incumbent on him to do according to the Islamic law and avoids what is forbidden for him in it.

7-Self-discipline, it designates that he is not much to commit mistakes, forgetfulness and inattention in regard to jurisprudential specialization.

Issue 4:

If the Mujtahids, as qualified according to the abovementioned conditions, tend to be various, and their edicts run different, as mostly it is existed, since the *ijtihad* ⁽¹⁾ is a source of difference, here are several images and most important ones are as follows:

First Image: it is to be proved for the mukalif that the meant mujtahid is more knowledgeable (*Ala'lam*)⁽²⁾ than the others. In this case it is incumbent on him to follow him.

Second Image: it is proved for the mukalif that two of the mujtahids are more knowledgeable than the other, in time both are equal in knowledgeability and it is not proved that one of them is more knowledgeable than the other. In such a case, if it is proved for the mukalif that one of them is more righteous than the other. That is, he is more stable and cautious about the inserted sides in fatwa issuing as he is more careful of pursuing the affairs of a case he practices deduction on. Here the mukalif is to adhere to him. If it is not proved in such a way, the mukalif is free to apply his acts to any one of them, except for specific cases illustrated in Minhaj Al-Salihin, Approach of the Righteous.

Third Image: epitome) when the adult in charge is sure that one of them (Mujtahids) is the most knowledgeable of all but he didn't manage to nominate him in his person,

In this case, the adult in charge will be bound to be cautious of the fatwas of the group of the Mujtahids (competent jurists) -among them -that the most knowledgeable one. And for this verdict, there are

1.It is an Islamic legal term referring to independent reasoning or the thorough exertion of a jurist's mental faculty in finding a solution to a legal question. It is contrasted with *taqlid* (imitation, conformity to legal precedent)

2.The most learned and who is more capable of understanding the divine laws than any other contemporary Mujtahids.



certain exceptions that can be referred to in the same book of (Minhaj As-Salihin).

Issue 5:

Knowledgeability could be proved by:

1-It is proved by the testimony of a trusted person, specialized in such a field as the competent mujtahids or equal to them, under the condition that such a testimony is not opposed by another one that contradicts it. When the opposition occurs, the testimony of the most competent and experienced mujtahid is to be considered.

2- Knowledgeability and contentment emanate from known and accepted sources as the state of publicity between people of knowledge and virtue. Or the knowledgeability of the mujtahid could be tested, if he is competent enough to do.

Issue 6:

One who believes in the knowledgeability of a mujtahid and adheres to him, as a muqallid, then it occurs to find knowledgeability of another mujtahid, here he is to adhere to .

Issue 7:

If the Mujtahid, if being the most knowledgeable between the living mujtahids, of a mukalif dies, the mukalif is to adhere to. It makes no difference for the mukalif whether applying certain fatwas or not, learning from them or not. If the living Mujtahid, in the course of time, grows more knowledgeable than the deceased one, here the mukalif is to convert into him. Taqlid, as a matter of fact, observes with the most knowledgeable figure whatever being alive or dead.

Issue 8:

It is not permissible to essentially adhere to a dead mujtahid, though being the more knowledgeable than all the living mujtahids.

Issue 9:

If the most knowledgeable mujtahid has no a fatwa in a certain issue, or the muqallid could no revert into it when incurring such a case. So it would be permissible for the muqallid to have recourse to a mujtahid with respect to the most knowledgeable , that is, he is the second to him.

Issue 10:

The cases that yield to the obligatory precaution in the Al-Wajeez could be consulted with another mujtahid; the more knowledgeable and then most knowledgeable.

It is to know certain forms to express the obligatory or mandatory precaution as follows:

1-when saying Al-Zakat lies the trade money as obligatory precaution.

2-Restricting the Fatwa to the word “ as precautionary” as in :

Whoever travels after midday time, it is incumbent on him, as precautionary, to keep himself fasting and it is regarded sufficient.

3-Mentioning the precaution in the case, though there is no fatwa, edict, as in :

If the saliva of a dog falls in a vessel, it is precautionary be wiped with dust and then to be washed with water three times.

All these three forms designate that the precaution is obligatory or mandatory. The choice is left for the mukalif to consult another mujtahid as mentioned earlier.



Tahārah, purity, Conditions

The Islamic law pays great attention to the cleanness and ṭahārah. Not only does ṭahārah delimit itself to the physical side determining the impure things and how to make the free from them as so called in faqah taharah from Khabath⁽¹⁾, but also ṭahārah covers the spiritual side of man. As there will be a state of darkness invading the spirit setting man inconvenient to yield to his Benevolent Creator, such is called in faqah Al-Hadath⁽²⁾.

Al-Hadath is divided into two parts; the minor and major hadaths. Each one of them has its own reasons and purification. The sacred shari'ah makes the ablution the way of purification for the minor hadath, Al-Ghusl does for the major one and tayammum⁽³⁾ comes as an alternative for the ablution and the ghusl in some emergent cases.

For more moral self-cultivation, the sacred shari'ah gives preference to, for the mukalif, the ghusl in some cases and times: Friday ghusl and the ghsul of the blessed Al-Qadr nights in Ramadan month, though there is no a hadath, these kinds of ghusl are called Mustahab, recommended.

If what has been mentioned runs so clear, it is to delve into the conditions of taharah through two chapters:

1. A jurisprudential term: Meaning that it is a physical impurity (i.e. human urine, blood, feces etc.) that occurs on one's body, clothing and/or place of prayer. Taharah from khabath occurs when a physical impurity is removed from one's body, clothing, or place of prayer.

2. It refers to ritual impurity, caused by an occurrence (i.e. urination, defecation etc.) that prevents the worshipper from performing the acts of worship (i.e. reading Qur'an, prayer, circumambulation).

3. Tayammum (Arabic: تيمم) is the Islamic act of dry Ritual purification using a purified sand or dust, which may be performed in place of ritual washing (wudu or ghusl) if no clean water is readily available or if one is suffering from moisture-induced skin inflammation or scaling. In jurisprudential terminology, the word "tayammum" refers to a ritual act which becomes obligatory instead of Ablution or Ghusl. Its steps are: hitting the palms of both hands-on dust and rubbing them on the forehead and the back of the hands.

Chapter One

Purification, Taharah, from Hadath

1-Ablution

Issue 11:

Ablution consists of six successive steps:

The first step is the washing of face lengthways from the hair line down to the end of the chin and widthways to whatever the middle finger tip and the thumb tip cover when both are placed together on the forehead, almost open, for wiping the face. So whatever covers in this area should be washed.

Issue 12:

In washing the face, it is precautionary, as obligatory precaution, to start from top of the face down to the bottom. If the ablution doer starts his from the bottom of the face or from the middle, his ablution will be invalid. Yet there is no need to scrutinize such an act as it is quite enough to pour water from the upper part of your face, then let it flow down on both sides even if it is to flow in a curved way over the face.

Issue 13:

The water should reach the face with the intention of “ablution doing” whether it is done by pouring water over the face with the palm of the hand and passing the hand over it to reach all of its parts, or by putting the face under the water pipe to wash from top of the face to the bottom or by submerging the face in a water basin or in something else, bearing in mind that starting should be also from top part of the



face to the bottom.

Issue 14:

The face of the one who does the ablution should be touched by water without any barrier or hindrance preventing the act of water reaching to its meant place. With the exception of a person with a Jabirah, splint, on his face, suffering from a wound or an ulcer or a fracture and wearing a bandage or a medical wrap or the like. In such a case, it is quite enough to wipe the Jabirah instead of the covered part and there is no an act of removing the splint if it is necessary or critical for the person.

Second: Washing the right hand alone from the elbow (the meeting point of humerus and arm bones) down to the end of the finger tips.

Issue 15:

It is a must in hand washing to start from the elbow downward to the end of the hand finger tips. It is impermissible to start from the finger tips or from the middle and then upward the joint (elbow).

Issue 16:

Water is to reach the hand with the intent of ablution doing under one of the preceded ways of face washing. Also, it is a must that water is to touch the skin of the hand without a barrier or a hindrance. So a woman with a nail paint, a painting labour who uses paints in his job and a painter who is stained with paint are to remove whatever prevents water from reaching their hands in ablution with the exception of those who have a splint as done with face washing.

Third: Washing thoroughly the left-hand as done with the right hand.

Fourth: Wiping the crown of the head, the frontal side of the head, starting from the hair line above the forehead to the end of the height on the head. It could be wiped with one forefinger, and as a recommended precaution it is to be wiped with an area of three closed fingers.

Issue 17:

It is not permissible to wipe the head skin, yet but it is allowed to wipe the hair grown on that spot of the head. Provided that its length should not be longer than the location where the hair of the head usually grows.

Issue 18:

Wiping is to be acted with the left wetness in the hand, as a recommended precaution, it is to be done with the wetness in the right hand. If the hand is dried up owing to the high temperature or for another reason, it will then be permissible for the ablution doer to take the wetness of the beard for wiping. It is not permissible for the ablution doer to wipe with new water under the condition that he could not keep the wetness for wiping though he repeats the ablution act.

Issue 19:

It is impermissible to wipe meanwhile there a barrier between the wiper, hands, and the wiped spot, the skin, even if the barrier is thin and does not prevent wetness from reaching the intended spot. With the exception of the part that is covered with Jabirah, splint, in this case, the wiping is permissible to be over the splint.

Fifth: Wiping the apparent part of the right foot and it is



recommended to wipe longwise from the foot toes, between them, to the end of the heel, the joint between the leg and the widthwise wiping could be equal to one finger wide.

Issue 20:

In wiping the head, It is to be done with the remaining wetness of the hand as done before and it is as a recommended precaution that wiping should be done with the right hand though it is also permissible to wipe with the left hand.

Issue 21:

Wiping is impermissible in case there is a barrier between the wiping limb and the wiped one, with the exception of the case of Jabirah, splint, as already explained in head wiping.

Sixth: Wiping the apparent part of the left foot as done in wiping the apparent part of the right foot and as a recommended precaution it is to wipe with the left hand, though it is also permissible to wipe with right hand.

Issue 22:

In ablution there are certain conditions to take into consideration:

- 1-Intention : doing the ablution is to yield to Allah, the Almighty.
- 2- Taharah, purity of the ablutions water: it is not permissible to do ablution with najass, impure, water.
- 3- Permissibility of ablution water. It could not be done with usurped water.
- 4- unmixed ablution water: It could not be done with mixed water; rose water.

5- Taharah, purity of the ablution limbs, that is: each limb is to be pure when being washed or wiped.

6-There should be no legal barrier for using water, otherwise Tayammum is to be done, will be tackled later.

7-Sequent order: Face is to be washed first, then, the right hand, the left, wiping the head, and the feet respectively. It and it is as recommended precaution to observe the order in wiping the feet by not wiping the left foot before the right one, yet it is permissible to wipe them altogether.

8-Conventional sequence between the acts of ablution, even though there is a very little interval between the end of an act and the beginning of the next. It is quite enough in the emergent cases; water consumption or forgetfulness, it is to start washing the following limb or wiping it before the former limbs get dried up.

9- Commencement: It should for the ablution doer perform the whole process of the ablution himself. When in emergence the ablution doer and it is permissible for him to ask for help from someone if he is not able to implement the steps. In such a case, wiping is to be performed with the hand of the ablution doer himself, if that can't be done either due to handicap in his hand, the helper will then take the wetness in the hand of the handicapped one and wipe.

Issue 23:

Ablution is to run invalid in the following cases:

(1, 2) Releasing urine or excrement.

(3) Having flatulence.

(4) Sleeping that defeats senses, that is to say, hearing, seeing and perception are out of control. Besides, whatever dominates mind could invalidate the ablution acts; madness and coma.



(5) The menses, Istihadha, will be discussed later.

(6) Al-Janabah ⁽¹⁾: It invalidates the ablution, though it could not be cleaned but Al-Ghusl, washing, will be highlighted later.

Issue 24:

With the exception of what is abovementioned, that is, the invalidity of ablution occurs for having urine, excrement, if releasing one of these three invalidity factors occurs because of a disease one could not hold himself, such a case is called “ permanent cause” whose state is, if there is no a period of an interval for him to perform his ablution and do some of his prayer, to perform his ablution and to do prayer and disregard what urine or excrement or wind could be released according to his disease. He is pure as long as there is nothing else occurred, e.g. wind passing.

Issue 25:

Ablution is to be done for the obligatory prayer and any other duty in which purification is required for Al-Hadath Al-Azghar⁽²⁾ that forbids the impure one to touch the words of the Glorious Quran with any part of his body. It is an obligatory precaution not to touch the name of the Lord, Allah, and His Own qualities.

2-(Al-Ghusl)

Issue 26:

Al-Ghusl is of two types: submerging and sequential.

1. It is a jurisprudential term meaning a state of being impure which is a result of discharging semen or sexual intercourse that involves penetration.

2. It is an act that invalidates ablution or the state occurs for one as a result of invalidation of ablution and one is not allowed to perform the acts that are subject to ablution.

The submerging ghusl occurs by submerging the entire body into the water at one go. Yet the sequential one occurs by starting from the head and the neck first, second washing the right side of the body, third washing the left side.

It is permissible in most types of ghusl, excepting the ghusl of the dead, to wash the body after the head and neck at one go or gradually regardless of the sequent arrangement of the washing condition between the right and the left side of the body.

Issue 27:

What should be done in Ghusl should be done in doing the ablution as there should be intention, water purity, permissibility of using the water, unmixed water, the purity of one's limbs, no legal barrier to use the water such as disease and commencement the doer is to perform himself if possible.

The ghusl differs from ablutions in two matters:

First, it is not mandatory to wash all the limb from top to bottom as done in ablution.

Second, it is not obligatory in ghusl to be successive and sequent as done in ablution. It is possible to wash the head and the neck together, then to wash the rest of the body after a while even if it takes longer.

Issue 28:

The condition of Al-Jabirah in ghusl, splint, runs equal, excepting the ghusl of the dead, to the ablution, but it differs from it in the fact that if there is in the spot of the splint ulcer or a wound, the doer is to make a choice between ghusl, wiping the splint, and Tayammum, but if there is a fracture in the spot, he is to do the ghusl and to wipe over Jabirah.



Issue 29:

Ghusl is to be done for:

Al-Janabah.

Menses.

Postpartum period.

Al-Istihadha: Abnormal vaginal bleeding (istihada) is invalid blood. Practically speaking, it is any colored vaginal discharge that is not ruled as menstruation (hayd) or lochia (nifas).



Death



Touching the Dead Body.

(A)Al-Janabah

Issue 30:

Al-Janabah is to be realized in two matters:

First, semen discharging either comes due to a sexual intercourse or a wet dream or other means. The semen is sticky and dense and smells of fermented dough, whose color is rather milky, or sometimes it is yellowish or greenish, whose ejaculation occurs at orgasm and is associated with a rapid flow of semen and followed with relaxation and tepidity.

Whenever a fluid flows and is expected to be semen, it is to have three conditions ; lust, sudden flowing and relaxation and tepidity), in having so, it is semen, otherwise it is not so. For a patient, male, it is quite enough to have one of these three conditions, lust,

Yet for a female, the fluid that flows from her vagina in orgasm is considered as the case with the semen of a man, whether it flows in sleep or in wakefulness.

Second, it happens when the sexual intercourse occurs as the glans,

male's reproductive organ head, penetrates the vagina or the anus of a female, such causes Janabah for the male and the female.

Issue 31:

There should be ghusl to remove janabah to perform, in line with the purification from Al-Hadath Al-Akbar, the prayer.

The Mujnib, one who is involved in Janabah, is forbidden to.

1-Touch the words of the Glorious Quran.

2-Touch the utterance of the word Almighty, Allah by hand, as well as His Names and His Specified Qualities; The Creator as precautionary.

3-Recite Aayats of ul-Sajdah, prostration, from the four suras of Al-Aza'im; Iqra, Al-Najm, Al-Sajdah and Fussilat.

4-Enter mosques or stay in them or take something from them or put something inside them even though it is from outside of them or to pass through them as precautionary.

It is permissible for the mujnib to enter from one door and exit from another door, excepting the two holy mosques, the Sacred Mosque at Mecca and the Prophet's Mosque at Medina and it is to include the Honorable Sights of the infallibles (Peace Be upon Them) to the previously mentioned mosques as precautionary.

(B) Menstruation (Haydh)

Issue 32:

Haydh is a kind of blood women are used to and know it and it flows in regular times approximately per month, described as red or tends towards blackness, hot and flows with a burning sensation and in plenty.



Issue 33:

Menstrual blood is to flow, for a female, in the age of nine lunar years and to stop menstruating at the age of. What the female observes before reaching nine is not a blood of menstruation and what she observes at sixty could not be regarded as a menstruation blood.

Issue 34:

The least period of menstruation is three days long though intermittently and the maximum period is ten days long, its continuity in the first three days is considered and it is also to be considered if it happens in the mid of this period, ten days. If the blood does not flow for three days successively, it is not to yield to the conditions of menstruation period.

Issue 35:

The menstruation is of two kinds:

1- Regular Period 2- Irregular Period

As for the first kind, regular period, it is divided into three categories:

Time-Number: both time of occurrence and number of days are regular.

Number Only: the number of days is regular.

Time Only: number of days is different.

As for Irregular period, they are of three categories:

1- Menarcheal woman: a female who completes her nine years.

2-Disordered Period : Muḍḥṭaribah⁽¹⁾

3-Forgetful of Number: a female who forgets the number of days

1. This is a woman who ,for several months ,experiences a period but does not have a fixed habit with regard to this] neither of time nor of duration ,[or her habit has been disturbed and she has not yet formed a new habit.

of her period. For further information, it is to see the conditions in the Chosen Cases, Al-Masaael- Al-Muntakhabah.

Issue 36:

No prayer, no fasting and no circumambulation around the Kaaba, At-Tawaf, there will be for a woman in menstruation, therefore, she is to do fasting the Ramadan days she misses when be in menstruation and she is not required to do the prayers she misses when being in menstruation. There is no divorce for a woman in menstruation, except in certain exceptional situations. Her husband is not allowed to make sex with his wife from the vagina during the days of the blood. She, in turn, is forbidden as Mujnib is not to do, as lucidly clarified in case 31.

Issue 37:

After finishing the menstruation time, a woman in menstruation is to bathe, to do ghsul as conditioned in purification from Al-Hadath Al-Akbar as in the prayer.

(C) An-Nifas, Lochia

Issue 38:

Al-Nifas is a blood a woman observes in or after giving birth due to birth giving, that is, she is called Al-Nifsaa.

The minimum period of Al-Nifas could be a moment and the maximum ten days. If the bleeding lasts longer than ten days, she has a particular menstrual period, five days, here the time of her menstrual period is considered as nifas and the rest of time as istihadha. Yet if she has not a regular period of menstruation, her nifas time is to be ten days and the rest time is to be istihadha. For more details, see the





Chosen Cases, Al-Masaael- Al-Muntakhabah.

Issue 39:

A woman in nifas is to do what conditions a woman in menstruation does, whether these conditions are duties, or the forbidden or other things.

It is of a compulsory precaution for a woman in nifas not recite the verse of Al-Sajdah from Al-`Azaim verses, not allowed to enter both mosques of Mecca and Madinah even though by passing through them as and the other mosques without passing them and not put something in them.

Issue 40:

When a woman in nifas is purified from the blood of Al-Nifas, she is to do the ghusl, bathing, in accord with everything pertinent to the purification from Al-Hadath Al-Akbar as in the prayer.

(D) Al-Istihadha

Issue 41:

The blood of Istihadha is what a woman observes different from the blood of menstruation, the blood of nifas and the blood of ulcer and wounds. Mostly, the blood of Istihadha differs from the menstrual blood in characteristics, it is almost yellow and thin and flows without pungency and burning.

Issue 42:

The istihadha is of three sections:

1- Copious Istihadha: the blood saturates the cotton piece a woman

sets, goes to what she ties the cotton piece with and smudges it.

2-Medium Istihadha: the blood saturates the cotton piece a woman sets and does not go to what she ties the cotton piece with.

3- Slight Istihadha: the blood smudges the cotton piece a woman sets, and does not saturate it because of its littleness.

Issue 43:

A woman in the copious istihadha is to do ghusl three times: dawn prayer ghusl, midday prayer and afternoon prayer ghusl, if it is combined altogether, and sunset, maghrib, prayer and night, `Asha, prayer, if it is combined altogether. Yet if they are not combined altogether, she is to do ghusl for each prayer. .

Issue 44:

A woman in the medium istihadha is to do ablution for each prayer and as an obligatory precaution, she is to do a ghusl once per a day before doing her ablutions.

Issue 45:

A woman in the little istihadha is to do ablution for each prayer, obligatory or optional, mustahaba.

Issue 46:

A woman in istihadha is to be purified to do her prayer, after the blood stopping, either by ablution as if her Istihadha is slight or medium or by ghusl if her Istihadha is copious.

She is forbidden to touch the words of the Glorious Quran before being purified and is permitted to do it after being purified before





completing her prayer. The istihadha does not stipulate what the menstruation period does as not to have sexual relation with the husband during blood days, not to enter mosques, stay there and put something in them and not to recite the holy verses of As Sajdah.

(E) Death

Issue 47:

The dead Muslim or like Muslim and even the miscarried fetus, when finishing four months or even not completing them as precautionary, are to be bathed.

How to bathe a dead one is as follows: Firstly, the dead one is to be bathed with water mixed with sidr, secondly with water mixed with camphor and last with pure water. For more information and knowledge about the whole conditions of the dead, see the Chosen Cases, Al-Masael- Al-Muntakhabah.

(F) Human Dead Body Touching

Issue 48:

One who touches a dead one is to do ghusl after the dead body becomes cold and before the completion of its ghusl. It does not make a difference in touching while the hand is wet or not and in having a dead one as a muslim or a kafir.

Such a ghusl is obligatory to do what stipulates a person to purify himself from Al-Hadath Al-Azghar as in the prayer and from touching the words of the Glorious Quran, yet entering mosques, staying at them and reading the verse of prostration, Al-Sajdah, from the verses of Al-`Azaim need not do ghusl.



Recommended Ghusl



As well known in the introduction that these kinds of ghusl are not primarily issued to remove Al-Hadath (Al-Akbar and Al-Azghar) but their roles are restricted to preparing man to do some worshipping duties like ghusl to be in a state of ritual consecration, Mecca pilgrimage or to enter an honorable holy place such as: the Glorified Mecca or the Enlightened City. The ghusl is also recommended to honor time in which ghusl is favored such as Friday, the nights of Al-Qadr in the blessed Ramadhan.

It is to be considered that the recommended ghusl, legally approved one, could replace the ablution. Also the one who is in Al-Hadath Al-Akbar could do only the recommended ghusl. This is what is required in purification as in the prayer, no need for resuming another ghusl.

(3) At-Tayammum

Issue 49:

It is right to do the tayammum instead of ghusl or ablution for seven states:

1-if a mukalif⁽¹⁾ does not find enough water to do ghusl or ablution appropriately.

2-if a mukalif finds water, but he is unable to reach it for his congenital disability as in the limb paralysis or for having a usurped dish with permissible water.

3-if one fears dying of thirst or fears the death of someone close to him, there is no enough water to quench the thirst and to do purification altogether.

4-if there is no enough time to do ghusl or ablution and the

1. A person obligated by law to discharge a legal duty.





tayammum could do the prayer on time.

5-if having water to do ghusl or ablution or using it for both purposes causes discomfort or hardship to the extent it is not tolerable.

6-if it happens to have a duty not less important than doing ghusl or ablution, there is impurity on one's body or clothes and there is no enough water to have purification from filth and the hadath altogether. Here he is to use what water he has to remove the filth and do tayammum instead of ablution or ghusl and do the prayer.

7-If one fears being harmed in using water to do ghusl or ablution, using it causes him a disease or aggravates and complicates his disease or prolongs it.

Issue 50:

It is right to do tayammum from any spot of earth, dust, sand, stone and so forth. It is a mandatory precaution to consider what sticks to the hand when doing tayammum as it is not permissible to do tayammum with a smooth stone void of dust.

Issue 51:

In doing tayammum there are certain matters to consider :

1-It is to hit the earth with both hand palms and it is also enough to lay them flat on the ground, it is a mandatory precaution that the ground hitting is to be in one time.

2- It is to wipe the forehead and the two sides of it, as precautionary, with both hands from the hair line, to the top of the nose and to the both eyebrows.

3- It is to wipe with the left-hand palm the whole apparent part of

the right hand, starting from the elbow to the finger-tips, then to wipe with the right-hand palm the whole apparent part of the left hand.

Issue 52:

In doing tayammum, there are certain terms to consider :

1-The tayammum doer is to be excused from ghusl or ablution as already explained.

2- The tayammum doer is to intend submitting to Allah, the Almighty.

3-What the tayammum doer uses in doing tayammum it to be apparent, permissible and unmixed with anything not applicable to tayammum, as the sawdust.

4-The forehead wiping is to be done from upward to downward as precautionary.

5- The tayammum doer is not to do tayammum unless he is in the despair of reaching water before the end of time if his tayammum is dedicated to praying or any duty requiring a specific time.

6-Tayammum doing is to be done by oneself if being able.

7-Being aware of the sequence of the tayammum acts or steps to be done in a way that they are not interrupted with intervals that harm the conventional order of tayammum.

8-There should be no a barrier between the wiping hand palms and the wiped spots, that is, the forehead and the apparent parts of the hands.

9- The forehead wiping is to be before the right hand palm and his right- hand palm before the left-hand palm.

**Issue 53:**

One who did his prayer while he did the tayammum for a reason, then the reason is removed in time or outside of the prayer time, he is not to do it again.

Issue 54:

If the tayammum doer has Hadath Akbar such as the janabah for an excuse, then the Hadath Azghar occurs, his tayammum that acts as an alternative to the ghusl will remain valid. He could do ablution if possible, otherwise he does tayammum instead of the ablution.



Chapter Two



Purification from Khabath, filth

Issue 55:

The Impure things are ten and they are as follows:

(1,2) The urine and excrement of man and every animal whose meat is forbidden to eat if this animal goes with liquidity: its blood gushes out when being slaughtered. Also the urine of the animal whose blood is not as similar as its liquid, [blood does not flow strongly] if it is meaty as a precaution. With the exception of that animal, bird, whose meat is forbidden, yet its droppings are pure.

3-The dead body of the human being and every animal whose liquid is as similar as its liquid, [blood gushes out] and also their parts that are amputated when alive.

4-Man's semen and the semen of every animal whose liquid is as similar as its liquid, [whose blood gushes out], even though its meat is eatable as a precaution.

5-Blood that discharges from man's body and from the body of the animal whose liquid is as similar as its liquid, [blood gushes out when being slaughtered].

6-The wild dog.

7-The wild boar.

8-Wine, and also Fuqqa' (beer) which is mainly made from barley as a precaution.

9-The disbeliever who is not Christian, Jewish and Magian, [Magus].

10-The sweat of animal, excrement- eating animal, the animal that is used to eating the excrement of man.



Issue 56:

The impurity, filth already mentioned, transfers to what it meets in the presence of humidity in one of them, the impurity and the person. Yet with the presence of subtle dew, [low humidity], the filth does not transfer to what it meets.

Impurity can also be transferred from the things that were made impure to what they meet ahead but with the condition that was mentioned a little ago – save with three means which should stand between (the real filth) and (what it meets) and (the item one uses) to prevent the transference of filth from one side to the other side, by wearing gloves for instance.

Issue 57:

The purifiers are the means of returning things pure and are twelve:

Purifier One: it is ordinary water whatsoever its sources are: rivers, rainfalls and wells. It is etymologically called unmixed water, *mutlaq* and the mixed one runs counter to it, i.e. something else is added to it like rose water, pomegranate water and grape water.

The unmixed water is also of two parts: Disaffected and Affected Water:

Disaffected water: it is the water that is not affected with the meeting of the impurity only if its color or smell or taste is changed. But the Affected Water is the water that becomes impure when meeting the impurity though any of the three features are not affected.

The Disaffected Waters are as follows:

1- Abundant Water, it is a quantity of water equal to *kurr* or greater, the amount of *kurr* is approximately 384 litres, it is just like the water reservoir water that reaches the houses from large water reservoirs or

from water pumping stations.

2-Well water.

3-Flowing water like river water, streams and springs water.

Rain water while falling.

The affected waters are of small tanks, utensils and bottles and the like having stagnant water that is not drinkable less than the amount of the Kurr. It is etymologically termed as insufficient water.

Issue 58:

Everything impure is to be purified when being washed with water, abundant or insufficient, once a time only with the separation of the purifying water from it if the washing is done with insufficient water. With the exception of :

1-Wine-Impure utensils, glasses and the like are to be washed with water three times.

2- Utensils, in which that a rat is died or a boar licks, are to be washed seven times.

3- Utensils, which a dog licks or sips, are to be wiped with dust, then to be washed water twice. If the saliva of a dog falls in the utensils or any part of the dog body touches, as an obligatory precaution, the utensils are to wiped with dust and then to be washed with water three times.

4-Filth-affected things with the urine of infants, male or female, who are not fed on food, it suffices for these things to be purified by pouring an amount of water to surround the urine spot, it need not be more.

5- A urine-affected body or garment, not the infant urine, should be purified with a flowing water once only and with Kurr water and with



insufficient water twice.

6-The inside of impure utensils, not impure due to wine, dog lapping, the licking and death of a rat and boar licking, could be purified by insufficient water for three times and it is to be so if being washed by abundant water or flowing water or rainfall water as a precaution.

Purifier Two: it is sun to purify the earth and what it is on it; buildings and walls, but it doesn't purify doors, wooden furniture, trees and their leaves and the like that are standing on earth as a precaution.

In the sun purification it is to be considered, with the removal of the intrinsic impurity, filthy object or ayn al-najāsah, and the humidity of the impure thing, that the dryness of the meant object stipulates the sun shining on it. [the sun must dry the impure object by itself]

Purifier Three: the removal of the intrinsic impurity, ayn al-najāsah, and the humidity of the impure thing from the unsubtle inside parts of man and the animal's as well. The removal of blood from the inside of the mouth or the nose or the ear sets them pure, it need not be purified with water, similarly it could be done to purify animal's body as soon as the intrinsic impurity is removed.

Purifier Four: it is the earth purifying the sole the foot and the shoes by walking on them or rubbing them. On condition that the hanging filth is removed through the acts of walking or rubbing without any other remover.

5- Purifier Five: it is the subsequence that comes from: purity of wine utensil could be if the wine is transformed to vinegar according to the wine transformation itself. Also the purity of the hand of the one who washes a filthy garment with insufficient water according to the purity of the garment.

6- Purifier Six: it is the Islam as it is regarded as a purifier to the

unbeliever who is ruled as impure.

7- Purifier Seven: it is the absence of the adult Muslim adult or the distinguished boy, [one who knows the good and the bad],if his body or clothes or all things in his possession become impure, then he is absent, it is regarded that the impure become pure if it is expected that he purifies it.

7- Purifier Eight: it is the transfer; the transference of man blood to bugs, mosquitos and the other insects that are commonly known to have no blood, if it sucks the man blood and the blood settles and is absorbed, then it is killed, so the blood is regarded as pure.

9- Purifier Nine: it is the transformation, it means the changing of something into something else different. Not only is it to change its name, quality or separation of its parts, but it is just like the filth-afflicted wood, if it is burned and transformed into ashes, it becomes pure due to such a process.

10- Purifier Ten: it is the flow of blood in a normal measure from a legally-slaughtered animal. It is ruled that the purity of the blood depends on the purity of the remaining blood inside the animal.

11- Purifier Eleven: it is the transformation of wine into vinegar, such purifies it.

12- Purifier Twelve: it is to prevent a najāsah-eating animal from eating najāsah, if it is prevented from eating so for a period of time, the animal will be not considered as a najāsah-eating one; its sweat, urine and excrement are judged pure.





Prayer Condition



The Prayer is one of the main pillars on which Islam was built. Allah, the Almighty say: “For such prayers are enjoined on believers at stated times”. In a hadith for the prophet, it is said: “ for everything there is a façade, the facade of your religion is the prayer”, in another hadith, it is said: “ one who never gains my intercession takes his prayers not seriously”.

The most important obligatory prayers are daily prayers, and they are five:

- 1-Dawn prayer, two rakats ⁽¹⁾.
- 2-Midday prayer, four rakats.
- 3-Afternoon prayer, four rakats.
- 4-Dusk prayer, Maghreb, three rakats ⁽²⁾.
- 5-Night, Isha, prayer, four rakats.

The four-rakat prayers are to be shorted in case of travel and fear under certain conditions.

Issue 59:

It is recommended to perform supererogatory, nafl, thirty four rakats at day and night, they are as follows :

- 1-eight rakats before midday, noon, prayer.
- 2-eight rakats before afternoon prayer.
- 3-four rakats after Maghreb prayer.

4-two rakats after Isha’ prayer while being in a sitting position and

1. Rak’a or Ruku (‘It is among the elements of prayers and refers to bowing down to the extent that the fingers of the praying person’s hands reach his knee.

2. Maghreb:It is among daily prayers and has three rak’as, the time for performing which, is after the time of sunset until there is enough time left to perform Isha’ prayer before midnight.

both are regarded as one rakat.

5-eight rakats, night prayer, it is preferably to be performed at the end of the night a little before dawn time.

6-two rakats after night prayer, it is called Al-Shaf'.

7-one single rakat after Al-Shaf prayer, it is called Al-Watr.

8-two rakats before the morning prayer.

The supererogatory prayers, nawafil, are of two rakats except Al-Watr prayer that is only one rakat.

Issue 60:

The morning prayer time lies between the emergence of true dawn to the sunrise time, Midday prayer time, Dhuhra, midday and afternoon prayers altogether, does exactly between midday time to sunset, and the Dhuhr prayer is given precedence over the noon prayer. The dusk and the night prayers time, Al-Isha'ein, does, for the one under normal circumstances, between the early sunset to midnight, or rather, the time between sunset and dawn emergence.

If the Mukallaf does not perform both Maghreb and Evening prayers optionally until the midnight comes; in this case, he is to (as an obligatory precaution) perform them before the emergence of dawn without the intention of Ida' (fulfilling an obligation in its time) or Qada' (fulfilling an obligation after its time), and the sunset prayer is to be given precedence over the evening prayer in both cases.

Issue 61:

It is to face the Qibla direction, the location of the honorable Ka'ba, when performing the obligatory daily prayers. Yet in the supererogatory prayers, it matters not if the performer does not face the direction



of the Qibla if he does it while walking on foot or mounting. It is a mandatory precaution to face the Qibla if the performer does it under a state of earth settling.

Issue 62:

If the Mukallaf believes that a direction is the Qibla direction and prays accordingly, then he discovers it is no so. In such a case, if the diversion happened between the right and the left, his prayer is correct. Yet the diversion is more than this or his diversion is quite opposite to the Qibla location, he should then re-perform it if there is more time left to him, but if he finds that time is over, he need not perform it later on.

Issue 63:

The purity of body, from nail to hair, and the clothes are to be considered in prayer. No matter of the impurity of things that do not cover the private parts such as socks and hat under the condition that they are not taken from the impure dead animals and nor from the apparent impure thing, Najisul Ayn, like the dog, as a precaution. It is all right to carry the impure in the pocket while being in prayer.

Issue 64:

No matter if the body and the garment are najas, impure, because of the blood of uncovered, unhealed, wounds and sores. That is, the injuries are of careful dealings, yet minor wounds are to be purified.

Issue 65:

Prayer is permissible with a filth-stained body or a garment if its

amount is less than a thumb knot, with the exception of Al-Haydh, menstrual, blood, the blood of the apparent existing filthy item, the blood of a dead animal and the blood of forbidden animal meats, the blood of woman in nifas and in istihadha as a precaution.

Issue 66:

If someone prayed unaware of his physical impurity or his garment he is wearing, then he recognizes it after completing his prayer, so his prayer is to be valid. Yet if he suspects that his garment or his body is still impure before starting his prayer and he does not check it, then he finds it after the prayer is over, he is to re-perform it as a precaution.

If he knows that his impurity, while being in prayer, is there before entering into the prayer, it would be as a precaution for him to resume praying if there is time, if there is no time to perform a single rakat, submissive bowing, in this case he could resume his prayer if he could avoid the filthy object without doing anything invalidating his prayer; for instance, deviation from Qibla, so he could pray with a polluted body or garment, his prayer is valid.

Issue 67:

If one knows that his body or his garment is impure; yet he remains indifferent to taking care of it and forgets, then he prays, as precaution he is to perform it.

Issue 68:

It is of obligation in prayer for everyone to purify himself from both impurities, Al-Hadath Al-Azghar and Al-Hadath Al-Akbar, as both have been explained in the chapter Purity, taharah.



Issue 69:

The prayer location should publicly be permissible and free. The prayer is not to be valid when being performed on a usurped place as a precaution).

But if the location is publicly permissible to perform the prayer, yet it is furnished with a usurped furniture and vice versa, the prayer goes impermissible.

Issue 70:

Assets are involved in Al-Khums⁽¹⁾ that has not yet extracted nor paid are absolutely impermissible for performing prayer or anything else unless Al-Khums is paid in advance.

Issue 71:

The purity of the forehead place, spot, in prostration is to be taken into consideration whereas the purity of the other positions is not considered if the impurity of them does not reach to the body or clothes.

Issue 72:

It is impermissible as a precaution for a woman to stand before a man nor beside him while performing their prayers in a place but a woman should stand behind a man in a position that sets her forehead equal to the knees of the man in prostration, or there is a curtain or a barrier such as a wall between them or a distance of more than ten cubits.

1.Khums(One fifth) is a jurisprudential term meaning to pay one fifth of the annual surplus income, or of mine and treasure, taking into account the required conditions in jurisprudence.

Issue 73:

In praying the private parts are to be covered, in man they are: the penis, the two testicles and the anus. In woman, all her body is to be covered except the face, the khamar, hijab, does not cover, and she leaves it to cover her breast and neck except her hands to her wrists and her feet to the first part of the legs.

Issue 74:

If the prayer doer knows that his private parts are not covered, he is to take the initiative to cover them promptly and in that case, his prayer is to be valid. Also it is to be valid if the exposure happens after the prayer is over.

Issue 75:

In the dress of the prayer doer there are certain matters to be taken into account.

1-Purity as already highlighted.

2-Permissibility of covering the private parts, based on mandatory precaution.

3-They should not be from the parts of a dead body, whose parts are with life, as in the skin of an animal slaughtered in contravention of the Islamic law whether it itself could be enough to cover the private parts or not, it is precautionary.

4-They should not be made from the parts of predatory animals like foxes and no other animals whose meat is impermissible to eat like rabbits, based on precaution, and this is a condition in regard to what it is enough to cover the private parts only and it is applied to the other parts.



5- They should not be from pure natural silk as for men.

6- They should not be from pure or impure gold as for men.

Issue 76:

It is absolutely forbidden for men to wear clothes from golden items and natural silk even in the state of no praying. It is precautionary for them to entirely abandon the gold adornment.

Al-Adhan (prayer -call out) Iqama (Establishing the Prayer)

Issue 77:

Al-Adhan means a prayer call, that is recommended before establishing the five obligatory daily prayers and ways of performing it as follows:

Arabic	Transliteration	Translation	Times
الله أكبر	'Allāhu 'akbar ^u	Allah is greater	Four
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ	'ašhadu 'al lā 'ilāha 'illā -llāh ^u	I bear witness that there is no deity but Allah	two
أَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ	'ašhadu 'anna Muḥammadan rasūlu -llāh ⁱ	I bear witness that Muhammad is the Messenger of Allah	two
حَيَّ عَلَى الصَّلَاةِ	ḥayya 'alā ṣ-ṣalāh	Hasten to the prayer (Salah)	two
حَيَّ عَلَى الْفَلَاحِ	ḥayya 'alā l-falāh ⁱ	Hasten to the salvation	two
حَيَّ عَلَى خَيْرِ الْعَمَلِ	ḥayya 'alā khayri l-'amal ⁱ	Hasten to the best of deeds	two
الله أكبر	'Allāhu 'akbar ^u	Allah is greater	two
لَا إِلَهَ إِلَّا اللَّهُ	lā 'ilāha 'illā -llāh ^u	There is no deity but Allah	Two

Bearing witness, that Ali ⁽¹⁾(Peace Be Upon Him) is the wali of Allah,

1. saying " Ash hadu Ana Alian Walyyu Allah "which means I bear witness that the Commander of the faithful ,Imam Ali) AS (is the vicegerent of Allah.

the authority of Allah, and to order the believers, is a complement of bearing witness to the Islamic message and comes as recommended by itself, yet it is not part of the prayer call, Athan.

Issue 78:

It is recommended to start Iqamah after establishing the athan and before inaugurating the prayer) and it is as follows:

Arabic	Transliteration	Translation	Times
الله أَكْبَرُ	'Allāhu 'akbar ^u	Allah is greater	two
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ	'ašhadu 'al lā 'ilāha 'illā -llāh ^u	I bear witness that there is no deity but Allah	two
أَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ	'ašhadu 'anna Muḥammadan rasūlu -llāh ⁱ	I bear witness that Muhammad is the Messenger of Allah	two
حَيَّ عَلَى الصَّلَاةِ	ḥayya 'alā ṣ-ṣalāh	Hasten to the prayer (Salah)	two
حَيَّ عَلَى الْفَلَاحِ	ḥayya 'alā l-falāḥ ⁱ	Hasten to the salvation	two
حَيَّ عَلَى خَيْرِ الْعَمَلِ	ḥayya 'alā khayri l-'amal ⁱ	Hasten to the best of deeds	two
قَدْ قَامَتِ الصَّلَاةُ	qad qāmati ṣ-ṣalāh ^{tu}	The prayer (Salah) has been established	two
الله أَكْبَرُ	'Allāhu 'akbar ^u	Allah is greater	two
لَا إِلَهَ إِلَّا اللَّهُ	lā 'ilāha 'illā -llāh ^u	There is no deity but Allah	one

Bearing witness, that Ali ⁽¹⁾(Peace Be Upon Him) is the wali of Allah, the authority of Allah, and to order the believers, is a complement of bearing witness to the Islamic message as already tackled.

Prayer Parts and Duties

They are as follows:

1. Intention: It means that performing the prayer stipulates perfect submission to Allah, Most Blessed and Most Glorified, As a matter of

1. saying " Ash hadu Ana Alian Walyyu Allah "which means I bear witness that the Commander of the faithful ,Imam Ali) AS (is the vicegerent of Allah.



fact, the intention is not verbally to be uttered, it should come from the depth of heart not tongue.

2. Takbirah al-Ihram: it means saying “Allahu Akbar”, Allah is greater, should be in praying and be in Arabic as it is, if one says: (Allah, wa Akbar), it will be invalid.

Issue 79:

On initiating the prayer with Allahu Akbar in Takbirah al-Ihram the performer should be on complete standing state and with stability and as an obligatory precaution it is to take care of independence by not leaning on anything such as: a stick or a wall.

Issue 80:

If the person is not able to perform the prayer in standing position, he is to do it in sitting one, if he is not able to do it, he is to pray while lying on his right side or the left side with directing his face towards the Qibla. As a precaution it is to make the right side precede, in performance, the left side as far as one could, if he is still not able to do so, he could also pray while being supine with his both legs directed towards the Qibla.

3. Recitation: it is incumbent on the performers to recite surat Al-Fatihah, Al-Hamd, and then surat, verse, as a precaution.

In case of illness or haste or time limitation and the other urgent necessities, it will verily, be permissible to do the surat Al-Hamd and to leave reciting the second one. The recitation position is in the first and the second rakat before bowing, rakat.

Issue 81:

The recitation is to be correct without intoning and a mistake. One who could not read well is to learn it, in case he could not do because of old age or of some other reasons, it is quitter sufficient for him to recite without parsing diacritics.

Issue 82:

As a precaution men are to recite both of the surats loudly in dawn, maghreb, after sunset, and evening, Isha', prayers, and to recite them in a whispering way in both noon and afternoon prayers.

Women are forbidden to recite the surats loudly but they as a precaution are to recite them in a whispering way in both noon and afternoon prayers.

The prayer doer is to choose between reciting loudly and whispering in prayer supplications – except the tasbeeh, supplication, in both the third and fourth rak'at and this point will be more highlighted later on.

Issue 83:

If the prayer doer recites loudly in place of whispering or vice versa, because of his ignorance about the condition or forgetfulness, his prayer is valid. If he knows the condition or remembers that while reciting, what is formerly performed is also valid and has to resume in concordance with the condition.

Issue 84:

The prayer doer is to choose in the third rak'at of Maghreb prayer and the last two rak'ats of noon, afternoon and evening prayers between reciting Al-Hamd or Al-Tasbeeh. Al-Tasbeeh is to be accepted



by saying in the full Arabic language, accent: “Subhan Allah, wal, Hamdu lillah, wala illaha illa Allah wallahu Akbar” once, as recommended precaution) to say it three times instead of once. It is preferable to add the words of forgiveness: “astaghfirul lāha rabbī wa atūbu ilayh” to the tasbeeh.

It should be of precaution to recite Al-Hamd and the tasbeeh) in these two rak’as in a whispering way. Yes, it is permissible, for performer to utter the basmallah⁽¹⁾ loudly if he chooses Al-Hamd only. If it happens that he stands behind a salat imam in congregational prayer, he is not permitted to recite loudly as precautionary.

Issue 85:

The issue of the recitation and tasbeeh from the perspective of standing, stability and independence is the same in takbeeratul Ihram.

4. Bowing low (Al-Ruku). It stipulates four points to be well considered:

A. Bending down to the extent the fingers tips reach and touch both of the knees

B. Standing upright before bending down: that is, bowing low while in the state of standing on both feet, one who is not able to perform Al-Ruku, it is permissible to perform Al-Ruku while sitting.

C. Remembrance of Allah, glory be to Him, by saying: “Subhana Allah” three times or saying: “Subhana Rabbial Al-adhimi wa bi Hamdih” once only. The time of Ruku’ is to be equal to the remembrance of Allah utterances. The stability of the performer’s body before raising his head from the ruku even though he is not engaged in the obligatory remembrance of Allah as precautionary.

D. Standing on feet after Ruku stipulates being erectile and stable

1 .Saying” Bism Allah Al-Rahman Al-Rahim“

as precautionary.

5. Prostration is also obligatory twice in a rak'at and stipulates:

A. Prostration is to be performed on seven limbs. They are as the following:

- 1- The forehead
- 2- The two hands
- 3- The two knees
- 4- The two thumbs of the feet.

Issue 86:

It is obligatory to apply any part of the forehead, tiny, to the spot of pure earth in prostration and, to apply the hands, only the two palms, to the ground as it is conventional and based on precaution, to apply knees to the floor or the ground as one can do and to apply the thumbs, only their tips, to the ground as recommended precaution.

B. The part of the forehead where prostration takes place is not to be higher than the position of the two knees and the two thumbs, nor lesser than it in a span four gathered fingers.

C. The spot in which prostration takes place is to be a ground or a plant, not edible or wearable, it is also permissible to prostrate on a piece of paper made of wood or of cotton or of linen and other things permissible to prostrate.

D. The part of the forehead where prostration takes place should be stable, it is impermissible to prostrate on mud and the like.

E. The place of forehead prostration is to be pure and not usurped as explained in issue 71.

F. Remembrance of Allah is to be presented. Suffice it to say three times Subhana Allah or Subhana Rabbial Al-a'la wa bi Hamdih for once



only. The time of prostration, Sujud, is to be equal to perform the verse of Remembrance of Allah as done in Ruku.

G. Sitting between the two prostrations, Al-Sajdatain. But as for the sitting of rest after the second prostration it is permissible since it is an obligatory precaution.

6. Al-Tashahhud: it is the testimony of faith and obligatory to be performed in the second (rak'a) of all the prayers and in the third rak'a of the Maghreb prayer and in the fourth rak'a of adduhraïn and the prayer of Al-Isha', evening prayer. It is permissible to utter:

"Ash-hadu an la ilaha illa Allah Wahdahu la Sharika lah Wa Ashhadu anna Muhammadan Abduhu wa Rasuluh....Allahumma salli ala Muhammadin wa Aali Muhammad"

Issue 87:

The tashahhud is to be done correctly, in sitting position, to be able to do it and to be in state of satisfaction when doing the remembrance of Allah.

7. Al-Salam, salutation, :it is the final obligatory element and a binding duty in every prayer performance, should be done correctly and should be in a state of satisfaction as done in tashahhud.

It is quite enough in salutation to utter "Al-Salamu Alaikum", but it is more precautionary and preferable to utter "Al-Salamu Alaika Ay-yuhal- Nabiiyyu wa Rahmatullahi wa Barakatuh".

8. Sequence and Succession: the duties of salat should be well arranged as previously mentioned, also succession, muwalah, is very accounted between its parts without considerable intervals between a part and another. In a way it could be called as a whole a salat.

No harm there will be in the sequence when prolonging the period of the Ruku, bowing low and Sujud, prostration or increasing the time

of Allah's remembrances or reciting long verses from Holy Quran and the like.

9. Al-Qunoot: it is to raise hands in prayer invoking Allah to meet one's requests and recommended in all kinds of daily prayers once per prayer and performed before the second Rakat. There is no specific remembrance to be said in this part of the prayer. Any du'a, supplication, is quite sufficient, but it is preferable for the salat doer to combine the praise for Allah, the praying on the Prophet (Peace Be upon Him and His Progeny) with doing du'a for himself and the believers.

The Prayer Invalidators

Issue 88:

The salat invalidators are as follows:

When losing any part of its parts or its introductions as explained in the abovementioned issues.

When it happens to pass something; urinating or defecating or wind.

When committing a mistake in putting one hand over another with submission and politeness, such invalidates the salat as precautionary unless it deems necessary.

When turning away from Qibla without an excuse for no good reason. But in case there is an excuse for turning away such as forgetfulness or inevitable incidents; wind blowing. If the turning is between the right and the left, it does not invalidate the salat, otherwise, the prayer should be re-performed.

When speaking intentionally while being in prayer, the speech could be done even with uttering a letter if it is perceivable such as: "O !" denotes exclamation to be alert, yet the unperceivable invalidates the salat if it consists of two letters or more than two as precautionary.



With the exception of greeting when someone greets a prayer doer, the prayer doer is to respond as much as he greeted, otherwise his salat is to be invalidated, for instance: when saying: “Al-Salamu Alaikum, the prayer doer is to reply: “ Salamun Alaikum”, as it is no more no less.

When giggling intentionally while being in prayer, “giggling” designates the laughter with long extent and rise-fall pitch.

When crying intentionally, whether it involves a voice or not as precautionary, if the reason behind the crying is mundane. But if it is for the reasons of hereafter affairs such as: fear of punishment, the Paradise culling or entire submission to Allah (Glory be to Him), such does not invalidate the salat.

When having something infringing on the entity of the salat such as: foods and drinks. It is precautionary to avoid them though they do not infringe on the whole entity of the salat.

When uttering the word, amen, after reciting Al-Fatiha, such invalidates the salat, if the prayer doer utters, but in case of congregational prayer and for taqiyya, precautionary dissimulation, it does not invalidate the salat. Without being in congregational salat, it is precautionary to re-perform his salat if it is uttered intentionally.

When suspecting the number of the rak’ats of the prayer. This will be touched upon in detail later on.

When increasing or decreasing the salat whether the addition is in word or in deed.



Suspicion about the Prayer Performance

Issue 89:

One who suspects the performance of his prayer after its time is over does not yield to his suspicion. The same thing is to be done with the one who suspects the performance of his prayer, correctly done or not after it is completed, does not yield to his suspicion.

Issue 90:

If the prayer doer suspects the number of the rak'ats of his prayer, it will be permissible for him to cease praying and re-perform it, though it is of a recommended precaution for him to remedy, what it is amendable, the suspicions.

Issue 91:

The suspicion about the number of rak'ats is of two types: one of them invalidates the prayer, and the other could be remedied and then the prayer will go valid.

The first part is that the suspicion about the number of rak'ats of dawn prayer or Maghreb prayer or the first two rak'ats of Al-dhuhr, noon prayer, or Al-Asr, afternoon prayer, or al-l'shaa' prayer.

So, if the certitude of the prayer doer does not surpass one of the suspicion poles, his prayer will go invalid.

From another perspective, there is suspicion about the number of the rakats in the quadrilateral prayers, if the certitude does not surpass one of the suspicion poles, certain aspects are to be taken into consideration:

If there is suspicion about the two or three rak'ats after being in the second sajdah



- putting the forehead on the prostration spot, then the prayer doer considers that he performs three rak'ats and completes his prayer, then, he is to do an additional rak'at in a standing position as precautionary⁽¹⁾.

B. If there is suspicion about the third or the fourth rak'at wherever the suspicion occurs, the prayer doer is to consider the fourth rak'at and completes his prayer, then he is to do either two rak'ats in a sitting manner or one rak'at in a standing manner.

C. If there is suspicion about the second and fourth rak'ats after being in the second sajdah, prostration, then he is to consider the fourth rak'at and does two rak'ats in a standing manner.

D. If there is suspicion about the second, the third and fourth rak'ats after being in the second sajdah, prostration, then he is to consider the fourth rak'ats, and completes his prayer, then he is to do two additional raka'ts in a standing manner, then with two rak'ats in a sitting manner.

E. If there is suspicion about the fourth and fifth rak'ats after being in the second sajdah, prostration, then he is to consider the fourth rak'at and does two inattention sajdahs, prostration, after the prayer is over.

Issue 92:

The "Precaution Prayer" is to be performed after the original prayer is over and before committing any invalidator, nothing there is but the Fatihatul Kitab "The Opening of the Book" and there is no qunut, raising both hands in invocation to Allah. It is precautionary to recite the Fatihatul Kitab in a whispering manner, though the

1. It is a one or two-rak'a prayer which becomes obligatory in case of doubting in the number of the rak'as of four-rak'a prayers. This prayer is comprised of standing, intention for prayer of caution, takbiratul Ihram, reciting the sura of al-Fatiha, ruku', two prostrations, tashahhud and salam.

original salat is to be recited loudly.

Issue 93:

One who leaves inadvertently a single sajdah, prostration, in his prayer and could not do it in the same prayer, could do it later on. One who leaves inadvertently Al-Tashahud could do the two inattention sajdahs, prostration.

Issue 94:

The two inattention sajdahs are to be if :

the prayer doer speaks inadvertently while praying, it is based on precaution.

he does "the salutation"⁽¹⁾ not in its position, it is based on precaution.

There is suspicion about the fourth and fifth rak'ats, as explained in issue 91.

he knows thoroughly, after the prayer is over that he increases something or decreases something in his prayer, such does not invalidate it, he is to do the two inattention prostrations as precautionary.

It is of a recommended precaution to perform the two inattention prostrations if he stands where he is to sit inadvertently and vice versa. But it is a recommended precaution to do sajdah, prostrate, in any case of increasing or decreasing.

1. It is the last part of the prayer, i.e saying "Al-Salamu Alaika Ay-yuhal Nabiyyu wa Rahmatullahi wa Barakatuh,
Al-Salam Alaina wa ala Ibadul Allah Al-Saliheen,
Al-Salamu Alaikum wa Rahmatul Allah wa Barakatu



Issue 95:

The intention of the two inattention prostrations is to be considered, it is quite enough to prostrate and utter:

“Bismillah wa Billah, Al-Salamu Alaika Ayyuhul Nabiyyu wa Rahmatullahi wa Barakatuh.”

Then he raises his head and sits, then he prostrates and recites the abovementioned remembrance of Allah, then, he raises his head, does Al-Tashahud and then utters:

“Al-Salamu Alaikum –wa-Rahmatullah – wa- Barakatu.”

Issue 96:

It is as a precaution in the two inattention prostrations to prostrate on what it is permissible in the prayer and to lay on earth the seven limbs. No need is there for the other conditions which bind the prayer doer to follow in prostration; purity, facing the Qibla and the like.

The Congregational Prayer

Issue 97:

Praying in a group is highly recommended at the daily prayers and becomes obligatory if the Mukalif commits mistakes in reciting (reading) though he was able to correct them, but he was indifferent to doing so. In such a case he is to follow someone in praying, if convenient.

Issue 98:

It is not legitimate to do the congregational praying with the supererogatory prayers, Al-Nawafil, as precautionary, with the exception of the prayer invoking Allah for rainfall, it could be held congregationally.

Issue 99:

It is to be considered in the congregational prayer imam to be adult, wise, faithful-believing in the guardianship of the twelve Imams, just, genuine in being, proper in reciting and not to be once legally punished for committing some unlawful deeds as precautionary. His prayer is to be performed in standing if the follower, Al-Mu'amum, the guided, also performs his prayer in standing. The imam is to be male if the guided is male, the performance of the imam is to be correct in the view of the guided; for it is impermissible for him to follow an imam whose performance is invalid in the view of the guided, and if the imam does tayammum in an occasion as he believes that tayammum here works, yet the guided, Al-Mu'amum, sees that he has to do ablution or ghusl.

Issue 100:

In a congregational prayer there are certain aspects to be considered:

- 1-The intention of the guided to adhere to the imam.
- 2- The guided is to know the imam. Suffice it for him to know him roughly as though he intends to stand behind the present imam in praying even if he does not know him in person.
- 3- The independence of the imam, it is impermissible to adhere to someone guided in his prayer by someone else.
- 4- Adhering to a praying-imam is to be from the very beginning of the congregational prayer, it is impermissible for the guided to abandon an individual prayer and join the congregational one during the prayer.
- 5-The guided is not to go on an individual prayer without a legal reason, otherwise his prayer is subject to controversy.
- 6-The imam is not to be separated from the guided, if he is male, by a barrier for not being seen or not. Nor is it permissible



for the guided people to be forbidden from seeing each other and communicating with the imam. As though they are in the row beside the imam or in front of them if there is no one beside them to communicate with the imam.

7-The standing place of the Imam is not to be higher than that of the guided to the extent to be conventionally regarded as “highness”. No matter if the standing place of the guided is much higher than that of the Imam to the extent not to be regarded as congregational.

8-The space, that separates between the guided and the imam or between him and the one who could communicate with the imam, is to be big, it is of a mandatory precaution that there is to be between the spot of the imam and the prostration spot of the guided or between the preceding position of the guided and the subsequent forehead prostration spot of the guided not more than one single step to the maximum.

9-The guided is not to precede the imam and it is of a precaution not to stand beside, or rather it is to be behind him, except that the guided is only one man, here it is permissible to pray beside the imam.

So far so convenient for males, as for woman, she is to consider her position from the imam, if he is a man, and the same consideration is to be taken with the other male guided people in concordance with the issue⁷².

Issue 101:

It is impermissible for the guided, as a precaution, to recite Al-Fatihah and the surat in the first and the second rak'ats, if the prayer is in a whispering way and it is permissible for him in the loud recitation prayer. If he is unable to hear the voice of the Imam nor his murmur, the whispering way is to be considerable.

The imam is not responsible for the guided in doing anything in the prayer acts and its supplications except reciting in the first and the second rak'ats. The guided could do all the prayer duties as in the individual prayer in consideration of pursuing the imam in 'ruku,, 'sujud, prostration and the like and it is no tyo purse him in words such as; the utterance of ruku and sujood except the utterance of the beginning of the prayer, Takbeer-atul-Ihram, Allah is greater, as it is impermissible for the guided to utter " Allahu Akbar" before the imam does. It is also permissible to leave the act of the last Al-Tashahud pursuing with a reason. Yet it is to be considered in the obligatory Tasleem: it is permissible for the guided utter " Tasleem", Al-Salamu Alaikum, before the Imam does it.

Issue 102:

It is permissible for the guided to be in the congregational prayer even though the imam starts doing the prayer, by two ways:

First: When joining the prayer at the first rak'at in a state of recitation or at the ruku'a, prostration, before finishing the ruku'a, here one is to utter: "Allahu Akbar", Allah is great, joins the prayer and resumes praying with the guided people, and he is to stand if they are in standing, bows if they are in bowing and completes his prayer with them as though he joins the prayer from the very beginning.

Second: When joining the prayer not at the first rak'at and one has to join the congregational prayer before the ruku', bowing, or during it.

If the imam finishes the ruku', there will be no way for the guided to join the congregational prasyer in this rak'at, but if the guided joins the congregational prayer before the ruku' or during it, he will be obliged to be synchronize his performance acts with the imam's he differs from in some acts.



e.g: if the guided and the imam are at the second rak'at of the midday (Adhuhr) prayer, this rak'at will be regarded as the first rak'at for the guided and a second rak'at for the imam of the congregational prayer. If the imam sits for doing the Al-Tashahud, it will become incumbent on the guided to be prepared to stand and await the finishing of the Al-Tashahud then to stand with the imam, this is the second rak'at for the guided at which he is to recite Al-Hamd and the surah. At the third rakat the imam

is permissible to utter Al-Tasbeehat, Allah is above all things, then the guided he bows for ruku' and then prostrates with the imam. Here it is incumbent on the guided to utter the Al-Tashahud because the guided is at last of the second rak'at and the imam is to stand as he finishes the third rak'at. In so doing, the guided utters his Tashahud and follows the congregational prayer, then he completes the Al-Tasbeehat, then he bows for ruku with the imam and so on to the end of the prayer.

If the guided enters into the third rak'at or the fourth one, it is convenient for him to join the congregational prayer when the imam is at a state of ruku', bowing, because if he joins the prayer and the imam still stands, it will be incumbent on him to recite the Al-Fatihah and the surat, if the imam gives him time, if not, the guided will be permissible to recite the Al-Fatihah only and bows with the imam. If the imam does not give him time to follow, he could not synchronize with the imam in Ruku when if he completed his recitation, here it will be permissible for him to abandon the Al-Fatihah and join Imam at the ruku.

Prayer of The Traveler

Issue 103:

It is for a traveler to shorten his four-rakat prayers, noon, afternoon and Isha' prayers, to two- rak'at prayer as in the dawn prayer performed in two rak'ats. For shortening there are certain conditions:

First: the intention to cover a distance of approximately 44km back and forth or the same traveling distance in one way, the distance is to be considered from the point a person passes to be commonly a traveler, it is often the skirt of the city.

Second: The continuation of intention to go on and never yield during travelling.

Third: The traveler is not to intend to stay for ten days somewhere during the distance or to remain there hesitant about staying for thirty days or not. Besides, he is not to pass through his homeland or his place of residence during his travelling. Passing through the homeland and the residential area and being there will interrupt the travelling, will be explained later.

Fourth: His travelling is to be common, not to commit the haram, sinful acts.

Fifth: His travelling is not to go hunting for fun.

Sixth: He is not to be from those whose houses are with them such as the desert dwellers.

Seventh: He is not to travel a lot as his job is a traveling one like a driver, a seaman and the like and the one whose work is in a place and his residence is in another one and he every day goes to his worksite and returns back and the like.

Eighth: The traveler is to reach the extent of permissibility, that is to say, he is to be far from the city to the extent he is unable see the



people of that city and its residential regions.

Issue 104:

If the travelling is achieved in concordance with the abovementioned conditions, it is permissible for the traveler to continue shortening his prayer on condition that :

- 1-Passing through homeland or place of residence and settling in it.
- 2-Intending to reside in a certain place for a ten-day period.
- 3-Staying at a certain place for thirty days without intending to reside in it.

When having one of these conditions, the act of shortening turns to a state of doing a complete prayer, four rak'ats, if there is no new travelling.

Issue 105:

Homeland and dwelling designate one of the three places below :

- A. The original dwelling to which one belongs, usually it is the birth place.
- B. The place one takes to be a dwelling and a house in a way that he intends to spend the rest of his life in.
- C. The place one takes as a dwelling for a long time in a way that he is not considered as a traveler in it, just like someone who lives and resides in another city or town for business, trade or study and the like for a two-year period or more.

Issue 106:

One who intends residing at a place for ten days then he changes his mind, if this happens exactly before doing a complete prayer, he



is to shorten the prayer or if the mind changing happens after doing a complete prayer, it is to do it complete without shortening, until he leaves the this place.

Issue 107:

One who completes his prayer in a place where he is to shorten is under these cases:

1- It is for his ignorance of the prayer of the traveler legislation of shortening or his ignorance of its obligation he is to yield to, in such a case his prayer goes valid.

2- It is for his ignorance of the issue as he is ignorant of the total distance of shortening, back and forth, that requires him to shorten the. In such a case, he is bound as precautionary to repeat his prayer, though he knows the rule after the prayer time is over, such does not require him to repeat it.

3- It is for his forgetfulness of his travel or of the obligation of prayer shortening for a traveler, in such a case he is to repeat it in time and there is no way to do the qada prayer, missed prayer, if he remembers it after the prayer time is over.

Issue 108:

When shortening a prayer in a place to do it complete, his prayer goes invalid and he is obliged to repeat it or do qada, missed prayer.

Yes, if the traveler intends to reside somewhere and shortens his prayer in ignorance of its rule to do it complete, then he knows that, it is to repeat it as it is based on the obligatory precaution.



Issue 109:

If the prayer doer is present at the beginning of the prayer time but he delay doing it until he travels, here it is of obligatory precaution to shorten his prayer, and if at the beginning of the prayer time he is on travel and delays his prayer until he reaches his town or intends to reside somewhere for ten days, here it is of obligatory precaution to do it complete.

The importance of shortening and completing the prayer lies in the time of its performance not in the time of its obligation.

Issue 110:

The traveler is free to choose between shortening or doing it complete in four places: Holy Mecca, Medina, Al-Kufa mosque and Al-Hussain Holy-Shrine(Peace Be Upon Him) the area around the honorable tomb at a distance of twenty-five legal cubits from every side.

Performance of Missed Prayer (Qada)

Issue 111:

One who does not perform the obligatory daily prayers or performs them invalid as their times are over, is to perform them out of their due times with the exceptions of:

- 1-The prayers that are missed by a boy or a fool or one who faints if his fainting is not intentional and his choice.
- 2-The prayers that are missed by a woman in menstruation, and in lochia, nifas, during the days of the blood observing.
- 3-The prayers that are missed by a disbeliever but not an apostate.

Issue 112:

It is permissible to do the qada for the daily prayers at any time of night or daytime, on travel or in the city, place of his residence or living, but the prayers that are missed in the city are to be performed complete though being on travel, and the prayers that are missed on travel are to be in qada and shortened though being in the city, home town.

Issue 113:

One who misses his prayer while being present in the city in its due time and being on travel at the end of its due time or vice versa, is to do qada for the sake of the end of time.

Issue 114:

There is no succession between the missed daily prayers, qada, except in the case that they are already arranged: Al-dhurain, noon and afternoon, and Al-Isha'ain, Maghreb and Isha' prayers, of a single day.

It is impermissible to perform the afternoon prayer in qada before doing the noon prayer of the same day.

Issue 115:

A believer who misses an obligatory prayer for an excuse and does not do it in qada though he could dies, here it is of an obligatory precaution to be performed by the elder of his sons, provided that he is not under adult age or insane when his father dies and not forbidden from his father's inheritance, otherwise he is not bound to do so, nor does he perform the prayer himself, but it is permissible





to hire someone to perform the missed prayer. If it happens to have someone who volunteers, donates, to perform the missed prayer. Here the obligation is removed from the responsibility of the elder son.

Al-Ayat Prayer

Issue 116:

The Prayer of Ayat is one of the obligatory prayers during eclipses of the sun or/ the moon and also when an earthquake occurs as precautionary. Its time in eclipses from extends from the occurrence of them to their complete departure. As precautionary, in earthquake one is to revert into it at the time of its occurrence.

Issue 117:

The prayer of Aayat is of two rak'ats and at each rak'at there are five rak'ats that could be done in starting with takbeera-tul-Ihram "Allahu Akbar", then reciting the Al-Fatiha and something from another surat. Then it to bow, a state of ruku', when standing, he could recite another part of the same surah, to complete what he leaves, then he is to bow in ruku' and so on until he completes the surah when standing after he finishes the fourth rakat, it means the fifth standing, then he bows for the fifth rakat, when standing, he goes prostrating to do two sujuds, then it is to stand to the second rakat and to perform as done in the first one, then he is to do Al-tashahud), (Ash-hadu an la illahaetc) and the Tasleem, Al-Salamu Alaikum.... Etc, as done the ordinary daily prayers.

Issue 118:

If one knows about the eclipses of the sun or the moon and does not perform the prayer of the Aayat for disobedience or forgetfulness

until they depart, here it will be incumbent on him to perform the missed prayer of the Aayat. Or he does not know about its occurrence until it departs, here two points are to consider:

If the eclipse is complete, that is to say, it covers all the disc of the sun or the moon, here it is obligatory to do qada, otherwise, partial, no need will there be to be performed.

Friday Prayer

Issue 119:

The Friday Congregational Prayer consists of two rak'ats as in the dawn prayer but it differs from it in having two sermons, will be explained more later, and it occupies the position of the noon prayer, Adhuhr prayer, on Fridays.

Nowadays, the prayer performer is free to choose between joining the congregational prayer on condition that it is to be performed according to its legal terms and performing the noon prayer even though at the outset of its time.

From the considerable conditions of the sound congregational Friday prayer there are some:

1-It is to be performed congregationally, as one group, the number of the prayer doers is not to be less than five including the Imam.

2-The imam should have the conditions of being an imam: justice and so forth. Also in this prayer, the conditions of the congregational prayer should be available, see issue 99 and 100.

3-The congregational prayer is to be preceded by two sermons by the imam.

4-It is not to be preceded by any other Friday prayers in another place in a distance of less than 5 km and a half.



The Issues of Fasting

Fasting in the month of Ramadan is one of the most important obligations in the Islamic legislature. It is narrated from Imam Al-Sadiq (Peace Be upon Him) that the Prophet (Peace Be upon Him) says : “One who breaks his fasting for a day in the month of Ramadan without an excuse, the conscience of faith abandons him. “

Issue 120:

To be in fasting in the month of Ramadan there are certain points to consider :

Maturity age; one who is not in the age of maturity is obliged to be do fasting, though it is recommendable for him to be trained on fasting at an earlier age in asking himself to be fasting as far as he could tolerate up to the midday time, more or less, to be more habituated and patient.

2- 3- Sanity, no fainting.

4-Purification, no menstrual blood and Nifas, lochia: no fasting for woman in menstruation and in nifas, or rather it is invalid.

5- No harm: a patient who suffers harm from fasting is not obliged to do, as when it aggravates his illness or delays his recovery or increase his pain. All these states are beyond what one could commonly tolerate.

6-Being at home or what comes equal to the home: no fasting for someone on travel whose prayers are to be shortened, or rather such a person is not permitted to do fasting, with the exception of:

A. one who is ignorant about fact that fasting, on travel, is invalid, goes fasting, then knows after the daytime is over, here his fasting is valid and he does not do qada. [missed fasting days]

B. one who travels after midday time, it will be incumbent upon him

as precautionary, to complete his fast and feel satisfied.

C. one who reaches his home before midday time and does not use anything that could break his fasting, it is incumbent upon him as precautionary to intend fasting in this day and feel content.

Moreover, it is impermissible for a person who intends to travel before midday time to break his fasting at home or after leaving it unless he reaches the permissibility limit of distance, illustrated in issue 103.

Issue 121:

The Crescent moon of the moon of Ramadan could be by :

1-Being sighted by a person himself.

2-Being sighted by two just men, without a sense of suspicion they have and there is none objecting to their testimony, even if it is just by judging, that is to say, their testimony is not impeded with factors to prevent the acceptance of it, such as having the great majority of citizens of a district to claim that they do not sight the crescent moon but these two men do.

3- assing thirty days Sha'ban month.

4- Being common and known for people that the crescent moon is sighted, here knowledge of it and satisfaction hold people. That is why the declaration of the news, visible and audible media means, will go ineffective.

Besides, it is not permissible to fast the day that someone goes suspicious about being in Ramadan, it is permissible to fast it with the intention of regarding it as a day of Sha'ban or of doing missed fasting days, qada, then if it is discovered that it is of Ramadan month, he is to be satisfied with fasting it. Also it is impermissible to break fasting in the day that one is suspicious about being of Shawal



unless the crescent moon is sighted in confirmation at its night by ways explained previously.

Issue 122:

Fasting is to abstain with the aim of showing complete submission to Allah, the Almighty, starting from early dawn to the sunset time from certain matters called “fasting breaking” :

intentionally eating and drinking little or much while eating or drinking does not invalidate the fasting if it is done unintentionally as the one forgets that he is fasting and eats and drinks.

intentionally having an sexual intercourse, vaginal and anal, between the husband and wife.

masturbating in any way to spurt a pre-ejaculate fluid for the purpose of ejaculation though it is halal as in the wife caressing. No harm could be in fasting if having a wet dream at the daytime, even if the one with the wet dream does not bathe until the daytime is overt; his fasting is valid.

4-intentionally vomiting.

5-intentionally being injected with water or with other liquids.

6- intentionally lying to Allah, the Almighty or to His Messenger or an infallible, Peace Be upon Him and His Progeny.

7- intentionally letting thick dust or smoke enter into the mouth.

The fast breaking of the last two points is based on mandatory precaution.

Issue 123:

If a person is in janabah at night in the month of Ramadan, he is to do ghusl before the break of dawn, if he cannot do it due to a disease

or an excuse, he is to do tayammum.

As for woman, if she is purified from menses, Al-Haydh, or lochia, Al-Nifas, at night, she is to do ghusl before the break of dawn.

If they intentionally leave the Ghusl of Al-janabah or of Al-Haydh or of Al-Nifas and the Al-Tayammum as an alternative until dawn breaks, it is to be incumbent on both to do qada, missed fasting day, and keep themselves in fasting with the intent of absolute closeness to Allah, the Almighty.

Issue 124:

One, who is in janabah at night during the month of Ramadan, sleeps with intention of doing ghusl and with certitude to wake in time, as a habit or something else and does not wake up until the dawn breaks, goes with a valid fasting. But if he wakes up, then sleeps and does not wake up again until the dawn breaks, he is to do qada, missed fasting day as a punishment for him.

Issue 125:

The expiation, Kaffarah of Fasting, is to be due to be paid by anyone who breaks his fasting on any day of Ramadan by eating and drinking or having a sexual intercourse with his wife or practicing masturbation or staying in Al-Janabah until the dawn time, if all these cases happen intentionally with free will without any compulsion or force.

The expiation is to release a slave from service or captivity or to fast for two subsequent months or to feed 60 poor people per every day of the fasting days. It is quite enough to feed a poor one with be three quarters of a kilo of dates or wheat or other thing conventionally called as food and it is not legally permissible to pay the price of that amount of food to the poor one.



Issue 126:

Verily, the expiation is to be paid for the person who knows that the fasting is to be done and the one breaks it as mentioned previously. The one who has no knowledge of what is mentioned is not to pay kaffarah when breaking his fasting, if he thinks that he is not in the age of maturity, the age of taklif, he is not to fast or if he uses something that breaks the fasting and thinks that it does not validate his fasting, he is to pay kaffarah. Yes, kaffarah is to be done whether there is knowledge of its permissibility or not.

Issue 127:

One who misses fasting the month of Ramadan with an excuse or without is incumbent on him to do qada, missing days, on any of the other days of the year except the two days of the festivals, Al-Fitr and Al-Adh'ha, for no fasting is permissible during these days absolutely.

Those who are excluded from doing qada, missed fasting days are :

1-A patient whose illness continues until the forthcoming month of Ramadan and finds himself incapable of performing the missing fasting days of the last Ramadan of whole period of the year, it is not for him to perform them later, but he is to pay a ransom, giving alms, of almost three quarters of a kilo of food on every day.

2- If old people, male and female, are not able to fast and it causes them a kind of hardship and difficulty, it is not incumbent on them to fast nor to do qada later. But they are to pay a ransom in the form of being unexcused to fast, otherwise there will be nothing on them.

3- One who suffers extreme thirst drinks water but is not quenched goes with the issue of the old people, male and female.

Issue 128:

A heavily pregnant woman fasting causes harm on or on her fetus and the nursing woman with little breast milk fasting causes harm on or on her baby. It is permissible for them to break their fasting during the month of Ramadan but they are to do qada later and also are to pay a ransom

Issue 129:

One who is to do qada, missed fasting month, is incumbent on him to do qada in the same year, until the coming Ramadan, in which he breaks the fasting, which is based on recommended precaution. If he intentionally postpones it, he shall expiate on every day three quarters of a kilo of food to be given to the poor and the needy, the expiation is to be paid also if it is postponed unintentionally, which is which is based on mandatory precaution.

Issue 130:

It is not permissible to break the fasting of the qada, missed days of Ramadan after midday; one who breaks his fasting after the midday is to pay an expiration, kaffarah: to feed ten poor persons with three quarters of a kilo of food for each, if he could not afford to do the kaffarah, he is to fast for three days.

Issue 131:

It is not permissible to do the voluntarily fasting, the recommended, for someone who is incumbent on to do qada of the month of Ramadan, yet it is permissible when he is incumbent on him to do an obligatory fasting such as the fasting of expiation and doing qada, missed fasting days, except for the month of Ramadan.





(Hajj Conditions) Mecca Pilgrimage



Al-Hajj is one of the most important pillars in the Islamic law, sharia. Allah the Almighty, say: “ Pilgrimage thereto is a duty men owe to Allah,-those who can afford the journey; but if any deny faith, Allah stands not in need of any of His creatures”.

In the narratives of Imam Al-Sadiq (Peace Be upon Him) there is a speech stressing: “ one who dies without going on a pilgrimage to Mecca, for reasons of something that sets him unaffordable, a disease that impedes him from performing it or a despotic ruler who prevents from making a pilgrimage to Mecca, would better die as a Jewish or a Christian.”

Issue 132:

Al-Hajj is an obligatory duty on a Muslim, sane, adult and physically and financially capable of doing it, his capability is manifested through having the following points:

Sound body, one is to be with a sound body to able to go on a pilgrimage to Mecca by himself. A sick or old man, cannot do Al-Hajj at all, or whose implementing the hajj rituals causes him unbearable hardship or difficulty, is exempt from performing Hajj himself.

Security and safety of himself, his money and his honour while going on a hajj and when doing the hajj rituals.

Having a financial ability to cover all the hajj requirements: hajj visa and passport taxes and the expenditures of traveling, return trip or one-way trip, for the one who does not want to return home, costs of accommodation in the holy locations, of food and medications and



so forth.

Doing a pilgrimage is not to cause a financial difficulty when returning home, if it happens for someone with a limited income to be able to cover all the expenditures of Al-Hajj but on his return home he will be in a difficulty to regain his financial stability as he was before doing the pilgrimage, such a person is not considered to be incumbent to go on a pilgrimage to Mecca.

5-Time Sufficiency. There should be a sufficient time to go the sacred places and do the pilgrimage. If it happens for him to be financially affordable to do the pilgrimage too late to finish the requirements of his travelling to the hajj; passport issuing, visa processing and so forth. Or he is able to do so but with intolerable hardship and intense difficulty, in that case, he is not to go on a pilgrimage this year and to keep his money to do the pilgrimage next year or after next year if he is content with his decision that he is able to travel for the sake of pilgrimage in the coming years.

Issue 133:

Avoiding authorizing someone to perform Hajj, sending someone instead of a person himself, in three cases:

First: If a person is able to cover all the hajj expenditures but he himself could not do the hajj rituals for a disease or any other hindrance.

Second: If he was able to do Al-Hajj himself, but he did not take it serious and not to go on a hajj to the extent that he becomes too weak and unable to do it for a reason that sets him hopeless becoming able to do it later.

Third: If he is able to afford all the expenditures to do the hajj, but he does not do it and dies, it is to hire someone, by the estate of the deceased, to do the hajj on behalf of the dead person.



Issue 134:

The pilgrimage is to be of three types:

hajj al-tamattu ⁽¹⁾

hajj al-Ifrad.⁽²⁾

hajj al-qiran.

The first is the task of everyone whose living place, domicile, mounts to more than 88 km far from Mecca and for the two other types it is the task of everyone whose living place, domicile, takes less than the abovementioned distance far from Mecca.

Here comes a brief explanation only for the rituals of hajj of al-tamat-tu as it is the task of the overwhelming majority of the believers for being in living areas far from Mecca Al-Mukarama, Makkah the Noble, more than 88 km.

Issue 135:

Hajj al-tamat-tu' involves two kinds of worshiping: the first is called al-Umra and the second one is known as al-hajj. In Umra al tamat-tu, there are five deeds and they are as follows respectively :

1- Al-Ihram: pilgrim's dress to be worn from one of mawaqeets, specific places for wearing the pilgrim's dress.

2- Al-Tawaf, circumambulation, circumambulating the Holy Ka'ba seven subsequent rounds.

3- At-Tawaf Prayer, it is to be performed behind Maqam Ibrahim.⁽³⁾

4- Al-sa'i: walking back and forth seven times between the two

1. "Al-Tamat-tu" literally means to enjoy ,and hajj al-tamat-tu 'is called so because the forbidden actions during ihram are permitted and can be enjoyed in the interval between umratul-tamattu and the hajj. The permissibility of the forbidden actions of ihram in this interval counts as their permissibility within the hajj.

2. Hajj al-Ifrad is that contrary to Hajj Al-Tamat-tu ,it does not have umra.

3. - It is a stone where the footprint of the Prophet Ibrahim (peace be upon him) is marked.

small hills of Safa and Marwa.

5- Al-Taqsir: trimming some hair of the head or the beard or the moustache.

In Hajj Al-Tamat'tu there are thirteen rites to be carefully pursued.

1-Al-Ihram, the pilgrim's dress to be worn from holy Mecca.

2-Being on 'Arafat' on the ninth day of Dhul Hijja from midday time to sunset.

3-Standing at Muzdalifa a little while from the night of the Eid to sunrise.

4-Stoning, in succession, the Aqaba on the day of the Eid Al-A'dhha with seven pebbles.

5-Slaughtering of an animal (a camel, a cow, or a sheep) on the Day of Eid or in a later time until the last days of al-Tashreeq⁽¹⁾ in Mina.

6- Shaving or trimming the head hair in Mina.

7- Tawaf of the Qa'ba seven times called the tawaf of Al-Hajj, Al-Ziara.

8- Circumambulation Prayer, it is after the tawaf behind the maqam of Ibrahim (peace be upon him).

9- Al-'Sa'i, it is to walking between Safa and Marwa for seven times.

10- Tawaf al-nisa.

11- Tawaf al-nisa Prayer.

12- Staying at Mina on the eve of the eleventh and the twelfth of the month of Dhul-Hijja.

13- Throwing stones at the Jamarat in Mina on the eleventh and the twelfth days.

1. The days following the Eid day. The word was derived from the Arabic word which means sunrise or sunshine .

**Issue 136:**

Every deed of Umrah and Hajj is a worshipping one to be performed to submit to Allah the Almighty. These deeds have many details and issues the Manasik Al-Hajj, book, takes the responsibility to elucidate. One who wants to perform this divine imposition is to learn its issues more deeply for not falling victim to ignorance and inattention and that will make performing Al-Hajj incomplete or invalid, here he is to repeat.

Zakat Conditions

The Zakat, almsgiving, is one of the most important Islamic duties and Allah, Most Blessed and Most Exalted, associate it with the prayer, as second in importance to the prayer in more than one mention in the noble verses of the holy Quran. Also it is narrated that the prayer is not to be accepted from the one who prevents the zakat. It falls in to two parts:

The First Part: Zakat on Wealth

Issue 137:

Zakat is to be done in four matters:

- 1-on livestock: goats and sheep, camels, cows and even buffaloes.
- 2- on currency: gold and silver.
- 3-on the four crops: wheat, barely, dates, and raisin.
- 4-on commerce fund, based on precaution, it is the stored goods to be sold with the intention of increasing their marketing values.

Issue 138:

In the zakat on livestock there are certain conditions to respect:

Reaching the standard, that is, when a specific number is reached, zakat tends to be obliged.

In camels, the standard is five, so their Zakat will be one sheep, and if they are ten, their Zakat will be two sheep and if they are fifteen, their Zakat will be three sheep and if they are twenty, their Zakat will be four sheep and if they are twenty five camels, their Zakat will be



five sheep, and if they are twenty six camels, their Zakat will be a female camel in its second year. If the number grows to be thirty six, their Zakat will be one female camel in its third year, there are some more numbers other than the above-mentioned cases, too numerous to mention here.

In sheep, if their number is forty, their Zakat will be one sheep and if the number of the sheep is one hundred and twenty one, their Zakat will be two sheep and if the number is two hundred and one, their Zakat will be three sheep and if the number is three hundred and one, their Zakat will be four sheep and if the number is four hundred or more, their Zakat will be one sheep for every each hundred sheep whatever their number will be.

In cows and buffaloes, if their number is thirty, their Zakat will be to a calf in its second year, if their number is forty, their Zakat will be one female cow or buffalo in its third year.

They are to be animals-grazing: they depend on the natural pastures. But if they are fed on fodders, that is, they are supplied with food by selling or cutting the grass for them from the pastures and then they are fed with, even if this happens in some of the year, there will be no zakat in this year.

The owner or his guardian is the one who has the authority to manage them throughout the year, if the span of the year, complete year, is interrupted, the zakat is not to be paid in such a case.

The owner is to have them for eleven months and have the twelfth month; they are to be under his ownership in this period.

Issue 139:

The obligation of zakat on currency, gold and silver, in conditional upon:

Gold quantity is to be fifteen fifteen common, ṣayrafī, mithqāls, 24 grain, its Zakat is one-fortieth, (2.5%). Whenever it increases with three mithqāls, it is to do zakat of (2.5%).

As for silver, its quantity is to reach one hundred and five mithqāls and its zakat is one-fortieth, (2.5%). Whenever it increases with twenty-one mithqāls of silver, it is to do zakat of (2.5%).

2- The owner is to have them for eleven months and have the twelfth month; they are to be under his ownership in this period.

3- The owner is the one who has the authority to manage them throughout the year, if the span of the year, complete year, is lost commonly, the zakat is not to be paid in such a case.

4-The owner is to be adult and sane as there is no zakat on the property of the child and the insane.

Issue 140:

No zakat on the gold and silver bars and ornaments made from gold and silver, no zakat on golden and silver coins that are not dealt with in business transactions such as the Turkish liras women use as ornaments, no zakat on paper currency and metallic coins not made from gold and silver as it is common nowadays.

Issue 141:

zakat on the four crops stipulates two points :

Reaching the standard, that is to say, the quantity of each item, after being dried, should mount to three hundred sa`a⁽¹⁾ equal to 847 kg and amount of the zakat as follows:

1. ṣa`a is a measure of weight equivalent to approximately 2.823 kilograms.



If it is irrigated with rain or river water and the like; in a way that there is no need to do effort or to use a tool whose zakat will be tithe, 10%.

If it is irrigated with hand or with a tool like water-pumps or the like, whose zakat will be half of tithe, 5%.

If it is irrigated sometimes with rain and with hand or with a tool, whose zakat will be three quarters of the tenth, 7.5%, except that one of the two irrigating ways is less, too insufficient to be regarded, than the other, the most dominant irrigation is to be regarded.

The total crop yield is to be under the ownership of the Mukalif, one who is to do zakat, if he owns it after that, it is not incumbent on him to pay zakat. Yes, if it is known that the first owner of the crop yield did not do the zakat, it would be incumbent on him, the second owner, to do the zakat on the crop yield. It is convenient to go back to the first owner if the whole crop yield is owned by the second owner through purchase or persuasion as not to inform intentionally him, the first owner, of the real state.

Issue 142:

In Zakat on the commercial money certain matters should be taken into account:

The maturity and the mind of the owner) and his mental scope of recognition.

The money reaches the common standard. It is the standard of one two currencies, gold or silver, that is, it is to be equal equals to fifteen common, şayrafī, mithqāls of gold or one hundred and five mithqāls of silver, the amount of Zakat on it will be quarter of tithe, 2.5 %.

Ownership-contracting, as in buying and a complete year passes with the intention of gain.

The intention of gain stays throughout the year.

The owner is able to use the commercial money throughout the year.

There is no lowering of the market value throughout the year to the cost price.

Issue 143:

Al-Zakat is to be spent on eight categories:

(12-) The poor and the needy : one who has not sustenance of a full year for himself and his family and has no trade nor a craft enabling him to have sustenance. The difference between the poor and the needy is that the second is worse than the first as he cannot afford his daily sustenance.

The responsible for administering the funds; they appointed by the Prophet (peace be upon him and his progeny) or the imam (peace be upon him) or the legitimate ruler or his deputy to collect, count and deliver the zakat to them or to those who deserve it.

Those whose hearts have been recently reconciled to truth,: they are the Moslems whose Islam is enhanced by paying money to them and the non-Moslems are paid to be converted to Islam or to make them help the Moslems defend themselves.

The slaves; they are freed with the money collected from the zakat.

Those who are in debt and unable to pay back their legal debts.

Those who are in the cause of Allah; it is the expenditure on all ways of good doing; building mosques, schools and charitable foundations establishments and the like.

A wayfarer who cannot travel any further: the one whose money is



totally spent and he is unable to return to his homeland unless there is a payment to his returning costs.

Issue 144:

The zakat is to be paid to the one who is faithful and not to do sin and it is a mandatory precaution that he should not abandon the prayer nor be an alcohol-drinker or an abomination-publicizer.

It should also not be on the one whose daily expenditure is on the payer of zakat, for example, his wife and nor the one who deserves the zakat should not be a Hashemite unless the zakat payer is a Hashemite like him.

The Second Part

Zakat Alfitrah

Issue 145:

Zakat Alfitrah is conditional on:

Maturity.

Sanity and not in a faint.

Richness: it runs counter to sheer poverty as mentioned in issue 143.

When these conditions are found in the mukalif, he is, before the sunset of the last day of the month of Ramadan up to the first part of the night of Alfitr festival, obliged to give fitra for himself and his family, whether those whose expenditures depend on him or others. It is of a mandatory precaution to give alfitra in the light of the abovementioned conditions and at the sunset or after it up to the midday time of the day of Eid.

Issue 146:

It is recommendable for the poor to give alfitra for himself and his family but if he does not have to pay but for one person, it would be permissible for him to give the fitra to one of the family members who takes it to give it to someone else in the same family until it comes to the last one of family to give it to a poor man.

Issue 147:

The quantity of zakat of alfitra per person is about three kg of wheat or barley or dates or raisin or something else as often foodstuff or the value of the quantity in cash.

Issue 148:

It is permissible to keep zakat alfitra aside in advance during the month of Ramadan before its due time. It is also permissible to delay the time of its setting aside during the day of the Festival till midday time for the one who does not pray the eid prayer, yet for the one who does the eid prayer is not to delay its setting aside after the prayer as a mandatory precaution. If the mukalif delays its setting aside after midday time, he is to do it with the intent of absolute nearness to Allah without the intention of Ida', doing an obligation on its time) or Qada', doing an obligation after its due time.

Issue 149:

When zakat alfitra is kept aside, it is impermissible to be exchanged with any other fund.

**Issue 150:**

Zakat alfitra is to be paid to the poor and the needy who are legally permissible to take the zakat on money, see issue 143, bearing in mind that zakat alfitra is not legally recommended to be given to the Hashemite⁽¹⁾ if the payer is non-Hashemite nor to be given to someone whose cost of living depends on the zakat payer such as; father, mother, wife and son.

Issue 151:

It is permissible to transfer zakat alfitra to the legal ruler though there are some who deserve it in the same country. Yet it is of a mandatory precaution not to transfer the zakat alfitra to someone else outside the country in time there are some inside the country who deserve it.

1. It is the adjective form of Hashim and originally designated a member or descendant of the Banu Hashim clan of the Quraysh. The Islamic Prophet, the prophet Muhammad (peace of Allah and His blessings be upon him and his pure progeny) was a member of this Arab tribe; his great-grandfather was Hashim Ibn Abid Munaf, for whom the tribe is named. Members of this clan are referred to as Hashemites.

❦ Khums, One-fifth tax, Issues ❦

Al-Khums is a financial right determined in the holy Islamic legislature by a text in the Glorious Quran. in many authentic narratives of Ahalalbayt imams the attention is paid to it and in some of them there is damnation on those who refuse to do it and on those who take it without being deserved.

Issue 152:

Al-Khums is concerned with five kinds of funds:

War spoils: taken from unbelievers who are permissible to be fought.

Extracted Minerals; gold, silver, copper, iron, sulfur, oil, and the like.

The treasures troves: extracted from their burial ground, whether they are buried underground, or in walls or other ways.

The extracted things through diving into the seas or great rivers where pearls and coral and the like are formed.

The lawful, halal, that are mixed with the unlawful, haram, in certain aspects.

Gained benefits and profits from trade, industry, possessions, any other kinds of livelihood activities, from a gift or a will and from financial aid and help except Khums and Zakat.

No Khums is there on the dowry of a woman and on what a husband gains in compensation for a wife-divorce, khul`a ⁽¹⁾, also no khums on diyas, blood money, paid in compensation for organ losses and no khums on the inheritance save for some exceptions, see Menhaj Al-Salihin.

1. This is a divorce of a wife who has an aversion to her husband and who gives him her dowry) mahr (or some of her other property so that he divorces her.



Al-Khums is restricted only to the six above-mentioned kinds when the conditions are available and explained in the message of Menhaj Al-Salihin, it is advisable to see it. In the following issues only some of the sixth kind conditions will be manifested.

Issue 153:

Al-Khums is to be paid from the profits and benefits after excluding the following: gained but with the exceptions of the following:

The amount a person spends to gain these profits and benefits; the rental of a shop and a store, the bills of electric power and phone, transport fees, taxes, and the like. The abovementioned costs are called a little ago is called a trade means.

The expenditure one spends on himself and his family during the year, that is to say, what he spends on food, drink, clothes, accommodation, transport, furniture, medication and other petty cash, on debts paying and gifts giving, on religious and touristic trips, on occasions and the like that is normal and not regard as extravagance nor profligacy. The abovementioned expenditures are called a year means.

Consequently if a merchant counts what he possesses of cash and goods and finds his profits mounting to a hundred thousand Iraqi dinars save for what he spends on his trade, himself and his family during the year, he is to do the khums, one -fifth of these profits; twenty thousand Iraqi dinars.

Issue 154:

The fiscal year, the annual means, for the one who does not have a profession to meet the needs of his livelihood and lives on donations, presents and the like, begins when he obtains a benefit,

he is permissible to spend what he gets of profits on his subsequent means for a complete year.

Whereas the fiscal year of someone, who has a profession enabling him to live; merchants, officials and craftsmen professionals, starts when he gains profits. Consequently, it would be permissible for him to keep aside the means spent after that from coming profit, it is impermissible for to spend anything from obtained profits before the end of the year in the following fiscal unless the Khums is done.

Issue 155:

The trade capital and its requirements are not from the means exempted from the Khums; the merchant, whose capital comes from his annual profits and benefits and supplies its necessities from them, is to be incumbent on him, at the end of the year, to do the khums on everything he possesses ; cash, goods ready to be sold and all the assets related to his trade. In the capital of a business and the requirements of a trade, it is what a maker needs of manufacturing machines and a farmer does of planting machines and so forth.

Issue 156:

If one buys something from of the profits of the year and does not use in his year means until his new fiscal year comes, it is incumbent on him to do khums on it according to its real value; at the time of khums doing.

Moreover, if he buys something from the khums or something related to the Khums as in the inherited fortune, then its value increases and takes three categories:

Al-khums becomes due when it increases even if he does not sell it. It is what he sets for trade; it is the offered fund for sale that increases



in the marketing value.

Al-khums on the increase becomes not due even if he sells it with increased value; it is what he possesses by inheritance and the like and he does not set it for trade.

Al-khums on the increase becomes not due unless he sells it, that is, what he possesses by offsetting as in buying and the like, with the intention of possessing it not for the trade. If he sells it with a price more than its original price and gains the increase of profits of the selling year, he is to do khums on the increase of his year means.

Issue 157:

Some mukalifs are indifferent to khums doing and do not consider the Khums payment for a number of years, then he comes to his sense and wants to rectify his state. Here he is to count his proprieties, refers to legal ruler or his deputy to settle his accounts and shows him the suspected amount to pay in installments the khums that he cannot do at one payment.

Issue 158:

The mukalif is to choose between keeping aside the khums from the assets appropriate for the khums doing and replacing the value of it in cash.

Issue 159:

It is not permissible for the owner to deal with the khums, as related to him, after the year is over and before paying it. It is permissible for him to deal with the khums when he going to the legal ruler to start devolving the khums to the liability of the owner.

**Issue 160:**

Al- khums is not to be determined by the owner but it depends on the legal ruler consulting.

Issue 161:

It is not conditioned in the Khums paying whether owner is mature or sane, the khums is to pay for the fortune of a boy below the legal age and the insane. Hence, the guardian is to keep aside the khums from the fortune and if the guardian does not do so, it will then be the responsibility of the boy and insane to keep it aside after being mature and conscious.

Issue 162:

Al-Khums is of two halves: first half is for the Awaited Imam (peace be upon him) to expend on matters in which the consent of the Imam (peace be upon him) lies in taking the permission from the supreme religious Marji', authority who is the most knowledgeable and perfectly aware of general affairs or by paying it to him. The second half is to be distributed to the poor and the wayfarers who are faithful Hashemite in origin and perform perfectly the obligations of their religion and to the poor faithful orphans as well.

Issue 163:

It is not permissible as precautionary to give the Khums to those whose expenditure is still on the owner such as the father, the mother, and the son. Also it is not permissible to give the Khums to those who spends it on haram, acts that Allah not accept, and it is of a mandatory



precaution not to give the Khums to the prayer abandoner neglecter, the drunkard and the one who shows his depravity publicly.

Enjoining Good and Forbidding Evil Issues

One of the greatest religious duties is enjoining good and forbidding evil duty. Allah say:

Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity “

(HolyQur'an, Alamran, 104)

It is narrated that the Prophet (peace be upon him and his progeny) says:

My nation is to go in bliss as long as they enjoin good, forbid evil (Al-Munkar) and cooperate with each other on doing good and if they do not do so, they will be deprived of their blessings and inimicality will be inflicted on each other. no helper to them on earth nor in heavens.

It is narrated that Imam Ali (peace be upon him) he say:

Abandon not enjoining good and forbidding evil lest Allah give power to evil people from among you over you, then you pray to Him but He does not respond to you.

Issue 164:

For enjoining good and forbidding evil there are certain ranks:

First: a person does some work in which he shows his heartfelt disgust and complaint about from leaving the act of enjoining good and doing evil.

Second: Enjoining good and forbidding evil comes by his speech and

tongue whether it is in the form of sermons and guidance or the like.

Third: Taking practical procedures to respect doing good and abandoning evil such as; the ear pulling, spanking, confining and the like.

For each rank there are varying degrees of intensity and feebleness. It is to start with the first of all or the second in consideration of the more effective and less harmful and then to take bit by bit what is the more intense one than it.

In case these two ranks, the first and the second, come to no avail, the turn of the third rank comes to the fore after taking the permission of the legal ruler as precautionary, here he takes practical procedures against the evil-doer and good-abandoner to prevent him from doing so. These procedures range from the least harmful to the most intense and effective but they do not lead to a wound or a fracture.

Issue 165:

Enjoining good and forbidding evil is to be done under the condition that:

The person who enjoins good and forbids is knowledgeable about good and evil.

The person who is advised is to respect the one who advises him to do good and abandon evil. If being informed that he does not care about the advice, to enjoin good and forbid evil, the second and the third rank are not necessary anymore and the adviser should restrict himself to the necessity of employing the first rank as precautionary; that is, to show discomfort and discontent over the evil-doer or the good-abandoner though he is not affected by doing so, discomfort and discontent showing. Here it comes equal to what the prophet, peace be upon him and his progeny, orders us to obey and as it is said by the

commander of the believers, peace be upon him: “ the Messenger of Allah decrees us to meet the people of sins with dreary faces”.

If the good-abandoner or the evil-doer intends to persist in doing evil and refuses doing good; and if it is known from the person himself that he persists in committing evil and abandoning good even for once, it is either to order him or prevent him before doing so.

The good-abandoner or the evil-doer excused for doing evil or abandoning good.

The one who does good and forbids evil is not to fear harm to himself or his honour or his fortune, beyond the common standard, or to a Muslim in consequence of enjoining good and forbidding evil.

**praise be to Allah first and foremost and peace and blessings of
Allah be upon Muhammad and his immaculate progeny**

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