

***An introduction to Zad  
al-Mustaqni'***

## Lesson 00 -- introduction

An introduction to Zad al-Mustaqni'

(A0) Author's Introduction

سم الله الرحمن الرحيم

الحمد لله حمدا لا ينفد، أفضل ما ينبغي أن يحمد. وصلى الله وسلم على أفضل المصطفين محمد وعلى آله وأصحابه ومن تبعه.

أما بعد فهذا مختصر في الفقه من مقنع الإمام الموفق أبي أحمد، على قول واحد وهو الراجح في مذهب أحمد، وربما حذف منه مسائل نادرة الوقوع وزدت ما على مثله يعتمد؛ إذ الهمم قد قصرت، والأسباب المثبطة عن نيل الورد قد كثرت. ومع صغر حجمه حوى ما ينبغي عن التطويل. ولا حول ولا قوة إلا بالله، وهو حسبي ونعم الوكيل.

In the name of Allah, Most Merciful and Compassionate.

Praise to Allah, a praise never depleting the best of what He should be praised. Allah bless and give peace to the best of all chosen, Muhammad, and upon his folk, Companions (Allah be Allah be well pleased with them), and whoever worships (b: Allah Most High).

To commence:

This is a summary of fiqh from the Muqni' of Imam al-Muwaffaq, Abu Muhammad (b: `Abd Allah bin Ahmad bin Muhammad bin Qudama al-Maqdasi; may Allah immerse him in His mercy and give back to us from his blessings) following one opinion: the most superior in the mathab of Ahmad (b: bin Hanbal al-Shaybani). I have hopefully removed issues (masa'il) that rarely occur and I have added what is relied upon, since aspirations have lowered and reasons which preoccupy from reaching the goal are numerous. In spite of its small size, what it does include frees need of lengthiness.

There is no change or power save through Allah. He is our sufficiency and best to rely upon.

### (A1) *Translator's Introduction*

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(m: The great Hanbali scholar Imam Muwaffiq Al-Din Ibn Qudammah Al-Maqdisi developed a program taking students from the very beginning of their studies to the very end: from having no specialized knowledge in the fiqh to being a mujtahid. His program consisted of a series of books, moving the student toward the grand goal in stages.

The first book is Al-`Umdah, a basic manual of fiqh for beginners. It covers the basic rulings that every Hanbali needs. The book gave only the predominant opinion for each position. While Al-Muwaffiq did not concentrate on evidence, he did tend to begin each section with a hadith that the student can use for figuring out many of the unmentioned branch issues.

The second book is Al-Muqni`, which added to the above by mentioning different opinions for a given issue without telling the student which is the predominant opinion, and by adding some additional branch issues.

The third book is Al-Kafi, which introduces evidence for the positions in the mathab.

The fourth book is Raudhat Al-Nathir, a book in usul al-fiqh. It is a condensed version of Imam Al-Ghazali's Al-Mustasfa, but instead of championing the Shafi'i usul it champions the Hanbali.

The fifth and final book is Al-Mughni, which builds on the previous works by adding opinions from the other mathabs from the Companions and early Imams (Allah be well pleased with them) whether still followed or extinct, the opinions within the mathab with a particular emphasis on what is transmitted from the Imam, the evidence for all of these various positions, and then a defense of the predominant position in Ibn Qudammah's opinion. The book is also full of minute branch issues.

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So, this was the program that Al-Muwaffiq set down, and these are some of the many books he authored. In today's circumstances it is very easy to scoff at his a program and consider it far fetched, but it did indeed produce a good number of Hanbali mujtahids, and his final book Al-Mughni has been praised by Hanbalis and non-Hanbalis alike; it an Imam Al-Nawawi's Al-Majmu`a are two of the more essential books of fiqh muqarin. The Shafi'i mujtahid imam Al-`Izz bin `Abd Al-Salam held back from giving verdicts until obtaining a copy of Al-Mughni.

The mathab did not end with Ibn Qudammah, and some opinions on rulings have changed. One of the later scholars, `Ali Al-Hijawi, took Ibn Qudammah's Al-Muqni` and reduced it to the predominant position in the mathab, removed extraneous issues, and added some things that were necessary. His book is known as *Zad Al-Mustaqni'*; it was greatly accepted, and some scholars said that whoever has memorized Al-Zad is fit to be a judge. While the book is indeed short, it gives the basics for the Hanbali mathab, including some things not even found in books twice its length. Later on Al-Bahuti wrote a commentary on the text titled *Al-Raud Al-Murbi'*, which added explanations, evidence, ta`lil, and some additional rulings. Today Al-Raud is the more popular teaching manual in the Gulf area, while *Nail Al-Ma'arib* is preferred in Sham.

And this is how we arrive our text here: a translation of *Zad Al-Mustaqni'* with additional notes taken from *Al-Raud Al-Murbi'* and other sources.

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As for some biographies of the scholars of the Al-Muqni` - Zad Al-Mustaqni` - Al-Raud Al-Murbi` series:

*Al-Muwaffaq, Ibn Qudamah (541 - 620 AH)*

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Muwaffaq Al-Din Abu Muhammad `Abd Allah bin Ahmad bin Muhammad bin Qudamah Al-Maqdisi Al-Hanbali, a faqih and Sheik Al-Islam. Born in 541 AH during the month of Sha`ban, near Nablus in the vicinity of Quds. During that time, the Crusaders had taken control of Quds so Ibn Qudamah's family emigrated to Damascus, where they originally settled near Bab Al-Sharqi (the eastern gate of the city) and after two years moved to Qasyoun mountain in an area now known as Muhya Din, but originally name Salihya after the salihin of Bani Qudamah that lived there. During that time Al-Muwaffiq had been memorizing Qur'an, learning basic knowledge from his father, and learning from the mashayikh of Damascus.

He then went to Baghdad where he read Mukhtasr Al-Khiraqi with Sheikh `Abd Al-Qadir Al-Jaylani (Allah be well pleased with him); it was a book he had already memorized in Damascus, and this was an intensive and precise reading. Sheikh `Abd Al-Qadir then passed away, so Al-Muwaffaq took from a few others sheikhs and then returned to Damascus. There he began to teach and author works in various disciplines.

He passed away on `Eid Al-Fitr 620 AH, and was buried above the Jami`a Al-Hanabilah in Salihya. May Allah have mercy upon him.

*Sharaf Al-Din Al-Hijawi (d 978 AH)*

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Imam Sharaf Al-Din Abi Al-Munja Musa bin Ahmad bin Musa bin Salim bin `Isa bin Salim Al-Hijawi, originally from Quds and then settled in Salihyah Damascus.

He took fiqh and other disciplines from Imam Shihab Al-Din Ahmad Al-Whuwayki Al-Salihi, Imam Abu Hafs Najm Al-Din `Omar bin Ibrahim bin Muhammad bin Muflih Al-Salihi, Abu Al-Barakat Muhhib Al-Din Ahmad bin Muhammad Al-`Uqayli.

A large number of imams studied under him: his son Yahya Al-Hijawi, Shihab Al-Din Ahmad Al-Wafa'i Al-Muflihi, Ibrahim bin Al-Ahdab Al-Salihi, Abu Nur bin `Uthman bin Muhammad bin Ibrahim, and others.

He was assigned the imam of Al-Jami`a Al-Muthafiri and he taught in various places included Jami`a Al-Ummawi.

He passed away Friday night, the 17th of Rabi` Al-Awwal 978 AH. May Allah have mercy upon him.

### *Mansur Al-Buhuti (d 1051 AH)*

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Imam and Sheikh Al-Islam, Mansur bin Yunis bin Salkah Al-Din bin Idris, well known as “Al-Buhuti”, from Egypt.

He was an imam in many disciplines, including fiqh, usul, and tafsir. He took from a number of scholars, including: Yahya bin Sharaf Al-Din Musa Al-Hijawi, `Abd Allah Al-Danwashiri the Shafi`i, Al-Jamal `Abd Al-Qadir Al-Danwashiri the Hanbali, Al-Nur `Ali Al-Halabi, and Al-Shihab Ahmad Al-Warithi.

His many students include: Muhammad Al-Buhuti, Muhammad bin Abi Al-Surur Al-Buhuti, Ibrahim bin Abi Bakr Al-Salihi.

His words include commentaries & hashiyas on both Al-Iqnar, Muntaha Al-Iradat, commentaries on *Zad Al-Mustaqni'* known now as *Al-Raud Al-Murbi'*, *Al-Mufridat* (a commentary on a book detailing positions found only in the Hanbali mathhab).

He taught and gave legal verdicts.

Every Friday night he had a banquet for the Maqdisi. Whenever one of the Maqdisis became sick, he would visit, bring him to his house, and take care of him until he got well. People would bring their charity to him, and he would distribute it among his students and would accept none for himself.

He passed away Friday afternoon on the 10th of Rabi` Al-Thani 1051 AH in Cairo. May Allah have mercy upon him.

[Biographies taken from Maktabat Dar Al-Bayan edition of *Al-Raud Al-Murbi'*. I have added things from memory. They are not intended to be all inclusive by any means.]

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When I began the translation I tried to use the following terms for the original Arabic words

(b: ...) — notes from Al-Bahuti, taken from *Al-Raudh Al-Murbi'* unless qualified

Essential, required — for the Arabic *wajib*

Obligatory — for the Arabic *fard*

Recommended — for the Arabic *mandud*

Lawful — for the Arabic *mubah*

Offensive — for the Arabic *makruh*

Prohibited, unlawfu — for the Arabic *haram*

(m: ...) — notes added by Musa, the translator

but these choices have not been as successful as I had hoped for. The distinction between *fard* and *wajib* is quite artificial in English, and I still have not found an elegant way of handling it. Since these

are words that will be repeating quite often in the text, it may just be easier to use the Arabic terms. And Allah knows best.

I have taken quite a few liberties while editing the text. Arabic uses pronouns much more heavily than English, and things sometimes get very confusing. Where possible I have cleaned this up without making any notes in the text, even in cases I have relied on *Al-Raud Al-Murbi'*. There are many cases where *Al-Raud* was relied upon in order to understand *Al-Zad* without being mentioned. Again: this is something I found necessary when translating.

Another liberty I took was adding titles. It is best to assume that any titles appearing in the book are my own doing. The original titles still appear in the Arabic text, but more descriptive titles do much in facilitating understanding each section and in quickly finding things.

I apologize for the messy appearance of things, but this is a first draft,

I ask that whoever read this text always keep the following in mind: this is an unfinished translation, and there are bound to be mistakes in it. If you have any doubts or questions, please ask. I am the first to admit that where I am correct, it is from Allah's grace and the reward is owed to my instructors, and where I am wrong it is from my own shortcomings. May Allah reward the Imams, scholars, and students of the Hanbalis, past, present, and future, and may He reward anyone who contributes to its preservation and spread—and the same for the other schools.)

[...]

This, *bi fadlillah*, concludes the first lesson. The next lesson, in sha Allah, will be the beginning of the Book of Purification. Questions will be answered, *bi ithnillah*, on the Hanbali group.)

## Lesson 01 -- purification (water, utensils)

### (A) Purification

وهي ارتفاع الحدث وما في معناه وزوال الخبث

Purification is lifting ritual impurity or matters similar to it, and removing filth.

#### (A0) The Three Types of Water

المياه ثلاثة طهور لا يرفع الحدث ولا يزيل النجس الطارئ غيره وهو الباقي على خلقته فإن تغير بغير ملهزج كقطع كافور ودهن أو بملح مائي أو سخن بنجس كره وإن تغير بمكثه أو بما يشق صون الماء عنه من نابت فيه، وورق شجر أو بمجاورة ميتة أو سخن بالشمس أو بطاهر لم يكره وإن استعمل في طهارة مستحبة كتجديد وضوء وغسل جمعة وغسلة ثانية وثالثة كره وإن بلغ قلتين وهو الكثير وهلم خمسمائة رطل عراقي تقريباً فخالطته نجاسة غير بول آدمي أو عذرتة المائعة فلم تغيره أو خالطه البول أو العذرة ويشق نزره كمصانع طريق مكة فطهور ولا يرفع حدث رجل طهور يسير خلت به امرأة لطهارة كاملة عن حدث وإن تغير لونه أو طعمه أو ريحه بطبخ أو ساقط فيه أو رفع بقليله حدث أو غمس فيه يد قائم من نوم ليل ناقض لوضوء أو كان آخر غسلة زالت النجاسة بها فطاهر والنجس ما تغير بنجاسة أو لاقاها وهو يسير أو انفصل عن محل نجاسة قبل زوالها فإن أضيف إلى الماء النجس طهور كثير غير تراب ونحوه أو زال تغير النجس الكثير بنفسه أو نزر منه فبقي بعده كثير غير متغير طهر وإن شك في نجاسة ماء أو غيره أو طهارته بنى على اليقين وإن اشتبه طهور بنجس حرم استعمالهما ولم يتحر ولا يشترط للتيمم إراقتهما ولا خلطهما وإن اشتبه بطاهر توضأ منهما وضوءاً واحداً من هذا غرفة ومن هذا غرفة وصلى صلاة

واحدة وإن اشتبهت ثياب طاهرة بنجسة أو بمحرمة صلى في كل ثوب صلاة بعدد النجس وزاد  
صلاة

There are three types of water:

(m: The discussion begins with the different categories of water. The classification goes like this: water is either acceptable for use in bringing about purification (the first category) or not; water that cannot be used for purification can either be used for things like drinking and cooking (the second category) or not (the third category). The first category is purifying, the second pure, and the third filthy.

Each of these categories is further divided, mainly dealing with the ruling for using each type of water. It can get very detailed and complicated, but by Allah's grace most of us have water readily available, coming straight out of the tap. So focus first on knowing the three basic categories and the rulings that are likely to occur.)

**Purifying.** It is the only type that lifts ritual impurity or removes foreign filth; it is water that still in its (b: original) created state.

It is offensive to use if it changes as a result of something which does not mix with it such as a piece of camphor or grease, is mixed with salt taken from water (m: but not when taken from the ground), or heated using filth.

It is not offensive to use if it changes as a result of remaining still, something growing in it, or tree leaves or something (b: pure) which is difficult to avoid (b: but if it was put in there intentionally and the water changes, it ceases to be purifying); or changes from being adjacent to a carcass; or changes from being heated by the sun or something pure.

It is offensive to use if it was used in a recommended purification, such as renewing ablution, washing for the Friday prayer, or washing a second or third time.

(m: Water that has been stolen does not lift ritual impurity. But if a container is stolen and there is water inside of it, it is unlawful to use the water but it does lift ritual impurity.)

[Other types of water] become pure when it reaches approximately 216 liters—which (b: technically) is a great amount.

[A great amount of water is still pure even if:] filth which is not urine or other liquified (b: or dissolved) excrement from humans mixes with it without it changing, or (b: human) urine or excrement which is difficult to remove mixes with it [...] (b: as long as it does not change).

If a (b: religiously responsible) woman (b: even if a non-Muslim) while alone uses water less than 216 liters to make a complete purification from a state of ritual impurity, the water will not lift the ritual impurity of a male. (m: When a single one of these conditions is not met, the ruling does not apply. If the water was greater than 216 liters, or She renewed her purification, or was not alone, then the water will still lift ritual impurity for a man.)

**Pure.** Water is pure when:

1. Its color, taste, or smell changes as a result of cooking or something falling into it;



2. A small amount of it (m: less than 216 liters) is used to raise ritual impurity;
3. Someone's hand is dipped in it after they arise from nocturnal sleep which invalidated their ablution (m: this will be talked about shortly);
4. It was the last water used in removing filth.

Filthy. Water is filthy when it has changed by filth or encountered filth while it was less than 216 liters, or separated from a spot containing filth before removing that filth.

(m: Filthy water is in general unlawful to use with human beings or animals. If someone is choking on something stuck in their throat or on fire and there is nothing else available, then it becomes obligatory to use.)

Filthy water becomes purifying if:

1. A lot of purifying water is added to filthy water—not dirt and the like;
2. A large amount of filthy water goes back to the way it was on its own, or (m: in the case of a well or some other situation where taking out water causes new water to come) by removing water from it and a large amount of unchanged water remains afterwards.

If one has doubts about the filthiness or purity of water or something else, he acts according to certainty. (m: If you knew that it was pure and doubt about it now being filthy, then it is pure until proven otherwise. If you knew that it was filthy and doubt about it not being pure, then it is filthy until proven otherwise.)

If purifying and filthy water are indiscernible then it is unlawful to use it and one does not attempt to discern; pouring it out (m: as in the Shafi'i mathab) or mixing it (m: in the case that it can reach 216 liters and thus become purifying) is not a condition for making tayammum.

If purifying water is indiscernible from pure, one makes a single ablution from them both— a hand-full from this and a hand-full from that—and prays a single prayer.

(m: In the first case, it is unlawful for someone to dirty themselves with filth and the presence of filth would invalidate the prayer. In the second case, neither water invalidates the prayer but it is necessary that the person make an ablution that they are certain is valid, so he makes one ablution taking water from each source of water.)

If pure garments are indiscernible from (b: a known number of) filthy garments, or (b: lawful garments indiscernible) from (b: a known number of) unlawful clothing (m: such as it being stolen, or silken worn by a man), then one prayer is prayed in a different<sup>1</sup> garment until the number of prayers equals the filthy (b: or unlawful) garments (b: with each prayer intended to be the obligatory prayer) in addition to one more prayer (so that the obligatory prayer be performed with certainty).

(b: If the number of filthy or unlawful garments is not known, it is required that one prayer be performed in each garment so that it is certain that the prayer was performed in a pure garment—even if the garments are numerous. The prayer is not valid if done in a garment confused (m: with a pure garment) when it is certain that a pure garment is present. The ruling is the same for small areas (m: where it is indiscernible which parts are clean and which filthy); in a large area the prayer is performed in any part without checking.)

(m: The problem here is just another version of a simple story problem from math class:

Ahmad has 6 white socks and 6 blue socks. If he begins pulling out socks at random, how many will he have to pull out to guarantee that he has a pair of blue socks? (Answer: 8 socks. First he must exhaust the supply of white socks and then add two to make sure he has taken from the blue socks.)

So: you have five garments, all of which are completely identical except that you are certain that a dog licked two of them but you aren't quite sure which ones or where. You don't have any dirt handy, and even if you did: the sun will be setting quite soon. So what you do is make wudu, put on a garment and pray, then change it for another garment and pray, and then change it for another garment that you haven't prayed in and pray. Since the number of filthy garments is known to be two, by praying in three different garments you are certain to have performed the prayer in a pure garment.

Now, you have the same garments but instead of knowing which ones were licked, you just know that some dog has licked some of them but not all of them. So what you do is pray one prayer in each garment so that you know that at least one of the prayers was in a pure garment.)

### (A1) Containers and Utensils

اب الآنية

كل إناء طاهر ولو ثميناً يباح اتخاذه واستعماله إلا آنية ذهب وفضة ومضبباً بهما فإنه يحرم اتخاذه واستعمالها ولو على أنثى وتصح الطهارة منها إلا ضبة يسيرة من فضة لحاجة وتكره مباشرتها لغير حاجة وتباح آنية الكفار ولو لم تحل ذبائهم وثيابهم إن جهل حالها ولا يطهر جلد ميتة بدباغ ويباح استعماله بعد الدبغ في يابس من حيوان طاهر في الحياة وعظم الميتة ولبنها وكل أجزائها نجسة غير شعر ونحوه وما أبين من حي فهو كميته

All pure implements (m: meaning containers, clothes, silverware, etc...), even if expensive, are lawful to acquire and use, except for implements of gold, silver, and what is soldered by them. This is because it these are unlawful to acquire and use, even for a woman, although purification from them is valid. However, it is lawful to use a small amount of silver solder if needed, but it is offensive to needlessly touch (b: what was lawfully soldered).

The implements of non-Muslims are lawful to use (b: if not known to be filthy), even if their slaughtered meat is unlawful. It is also lawful to use their clothing, if the clothing is not known to be filthy.

### (a1.1) Tanning

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Tanning does not ritually purify skins of unslaughtered animals. However, after tanning they are lawful to use with dry goods if the animal was pure when alive. (m: Please keep in mind that unless known to be otherwise, leather from Muslim or Ahl Al-Kitab lands should be considered pure. If it is impure it should be removed when praying. And Allah knows best.)

The milk and all parts of dead, unslaughtered animals are filthy, except for hair and the like.

Something separated from a living animal has the same ruling as if it were separated from an unslaughtered animal. (m: So, cat hair and down are not problems.)

<sup>11</sup> The Arabic literally means “each”, but this meaning is clear from *Kashshaf Al-Qina`*, which is much clearer on this issue.

## lesson 02 -- purification (istinja; miswak; sunan al-wudu)

### (a0) Going to the Lavatory

#### باب الاستنجاء

يستحب عند دخول الخلاء قول بسم الله أعوذ بالله من الخبث والخبائث وعند الخروج منه غفرانك الحمد لله الذي أذهب عني الأذى وعافاني وتقديم الرجل اليسرى دخولاً وبمضى خروجاً عكس مسجد ونعل واعتماده على رجله اليسرى وبعده في فضاء واستتاره وارتياحه لبوله مكاناً رخوياً ومسحه بيده اليسرى، إذا فرغ من بوله من أصل ذكره إلى رأسه ثلاثاً ونتره ثلاثاً وتحوله من موضعه ليستنجي في غيره، إن يخاف تلوثاً ويكره دخوله بشيء فيه ذكر الله تعالى إلا الحاجة ورفع ثوبه قبل دنوه من الأرض وكلامه فيه وبوله في شق ونحوه ومس فرجه بيمينه واستنجاؤه واستجماره بها واستقبال النيرين ويحرم استقبال القبلة واستدبارها في غير بنيان ولبثه فوق حاجته وبوله في طريق وظل نافع وتحت شجرة عليها ثمرة ويستجمر بحجر ثم يستنجي بالماء وبجزئه الاستجمار إن لم يعد الخارج موضع العادة ويشترط للاستجمار بأحجار، ونحوها أن يكون طاهراً منقياً غير عظم وروث وطعام ومحترم ومتصل بحيوان ويشترط ثلاث مسحات منقية فأكثر ولو بحجر ذي شعب ويسن قطعه على وتر ويجب الاستنجاء لكل خارج إلا الريح ولا يصح قبله وضوء ولا تيمم

#### (a0.1) (Recommended, Offensive, and Unlawful actions)

The following are recommended:

1. when entering the lavatory to say: "In the name of Allah. I seek protection from male and female evil spirits," and when exiting: "Your forgiveness. Praise Allah who took the hurt away and forgave me";
2. beginning with the left foot when entering and the right when exiting — opposite to when entering the mosque or putting something on one's feet;
3. supporting one's weight on the right foot;
4. being far away in open spaces;
5. being concealed;
6. choosing a soft spot for urinating;

7. after urinating to use the left hand to stroke the penis from its the base to its head, three times, and to shake it three times;
8. moving to another to remove the filth if soiling oneself is feared.

The following are offensive:

1. entering (b: the lavatory and the like) with anything containing mention of Allah Most high (b: other than a **mushaf**, which is unlawful) without need;
2. raising the garment before nearing the ground;
3. speaking while in urinating;
4. urinating in a hole or the like;
5. touching the genitals with the right hand;
6. using the right hand when removing filth using stones or water;
7. facing the sun or the moon.

The following are unlawful:

1. facing or turning one's back to the **qibla** when not inside a building;
2. remaining longer than needed;
3. urinating (b: or defecating) on a path, in useful shade, or beneath a fruit-bearing tree.

Filth is removed with a stone (b: or the like) and then with water. It is sufficient to remove the filth with a stone as long as it does not exceed its typical place.

It is a condition for removing filth using stones and the like that the object be

1. pure,
2. (b: lawful to use,)
3. remove the filth;

and that it not be:

1. a bone or animal dropping (b: even if pure),
2. food (b: even for an animal),
3. respected (b: like books of knowledge),
4. connected to an animal (b: like an animal's tail or wool connected to it).

It is a condition to wipe three or more times, each time removing the filth; even if using a stone with three corners (b: it suffices if it cleaned the affected area). It is a sunna to stop on an odd number (b: and so if four times cleans then a fifth time is added).

It is obligatory to remove filth (b: using water, a stone, or the like) for everything exiting (b: from a path (the urethra or anus)), except for wind (b: and something pure which does not soil). It is not sound to make ablution or tayammum before removing the filth.

### *(a1) Using a Toothstick (siwak), the Sunnan of Ablution and Other Related Things*

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باب السواك وسنن الوضوء وما ألحق بذلك من الادهان، والاكتحال والاختتان، والاستحداد،  
ونحوها

التسوك بعود لين منق غير مضر لا يتفتت لا بإصبعه وخرقة مسنون كل وقت لغير صائم بعد الزوال متأكد عند صلاة وانتباه وتغير فم ويستاك عرضاً مبتدئاً بجانب فمه الأيمن وبدهن غباً ويكتحل وترأً ويجب التسمية في الوضوء مع الذكر ويجب الحتان ما لم يخف على نفسه ويكره القزع ومن سنن الوضوء السواك وغسل الكفين ثلاثاً ويجب من نوم ليل ناقض لوضوء والبداءة بمضمضة ثم استنشاق ومبالغة فيهما لغير صائم وتحليل اللحية الكثيفة والأصابع والقيام وأخذ ماء جديد للأذنين والغسلة الثانية والثالثة

(a1.1) (Recommended qualities of the toothstick and how to use it)

Brushing the teeth using a soft twig which cleans the mouth, does no damage, does not splinter is a sunna at all times, except after the sun's zenith for someone who is fasting. The sunna is not (b: achieved) by using the fingers. It is more emphasized before prayer, when waking, and when the mouth has changed.

(b: It is recommended) to brush length wise, starting from the right side of the mouth.

It is recommended to use oil every other day; to use **kohl** (b: in each eye) an odd number of times (b: using **ithmid**, every night, before going to bed).

It is obligatory (wajib) to say the **"Bismillah"** when making ablution if one remembers.

Circumcision is obligatory (b: when becoming religiously responsible) as long as he does not fear for himself (b: whether male, hermaphrodite, or female. A male's circumcision is done by removing the foreskin, and a female's is done by removing [part] of the skin covering the clitoris and it is recommended not to take it all).

(m: In his notes on **Akhsar Al-Mukhtasirat** (p92) Sheikh `Abd Al-Qadir Ibn Badran mentions that there is another opinion in Ibn Muflih's **Al-Furu'** that it is obligatory for men but not for woman, and that this is the opinion used today. He also mentions another opinion that it is recommended for women. My Sheikh has said that it is not considered obligatory except in hot climates.

Since this is one of those areas where Islam has been heavily criticized, it seems appropriate to add that the hadiths that **are** explicit about female circumcision indicate that only a small amount of skin was removed, and that there was no intention of preventing woman from sexual pleasure. The custom in some African regions of removing the clitoris and sewing the vagina together leaving openings only for waste is not what was practiced during the time of the Prophet (Allah bless him and give him peace); not only is it against the sunna and an innovation in that it leaves the manner in which Islam has established something for a manner which has not [which is how Imam Al-Shatibi looked at the concept of bid`a], and it is unlawful.

The critics of this custom are justified in condemning this practice as "female genital mutilation", but they are **not** justified in attacking Islam itself for it. Rather, Muslims need to explain the way that female circumcision is performed in the Shari'a and show how this practice is not sanctioned by Islam. To

outright deny that Islam does allow female circumcision or that it is an outdated practice, or blindly defend what is going on in some regions is nothing short of tacitly assenting to what is happening. Where's that **amr bi-l-ma`ruf wa al-nahi `an al-munkar** when it comes to correcting this innovation?! And where is that **jihad fi sabil illah** when it comes to defending our sisters from exposure and physical assault?! **Wa la hawla wa la quwwata illa billah.** )

It is offensive to shave part of the head and leave part (b: and for a woman to shave her head or cut it without need).

(b: The following are sunna:

1. leaving the hair on the head... there is no problem in letting it grow and braiding it;
2. letting the beard grow on its own, and it is unlawful to shave it... and it is not offensive to remove what remains after grasping it, or what is under the neck;
3. closely cutting the moustache, which is better than trimming it;
4. paring the names in non-consecutively order (m: typically, the index finger is cut, then the ring finger, then the thumb, then the middle finger, and finally the pinky);
5. plucking the hair from the underarms;
6. removing public hair by any means desired;
7. burying any hair, nail, and the like that was removed;
8. doing these every week on Friday before the zenith, and never leaving it more than 40 days, and as for the moustache: doing it every Friday.)

**The sunan of ablution include:**

1. using a toothstick (**miswak**);
2. washing the hands three times, and it is obligatory to do (b: to wash them three times, with intention, and saying "**Bismillah**") after rising from nocturnal sleep which invalidates ablution (m: This is considered to be a **ta`abudi** matter, something that is a matter of pure obedience and not necessarily for a rational goal. Because of this, even if someone were to put their hands in gloves or restrain them it would still be necessary to wash the hands);
3. beginning by rinsing the mouth and then rinsing the nose;
4. exaggerating in the two, except when fasting;
5. penetrating a thick beard (with the fingers);
6. (b: interlacing) the fingers;
7. beginning with the right;
8. taking new water for the ears;
9. the second and third washings.

## Lesson 03 -- purification (wudu; khuff)

### (a4) The Essentials and Description of Ablution

فروضه ستة غسل الوجه والفم والأنف منه وغسل اليدين ومسح الرأس ومنه الأذنان وغسل الرجلين وأرجلكم إلى الكعبين والترتيب والموالاتة وهي أن لا يؤخر غسل عضو حتى ينشف الذي قبله والنية شرط لطهارة الأحداث كلها فينوي رفع الحدث، أو الطهارة لما لا يباح إلا بها فإن نوى ما تسن له الطهارة كقراءة أو تجديداً مسنوناً ناسياً حدثه، ارتفع وإن نوى غسلًا مسنوناً أجزأ عن واجب وكذا عكسه وإن اجتمعت أحداث توجب وضوءاً، أو غسلًا، فنوى بطهارته أحدها ارتفع سائرهما ويجب الإتيان بها عند أول واجبات الطهارة، وهو التسمية وتسبب عند أول مسنوناتها إن وجد قبل واجب واستصحاب ذكرها في جميعها ويجب استصحاب حكمها وصفة الوضوء أن ينوي، ثم يسمي ويغسل كفيه ثلاثاً ثم يتمضمض ويستنشق ويغسل وجهه من منابت شعر الرأس إلى ما انحدر من اللحيين، والذقن طولاً ومن الأذن إلى الأذن عرضاً وما فيه من شعر خفيف والظاهر الكثيف مع ما استرسل منه ثم يديه مع المرفقين ثم يمسح كل رأسه مع الأذنين مرة واحدة ثم يغسل رجليه مع الكعبين ويغسل الأقطع بقية المفروض فإن قطع من المفصل غسل رأس العضد منه ثم يرفع نظره إلى السماء ويقول ما ورد وتباح معونته وله تنشيف أعضائه

(m: The Hanbalis define fard in two different ways. When the subject is usul al-fiqh fard is synonymous to wajib, and it is that which is rewarded for doing and punished for neglecting. When the subject is fiqh, it is defined as that which cannot be omitted intentionally or out of forgetfulness or out of ignorance.)

Six things are fard when making wudu:

1. washing the face, which includes the mouth and nose;;
2. washing the fore-arms (b: including the elbows);
3. wiping the (b: entire) head, which includes the ears;
4. washing the feet (b: including the ankles);
5. doing so in the mentioned order;
6. doing so consecutively, which means not delaying the washing of one limb until the one before it dries.



*(a4.1) (The Intention)*

(b: Linguistically, intention means to set out to do something (Ar. **qasd**). It's place is in the heart, and an unintentional slip of the tongue does not harm it.)

Intention is a condition for all forms of purification. Intention is made to lift ritual impurity or purification to do something that without it would be unlawful to do.

If one intends something for which ritual purity is recommended, such as reciting (b: the Qur'an, **dhikr**, the call to prayer, sleeping, or because of anger) (m: **Dalil Al-Talib** adds saying anything unlawful) or the **sunna** of renewing wudu while being forgetful of having invalidated it, then it raises (b: his ritual impurity) (m: **Dalil Al-Talib** states that this is when the person has prayed using the previous wudu, since wudu cannot be renewed if it has not been used) .

If someone (b: with major ritual impurity) intends a sunna ghusl it suffices for the obligatory ghusl, and likewise when the opposite occurs.

If a number of ritual impurities combine which require wudu or ghusl and he makes intention for one of them with his purification, raises the others.

It is required to bring the intention with the first of the obligatory actions, which is saying **"Bismillah"**. It is recommended to bring it with the first of the sunna actions if there are any before the obligatory (fard) and to keep it in mind during while making wudu. It is and it is obligatory that the wudu be accompanied by its (b: by not intending to break it until having completed making purification).

*(a4.2) (How to Perform Ablution)*

The description of how to make wudu is:

1. intending;
2. then saying **"Bismillah"**;
3. then washing the hands three times;
4. then rinsing the mouth and nose (b: three times each), and washing the face (b: three times) from the hairline to what falls down from the beard and the chin lengthwise, and from ear to ear widthwise: (b: washing) its thin hair and the outward side of thick hair and what descends from it;
5. then (b: washing) the hands up to and including the elbow (b: three times);
6. then wiping the entire head including the ears one time;
7. then washing the feet including the ankles (b: three times); – the remaining essential portion of a cut (limb) is washed, and if cut from a joint then the head of the upper arm; –
8. then raising the gaze to the sky and saying what was related (b: **"Ashhadu an la illaha illa allahu wa ashhadu anna muhammadan rasulu llah"**).

It is lawful to assist him, and he may dry his limbs.

## (A5) WIPING OVER FOOTGEAR (AND OTHER BARRIERS)

## باب مسح الخفين

يجوز يوماً وليلة ولمسافر ثلاثة بلياليها ومن حدث بعد لبس على طاهر مباح ساتر للمفروض يثبت بنفسه من خف وجورب صفيق ونحوهم وعلى عمامة لرجل محنكة أو ذات ذؤابة وخمر نساء مدارة تحت حلوقهن في حدث أصغر وجبيرة لم تتجاوز قدر الحاجة ولو في أكبر إلى حلها إذا لبس ذلك بعد كمال الطهارة ومن مسح في سفر ثم أقام أو عكس أو شك في ابتدائه فمسح مقيم وإن أحدث ثم سافر قبل مسحه فمسح مسافر ولا يمسح قلانس ولا لفافة ولا ما يسقط من القدم أو يرى منه بعضه فإن لبس خفاً على خف قبل الحدث فالحكم لالفوقاني ويمسح أكثر العمامة وظاهر قدم الخف من أصابعه إلى ساقه دون أسفله وعقبه وعلى جميع الجبيرة ومتى ظهر بعض محل الفرض بعد الحدث أو تمت مدته استأنف الطهارة

(b: It is a rukhsa [dispensation], and better than washing. Wiping over them lifts ritual purity. It is not a sunna to wear them simply for the sake of wiping.)

## (a5.1) (Conditions)

Wiping over footgear is permissible for a duration of 24 hours (b: for a resident and a traveler not permitted to shorten) and 72 hours for a traveler (b: permitted to shorten). (b: The time begins) after losing ritual purity after wearing them.

[It is permissible to wipe over something that]:

1. is ritually pure,
2. is lawful (b: so it is not permissible to wipe over something stolen or for a man to wipe over silk),
3. covers the portion obligatory to wash during wudu,
4. attaches by itself
5. that it not be removed after completing
6. that it be worn after completing the purification (m: so, if someone is making wudu and the wash right foot and put on their khuff and then wash their left foot and put on their khuff, they will need to take off the right khuff and put it back on again in order for it to have been put on after completing wudu.)

The following can be wiped over in minor ritual impurity:

1. leather socks<sup>1</sup> (**khuff**), thick socks, and the like,<sup>2</sup>

2. a man's turban which loops under the neck or possessing tails,
3. a woman's head-covering which wraps around her throat

And (m: minor and) even in major impurity, it is permissible to wipe over a splint which does not exceed what is essential, until it is removed.

*(a5.2) (How long one wipes)*

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Someone wipes like a resident if he:

1. wiped while traveling and then became resident,
2. wiped while resident and then started traveling
3. or has doubts concerning its beginning.

If ritual purity is invalidated (b: while resident) and travel is begun the footgear are wiped over, they are wiped over like a traveler (b: since the wiping began as traveler).

*(a5.3) (What cannot be wiped over)*

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One does not wipe over:

1. hats;
2. something wrapped around the foot to keep it warm [Ar. lufaf];
3. something which falls off of the foot;
4. something from which part is visible (m: or has holes in it).

*(a5.4) (Socks over socks)*

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If one leather sock was worn over another, then the ruling is for the top one.

*(a5.5) (How much must be wiped)*

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It is essential to wipe:

1. the majority of a turban;
2. the top of the foot from the toes to the ankle, not the bottom or the ankle (m: and doing so is not a sunna);
3. and the entirety of a splint.

(a5.6) (Wiping over bandages and splints)

(m: The easiest way to give the various cases of wearing splints and/or bandages is through a table. Here “bandage” is used for both “bandage” and “splint”. So:

Different Cases		What Results		
Worn over ritual purity	Exceeded necessary area	Washes the healthy part	Wipes over the bandage	Makes tayammum
Yes	No	Yes	Yes	No
Yes	Yes	Yes	Yes	Yes
No	No	Yes	No	Yes
No	Yes	Yes	No	Yes

Note:

- The healthy part is always washed
- The bandage is wiped over only when put on in the state of ritual purity
- Tayammum is always made when the bandage is not put on what in the state of ritual purity
- Wiping and tayammum are joined only when put on in the state of ritual purity and the bandage exceeds the necessary area

A quick and dirty translation from **Dalil Al-Talib** with notes—(t:...)—taken from **Nail Al-Ma’arib** follows:

If someone wearing a bandage put it on while ritually pure and it does not exceed the necessary area, he washes the sound area and wipes over the bandage with water, and it suffices (t: without him having to make tayammum).

Otherwise (t: if he had put it without being ritually pure and feared harm if he took it off) it is obligatory in addition to washing (t: the sound area) to make tayammum for the bandage (t: ...and likewise an open wound).

It is not wiped over (t: in addition to making tayammum) as long as it was not worn while ritually pure and exceed the area, and then he washes, wipes over it, and make tayammum for it.

The table is much easier to follow.)

(a5.7) (Renewing his purification)

Whenever part of what is essential to wash becomes visible or the time expires, then he will need to renew his purification.

1) In all cases, the word “sock” is problematic.

2) In **Nail Al-Ma'arib** it is specifically stated that it is not a condition that water **not** be able to penetrate.

## Lesson 04 -- purification (hadath; ghusl)

(A6) The Causes of Minor Ritual Impurity (Hadath)

باب نواقض الوضوء

ينقض ما خرج من سبيل وخارج من بقية البدن إن كان بولاً أو غائطاً أو كثيراً نجساً غيرهما وزوال العقل إلا يسير نوم من قاعد وقائم ومس ذكر متصل أو قبل بظهر كفه أو بطنه ولمسهما من خنثى مشكل ولمس ذكر ذكره أو أنثى قبله لشهوة فيه ما ومسه امرأة بشهوة أو تمسه بها ومس حلقة دبر لا مس شعر وظفر ولأمرد ولا مع حائل ولا ملموس بدنه ولو وجد منه شهوة وينقض غسل ميت وأكل اللحم خاصة من الجزور وكل ما أوجب غسلأً أو جب الوضوء إلا الموت ومن تيقن الطهارة وشك في الحدث، أو بالعكس بنى على اليقين فإن تيقنه ما وجهل السابق فهو بضد حاله قبلهما ويجرم على المحدث مس المصحف والصلاة والطواف

(b: Eight things invalidate wudu:)

1. Anything exiting from the urethra or anus (b: even if rare or pure, like a bloodless birth...);
2. Something filthy from the rest of the body, whether the slightest amount of urine or feces, or a large amount of filth (m: where large is determine as something that the individual finds disgusting; some fuqaha estimate this to be the area covered when circling the thumb and index finger together, roughly the size of older American silver dollars), or something else;
3. losing consciousness, except for a slight amount of sleep while sitting or standing (m: but it invalidates if the person is sitting clasping their knees, while in ruku` or sujud, while walking, or when sitting or standing while leaning on something);
4. touching (b: whether intentional or not) a (b: human) penis while it is connected, or a (b: woman's) labia (b: what lies behind the vulva) with the back or palm (b: or edges) of the hand, or a hermaphrodite touching them both, a male touching a hermaphrodite's penis or a woman touching a hermaphrodite's genitals because of the sexual desire they entail;
5. a male touching a woman or her touching him when accompanied with sexual desire, touching the anus. But it is not invalidated by touching hair, fingernails, (b: a man) touching a pubescent male (b: even with desire), when there is a barrier (m: between the one touching and the one touched), or when the person was touched without resulting in sexual desire (b: or the person whose genitals were touched);
6. washing a dead body;
7. eating camel meat (m: but only what is called meat: the heart, fat, hump, tongue, brother, kidney, liver, and the like to not invalidate wudu; and neither do other types of meat touched by fire);
8. everything which necessities the ghusl necessitates ablution, except for death.

*(a6.1) (Doubt concerning minor ritual impurity)*

Anyone who is certain of having had ritual purity and doubts it being invalidated, or the opposite, relies upon what is certain.

If he is certain of them both and does not know which was the first, then it is the opposite of the state that preceding the two. (b: So if is certain of previous ritual purity, he is now ritually impure, and if he is certain of previous ritual impurity, he is now pure. This is because he is certain of that previous state turning into its opposite, and has doubt in its opposite remaining until now, and it remaining is the default case.)

(m: This last issue is based on a principle in usual al-fiqh known as *istishab*, where you take a known state and assume that unless there is contrary evidence that the state can be projected into the past or into the future.

For example: you have a receipt a bookshelf, so it is presumed that you are the owner of the bookshelf unless there is evidence contrary to the fact, such as someone having a later receipt with your name listed as the seller.

There are differences of opinion regarding projecting in to the future and into the past; most mathabs allow them both, but the Hanafis allow only one.

To make our wudu issue here clearer, imagine this mental dialogue:

“I am certain that since Maghrib that I have had wudu and have lost it.”

“But I don’t know which one happened first.”

“However, I am certain that before Maghrib that I had wudu.”

“Since one of the uncertain states must have been a continuation of what I was before Maghrib (wudu), then the other (losing wudu) must have happened later. So, I must now be the opposite of what I was before Maghrib. Therefore, I need to go make wudu.”

It always takes me a few minutes of head scratching to figure this out, but in sha Allah what I wrote here is enough. The Shafi`i mathab has similar rulings, and a quick flip in *The Reliance Of The Traveler* to (e7.7) shows them, but in Arabic only. Both *Umdat Al-Salik* and *Zad Al-Mustaqni`* are full of generalized rules like this, which is why these books are typically considered mid-level books in spite of being so short. *Umdat Al-Salik* includes a lot more examples than *Zad Al-Mustaqni`*.)

(b:If uncertain of the previous state, wudu is necessary.)

## (a6.2) (What is unlawful in this state)

It is unlawful for someone in the state of minor ritual impurity to touch the **mushaf**, pray, or circumnabulate the Ka`ba (**tawwaf**).

## (A7) Major Ritual Impurity (Janaba)

## باب الغسل

وموجبه خروج المني دفقاً بلذة لا بدونهما من غير نائم وإن انتقل ولم يخرج اغتسل له فإن خرج بعده لم يعدمه وتغييب حشفة أصلية في فرج أصلي قبلاً كان أو دبراً ولو من بهيمة أو ميت وإسلام كافر وموت وحيض ونفاس لا ولادة عارية عن دم ومن لزمه الغسل حرم عليه قراءة القرآن ويعبر المسجد لحاجة ولا يلبث فيه بغير وضوء ومن غسل ميتاً أو أفاق من جنون، أو إغماء بلا حلم سن له الغسل

## (a7.1) (Its causes)

The following necessitate ghusl:

1. sperm exiting; and when not asleep that it be in spurts and accompanied by pleasure—but not when these two are lacking. If sperm moves but does not exit and ghusl was for it and the sperm later exists, ghusl is not repeated. (m: An extreme example is if a male prevents the sperm from escaping and once the pleasure has subsided allowing it to exit: ghusl is still needed even though the male was awake and the sperm exited without pleasure and without spurting since the sperm moved from its source. This ruling is particularly practical for males when ghusl is made before being able to urinate, and for some women);
2. the head of a penis penetrating the vagina or anus (b: even without ejaculation), whether an animal or dead (b: or someone asleep, or insane, or young but capable of intercourse. And likewise if a man's penis is inserted while he is asleep or a young boy's);
3. a non-Muslim entering Islam (b: whether never a Muslim, an apostate... and even if nothing necessitating ghusl has occurred);
4. death (b: for a non-shahid);
5. menstruation;
6. postpartum bleeding (b: there is not difference of opinion that both of these require ghusl, as stated in **Al-Mughni**. The flow of blood necessitates ghusl, and its cessation is a condition for ghusl), but not birth unaccompanied by blood.



*(a7.2) (What is unlawful in this state)*

It is unlawful for anyone who must make ghusl to:

1. recite Qur'an (m: but not to say things that agree with the Qur'an if recitation is not intended, like **bismillah**, **al-hamdulillah**, and similar things like adhkar...he may move his lips as long as he does not articulate sounds, and he may recite part of a short ayah. There is nothing to prevent reciting Qur'an while the mouth is filthy. Not-yet-Muslims are prevented from reciting the Qur'an, even if their entering Islam is hoped for / expected.)
2. pass through a mosque out of need (m: It being a short path is considered need. Imam Ahmad disliked making a habit of it)
3. to remain in a mosque without wudu (b: and it is lawful if ghusl is made. (b: Someone drunk, insane, or soiled with transferable filth are prevented from the mosque.) (m: A possible example is a woman whose period ended during Isha`a cleaning herself, making wudu, and going to the mosque to attend a lesson or a gathering)

*(a7.3) (When it is recommended)*

Ghusl is recommended for anyone who:

1. washed a dead body
2. regained sanity or consciousness without ejaculation

*(A8) (How to Perform Ghusl)*

والغسل الكامل أن ينوي ثم يسمي ويغسل يديه ثلاثاً ومالوته ويتوضأ ويحني على رأسه ثلاثاً يرويه ويعم بدنه غسلًا ويعم بدنه غسلًا ثلاثاً ويدلكه ويتيامن ويغسل قدميه مكاناً آخر والمجزئ أن ينوي ويسمي ويعم بدنه بالغسل مرة ويتوضأ بمد ويغتسل بصاع فإن أسبغ بأقل أو نوى بغسله الحداثين أجزأه ويسن لجنب غسل فرجه والوضوء لأكل ونوم ولمعاودة وطء

The complete ghusl (b: meaning it combines the obligator and sunna actions) is:

1. making intention;
2. then saying "Bismillah";
3. washing the hands three times and washing any affected areas;
4. making (b: a complete) wudu;
5. pouring (b: water) on the head three times, wetting it (b: meaning wetting the base of the hair, and it is not sufficient to just wiping it.) (m: When a woman makes ghusl because of menstruation or post-partum bleeding, it is necessary to undo braided hair. But when she makes it because of janaba it is not unnecessary to undo them if the water can still reach the skin and

inside of the braids. Men must always undo braids. Based on what I have heard about cornrows and dreadlocks, they must be cut off);

6. completely washing the body three times;
7. rubbing the body (b: using the hands (m: the hands being sunna));
8. beginning with the right side;
9. washing the feet (b: a second time) in another place (m: since floors do tend to be dirty places).

*(a8.1) (The minimal measures)*

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What suffices is:

1. making intention;
2. saying "bismillah";
3. washing the entire body once.

*(a8.2) (How much water to use)*

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Wudu is made from the amount of water contained when holding the hands together. Ghusl is made from four times this amount. It suffices if he can lavishly **(yasbigh)** wash with less than this amount, or if the ghusl is intended to raise both major and minor ritual impurification (b: or impurification without being qualified, or for prayer or something else which requires ghusl).

*(a8.3) (Sunas for someone in this state)*

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It is a **sunna** the major ritual impurity is the result of intercourse (b: even for a woman; or after the stop of menstruation or postpartum bleeding) to wash the genitals and to make **wudu** in order to eat, (b: drink,) sleep, or to repeat intercourse (m: it is makruh to not do so before sleeping).

## Lesson 05 -- purification (tayammum)

### (a9) Tayammum (Tayammum)

#### باب التيمم

وهو بدل طهارة الماء إذا دخل وقت فريضة أو أبيحت نافلة وعدم الماء أو زاد على ثمنه كثيراً أو ثمن يعجزه أو خاف باستعماله أو بطلبه ضرر بدنه، أو رفيقه، أو حرمة أو ماله بعطش، أو مرض، أو هلاك ونحوه شرع التيمم ومن وجد ماء يكفي بعض طهره تيمم بعد استعماله ومن جرح تيمم له وغسل الباقي ويجب طلب الماء في رحله وقربه وبدلالة فإن نسي قدرته عليه وتيمم أعاد وإن نوى بتيممه أحدثاً أو نجاسة على بدنه تضر إزالتها، أو عدم ما يزيلها أو خاف برداً أو حبس في مصر فتيمم أو عدم الماء والتراب صلى ولم يعد ويجب التيمم بتراب طهور غير محترق له غبار وفروضة مسح وجهه ويديه إلى كوعيه والترتيب والمواولة في حدث أصغر وتشرط النية لما تيمم له من حدث، أو غيره فإن نوى أحدها لم يجزئه عن الآخر وإن نوى نفلاً أو أطلق لم يصل به فرضاً وإن نواه صلى كل وقته فروضاً ونوافل ويطل التيمم بخروج الوقت وبمبطلات الوضوء وبوجود الماء ولو في الصلاة لا بعدها والتيمم آخر الوقت لراجي الماء أولى وصفته أن ينوى ثم يسمي ويضرب التراب بيديه مفرجتي الأصابع يمسح وجهه بباطنهما وكفيه براحتيه ويخلل أصابعه

(b: Tayammum in the shri`a means wiping the face and hands with dirt in a particular manner, and it is one of things specific to this Ummah: Allah has not made it a means of purification for any other Ummah, out of broadness and largess towards it.)

### (a9.1) (Conditions of Tayammum)

Tayammum is instead of purification using water when:

1. the time for something obligatory (b: or sworn to do) has entered, or something supererogatory is permitted
2. there is no water; its price is much more (b: than normal) or he cannot afford the price; he fears harm to his body, friends, someone in his charge (b: meaning: his wife or the wife of one of his relatives), by using it or seeking it; or (b: harm) to his property by thirst, sickness, destruction, or the like.

Whoever finds water sufficient for part of his purification makes tayammum after using it.

Whoever has a wound (b: and would be harmed by washing the wound and wiping over it) makes tayammum for it and washes the remaining. (b: And wiping does not harm the wound, it is obligatory to wipe over it and it suffices. If one of the limbs that enter into wudu, order and consecutiveness must be observed and so he makes tayammum when he would wash it if it had been healthy. He repeats washing the healthy limb every time he makes tayammum. This is in contrast to making tayammum for ghusl in which case there is no order and or consecutiveness.)

It is required for him to seek water from his traveling companions, the local area (b: by looking behind, in front, right, and left), and using (b: trusted) indicators. (b: Tayammum is not made for janaz nor for fear of the time exiting—even for an obligatory prayer, unless someone who has traveled to water arrives and the time has gotten too tight or knows that his turn won't arrive until the time elapses...)

### (a9.2) (About Repeating the prayer)

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If he forgets that he is capable of it (b: or his ignorance of a place where it is possible to use water) and he makes tayammum (b: and prayed), he repeats the prayer. (m: As for someone who has lost his bags or where the water is, he does not repeat the prayer.)

The prayer is prayed is not repeated when:

1. tayammum was intended for
  1. several ritual impurities (b: and likewise if he intended one type of impurity or two types);
  2. filth on his body the removal of which would injure him, or lack of what removes it;
  3. fear of cold;
  4. being imprisoned in a town (b: and the water does not reach him, or water is held back from him)
2. water and dirt are lacking (b: like someone imprisoned in a place where there is no water or dirt)

(b: The prayer is not repeated because of performing what was ordered... Only what suffices is done, so nothing more than Al-Fatiha is read, "Subhan allah" is only said once...(m: it's all going to come soon, bi ithnillah).)

### (a9.3) (The essential and obligatory actions)

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It is obligatory (wajib) to make tayammum from pure, unburned, dirt.

Its obligatory (fard) actions are:

1. wiping the face;
2. wiping the hands up and including to the wrists;
3. being in order;
4. consecutiveness in the minor ritual purity.

It is a condition to intend the minor or major ritual impurity that tayammum is being made for. If he intended one it does not suffice for the other.

If he intended something supererogatory or did not qualify he does not pray an obligatory (prayer) with it. If he intended it (b: meaning: an obligatory) then he prays obligatory and supererogatory (prayers) during the entire time. (m: Basically: intending the obligatory lets you do the supererogatory but not the other way around.)

*(a9.4) (What invalidates it)*

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Tayammum is invalidated by:

1. the time exiting
2. anything that nullifies ablution
3. presence of water (b: for someone capable of using it without harm if the tayammum is because of its lack), even if while praying, but not after it.

*(a9.5) (When it is better to delay)*

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It is better to delay tayammum until the end of the (b: preferred) time (m: of the particular prayer) if water is expected.

*(a9.6) (The Description of Tayammum)*

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Its description is:

1. intending;
2. then saying **"Bismillah"**
3. beating the hands on the ground with the fingers spread out;
4. wiping the face with the inner surface of the fingers and the back of the hands with the palms, and lacing fingers together.

## Lesson 06 -- purification (filth)

### (A10) Removing Non-Physical Filth

#### باب إزالة النجاسة الحكيمة

يجزئ في غسل النجاسات كلها إذا كانت على الأرض غسلة واحدة تذهب بعين النجاسة وعلى غيرها سبع إحداها بتراب في نجاسة كلب، وخنزير ويجزئ عن التراب أشنان ونحوه وفي نجاسة غيرهما سبع بلا تراب ولا يطهر متنجس بشمس ولا ريح ولا ذلك ولا استحالة غير الخمرة فإن خللت أو تنجس دهن مائع لم يطهر وإن خفي موضع نجاسة غسل حتى يجزم بزواله ويطهر بول غلام لم يأكل الطعام بنضحه ويعفى في غير مائع وغير مطعوم عن يسير دم نجس من حيوان طاهر وعن أثر استجمار ولا ينجس الأدمي بالموت وما لا نفس له سائلة متولد من طاهر وبول ما يؤكل لحمه، ومنيه وروثه طاهر ومني الأدمي طاهر ورطوبة فرج المرأة وسؤر الهر، وما دونها في الخلق طاهر وسباع البهائم والطيور والحمار الأهلي والبغل منه نجسه

#### (a10.1) (On the ground)

A single washing which removes the filth's substance is sufficient for all filth when it is on the ground.

#### (a10.2) (As a result of dogs and pigs)

Seven washings, one of them being with dirt, suffices for dog and pig filth which is not on the ground, and **ashnan** and the like (b: soap or chaff (m: basically: cleaning agents)) suffice for the dirt. (m: The filth of these animals transfers when there is moisture. A dry hand touching dry dog hair does nothing; a sweaty hand or sweaty dog results in the hand becoming filthy.)

*(a10.3) (Everything else)*

Seven (b: washings with purifying water, even if unlawful to use, if the seven washings clean it; otherwise: until it becomes clean by scratching, scraping, and squeezing when possible each time and outside of the water...) without dirt suffices for other filth.

(m: In **Ghayat Al-Muntaha** it states that a washing is simply water being poured over the filth accompanied by wringing it out. It does not require actually removing the filth in order to be considered a single complete washing. Even if the filth is removed by that first washing, it is necessary to complete the seven. If seven washings are not enough, it is necessary to keep adding until the filth is removed.)

*(a10.4) (What does not purify)*

The following do not purify:

1. the sun,
2. wind,
3. and rubbing (b: even the bottom of leather socks, shoes, or the tail of a woman's garment; or wiping a polished surface)
4. chemical transformation, except for wine if it becomes vinegar (m: and then only if it is left to itself to being vinegar; if it is moved from sun to shade with the sole purpose of speeding it up, then the vinegar will remain filthy. What some people do keep the juice from even becoming wine is to add vinegar to the juice—much like adding yoghurt to milk as a starter—which causes it to become vinegar without becoming wine. And Allah knows best.)
5. liquid fat (b: or dough),
6. the inside of a seed (m: if it is filthy),
7. a container that absorbed filth (m: like pottery or some other porous substance),
8. a blade tempered with filth.

*(a10.5) (Misc.)*

If the place of filth is hidden, it is washed until certain of its removal.

Urine (b: and vomit) of a male who has not eaten food (b: out of desire) is purified by moistening it (b: or drenching it in water). (m: Things such as medical injections do not invalidate this ruling. What is important here is that the baby actually be satiated and want to eat the food. Forcing a baby to drink soy milk once or twice does not, in sha Allah, invalidate this either. And Allah knows best.)

A small amount of filthy blood from a pure animal and the effects of wiping (feces) with a stone is overlooked (**yu`fa`anhu**) in non-liquids and the inedible. (m: The blood left over in meat is of no consequence.)

Death does not make human beings filthy.

### (a10.6) (Pure and filthy substances)

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The following are pure:

1. the offspring of pure things devoid of flowing blood;
2. the urine, meat, and feces of animals whose meat is eaten
3. human sperm
4. a woman's vaginal moisture (b: and what flows from the mouth while sleeping)
5. leftover food and drink from a cat, and anything smaller than it in size
6. predatory beasts and birds, donkeys, and mules are filth (b: as well as their pieces and excrement).

(m: I am adding the same section from **Dalil Al-Talib**, even though it has been posted on the group, as an aid in understanding this passage:

#### *Removing Filth*

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Seven washings are a condition for removing anything filthy. When the affected area has been made filthy by dog or pig, then it is a condition that one of the washings be with ritually pure dirt, soap, or the like.

It is necessary that the taste of the filth be removed; but it is not necessary that its color or scent remain, or that the color and the scent remain when unable to remove them both.

When removing urine of a male child who has not eaten food out of his own desire, it is sufficient to liberally sprinkle the affected area.

When purifying rocks or the ground that has been affected by liquid filth, it is sufficient to liberally soak it in water until the color and scent of the filth leaves—even when the filth is from a dog or a pig.

Ground does not become pure from the sun, winds, or by drying.

Filth does not become pure by being burned.

Wine becomes pure if it becomes vinegar on its own.

If the actual location of the filth is unknown, then one washes until certain that filth has been washed.

#### *Various Substances*

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Liquid intoxicants; hashish; and birds and animals that are bigger than a cat and are not eaten—are all filth. Anything smaller than a cat (like snakes and mice) and non-liquid intoxicants—are all pure.



Dead bodies are filth, except for slaughtered animals, humans, fish, locusts, and things that do not themselves have flowing blood (like scorpions, lice, and fleas).

If an animal that is [legal] to eat and the majority of its feed is not filth, then its urine, dung, vomit, pre-ejaculatory fluid, sperm, and milk are all pure. If it is not eaten, then [they are all] filth, except that the sperm and milk of a human being are pure.

Puss and blood are filthy, however in prayer a small amount that would not nullify ritual purity is forgivable—provided the blood is from an animal that is pure while alive—even if it is menstrual or post-partum blood. Small amounts of filth that are scattered over a single garment are considered as if they are combined together [when determining whether or not that amount of blood would invalidate the particular individual's state of purity; see previous posts on the subject of purification]; and each garment is taken into consideration on its own.

Mud on a street that is assumed to be filthy, and the sweat and saliva of pure animals—are all pure.

If a cat or another pure animal or a child eat filth and then drink, it does not effect the purity of the liquid.

The remains of what a pure animals drinks or eats are not offensive.

(From: **Dalil Al-Talib** and **Nail Al-Ma'arib** )

## Lesson 07 -- purification (hayd; istihada; nifas)

(a11) Menstruation, Postpartum Bleeding, Chronic Discharge

### باب الحيض

لا حيض قبل تمام تسع سنين ولا بعد خمسين سنة ولا مع حمل وأقله يوم وليلة وأكثره خمسة عشر يوماً وغالبه ست أو سبع وأقل طهر بين حيضتين ثلاثة عشر يوماً ولا حد لأكثره

وتقضي الحائض الصوم لا الصلاة ولا يصحان منها بل يجرمان ويحرم وطؤها في الفرج فإن فعل فعليه دينار أو نصفه كفارة ويستمتع منها بما دونه وإذا انقطع الدم ولم تغتسل، لم يبح غير الصيام والطلاق

والمبتدأة تجلس أقله ثم تغتسل وتصلي فإن انقطع لأكثره فما دون اغتسلت إذا انقطع فإن تكرر ثلاثاً فحيض وتقضي ما وجب فيه وإن عبر أكثره فمستحاضة فإن كان بعض دمها أحمر، وبعضه أسود، ولم يعبر أكثره ولم ينقص عن أقله فهو حيضها تجلسه في الشهر الثاني والأحمر استحاضة وإن لم يكن دمها متميزاً جلست غالب الحيض من كل شهر

والمستحاضة المعتادة ولو مميزة تجلس عادتها وإن نسيتهما عملت بالتمييز الصالح فإن لم يكن لها تمييز فغالب الحيض كالعالمة بموضعه الناسية لعدده وإن علمت عدده ونسيت موضعه من الشهر ولو في نصفه جلستها من أوله كمن لا عادة لها ولا تمييز ومن زادت عادتها أو تقدمت أو تأخرت فما تكرر ثلاثاً فحيض وما نقص عن العادة طهر وما عاد فيها جلسته والصفرة والكدرية في زمن العادة حيض ومن رأت يوماً دماً ويوماً نقاء، فالدم حيض والنقاء طهر ما لم يعبر أكثره

والمستحاضة ونحوها تغسل فرجها وتعصبه وتتوضأ لوقت كل صلاة وتصلي فروضاً ونوافل ولا توطأ إلا مع خوف العنت ويستحب غسلها لكل صلاة

وأكثر مدة النفاس أربعون يوماً ومتى طهرت قبله تطهرت وصلت ويكره وطئها قبل الأربعين بعد التطهير فإن عاودها الدم فمشكوك فيه تصوم وتصلي وتقضي الواجب وهو كالحيض فيما يجلب ويحرم ويجب ويستقط غير العدة والبلوغ وإن ولدت توأمين فأول النفاس وآخره من أولهما

(m: Menstruation (**hayd**) and post-partum bleeding (**nifas**) are things that Allah Most High has made part of the natural state of the daughters of Adam (peace be upon him). The Prophet (Allah bless him and give him peace) spent great efforts showing, through his actions such as his conduct with his wives (Allah be well pleased with them all) and through his words, that this is something natural and not something shameful, evil, or a curse. It is out of kindness and mercy that Allah Most High has reduced a woman's responsibilities during hayd and nifas.

Since hayd and nifas are the causes for this reduction in responsibility and because some actions become unlawful and/or invalid during it, there are limits and guidelines regulating hayd and nifas. This is not some misogynist plan to pry into and control the private lives of women, rather it is to guarantee that no one is treated unjustly.

When things are normal, the subject of hayd and nifas is not that difficult. But Allah Most High has created women in such a way that sometimes vaginal bleeding occurs not because of good health (such as the case of hayd and nifas), but because of lack of good health. And sometimes the duration and time of hayd changes. This causes things to become somewhat complicated at times. Needless to say, we live in some very complex times, both emotionally and physically.

Something to keep in mind while reading this is that the details here are in response to real world situations, and that these details are necessary because of the rights and duties that are involved.

A quick summary of the different types of bleeding is given in this outline:

Three types of blood:

1. hayd (menstrual blood)
  1. beginner
  2. not a beginner
2. istihadha (chronic or irregular vaginal bleeding)
  1. has regular cycle
    1. remembers her regular cycle
    2. does not remember it
      1. sound distinguish
      2. cannot distinguish it
        1. knows the duration
          1. has forgotten the place
        2. does not know the duration
          1. knows place
    2. doesn't have regular cycle:
      1. can distinguish different types of blood
      2. cannot distinguish it
  3. nifas (postpartum bleeding)

As you can see, the rulings regarding istihada are quite complex. I will do my best, bi ithnillah, to clearly label the different sections as they come and have the entries in the above outline link to them.)

*(a11.1) (The Menstrual Period)*

Hayd (menstruation) does not occur:

1. before nine years
2. after fifty years (m: There are other opinions concerning this, that there is no hayd after sixty, and no other that there is none after fifty for non-Arabs and after sixty for Arabs. Other opinions concerning hayd after fifty include: if it is fit for it to be hayd then it is hayd, but not otherwise; there is doubt concerning the hayd, so she does not pray or fast and then she makes them both up because of the doubt. (see **Hadshiyat Al-Lubadi:** p39))
3. during pregnancy

Its shortest duration for hayd is 24 hours (m: **Hadshiyat Al-Lubadi:** there is no shortest duration with Imam Malik, so if she saw it for an instant and it then ceased it is hayd (**Hadshiyat Al-Lubadi:** p40)), the most is 15 days, and the majority is six or seven (b: days with their nights).

The shortest duration (m: of purity) between two hayd is thirteen days. There is no limit to its maximum (b: but the majority is the remainder of the month).

A woman makes up for fasting missed during hayd (b: or nifas), but not prayers (b: both according to scholarly consensus). Fasting and praying from her (m: during hayd) are not valid, indeed they are unlawful.

(m: **Dalil Al-Talib:** The following things are unlawful during hayd:

1. Vaginal intercourse
2. Divorce (n: though it is binding)
3. Prayer
4. Fasting
5. Tawwaf
6. Reciting Qur'an
7. Touching the mushaf
8. Remaining in the mosque
9. Passing through the mosque when there is fear of soiling it

(See **Nail Al-Ma'arib** (1:105-6))

It is unlawful to have vaginal intercourse with her (b: except for someone on the verge of lechery, and then when certain conditions (m: including: not being able to find a second wife or a slave girl or not having the money, and fearing that the testicles explode (!)). If done (b: even if forced, absentminded, or ignorant), the man must make an expiation: (b: choosing between) a half or a whole dinar (b: or its monetary value but only in silver, and it suffices for a single occurrence. The expiation is rescinded if unable to pay. If the woman complies her ruling is the same as a man). He may enjoy her (b: during hayd) in any manner other than vaginal intercourse (b: such as kissing, touching, and bringing about ejaculation outside of the vagina). (b: If he wants to enjoy her and she claims to have hayd, her word is accepted.)

If the blood (b: from hayd or nifas) stops and she has not yet made ghusl, fasting and divorce and permitted but nothing else.

## (a11.2) (The 'beginner')

The 'beginner' (b: meaning a girl who has never menstruated and sees blood in a time when is possible for it to be hayd) sits (b: meaning leaves prayer, fasting, and the like; simply by seeing blood, even if red, yellow, or murky), for the shortest amount (b: of menstruation, a day and a night); she then makes ghusl (b: because it is the shortest amount of time **hukman**) and prays (b: and fasts, but does not have intercourse).

If the blood stops at the greatest amount (b: 15 days) or less than it, she makes ghusl when it stops. (b: [Making ghusl] is obligatory since it is valid for the bleeding to be hayd. She does the same in the second and third times.) If this repeats three times (b: meaning: in three months; and without differing) then (b: all of) it is menstruation (b: and her cycle is established and she sits for it in the fourth month; it is not established with less than three times), and she makes up whatever was obligatory during it (b: meaning: any obligatory fasts, circumnabulating the Ka`ba, and spiritual retreats in a mosque. If her hayd ceases and never repeats, or she becomes menopausal before it repeats three times, she does not make anything up.)

## (a11.3) (Chronic Vaginal Discharge (Istihadha) )

If bleeding exceeds the greatest amount (b: 15 days), it is istihadha (chronic vaginal bleeding) (b: istihadha: blood flowing outside of its time...).

1. **[Doesn't have a regular cycle:]**
  1. **[Can distinguish:]** If (b: she can distinguish between the blood:) some of the blood is red and some of it black and it (b: the black) does not exceed the greatest (b: amount for menstruation) and is not shorter than the shortest, then the black is her menstruation (b: and it is the same if some of it is thick or acrid and is fit to be menstruation) and she sits for it during the second month, and the red blood is istihada (b: and she prays and fasts during it).
  2. **[Cannot distinguish]** If the blood is indistinguishable then she sits (b: from prayer and the like, for the shortest duration for menstruation, for each month until it repeats three times. She then sits) for the amount of the majority (b: six or seven days **bi tahharin**) from every month (b: from the beginning of the time that it started if she knows it, and otherwise from the beginning of each crescent moon).
2. **[Has regular cycle]**
  1. **[Remembers her cycle]** A woman with istihada who has a regular cycle—even if the blood is distinguishable—sits for her regular period (b: then makes ghusl after it and prays).
  2. **[Forgot her regular cycle]**
    1. **[Sound distincton]]** If she forgot her regular cycle, she acts according to sound distinction (b: by the black blood and the like not being less than 24 hours and not exceeding fifteen days; even if it changes its time or does not repeat).
    2. **[No sound distinctin]**
      1. **[Does not know the duration]** If she does not have distinction (b: which is sound and has forgotten the duration and time of her hayd)

then the amount of the hayd of the majority (b: she sits for it from the beginning of each duration that she knows contained a hayd but its location has been lost, and otherwise from the beginning of each lunar month), like a woman knowing its place and forgetful of its amount (b: thus sitting the amount of the majority at its place).

2. **[Knows duration but not the place]** If she knows its duration (b: the number of days of her menstruation) and forgot its place in the month—even if from the middle—then she sits from the beginning (b: of the time her hayd would come) like a woman who has neither regularity or distinction.

*(a11.4) (What is and is not menstruation)*

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The following are hayd when they repeat three times:

1. anything in addition to her regular cycle (b: for example: her hayd being five days each month and then becoming six days)
2. anything that comes early (b: for example: her regular cycle is at the beginning of the month and she then sees it at the end)
3. anything comes late (b: the opposite of the previous)

Anything shorter than her regular cycle is pure (b: for example: if her cycle is six days and the bleeding stopped after five, she makes ghusl when it ends and prays because she has become pure). If bleeding resumes during her regular cycle (b: such as it being ten days and she sees blood for six and it then ceases for two days and it then returns in the ninth and tenth day) she sits for it (b: since it coincides with her customary period just as if it had never ceased).

(m: This opinion here agrees with a strong but not-mu`tamad position in the Shafi`i mathab. Shafi`i sisters may find it better to make taqlid of this than of the Hanafis. Sisters are rewarded for observing the Shari`a during their period, since we are rewarded for observing the limits Allah has placed upon us.)

Yellowness and murkiness during the regular cycle is menstruation (b: so she sits during it. But it is not after her regular period, even if it repeats).

If she sees blood one day (b: or less, or more) and then cleanliness one day (b: or less, or more): the blood is menstruation and the cleanliness is purity (b: so she makes ghusl and prays and fasts during it, and it is offensive for her to have intercourse as long as it does not exceed the greatest amount (b: of menstruation, since it would be istihadha).

*(a11.5) (People with Chronic Annulment of Ablution)*

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A woman with chronic vaginal discharge and the like (b: including someone who has urine, pre-ejaculatory fluid, or wind which exits uncontrollably, or a wound with un-clotted blood, or constant nosebleed) washes her genitals (b: to remove the filth), tightly binds them (b: in a way to prevent anything coming out of it, however possible. If unable to bind it, like with hemorrhoids, one prays however he may be. It is not necessary to repeat washing and binding as long as there is no negligence), and makes wudu at (b: the entry of the time of) each prayer (b: if something exits) and prays obligatory and supererogatory prayers.

(b: If nothing comes out, it is not obligatory to make wudu.

If the chronic problem typically stops during a time long enough to make wudu and prayer, it becomes obligatory at that particular time since it is possible to do it completely.

If drops of urine exit during prayer while standing, he prays sitting down; and if it happens while bowing or prostrating he [still] bows and prostrates.)

A woman with istihada does not have sexual intercourse except when (b: she or her husband) fearing fornication (b: and then there is no expiation). It is recommended for her to make ghusl for each prayer.

### (a11.6) (Postpartum bleeding)

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The longest time for postpartum bleeding is forty days. (b: The duration begins with giving birth. What is seen two or three days before the birth is nifas but it does not shorten the duration. Nifas is established by birth of anything having the form of a human bearing. There is no minimal limit. If the bleeding exceeds forty days and it coincides with her regular cycle and does not exceed or does exceed and it repeats: then it is hayd.... Hayd and istihada do not occur during the time for nifas.) Whenever she becomes clean before this, she makes ghusl and prays (b: and fasts, like during hayd if the bleeding stops during her regular cycle).

It is offensive to have sexual intercourse with her after becoming pure before the forty days elapse.

If the blood returns then there is doubt concerning it, so she fasts and prays and makes up the obligatory (b: fasting, since the prayer is not obligatory).

It (b: postpartum bleeding) is like menstruation with respect to what is lawful and prohibited (b: such as: vaginal intercourse, fasting, praying, divorce without her asking for it and with compensation), and in what it necessitates (b: such as ghusl and the expiation for intercourse during it) and rescinds (b: such as prayer), except for the waiting period for divorce, and attaining maturity (b: since it is established by hayd and not nifas since maturity was established by the ejaculation preceding the pregnancy).

If she gives birth to twins, the beginning and ending of postpartum bleeding is from the first birth (b: and if more than forty days pass between the birth of the first and the last, there is no nifas for the second. Whoever has nifas because of something she did, like striking her stomach or drinking medicine, does not make up [the prayers ?]).

(m: From **Nail Al-Ma'arib:**

It is permissible for a man to take medicine that is lawful (not haram) that inhibits intercourse, (such as camphor and the like), and for a woman to drink it (meaning: lawful medicine to cause a miscarriage and) to cause hayd or inhibit it (and in the **lqna'**: as long as there is no fear of harm. It is not possible to take medicine that causes sterilization. It is unlawful for anyone to give her medicine that inhibits hayd without her knowledge... (**Nail Al-Ma'arib bi Sharh Dalil Al-Talib** (1: 111))

## Lesson 08 -- prayer (rulings)

### Prayer

تجب على كل مسلم مكلف إلا حائضاً ونفساء ويقضي من زال عقله بنوم، أو إغماء، أو سكر أو نحوه ولا تصح من مجنون ولا كافر فإن صلى فمسلم حكماً ويؤمر بها صغير لسبع ويضرب عليها لعشر فإن بلغ في أثنائها أو بعدها في وقتها أعاد ويحرم تأخيرها عن وقتها إلا لناوي الجمع والمشتغل بشرطها الذي يحصله قريباً ومن جحد وجوبها كفر وكذا تاركها تماوناً ودعاه إمام، أو نائبه فأصر، وضاق وقت الثانية عنها ولا يقتل حتى يستتاب ثلاثاً فيهما

#### (c0.1) (Who is required to pray)

Prayer is required from every legally responsible Muslim, except during menstruation or postpartum bleeding.

Prayers are made up by anyone losing consciousness from sleep, being knocked out, intoxication, or the like.

Prayer is not valid from someone who is:

1. insane
2. a non-Muslim. If a non-Muslim prays (b: regardless of the type, whether in Dar al-Islam or Dar al-Harb, whether in a congregation or alone, and whether or not in a mosque) then he is ruled to be a Muslim (b: and if he were to die immediately after the prayer his inheritance goes to his Muslim relatives, he is washed, prayed over, and buried between our graves. If he wishes to remain in disbelief and says "I only intended to mock," it is not accepted from him. It is the same if he makes the call to prayer, even if outside of its time.)

Children are ordered to perform it when seven, and beaten for not doing it at ten. The prayer is repeated if a child reaches adolescence while praying or after praying while still in its time.

#### (c0.2) (Delaying the prayer)

It is unlawful to delay the prayer beyond its (b: preferred) time (b: or after its time) unless intending to join prayers, or being occupied with one of the conditions for prayer which will be achieved shortly.



(c0.3) *(Denying the prayer being obligatory)*

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(m: The penalty for denying that prayer is required of Muslims is quite severe in the Hanbali mathab. It is essential to remember that the shari`a as a whole is intended to be practiced, not just bits and pieces of it. If these rulings seem harsh, one must remember that it used to be that almost every male prayed in the mosque, and not seeing someone praying in the most for a day or so was cause to be worried about the person's righteousness. This is one of those rulings where my Sheikh says we must follow the Shafi`is. And al-hamdu lillah.)

Anyone denying that prayer is required is declared a disbeliever (b: if he is someone who is not ignorant of it, even if he performs it, since he declares Allah, His Messenger (b: Allah bless him and his family and give him peace), and consensus to be liars.

If he claims ignorance and is new to Islam, he is informed of it being required and is not judged to be a disbeliever since he is excused. If he persists in considering it (m: the obligatory nature of prayer) to be a lie and likewise omitting prayer out of neglect (b: or laziness—but not denying it), the imam or his substitute invites him (b: to perform it). If he persists [in his considering it a lie and neglecting it] and the second prayer time becomes too constricted for it, he is not killed until his repentance is sought three times for the two (b: meaning: concerning someone who denies it being required and someone who leaves it out of scorn...)

## lesson 09 -- prayer (adhan)

(c1) The Call to Prayer (b: adhan) and Commencement (b: iqama)

### الأذان

والإقامة هما فرضا كفاية على الرجال المقيمين للصلوات المكتوبة يقاتل أهل بلد تركوهما وتحرم أحرتهما لا رزق من بيت المال لعدم متطوع ويكون المؤذن صيئاً أميناً عالماً بالوقت فإن تشاح فيه اثنان قدم أفضلهما فيه ثم أفضلهما في دينه وعقله ثم من يختاره الجيران ثم قرعة وهو خمس عشرة جملة يرتلها على علو متطهراً مستقبلاً القبلة جاعلاً إصبعيه في أذنيه غير مستدير ملتفتاً في الحيلة يميناً وشمالاً قائلاً بعدهما في أذان الصبح الصلاة خير من النوم مرتين وهي إحدى عشرة يحدها ويقوم من أذن في مكانه إن سهل ولا يصح إلا مرتباً متوالياً من عدل ولو ملحقاً أو ملحوناً ويجزئ من مميز ويطلبهما فصل كثير ويسير محرم ولا يجزئ قبل الوقت إلا لفجر بعد نصف الليل ويسن جلوسه بعد أذان المغرب يسيراً ومن جمع أو قضى فوائت، أذن للأولى ثم أقام لكل فريضة ويسن لسامعه متابعتها سرّاً وحوقلته في الحيلة وقول بعد فراغه: اللهم رب هذه الدعوة التامة والصلاة القائمة آت محمداً الوسيلة والفضيلة، وابعثه مقاماً محموداً الذي وعدته

The adhan and iqamah are group obligations for (b: free) males who are residents (b: in villages and cities) for the (b: five) obligatory prayers. The people of a land who abandon the two are fought (b: by the imam or his deputy).

It is unlawful to take a wage for performing it, but it is not unlawful to take sustenance from the Muslim common fund if no one volunteers (b: to perform the adhan and the iqamah).

(c1.1) (Recommended qualities for the mu'athin)

The **mu'athin** should (b: it being **sunna**):

1. have a loud voice (b: Al-Mughni and others add that he have a beautiful voice)
2. be upright
3. be knowledgeable of the times

*(c1.2) (Disputes over performing)*

If two (b: or more) fight over it:

1. the superior (b: meaning: in the mentioned characteristics) is put first,
2. then (b: if they were equal) then one superior in his religion and intellect;
3. then (b: if they were equal) whoever the largest number of neighbors choose;
4. then (b: if they are equal in them all) they choose by lottery.

*(c1.3) (Performing the adhan)*

The **adhan** is 15 phrases.

He:

1. distinctly recites it,
2. from an elevated place,
3. while in a state of ritual purity,
4. facing the **qibla**,
5. with his (b: index fingers in his ears,
6. without turning his back,
7. facing to the left and right when saying **"Hay `ala"**,
8. saying after **"Hay `ala..."** in the **adhan** for the dawn prayer: **"al-salatu khayran min al-naum"** two times.

The **iqama** is 11 (b: phrases); he says it quickly.

It is recommended that whoever made the **adhan** make the **iqaa** in the same place as the **adhan**, if it is easy.

*(c1.4) (What invalidates it)*

The **adhan** is not valid unless it is done:

1. in order,
2. consecutively,
3. by someone upright (b: male)

It is valid even if done melodically or ungrammatically (b: if it does not invalidate the meaning).

It fulfills [the obligation] when done by someone who has reached the age of distinction.

The **adhan** and the **iqama** are invalidated by a long break or a slight amount of unlawful talk. (b: A slight amount of [lawful talk] is offensive).

Doing the **adhan** before the time does not fulfill [the obligation], except for the dawn prayer after half of the night [has passed].

*(c1.5) (Sunas after the adhan)*

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It is a **sunna** for the **mu'atthin** to sit slightly after the **adhan** of **Maghrib**.

*(c1.6) (The adhan for joined or make-up prayers)*

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Whoever joins (b: between two prayers) or makes up missed (b: obligatory) prayers make an **adhan** for the first prayer and then makes an **iqama** for each obligatory prayer.

*(c1.7) (Sunnas for someone who hears it)*

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It is a **sunna** for someone hearing it:

1. to silently repeat it to himself
2. to say "**La hawla wa la quwwata illa billah**" after "**Hay `ala al-salat**"
3. to say, after it is finished: "**Allahumma rabbi hadhihi d-da`wata t-tammata wa s-salata l-qa'imah, aati muhammadan al-wasilata al-fadhilata wa-b`athhu maqaman mahmudan alladhi wa`adtah**" (b: meaning the greatest intercession while waiting for judgment...).

## Lesson 10 -- prayer (conditions)

### (C2) Conditions for Prayer

شروطها قبلها منها الوقت والطهارة من الحدث والنجس فوقت الظهر من الزوال فيئه بعد فئ الزوال وتعجيلها أفضل إلا في شدة حر ولو صلى وحده أو مع غيم لمن يصلي جماعة ويليه وقت العصر إلى مصير الفئ مثليه بعد فئ الزوال والضرورة إلى غروبها ويسن تعجيلها ويليه وقت المغرب إلى مغيب الحمرة ويسن تعجيلها إلا ليلة جمع لمن قصدتها محرماً ويليه وقت العشاء إلى الفجر الثاني وهو البياض المعترض وتأخيرها إلى ثلث الليل أفضل إن سهل ويليه وقت الفجر إلى طلوع الشمس، وتعجيلها أفضل وتذكر الصلاة بتكبيرة الإحرام في وقتها ولا يصلي قبل غلبة ظنه بدخول وقتها إما باجتهاد أو بخبر متيقن فإن أحرم باجتهاد فبان قبله فنفل وإلا ففرض وإن أدرك مكلف من وقتها قدر التحريمة ثم زال تكليفه أو حاضت ثم كلف وطهرت قضوها ومن صار أهلاً لوجوبها قبل خروج وقتها لزمته وما يجمع إليها قبلها ويجب فوراً قضاء الفوائت مرتباً ويسقط الترتيب بنسيانها وبخشية خروج وقت اختيار الحاضرة ومنها ستر العورة فيجب بما لا يصف بشرتها وعورة رجل وأمة، وأم ولد ومعتق بعضها من السرة إلى الركبة وكل الحرة عورة إلا وجهها وتستحب صلاته في ثوبين ويكفي ستر عورته في النفل ومع أحد عاتقيه في الفرض وصلاتها في درع وخمار وملحفة ويجزئ ستر عورتها ومن انكشف بعض عورته وفحش أو صلى في ثوب محرم عليه أو نجس، أعاد لا من حبس في محل نجس ومن وجد كفاية عورته سترها وإلا فالفرجين فإن لم يكفهما فالدبر وإن أعير سترة لزمه قبولها ويصلي العاري قاعداً بالإيماء استحباباً فيهما ويكون إمامهم وسطهم ويصلي كل نوع وحده فإن شق صلى الرجال، واستدبرهم النساء، ثم عكسوا فإن وجد سترة قريبة في أثناء الصلاة، ستر وبني وإلا ابتداءً ويكره في الصلاة السدل واشتمال الصماء وتغطية وجهه، والثام على فمه، وأنفه وكف كفه ولفه وشد وسطه كزناز وتحرم الخيلاء في ثوب وغيره والتصوير واستعماله ويجرم استعمال منسوج أو مموه بذهب قبل استحالته وثياب حرير، وما هو أكثره ظهوراً على الذكور لا إذا استويا أو لضرورة، أو حكة، أو مرض، أو قمل، أو جرب أو حشواً أو كان علماً أربع أصابع، فما دون أو رقاعاً، أو لبنة جيب وسجف فراء ويكره المعصر والمزعر للرجال ومنها اجتناب النجاسات فمن حمل النجاسة لا يعفى عنها أو

لأقاهها بثوبه أو بدنه لم تصح صلاته وإن طين أرضاً نجسة، أو فرشها طاهراً كره وصحت وإن كانت إن لم ينجر بمشييه ومن رأى عليه نجاسة بعد صلاته، وجهل كونها فيها لم يعدها وإن علم أنها كانت فيها لكن جهلها، أو نسيها، أعاد ومن جبر عظمه نجس لم يجب قلعه مع الضرر وما سقط منه من عضو، أو سن فظاهر ولا تصح الصلاة في مقبرة وحش وحمام وأعطان إبل ومغصوب وأسطحتها وتصح إليها ولا تصح الفريضة في الكعبة، ولا فوقها وتصح النافلة باستقبال شاخص منها ومنها استقبال القبلة فلا تصح بدونه إلا لعاجز إلا متفعل راكب سائر في سفر ويلزمه افتتاح الصلاة إليها وماش ويلزمه الافتتاح والركوع، والسجود إليها وفرض من قرب من القبلة إصابة عينها ومن بعد جهتها فإن أخبره ثقة بيقين أو وجد محارب إسلامية عمل بها ويستدل عليها في السفر بالقطب ويستدل عليها بالشمس والقمر، ومنازلهما وإن اجتهد مجتهدان، فاختلفا جهة، لم يتبع أحدهما الآخر ويتبع المقلد أو ثقهما عنده ومن صلى بغير اجتهاد ولا تقليد قضى إن وجد من يقلده ويجتهد العارف بأدلة القبلة لكل صلاة ويصلي بالثاني ولا يقضي ما صلى بالأول ومنها النية فيجب أن ينوي عين صلاة معينة ولا يشترط في الفرض والأداء والقضاء والنفل والإعادة نيتها وينوي مع التحريم وله تقديمها عليها بزمن يسير في الوقت فإن قطعها في أثناء الصلاة، أو تردد بطلت وإذا شك فيها استأنفها وإن قلب منفرد فرضه نفلاً في وقته المتسع، جاز وإن انتقل بنية من فرض إلى فرض بطلاً ويجب نية الإمامة والائتمام وإن نوى المنفرد الائتمام لم يصح فرضاً أو نفلاً، كنية إمامته فرضاً وإن انفرد مؤتم بلا عذر بطلت وتبطل صلاة مأوم يبطلان صلاة إمامه فلا استخلاف وإن أحرم إمام الحي بمن أحرم بهم نائبه وعاد النائب مؤتماً، صح

(m: **Shart** (condition) – Its linguistic meaning is an sign [or indication]. Its legal meaning is that whose absence requires something else to be absent and whose existence in and of itself does not require something else to exist or be absent.

[In other words: **a** is a condition of **b** if the absence of **a** necessitates the absence of **b**, while the existence of **a** does not in an of itself necessitate the existence or absence of **b**.]

The conditions before prayer include:

1. the time
2. being free of ritual impurity and filth.

*(c2.1) (Prayer Times)*

The time of **Zuhr** is from the sun's zenith until an object's shadow equals the object's height in addition to its shadow at the zenith. It is better to hasten the **Zuhr** prayer, except during fierce heat—even if praying alone, or when overcast—for someone praying with a group.

Following **Zuhr** is the (b: preferred) time of **`Asr**, which lasts until an object's shadow equals twice the object's height in addition to its shadow at the zenith. The prayer's critical time extends until sunset. It is a **sunna** to hasten the **`Asr** prayer.

The time for **Maghrib** follows **`Asr**, up until the redness (m: on the horizon) disappears. It is a **sunna** to hasten **Maghrib**, except on the night of Muzdelifa for someone who intends it while in a state of **ihram**.

The time of **`Isha'** follows **Maghrib** and lasts up until the second (b: the truthful) twilight, which when there is whiteness along the horizon (m: as opposed to whiteness spiking up from the horizon). It is better to delay **`Isha'** until a third of the night passes (b: so he can pray it in the end of the preferred time) if it is easy.

The time of **Fajr** follows **`Isha'**, and lasts up until sunrise. It is better to hasten it.

*(c2.2) (The prayer being on time)*

Performing the prayer (b: in its time) is achieved by (b: achieving) the opening **Takbir** in its time (m: even if the adhan occurs immediately after the takbir. The issue here is whether or not the person can be said to have carried out the basis of Allah's order to pray in those appointed times, not how well it was carried out).

One does not pray before feeling that that it is overwhelmingly probably **[ghalbat al-zann]** that the prayer's time has entered. This is either through **ijtihad** (b: by looking at the evidence, or...), or being informed by someone who is (b: trustworthy and) certain.

*(c2.3) (Ijtihad regarding the time)*

If he makes the opening **Takbir** based on his **ijtihad** and it becomes clear that it was before the time, then the prayer is supererogatory (b: ...and he must repeat the (m: obligatory) prayer); otherwise the prayer is obligatory (b: and he does not need to repeat it).

### (c2.4) (Making up prayers, and who must do so)

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Prayers are made up when:

1. someone legally responsible reaches an amount of the prayer's time equal to the amount of the opening **Takbir** while his legal responsibility has then ended (b: by something like insanity) and his legal responsibility has then returned (m: Note: sometime during the prayer's time the person was legally responsible and had time to at least begin the prayer)
2. menstruation (b: or postpartum bleeding) begins and there is then purity (b: from menstruation or postpartum bleeding) (m: See the section on menstruation: the Hanbalis consider purity between menstrual blood to be times of purity, however there are details)

One is required to perform that and any prayer before it that is joined with (m: such as in **`Asr**, so Zuhr is prayed as well; or **`Isha'**, so **Maghrib** is prayed as well) if he becomes subject to the prayer being obligatory upon him before the prayer's time ends (b: by:

1. a youth reaching adolescence
2. a non-Muslim embracing Islam
3. someone regaining sanity, or the end of menstruation or postpartum bleeding).

It is obligatory to immediately make up missed prayers in order. The order is rescinded if forgotten (m: even if later remembers), or out of fear of the current prayer's preferred time exiting.

### (c2.5) (Covering One's Nakedness)

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The conditions for prayer include covering the **`awra**.

Covering the **`awra** is obligatory (b: even from oneself when alone, in darkness, or outside of prayer) with something that renders the skin indiscernible (b: meaning: the color of the skin of the **`awra**, from whiteness or blackness).

The nakedness of a man (b: and a male who has reached ten years), a slave woman, a child, (b: a partially freed slave woman, a slave woman whose freedom is contingent on her master's death,) or a partially freed slave (b: , a free girl who has reached the age of discernment, or an adolescent girl) is from the navel up the knees (b: but the navel and knees are not part of the **`awra**).

The entire body of a free (b: mature) woman is **`awra** except for face and it is not **`awra** during the prayer. (m: There is a difference of opinion within the **madhhab** over whether or not the hands are part of the **`awra** during prayer. When I asked the sheikh about this recently he replied that we should fear Allah as much as possible, and the other opinion can be used when needed.)

It is recommended for a man to pray in two garments (b: such as a [long] shirt and over-cloak, or a waist-wrapper or pants with a [long] shirt). What suffices for supererogatory prayers is to cover his nakedness, and in the obligatory prayer to also cover (b: all) of one of his shoulders (b: even with something which does not render the skin indiscernible).



It is recommended for a woman to pray in a [long] shirt, head covering, and a garment covering the rest of her body. It is sufficient for her to cover her **`awra**.

*(c2.6) (Repeating because of the garment or location)*

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One repeats the prayer if:

1. part of the **`awra** becomes exposed and it is monstrous (b: according to custom, and a long time elapses)
2. the garment prayed in is unlawful for him to use (m: such being stolen, or being made of silk for me)
3. it is filthy

One does not repeat if confined in a (b: wrongfully taken or) dirty place (b: but he bows and prostrates if the filth is dry, and gestures for it to the furthest extent possible when wet, and he prays squatting on his feet)

*(c2.7) (When forced to pray naked)*

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Whoever finds what is sufficient to cover his **`awra** must cover it, and if not then the genitals and buttocks, and if it does not suffice them both then the buttocks. If he is lent a garment he must accept it.

It is recommended that someone who is naked to pray seated (b: not cross-legged, rather legs drawn together) and gesture. Their imam is (b: obligatorily) in the middle. Each gender prays on their own. If it is difficult, the man pray while the women turn their backs and then the women pray while the men turn their backs. If he finds a covering which is close by during his prayer he puts it on and continues (b: the prayer); if (b: he does) not (b: find it close by but rather finds it far away), he restarts (b: the prayer after covering his **`awra**).

*(c2.8) (Things offensive with the garment)*

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It is offensive during prayer:

1. to put one end of a garment over his shoulder and not put the other end over the other shoulder
2. to put the middle of his over-coat under his right armpit and the two ends over his left shoulder when wearing a single garment
3. for a man to cover his face and veil his mouth and nose (b: without need)
4. to pull up his sleeves or fold them (kaffu kummihi wa luffuhu)
5. to tie up his middle like a **zunnar** (a belt of the Christians)

*(c2.9) (Things unlawful with the garment)*

It is unlawful:

1. to be arrogant in using clothing and other things
2. to make figurines (b: meaning: in the form of animals... and if a portion of the picture is removed such that its life cannot remain, then it is not offensive) (m: This is not the same as photographs and video. While that way of precaution is better, since there is a difference of opinion, individuals cannot force others to follow whichever opinion they prefer. There are qualified scholars on both sides of the issue, and this is a place where wisdom and patience is more useful than arrogance and zealotry)
3. to use figures (b: for men and women; in clothing, hanging and covering walls, but not when using them as blankets and pillows).

*(c2.10) (clothing unlawful and offensive to wear)*

It is unlawful (b: for a male): to use something knit or plated with gold before it has undergone a transformation.

For men it is unlawful to use garments the majority of which the outside of silk, but it is no unlawful when:

1. the silk and non-silk are equal
2. used out of necessity, from itching, sickness, lice, scabies (m: even if there is an alternative)
3. used as stuffing
4. used on the trim of a garment when the amount is four or less finger-widths,
5. used as a patch
6. used as a collar

It is offensive to dye with yellow (m: for men and women), and saffron is offensive for men.

*(c2.11) (Avoiding filth)*

The conditions of prayer include avoiding filth. The prayer is not valid from someone carrying unparadonable filth, or it touching his garment or body.

If the ground is daubed with filth or something pure is spread over it, it is offensive but the prayer is valid.

If the filth is connected to the extremity of the place of prayer, the prayer is valid if it is not dragged when he walks.

Whoever sees filth upon himself after praying and is ignorant of whether it existed during the prayer does not repeat the prayer. If he knows that the filth existed during the prayer but he was ignorant of it or forgot it, he repeats the prayer.

Whoever splints his bone with filth does not have to extract it when there is harm (m: in doing so). Anything that falls off from him, such as a limb or a tooth, is pure.

(c2.12) (Places where it is invalid to pray)

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Prayer is not valid in:

1. a graveyard
2. an area reserved for the lavatory
3. a bathhouse
4. a camel's pasture
5. in unlawfully taken land
6. or the roof (m: of any of the above)

It is valid to pray towards them.

The obligatory prayer is not valid inside or on top of the Ka`ba (m: unless in such a way that nothing of the Ka`ba remains behind the person, like on the very edge); supererogatory prayer is valid when facing one of its supports. (m: And it is a sunnah to make supererogatory prayer inside the Ka`ba.)

(c2.13) (Facing the qibla)

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Its conditions include facing the **qibla**. Prayer is not valid without facing it except for someone:

1. incapable (m: like being chained up or immobile from injuries)
2. praying a supererogatory prayer while traveling during a journey, but it is essential to begin the prayer facing the **qibla**
3. walking, but it is essential to begin the prayer, bow, and prostrate facing the **qibla**

It is essential for someone close to the **qibla** (b: meaning: the Ka`ba) to face its actual entity, and for someone far away to face its direction.

If someone trustworthy informs him with certainty, or he finds Islamic prayer niches, he follows it.

One determines the **qibla** when traveling by using the north pole, or the sun or the moon and their phases.

If two **mujtahids** make **ijtihad** and disagree in the direction, one cannot not follow the other, and the **muqallid** follows the one he finds most trustworthy.

Anyone who prays without **ijtihad** or **taqlid** makes the prayers up (b: even if being on the mark) if he finds someone to make **taqlid** of.

Someone with knowledge of what the indicators of the **qibla** must do **ijtihad** for each prayer. He prays according to the second **ijtihad** and does not make up what he prayed with the first.

(c2.14) (*Intention*)

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The conditions for prayer include intention. It is obligatory to specify the specific prayer (b: whether it be obligatory, like **Zuhr** and **`Asr**, or supererogatory like **Witr**, or a sunna tied to another prayer), but it is not a condition in the obligatory or the supererogatory or makeup prayer to intend them (m: meaning: that the prayer itself is obligatory or makeup and so on).

One makes intention with the opening **Takbir**. It is permissible to do it before the **Takbir** by a small amount of time if make inside the time (m: for that prayer). If he breaks the intention during the prayer or is undecided (b: about breaking it) then the prayer is invalid. If he has doubts about intention, he restarts the prayer.

It is permissible for someone praying alone to transfer his obligatory prayer to a supererogatory prayer during the obligatory prayer's time if the time is large enough to encompass (m: them both).

If he intends to transfer it from one obligatory prayer to another obligatory prayer, both prayers are invalid.

The intention (b: for the imam) to lead and (b: for the follower) follow are obligatory.

If someone praying alone intends to be a follower, it is not valid as a required prayer. It is the same with his intention (b: while praying) to become imam of a required prayer.

If someone following intends to pray individually without an excuse, the prayer is invalid.

The follower's prayer is invalidated by his imam's prayer being invalid, thus the imam does not appoint someone in his stead. If the neighborhoods' (b: assigned) imam begins the prayer behind his substitute who began the prayer for them, and the deputy imam returns as a follower, then it is valid. (m: **a** is the appointed imam. One day he comes late, so **b** begins the prayer. **a** enters and stands next to **b**, and **b** now follows **a**. This is what is valid.

The evidence for this goes back to when the Prophet (Allah bless him and give him peace) appointed Abu Bakr (Allah be well pleased with him) to lead the prayers during his sickness. One day the Prophet (Allah bless him and give him peace) came after the prayer had started, and went next to Abi Bakr (Allah bless him and give him peace). Here there is a difference: did Abu Bakr (Allah be well pleased with him) continue leading the prayer with the Prophet (Allah bless him and give him peace) following him, or did he (Allah be well pleased with him) actually change to following the Prophet (Allah bless him and give him peace)? Both sides have their evidence. And Allah knows best.)

## Lesson 11 -- prayer (description)

### (c3) Description of the Prayer (b: salat)

#### باب صفة الصلاة

يسن القيام عند قد أي من قد قامت الصلاة وتسوية الصف ويقول الله أكبر رافعاً يديه مضمومة الأصابع ممدودة حذو منكبيه كالسجود ويسمع الإمام من خلفه كقراءته في أولي غير الظهرين وغيره نفسه ثم يقبض كوع يسراه تحت سرتة وينظر مسجده ثم يقول: سبحانك اللهم وبحمدك وتبارك اسمك وتعالى جدك ولا إله غيرك ثم يستعيد ثم يسلم سراً وليست من الفاتحة ثم يقرأ الفاتحة فإن قطعها بذكر، أو سكوت غير مشروعين، وطال أو نتك منها تشديدة، أو حرفاً، أو ترتيباً، لزم غير مأموم إعادتها ويجهر الكل بآمين في الجهرية ثم يقرأ بعدها سورة وتكون في الصباح، من طوال المفصل ق وفي المغرب من قصاره وفي الباقي من أوساطه ولا تصح بقراءة خارجة عن مصحف عثمان ثم يركع مكبراً رافعاً يديه ويضعهما على ركبتيه مفرجتي الأصابع مستويًا ظهره ويقول سبحان ربي العظيم ثم يرفع رأسه ويديه قائلاً إمام ومنفرد: سمع الله لمن حمده وبعد قيامهما ربنا ولك الحمد ملء السماء، وملء الأرض، وملء ما شئت من شيء بعد ومأموم في رفعه: ربنا ولك الحمد فقط ثم يخر مكبراً ساجداً على سبعة أعضاء: رجليه، ثم ركبته، ثم يديه، ثم جبهته مع أنفه ولو مع حائل ليس من أعضاء سجوده ويجافي عضديه عن جنبيه، وبطنه عن فخذه ويفرق ركبتيه ويقول سبحان ربي الأعلى ثم يرفع رأسه مكبراً، ويجلس، مفترشاً يسراه ناصباً يمناه ويقول رب اغفر لي ويسجد الثانية كالأولى ثم يرفع مكبراً ناهضاً على صدور قدميه معتمداً على ركبتيه إن سهل ويصلي الثانية كذلك ماعدا التحريمة والاستفتاح والتعوذ، وتحديد النية ثم يجلس مفترشاً وبداه على فخذه ويقبض خنصر اليمنى وبنصرها، ويخلق إبهامها مع الوسطى ويشير بسبابتها في تشهده ويسط اليسرى ويقول التحيات لله والصلوات والطيبات السلام عليك أيها النبي ورحمة الله وبركاته السلام علينا وعلى عباد الله الصالحين أشهد أن لا إله إلا الله وأشهد أن محمداً عبده ورسوله هذا التشهد الأول ثم يقول اللهم صل على محمد، وعلى آل محمد، كما صليت على إبراهيم، إنك حميد مجيد، وبارك على محمد، وعلى آل محمد، كما باركت على آل إبراهيم، إنك

حميد مجيد ويستعيد من عذاب جهنم، وعذاب القبر، وفتنة المحيا، والممات، وفتنة المسيح الدجال ويدعو. بما ورد ثم يسلم عن يمينه: السلام عليكم ورحمة الله، وعن يساره كذلك وإن كان في ثلاثية أو رباعية نهض مكبراً بعد التشهد الأول وصلى ما بقي كالثانية بالحمد فقط ثم يجلس في تشهده الأخير متوركاً والمرأة مثله لكن تضم نفسها وتسدل رجليها في جانب يمينها

### (c3.1) (Before commencing)

(b: It is a sunna to go to the prayer in way that is quiet and dignified, and that one makes their steps close together (m: since with each step sins are removed and rewards are given). One enters the masjid right foot first, and exits left foot first, and (m: in both places) says what has been transmitted. One does not lace one's fingers together nor engage in conversation regarding this world. One should sit facing the qiblah.)

It is a sunna to stand at (b: the person making the call to commence the prayer saying:) the phrase **"Qad qamiti al-salat"**. (b: This is the imam is visible; otherwise one sands when seeing the imam. The imam should not begin the prayer until the iqama is finished.)

It is a sunna (b: for the imam and the followers) to straighten prayer rows (b: using the shoulders and ankles. The imam look to his right and says: "Straighten, Allah have mercy upon you," and then does the same on his left; this is done from the first row to the last. And they should pack in from the right hand side.

The first row is more meritorious for men, and one gets the reward for being in the row and the reward of those behind him as far as the rows are joined; and the closer one is to the first row the better.

The last row is more meritorious for women.)

### (c3.2) (Beginning the prayer)

He says (b: while standing, if able, in the obligatory prayers) **"Allahu akbar"** raising his hands with his fingers extended (b: with the palms facing the qiblah) and together, parallel to his shoulders, just as when prostrating (b: Here and when making supplication, it is better for the hands to be bare (m: for men, since hands are part of a woman's `aurah during prayer). Raising the hands is an allusion to the veil [hijab] between him and his Lord being raise). The imam makes it audible to whoever is behind him, just as he makes his recitation audible in the first two rak`ah except in **Zuhr** and **`Asr**. Everyone else (b: other than the imam) makes it such that it is audible to himself. (b: (m: This audibility is) obligatorily in everything that is obligatory).

He then grasps his left wrist (b: with his right, placing them) below his navel. He looks to the place where he will prostrate.

He then says: **“Subhanaka allahumma wa bi hamdika wa tabarak ismaka wa ta`ala jaddik wa la ilaha ghayruka.”**

### (c3.3) *(The basmala and reciting from the Qur'an)*

(b: It is recommended then that) He says **“A`uthu billahi min al-shaytani al-rajim,”** then (b: it is recommended that he says): **“Bismillahi al-rahmani al-rahim”** silently, and the **basmala** is not a part of Al-Fatiha (b: and it is disable to say for every important action).

He then recites Al-Fatiha (b: completely, including all of its **shaddahs** . It is an integral if each rak`a. Al-Fatiha is the most superior surah, and Ayat Al-Kursi is the most superior ayah....It contains 11 **shaddahs** . (b: It is read in order and consecutively.) If it is interrupted with long, unlegislated invocation or silence; or a **shaddah**, a letter, or the order **is**, the non-follower must repeat it. Everyone audibly says **“Amin”** in the audible prayers. (b: It is obligatory for someone who does not know Al-Fatiha and obligatory litanies to memorize them. The prayer is valid if someone repeats what another person recites.)

After Al-Fatiha (b: it is recommended that) he reads a **sura** (b: beginning it with **“Bimillah al-rahmani al-raim”**). (b: It is offensive to just read Al-Fatiha, or to read the entire Qur'an in an obligatory prayer.) In the dawn prayer it should be from the long separated **suwar** (b: the first is Qaf), in **Maghrib** from the short separated, and in the remainder from the middle ones. (b: It is unlawful to reverse the order of words in a surah, and it invalidates the prayer. It is offensive to reverse the order between **suwar** and **ayat** . It is not offensive to always read the same surah as long as one believes that another surah is permissible.)

A recitation outside of `Uthman's **mushaf** is invalid (Allah be well pleased with him). (b: It is permissible to recite with any recitation that matches `Uthman's mushaf and is transmitted with a rigorously authenticated chain of transmitters—even if it is not one of the ten canonical recitations.)

### (c3.4) *(Bowling)*

Then he bows while making **Takbir**, raising his hands (b: when starting to bow), and places them, fingers spread apart, on his knees, with his back level. He says: **“Subhana rabb al`azim.”** (b: The minimal amount is once; three is the lowest complete amount; the most for an imam is ten.)

### (c3.5) *(Straightening up)*

He then raises his head and hands, with the imam and the individual saying: **“Sami` Allahu li man hamidah,”** and after rising (b: and stranding erect) says: **“Rabbana wa lak al-hamd mil' al-**

**samawati wa mil' al-'ard wa mil' ma shi'ta min shay'in ba`d**". While rising, the follower only says: **"Rabbana wa lak al-hamd"**. (b: After rising from prostration, he may place his right on his left, or let them hang down.)

### (c3.6) (Prostration)

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Then he sinks down making **Takbir** (b: without raising his hands), prostrating on seven limbs: his feet, then his knees, then his hands, then his forehead, and then his nose—(b: Direct contact is not necessary, so the prayer is valid) even with a barrier (b: between the limb and the place of prayer) provided the barrier is not one of limbs of prostration (b: So if he put one limb over another, like his hand on top of his thigh or his forehead on his hand it, would not suffice. It is offensive to for the limb to not directly touch the place of prayer, unless there is an excuse. Part of a limb suffices.).

He spreads his forearms out from his flanks, his stomach from his thighs, and separates between his knees (b: and feet, and toes—pointing them towards the **qibla**) and says: **"Subhana rabb al-`ala"** (b: in the manner of what preceded concerning the **tasbih** while bowing).

### (c3.7) (Sitting between prostrations)

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He then raises his head while saying **"Allahu akbar"**, sitting with his left foot spread below while raising his right, and says: **"Rabb ighfir li,"** and makes the second prostration like the first.

### (c3.8) (Rising to the second rak`a)

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He then rises while saying **"Allahu Akbar"**, rising on the balls of his feet (b: and without sitting for **jalsat al-istiraha**); if it is easy, he supports himself by putting his hands upon his knees (b: and otherwise pushes himself up by putting them on the ground).

He prays the second rak`a like the first, except for the opening **Takbir**, opening **du`a**, saying **"`A`uthi billah..."** and renewing the intention.

### (c3.9) (The first tashahud)

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Then (b: after completing the second **rak`a**) he sits with his left foot spread (and his right raised) with his hands on his thighs, he clenches the pinky and second smallest finger of his right hand and forms a circle with his thumb and middle finger, and points with his [index](index.html) finger (b: without moving it) during the **tashahud**. (m: So: the finger from beginning to end points without any



movement. But herein Sham the finger begins being lowered, and is then raised whenever Allah is mentioned. This practice is consistent with accounts given in **Al-Muharrir** and **Al-Mughni** is clear. In either case: the finger is not move continuously). He extends the fingers of the left hand. He (b: silently) says: **“Al-tahiyyatu lillah wa al-salawatu wa al-tayyibat, al-salamu `alayka ayyuha al-nabi wa rahmatu llahi wa barakatuhu, al-salamu `alayna wa `ala `ibadi llahi al-salihin, ashhadu an la `ilaha `illallah, wa ashhadu anna muhammadan `abduhu wa rasuluhu”**.

This is the first **tashahud**.

(c3.10) *(The Ibrahimic supplication)*

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He then says (b: in the tashahud followed by a taslim): **“Allahumma salli `ala muhammadin wa `ala `ali muhammadin ka ma salayta `ala `ali ibrahima innaka hamidun majid, wa barik `ala muhammadin wa `ala `ali muhammadan ka ma salayta `ala `ali ibrahima innaka hamidun majid.”**

(c3.11) *(Sunna supplication)*

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It is recommended to seek protection saying: **“A`uthu billahi min `adhab jahhanama wa `adhab al-qabr wa fitnati al-mahya wa al-mamat wa fitnati al-masihi al-dajjal”** and he may supplicate with anything transmitted (b: from the Qur'an, sunna, Companion (Allah be well pleased with them), one of the Salaf, or something concerning the Afterlife, even if it does not resemble what has been transmitted. He may not make supplication for anything intending for the pleasures and whims of this world, such as: “O, Allah: grant me a beautiful slave girl”, “good food”, or the like, and it invalidates the prayer.)

(c3.12) *(The taslim)*

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He then make salutations on his right: **“Al-salamu `alaykum wa rahmatu llah”** and also on his left.

(c3.13) *(Praying a three- or four-part prayer)*

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If he is in a three- or four-part prayer he rises saying **“Allahu akbar”** after the first **tashahud** and prays the remainder like the second rak'a reciting Al-Fatiha only, and then sits in the final **tashahud** with his left foot under his right shin and his right foot raised.

(c3.14) (A woman's prayer)

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A woman prays like a man except that she bunches herself together and sits with her legs slightly slid underneath her to her right. (b: If there is a non-mahram male who can hear her, it is obligatory for her to conceal her recitation so that only she hears it.)

(c3.15) (Post-prayer supplications)

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(b: Then it is a **sunna** to ask for forgiveness three times and say: **"Allahumma anta al-salamu wa minka al-sallamu tabarakta wa ta`alayta ya dha l-jalalu wa al-ikram"** and to repeat **"subhan allah wa al-hamdu lillah allahu akbar"** thirty-three times together (m: as one phrase, not **"subhan allah"** thirty-three times and then **"al-hamdu lillah"**). He should supplicate with sincerity after every obligatory prayer.)

## Lesson 12 -- prayer (offensive, permissible, etc)

(c3.16) Section (What is Offensive, Permissible, Sunna, or Invalidates in the Prayer)

### فصل

يكره في الصلاة التفاته ورفع بصره إلى السماء وتغميض عينيه وإقعاؤه وافتراشه ذراعيه ساجداً وعبثه وتخصره وتروحه وفرقة أصابعه، وتشبيكها وأن يكون حاقناً أو بحضرة طعام يشتهيها وتكرار الفاتحة لا جمع سور في فرض كنفل وله رد المار بين يديه وعد الأي والفتح على إمامه ولبس الثوب، والعمامة وقتل حية، وعقرب وقمل فإن أطال الفعل عرفاً من غير ضرورة، وبلا تفريق بطلت ولو سهواً ويباح قراءة أواخر السور، وأوساطها وإذا نابه شيء سبح رجل وصفقت امرأة ببطن كفها على، ظهر الأخرى ويصق في الصلاة عن يساره، وفي المسجد في ثوبه وتسن صلاته إلى سترة قائمة كآخرة الرحل فان لم يجد شاخصاً، فإلى خط وتبطل بمرور كلب أسود بهيم فقط وله التعود عند آية وعيد، والسؤال عند آية رحمة، ولو في فرض

It is offensive while praying:

1. to turn
2. to raise the gaze to the sky
3. to close the eyes
4. to sit on the back of ones ankles (b: when sitting)
5. to spread the forearms on the ground when prostrating
6. to fidget
7. to place the hands on his hips
8. to pop the knuckles
9. to interlace the fingers
10. to be need to urinate
11. to be in the presence of food he desires
12. to repeat Al-Fatiha (m: in a single rak`a), but not to combine several suras in an obligatory prayer, as in a supererogatory prayer

It is recommended to push-back someone who passes in front while praying.

He may:

1. count the ayat (b: and “subhan Allah”, and “Allahu albar” during `Eid, using his fingers)
2. notify the imam (b: if he becomes confused or makes a mistake)
3. put on a garment
4. wrap a turban
5. kill a snake, scorpion, or lice

If several actions becomes long according to custom, without being essential, and (b: they are continuous) without separation between them, then the prayer is invalid—even if done absentmindedly.

It is permissible to recite from the end and the middle of suras.

If something occurs while praying (b: such as someone seeking permission to enter or the imam omitting something) a man says “Subhan allah,” and a woman claps the inside of one hand on the outside of the other.

In the mosque, one may spit to the left and into his garment. (b: Outside of the mosque it is not offensive to spit on the right or under the foot.)

It is recommended to pray facing a sutra (m: an erect barrier), like the tail of a mount (m: a riding animal). When a fixed pole or stake is not found, one prays towards a line (b: draw like a crescent (m: on the ground)).

The prayer is invalidated the passing of totally black dog (b: if it passes between the person praying and the sutra, or passes within approximately 96cm in front of his feet when there is no sutra. Totally black dogs are singled out because they are shaytan) only (b: not by a woman, donkey, shaytan, or something else.)

(m: The imam’s sutra serves as the sutra for the followers.)

He may seek protection at an aya containing threats, and ask at an aya of mercy, even if in a required prayer.

## Lesson 13 -- prayer (integrals, obligatory)

(c0.1) Section. The Integrals of Prayer

### فصل

أركانها القيام والتحريمة والفاحة والركوع والاعتدال عنه والسجود على الأعضاء السبعة والاعتدال عنه والجلوس بين السجدين والطمأنينة في الكل والتشهد الأخير، وجلسته والصلاة على النبي محمد صلى الله عليه وسلم فيه والترتيب والتسليم وواجباتها التكبير غير التحريمة والتسمع والتحميد وتسبيحنا الركوع، والسجود وسؤال المغفرة مرة مرة، ويسن ثلاثاً والتشهد الأول، وجلسته وما عدا الشرائط، والأركان، والواجبات المذكورة سنة فمن ترك شرطاً لغير عذر غير النية فإنها لا تسقط بحال أو تعمد المصلي ترك ركن، أو واجب، بطلت صلاته بخلاف الباقي وما عدا ذلك سنن أقوال وأفعال ولا يشرع السجود لتركه وإن سجد فلا بأس

The integrals of prayer (b: are 14, (m: integral is) the plural of "rukhn," the strongest side of a thing. An integral is that is a component of something and is not rescinded intentionally or out of forgetfulness) are:

1. standing (b: in an obligatory prayer for someone capable)
2. the opening **takbir**
3. reciting Al-Fatiha
4. bowing
5. straightening up from bowing
6. prostrating on the seven limbs
7. straightening up from the prostration
8. sitting between the two prostrations
9. becoming motionless in all of these
10. the final **tashahud**
11. sitting for the final **tashahud**
12. praying upon the Prophet (b: Allah bless him and his family and give him peace) in the final **tashahud**
13. doing all of these in order
14. the **taslim**.

### (c0.2) Obligatory Actions of Prayer

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Its obligatory actions are (b: eight):

1. the **takbir** other than the opening one
2. saying "**Sami` Allahu li man hamudah**"
3. saying "**Rabanna wa lak al-hamd**"
4. saying "**Subhan allah**" in the bowing
5. prostration
6. asking for forgiveness

(m: the above four are done) all a single time, and it is a **sunna** to do so three times;

1. the first **tashahud**
2. sitting for the first **tashahud**

### (c0.3) *Sunan and what invalidates the prayer*

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Everything other than the previously mentioned conditions and obligatory actions are **sunan**.

One's prayer is invalid if:

1. a condition is omitted without an excuse, with the exception of the intention, since it is not rescinded under any circumstance
2. an integral or obligatory action is intentionally omitted (b: even if he were to omit it out of doubt that it is obligatory... If something obligatory is omitted out of absentmindedness or ignorance, it is obligatory to make a prostration of forgetfulness. It does not harm if something believed to be obligatory is a sunna or something sunna is believed to be obligatory; and likewise if it is believed that some actions are obligatory and some of them supererogatory while being ignorant of the obligatory or believing all of them to be obligatory. Having **khushu`a**—humility—during prayer is a sunna—contrary to the remainder (b: so omitting a sunna does not invalidate the prayer, even if done intentionally).

Everything else (b: after the integrals and the obligatory) are verbal **sunan** (b: such as:

1. the prayer for opening the prayer
2. saying "**Auzu billahi min al-shaytani al-rajim**"
3. "**Bismillahi al-rahmani al-rahim**"
4. "**Amin**"
5. an additional sura
6. "**mil' al-samawati...**" after saying "**sami` allahu li man hamidah**"
7. the **tasbihat** in the bowing and prostration and the asking for forgiveness when sitting between prostrations that are in addition to the first

8. saying “**Auzu billahi min...**” in the final **tashahud**
9. making the **qunut** supplication during witr

) and actual **sunan** (b: such as:

1. raising the hands when they should be
2. putting the right hand over the left under the navel
3. looking at the pace of prostrating during the prayer
4. putting the hands on the knees when bowing
5. pushing out the arms a bit when bowing and when prostrating (m: for men, and for women to pull them in)
6. straightening and extended the back

and other things that have been mentioned in detail, including: reciting audibly and quietly, reciting distinctly, and being lengthy and short in their places).

The prostration of forgetfulness is not legislated (b: it is not obligatory and is not recommended) for omitting sunan (b: since it is impossible to be sure not to omit them), and there is no harm if he does prostrate (b: for omitting it out of absentmindedness).

## Lesson 14 -- prayer (prostration of forgetfulness)

### (c4) Prostration of Forgetfulness and What Invalidates the Prayer

#### باب سجود السهو

يُشرع لزيادة ونقص وشك لا في عمد في الفرض، والنافلة فمتى زاد فعلاً من جنس الصلاة قياماً أو قعوداً أو ركوعاً، أو سجوداً عمداً بطلت وسهواً، يسجد له وإن زاد ركعة فلم يعلم حتى فرغ منها، سجد وإن علم فيها جلس في الحال فيتشهد إن لم يكن تشهد وسجد وسلام وإن سبح به ثقتان فأصر ولم يجزم بصواب نفسه، بطلت صلاته وصلاة من تبعه عالماً لا جاهلاً، أو ناسياً ولا من فارقه وعمل مستكثر عادة من غير جنس الصلاة يبطلها عمده، وسهوه ولا يشرع ليسيره سجود ولا تبطل بيسير أكل، وشرب سهواً أو جهلاً ولا نفل بيسير شرب عمداً وإن أتى بقول مشروع في غير موضعه كقراءة في سجود وقعود، وتشهد في قيام، وقراءة سورة في الأخيرتين لم تبطل ولم يجب له سجود بل يشرع وإن سلم قبل إتمامها عمداً بطلت وإن كان سهواً، ثم ذكر قريباً أتمها وسجد فإن طال الفصل عرفاً أو تكلم لغير مصلحتها بطلت ككلامه في صلبها ولمصلحتها إن كان يسيراً لم تبطل وقهقهة ككلام وإن نفخ أو انتحب من غير خشية الله تعالى أو تنحنح من غير حاجة فبان حرفان بطلت

#### (c4.1) (What necessitates it)

It is legislated in the required and the supererogatory prayers for (b: forgetfully):

1. adding
2. removing
3. doubting (b: in general)

It is not legislated for things that are intentional.



*(c4.2) (Adding legislated actions)*

Whenever a type of action that is part of the prayer is added to the prayer, whether it be: standing, sitting, bowing, or prostrating—if it is done intentionally the prayer is invalid, and if done unintentionally then a prostration of forgetfulness is done.

If a **rak`a** is added to the prayer and it is not known until finishing the prayer, a prostration is made for it; and if it is known while doing it, the person immediately sits and makes **tashahud** if it has not already been done, makes prostration for forgetfulness, and makes the **taslim**.

*(c4.3) (Being informed by two people)*

If two trustworthy people alert the imam (m: of a mistake) and the imam persists (m: in his action) without being convinced that he is correct, the imam's prayer is invalid, and so is the prayer of anyone following who knows—but not someone ignorant, forgetful, or who separated from the prayer.

*(c4.4) (Adding Foreign actions)*

Doing an action that is not from the prayer in an amount that is typically considered to be a lot invalidates the prayer, whether intentional or unintentional. (m: The actual number of actions does not matter.) Prostrating is not legislated for doing a slight amount. A slight amount of eating or drinking unintentionally or out of ignorance does not invalidate the prayer, nor does intentionally drinking a small amount during a supererogatory prayer.

*(c4.5) (Things out of place)*

If a legislated saying is brought out of its place, such as:

- reciting during the prostration or sitting
- saying the **tashahud** while standing
- reciting the **sura** in the last two (b: **rak`a**)

it does not invalidate the prayer, and making the prostration is not obligatory, although it is legislated to do so.

#### (c4.6) (*Taslim before the end*)

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If the **taslim** is intentionally made before completing the prayer, the prayer is invalid.

If it is done unintentionally (m: before completing the prayer) and this is realized within a short amount of time, the prayer is completed and a prostration of forgetfulness is done. If the break (m: between unintentionally saying the **taslim** and realizing the mistake) is long or he spoke about something not in the best interest of the prayer, it is invalid, just like speaking during prayer; if the speech was concerning the best interest of the prayer and it was slight, the prayer is not invalid.

#### (c4.7) (*Sounds*)

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Cackling is like speech. The prayer is invalid if two letters are articulated associated with: Exhaling (m: loudly) or weeping without it being from fear of Allah Most high and clearing the throat without need.

## Lesson 15 -- prayer (prostration for shortening the prayer)

(c4.8) Section. Words Concerning the Prostration for Shortness

### فصل في الكلام على السجود لنقص

ومن ترك ركناً فذكره بعد شروعه في قراءة ركعة أخرى، بطلت التي تركه منها وقبله يعود وجوباً، فيأتي به وبما بعده وإن علم بعد السلام، فكثر ركعة كاملة وإن نسي التشهد الأول ونهض لزمه الرجوع ما لم ينتصب قائماً، فإن استتم قائماً كره رجوعه وإن لم ينتصب قائماً، لزمه الرجوع وإن شرع في القراءة، حرم الرجوع وعليه السجود لكل ومن شك في عدد الركعات أخذ بالأقل وإن شك في ترك ركن فكثره ولا يسجد لشكه في ترك واجب أو زيادة ولا سجود على مأموم إلا تبعاً لإمامه وسجود السهو لما يبطل عمدته واجب وتبطل بترك سجود سهو وأفضليته قبل السلام فقط وإن نسيه وسلم سجد إن قرب زمنه ومن سها مراراً كفاه سجدتان

(c4.9) (Omissions)

Whoever omits an integral **[rukn]** and remembers it after beginning the recitation for another **rak`a**, the **rak`a** it was omitted from is invalid. Before beginning recitation in another **rak`a**, it is obligatory for him to go back and bring what was omitted and what follows it.

If he knows of the omission after the **taslim**, it is the same as omitting a complete **rak`a**.

If he forgets the first **tashahud** and rises, he must return (b: to the **tashahud**) as long as he has not become fully erect.

If he becomes fully erect it is offensive to return.

If he does not become fully erect then it is necessary for him to return. (m: this repeat is found in the basic text and commentary twice.)

If he began recitation then it is unlawful to return.

He must make the prostration for all of them.

When someone doubts about the number of **rak`at**, he take the least number (b: since this is what is certain).

When someone doubts about omitting a **ruk'n**, it is the same as omitting it.

The prostration of forgetfulness is not made for doubting about missing something obligatory **[wajib]**.

(b: If there is doubt during the last **rak`at**: is it the 4<sup>th</sup> or the 5<sup>th</sup>? The prostration of forgetfulness is made...

There is not prostration of forgetfulness if someone doubts the number of **rak`at** and so builds on what is certain (m: the minimal number) and the doubt then ceases and he knows that he was correct in what he did.)

A follower (b: who began following the imam from the beginning of the prayer) does not have to make the prostration except following his imam.

It is obligatory to make the prostration for anything (b: meaning: when the performance or omission invalids the prayer) which when done intentionally invalidates the prayer.

(b: The prostration of forgetfulness is not obligatory for an intentional action which does not invalidate the prayer, such as omitting sunnah acts, adding a phrase that is legislated—other than the **salam**—where it does not belong; but it is recommended to do so for the later (m: saying something where it does not belong).)

Intentionally omitting a prostration of forgetfulness (b: that is obligatory) which is superior **[afdaliyatuhu]** to do before the **taslim** invalidates the prayer. (b: So intentionally omitting a recommended or non-obligatory prostration of forgetfulness does not invalidate the prayer, rather its superior place is after the **salam**, and it is if he gives **salams** before completing the prayer... From the statement “superior” **[afdaliyatuhu]** that it being before of after the **salam** is something recommended (m: not obligatory).)

If he forgets it (b: the prostration whose place is before the **taslim**) and makes the **taslim** (b: and then remembers), he prostrates if its time is near.

Whoever was repeatedly forgetful, the two prostrations suffice.

(b: What is said during the prostration of forgetfulness and when rising from it, is the same as what is said during prostration during prayer.

If he makes the prostration before the **salam** he makes the **salam** right after completing the **tashahud**.

If he brings the prostration after the **salam** he sits. When the prayer is two **rak`ah** he sits with his left foot spread below while raising his right; otherwise he sits with his left foot under his right shin and his right foot raised. It is then obligatory to make the final tashahud and then the **salam**.)

## Lesson 16 -- prayer (supererogatory prayer)

### (c5) Supererogatory Prayer and Times When Prayer is Forbidden

#### باب صلاة التطوع وأوقات النهي

وأكدتها كسوف، ثم استسقاء ثم تراويح ثم وتر يفعل بين العشاء، والفجر وأقله ركعة وأكثره إحدى عشرة مثنى مثنى ويوتر بواحدة وإن أوتر بخمس، أو سبع لم يجلس إلا في آخرها وبتسع يجلس عقب الثامنة، ويتشهد ولا يسلم ثم يصلي الركعة التاسعة، ويتشهد ويسلم وأدنى الكمال ثلاث ركعات بمسلمين يقرأ في الأولى بسبح، وفي الثانية بقل يا أيها الكافرون، وفي الثالثة بالإخلاص ويقنت فيها بعد الركوع ويقول اللهم اهديني فيمن هديت وعافني فيمن عافيت وتولنا فيمن توليت وبارك لنا فيما أعطيت وقنا شر ما قضيت، إنك تقضي ولا يقضى عليك، إنه لا يذل من واليت، ولا يعز من عاديت، تباركت ربنا، وتعاليت اللهم إني أعوذ برضاك من سخطك، وبغفوك من عقوبتك، وبك منك لا نحصي ثناء عليك أنت كما أثنيت على نفسك اللهم صل على محمد وعلى آل محمد ويمسح وجهه بيديه ويكره قنوته في غير الوتر إلا أن تنزل بالمسلمين، نازلة غير الطاعون، فيقنت الإمام في الفرائض والتراويح عشرون ركعة تفعل في جماعة مع الوتر بعد العشاء في رمضان ويوتر المتهجذ بعده فإن تبع إمامه شفعه بركعة ويكره التنفل بينها لا التعقيب بعدها في جماعة ثم السنن الراجعة ركعتان قبل الظهر، وركعتان بعدها، وركعتان بعد المغرب، وركعتان بعد العشاء، وركعتان قبل الفجر وهما أكدها قل يا أيها الكافرون قل هو الله أحد قولوا أمنا بالله قل يا أهل الكتاب تعالوا إلى كلمة ومن فاتته شيء **a** منها سن له قضاؤه وصلاة الليل أفضل من صلاة النهار وأفضلها ثلث الليل بعد نصفه وصلاة ليل ونهار مثنى مثنى وإن تطوع في النهار بأربع كالظهر فلا بأس وأجر صلاة قاعد على نصف أجر صلاة قائم وتسن صلاة الضحى وأقلها ركعتان وأكثرها ثمان ووقتها من خروج وقت النهي إلى قبيل الزوال وسجود التلاوة صلاة ويسن للقارئ والمستمع دون السامع وإن لم يسجد القارئ لم يسجد وهو أربع عشرة سجدة في الحج منها ثنتان ويكبر إذا سجد إذا رفع ويجلس ويسلم ولا يتشهد ويكره للإمام

قراءة سجدة في صلاة سر، وسجوده فيها ويلزم المأموم متابعتة في غيرها ويستحب سجود الشكر  
عند تجدد النعم واندفاع النقم وتبطل به صلاة غير جاهل، وناس

The most emphasized is: the eclipse prayer; then the rain prayer; then **tarawih**.

#### (c5.8) (Tarawih)

(m: The section on tarawih usually comes after the section on witr.)

Tarawih is 20 **rak`a**. It is done in a congregation with **witr** after **`Isha'** during Ramadan. Whoever prays **tahajjud** makes **witr** after **tahajjud**, and if he follows his imam he makes it even with a **rak`a** (b: by adding a rak`a to it).

It is offensive to make supererogatory prayers between the rak`at of **tarawih**. But it is not offensive to do so afterwards in a congregation.

#### (c5.9) (Witr)

Then (m: the most emphasized prayer is) **witr**, which is done between **`Isha'** and **Fajr**.

The least number of **rak`at** is one **rak`a**. The most is eleven, being prayed two **rak`a** at a time and making it odd with one. When praying **witr** as five or seven **rak`at**, he does not sit except in the very end. With nine **rak`at**: he sits right after the eighth **rak`ah**, says the **tashahud** without saying the **taslim**, then prays the ninth **rak`ah**, says the **tashahud** and says the **taslim**.

The lowest complete amount for **witr** is three rak`at with two taslim, reciting Al-`Ala (), in the second Al-Kafirun (), and in the third Al-Ikhlās, and making **qunut** after the ruku`a saying: **“Allahumma ihdini fi man hadayt, wa `afini fi man `afayt, wa tawalani fi man tawalayt, wa barik li fi man `atayt, wa qina shar ma qadayt, innaka taqdi wa la yuqda `alayk, innahu la yuthul man walayt wa, la ya`izz ma `adayt, tabarakta rabbana wa ta`alayt, allahumma `inni `a`uthi bi ridhaka min sakhatik, wa bi `afwika min `uqubatik, wa bika minka, la nuhsi thana'an `alayka anta ka ma athnayta `ala nafsik, allahumma salli `ala muhammadin wa `ala `ali muhammadin”** and he wipes his face with his hands.

It is offensive to make **qunut** except during **witr**, except for a disaster other than plague befalling the Muslims, and thus the supreme Imam makes **qunut** in the obligatory prayers. (m: But if the imam makes **qunut**, the follower follows.)

*(c5.10) (Supererogatory prayers before and after the obligatory)*

Then (b: following **witr** in superiority) are the recommended prayers before and after the prescribed prayers: **[rawatib]** :

1. two **rak`a** before **Zuhr**
2. two after it
3. two after **Maghrib**
4. two after **`Isha'**
5. two before **Fajr**

The two before **Fajr** are the most emphasized.

It is a **sunna** for someone who missed any of these to make them up.

*(c5.11) Section (The Superiority of Praying at Night)*

Praying at night is superior to praying during the day. The best time is during the third of the night after the first half of the night has elapsed.

Prayer at night and during the day is done two **rak`ah** at a time. If he made a voluntary prayer with four, like **Zuhr**, there is no harm. (m: Praying one, five, or seven rak`ah is still valid.)

*(c5.12) (Praying sitting down)*

The reward for praying sitting down (b: without an excuse) is half that of standing.

*(c5.13) (The Mid-Morning Prayer (Dhuha) )*

The mid-morning prayer (**Duha**) is a **sunna**. The least amount is two **rak`a** and the most is eight. Its time is from the forbidden time exiting until right before the zenith.

(c5.14) *(The Prostration for Qur'an Recital or Thanks)*

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The prostration for recitation (b: and thankfulness) is prayer.

(b: It is a sunna) for the reciter and the listener (b: but not someone who simply heard it); if the one reciting does not prostrate, the listener does not prostrate.

There are 14 prostrations; Hajj contains two. He makes **takbir** when prostrating and when rising, and he sits and says the **taslim** without saying the **tashahud**.

It is offensive for the imam to recite a verse of prostration in a silent prayer and to prostrate (m: for it) during a silent prayer. The follower is required to follow his imam in non-silent prayers.

The prostration of thankfulness is recommended when a grace occurs or a blight is repelled. A prayer is invalidated by prostrating for thankfulness, except when the person is ignorant or forgetful.



## Lesson 17 -- prayer (forbidden times)

(c5.8) (Times When Prayer is Forbidden)

أوقات النهي عن الصلاة

وأوقات النهي خمسة من طلوع الفجر الثاني إلى طلوع الشمس ومن طلوعها حتى ترتفع قيد رمح وعند قيامها حتى تزول ومن صلاة العصر إلى غروبها وإذا شرعت فيه حتى يتم ويجوز قضاء الفرائض فيها وفي الأوقات الثلاثة فعل ركعتي الطواف وتجوز إعادة جماعة ويحرم تطوع غيرها في شئ من الأوقات الخمسة حتى ما له سبب

The forbidden times are five:

1. from the rising of the second dawn until sunrise
2. from its rising until rising the length of a spear
3. at its zenith until beginning to descend
4. after praying `Asr until sunset
5. if the sun begins (b: to set) until completing.

It is permissible to make up obligatory prayers during these times.

It is permissible during the three short times to make the two rak`a of Tawwaf, and it is permissible to repeat a congregational prayer during them.

It is unlawful to make a voluntarily prayer in the five times, event something that has a given cause (b: such as the prayer for greeting the mosque).

## Lesson 18 -- prayer (group prayer)

### Group Prayer and the Imam

#### باب صلاة الجماعة

وتلزم الرجال للصلوات الخمس لا شرط وله فعلها في بيته وتستحب صلاة أهل الثغر في مسجد واحد والأفضل لغيرهم المسجد الذي لا تقام فيه الجماعة إلا بحضوره ثم ما كان أكثر جماعة ثم المسجد العتيق وأبعد أولى من أقربهما ويحرم أن يؤم في مسجد قبل إمامه الواتب إلا بإذنه، أو عذره ومن صلى ثم أقيم فرض، سن أن يعيدها إلا المغرب ولا تكره إعادة جماعة في غير مسجدي مكة والمدينة وإذا أقيمت الصلاة، فلا صلاة إلا المكتوبة فإن كان نافلة أتمها إلا أن يخشى فوات الجماعة، فيقطعها ومن كبر قبل سلام إمامه لحق الجماعة وإن لحقه راعياً، دخل معه في الركعة وأجزأته التحريمة ولا قراءة على مأموم ويستحب في إسرار إمامه وسكوته وإذا لم يسمعه لبعده لا لطرش ويستفتح ويستعيد فيما يجهر فيه إمامه ومن ركع أو سجد قبل إمامه، فعليه أن يرفع ليأتي به بعده فإن لم يفعل عمداً بطلت وإن ركع، ورفع قبل ركوع إمامه عمداً، بطلت وإن كان جاهلاً أو ناسياً بطلت الركعة فقط وإن ركع، ورفع قبل ركوعه، ثم سجد قبل رفعه بطلت إلا الجاهل والناسي ويصلي تلك الركعة قضاء ويسن لإمام التخفيف مع الإتمام وتطويل الركعة الأولى أكثر من الثانية ويستحب انتظار داخل إن لم يشق على مأموم وإذا استأذنت المرأة إلى المسجد، كره منعها وبيتها خير لها

(For whom it is obligatory)

It is necessary for (b: free, capable) men (b: even when there is intense fear while traveling) for the five prayers but it is not a condition for the (b: validity of the) prayers.

*(The mosque)*

He may pray in a group in his house. (b: Praying in the mosque is the sunnah. It is sunnah for the women to pray separated from the men. It is offensive for attractive women to attend with the men, and it is permissible (m: without being offensive) for other women. It is the same regarding assemblies for exhortation and even more so.)

It is recommended for people in defensive outposts [**thughur**] to pray in a single mosque. For others, it is best to pray in a mosque which would not have a group without their presence, then the one with the largest group, then the oldest [**ʿatiq**] mosque, and the further is better than the closer.

It is unlawful to lead in a mosque before its assigned imam unless with his permission or by his excuse. (b: If he is late and the time becomes short, they pray.)

*(Repeating the group prayer)*

It is a **sunna** for anyone who prayed (b: even if in a group) and then the **mu'athin** makes the call for the commencement of the obligatory prayer to repeat the prayer, except for Maghrib (b: even if he prayed it individually). It is not offensive to repeat the prayer (b: for an excuse) except in the two mosques of Mecca and Medina.

*(Following the imam)*

If the prayer commences then there is no prayer except for the obligatory, and if he was praying a supererogatory prayer he completes it unless he fears missing the group, and in that case he interrupts it.

Whoever makes the opening **takbir** before his imam makes the **taslim** has caught the group prayer; if he catches them bowing he enters it in the **rak`a** (b: and he realizes the **rak`ah** if his bowing overlaps with the imam's bowing by him reaching the minimal limit of bowing before the imam leaves the minimal limit) and the opening **takbir** suffices (b: for the **takbir** for bowing, and it is better to make two **takbir**.)

Recitation is not obligatory on the follower, but it is recommended that he recite when the imam is silent (b: during silent prayers), during his pauses, or if he does not hear him because of being distant—but if he does not hear him because of interference. The follower makes the opening supplication and says “**ʿA’uthi bi llahi min al-shaytani al-rajim**” in the prayers where his imam is audible (b: just as in the silent prayers).

(b: Whatever a later-comer [**masbuq**] prays with the imam is from the end of his prayer, and what he makes up is from the beginning: he makes the opening supplication, says “**ʿaudhi billah min al-**

**shaytani al-rajim**", and reads a chapter. However, if he prayed a single **rak`at** from Maghrib or a four **rak`at** prayer, he makes the **tashahud** immediately after one more rak`at and sits he sits with his left foot under his right shin and his right foot raised [**tawarruk**] .)

Whoever precedes his imam in bowing or prostrating must return and do it after the imam. His prayer is invalid if he intentionally does not do so (b: until the imam has caught up to him).

The prayer is invalid if he knowingly and intentionally (b: precedes his imam by two **rukn**, for example he:) bows and raises before his imam bows. If he is ignorant fo this or forgot it, only the **rak`a** is invalidated.

If he bows and rises before his bowing and then prostrates before he (b: the imam) rises, it is invalid; unless he is ignorant or forgetful, and then he prays the **rak`a** again.

*(Some actions which are sunna)*

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It is a **sunna** for the imam to lighten the prayer while being complete (b: meaning confining to the minimal of what is considered complete for the **tasbih** and all other parts of the prayer, unless the a fixed group of followers prefer it being lengthy... It is disliked to be so quick that it prevents the followers from performing what is recommended).

It is a **sunna** to make the first **rak`a** longer than the second.

It is desirable to wait for someone entering if it is not a hardship on the followers.

If a woman (b: whether free or a bondswoman) asks permission to go to the mosque, it is offensive to prevent her. (She may go out without perfume or decorative clothing). But her house is better for her.

(b: The father, then the brother, and the like, may prevent those he is responsible for from going outside if he fears trouble or harm from their being alone.)

## Lesson 19 -- prayer (group prayer--the imam)

(c6.6) Section: The Imam

### فصل في أحكام الإمامة

الأولى بالإمامة الأقرأ العالم فقهه صلاته ثم الأفقه ثم الأسن ثم الأشرف ثم الأقدم هجرة ثم الأتقى ثم من قرع وساكن البيت وإمام المسجد أحق إلا من ذي سلطان وحر وحاضر ومقيم، وبصير، ومختون ومن له ثياب أولى من ضدهم ولا تصح خلف فاسق ككافر ولا خلف امرأة ولا خنثى للرجال ولا صبي لبالغ ولا أحرس ولا عاجز عن ركوع، أو سجود، أو قعود أو قيام إلا إمام الحي المرجو زوال علتة ويصلون وراءه جلوساً ندباً فان ابتداء بهم قائماً ثم اعتل فجلس، ائتموا خلفه قياماً وجوباً وتصح خلف من به سلس البول. بمثله ولا تصح خلف محدث متنحس يعلم ذلك فإن جهل هو والمأموم حتى انقضت، صحت لمأموم وحده إذا صلى الجنب بالقوم أعاد صلاته، وتمت للقوم صلاتهم ولا تصح إمامة الأمي وهو من لا يحسن الفاتحة أو يدغم فيها ما لا يدغم أو يبدل حرفاً أو يلحن فيها لحناً يحيل المعنى إلا بمثله وإن قدر على إصلاحه، لم تصح صلاته وتكره إمامة اللحن والفأفاء والتمتام ومن لا يفصح ببعض الحروف وأن يؤم أجنبية، فأكثر لا رجل معهن أو قوماً أكثرهم يكرهه بحق وتصح إمامة ولد الزنا، والجندي إذا سلم دينهما ومن يؤدي الصلاة بمن يقضيها، وعكسه لا مفترض. بمتنفل ولا من يصلي الظهر بمن يصلي العصر، أو غيرها

(c6.7) (Determining precedence)

The best to lead the prayer is:

1. the best in recitation who is knowledgeable in the fiqh associated prayer then (b: if they are equal in recitation) the most knowledge in fiqh (b: If they have two people who are good with fiqh and recitation, the one who is superior in fiqh or in recitation is given precedence. If they are both good with recitation, the one with better recitation is given precedence over the one who memorized more. Someone who is good with the Qur'an but does not know the rulings associated with prayer is given precedence over someone who knows fiqh but does not know proper recitation. If there are two people who know the rulings associated with prayer and one of them knows the rulings better than the other, he is given precedence because his knowledge has an influence in achieving the complete perfection of the prayer)
2. then (b: if they are equal in recitation and fiqh:) the eldest;

3. then the most noble (b: and they are the Qurashis, with Banu Hashim having precedence over the rest of Quraysh)
4. then the eldest with respect to emigration (b: or Islam)
5. then the most godfearing
6. then (b: if they are equal in all that preceded) they choose by lottery

The inhabitant of a house and the imam of a mosque (b: if they are qualified to lead the prayer) have the most right (b: of those present, even if one of the others is better with recitation or fiqh), except for someone with authority.

A freeman, a city dweller, a resident, someone with vision, someone circumcised, and someone who has clothes (b: meaning: two garments and something covering his head) is better than their opposites. (b: So:

1. freeman are given precedence over slaves or the partially-freed
2. city dwellers over a nomads or those raised in the wilderness
3. residents over travelers
4. those with eyesight over the blind
5. the circumcised over the uncircumcised
6. those with clothes as we mentioned over someone who has covered the **`aurah** and one of his shoulders
7. partially-freed slaves over totally-owned
8. those who made **wudu** over those who made **tayammum**
9. those renting houses in the rented house over the person they rent the house from
10. those lending a house in the house they lent over the person they lent it to)

(b: It is offensive for someone to else lead without the permission of the superior person.)

#### *(c6.8) (People invalid to pray behind)*

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It is absolutely invalid to pray behind:

1. someone morally corrupt (b: whether the corruption is from the perspective of actions or beliefs, except during Juma` and `Eid), just as behind a non-believer (b: whether lack of belief is known during the prayer or after finishing it)

(b: But it is valid to prayer behind someone who disagrees in branch (m: non-`aqidah) issues.

If the imam intentionally omits something that only he believes is obligatory, his prayer and the followers' prayer is invalid; but if it is obligatory only according to the follower, he does not repeat the prayer.

Whoever omits something that is an integral **[ruk'n]**, condition **//[shart]//**, or obligatory **[wajib]** that is disagreed about, and does not omit out of interpretation **[ta'wil]** or following a scholar **[taqlid]** must repeat the prayer)

2. or behind a woman (m: There is an opinion in the madhhab that is overruled that states that during Tarawih it is permissible for a woman to lead men if none of the men can recite Qur'an correctly, but she must stand behind the men and she must recite silently. I mention this only to clarify that it is indeed an opinion in the madhhab and that it is overruled)
3. or a man behind hermaphrodite (b: or a hermaphrodite behind another hermaphrodite)

4. a youth for someone mature (b: during an obligatory prayer; it is valid for a youth to lead adults in supererogatory prayers and when leading other youth)
5. someone mute (b: even for someone else like him; this is because something obligatory [fard] in the prayer has been nullified without bringing something in its place)
6. someone incapable of bowing, prostrating, or sitting (b: except by someone like him)
7. or incapable of standing, except for the imam of the neighborhood when the end of this defect is expected, and then it is recommended that they pray behind him seated. it is obligatory for them to complete the prayer standing behind if their imam began praying with them standing and later the defect occurred and so he sat.

It is valid for someone who is incontinent to pray behind someone like him.

It is not valid to knowingly pray behind someone with ritual impurity or with inexcusable filth. If the imam and the follower are ignorant of this until the prayer ends, only the follower's prayer is valid.

(b: If the imam finds out that during the prayer has unintentionally omitted something obligatory, or has doubts that an integral [rukhn] or condition [shart] for him leading the prayer has been nullified: the followers prayer is valid—in contrast to the imam not covering himself or facing the qiblah because these are not usually hidden.)

It is not valid for an “illiterate”—someone who does recite Al-Fatiha correctly, or makes idhgham (m: this is when there are two letters similar in the place of articulation or manner of articulation, and so the first letter is pronounced the same way as the second) in the wrong place, or replaces letters (b: such as someone who changes the ra to a ghayn, with the exception of replacing the dad of “al-maghdubi” and “al-dalin” with a za), or makes grammatical mistakes in such a way that it nullifies the meaning (b: if it does not nullify the meaning the person is not considered illiterate)—to lead except someone like him. (b: Nor is it valid for someone incapable of obligatory invocations to lead someone who is capable.)

When someone illiterate is able to fix his problem (m: and he does not do so) his prayer is invalid (b: and so is the prayer of anyone who prayed behind him since he has omitted an integral [rukhn] while being able to bring it.)

#### *(c6.9) (When it is offensive to be an imam)*

If is offensive for someone to lead when:

1. he makes grammatical mistakes (b: that do not nullify the meaning. If the meaning of something other than Al-Fatihah is nullified, it does not bar him from leading the prayer as long as it is not done intentionally.)
2. he stutters on the fa' or the ta
3. he does not pronounce some of the letters (b: such as qaf and dad—and it is valid for him to lead the prayer, whether a foreigner or an Arab. And likewise: it is valid for the following to lead, though offensive, if he is: blind, deaf, uncircumcised, missing both hands through amputation, missing one or two legs through amputation provided he can stand, or epileptic.)
4. he leads one or more foreign woman [ajnabiyah] unaccompanied by a man (b: so there is no offensiveness when he leads female kin or non-kin women accompanied by a man)
5. the majority dislikes him for a valid reason.

(c6.10) (Things which are valid)

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It is valid for an illegitimate child or a soldier to lead the prayer providing their religion is sound.

It is valid for someone making up a prayer to lead someone praying the current prayer to be lead, and the opposite.

It is not valid for someone praying a supererogatory prayer to lead someone praying an obligatory prayer (b: but it is valid for someone praying a supererogatory behind an imam praying obligatory is valid), nor for someone to pray **Zuhr** behind someone praying **`Asr** and others.



## Lesson 20 -- prayer (group prayer--standing and following)

(c6.11) Section. Where the Imam and the Followers Stand

### فصل في موقف الإمام والمؤمنين

يقف المؤمنون خلف الإمام ويصيح معه عن يمينه، أو عن جانبيه لا قدامه وإن صلى قاعداً ولا عن يساره فقط ولا الفذ خلفه أو خلف الصف إلا أن يكون امرأة وإمامة النساء تقف قي صفهن ويليه الرجال ثم الصبيان ثم النساء في جنائزهم ومن لم يقف معه إلا كافر أو امرأة أو من علم حديثه أحدهما أو صبي في فرض ففد ومن وجد فرجة دخلها وإلا عن يمين الإمام فإن لم يمكنه، فله أن يئبه من يقوم معه قان صلى ركعة فذاً، لم تصح وإن ركع فذاً ثم دخل في الصف أو وقف معه آخر قبل سجود الإمام، صحت

Followers (b: whether men or women, and whether two people or more) stand behind the imam. (b: Exceptions to this include that it is obligatory for the imam of people who are naked stands in the middle of the line, and that it is recommended for a woman who leads other women to stand in the middle.)

It is valid (b: for them to stand) with the imam on his right or on both sides of him.

But it is not valid to stand:

in front of the imam (b: What is of consideration here is the back of the heels otherwise it does not harm. If they pray sitting then what is considered is the back of the buttocks... If they encircle the Ka`bah, it is valid; and if the follower from his direction is closer to the Ka`bah than the imam in the imam's direction then it is valid as long as they are not in the same direction and in that case the follower's prayer is invalid. It is forgivable to be in front of the imam when it is possible to pray as a group in spite of intense peril)

only on the imam's left (b: if there is space open on the right and if he prays one or more [complete] rak`at...

If a second person joins the prayer they both stand behind the imam, and if the second person joins the prayer on the imam's left then the imam directs them with his hand to be behind him. If the imam has doubt about this or it unable to do so, the imam steps forward and prays between them or to the right of them both. It is valid for the person on the right to step back before the second person makes the opening **takbir** so that they both pray behind the imam. If the second person reaches the imam and his follower while they are sitting, he makes make the takbir and sits on the right of the other follower or on the left of the imam and he does not pray behind because of the difficulty.)

It is not valid for an individual (b: whether he intended it or forgot, and whether he know or did not) to pray behind the imam or behind the line unless a woman (b: praying behind a man, and her prayer is valid. If a woman stands next to the imam then she is as a man [in her ruling]. If she stands in the middle

of men it does not invalidate the prayer of those on either side of her or behind her. And a complete row of women does not prevent men behind them from following the imam.)

A female imam stands (b: it being preferred) in their line. (b: If a female imam leads an individual woman, the follower stands on her right and it is not valid for the follower to stand behind her.)

Men stand behind the imam, then youths, then women (b: the free mature women first, then the slaves, then the free immature women, then the slaves...) just as (b: the order) in the burial prayer. (m: Most prints of **Zad Al-Mustaqni'** and **Al-Raud Al-Murbi'** do not include the phrase "just as". This is a misprint.)

### (c6.12) (Being alone in the line)

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Someone standing in an obligatory prayer is alone if no one stands with him except for:

1. a non-Muslim
2. a woman (m: and the other person is a male)
3. someone known to have ritual impurity (b: or inexcusable filth)
4. or a youth in an obligatory prayer

Whoever finds a gap (b: in the line, even if far away) enters it (b: and likewise if he finds a line that is not packed together), otherwise (b: if he does not find a gap he stands) on the right of the imam, and if it is not possible (b: to find a gap in which to stand) then he may alert someone to stand with him (b: by coughing, speaking, or gesturing, and it is offensive to pull him. It is obligatory for whoever he alerted to follow him).

If a follower prays a (m: complete) **rak`a** alone the prayer is not valid. But it is valid if:

1. the follower bows alone and someone enters the row
2. or someone else stands with the follower

before the imam prostrates

(tn: Note that all of these rulings have to do with someone who intended to pray in the group, not someone who is praying alone.)

### (c6.13) Section. Rules for Following the Imam

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#### فصل في أحكام الاقتداء

يصح اقتداء المأموم بالإمام في المسجد، وإن لم يره ولا من وراءه إذا سمع التكبير خارجه إن رأى الإمام، أو المأمومين وتصح خلف إمام عال عنهم ويكره إذا كان العلو ذراعاً، فأكثر كإمامته في

الطاق وتطوعه موضع المكتوبة إلا من حاجة وإطالة قعوده بعد الصلاة مستقبل القبلة فإن كان ثم نساء لبث قليلاً، لينصرفن ويكره وقوفهم بين السواري، إذا قطعن

It is valid for a follower to follow an imam (b: if they both are) in a mosque, even if he does not see him nor someone behind him, if he hears the **Takbir**. It is similarly valid (b: if one of them is) outside of the mosque provided he sees the imam or (b: some of) the followers.

(c6.14) (Things offensive for the imam and followers)

It is offensive:

1. for the imam to be elevated above them more than an arm-span (**dhura`**, 32cm) or more when there is no need, and the (b: follower's) prayer is valid
2. for the imam to lead in the arch (b: the arch of the **qibla**, the prayer niches...because it prevents some from seeing the imam. If it does not prevent the imam from being seen, then it is not offensive)
3. to pray a voluntary prayer in the same place he prayed the obligatory prayer (m: if he does not wait for a while or do his **dhikr** first) unless there is need (b: such as not finding a place unoccupied by someone else)
4. (b: for the imam) to prolong sitting facing the **qibla** after the prayer (b: and it is desirable for the imam to stand or to turn away from the **qiblah** and towards the followers facing the direction where he will be going next and otherwise faces to the right of the followers). But if there are women there he waits (b: in his place) for a bit so they leave.

(b: It is desirable that the follower not to move before the imam...unless the imam departs from the sunnah by sitting for a long time facing the **qiblah** or does not turn away from it, and in that case there is no harm in this.)

It is offensive for the followers to stand in between pillars that break the lines (b: without need... But there is no harm if the line is short: the same amount as the distance between the two pillars).

(b: It is unlawful to build a mosque with the intention of harming a nearby mosque; the harmful mosque is destroyed. It is lawful to use prayer niches [**mihrab**]. It is offensive for someone who has eaten onion to attend the prayer until the smell leaves.)

## Lesson 21 -- prayer (group prayer--excuses for missing)

(c6.15) Excuses Rescinding the obligation of attending the Friday and Group Prayer

في الأعذار المسقطه للجمعة والجماعة

وبعذر بترك جمعة وجماعة مريض ومدافع أحد الأخيئين ومن بحضرة طعام محتاج إليه وخائف من ضياع ماله، أو فواته، أو ضرر فيه أو موت قريبه أو على نفسه من ضرر أو سلطان أو من ملازمة غريم، ولا شيء معه أو من فوات رفقة أو غلبة نعاس أو أذى بمطر، ووحل وبريح باردة شديدة في ليلة مظلمة

Someone is excused from attending the Friday or group prayer when he:

1. is sick (b: and likewise when fearing the onset of sickness, and [then] the Friday prayer is obligatory (and not the group prayer) as long as he is not injured by coming, whether he is carried or walks)
2. is holding back urine or feces
3. is in the presence of food he is in need of (b: and he eats until satiated)
4. fears that his property be misplaced, lost, or harmed (b: such as from a thief or the like; fearing that bread in the oven burn; or expecting to find a run away animal or slave at that time; or fearing that he lose the property if he were to leave, even if hired to guard a plot of land or property; or fearing harm in crucial earnings)

(m: This last example offers great mercy for people who work for non-Muslims, since they are likely to lose their jobs if they just get up and leave to attend the group prayer. But care must be taken not to abuse this. Since all of these excuses will come up again with the excuses for combining prayers, attention should be given to this example.)

5. fears the death of a relative (b: or a companion; or there being no one else to care after the patient)
6. (b: fears for his family or his child)
7. fears for himself, from
  1. injury (b: such as from a predatory animal), that the authorities [sultan] (b: seize him)
  2. a debt collector and he has nothing with him (b: with which to turn him back, since imprisonment is oppression. It is the same if one fears being asked to repay a debt before it comes due. But if the debt is now due and the money is available, there is no excuse to leave the prayer)
  3. his traveling companions departure (b: whether initiating or continuing a journey)
8. is overcome by drowsiness
9. is harmed from rain, mud (b: and likewise snow, ice, and hail), and a strong cold wind in the dark of night
10. (b: is harmed by the length of the imam's prayer)

(b: Blameworthy things on the way to the mosque are not an excuse, and he must forbid it in accordance to his situation. (m: Which means that if he cannot do anything he must hate it in his heart.)

If any of these excuses occur while praying (m: in the mosque), he completes the prayer briefly if possible, and otherwise he leaves the prayer.)

(In **Nail Al-Ma'arib**: Not knowing how to get to the mosque is not an excuse if there is someone to guide him.)

## Lesson 22 -- prayer (people with excuses)

### Section. People Who Have Excuses

(b: They are the sick, travelers, those in peril, and the like.)

ياب صلاة أهل الأعذار

تلزم المريض الصلاة قائماً فإن لم يستطع فقاعداً فإن عجز فعلى جنبه فإن صلى مستلقياً، ورجلاه إلى القبلة، صح ويومئ راعياً وساجداً ويخفضه عن الركوع فإن عجز أوماً بعينه فإن قدر أو عجز في أثنائها، انتقل إلى الأخر وإن قدر على قيام، وعود دون ركوع، وسجود، أوماً بر كوع قائماً بسجود قاعداً والمريض الصلاة مستلقياً مع القدرة على القيام لمداواة بقول طبيب مسلم ولا تصح صلاته قاعداً في السفينة وهو قادر على القيام ويصح الفرض خشية التأذي ولا للمرض

Someone sick must pray standing (b: even if the manner of standing is the same as bowing, or by propping himself up or leaning upon something) unless unable.

If unable to pray standing, he prays sitting. (b: It is recommended that he sit cross-legged (m: when he would normally stand), and that he unfold them (m: so he sits kneeling) when bowing and prostrating).

If unable to pray sitting, he prays lying down on his side (b: the right side is better). It is valid for him to pray on his back with his feet towards the **qibla** (b: but it is offensive if he was able to pray on his side). He gestures for bowing and prostration (b: as much as possible), making (b: the prostration) lower. If he is unable to gesture he gestures with his eyes.

If he becomes able or unable (b: to stand) during the prayer, he switches to the other.

If he is able to stand and sit but is not able to bow or prostrate: he gestures for the bowing while standing and for the prostration while sitting. (b: Someone who is able to stand when praying alone but sits when praying in a group chooses which to do.)

Someone sick may pray on his back—even though able to stand—for the sake of medical recovery, following the word of a (b: trustworthy) Muslim doctor.

When on a ship, it is not valid to pray sitting if able to stand.

It is valid for him to pray the obligatory prayer on his riding mount (b: whether still or traveling) out of fear of injury (b: from mud, rain, or the like... And likewise if he fears becoming separated from his party by descending, or fears for himself, or is incapable of riding if he gets down. He is required to face the **qiblah** and whatever he is able to do), but not because of sickness.

(b: Someone on a ship who is neither able to stand or get off prays sitting while facing the **qiblah**, and he returns to the **qiblah** whenever the ship deviates—but not for supererogatory prayers.)

## Lesson 23 -- prayer (shortening and joining, peril)

### (c7.1) Section. Shortening Prayers

#### فصل في قصر المسافر الصلاة

من سافر سفرًا مباحًا أربعة برد سن له قصر رباعية ركعتين إذا فارق عامر قريته أو خيام قومه وإن أحرم ثم سافر، أو سفرًا، ثم أقام أو ذكر صلاة حضر في سفر أو عكسها أو اتم بمقيم أو بمن يشك فيه أو أحرم بصلاة يلزمه إتمامها ففسدت وأعادها أو لم ينو القصر عند إحرامها أو شك في نيته أو نوى إقامة أكثر من أربعة أيام أو ملاحاً معه أهله، لا ينوي الإقامة ببلد، لزمه أن يتم وإن كان له طريقان فسلك أبعدهما أو ذكر صلاة سفر في آخر قصر وإن حبس ولم ينو إقامة أو أقام لقضاء حاجة بلا نية إقامة قصرأبداً

It is a **sunna** for anyone traveling a lawful journey longer than four **burud** (b: whether by land or by sea) (m: 81 km) to shorten four-**rak`a** prayers to two **rak`a** upon parting from the buildings of his village or his people's tents.

(b: Prayers that are shortened according to the conditions are not made up if he returns before completing the distance.

Someone who entered Islam, became physically mature, or becomes pure (m: from menstruation or **nifas**) on a lawful journey may shorten—even if the remaining distance is less than the required distance; but not someone who made repentance (m: from making an unlawful journey).

Someone who has doubts about the distance, does not intend a particular destination, or traveled simply to obtain leniencies [**rukhas**] may not shorten.)

### (c7.2) (When it is necessary to complete)

It is necessary to complete it if he:

1. begins his prayer (b: while resident) and then travels (b: and likewise: if he begins the journey after the time enters)
2. (b: begins) traveling and then becomes resident
3. remembers a prayer (from when he was) resident, or the opposite
4. follows a resident or someone he doubts about (b: whether the imam is on a journey or resident... And there is no harm in him saying: "If he completes it I complete it, and if he shortens I shorten")

5. began a prayer which must be prayed completely (b: because he follows a resident or did not intend to shorten) and it became invalidated (b: by ritual impurity and the like) and he repeats it
6. did not intend to shorten when beginning or is doubtful about his intention
7. intends to be resident more than four days
8. is a sailor whose family is with him and he does not intend residency in any land (b: since his journey is not interrupted in addition that he does not move away from his land and family. It is the same for a donkey driver, an animal herder, the Sultan's messenger, and the like. (m: Modern examples would include people who have jobs where the travel itself is part of the job, such as people who work on airplanes, buses, trains, and ships. But someone who travels 81 km or more to get to work should be entitled to shorten. And Allah knows best.)

If he can take two routes and he took the longest, or remembered a prayer missed while on another journey, he shortens.

Prayers can be shortened indefinitely if he:

is held back (m: from traveling) (b: oppressively, or from sickness, rain, and the like) and he does not intend residency

he stays for the sake of carrying out some need without intending to become resident (b: not knowing when he will finish the job) he shortens it indefinitely.

### (c7.3) Section. Joining Prayers for Travel, Hardship, or Weather

## فصل في الجمع

يجوز الجمع بين الظهرين وبين العشاءين في وقت إحداهما في سفر قصر ولمريض يلحقه بتركه مشقة وبين العشاءين لمطر يبل الثياب ولوحل وريح شديدة باردة ولو صلى في بيته، أو في مسجد طريقه تحت سبابط والأفضل فعل الأرفق به من تأخير وتقديم بأن فإن جمع في وقت الأولى إشتراط نية الجمع عند إحرامها وفلا يفرق بينهما إلا بمقدار إقامة ووضوء خفيف ويطل براتبة بينهما وأن يكون العذر موجوداً عند افتتاحهما، وسلام الأولى وإن جمع في وقت الثانية إشتراط نية الجمع في وقت الأولى إن لم يضق عن فعلها وإستمرار العذر الى دخول وقت الثانية

It is permissible to join between:

1. Zuhr and `Asr, and Maghrib and `Isha' in either one's time for someone who:
  1. is traveling a journey valid for shortening prayers (b: it is not recommended, and leaving it is better. (Kashshaf Al-Qina`a . 2:5))
  2. is sick, if not joining prayers enjoins hardship.
  3. (b: breast feeds (because of the difficulty of much filth) and similarly: irregular vaginal bleeding [istihadah], inability to make purification of dry ablution for every prayer
  4. is incapable of knowing the time, such as someone who is blind



5. has an excuse or is busied by something which permits them to miss the Friday prayer or praying in a group (see (c6.15) Excuses Rescinding the Friday Prayer and the Group Prayer)
2. Maghrib and `Isha' because of rain soaking clothing (b: when it includes hardship. Snow, hail, and ice are the same) and because of mud and a fierce cold wind— even if he prays in his house, a mosque on a (fully) covered path. It is best to do whatever is gentler, whether delaying or praying early (b: and if they are the same, then delaying is better).

(b: Praying early is better at Muzdalifah, and delaying is better at `Arafah. And everywhere else it is better not to join prayers. (m: According to the madhhab: it is better to shorten and it is better not to join.)

It is always a condition in joining prayer that they be in order.)

#### *c7.4) (Conditions for the first time)*

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The (b: three) conditions for joining prayers during the first time are:

1. intending to join when beginning the (b: first) prayer
1. not separating between the two prayers except the amount of time for the iqama and making ablution briefly. Praying the sunan prayers associated with the obligatory prayers in between the two prayers invalidates joining (b: and so does making up a missed prayer. It is permissible to speak one or two words)
1. the excuse being present at the beginning of both prayers and at the **taslim** of the first prayer (b: since the first prayer is the place for intention, and the taslim of the first prayer and the opening of the second prayer is the place where they are joined. That the excuse remains until finishing the second prayer is not a condition for joining because of rain and the like, contrary to the other excuses.

If the journey ends during the first prayer, joining and shortening becomes void so they are prayed completely, and the prayer is valid as an obligatory prayer. And if the journey ends during the second prayer, it is completed as a supererogatory prayer and the first prayer is a valid as an obligatory prayer).

#### *c7.5) (Conditions for the second time)*

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The (b: two) conditions for joining in the second time are:

1. making intention to join the prayers during the time of the first prayer (b: since whenever it is delayed more than that it becomes a make up prayer, not joining prayers) and while the time is not too constricted to pray it (b: since delaying it until it is too constricted to perform it is unlawful, and it negates the leniency **[rukhsah]** )
2. the excuse continuing until the second time enters.

## (c7.6) Section. The Prayer of Peril

## فصل في صلاة الخوف

وصلاة الخوف صحت عن النبي صلى الله عليه وسلم بصفات كلها جائزة ويستحب أن يحمل معه في صلاتها من السلاح ما يدافع به عن نفسه، ولا يتقله كسيف ونحوه

Any form of the prayer of peril is permissible if it is rigorously authenticated from the Prophet (b: Allah bless him and his family and give him peace).

(b: If the peril becomes intense, they pray walking or riding, facing the **qiblah** or not **...** It is the same when it is permissible to flee from an enemy, flood, and the like, or fearing that he miss an enemy he seeks, or fearing that he miss the time for standing on `Arafah.)

It is recommended that he carry his weapons with him while praying so that he can defend himself, but he does not burden himself with a sword of the like (b: such as knife... It is permissible to carry filthy weapons in this situation out of need, without repeating the prayer.)

## Lesson 24 -- prayer (friday)

(c8) The Friday Prayer (jumu`a)

باب صلاة الجمعة

وتلزم كل ذكر حر مكلف مسلم مستوطن ببناء اسمه واحد ولو تفرق ليس بينه وبين المسجد أكثر من فرسخ ولا تجب على مسافر سفر قصر ولا عبد وامرأة ومن حضرها منهم أجزاءه ولم تنعقد به ولم يصح أن يؤم فيها ومن سقطت عنه لعذر وجبت عليه وانعقدت به ومن صلى الظهر ممن عليه حضور الجمعة قبل صلاة الإمام لم تصح وتصح ممن لا تجب عليه والأفضل حتى يصلي الإمام ولا يجوز لمن تلزمه السفر في يومها بعد الزوال

(Who is and is not required to attend)

The Friday prayer is required of every:

1. free
2. legally responsible
3. male
4. Muslim
5. residing amongst buildings that have the same name, even if they are separated
6. where the distance between him and the mosque (b: if he is outside of the settled area) is not more than one **farsakh** (m: approximately 3.125 miles or 5km. And if he is inside of a city where the distance between him and the mosque is greater than 5km or the like, he still must attend)

It is not required of:

1. a traveler on a journey in which he can shorten his prayers (b: so if he is disobedient by making his journey, or the journey is more than one **farsakh** but less than the distance needed to shorten (m: 16 **farsakh**), or stayed in the city doing something preventing shortening prayers (m: like staying more than four days) while not intending to settle: Friday prayer is obligatory)
2. a slave
3. a woman

Attending the Friday prayer is suffices for someone who is not required to attend it, though it does not convene **[tan`aqad]** by them, nor is it valid for one of them to lead it. But anyone who it is not longer obligatory for him because of an excuse: (b: if he attends it) it is obligatory for him and convenes because of him (b: and it is permissible for him to lead it).

It is not valid for someone who must attend the Friday prayer to pray **Zuhr** before the imam. But it is valid from someone if their attendance is not obligatory, though it is better to wait until the imam prays.

(b: It is recommended that someone who has left the Friday prayer without an excuse to spend a complete **dinar** or a half-**dinar** in charity.)

It is not permissible for someone who must attend the Friday to travel on a Friday after the sun's zenith (b: until praying it, if he does not fear losing his traveling companions. Traveling before the sun's zenith is offensive if he will do perform it on the way).

### Section (Conditions for the Validity of Friday Prayer)

#### فصل شروط صحة صلاة الجمعة

يشترط لصحتها ليس منها إذن الإمام أحدها الوقت وأوله أول وقت صلاة العيد وأخره آخر وقت صلاة الظهر فإن خرج وقتها قبل التحريمة صلوا ظهراً وإلا فجمعة الشرط الثاني: حضور أربعين من أهل وجوبها الشرط الثالث بقريية مستوطنين وتصح فيما قارب النيان من الصحراء فإن نقصوا قبل إتمامها استأنفوا ظهراً ومن أدرك مع الامام منها ركعة، أتمها جمعة وإن أدرك أقل من ذلك أتمها ظهراً إذا كان نوى الظهر الشرط الرابع ويشترط تقدم خطبتين من شرط صحتها حمد الله والصلاة على رسوله محمد صلى الله عليه وسلم وقراءة آية والوصية بتقوى الله عز وجل وحضور العدد المشترك ولا يشترط لهما الطهارة ولا أن يتولاهما من يتولى الصلاة ومن سننهما أن يخطب على منبر أو موضع عال ويسلم على المأمومين، إذا أقبل عليهم ثم يجلس الى فراغ الأذان وأن يجلس بين الخطبتين وأن يخطب قائماً ويعتمد على سيف، أو قوس، أو عصا ويقصد تلقاء وجهه ويقصر الخطبة ويدعو للمسلمين

The (b: four) conditions for the Friday prayer's validity—and they do not include permission from the imam—are:

1. the time. It begins from the beginning of the time of `Eid (b: because of the statement of `Abd Allah bin Saydan: "I participated in the Friday prayer with Abi Bakr (Allah be well pleased with him) and his sermon and prayer were before half of the day [had passed]. I then participated in it with `Omar (Allah be well pleased with him) and his sermon and prayer were until I could say 'The day has set'. I did not see anyone who criticized it or objected to it" Al-Daraqutni related it, as did Ahmad and he used it as evidence and said: "The same has been related from Ibn Mas`ud, Jabir, Sa`id, and Mu`awiyah (Allah be well pleased with them) that they prayed before the zenith and it was not objected to" (m: this hadith is considered weak)), and it ends at the end of the time for Zuhr (b: without any disagreement. And doing it after the zenith is better). If the time ends before the opening Takbir they must pray Zuhr; otherwise they pray the Friday prayer.

2. the attendance of 40 people whose attendance is obligatory
3. that it be in a settled village. It is valid to have it near the buildings in a vacant area. If the number depletes before finishing the prayer they restart it as Zuhr. Whoever prays one rak'a with the imam finishes it as the Friday prayer, and anyone who attains less than one rak'a completes it as Zuhr if he intended Zuhr (b: ...otherwise he completes it as a supererogatory prayer).
4. the two sermons preceding the prayer. The conditions for their validity include include:
  1. praising Allah (b: with the form: **"Al-hamdu lillah"**),
  2. praying upon the Messenger of Allah (Allah bless him and his family and give them peace)
  3. reciting a (b: complete) verse
  4. counseling to have fear of Allah Mighty and Majestic (b: these integrals are required for each of the two sermons)
  5. attendance of the stipulated number
  6. (b: the time)
  7. that the **khatib** is fit to lead the prayer
  8. that they be audible so that considered number (m: forty) hear it, provided there is nothing to prevent them
  9. intention
  10. that the necessary number (m: of people listening) are residents
  11. the immediate consecutiveness between them and the prayer)

Purity (b: ritual purity and being free of filth, even if making the sermon in a mosque...) is not a condition for the two sermons (b: and likewise, covering the **`awrah**).

Neither is it a condition that the same person who delivers them lead the prayer.

(b: Unlawful words invalidate the sermon, even if only a few.

When able, it is not sufficient to do it except in Arabic. (m: But this refers to the actual required elements of the sermon. It is permissible to say them in Arabic, then translate them, and then come with the non-essential parts in another language.)

The sermon's **sunan** include:

1. delivering the sermon on a **minbar** or elevated spot (b: when there is no **minbar** ... On the right of the right of the prayer niche **[mihrab]** when facing the **qiblah**; and when giving the sermon standing on the ground, to the left)
2. greeting the believers with **salams** when he faces them them
3. then sitting until the end of the **adhan**
4. sitting between the two sermons
5. standing while delivering the sermon; leaning upon a sword, bow, or staff
6. making eye contact (b: and they turn to him when he gives the sermon)
7. keeping the sermon brief (b: with the second being shorter. He raises his voice as much as possible)
8. supplicating for the Muslims (b: and it is permissible to supplicate for someone specific)

(b: It is permissible to read from a paper.)

(b: If renegades **[khawarij]** take over a land and they have a Friday prayer, it is permissible to prayer behind them according to Imam Ahmad. Ibn Abu Musa said: he prays with them and then repeats it as Zuhr. (m: If this is Imam Ahmad's opinion regarding the Khararij of those days, then how should it be when it comes to Salafis and Madhhabis?))

### Section (Description of the Prayer)

#### فصل صفة صلاة الجمعة

و الجمعة ركعتان يسن أن يقرأ جهراً في الركعة الأولى بالجمعة في الثانية بالمنافقين ألم السجدة هل أتى، .. وتحرّم إقامتها في كثير من موضع بالبلد إلا للحاجة فإن فعلوا فالصحيحة ما باشرها الامام، أو أذن فيها فإن استويا في إذن، أو عدمه، فالثانية باطلة وإن وقعتا معاً أو جهلت الأولى منهما بطلتا وأقل السنة بعد الجمعة ركعتان وأكثرها ست ويسن أن يغتسل لها في يومها وتقدم ويتنظف ويتطيب ويلبس أحسن ثيابه ويكر إليها ماشياً ويدنو من الإمام ويقرأ صورة الكهف في يومها ويكثر الدعاء ويكثر الصلاة على النبي صلى الله عليه وسلم ولا يتخطى رقاب الناس إلا أن يكون إماماً أو إلى فرجة وحرم أن يقيم غيره فيجلس مكانه إلا من قدم صاحباً له، فجلس في موضع يحفظه له وحرم رفع مصلى مفروش ما لم تحضر الصلاة ومن قام من موضعه لعارض لحقه، ثم عاد إليه قريباً، فهو أحق به ومن دخل والإمام يخطب، لم يجلس حتى يصلي ركعتين يوجز فيهما ولا يجوز الكلام، والإمام يخطب إلا له أو لمن يكلمه يجوز قبل الخطبة، وبعدها

The Friday prayer is two rak`a.

It is a **sunna** (b: after Al-Fatihah) to audibly recite Al-Juma` (62) in the first rak`a and Al-Munafiqun (63) in the second.

(Multiple congregations)

It is unlawful to for there to be more than Jumu`a (b: just like `Eid) in a single area unless there is need (b: such as the area's vastness, regions being far apart, mosques being far apart or constricted, fearing dissension and disunity **[fitna]** . In that case it is lawful for there to have more than one, but only to the degree necessary).

If they do it (b: meaning: pray in two or more locations without need) then the one the imam (of the Muslims. May one appear before the coming of the Mahdi!) participated in or gave consent for (b: even if it is later) is valid (b: whether or not we say the imam's permission is a condition).

If they are equal in having permission or lacking it, the second is invalid.

If they took place simultaneously or it is unknown which one preceded, they are both invalid.

(b: If `Eid and Friday occur on the same day, the Friday prayer is no longer obligatory for anyone who attended the prayer with the Imam—but not the Imam.

*(Supererogatory prayers after it)*

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The smallest number of sunna (b: rak`a associated with the prayer) after the Friday prayer is two, and the most is six. (b: He should pray them where he is—contrary to other sunna prayers associated with obligatory prayers, which should be done in his house—and it is a sunna to separate between the obligatory prayers and sunna prayers by talking or moving.

There is no sunna associated with the Friday prayer before it.)

*(Sunnas for Friday)*

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It is a sunna:

1. to make the purificatory bath for the Friday prayer, during its day (b: and it is better to do so after having intercourse and upon leaving to the prayer) and this was previous mentioned (b: but this is questionable)
2. to clean
3. to apply fragrance
4. to wear the best clothes (b: and white is best, and to wear a turban and a cloak [ **`imamah** and **rida** ])
5. to walk to it early
6. to be close to the imam (b: facing the **qiblah...** and being busy with prayer, invocations, and recitation)
7. to read Al-Kahf ( ) during its day
8. to make frequent supplication
9. to make frequent prayers upon the Prophet (Allah bless him and his family and give them peace)
10. to not step over people, except for the imam or someone reaching a gap (b: that cannot be reached except by stepping over them).

It is unlawful to have someone else get up (b: even his own slave or his grown son) and sit in their spot except for (b: someone young) or a companion that he had go first to sit in a spot and reserve it for him (b: However: if someone sits in the place of the imam, where people walk, or facing the people praying and the spot is tight—he is made to get up).

It is unlawful to remove a spread-out prayer-rug as long as the prayer has not commenced (b: and then he removes it...and does not pray on it).

Whoever gets up from his place for some reason [ **li `aridhin lahaqahu** ] (m: such as putting a copy of the Qur'an in its place or going to the bathroom) and then comes back shortly, he has more right to the place (m: than anyone else).

Whoever enters while the imam is delivering the sermon does not sit until praying two, short rak`a (b: even if it is a time when prayer is forbidden). (b: And if he sits he gets up and prays them if only a short time has passed.

Praying two rak`a to greet the mosque is a sunna for anyone who enters the mosque, except during the times when it is forbidden to pray...unless the iqamah has been made.)

*(Talking during the sermon)*

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It is impermissible to talk while the imam is delivering the sermon, except addressing the imam or the imam addresses him.

Talking is permissible before and after the sermon (b: and if the imam is silent between the two sermons or begins the supplication).

It is permissible to make prayers upon the Prophet (Allah bless him and give him peace) if he hears the imam mention him, and it is sunna to do it silently... Silencing someone by gesturing is not [like talking].

It is offensive to fidget or drink during the sermon if one can hear it; otherwise it is permissible.).



## Lesson 25 -- prayer (`Eid)

### (c9) The Prayer of the Two `Eids

#### باب صلاة العيدين

وهي فرض كفاية إذا تركها أهل بلد، قاتلهم الإمام ووقتها كصلاة الضحى وأخره الزوال فإن لم يعلم بالعيد، إلا بعده صلوا من الغد وتسبوا في صحراء وتقديم صلاة الأضحى، وعكسه الفطر وأكله قبلها وعكسه في الأضحى، إن ضحى وتكره في الجامع بلا عذر ويسن تكبير مأموم إليها ماشياً بعد الصبح وتأخر الإمام إلى وقت الصلاة على أحسن هيئة الالمعتكف ففي ثياب إعتكافه ومن شرطها استيطان، وعدد الجمعة لا إذن إمام ويسن أن يرجع من طريق آخر ويصلها ركعتين قبل الخطبة يكبر في الأولى بعد الإستفتاح، وقبل التعوذ، والقراءة ستاً وفي الثانية قبل القراءة خمساً يرفع يديه مع كل تكبيرة ويقول الله كبير كبيراً، والحمد لله كثيراً، وسبحان الله وبحمده بكرة وأصيلاً، وصلى الله على محمد النبي وآله، وسلم تسليماً كثيراً وإن أحب قال غير ذلك ثم يقرأ جهراً في الأولى بعد الفاتحة بسبح وبالغاشية في الثانية فإذا سلم خطب خطبتين كخطبتي الجمعة يستفتح الأولى بتسع تكبيرات والثانية بسبع يحثهم في الفطر على الصدقة ويبين لهم ما يخرجون ويرغبهم في الأضحى في الأضحى، ويبين لهم حكمها والتكبيرات الزوائد والذكر بينها والخطبتان سنة ويكره التنفل قبل الصلاة وبعدها في موضعها ويسن لمن فاتته أو بعضها قضاؤها على صفتها ويسن التكبير المطلق في ليلتي العيدين وفي فطر أكد وفي كل عشر ذي الحجة والمقيد عقب كل فريضة في جماعة من صلاة الفجر يوم عرفة وللمحرم من صلاة الظهر يوم النحر إلى عصر آخر أيام التشريق وإن نسيه قضاها ما لم يحدث، أو يخرج من المسجد ولا يسن عقب صلاة عيد وصفته شفعاً: الله أكبر الله أكبر لا إله إلا الله، والله أكبر الله أكبر، والله الحمد

The `Eid prayer is a group obligation. If the people of a land abandon it then the Imam fights them.

*(c9.1) (Its time)*


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The beginning of its time is like Dhuha prayer, and the end is at the sun's zenith. If the `Eid is not known until after the zenith, they pray it the next day (b: as a make up prayer).

*(c9.2) (Its place)*


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The following are sunnas:

1. for the prayer to be in a vacant area [*sahra'*].
2. for the prayer for `Eid Al-Adha to be early, the opposite of al-Fitr
3. to eat before the prayer for `Eid Al-Fitr, the opposite of al-Adha if there are sacrifices.

It is offensive to have the `Eid prayer in a mosque without an excuse (b: except in Mecca, because it is contrary to what the Prophet (Allah bless him and give him peace) did).

(b: It is desirable for the Imam to delegate someone to pray it in the mosque for weak people, because of the action of `Ali (Allah be well pleased with him), and to make the sermon for them. They may do their prayer before the Imam or after him, and the obligatory nature of the prayer is fulfilled by whichever one is first and it becomes permissible to slaughter.)

*(c9.3) (Conditions and Sunnas for `Eid)*


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It is a *sunna* for followers to go to the prayer early after the *Fajr* prayer—and for the imam to delay until the time of the prayer—(b: going out) in their best clothing, except for someone performing a spiritual retreat, since they go out wearing what they wore in during the retreat.

Its conditions (b: for validity) include: residency and number for the Friday prayer (b: so it does not take place except where the Friday prayer takes place), not the Imam's permission.

It is a sunna to return on a different path (b: and likewise for Friday).

*(c9.4) (Its description)*


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`Eid prayer is prayed as two rak`a before the sermon (b: and if the sermon were first it would not be counted significant).

After the beginning "*Allahu akbar*" and opening supplication he says "*Allahu akbar*" six (b: additional) times before saying "*A'udhu billah min al-shaytani al-rajim*" and reciting;

in the second rak`a he says (m: **“Allahu akbar”**) five (m: additional times) before the recitation;

(m: Imam Ahmad said that the Companions of the Prophet (Allah bless him and give him peace; Allah be well pleased with them) differed concerning (m: the number of times and manner for) saying **“Allahu akbar”**; all of them are permissible.)

he raises his hands each time he says **“Allah akbar”** and says (b: in between each time): **“Allahu akbar kabiran, wa al-hamdu lillahi kathiran, wa subhan Allahi bukhlatan wa asilan, wa salla Allahu `ala muhammadin al-nabbiyyi wa `alihi wa sahbihi wa sallam tasliman”**; if he wants he says something else.

(m: If he forgets the number of times he has said **“Allahu akbar”** he build on whatever he is certain of. If he forgets to say them until after beginning recitation, they are dropped since they are a sunna and their place has gone.

Someone who comes during bowing begins his prayer and then bows, and does not busy himself with making up saying **“Allahu akbar”**. If he comes while they are standing but after finishing saying them, he does not make them up. And if he comes while they are being done, whatever he missed is dropped.)

He then audibly recites Al-`Ala () in the first rak`a and Al-Ghashiyah () in the second, after Al-Fatiha.

When he makes his **taslim** he delivers two sermons just as in the Friday sermon, opening the first with nine **takbirat** and the second with seven. In (b: the sermon for) `Eid Al-Fitr he encourages them to give charity and clarifies what they withdraw. In `Eid Al-Adha he encourages them to slaughter a sacrifice and clarifies its ruling.

#### (c9.5) (Some of its sunnas)

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Saying **“Allahu akbar”** the invocation between them are additions (b: but it is not a sunna after the final one).

The sermon is a sunna. (b: It is a sunna for the women who attended the prayer to attend the sermon, and that they be singled out for an exhortation if they do not hear the sermon for the men.)

It is offensive to make supererogatory prayers (b: and to make up missed prayer) before or after the `Eid prayer in its location (b: before departing it).

It is a **sunna** for anyone who missed all or part of the `Eid prayer to make it up (b: during its day, before or after the sun's zenith) in accordance its description.

## (c9.6) (The `Eid dhikr)

It is a sunna to make the “general takbir” **[takbir al-mutlaq]** (b: which is not bound to being after the prayers...and for non-females to do it audibly) on the night of the two `Eids (b: in houses, markets, mosques, and other places, and to do it audibly when going out to the prayer place up until the imam finishes from the sermon). It is more stress for `Eud Al-Fitr, and it is a **sunna** during the entirety of the first 10 days of Dhu al-Hujja.

It is a sunna to make the “bound takbir” **[takbir al-muqayyid]** immediately after each obligatory prayer in a group (b: during `Eid Al-Adha, not `Eid Al-Fitr), from Fajr prayer the day of `Arafa and for a pilgrim from the Zuhr prayer on the Day of Sacrifices up until the `Asr prayer in the last day of the days of Tashriq. (b: It is a sunna to do it audibly, except for women.) If he forgets it he makes it up (b: and if he got up or left he returns and sits) as long as he does not invalidate ritual purity or exit the mosque.

It is not a **sunna** after the `Eid prayer.

The way to do it is evenly: **“Allahu akbar Allahu akbar la ilaha ill allah, wa Allahu akhbar Allahu akbar, wa lilahi al-hamd”**. (b: It is sufficient to do it a single time. If it is increased, there is no harm; and repeating it three times is good.)

(b: It is not a problem to say “May Allah accept it from us and from you”, and likewise to reply.)

## Lesson 25b -- prayer (eclipse, drought)

(c10) The Eclipse Prayer

باب صلاة الكسوف

تسن جماعة وفرادى إذا كسف أحد النيرين ركعتين ويقرأ في الأولى جهراً بعد الفاتحة سورة طويلة ثم يركع طويلاً ثم يرفع ويسمع ويحمد ثم يقرأ الفاتحة وسورة طويلة دون الأولى، ثم يركع، فيطيل وهو دون الأول ثم يرفع ثم يسجد سجدتين طويلتين ثم يصلي الثانية كالأولى، لكن دونها في كل ما يفعل ثم يتشهد ويسلم فإن تجلى الكسوف فيها أتمها خفيفة وإن غابت الشمس كاسفة، أو طلعت والقمر خاسف أو كانت آية غير الزلزلة لم يصل وإن أتى في كل ركعة بثلاث ركوعات أو أربع، أو خمس، جاز

When the sun or moon is eclipsed, it is a sunna to pray two rak`a, in a group (b: in a mosque is superior) and individually (b: like all other supererogatory prayers).

(Its description)

After Al-Fatiha, he audibly recites (b: even for the solar eclipse (m: contrary to the Shafi`is)) a long chapter in the first

then bows for a long (b: unspecified period of) time

then raises his head and says **“sami`a Allahu li man hamidah”** (b: while raising) and says **“rabbana, wa lak al-hamd”** (b: after standing erect)

then recites Al-Fatiha and a long chapter shorter than the first, he then bows for a long time but shorter than the first, then raises, he then makes two long prostrations (b: but does not sit for a long time inbetween the prostrations), and then prays the second (b: rak`a) like the first except that everything done is shorter, then he says the **tashahud** and the **taslim**.

(b: Saying a sermon is not legislated.) If the eclipse ends during the prayer, it is completely briefly.

*(When it is not prayed)*

He does not pray if:

1. the sun disappears while eclipsed
2. the sun rises while the moon is eclipsed
3. there is some sign other than an earthquake (b: if it continues)

*(Number of prostrations in each rak`a)*

It is permissible if he makes three, four, or five prostrations in each rak`a.

(b: The lunar and solar eclipses are conceivable at all times. And Allah has power over to do all things.)

*The Drought Prayer*

## باب صلاة الاستسقاء

إذا أجدبت الأرض وقحط المطر صلوا جماعة، وفرادى وصفتها في موضعها، وأحكامها كعيد وإذا أراد الإمام الخروج لها، وعظ الناس بالتوبة من المعاصي، والخروج من المظالم وترك التشاحن وبالصيام وبالصدقة ويعدهم يوماً يخرجون فيه ويتنظف ولا يتطيب ويخرج مواضعاً متخشعاً متذللاً متضرعاً ومعه أهل الدين، والصلاح، والشيوخ والصبيان المميزون وان خرج أهل الذمة منفردين عن المسلمين لا بيوم لم يمنعوا فيصلي بهم ثم يخطب واحدة يفتتحها بالتكبير كخطبة العيد ويكثر فيها الاستغفار، وقراءة الآيات التي فيها الأمر به ويرفع يديه فيدعو بدعاء النبي صلى الله عليه وسلم ومنه اللهم اسقنا غيثاً مغيثاً إلى آخره وإن سقوا قبل خروجهم، شكروا الله، وسألوه المزيد من فضله وينادي الصلاة جامعة وليس من شرطها إذن الإمام ويسن أن يقف في أول المطر، وإخراج رحله، وثيابه ليصبها وإذا زادت المياه وخيف منها سن أن يقول: اللهم حوالينا ولا علينا اللهم على الظراب والآكام وبطون الأودية ومنابت الشجر

If the soil becomes arid and rain does not fall (b: and it causes harm), they pray the drought prayer in a group or individually. (b: Praying in a group is a sunna even while traveling, and even if the drought

is not in their land. The drought prayer is not prayed because water is cut from an uninhabited or untraveled land because there is no harm.)

*(Its location)*

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Its description with respect to its location and rulings is like `Eid.

*(Measures before the prayer)*

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When the Imam wants to go out for the prayer, he exhorts the people about repenting from disobedience, giving back what was unjustly taken (b: by returning it to its rightful owner; since disobedience is the cause of the draught and godfearing [taqwa] is a cause of blessings [barakat]), and forsaking enmity (b: since it leads to disobedience and accusations, and prevents goodness from descending). The Imam orders them to fast (b: since it is a means for succor to descend, and because of the hadith, "the supplication of one who fasts is not rejected" (m: Ahmad, Al-Tirmidhi (2528), Ibn Majah (1702). Narrated from Abu Hurayrah (Allah be well pleased with him). The chain is said to be weak), and give charity (b: since it is a guarantee for mercy). And he appoints a specific day (b: so they can prepare for going out in the manner according to the sunna) for them to go out.

They clean but do not apply scents [utr]. The Imam and them go out humbly, fearfully, humiliated, and quietly. The Imam brings with him the religious, righteous, the elderly (b: since it is quicker in bringing an answer), children of the age of discernment (b: since they have no sins. It is permissible to bring infants, old women, animals, and to ask the righteous for prayer [al-tawassul bi-l-salihin]).

If non-Muslim subjects of the Islamic state [ahl al-dhimma] go out separated from the Muslims—but not on their own day (b: lest it be the same day the succor descends agree with the day they along go out and it augment their dissention and perhaps others become suffer dissention from them)—they are not prevented.

*(Its description)*

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The Imam prays (b: two rak`a with them, like `Eid) and then delivers a single sermon.

He begins the sermon saying, "Allahu akbar" as in the `Eid sermon. He frequently asks for forgiveness and recites of verses ordering it (b: and makes many prayers upon the Prophet (Allah bless him and give him peace) since this aids in getting an answer).

He raises his hands and supplicates with the supplication of the Prophet (Allah bless him and his family and give him peace), which includes: "Allahuam isqina ghaythan mughithan ...(b: hani'an mari'an ghadaqan mujallalan `aman tabaqan da'iman. Allahumma isqina al-ghayth wa la taj'alna min al-qanitin. Allahumma suqya rahmwanat la suqya `udhab, wa la bala'a wa la hadma wa la gharaq. Allahumma inna bi-l-'ibad wa-l-bilad min al-'awa' wa al-juhd wa al-dank ma la

nashkuhu illa lak. Allahumma anbit lana al-zar`a, wa adri lana al-dar`, wa-sqina min barakat i-l-sama' wa anzil `alayna min barakatika. Allahumma irfa` `anna al-ju` wa juhd wa-l-`uray, wa-l-shif `anna min al-bala' ma la yakshifuhu ghayruka. Allahumma inna nastaghfiruka innaka kunta ghaffaran, fa arsil al-sama' `alayna midrara )". (b:

It is a sunna for the Imam to face the qiblah during the sermon. He to turns his outer garment inside out (m: this is a very brief way of saying this...). The people do this, too... And the Imam silently says the supplication, "Allahumma innaka amartana bi du`aika, wa wa`adtana ijabatak. Wa qad da`wanak ka ma amartana, fa-stajib lana ka ma wa`adtana".

If the rain does not fall, they repeat it a second and third time.)

(Other measures)

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If they are given rain before going out they thank Allah and ask Him for an increase from His bounty (b: and they do not pray unless they were ready to go out. And then they pray it out of thanks to Allah and asking Him to increase His bounty).

Someone calls out "Al-salata jami`atan" ["Prayer is gathering!"] (b: like the eclipse and `Eid, contrary to the funeral prayer and tarawih).

It is not a condition to have the Imam's permission.

It is a sunna when the rain first falls to stand, bring out his baggage/saddles and his clothes so that they may be rained upon.

If the waters increase and there is fear from them, it is a sunna to say: "Allahumma hawalayna wa la `alayna. Allahumma `ala al-turab wa al-aakam wa butun al-`awdiya wa manabit al-shajr".

(b: It is desirable to say, "We were given rain by the grace and mercy of Allah". "...by the meteor of such-and-such" is unlawful, and "...in the meteor of such-and-such" is lawful. Attributing the rain to the meteor and not Allah is an act of disbelief [kufir] according to scholarly consensus.)



## Lesson 26 --funeral prayer (sickness, washing); (D) The Funeral Prayer

(b: It is a sunna to mach much remembrance of death and to prepare for it...

It is offensive to moan and hope for death.

It is permissible to use medicine that is [itself] lawful, but not doing so is better. It is unlawful to use medicine that is [itself] unlawful, whether ingested or otherwise, such as sounds of entertainment. According to **Al-Mubdi`** it is permissible using camel urine only (m: out of the things that are unlawful to eat).

It is offensive for a non-Muslim subject of the Islamic state to treat a Muslim without necessity [**darurah**], and to take medicine from one while it was not clarified that its ingredients are lawful.)

كتاب الجنائز

وتسن عيادة المريض و تذكره التوبة والوصية وإذا نزل به سن تعاهد بل حلقه بماء، أو شراب،  
وندي شفتيه لقنه لا إله إلا الله مرة ولم يزد على ثلاث إلا أن يتكلم بعده، فيعيد تلقينه برفق ويقرباً  
عنده ويوجهه إلى القبلة فإذا مات سن تغميضه وشد لحية وتلين مفاصله وخلع ثيابه وستره بثوب  
ووضع حديدة على بطنه ووضع على سرير غسله متوجهاً منحدرًا نحو رجليه وإسراع تجهيزه ان  
مات غير فجأة وإنفاذ وصيته ويجب في قضاء دين

### (d0.1) (Visiting the Sick and Dying)

It is a **sunna** to visit the sick and to remind him to repent (b: since it is obligatory at all times, and he is more in need of it than other things) and to make a bequest.

If it (b: the Angel of Death) descends upon him it is a **sunna** (b: for the gentlest and most godfearing of his family) to take it upon oneself to wet a rag with water or drink and moisten his lips and to prompt him to say "**La illaha illa allah**" one time but not exceeding three times, unless he speaks after it and then the prompting is repeated (b: so that his last words be "**La ilaha illa allah**"), gently. Ya Sin is recited to him (b: and Al-Fatiha), and he is faced toward the qibla (b: on his right side being best if the place is wide. Otherwise, he is placed on his back with his feet toward the qibla and his head raised a bit so that his face is towards the qiblah).

## (d0.2) (Immediate Measures After Death)

When he dies it is a **sunna** to:

1. close his eyes (b: and say **bismillah wa `ala wafat rasul illah sall allahu `alayhi wa sallam.** A relative should close his eyes. It is offensive for a menstruating woman or someone with major ritual impurity to be near him. And a female or a child closes the eyes of a female)
2. tie his beard (b: so that pests not enter it)
3. bend his joints (b: to make it easier to wash him. His forearms are bent towards his upper arms and then returned to his side; and his shins bent to his thighs and then the shins and thighs together bent to his stomach and then returned. This should be done immediate after death and before covering him. It is not done if difficult)
4. remove his clothes (b: so that they not warm his body and speed up decay) and dress him in a long shirt **[thobe]** (b: and it is best to leave extra material at his head and legs so that wind not raise it)
5. put a piece of iron (b: or the like) on his stomach (b: so that it not become bloated)
6. put him on a bed he will be washed on, facing (b: the qibla, on his right side) with his feet descending (b: so his head is higher than his feet to make it [?] for the water and bodily waste)
7. to hastily prepare him if he did not suddenly die
8. to carry out his bequests

It is obligatory to (b: quickly) pay his debts (b: whether owed to Allah Most High or to other people).

(b: There is no harm in kissing or looking at the deceased, even after being enshrouded.)

## (d1) Section (Washing the Body)

## فصل غسل الميت وتكفينه

غسل الميت وتكفينه والصلاة عليه ودفنه فرض كفاية فأولى الناس بغسله وصيه ثم أبوه ثم جده ثم الأقرب، فالأقرب من عصباته ثم ذوو أرحامه و أنثى، وصيتها ثم القربى، فالقربى من نسائها ولكل واحد من الزوجين غسل صاحبه وكذا سيد مع سريره ولرجل وامرأة غسل من له دون سبع سنين فقط وان مات رجل بين نسوة أو عكسه يمت كخنتى مشكل ويجرم أن يغسل مسلم كافراً أو يدفنه بل يوارى لعدم من يواريه وإذا أخذ في غسله، ستر عورته وجردته وستره عن العيون ويكره لغير معين في غسله حضوره ثم يرفع رأسه إلى قرب جلوسه ويعصر بطنه برفق ويكثر صب الماء حينئذ ثم يلف على يده خرقة، فينجيه ولا يجل مس عورة من له سبع سنين ويستحب أن لا يمس سائرته إلا بخرقة ثم يوضيه ندباً ولا يدخل الماء في فيه، ولا في أنفه ويدخل اصبعيه مبلولتين بالماء بين

شفتيه، فيمسح أسنانه، وفي منخريه، فينظفهما ولا يدخلهما الماء ثم ينوي غسله ويسمى ويغسل برغوة السدر رأسه، ولحيته فقط ثم يغسل شقه الأيمن، ثم الأيسر ثم كله ثلاثاً يم في كل مرة يده على بطنه فإن لم ينق بثلاث غسلات، زيد حتى ينقي، ولو جاوز السبع ويجعل في الغسلة الأخيرة كافوراً والماء الحار والاشنان والحلال يستعمل إذا احتيج إليه ويقص شاربه، ويقلم أظفاره ولا يسرح شعره ثم ينشف بثوب ويضفر شعرها ثلاثة قرون، ويسدل وراءها وإن خرج منه شيء بعد سبع حشي بقطن فإن لم يستمسك فبطين حر ثم يغسل المحل ويوضأ وإن خرج بعد تكفينه، لم يعد الغسل ومحرم ميت كحي، يغسل بماء وسدر ولا يقرب طيباً ولا يلبس ذكر مخيطاً لا يغطي رأسه، ولا وجه أنثى ولا يغسل شهيد إلا أن يكون جنباً ويدفن بدمه في ثيابه بعد نزع السلاح والجلود عنه وإن سلبها كفن بغيرها ولا يصلى عليه وإن سقط من دابته أو وجد ميتاً، ولا أثر به أو حمل، فأكل أو طال بقاؤه عرفاً، غسل، وصلي عليه والسقط إذا بلغ أربعة أشهر، غسل، وصلي عليه ومن تعذر غسله يمّم و على الغاسل ستر ما رآه إن لم يكن حسناً

Washing, shrouding, praying over, and burying the (b: Muslim) deceased are community obligations. (b: Carrying the deceased (m: to the graveyard) is also a community obligation, and following it is a sunnah.)

(b: Imam Ahmad (Allah be please with him) disliked that people who wash the dead or dig graves take wages for their work, unless they are in need of it and then they are given from the Muslim Common Fund [bayt al-al]; if it is not possible, they are given in accordance to their work (Al-Mubdi').)

### (Who Should Wash the Body)

(b: It is best to choose someone to wash the deceased who is trustworthy and knows its rulings.)

The best person to wash him is:

1. the (b: upright) person stated in the deceased's bequest (b: because Abu Bakr Al-Siddiq bequeathed that his wife Asma' wash him, and Anas [bin Malik] bequeathed that Muhammad bin Sirin wash him)
2. then his father
3. then his grandfather (b: and on up)
4. then his closest male relatives according to closeness (b: so precedence is given to the son, then the son's son and on down, and then the paternal uncle—according to the order given in inheritance (see (I6)))
5. then distant relatives [dhuwi al-arham] (b: as in inheritance)
6. (b: then non-kin. A male who is non-kin is more fitting than a wife or slave-girl; and a non-kin woman is more fitting than a husband or slave-master. A husband is more fitting than a slave-master, and a wife is more fitting than a slave-woman who has born his child [umm walad].)

And (b: the best in washing) a woman is:

1. the person she bequeathed
2. then her female relatives according to closeness (b: so precedence is given to her mother and on up, then her daughter and on down, then kin as in inheritance. Her paternal and maternal aunts are equal, and likewise her nieces from her brother and sister)

A spouse may wash his counterpart (b: as long as she is not a non-Muslim subject of the Islamic state), and likewise a master with his slave women (b: that are lawful for him, and even if an **umm walad**]).

A man or woman may wash anyone less than seven years (b: whether male or female, since they have no **`awrah**.)

If a man dies among women (b: none of them is his wife and he has no slave girl who is lawful for him), or the opposite, they make **tayammum** for him, like a hermaphrodite of uncertain persuasion. (b: From this it is known that there is no way for men to wash female relatives nor the opposite.)

It is unlawful for a Muslim to wash or bury (b: or carry, shroud or follow the funeral procession of) a non-Muslim. Instead the non-Muslim is (b: obligatorily) inter since there is no one to inter him.

(b: Conditions for washing the deceased include

1. purity of the water
2. the water being lawful to use
3. the person washing being a Muslim unless taking the place of a Muslim who intended it [?]
4. rationality

(m: It is permitted and valid) even if (m: the one to wash the deceased is) of the age of discernment but not an adult **[mumayyiz]**, menstruating, or in the state of ritual impurity.)

#### *(d1.1) (How to Wash the deceased)*

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If they begin to wash the deceased they (b: obligatorily) cover his nakedness and remove his garments (b: it being recommended) and cover him from onlookers (b: underneath a cover in a tent or house if possible).

It is offensive for someone not helping wash him to be present.

His head is then raised (b: but not in the case of a pregnant female) until he is close to sitting and his stomach is gently pressed (b: so that anything that is ready to exit exits) and a great deal of water is poured (b: to remove what exited with the pressure).

The washer then wraps a rag on his hand and cleans the deceased's private parts.

It is unlawful to touch the **`awra** of anyone seven years or older (b: without using a barrier, just as when alive).

It is recommended not to touch the rest of the body except with a rag (b: so the washer prepares two rages: one for the private parts and another for the rest of the body).

It is recommended to then make ablution for the deceased, but he does not put water in his mouth nor his ears (b: out of fear that it will cause filth to move), and he inserts his moist (b: thumb and index fingers (b: meaning: with a wet rag being over them) between his lips and wipes his teeth, and in his ear canals and cleans them (b: after washing the deceased's hands so that wiping the ears takes the place of washing them), and he does not insert water into the mouth and ears.

He then intends to wash him, says **"Bismillah"** (b: it being obligatory) and washes just his head and beard with the froth of lotus tree (b: since the head is the most honorable of limbs, and the froth does not adhere to the hair),

he then washes his right side, then his left, then his entire body (b: pouring the water on all of his body), three times (b: except for the ablution which is only in the first time), each time passing his hand on his stomach (b: so anything left over exits); if he is not cleaned with three washings, it is increased until he is clean—even if it exceeds seven times[1] (b: it is offensive to stop washing him after one time if nothing exits. It is unlawful to stop the washings as long as something comes out and it is less than seven washings. It is sunna to stop on an odd number. It is not obligatory for the washer to immediately touch the deceased, so if the deceased was left under a spout or the like and someone was present who is fit to wash the deceased and he made intention and said **"Bismillah"** and the water completely covered the body—it would suffice);

Camphor is used (b: it being recommended) in the last washing.

Hot water, **ashnan**, and **al-khalal** are used only if necessary (b: otherwise they are offensive).

His hair and nails are trimmed (b: it being recommended, if they are long, and so is armpit hair. Whatever is taken is put with him just as is a severed limb. It is unlawful to shave the heath or pubic region, as is performing a circumcision (m: on the deceased))

His hair is not combed (b: it being offensive, since it leads to severing the hair without there being any need);

The deceased is then dried (b: it being recommended) and put in a long shirt (b: like what was done with the Prophet (b: Allah bless him and his family and give him peace).

The hair (b: of a woman) is braided (b: it being recommended) in three plaits and they are hung behind her.

If something exits from him after seven times the place is stuffed with cotton, and if it does not retain it then with pure soil. Then the place is washed and ablution is made (b: it being obligatory) for the deceased.

The washing is not repeated if anything exits after shrouding him. (b: There is no harm in the washer saying **"inqalab yarhamuk ullah"** and the like. The deceased should not be washed in a public bath house.)

### (d1.2) (Pilgrims)

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The deceased who was in the state of pilgrimage (b: Hajj or `Umra) is as a live pilgrim:

1. he is washed with lotus tree (b: not camphor), but not brought near fragrances
2. a male is not dressed in stitched clothing

3. a male's head is not covered
4. a female's face is not covered
5. (b: nothing is taken from their hair or nails)

(b: Fragrances are not held back from a woman during her divorce waiting period.)

(b: Rings and the like are removed, even **bi raddihi** )

### (d1.3) (Martyrs)

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A martyr **[shahid]** (b: of a battle or killed unjustly) is not washed (b: even if women or not legally responsible) unless he was in a state of major ritual impurity (b: or unless washing is obligatory, such as from menstruation, postpartum bleeding or entering Islam). He is buried with his blood (b: unless it is mixed with filth, in which case the two are washed) in his clothes after removing weapons and leather from him. If his garments were taken from someone he killed during the battle (m: **salabaha** ) then he is buried in something else.

The martyr is not prayed over.

If he falls from his mount (b: or a high place without it being an act of the enemy) or is found dead without any effect (b: ...or he impaled himself on his sword), or he is carried and then eats (b: or drinks, sleeps, speaks, urinates, sneezes,) or he remains living for what is customarily a long time, he is washed and prayed over.

### (d1.4) (Fetuses and misc.)

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A miscarried fetus which reached four months is washed and prayed over (b: even if it did not cry... And it is desirable to name the child. If it is not known whether it was a boy or girl, it is given a name fit for both.)

Anyone incapable of being washed (b: from lack of water or something else such as burns, leprosy, ...) has **tayammum** made for him.

### (d1.5) (Concealing imperfections)

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The one washing him must (b: obligatorily) conceal anything imperfection he sees (b: on the deceased).

(b: It is necessary to conceal evil, not to show good. We have hope for those who were good, and we have fear for those who were evil. We do not bear witness (m: that someone is in paradise or the fire) except someone that the Prophet (Allah bless him and give him peace) bore witness for. It is unlawful to assume bad of a Muslim who has the outward appearance of being upright, and it is desirable to assume good of Muslims.) [1] There seems to be a slight difference here with **Nayl al-ma'arib** .

## lesson 27 -- funeral prayer (shrouding)

### (C0) Section. Shrouding the Body

#### فصل في الكفن

يجب كفنه في ماله مقدماً على دين وغيره فإن لم يكن له مال فعلى من تلزمه نفقته إلا الزوج لا يلزمه كفن امرأته ويسحب تكفين رجل في ثلاث لفائف بيض تجمر ثم تبسط بعضها فوق بعض ويجعل الحنوط فيما بينها ثم يوضع عليها مستلقياً ويجعل منه في قطن بين أليتيه ويشد فوقها خرقة مشقوقة الطرف كالتبان تجمع أليتيه، ومثانته، ويجعل الباقي على منافذ وجهه و مواضع سجوده وإن طيب كله، فحسن ثم يرد طرف اللقافة العليا على شقه الأيمن، ويرد طرفها الآخر فوقه ثم بالثانية والثالثة كذلك ويجعل أكثر الفاضل عند رأسه ثم يعقدها وتحل في القبر وإن كفن في قميص، ومئزر، ولفافة جاز وتكفن المرأة في خمسة أثواب إزار، وخمار، وقميص، ولفاقتين والواجب ثوب يستر جميعه

It is obligatory to shroud him in something he owns; it is given precedence over a debt (b: even when there is collateral) and others (b: like a bequest and inheritance). If he has no wealth it is obligatory on whoever is responsibility for his upkeep, except that a husband is not responsible for his wife's shroud.

(b: Sheikh Tuqya Al-Din [Ibn Taymiyyah] said that whomever assumes that no one else is going to [take care of the shroud], it becomes personally obligatory for him to do so.

If the deceased was traveling with a group, they bury him using his own wealth. If he does not have any, they bury him and seek reimbursement from estate or whoever is required to pay his upkeep if they intended to seek reimbursement.)

#### (c0.1) (Its description)

It is recommended to shroud a man in three white (b: cotton) wraps. (b: Precedence is given to the person who shrouds him just as it was given in washing him (see (d1.1))).

The shrouds are steam-scented (b: meaning: they are steamed after splashing them with rose water or something else so that it adheres),

they are then spread out one on top of the other with **hanut** (b: a mixture of fragrance prepared especially for the dead) placed between them (b: not on the top-most shroud),

then the deceased is placed on top of the shrouds while on his back, and some of the **hanut** is put between his buttocks and a rag whose edge has been ripped like a loincloth is fixed over the **hanut** to gather his buttocks and testicles. The rest (b: of the cotton daubed with **hunut**) is put on the openings of his face (b: the eyes, ear channels and mouth) and the places he makes prostration (b: the knees, hands, forehead, nose, and ends of his toes; and also behind the knees, under the armpits, and in the navel); if the fragrance is put on all of him is good.

Then the (b: left) edge of the uppermost shroud is passed over his right side, and the other edge is passed above him (b: meaning: from above the right edge);

then the second and third shroud are done likewise. The majority of the excess (b: material) should be at his head, then it is tied (b: so that it not unfold) and untied at the grave. It is permissible for the deceased to be shrouded in a shirt, waist-wrapped and a wrapping.

### (c0.2) (A woman's shroud)

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A woman is shrouded in five (b: white cotton) garments:

1. a waist-wrapper
2. head covering
3. long shirt
4. two shrouds.

(b: She is dressed in the waist-wrapper, the long shirt, the head covering, and then the two shrouds.)

(b: A young boy is buried in a long shirt. It is permissible to burry him in three [shrouds] as long his inheritors are legally responsible.

A young girl is buried in a long shirt an two shrouds.)

### (c0.3) (The minimal shroud)

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What is obligatory is to entirely cover the deceased.

(b: It is offensive to shroud using wool and hair. It is unlawful to shroud using leather. Silk is permissible (m: for a man ?) only when necessary. If there is only enough material to cover part, the **`awrah** is covered, just as when alive, and the rest is covered with grass or leaves.

It is unlawful to bury jewelry and clothes other than the burial clothes **[kafn]** since it is a waste of money. A living person may take a dead person's shroud, if necessary because of hot or cold, in exchange for its price.)



## Lesson 28 -- funeral prayer (praying over the deceased)

### (d3) Section. Praying Over the Deceased

#### فصل في الصلاة على الميت

والسنة أن يقوم الإمام عند صدره وعند وسطها ويكبر أربعاً يقرأ في الأولى بعد العوذ الفاتحة ويصلي على النبي صلى الله عليه وسلم في الثانية كالتشهد ويدعو في الثالثة فيقول: اللهم اغفر لحينا، وميتنا، وشاهدنا، وغائبنا، وصغيرنا، وكبيرنا، وذكرنا، وأنثانا. إنك تعلم منقلبنا، ومثوانا، وأنت على كل شيء قدير، اللهم من أحبيته منا فاحيه على الإسلام، والسنة، ومن توفيته منا، فتوفه عليهما اللهم اغفر له، وارحمه، وعافه، واعف عنه، وأكرم نزله وأوسع مدخله واغسله بالماء، والتلج، والبرد، ونقه من الذنوب، والخطايا، كما ينقى الثوب الأبيض من الدنس، وأبدله داراً خيراً من داره، وزوجاً خيراً من زوجته، وأدخله الجنة وأعدّه من عذاب القبر، وعذاب النار وأفسح له في قبره، ونور له فيه وإن كان صغيراً قال اللهم اجعله ذكراً، لوالديه، وفرطاً وأجرأً وشفيعاً مجاباً، اللهم ثقل به موازينهما وأعظم به أجورهما، وألحقه بصالح سلف المؤمنين، واجعله في كفالة إبراهيم، وقه برحمتك عذاب الجحيم ويقف بعد الرابعة قليلاً ويسلم واحدة عن يمينه ويرفع يديه مع كل تكبيرة وواجبها قيام وتكبيرات والفاتحة والصلاة على النبي صلى الله عليه وسلم، ودعوة للميت، والسلام ومن فاته شيء من التكبير، قضاه على صفته ومن فاتته الصلاة عليه صلى على القبر وعلى غائب بالنية إلى شهر ولا يصلي الإمام على الغال ولا على قاتل نفسه ولا بأس بالصلاة عليه في المسجد

#### (d3.1) (Its description)

(b: By a single responsible person the obligation falls from the group. It is a sunna to do in a group, and that the rows not be less than three.) The sunna is that the imam stand at the man's chest or at a woman's abdomen.

He makes four takbirat. After the first takbir he recites Al-Fatiha (b: silently, even at night) after saying 'A'udhu billah...' (b: and saying "Bismillah..."); after the second takbir he makes prayers upon the Prophet (Allah bless him and his family and give him peace) as during the tashahud;

he supplicates after the third takbir saying, “*Allā humma ighfir li hayinā wa mayitinā , wa shā hidinā wa ghā 'ibinā , wa saghī rinā wa kabī rinā wa dhukū rinā wa unā thinā . Innaka ta'lamu munqabilanā wa anta `alā kulli shay'in qadī r. Allā humma man ahyaytahu minnā fa 'ahyā hu `alā al-islā mi wa al-sunnat, wa man tawaffaytahu minnā fa tawaffhu `alayhima. Allā humma ighfir lahu wa-rhamhu wa `ā fahu wa-`afu `anhu wa 'akrim nuzulahu, wa 'awsi` madkhalahu, wa-ghsilhu bi-l-mā 'i wa al-thalj wa al-burud wa naqqihi min al-dhunū b wa al-khatā yā kama yunaqqā al-thaubu al-abyadu min al-danas. Wa abdilhu dā ran khayran min dā rihi wa zawjan khayran min jawjihi, wa 'adkhillu al-jannata wa a`ithhu min `adhā bi al-qabri wa `adhā b al-nā r, wa afsih lahu fi qabrihi wa nawwir lahu fī hi”*. (b: If the deceased is female the pronoun is made feminine)

if the deceased is young (b: or reached maturity while insane and the insanity continued) then he says: “*Allā humma ij`alhu dhakhran li walidayhi wa faratan wa ajran wa shafī `an mujā ban. Allā humma thaqqil bihi mawā zī nuhumā wa `aththim bihi ujū rahumāwa alhiqhu bi sā l hi salafi al-mu'minī wa aj`al fi kafālati ibrā hī m wa qihi bi rahmatika `adhaba al-jahī m”*.

after the fourth takbir he stands briefly (b: not supplication, not saying the tashahud and not making tasbih) and makes one single taslim on the right. (b: and it is permissible...to do a second taslim.)

(b: It is a sunna to remain until the deceased is raised.) He raises his hands with each takbir (b: it being recommended).

### (d3.2) (Obligatory Acts of the Prayer)

The obligatory acts of the funeral prayer are:

1. standing
2. the (b: four) takbirat
3. Al-Fatiha
4. praying upon the Prophet (b: Allah bless him and his family and give him peace)
5. supplication for the deceased
6. the taslim

(b: It's conditions are:

1. intention being made to perform prayer over the deceased. It does no harm if one does not know whether the deceased is male or female, or the like. If one does not know, intention is made to pray over whoever the imam is prayer over
2. that the deceased be a Muslim
3. that the deceased have ritual purity, be free of filth if able; if unable he is still prayed over
4. facing the qibla
5. covering one's nakedness
6. the deceased being present in front, and it is not valid to pray on the deceased while he is being carried or behind a wall

(d3.3) *(Missed actions, being absent, misc.)*

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Whoever misses one of the takbirat makes it up (b: it being recommended) in accordance to its description. (b: If he makes salam with the imam and does not make up what was missed, the prayer is valid.)

Whoever misses the prayer over the deceased prays at his grave (b: up to a month after burying him). Someone absent (b: from the area, even if less than the distance for shortening prayers) is prayed over with intention up to one month (b: and likewise for someone who drowned, was taken prisoner and the like).

(b: If part of a deceased person who has not been prayed over is found, it is as finding the whole—except for finding hair, finger and toe nails and teeth—so it is washed, shrouded and prayed over. If the rest is found later, the same thing is done and it is buried next to it.)

(b: The funeral prayer is not performed over

1. someone who has been eaten while inside the eaters stomach
2. someone charred by fire (m: literally: someone has been physically changed by the fire)
3. part of a person while they are alive)

It is not a sunna for the (b: highest) Imam (b: or the Imam of an entire village) to pray over a pilferer, nor over someone who committed suicide.

There is no harm to pray over the deceased in the mosque (b: if safe from of soiling it).

## Lesson 29 -- funeral prayer (carrying the dead, visiting graves)

### (D4) Section. Carrying and Burying the Deceased

#### فصل في حمل الميت ودفنه

يسن الترييع في حمله ويباح بين العمودين ويسن الإسراع بها وكون المشاة أمامها و الركبان خلفها ويكره جلوس تابعها حتى توضع ويسجى قبر امرأة فقط واللحد أفضل من الشق ويقول مدخله بسم الله، وعلى ملة رسول الله صلى الله عليه وسلم ويضعه في لحده على شقه الأيمن مستقبل القبلة ويرفع القبر عن الأرض قدر شبر مسنماً ويكره تجصيصه والبناء عليه و الكتابة، والجلوس، والوطء عليه و الاتكاء إليه ويحرم فيه دفن اثنين، فأكثر إلا لضرورة ويجعل بين كل اثنين حاجز من تراب ولا تكره القراءة على القبر وأى قرينة فعلها وجعل ثوابها لميت مسلم، أو حي نفعه ذلك ويسن أن يصنع لأهل الميت طعام يبعث به إليهم ويكره لهم فعله للناس

(b: The obligation of carrying and burying the deceased fall by a non-Muslim or someone else doing it because intention is of no consequence.)

It is a **sunna** (b: for four people) to carry him ... (b: by placing the left forward support on his right shoulder, then moving to the left rear support, then the right front support on his left shoulder, and then moving back to the right rear support (m: I have never seen this, so feel free to correct me)), and it is lawful (b: for anyone to carry each one on his shoulder) between the supports.

(b: If the deceased is a child, there is no harm in carrying it with the hands.)

(b: There is no harm in carrying the deceased on an animal for a valid purpose, such as the grave being distant.)

It is a **sunna** :

1. to proceed quickly
2. those walking to precede it
3. those riding to follow it

It is offensive:

1. for anyone following it to sit before it is placed (b: one the ground for burrial, except for someone who is far away).
2. (b: to stand up if it comes or passed by and he was seated
3. to raise the voice, even with reciting Qur'an

## 4. for a woman to follow

It is unlawful to follow a funeral procession containing something objectionable [munkar] if unable to remove it; it is obligatory to follow it if able to remove it.)

*(d4.1) (The Finished Grave)*

Only a woman's grave is shrouded (b: it being recommended, and it is offensive for men when there is no excuse).

A shelved-grave [lahd] is better than a ditch-grave [shaqq].

(b: It is offensive to put anything into the grave that is made of wood, has been touched by fire. It is offensive to burry inside a casket.

It is a sunna to widen and deepen the grave without there being any specific limit. Whatever holds back predators and the smell is sufficient.

Whoever dies on a boat and it is not possible to burry him, he is entered into the sea just as someone is entered into the grave, after washing, shrouding and praying over him, and after weighting him down with something (m: so the body sinks).

The person who inserts him into the grave says (b: it being recommended), "Bismilli wa `ala millati rasul illah (b: Salla Allahu `alayhi wa `ala `alihi wa sallam)," and he places him in the shelved-grave (b: and it is obligatory that he be) on his right side facing the qibla.

The grave is raised arch-like up one hand-span above the ground (b: however, if buried in Dar al-harb because it is too difficult to move him (m: to Dar Al-Islam) it is better to make it level with the ground and hide it).

It is offensive to cover it with gypsum (b: , to decorate it and to perfume it, and it is an innovation), to build over it (b: whether connected or not), to write on it, and to sit on, walk over, or lean on it.

(b: It is better to burry in vacant areas outside the city [sahra].)

(b: It is offensive when at graves:

1. to speak about this world
2. to wear sandals unless out of fear of filth or thorns
3. to smile
4. to laugh—which is even more offensive

It is unlawful:

1. to illuminate graves (m: this is when they are specifically illuminated)
2. to build mosques over or between graves (m: this is when the graves where there first and when the building is designated as a mosque. This is not necessarily is the case of all structures that contain a grave. Sometimes the structure was not originally built as a mosque, such as Jami' Al-Nuriya where Nur Al-Din Al-Shahid (the Salah Al-Din's mentor) is buried, which was

originally designated as a school and the area he was buried in designated for his grave, and sometimes an existing structure encroaches on an existing grave.)

3. to relieve oneself over or between graves

)

It is unlawful to bury two or more (b: together, or one after the other before the first has decomposed... If a grave is dug and bones are found, they are buried and the new grave dug elsewhere) except when it is essential (b: such as the dead being many, shortage of grave diggers, or fear that the bodies rot...and the best person is put closest to the qibla), and a barrier of dirt is put between each pair (b: so it becomes as if each one was in an independent grave).

(b: It is offensive to bury the dead when the sun is rising, at its zenith, or setting.

It is permissible to bury at time.

It is desirable to gather relatives together in one place so that it is easier to visit.

It is desirable for the grave to be near martyrs and the righteous so that the deceased benefit from their proximity...

If a non-Muslim<sup>1</sup> dies while pregnant with a Muslim's child, she is buried by herself if possible. If not possible, she is buried with us on her left side with her back towards the qibla.)

#### *(d4.2) (Offensive and Recommended Things)*

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It is not offensive to recite over the grave.

Any action which draws closer to Allah [**qurba**] (b: including supplication, seeking forgiveness, prayer, fasting, pilgrimage, recitation, and others) performed (b: by a Muslim) with the reward donated to someone deceased or living Muslim benefits that person. (Imam Ahmad said, "Every good action reaches the deceased because of the transmitted texts concerning it. Al-Majd (m: Ibn Taymiyyah's grandfather) and others mentioned it—even if one donates it to the Prophet (Allah bless him and give him peace) it is permissible and the reward reaches him.)

It is a **sunna** to make food for the family of the deceased and send it to them (b: for three days). It is offensive for them to do it for people.

(b: It is offensive to slaughter at graves and to eat from it... Giving charity at graves contains the same meaning, and it is something not previously done [**muhdath**] and contains an element of showing off.)

## (D5) Section (Visiting Graves)

## في زيارة القبور

تسن زيارة القبور إلا للنساء و يقول إذا زارها، أو مر بها: السلام عليكم دار قوم مؤمنين، وإنا إن شاء الله بكم لاحقون، يرحم الله المستقدمين منكم، والمستأخرين، نسأل الله لنا، ولكم العافية، اللهم لا تحرمنا أجرهم، ولا تفتنا بعدهم، واغفر لنا ولهم وتسن تعزية المصاب بالميت ويجوز البكاء على الميت ويجرم الندب والنياحة وشق الثوب، ولطم الخد، ونحوه

It is a **sunna** to visit graves (b: and Imam Al-Nawawi conveys consensus concerning this... It is a sunna for a visitor for stand in front, close by, just as when visiting the deceased while alive), except for women (b: it is offensive for them to visit graves other than the Prophet (b: Allah bless him and his family and give them peace) and his two Companions (Allah be well pleased with them all)).

It is a **sunna** when visiting or passes by graves to say, **"Al-salā mu `alaykum dā ri qaumin mu`minī n, wa innā in shā ' Allā hu bikum lā hiqū n, yarhamu Allā hu al-mustaqdimī na minkum wa al-musta`khirī n, nas'alu allā ha lanā wa lakum al-`ā fiyah. Allā humma la tahrinna ajrahum wa la taftinnā ba`dahum wa-ghfir lanā wa lahum"**.

(b: The dead hear speech and know their visitors on Fridays after Fajr before the sun rises. And in (b: Sheikh `Abd Al-Qadir Al-Jaylani's) **Al-Ghunyah**: "the deceased knows them all of the time, and that time is emphasized".

It is permissible to visit the grave of a kafir.) It is a **sunna** to visit to console anyone touched by the death (b: even youngster, before burial and after, but not after three days.

When the deceased is a Muslim one says, **`Azam allā hu ajrak, wa ahsin `azā `ak, wa ghaffir li mayyitik**. When the deceased is a kafir one says, **`Azam allā hu ajrak wa ahsin `azā `ak**.

It is unlawful to given condolences to a kafir. It is offensive to repeat condolences.

The person who was given condolences replies with, **Istijā b allā hu du`ā ka wa rahhimnā wa iyyā k**. And if the condolences are sent written down, one replies to the messenger verbally.)

It is permissible to cry over the deceased. (b: But it is sunna to have patience, be satisfied **[al-rada]** (m: what has happened) and to say, **innā lillā hi wa innā ilayhi rā ji`ū n, allā humma ā jirnā fī musī batī wa-khluf lī khairan minhā** .

It is not necessary to be satisfied with sickness, poverty or wellbeing **[`afiyah]**. It is unlawful to be satisfied with acts of disobedience.)

It is unlawful:

1. to eulogize (b: meaning: to mournfully repeat the good characteristics of the deceased)
2. to weep
3. to rip clothes
4. to strike the cheek
5. (b: to pull out hair
6. blacken the face
7. to scratch the face)

and the like.

<sup>11</sup> While al-Buhuti here restricts this to non-Muslim residents of the Islamic state, in **Kashshaf al-Qina'** he also includes non-Muslim women who are at war with Islam.



## Lesson 31 -- zakah (livestock)

### (d1) Zakah on Livestock

#### باب زكاة بهيمة الأنعام

تجب في إبل وبقر غنم إذا كانت سائمة الحول وكثره فيجب في خمس وعشرين من الإبل بنت مخاض و فيما دونها في كل خمس شاة وفي ست وثلاثين بنت لبون وفي ست وأربعين حقة وفي إحدى وستين جذعة وفي ست وسبعين بنتا لبون ، وفي إحدى وتسعين حقتان فإذا زادت عن مائة وعشرين واحدة ، فثلاث بنات لبون ثم في كل أربعين بنت لبون ، وفي كل خمسين حقة

Zakah for camels, cows (b: domesticated and wild and buffalo [jawamas]) and sheep (b: and domesticated and wild goats) is obligatory if they (b: are for milk and reproduction but not if they are for labor, if they) graze (b: from wild herbage) the whole year or most of it. (b: Zakah is not obligatory on animals which are fed. Neither is it obligatory if food that they eat is bought for them or the wild herbage that they eat is gathered for them).

(m: The zakah on livestock is not a linear function of the number of livestock. Instead a specific amount due applies to a range. In sha Allah I will provide small tables to make this easier. Even though zakah on livestock is not something most people need, it is part of what Allah Most High has decreed for the religion He declared complete and perfect for mankind.)

#### d1.1) (Section. Camels)

(m:

Number of head	Amount due
1-4	-0-
5-9	1 sheep
10-14	2 sheep
15-19	3 sheep
21-24	4 sheep
25-35	//bint makhadh//
36-45	//bint labun//

46-60	//hiqqa//
61-76	//jadha`//
91-129	2// hiqqa//
130-139	1 //hiqqa// + 2 //bint labun//
140-149	2 //hiqqa// + 1 //bint labun//
150-159	3 //hiqqa//
160-169	4 //bint labun//
170-199	1 //hiqqa// + 3 //bint labun//
200	4 //haqq// -or- 5 //bint labun//

)

What is obligatory is that

- for less than 25 there is one sheep for every 5 camels
- for 25 camels there is one **bint makhath** (b: a one year old (m: a female camel))
- for 36 camels there is one **bint labun** (b: a two year old female camel)
- for 46 camels there is one **hiqqa** (b: a three year old female camel)
- for 61 camels there is one **jadha`** (b: a four year old)
- for 76 camels two **bint labun**
- for 91 camels two **hiqqa**
- there after, for every 40 camels there is one **bint labun** and for every 50 one **hiqqa**.

(b: So:

- for 130 there is 1 **hiqqa** and 2 **bint labun**
- for 140 there is 2 **hiqqa** and 1 **bint labun**
- for 150 there is 3 **hiqqa**
- for 160 there is 4 **bint labun**
- for 170 there is 1 **hiqqa** and 3 **bint labun**

If it reaches 200, he chooses between 4 **hiqqa** and 5 **bint labun**.

Whoever is obligated to give a **bint labun**, for example, and he does not have one or it is defective, he is entitled to give a **bint makhad** instead and compensate for the difference or to give a **hiqqa** and take the compensation for difference. The compensation [in both cases] is two sheep or 20 **dirham**; and one sheep and 10 suffice... This compensation is only for camels.)

## (d1.2) Section. Cattle

## فصل في زكاة البقر

ويجب في ثلاثين من البقر تبيع أو تبعة و في أربعين مسنة ثم كل ثلاثين تبيع ، وفي كل أربعين مسنة ويجزئ الذكر هنا و ابن لبون مكان بنت مخاض و إذا كان النصاب كله ذكوراً

(m:

Number of head	Amount due
0-29	-0-
30-39	1 //tabi`// or //tabi`a//
40-59	1 //musinna//
60-79	2 //tabi`a//
80-89	2 //musinna//
90-119	3 //tabi`a//
120-149	4 //tabi`a// -or- 3 //musinna//
150-159	5 //tabi`a//
160-179	4 //musinna//
180-199	6 //tabi`a//

)

What is obligatory is that

- for 30 cows there is a **tabi`** or **tabi`a** (b: a one year male or female calf)
- for 40 a **musinna** (b: a two year old female; a two year old male or two tabi` do not suffice)
- there after, for every 30 a **tabi`a** and for every 40 a **musinna** (b: and if it reaches a number where the two portions apply, he chooses between them, such as 120), and a male suffices here (b: a **tabi`** for 30 cows).

An **ibn labun** (b: and a **hiqqa** and a **jadh`a**) suffices the place of a **bint makhath** (b: when there is none).

A male suffices if all of minimal amount [nisab] are all males (b: whether they are camels, cows or sheep).

### (d1.3) Section. Sheep and Goats

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#### في زكاة الغنم

ويجب في أربعين من الغنم شاة وفي مائة وإحدى وعشرين شاتان وفي مائتين وواحدة ، ثلاث شياه  
ثم في كل مائة شاة والخلطة تصير المالين كالواحد

(m:

Number of head	Amount due
0-39	-0-
40-120	1 sheep
121-200	2 sheep
201-399	3 sheep
400-499	4 sheep
500-599	5 sheep

)

What is obligatory is that:

- for 40 sheep (b: whether sheep or goats) there is one sheep
- for 121 two sheep
- for 201 three sheep
- then after for every 100 one sheep

### (d1.4) (Partnerships)

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Mixing makes two properties like one.

## Lesson 32 -- zakah (crops, ground)

### (e2) *Zakāh* on Crops

#### باب زكاة الحبوب والشمار

تجب في الحبوب كلها ولو لم تكن قوتاً وفي كل ثمر يكال ويدخر كتمر وزبيب ويعتبر بلوغ نصاب قدره ألف وستمئة رطل عراقي وتضم ثمرة العام الواحد بعضها إلى بعض في تكميل النصاب لا جنس إلى آخر ويعتبر أن يكون النصاب مملوكاً له وقت وجوب الزكاة فلا تجب فيما يكتسبه اللقاط ، أو يأخذه بمصاده ولا فيما يجتنيه من المباح ، كالبطم والزعبل وبزر قطونا ولو نبت في أرضه

#### (e2.1) (Its conditions)

Zakah is obligatory for:

1. all grains, even if they are not foodstuffs [qut]
2. (b: all seeds);
3. all fruit that is measured and stored, such as dates and raisons (b: and almonds, filberts and hazelnuts. It is not obligatory for all other [types of] fruit, vegetables, legumes and herbs, ... But it is obligatory for tree leaves that are sought out...because they are measured and stored.

What is regarded (b: in order for the zakah to be obligatory) is reaching the minimal amount (b: after grains area removed from the husk drying or it has been dried) of 1600 **ritl Baghdadi** (m: which is roughly what you would get if you used your hands together to scoop out twenty double-hand-fulls).

Fruit (b: and crops) (b: of the same sort) from one year are combined together (b: even if it is something that yields two crops yearly) to complete the minimal amount (b: and likewise if one crop became fit before the other), but not a different sort with another (b: so raisons and dates are not combined to complete the minimal amount, just as with livestock).

What is regarded is that the minimal amount be owned by him at the time that the **zakah** becomes obligatory (b: which is when it becomes apparent that the crop is fit), so it is not obligatory for leftover grain that he earns or acquires (b: and likewise whatever he takes ownership of by buying, inheritance, or some other means, after the crop's fitness has appeared), or what he takes for harvesting it, nor for harvesting something unplanted **[mubah]**, like ferebinth **[butm]**, mountain wheat, or cotton-seed, even if it grows on his land.

## (e2.2) Section. (The amount due)

## فصل مقدار زكاة الحبوب والثمار

يجب عشر فيما سقي بلا مؤنة و نصفه معها و ثلاثة أرباعه بهما فإن تفاوتتا فبأكثرهما نفعاً ومع الجهل العشر وإذا اشتد الحب ، وبدا صلاح الثمر ، وجبت الزكاة ولا يستقر الوجوب إلا بجعلها في البيدر فإن تلفت قبله بغير تعد منه سقطت ويجب العشر على مستأجر الأرض وإذا أخذ من ملكه ، أو موات من العسل مائة وستين رطلاً عراقياً ، ففيه عشره والركاز ما وجد من دفن الجاهلية ففيه الخمس في قليله ، وكثيره

The obligatory amount is

- 1/10 of what was watered without any burden
- 1/20 with burden (b: such as a cow-drawn water wheel, a water wheel used to irrigate)
- 4/10 for what drinks with and without burden (m: where the two are equal). If they differ, then whichever was the most beneficial (m: is used to determine the amount); but when this is unknown, then 1/10.

## (e2.3) (When it becomes due)

When the grains become firm and fruit's fitness [salah] becomes apparent, zakah becomes obligatory. But the obligation does not become firmly established unless the crop is placed where it will dry. If it perishes beforehand (b: before putting it where it will dry) without maliciousness (b: or negligence), the zakah is dropped.

The 1/10 (b: or 1/20) is obligatory on the land's the renter (b: not its owner).

## (e2.4) (Honey)

If he takes 160 **ritl `Iraqi** of honey from his property or unclaimed land [mawat] then there is a 1/10.

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(e2.5) (*Mines*)

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(b: 1/40 is taken from mined gold or silver when it reaches the minimal amount.

1/40 of the value is taken everything else extracted from the ground if it reaches the minimal amount...and if the person for whom it is extracted is someone for whom it is obligatory to pay zakah. (m: this includes metals such as iron ore, and liquids such as petroleum. I have no seen anyone mention natural gas.)

---

(e2.6) (*Buried treasure*)

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Treasure [zikaz] is anything found that was buried in the pre-Islamic times. There is a zakah of 1/5 on this, whether small amounts or large. (b: The rest goes to the person who found it, even if he was hired to for another task.)

## Lesson 33 -- zakah (gold and silver)

### (e3) *Zakāh on Gold, Silver and Other Money*

#### باب زكاة النقدين

يجب في الذهب إذا بلغ عشرين مثقالاً ، وفي الفضة إذا بلغت مائتي درهم ربع العشر منهما ويضم الذهب إلى الفضة في تكميل النصاب وتضم قيمة العروض إلى كل منهما ويباح للذكر من الفضة الخاتم و قبعة السيف و حلية المنطقة ونحوه و من الذهب قبعة السيف وما دعت إليه ضرورة ، كأنف ، ونحوه ويباح للنساء من الذهب ، والفضة ما جرت عادتهن بلبسه ولو أكثر ولا زكاة في حليهما المعد للإستعمال ، أو العارية وإن أعد للكراء ، أو النفقة ، أو كان محرماً ففيه الزكاة

(m: A zakah of) one-quarter of one tenth (m: 2.5%) is obligatory:

1. from gold if it[’s weight] reaches (m: the minimal amount [ **nisab** ] of) 20 **mithqal** (m: approximately 84.7 gr / 2.72 troy oz. Today gold is approximately US\$369.5/oz, so: US\$1005.04)
2. from silver if it[’s weight] reaches (m: the minimal amount of) 200 **dirham** (m: approximately 592.9 gr / 19.06 troy oz. Today silver is approximately US\$ / oz, so: US\$92.06)

(m:

Today’s price for gold is approximately \$369.5 / troy oz, so the minimal amount is approximately US \$1005.04.

Today’s price for silver is US\$4.83 / troy oz, so the minimal amount is approximately US\$92.06.

It used to be that 10 **mithqal** and 200 **dirham** had the same buying power. Obviously, this is not the case today.

By the way: <http://www.worldwidemetric.com/metcal.htm> has a decent JavaScript conversion page.

)

Gold is combined with silver to complete the minimal amount. (b: So if someone owns 10 **mithqal** (m: of gold) and 100 **dirham** (m: of silver): each one of them is half of the minimal amount, so their combination completes the minimal amount. It is sufficient to extract the **zakah** of (m: either) one of them from the other, since their purposes and **zakah** match... There is no distinction between that which is present and that which is lent out.)



The value of trade-goods are combined with them both (b: such as someone who has 10 **mithqal** (m: of gold) and value of his trade goods are the same (m: 10 **mithqal**)).

(b: If one has gold, silver and trade goods, they are all combined together in order to complete the minimal amount.)

### (e3.1) *(Lawful Versus Unlawful Jewellery)*

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It is permissible for a man:

1. to have a silver ring (b: it is best to wear on his left hand (m: since this way it is worn and removed using the right hand), and it is offensive to wear it on the index and middle fingers. It is offensive to write anything on it mentioning Allah, whether Qur'an or something else.)
2. a silver pommel for a sword
3. to decorate a belt and the like
4. to have gold on the belt of a sword and whatever necessity calls for, such a nose and the like

It is permissible for women to have whatever amount of gold or silver is customary for them to wear, even if it is a large amount.

(b: It is permissible for men and women to adorn themselves with gems and the like.)

It is offensive for men and women to wear rings made of iron, brass, copper and lead.)

There is no **zakah** on men and women's jewelry that is allocated for wearing or lending out (b: provided it is not an attempt to avoid (m: paying **zakah**)).

If it is allocated to be rented or spent or it is unlawful (m: to have) (b: such as instruments (m: like pens, ornaments, watches)), then **zakah** must be paid (b: if it reaches the minimal amount).

(b: If it is allocated for trade, **zakah** is obligatory in its value.)

## Lesson 34 -- zakah (trade goods)

### (e4) *Zakāh* on Trade-goods

#### باب زكاة العروض

إذا ملكها بنعله بنية التجارة وبلغت قيمتها نصاباً زكى قيمتها فإن ملكها بإرث ، أو بفعله بغير نية التجارة ، ثم نواها لم تصرف لها وتقوم عند الحول بالأحظ للفقراء من عين أو ورق ولا يعتبر ما اشترت به وإن اشترى عرضاً بنصاب من أثمان ، أو عروض بني على حوله وإن اشتراه بسائمة ، لم يبين

(m: Sometimes *Zad al-mustaqni'* is just too concise. To make things a bit easier, the basic text from *Zad* on its notes comes first.

When one takes ownership of trade-goods through his [own] action, with the intention of using them for trade, and the value of the trade-goods reaches a minimal amount [nisab]—zakah must be paid on their value.

If ownership is through inheritance or one's [own] action [but] without the intention of trade, and one then intends to use it for trade: it does not assume being for trade.

Value is ascertained upon [completing] the year in accordance to whatever is more prosperous [ahaz] for the poor: gold or silver. What one originally bought it with is of no consideration.

If one buys trade-goods with money or trade-goods that equal or exceed the minimal amount for zakah [nisab], the duration continues. But if one buys the trade-goods with livestock that equal the minimal amount for zakah [nisab], the duration does not continue.

If you acquaint yourself with this first, then the text with the comments becomes much more manageable. There is only so much a poor translator can do with a tough text.)

When one takes ownership of trade-goods through his [own] action (b: such as buying, marriage, the woman asking for separation, accepting a gift or bequest, or returning an item), with the intention of using them for trade, and the value of the trade-goods reaches a minimal amount [nisab] (b: for gold or silver (m: with \$92.06 being the minimal amount for silver))—zakah must be paid on their value (b: and paying zakah from the trade-goods themselves does not suffice).

If ownership is through inheritance or one's [own] action (m: see above) [but] without the intention of trade, and he then intends to use it for trade: it does not assume (m: the status of) being for trade.

Value (b: of the trade-goods) is ascertained upon (b: completing) the year in accordance to whatever is more prosperous [ahaz] for the poor: gold or silver. (b: If it's value reaches the minimal mount according to one of the types of currency but not the other, the one with which is reaches the minimal amount is taken under consideration.) What (b: the type and amount) one originally bought it with is of no

consideration. (b: The value of gold and silver implements is of no consideration (m: rather, their weight).)

If one buys trade-goods with money or trade-goods that equal or exceed the minimal amount for zakah [nisab], the duration (m: of the goods sold) continues. But if one buys the trade-goods with livestock that equal the minimal amount for zakah [nisab], the duration (b: of the livestock) does not continue.

## Lesson 35 -- zakah (zakah al-fitr)

(e5) Zakāh of `Eid al-Fitr

### باب زكاة الفطر

تجب على كل مسلم فضل له يوم العيد ، وليلته صاع عن قوته ، وقوت عياله و حوائجه الأصلية لا يمنعها الدين إلا بطلبه فيخرج عن نفسه و مسلم يمونه ولو شهر رمضان فإن عجز عن البعض بدأ بنفسه فامراته فرقيقه فأمه فأبيه فولده فأقرب في ميراث والعبد بين شركاء عليهم صاع ويستحب عن الجنين ولا تجب لناشز ومن لزمت غيره فطرته فأخرج عن نفسه بغير إذنه أجزاء وتجب بغروب الشمس ليلة الفطر فمن أسلم بعده أو ملك عبداً أو تزوج أو ولد له لم تلزمه فطرته و قبله تلزم ويجوز إخراجها قبل العيد بيومين فقط و يوم العيد قبل الصلاة أفضل وتكره في باقيه ويقضيها بعد يومه آثماً

(e5.1) (Who it is obligatory for)

Zakah al-fitr is obligatory on every Muslim who, on the day of `Eid, possesses four handfuls [ **sa`** ] in excess of one's provisions, his dependants' provisions, and his basic needs (b: for oneself and his dependents, including: housing, slaves, pack animals, work clothes and the like). (b: Possessing a minimal amount for zakah [ **nisab** ] is not of consideration for it to be obligatory.) A debt does not prevent it unless the debt is demanded from him.

Zakah is extracted for oneself and any Muslim one supports, even if only for the month of Ramadan (m: such as when someone provides food for an individual for the entirety of Ramadan).

If one is incapable of part of it, he starts with himself, then his wife, then his slave, then his mother, then his father, then his son, and then [whoever is] the closest with respect to inheritance. (b: If two are more are equal and there is only one **sa`** in excess, lots are drawn.)

When a slave is owned by partners, the **sa`** is distributed over them (b: according to their ownership. And is the same for a someone who is free and his support is obligatory on more than one person).

It is recommended (b: but not obligatory) to extract it for a fetus.

It is not obligatory for a disobedient wife.

When someone whose Zakah al-Fitr is obligatory for someone else to pay, it suffices if he extracts it for himself without the other's permission.

(b: And when one extracts Zakah al-fitr for someone he is not obliged to support: if it is done with their permission it suffices, and if not then not.)

### (e5.2) *(Its time)*

Zakah al-fitr becomes obligatory at sunset on the night of `Eid al-Fitr. Anyone who enters Islam, owns a slave, gets married, or gives birth after sunset is not required to give his Fitra. But is required (m: to do so if these things occur) before it.

It is permissible to extract it up to two days before `Eid. It is better on the day of `Eid before the prayer, and it is offensive during the rest. After `Eid it must be made up and it is sinful (m: to postpone and delay).

### (e5.3) *Fasl. (What Payment Consists Of)*

فصل مقدار زكاة الفطر

ويجب صاع من بر ، أو شعير ، أو دقيقهما ، أو سويقهما أو تمر ، أو زبيب أو أقط فإن عدم الخمسة أجزاء كل حب وثمر يفتات ولا معيب ولا خبز ويجوز أن يعطي الجماعة ما يلزم الواحد ، وعكسه

What is obligatory (b: for the Fitra) is four handfuls [sa`] of wheat, barley, their flour, or their roasted and then ground flour; or dates, raisins, or cottage cheese. (m: What is important here is the volume, not the weight. While weights are sometimes given, keep in mind the some items are denser than others.) (b: The best is (m: to give) dates, then raisins, then wheat, then whatever is more useful, then barley, then wheat or barley flour, then roast and then ground wheat or barley, and then cottage cheese.)

If the five (b: mentioned) are nonexistent, then every stored grain or stored fruit is sufficient (b: such as corn, pearl millet [dukhn], rice and dried figs).

It does not suffice to give goods which are defective (b: such as infested with worms, wet, stale, or when admixed with a large amount of something that does not suffice; if it is mixed with a small amount, then the amount needed to fulfill a sa` is added), nor bread.

It is permissible to give a group what is obligatory for an individual and [so is] the opposite (b: by giving an individual the zakah owed by a group).

(m: A few tables to make things easier:

Table 1 Types extracted and their variations

Types	Variations
(1) wheat	a. plain b. flour c. roasted and then ground into flour
(2) barley	
(3) dates	
(4) raisons	
(5) cottage cheese	

Table 2 Order of precedence

Types
(1) dates
(2) raisons
(3) wheat
(4) whatever is most useful
(5) barley
(6) wheat flour
(7) barley flour
(8) roasted and then ground wheat
(9) roasted and then ground barley
(10) cottage cheese

## Lesson 36 -- zakah (paying zakah)

### (e0) Giving Zakāh to Deserving Recipients

#### باب إخراج الزكاة

ويجب على الفور مع إمكانه إلا لضرر فإن منعها جحداً لوجوبها ، كفر عارف بالحكم وأخذت وقتل أو بخلًا أخذت منه وعزر وتجب في مال صبي ، ومجنون فيخرجها وليهما ولا يجوز إخراجها إلا بنية الأفضل أن يفرقها بنفسه و يقول هو وآخذها ما ورد والأفضل إخراج زكاة كل مال في فقراء بلده ولا يجوز نقلها إلى ما تقصر فيه الصلاة فإن فعل أجزاء إلا أن يكون في بلد لا فقراء فيه ، فيفرقها في أقرب البلاد إليه فإن كان في بلد ، وماله في آخر أخرج زكاة المال في بلده و فطرته في بلد هو فيه ويجوز تعجيل الزكاة لحولين ، فأقل ولا يستحب

(b: It is permissible for someone who owes an obligatory zakah to give voluntary charity before paying the zakah.)

It is obligatory to give the zakah immediately when possible, unless doing so entails harm. (b: One may delay paying the it because of [waiting for] someone more in need of it, a relative, or a neighbor.)

### (e0.1) (Someone who rejects it being obligatory)

Someone who refuses [to pay] zakah and denies that it is obligatory to do so while knowing the ruling, is declared an apostate. (b: And so is someone who was ignorant of the ruling, was informed of it and then knew it, and yet persisted in refusing). The zakah is taken from him and he is killed (b: because of apostasy—since he calls Allah (Most High) and His Messenger (Allah bless him and his family and give him peace) liars—after seeking his repentance three times).

[Someone who refuses to pay] out of avarice (b: without arguing that it is obligatory): the zakah is taken from him and he is disciplined (b: if he knew the ruling).

(b: When someone claims to have paid zakah, that the duration before necessitating paying it still remains, that the minimal amount necessitating zakah [**nisab**] has not been reached, that whatever is in his possession belongs to someone else, or the like: he is believed without swearing an oath.)

## (e0.2) (Rulings related to performing it)

Zakah is obligatory on the property of children and the insane; the guardian extracts it (b: from their property).

Extracting zakah without intention does not suffice. (b: It is best for the intention be linked to paying it, and it is permissible for the intention to precede by a short time).

It is better to distribute it oneself. He and the person taking it should say what is related. (b: The one giving it says, **Allahumma ij`alha magnaman wa la taj`alha maghraman** ["O, Allah! Make it a bounty and do not make it a loss!"]. The one taking it says, **ajiruka allahu fi ma a`tayta wa barik laka fi ma abqayta wa ja`allahu laka tuhuran** ["May Allah reward you for what you gave, increase you in what remains with you, and make it pure for you"].)

(b: It is permissible to authorize a Muslim who is trustworthy as an agent [to distribute the zakah]. The intention of the one authorizing suffices if (m: the time of paying) it is soon; otherwise, he makes intention when giving it to the agent, and the agent [makes intention] when giving it to the poor.)

It is best to extract all of the **zakah** for the poor of his land. It is not permissible to transport it to [a location] where prayer would be shortened [if one traveled to it]—and if one does so it suffices—unless there are no poor in the land, and in that case he distributes it in the land closest to him.

If he is in one land and his property in another, the **zakah** on property is extracted in the land where the property is located, and his **Fitra** (b: is extracted) in the land where he is located.

It is permissible to pay **Zakah** for up to two years in advanced (b: and it suffices as zakah if the person it was given to died or ceased being poor before the end of the year, but not if it was given to someone who was not poor and then became poor during the year), but it is n

The file suddenly ends.



## Lesson 37 -- zakah (recipients, voluntary charity)

### (e7) The Eight Categories of Recipients

#### باب أهل الزكاة

ثمانية: الفقراء ، وهم من لا يجدون شيئاً أو يجدون بعض الكفاية والمساكين: يجدون أكثرها أو نصفها والعاملون عليها: وهم جباة ، وحفاظها الرابع: المؤلفة قلوبهم ممن يرجى إسلامه ، أو كف شره ، أو يرجى بعطيته قوة إيمانه الخامس: الرقاب ، وهم المكاتبون و يفك منها الأسير المسلم السادس: الغارم لإصلاح ذات البين ولو مع غنى أو لنفسه مع الفقر السابع: في سبيل الله ، وهم الغزاة المتطوعة أي لا ديوان لهم الثامن: ابن السبيل المسافر المنقطع به دون المنشط للسفر من بلده فيعطى ما يوصله إلى بلده ومن كان ذا عيال ، أخذ ما يكفيهم ويجوز صرفها إلى صنف واحد ويسن إلى أقاربه الذين لا تلزمه مؤونتهم

Worthy recipients of zakah are eight types (b: and it is not permissible to divert zakah to something else, such as building mosques, ... burying the dead, endowments for copies of the Qur'an):

- The poor: anyone who cannot find anything that fulfills their needs, or can find only part of it
- Those short of money: anyone who finds most or half of what they fulfill their needs

(b: The two are given whatever fulfills their needs and the needs of their families for a complete year. Anyone whose possessions – even when money – do not fulfill his needs is not rich (m: meaning that he belongs to one of these two categories).)

- Zakah workers: the collectors and guards (b: and scribes and distributors)
- Reconciling the hearts leaders when it is hoped that it will cause him (a) to enter Islam, (b) to cease evil [practices], to strengthen his **iman**. (b: The amount needed to reconcile their hearts is given only when necessary. `Omar, `Uthman, and `Ali [Allah be pleased with them] ceased giving it to them because it was not longer necessary when they were Caliph – not because the allotted share was rescinded. Whenever their share cannot be given it is diverted to the remaining categories.)
- Slaves: The ones purchasing their freedom. It is permissible to use it to free captive Muslims.
- Those who:
  - Incur debt in order to settle trouble (b: between two large groups, such as two tribes or the people of two villages, over a dispute involving blood or money and it has resulted in enmity and hatred. And so this person has negotiated a settlement between them and becomes personally responsible for the settlement money) - even if this person is not poor
  - Incur personal debt for himself – with the condition that he be poor
- Those fighting for the sake of Allah: those who volunteer for military operations and do not have no salary (b: or they have less than what fulfills their needs)

- Travelers: Someone who's travel is interrupted - but not someone initiating a journey from his land. He is given what will return him home.

(b: Whenever a traveler, fighter for the sake of Allah, slave, or someone who has incurred debt is given more than they need, they must return the remainder. The others may use the remainder as they wish.)

Someone who has dependants takes what fulfills their needs. It is permissible to direct zakah to a single category (b: and giving it to just a single individual suffices). It is a **sunna** to (b: give it) to relatives who are not one's dependants.

### e7.1) Fasl. (Who are not entitled)

#### فصل من هو ليس من أهل الزكاة

ولا ندفع إلى هاشمي و مطلبي و مواليهما ولا إلى فقيرة تحت غني منفق ولا إلى فرعه و أصله ولا إلى عبد و زوج وإن أعطاهما لمن ظنه غير أهل فبان أهلاً أو بالعكس لم تجزئه إلا لغني ، ظنه فقيراً و صدقة التطوع مستحبة و في رمضان و أوقات الحاجة أفضل و تسن بالفاضل عن كفايته ، و من يمونه و يأنم بما ينقصها

It is not (b: fulfilling that it be) given to:

1. a Hashimi
2. a Mutallibi
3. slaves the Hashimis and Mutallibis have freed [Ar. **mawali** ]
4. someone poor under the support of someone affluent
5. one's descendents
6. one's parents, grandparents, and on up
7. a slave
8. one's husband (b: or to one's wife)

(m: For clarification: It is not permissible to give zakah to a non-Muslim unless they fall under the category mention above [e7 (8)]. cf **Nail al-Ma'arib** 1.265)

It is not sufficient if one gives the zakah to a recipient whom they suspect that the recipient

1. does not deserve the zakah and it later turns out that he did deserve it
2. does deserve the zakah and it later turns out that he did not deserve it

(b: this is because these two things are not typically hidden) unless (b: he gave the zakah) to someone affluent assuming he was poor.

### (e7.2) *Voluntary Charity*

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Voluntary charity is recommended.

It is more meritorious during Ramadan (b: and all superior times and places, such as the first ten days of Dhi al-Hijjah, and in Mecca and Medina) and times of need.

It is a sunna to give voluntary charity from whatever is left over after fulfilling the needs of oneself and one's dependants, and one sins by giving what renders it insufficient.

## Lesson 38 – fasting; a Fasting (الصيام كتاب)

### (a.0) (Sighting the new moon)

يجب صوم رمضان برؤية هلاله فإن لم ير مع صحو ليلة الثلاثين أصبحوا مفطرين وإن حال دونه غيم، أو قتر فظاهر المذهب يجب صومه وإن روى نهاراً فهو لليلة القابلة وإذا رآه أهل بلد لزم الناس، كلهم الصوم ويصام برؤية عدل ولو أنتى فإن صاموا بشهادة واحد ثلاثين يوماً أو صاموا لأجل غيم لم يفطروا ومن رأى وحده هلال رمضان ورد قوله أو رأى هلال شوال صام

It becomes obligatory to fast Ramadhan upon sighting its crescent moon.

If they do not see the crescent moon even though the sky is cloudless on the night of the 30<sup>th</sup> (b: of Sha`ban) then they do not begin the day fasting (b: and it is offensive to fast since it is the day of doubt which is prohibited).

If clouds or dust covers the moon before the crescent moon of Ramadhan, the **thahir** [=obvious ruling] of the mathab is that fasting it is obligatory.

If the crescent moon is sighted during the day (b: even if before the zenith), it belongs to the following night.

If the people of one land sight it (b: meaning: whenever sighting it is positively proven in one land) then all people are required to fast.

It is (b: obligatorily) fasted by the sighting of someone upright (b: and religiously responsible; his report is sufficient), even if a woman (b: or a slave or not using the phrasing of testimony).

If they fast 30 days because of one individual's testimony and they do not sight the crescent moon, or they fasted because of clouds, they do not break the fast.

An individual who sights the moon and his report is rejected, or who saw the crescent moon of Shawal, fasts.

### (a.0.1) (Who Must Fast)

ويلزم الصوم لكل مسلم مكلف قادر وإذا قامت البينة في أثناء النهار وجب الإمساك، والقضاء على كل من صار في أثناءه أهلاً لوجوبه وكذا حائض ونفساء طهرتا ومسافر قدم مفطراً ومن أفطر لكبير، أو مرض، لا يرجى برؤه أطعم لكل يوم مسكيناً وسن لمريض يضره لمسافر يقصر وإن

نوى حاضر صوم يوم، ثم سافر في أثناءه، فله الفطر وإن أفطرت حامل، أو مرضع خوفاً على أنفسهما قضتاه فقط وعلى ولديهما قضتا وأطعمتا لكل يوم مسكيناً ومن نوى الصوم، ثم جن، أو أغمي عليه جميع النهار، ولم يفتق جزءاً منه، لم يصح صومه لا إن نام جميع النهار ويلزم المغمى عليه القضاء فقط

Every religiously responsible and able Muslim must fast if proof (m: that today is Ramadhan) is given during the day.

It is obligatory to fast (m: the remainder) and make up the day if during the day they: became deserving of its obligation, their menstruating or postpartum bleeding ended, or they were traveling and arrived while not fasting (b: since the fast has been broken).

Someone who broke the fast due to old age or a sickness whose recovery is not expected, must give food to someone impoverished for each day.

Breaking the fast is a **sunna** if the person is sick and fasting is injurious, or a traveler shortening their prayers. If someone resident intends to fast a day and during it beings a journey, he may break the fast (b: upon passing the houses of his village and the like).

A pregnant or breastfeeding woman who breaks the fast out of fear for herself, must makes the day up. If she broke the fast out of fear of the child, she makes it up and (m: the person responsible for the child's support) gives food to someone impoverished for each day.

The fast is not valid if one intended to fast and became insane or lost consciousness for the entire day and did not gain consciousness (or sanity) for a portion of it. But (m: the fast is) not (m: broken) if he sleeps for the entire day. Someone unconscious (m: the entire day) must only make up the fast.

#### (a.0.2)(Intention)

النفل بنية من النهار قبل الزوال، وبعده ولو نوى إن كان غداً من رمضان، فهو فرض لم يجزئه ومن نوى الإفطار، أفطر.

It is obligatory to specify the intention (b: by believing that he is fasting (a day) of Ramadhan, making it up, or expiation for an oath) from the night, to fast each day which is obligatory. However, the intention that the fast itself being obligatory is not obligatory.

Supererogatory fasts are valid using an intention (m: made) during the day before or after the zenith. It is not sufficient to intend: "if tomorrow is part of Ramadhan then it is my obligatory fast" (**Dalil Al-Talib**: but it does suffice if tomorrow may be the 30<sup>th</sup> of Ramadhan).

An intention to break the fast breaks it.

(n: **Dalil Al-Talib** explicitly spells out the conditions for the fast to be obligatory, the conditions for its validity, and the sunnas. Much of the same information is given here, but not explicitly organized.)

(a.1) *What Invalidates the Fast and Requires an Expiation* (الكفارة باب ما يفسد الصوم ويوجب)

من أكل، أو شرب، أو استعطى أو احتقن، أو اكتحل بما يصل إلى حلقه أو أدخل إلى جوفه شيئاً غير إحليله أو استقاء أو استمنى أو باشر فأمنى، أو أمذى، أو كرر النظر، فأنزل أو حجم، أو احتجم، وظهر دم عامداً ذاكراً لصومه، فسد لا ناسياً، أو مكرهاً أو طار إلى حلقه ذباب، أو غبار أو فكر، فأنزل أو احتلم أو أصبح في فيه طعام، فلفظه أو اغتسل، أو تمضمض، أو استنثر أو زاد على الثلاث أو بالغ فدخل الماء حلقه، لم يفسد ومن أكل شاكاً في طلوع فجر صح صومه لا إن أكل شاكاً في غروب الشمس أو معتقداً أنه ليل، فبان نهاراً

Each of following invalidate the fast, when done intentionally and remembering:

1. eating, drinking, using snuff, injecting something into the anus, applying **kohl** around the eyes and it arriving in the throat;
2. inserting something into a cavity other than the opening of the urethra;
3. inducing vomiting;
4. masturbating (b: and sperm or pre-ejaculatory fluid exits);
5. fondling (b: something other than the genitals, or kissing or touching) and sperm or pre-ejaculatory fluid exits;
6. ejaculation after repeatedly looking;
7. performing blood-letting or having it performed and the blood appears

Each of the following do not spoil the fast:

1. forgetting or being forced (m: to do any of the above)
2. a fly or dust flying into the throat;
3. ejaculating as a result of thinking;
4. having a wet dream;
5. waking up in the morning with food in his mouth if he spits it out;
6. making ghusl, rinsing the mouth, rinsing the nose, doing so more than three times, or exaggerating in them and the water reaches the throat.

## (a.1.1)(Doubt about the time)

Whoever ate while doubting that the sun has risen, their fast is valid. But the fast is invalid if they ate while doubting whether the sun has set, or while believing that it is nighttime and it turns out to be daytime.

## (a.1.2) Section (Expiating a Fast Vitiated by Lovemaking) (فصل)

ومن جامع في نهار رمضان في قبل أو دبر فعليه القضاء، والكفارة وإن جامع دون الفرج فأنزل أو كانت المرأة معذورة أو جامع من نوى الصوم في سفره أفطر، ولا كفارة وإن جامع في يومين أو كره في يوم ولم يكفر فكفارة واحدة في الثانية وفي الأولى اثنتان وإن جامع، ثم كفر، ثم جامع في يومه، فكفارة ثانية وكذلك من لزمه الامساك إذا جامع ومن جامع وهو معافى، ثم مرض، أو جن، أو سافر لم تسقط ولا تجب الكفارة بغير الجماع في صيام رمضان وهي عتق رقبة فإن لم يجد فصيام شهرين متتابعين، فإن لم يستطع فإطعام ستين مسكيناً فإن لم يجد سقطت الكفارة

Whoever has vaginal or anal intercourse daytime during Ramadhan must make up the day and perform an expiation.

The fast is broken but there is no expiation if:

1. he stimulates himself outside of her private parts (b: even if intentional) and ejaculated (b: sperm or pre-ejaculatory fluid),
2. the woman (b: who the intercourse was with) is excused (b: by ignorance, forgetfulness, or being forced),
3. someone intending to fast during his journey has intercourse.

If the expiation has not been paid and

1. he has intercourse on two different days
2. has repeated intercourse the same day

then: there is one expiation in the second case and two in the first.

If he has intercourse, pays the expiation, and then has intercourse the same day, then there is a second expiation.

It is the same for anyone required to abstain if he has intercourse.

The expiation is not rescinded for someone who has intercourse while healthy and then becomes sick, insane, or travels.

Expiation is only for sexual intercourse while fasting Ramadhan (b: since there are no mentioned texts and nothing else equals it. Ejaculating outside the vagina is intercourse, and so it an orgasm from oral sex between women<sup>2</sup> according to **Al-Muntaha**).

The expiation is freeing a female (b: Muslim) slave (b: free of defects which hamper work). If no female slave is to be found, the expiation is fasting two months continuously. If the person is incapable, the expiation is to feed 60 people who are impoverished. And if nothing is found (b: to feed the impoverished), the expiation is rescinded.

*(a.2) Offensive and Recommend Measures During the Fast. Make-up fasts (باب ما يكره ويستحب*

*(في الصوم*

وحكم القضاء يكره جمع ريقه، فيبتلعه ويحرم بلع النخامة ويفطر بها فقط إن وصلت إلى فمه ويكره ذوق طعام بلا حاجة ومضغ علك قوي وإن وجد طعمهما في حلقه، أفطر ويحرم العلك المتحلل إن بلع ريقه وتكره القبلة لمن تحرك شهوته ويجب اجتناب كذب، وغيبة وشتيم وسن لمن شتم قوله إني صائم وتأخير سحور وتعجيل فطر على رطب فإن عدم فتمر، فإن عدم فماء وقول ما ورد ويستحب القضاء متتابعاً ولا يجوز إلى رمضان آخر من غير عذر فإن فعل فعليه مع القضاء إطعام مسكين لكل يوم وإن مات ولو بعد رمضان آخر وإن مات، وعليه صوم أو حج أو اعتكاف أو صلاة نذر، استحب لوليه قضاؤه

*(a.2.1) (Things offensive during the fast)*

It is offensive to gather saliva (m: in the mouth) and (m: then) swallow it (b: out of removing oneself from disagreeing with those who said it breaks the fast).

It is unlawful to swallow phlegm, and it (b: not saliva) breaks the fast only if it had reached the mouth (m: before being swallowing).

It is offensive to needlessly taste food or chew strong mastic. If the taste is found in the throat, the fast is broken. Dissolved mastic is unlawful if the saliva is swallowed (b: otherwise it is not). Kissing (b: and what leads to intercourse) is offensive for someone if it excites their desires.



### (a.2.2)(Things obligatory to avoid)

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It is (b: unconditionally) obligatory to avoid: lying, backbiting, (b: tale-bearing,) and verbal abuse.

### (a.2.3)(Sunan)

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The following are **sunnan** :

1. for someone verbally abused to say: "I am fasting",
2. to delay the pre-dawn meal,
3. to be quick in breaking the fast
4. to break the fast on unripe dates, and if lacking then dates, and if lacking then water;
5. when breaking the fast to say what has been transmitted (b:including: **"Allahumma laka samtu wa `ala rizqika `aftartu subhanaka allahumma wa bihamdika, allahumma taqabbal minni `innaka `anta al-sami`u al-`alim"**).

### (a.3) (Making Up Missed Fast-Days)

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It is recommended to make them up consecutively.

It is not permissible to delay them until the next Ramadhan without an excuse. If this is done, then in addition to making it up an impoverished person must be fed for each day.

If someone dies, even after the next Ramadhan, then it is recommended for the **wali** of the deceased to make up any and fast, pilgrimage, spiritual retreat, or prayer that is obligatory or that he made an oath to perform.

### (a.4) Voluntary Fasting (التطوع باب صوم)

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يسن صيام أيام البيض والاثنين، والخميس وست من شوال وشهر المحرم وآكده العاشر، ثم التاسع  
وتسع ذي الحجة ويوم عرفة لغير حاج بها وأفضله صوم يوم، وفطر يوم ويكره أفراد رجب  
والجمعة والسبت والشك ويحرم صوم العيدين ولو في فرض، وصيام أيام التشريق إلا عن دم متعة،

أو قران ومن دخل في فرض موسم حرم قطعه ولا يلزم في النفل ولا قضاء فاسده إلا الحج وترجى ليلة القدر في العشر الأواخر وأوتاره أكد ليلة سبع وعشرين أبلغ ويدعو فيها بما ورد

#### (a.4.1) (Sunna fasts)

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It is a sunna to fast:

1. (b: three days each month, and to make them) the white days;
2. Monday and Thursday;
3. six days in Shawwal;
4. the month of Muharram, the most emphasized days being the 10<sup>th</sup> then the 9<sup>th</sup>;
5. the nine days of Dhi al-Hijjal, the most emphasized day for a non-pilgrim being the Day of `Arafat for a non-pilgrim.

The best is to fast one day and then break-fast for one day. (m: Or, in easier terms: to fast every other day.)

#### (a.4.2) (Offensive fasts)

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It is offensive to single out:

1. Rajab,
2. Friday,
3. Saturday,
4. or the Day of Doubt.

#### (a.4.3) (Unlawful fasts)

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It is unlawful to fast:

1. the two (b: days of) `Eid, even if obligatory;
2. the Day of Tashriq, except for the blood expiation of **mut`a** or **qiran (m: see Hajj)**.

It is unlawful to interrupt an obligatory action (b: whether it be fasting or something else) which has a vast time once it has been started.

It is not obligatory to complete a supererogatory action, or to make up one that is spoiled except for a supererogatory Hajj or **`Umra**.

## (a.5) (Laylat al-Qadr)

**Laylat Al-Qadr** is expected in the last ten (b: of Ramadhan). It is more confined in the odd days, with 27 being the most likely.

He supplicates during Laylat Al-Qadir using what has been transmitted.

## (a.6) Spiritual Retreat (باب الاعتكاف)

هو لزوم مسجد لطاعة الله تعالى مسنون ويصح بلا صوم ويلزمان بالنذر ولا يصح إلا في مسجد يجمع فيه إلا المرأة ففي كل مسجد سوى مسجد بيتها ومن نذره أو الصلاة في مسجد غير الثلاثة وأفضلها الحرام، فمسجد المدينة، فالأقصى لم يلزمه فيه وإن عين الأفضل لم يجز فيما دونه وعكسه بعكسه ومن نذر زمناً معيناً دخل معتكفه قبل ليلته الأولى وخرج بعد آخره ولا يخرج المعتكف إلا لما لا بد منه ولا يعود مريضاً، ولا يشهد جنازة إلا أن يشترطه وإن وطئ في فرج فسد اعتكافه ويستحب اشتغاله بالقرب واجتناب ما لا يعنيه

**I'tikaf** is adhering to a mosque for the purpose of worshiping Allah Most High. It is a sunna (**masnun**).

## (a.6.1) (Conditions)

It is valid to perform **i'tikaf** without fasting.

The two (b: meaning: spiritual retreat and fasting) are required if an oath has been made to perform them.

It is not valid unless it is done:

1. with intention;
2. in a mosque where there is a group prayer; except (m: that **i'tikaf** is valid for) a woman in every mosque except for the 'mosque' in her house (b: which is the place in her house she uses for her prayers).

(m: It is recommended upon entering any mosque to make an intention to perform **i'tikaf** for however long one remains in the mosque.)

### (a.6.2) (Oaths for a specific place or time)

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If an oath has been made to perform spiritual retreat or pray in a mosque other than the three (with the order of superiority being: the Haram (in Mecca), the mosque in Madina, and then Al-'Aqsa), it is not required to performing it in that mosque. If a superior mosque is specified, nothing less than it suffices; and the opposite is the opposite (m: namely: the superior always suffices for the inferior).

If an oath is made for a specific time, the spiritual retreat is entered before its first night and exited after its final night.

### (a.6.3) (Vitiating and recommended measures)

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**'I'tikaf** is not exited from except for the unavoidable (b: such as bringing food and drink when there is no one else to bring it; such as vomiting **bughta**, urinating, defecating, making an obligatory purification, someone in a state of **janaba** leaving to make an obligatory **ghusl**, going to a Friday prayer, or making an obligatory testimony).

One does not visit someone sick or attend a burial prayer unless having been stipulated (b: in the beginning of the spiritual retreat).

**'I'tikaf** is spoiled by intercourse in the private parts (b: or ejaculation from touching something else).

It is recommended to be busy with acts that draw one closer to Allah Most High and to avoid what is not one's concern

## Lesson 39 -- marriage (rulings, looking, engagement)

### *a Marriage; (a0.1) (Its rulings)*

Marriage is a sunna (b: for a man or woman who has sexual desire [shahwa] while not fearing committing fornication.)

(b: Marriage is permissible [mubah] for someone who has no desire, such as from impotence and old age).

Marriage coupled with desire is more meritorious than supererogatory worship (b: since it encompasses many benefits, such as protecting his chastity and hers, providing for her livelihood, results in offspring, and increasing the ummah).

Marriage is obligatory for a man or woman who fears committing fornication if he does not get married (b: even if presuming that it might occur). (b: There is no difference in this between someone able to provide upkeep and someone who is not. It is not enough to be married once, rather throughout the entire life.)

(b: It is unlawful to marry in Dar al-Harb except out of necessity [dururah], in which case it is permissible for someone who is not a prisoner of war.) (m: Concerning this, Nail al-Ma'arib adds that when it is unlawful to marry, birth control must be used; and when it is permissible, it is recommended to use.)

It is a sunna to marry a individual wife who is religious, not related, a virgin (m: while this is a sunna, there is nothing wrong with marrying a non-virgin. Nail al-Ma'arib mentions that this is a sunna if there is not some reason for preferring a non-virgin.), fertile, and motherless. (b: It is a sunna that he choose someone beautiful.)

(b: If he wants to propose to a woman and he thinks it most likely that he will be accepted,) he may look at what is typically visible (b: such as the face, neck, hands, and feet) (m: My shaykh said that this is all one may look at since anything more – even if is the custom of the land is that girls run naked in their house – is likely to lead to desire), repeatedly, without being alone (b: if there is no fear of agitating desire). (b: It is not necessary to ask her permission.

It is permissible to look at this (m: face, neck, hands, and feet) and the head, shin from one's female slave and permanently unmarriageable kin. (m: The same applies to girls over the age of nine but not yet mature.)

A slave may see the same from his masters.

Someone who is a witness (m: Nail al-Ma'arib adds that this is whether one is witnessing or conveying what was witnessed) or doing business (m: my shaykh said that teaching falls under this category) may look at the face of the woman whom he is witnessing or with whom he is doing business – and at her hands if there is need.

A doctor and the like may look at and touch whatever need calls for. (m: This is so, even if the doctor is a non-Muslim. But the preference is for a female Muslim doctor, then a female non-Muslim who is trustworthy, then a male Muslim who is trustworthy, and then a male non-Muslim who is trustworthy.)

A woman may look at a woman or a man [a look at] everything other than what is between (m: but not including) the navel and the knees.

(m: It is permissible to see the entire body of one's spouse or a fully-owned female slave, though it is a sunna that they not look at each others private parts. Nail al-Ma'arib adds here that it is permissible for the male to kiss the female's genitals, though it is offensive after penetration. My shaykh says that such a thing goes against proper adab and akhlaq, and it would be best had the author not mentioned this ruling. This question comes up quite a lot, and I am happy to see that the Hanbalis have addressed it. Only one Shafi'i book, *'Iyanat al-Talibin*, mentions this ruling, while it is quite common in Hanbali books.

It is permissible to see the entire body of a child under the age of seven.

Other than one's spouse or a man's fully-owned female slave, it is unlawful for to look at all of the above if doing so results in sexual desire.

What it unlawful to look at, is unlawful to touch.)

It is unlawful for a man to be alone with a woman who is not one of his permanently unmarriageable kin. (m: My shaykh said that "being alone" does not include being in the room with the door open while other people are outside occasionally looking in. This, in sha Allah, solves many problems concerning the work place and schools.)

### (a0.2) (Proposals)

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(m: There are two types of proposals: explicit and implicit.)

It is unlawful to make an explicit proposal to a woman during a waiting period occasioned by death or an irrevocable divorce, though it is not unlawful to make an implicit proposal [see below]. (b: It is unlawful to make an implicit proposal to a woman who is divorced but can still be returned.)

Both (m: explicit and implicit proposals) are permissible for someone who irrevocably divorced her with less than three (b: since it is permissible for him to marry her during her waiting period), like a divorce in which she can be returned (b: since he may return her during her waiting period).

Both (m: types of proposals) unlawful for her except on her husband (b: so, it is unlawful for a woman who can be returned to her husband to accept an explicit or implicit proposal).

An implicit proposal is (m: for example): 'I desire someone like you,' and she answers him (b: if she is irrevocably (divorced)), and 'You are not to be turned away from' and the like.

If the guardian of a woman who can be forced to marry, or a woman who cannot be forced to marry responds affirmatively to a Muslim, it is unlawful for someone else to propose to her (b: without the first's permission). It is permissible (b: for a second person to propose) if the he is refused, gives permission (b: or has left it, or the second seeks permission from the first and he remained silent), or the state is unknown (b: by the second not knowing that the first was accepted).

*(a0.3) (Sunnahs of the contract)*

It is a sunna to make the contract Friday night (m: meaning: the night preceding the day called 'Friday') (b: since it contains an hour in which prayers are answered).

It is a sunna to make the contract in the mosque.

It is a sunna to first make a speech, using the speech of Ibn Masu'd (Allah be pleased with him) (b: which is: *Inn al-hamda li llahi nahmaduhu wa nasta'inuh wa nastaghfiruh wa natubu ilayh, wa na'udhi billahi min shururi anfusina wa sayi'at a'malina. Man yahdi llahu fa la mudilla lah, wa man yadlil fa la hadiya lah. Wa ashhadu an la ilaha illallah, wa ashhadu anna muhammadan `abduhu wa rasulah*).

(b: It is a sunna to say to the newlywed: *Barik allahu lakumu wa `alaykuma wa jammi` baynakuma fi khayrin wa `afiyatin* [May Allah grant His blessing to you and upon you, and join two of you in goodness and wellness].)

And when she is brought to him, he says, *Allahumma inna as'aluka khayraha wa khayra ma jabiltaha `alayhi, wa `audhu bika min sharriha wa sharri ma jabiltaha `alayhi* [O, Allah, verily I ask You for the good of her and the good of what You made in her nature, and I seek protection in You from her evil and the evil that you made in her nature].

## lesson 40 - hajj (who, sites); The Book of (Pilgrimage) Rituals

### (a0.1) (Who is required)

Hajj and `Umra are two obligations for all free, legally responsible, Muslims who are capable of it, during one's life, once, and immediately (b: and one sins if he delays it without an excuse).

It is counted as an obligatory [performance] if one ceases to be a slave, insane, or [legally] immature during hajj (b: while) at `Arafat (b: before leaving it, or after leaving it and then returning to stands on it during its time, and [if one] did not make **sa`a** [running seven times between Safa and Marwa] after the circumambulation of the Ka`ba [**tawwaf**] for greeting,) and before the circumambulation of `Umra.

Their performance by someone who [legally] immature or a slave is (b: valid [and considered]) supererogatory.

### (a0.2) (Being 'capable')

Someone is "capable" if he:

1. has the capacity to ride (m: his form of transportation),
2. finds provisions and companionship suitable for someone like him,
3. has fulfilled [his] obligations (b: including loans which are due now or deferred, Zakat, expiations, and oaths),
4. (b: after fulfilling [his]) legally obligatory upkeep (b: for himself; and for dependants [in a] ongoing manner, such as property, inventories, or manufacturing),
5. and basic needs (b: including books, housing, a servant, clothing for someone like him, covering, bedding, and the like...).

If old age or an incurable sickness prevents him from going, he must fund someone to make Hajj and `Umra in his place – [beginning] from the time they become obligatory. [If this is done] it suffices, even if he is cured after [his alternate] entering the state of pilgrimage.

In order for it to be obligatory [on a woman], there is a condition that she has unmarriageable kin [**marhm**]. Unmarriageable kin are: her husband or someone for whom it is eternally unlawful to marry her because of lineage or a legally permissible reason.

If someone dies while they (b: Hajj and `Umra) are obligatory, the [expenses for the] two are taken out from his estate.



(a1) *The Places of Entry*

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The sites for entering **ihram** [the state of pilgrimage] for the people of Medina is Dhu Hulayfa; al-Juhfa is for the people of Sham, Egypt, and the Maghrib; Yalamlam is for Yemen; Qarn for the people for the Najd; and Dhat `Ira for the East.

These [sites] are for their residents and anyone who passes through them. (b: Someone who lives closer than these sites begins his Hajj and `Umra pilgrimages from his house.) The people of Mecca makes Hajj from it, and `Umra (b: for anyone in Mecca) begins from al-Hall. The months for Hajj are: Shawal, Dhu al-Qa`da, and the [first] ten days of Dhi al-Hijja.