

Min Thimār al-'Ilm wa al-Ḥikmah
(Fatāwā wa Fawā'id)

From the Prospects of
Knowledge and Wisdom
(Fatwas and Benefits)

Part One

Section on Fiqh

From the Beginning to the Section of Divorce

Authored by

Al-Sayyid al-'Allamah al-Mujtahid

Muhammad bin Abdullah Awad

(May Allah preserve him and prolong is life)



Ahl Al-Bait Library (A.s.)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, the Most Merciful

Foreword of the Ahl al-Bayt Library (A.S.)

All praise is due to Allah, Lord of the worlds. May blessings and peace be upon our master Muḥammad and upon his pure, immaculate Household. To proceed:

In response to the saying of Allah, Most Sublime:

“O you who have believed, respond to Allah and to the Messenger when he calls you to that which gives you life.”— [al-Anfāl 8:24]

and His saying:

“And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong; and those will be the successful.”— [Āl ‘Imrān 3:104]

and His saying: *“Say, [O Muḥammad], I do not ask you for it any payment except goodwill through kinship.”*— [al-Shūrā 42:23]

and His saying: *“Indeed, Allah intends only to remove from you impurity, O People of the Household, and to purify you with [extensive] purification.”*— [al-Aḥzāb 33:33]

and His saying: *“Your ally is none but Allah and [therefore] His Messenger and those who have believed—those who establish prayer and give zakāh, and they bow [in worship].”*— [al-Mā'idah 5:55]

—and in response to the words of the Messenger of Allah (May Allah bless him and his family and grant them peace): *“I am leaving among you that which, if you hold fast to it, you will never go astray after me: the Book of Allah and my progeny, my Household. The Subtle, the All-Aware informed me that they will never separate until they return to me at the Basin [of Paradise].”* And his saying (May Allah bless him and his family and grant them peace): *“The example of my Household among you is like the Ark of Noah: whoever embarks upon it is saved, and whoever stays back from it drowns and perishes.”* And his saying (May Allah bless him and his family and grant them peace): *“My Household are a security for the people of the earth, just as the stars are a security for the people of the sky.”* And his saying (May Allah bless him and his family and grant them peace): *“Whoever is pleased to live my life, die my death, and dwell in the Garden of Eden which my Lord has promised me, let him take ‘Alī as guardian, and [after me] his progeny; let him be loyal to his loyal one; and let him take my Household as his example, for they are my progeny; they were created from my clay and endowed with my understanding and my knowledge”*—and the Messenger of Allah (May Allah bless him and his family and grant them peace) made clear that they are ‘Alī, Fāṭimah, al-

Ḥasan, al-Ḥusayn, and their descendants—when He covered them with *Kisa* (a cloak) and [the Prophet] said: “*O Allah, these are my Household, so remove from them impurity and purify them with a thorough purification.*”

In response to all of the above, the Ahl al-Bayt (‘a) Library was established. In this critical juncture of history—when the madhhab of the Ahl al-Bayt (‘a), represented by the Zaydī school, is subjected to fierce attacks—we deemed it necessary to contribute to disseminating the creed of the purified Household by publishing what their immaculate Imams (*peace be upon them*) and their righteous followers left behind. This proceeds from our trust and conviction that the doctrines borne by the Ahl al-Bayt (*peace be upon them*) are Allah’s intent in His earth, His upright religion, and His straight path. They speak for themselves by their harmony with sound human nature and with what has come in the Book of Allah, Mighty and Majestic, and the Sunnah of His Prophet (*May Allah bless him and his family and grant them peace*).

In obedience to Allah’s commands, and out of compassion for the community of their forefather [the Messenger of Allah], the Ahl al-Bayt consecrated and firmly established these doctrines with their pure, blessed blood—throughout ages and in every land. Whoever reflects on history finds that they sacrificed what is most precious to defend and affirm them, rising against destructive beliefs and calling to tawḥīd and justice—to the oneness of Allah, Mighty and Exalted, to declaring His transcendence, to believing in the truth of His promise and His threat, and to accepting His chosen ones among His creation.

And because their madhhab is Allah’s religion and His law, and the intent and the heritage of the Messenger of Allah (*May Allah bless him and his family and grant them peace*), it remains until Allah inherits the earth and whoever is upon it—just as a confirmation of the Prophet’s saying (*May Allah bless him and his family and grant them peace*): “*The Subtle, the All-Aware informed me that the two [the Book of Allah and the Household of the Prophet] will never separate until they return to me at the Basin.*”

Our father, the Proof-Imam Majd al-Dīn ibn Muḥammad al-Mu‘ayyadī (‘a), said: “Know that Allah—majestic is His majesty—has not approved for His servants except a strong religion, a straight path, a single way, an even road. Sufficient is His saying:

‘And, [moreover], this is My path, which is straight, so follow it; and do not follow [other] ways, for you will be separated from His way. This has He instructed you that you may become righteous.’ — [al-An‘ām 6:153]

And you have known that the religion of Allah is not to follow desires: *‘But if the truth had followed their inclinations, the heavens and the earth and whoever is in them would have been ruined...’* — [al-Mu‘minūn 23:71]

'So what is there after truth except error?' — [Yūnus 10:32]

'Or have they other deities who have ordained for them of religion that which Allah has not authorized?' — [al-Shūrā 42:21]

And He addressed the master of His Messengers with His saying—exalted is He:

'So remain on a right course as you have been commanded, [you] and those who have turned back with you [to Allah], and do not transgress. Indeed, He is Seeing of what you do. And do not incline toward those who do wrong, lest you be touched by the Fire, and you would not have other than Allah any protectors; then you would not be helped.' — [Hūd 11:112-113]

—even though he (*May Allah bless him and his family and grant them peace*) and those with him from the people of Badr [were among the addressed]. So reflect and take heed, if you are among those who take heed. When you have encompassed this with knowledge, and understood from Allah and His Messenger what He has made binding upon you in those pathways, you will know that it is incumbent upon you to recognize the truth and follow it, to be loyal to its people and be with them:

'O you who have believed, fear Allah and be with the truthful.' — [al-Tawbah 9:119]

—and to part from falsehood and its followers, to keep apart from them:

'And whoever is an ally to them among you—then indeed, he is [one] of them.' — [al-Mā'idah 5:51]

'You will not find a people who believe in Allah and the Last Day having affection for those who oppose Allah and His Messenger, even if they were their fathers or their sons or their brothers or their kindred.' — [al-Mujādilah 58:22]

'O you who have believed, do not take My enemies and your enemies as allies, extending to them affection...' — [al-Mumtaḥanah 60:1]

—in verses recited and reports transmitted. And you will not be able to know the truth and its people except by relying upon Allah's manifest proofs and His clear, evident evidences—by which He has guided creation to the truth—without bending to desire, without turning to wrangling or contentiousness, without heed to any [partisan] school or advocacy for position:

'O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives...' — [al-

Nisā’ 4:135].”¹

Publications of the Ahl al-Bayt (‘a) Library

By Allah’s grace, the Ahl al-Bayt (‘a) Library has published:

1. **Al-Shāfi** — by the Proof-Imam ‘Abd Allāh b. Ḥamzah (‘a), d. 614 AH; appended with **al-Ta‘liq al-Wāfi fi Takhrīj Aḥādīth al-Shāfi**, by al-Sayyid al-‘Allāmah Najm al-‘Itrah al-Ṭāhirah al-Ḥasan b. al-Ḥusayn b. Muḥammad (*may Allah have mercy on him*) (d. 1388 AH).
2. **Maṭala‘ al-Budūr wa Majma‘ al-Buḥūr fi Tarājim Rijāl al-Zaydiyyah** — by the jurist-historian Qāḍī al-‘Allāmah Shihāb al-Dīn Aḥmad b. Šāliḥ b. Abī al-Rijāl (*may Allah have mercy on him*) (1029–1092 AH).
3. **Maṭālī‘ al-Anwār wa Mashāriq al-Shumūs wa al-Aqmār** — The Dīwān of Imām al-Manṣūr bi-llāh ‘Abd Allāh b. Ḥamzah (‘a), d. 614 AH.
4. **Collected Books and Letters of Imām al-Mahdī al-Ḥusayn b. al-Qāsim al-‘Iyānī (‘a)** (376–404 AH).
5. **Mhāsin al-Azhār fi Tafṣīl Manāqib al-‘Itrah al-Aṭhār** — a commentary on the ode composed by Imām al-Manṣūr bi-llāh ‘Abd Allāh b. Ḥamzah (‘a); by the jurist-scholar and martyr Ḥamīd b. Aḥmad al-Miḥallī al-Hamdānī al-Wādī‘ī (*may Allah have mercy on him*) (d. 652 AH).
6. **Majmū‘ al-Sayyid Ḥumaydān** — by al-Sayyid al-‘Ālim Nūr al-Dīn Abū ‘Abd Allāh Ḥumaydān b. Yaḥyā b. Ḥumaydān al-Qāsimī al-Ḥasanī—*may Allah be pleased with him*.
7. **al-Safīnah al-Munjiyah fi Mustakhlas al-Marfū‘ min al-Ad‘iyah** — by Imām Aḥmad b. Hāshim (‘a), d. 1269 AH.
8. **Lawāmi‘ al-Anwār fi Jawāmi‘ al-‘Ulūm wa al-Āthār wa Tarājim Uli al-‘Ilm wa al-Anzār** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Manṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
9. **Collected Books and Letters of the Greatest Imām, Commander of the Faithful Zayd b. ‘Alī (‘a)** — by the Greatest Imam Zayd b. ‘Alī b. al-Ḥusayn b. ‘Alī b. Abī Ṭālib (‘a) (75–122 AH).
10. **Sharḥ al-Risālah al-Nāṣiḥah bi-al-Adillah al-Wāḍiḥah** — by the Proof-Imam ‘Abd Allāh b. Ḥamzah (‘a), d. 614 AH.

1. (*al-Tuhaf al-Fatimiyah Sharah al-Zulaf al-Imamiyah*) The Fatimid Treasures: Explanation of the Imamite Zulf.

11. **Şafwat al-Ikhtiyār fī Uşūl al-Fiqh** — by the Proof-Imam ‘Abd Allāh b. Ḥamzah (‘a), d. 614 AH.
12. **al-Mukhtār min Şaḥīḥ al-Aḥādīth wa al-Āthār min Kutub al-A’immah al-Aṭḥār wa Shi‘atihim al-Akhyār** — abridged by al-Sayyid al-‘Allāmah Muḥammad b. Yaḥyā b. al-Ḥusayn b. Muḥammad (*may Allah have mercy on him*), from **al-Şaḥīḥ al-Mukhtār** by al-Sayyid al-‘Allāmah Muḥammad b. Ḥasan al-‘Ajri (*may Allah have mercy on him*).
13. **Hidāyat al-Rāghibīn ilā Madhhab al-‘Itrah al-Ṭāhirīn** — by al-Sayyid al-Imām al-Hādī b. Ibrāhīm al-Wazīr (‘a), d. 822 AH.
14. **al-Ifādah fī Tārīkh al-A’immah al-Sādah** — by Imām Abū Ṭālib Yaḥyā b. al-Ḥusayn al-Hārūnī (‘a), d. 424 AH.
15. **al-Munīr** — on the madhhab of al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn b. al-Qāsim b. Ibrāhīm (‘a); by Aḥmad b. Mūsā al-Ṭabarī (*may Allah be pleased with him*).
16. **Nihāyat al-Tanwīh fī Izhāq al-Tamwīh** — by al-Sayyid al-Imām al-Hādī b. Ibrāhīm al-Wazīr (‘a), d. 822 AH.
17. **Tanbīh al-Ghāfilīn ‘an Faḍā’il al-Ṭālibiyyīn** — by al-Ḥākim al-Jushamī, al-Muḥsin b. Muḥammad b. Karāmah (*may Allah have mercy on him*), d. 494 AH.
18. **‘Uyūn al-Mukhtār min Funūn al-Ash‘ār wa al-Āthār** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Manşūr al-Mu’ayyadī (‘a) (1332–1428 AH).
19. **Akhbār Fakhkh wa Khabar Yaḥyā b. ‘Abd Allāh (‘a) wa Akhihi Idrīs b. ‘Abd Allāh (‘a)** — by Aḥmad b. Sahl al-Rāzī (*may Allah have mercy on him*).
20. **al-Wāfid ‘alā al-‘Ālam** — by Imām Najm Āl al-Rasūl al-Qāsim b. Ibrāhīm al-Rassī (‘a), d. 246 AH.
21. **al-Hijrah wa al-Waṣiyyah** — by Imām Muḥammad b. al-Qāsim b. Ibrāhīm al-Rassī (‘a).
22. **al-Jāmi‘ah al-Muhimmah fī Asānīd Kutub al-A’immah** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Manşūr al-Mu’ayyadī (‘a) (1332–1428 AH).
23. **al-Mukhtaṣar al-Mufīd fīmā Lā Yajūzu al-Ikhlāl bihi li-Kulli Mukallaf min al-‘Abīd** — by Qāḍī al-‘Allāmah Aḥmad b. Ismā‘īl al-‘Alafī (d. 1282 AH).
24. **Fifty Sermons for Fridays and Festivals.**
25. **Risālat al-Thabāt fīmā ‘alā al-Banīn wa al-Banāt** — by the Proof-Imam ‘Abd Allāh b. Ḥamzah (‘a), d. 614 AH.
26. **al-Risālah al-Şādi‘ah bi-al-Dalīl fī al-Radd ‘alā Şaḥīb al-Tabdī‘**

- wa al-Taḍlīl** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
27. **Īḍāḥ al-Dalālah fī Taḥqīq Aḥkām al-‘Adālah** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
28. **al-Ḥujaj al-Munīrah ‘alā al-Uṣūl al-Khaṭīrah** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
29. **al-Nūr al-Sāṭi‘** — by al-Hādī al-Ḥasan b. Yaḥyā al-Qāsimī (‘a) (1343 AH).
30. **Sabīl al-Rashād ilā Ma‘rifat Rabb al-‘Ibād** — by al-Sayyid al-‘Allāmah Muḥammad b. al-Ḥasan b. al-Imām al-Qāsim b. Muḥammad (‘a) (1010–1079 AH).
31. **al-Jawāb al-Kāshif li-al-Iltibās ‘an Masā’il al-Ifriqī Ilyās** — followed by **al-Jawāb al-Rāqī ‘alā Masā’il al-‘Irāqī**; by al-Sayyid al-‘Allāmah al-Ḥusayn b. Yaḥyā b. al-Ḥusayn b. Muḥammad (‘a) (1358–1435 AH).
32. **Uṣūl al-Dīn** — by Imām al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn (‘a) (245–298 AH).
33. **al-Risālah al-Badī‘ah al-Mu‘linah bi-Faḍā’il al-Shī‘ah** — by Qāḍī al-‘Allāmah ‘Abd Allāh b. Zayd al-‘Ansī, d. 667 AH.
34. **al-‘Aqd al-Thamīn fī Ma‘rifat Rabb al-‘Ālamīn** — by al-Amīr al-Ḥusayn b. Badr al-Dīn Muḥammad b. Aḥmad (‘a) (663 AH).
35. **al-Kāmil al-Munīr fī Ithbāt Wilāyat Amīr al-Mu‘minīn (‘a)** — by Imām al-Qāsim b. Ibrāhīm al-Rassī (‘a), d. 246 AH.
36. **Kitāb al-Taḥrīr** — by the Truth-Uttering Imām (al-Nāṭiq bi-al-Ḥaqq) Abū Ṭālib Yaḥyā b. al-Ḥusayn al-Hārūnī (‘a), d. 424 AH.
37. **Collected Fatwas of Imām al-Mahdī Muḥammad b. al-Qāsim al-Ḥusaynī (‘a)** (1319 AH).
38. **al-Qawl al-Sadīd — a commentary on the poem “Hidāyat al-Rashīd”** — by al-Sayyid al-‘Allāmah al-Ḥusayn b. Yaḥyā b. al-Ḥusayn b. Muḥammad (‘a) (1358–1435 AH).
39. **Qaṣḍ al-Sabīl ilā Ma‘rifat al-Jalīl** — by al-Sayyid al-‘Allāmah Muḥammad b. ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
40. **Naẓarāt fī Malāmiḥ al-Madḥhab al-Zaydī wa Khaṣā’iṣih** — by al-Sayyid al-‘Allāmah Muḥammad b. ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
41. **Ma‘ārij al-Muttaqīn min Ad‘iyat Sayyid al-Mursalīn** — compiled by al-Sayyid al-‘Allāmah Muḥammad b. ‘Abd Allāh ‘Awaḍ (may Allah preserve him).

42. **al-Ikhtiyārāt al-Mu’ayyadiyah** — fatwas, selections, sayings, and gleanings of the Proof-Imam Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu’ayyadī (‘a) (1332–1428 AH).
43. **Min Thimār al-‘Ilm wa al-Ḥikmah (Fatāwā wa Fawā’id)** — by al-Sayyid al-‘Allāmah Muḥammad b. ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
44. **al-Tuḥaf al-Fāṭimiyyah: Sharḥ al-Zulf al-Imāmiyyah** — by the Proof-Imam Majd al-Dīn b. Muḥammad al-Mu’ayyadī (‘a) (1332–1428 AH).
45. **al-Manhaj al-Aqwām fī al-Raf’ wa al-Ḍamm wa al-Jahr bi “Bismillāh al-Raḥmān al-Raḥīm,” wa Ithbāt “Ḥayya ‘alā Khayr al-‘Amal” fī al-Adhān, wa ghayri dhālik min al-fawā’id allatī bihā al-naf’ al-a‘amm** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu’ayyadī (‘a).
46. **al-Asās li-‘Aqā’id al-Akyās** — by Imām al-Qāsim b. Muḥammad (‘a).
47. **al-Balāgh al-Nāhī ‘an al-Ghinā’ wa Ālāt al-Malāhī** — by the Proof-Imam Majd al-Dīn b. Muḥammad al-Mu’ayyadī (‘a) (1332–1428 AH).
48. **al-Aḥkām fī al-Ḥalāl wa al-Ḥarām** — by Imām al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn b. al-Qāsim b. Ibrāhīm (‘a) (245–298 AH).
49. **al-Mukhtār min Kanz al-Rashād wa Zād al-Ma‘ād** — by Imām ‘Izz al-Dīn b. al-Ḥasan (‘a), d. 900 AH.
50. **Shifā’ Ghalīl al-Sā’il ‘ammā Taḥmiluhu al-Kāfil** — by the erudite scholar ‘Alī b. Ṣalāḥ b. ‘Alī b. Muḥammad al-Ṭabarī.
51. **al-Fiqh al-Qur’ānī** — by al-Sayyid al-‘Allāmah Muḥammad b. ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
52. **Ta’lim al-Ḥurūf (Teaching the Letters).**
53. **Series: Teaching Reading and Writing for Beginning Students — Part One: The Alphabetic Letters.**
54. **Series: Teaching the Principles of Arithmetic — Part One: Numerical Numbers (from 11 to 10).**
55. **Tashīl al-Tashīl ‘alā Matn al-Ājurrūmiyyah.**
56. **Azhār wa Athmār min Ḥadā’iq al-Ḥikmah al-Nabawiyyah** (upon its possessor and his family be the best blessings and peace) — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
57. **Matn al-Kāfil bi-Nayl al-Su’ul fī ‘Ilm al-Uṣūl** — by al-‘Allāmah Muḥammad b. Yaḥyā Bahrān (d. 957 AH).

58. **al-Maw‘īzah al-Ḥasanah** — by Imām al-Mahdī Muḥammad b. al-Qāsim al-Ḥusaynī (‘a) — 1319 AH.
59. **As‘ilah wa Mawādī‘ Hammah Khāṣṣah bi-al-Nisā’** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
60. **al-Mafātīḥ limā Istughliqa min Abwāb al-Balāghah wa Qawā‘id al-Istinbāt** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
61. **Series: Teaching Reading and Writing for Beginning Students — Part Two: Short Vowels and Word Formation.**
62. **Series: Teaching the Principles of Arithmetic — Numerical Numbers, Part Two.**
63. **al-Murakkab al-Nafīs ilā Adillat al-Tanzīh wa al-Taqdīs** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
64. **al-Manāhil al-Ṣāfiyah: Sharḥ al-Muqaddimah al-Shāfiyah** — by al-‘Allāmah Luṭf Allāh b. Muḥammad al-Ghayyāth al-Ẓafīrī, d. 1035 AH.
65. **al-Kāshif li-Dhawi al-‘Uqūl ‘an Wujūh Ma‘ānī al-Kāfil bi-Nayl al-Su’ul** — by al-Sayyid al-‘Allāmah Aḥmad b. Muḥammad Luqmān, d. 1037 AH.
66. **al-Anwār al-Hādiyah li-Dhawi al-‘Uqūl ilā Ma‘rifat Maqāṣid al-Kāfil bi-Nayl al-Su’ul** — by the jurist-scholar Aḥmad b. Yaḥyā Ḥābis al-Ṣa‘dī, d. 1061 AH.
67. **Majma‘ al-Fawā‘id al-Mushtamil ‘alā Bughyat al-Rā‘id wa Ḍallat al-Nāshid** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Manṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
68. **Kitāb al-Ḥajj wa al-‘Umrah** — by the Proof-Imam Majd al-Dīn b. Muḥammad b. Manṣūr al-Mu‘ayyadī (‘a) (1332–1428 AH).
69. **al-Masṭūr fī Sirat al-‘Ālim al-Mashhūr** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
70. **Ramadan Lectures for Bringing Near the Meanings of Qur’ānic Verses** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
71. **Zubr min al-Fawā‘id al-Qur’āniyyah wa Nawādir min al-Farā‘id wa al-Qalā‘id al-Rabbāniyyah** — by al-Sayyid al-‘Allāmah Muḥammad ‘Abd Allāh ‘Awaḍ (may Allah preserve him).
72. **al-Munta za‘ al-Mukhtār min al-Ghayth al-Midrār (known as the Commentary on al-Azhār)** — by al-‘Allāmah ‘Abd Allāh b. Muftāḥ—may Allah have mercy on him.

73. **Matn Ghāyat al-Su’ul fī ‘Ilm al-Uṣūl** — by al-Sayyid al-‘Allāmah al-Ḥusayn b. al-Imām al-Qāsim b. Muḥammad (‘a), d. 1050 AH.
74. **Durar al-Farā’id fī Khuṭab al-Masājid** — by al-Sayyid al-‘Allāmah ‘Abd Allāh b. Ṣalāḥ al-‘Ajrī—may Allah have mercy on him.
75. **al-Kāshif al-Amīn ‘an Jawāhir al-‘Aqd al-Thamīn** — by the jurist-scholar Muḥammad b. Yaḥyā Madā’is (d. 1252 AH).
76. **al-Washī al-Mukhtār ‘alā Ḥadā’iq al-Azhār** — by al-Sayyid al-‘Allāmah al-Ḥusayn b. Yaḥyā al-Muṭahhar (‘a) (1358–1435 AH).

There is much else, of goodly works, on its way to the light, if Allah Most High wills. We ask Allah for aid and success.

We also extend, in this brief space, our heartfelt thanks to everyone who helped bring this noble work to light—many they are. We ask Allah to record that for all of them in the balance of good deeds and to grant them ample reward and recompense.

In conclusion, we are honored to dedicate this modest work to the soul of our master, the Proof-Imam Majd al-Dīn b. Muḥammad b. Manṣūr al-Mu’ayyadī—may Allah’s peace and pleasure be upon him—the reviver of the treasures and glories of the Household (‘a), and the one with the signal merit in disseminating the heritage of the Ahl al-Bayt (‘a) and their righteous followers (*may Allah be pleased with them*).

I supplicate Allah with what he (‘a) supplicated, saying:

O Allah, bless Muḥammad and his family; complete for us Your favor in both abodes; inscribe for us Your mercy which You write for Your righteous servants. O Allah, teach us what benefits us, benefit us by what You have taught us, and make us guides who are rightly guided.

“Our Lord, forgive us and our brothers who preceded us in faith and put not in our hearts [any] resentment toward those who have believed. Our Lord, indeed You are Kind and Merciful.” — [al-Ḥashr 59:10]

We hope for Allah’s enabling grace to the most upright path, by His bounty and generosity. I ask Allah to rectify this work so that it may be among the deeds accepted, to envelop us in His mercy on the Day of Resurrection, and to seal for us and for all believers with a good end. Indeed, He is the Guardian of response, and to Him is the utmost hope and attainment.

“My Lord, enable me to be grateful for Your favor which You have bestowed upon me and upon my parents and to do righteousness of which You will approve; and make righteous for me my offspring. Indeed, I have repented to You, and indeed, I am of the Muslims.” — [al-Aḥqāf 46:15]

And may Allah send blessings upon our master Muḥammad and upon his pure, immaculate Household.

Director of the Library

Ibrāhīm b. Majd al-Dīn b. Muḥammad al-Mu’ayyadī

Verification Introduction

All praise is due to Allah, Lord of the worlds, who says:

“So ask the people of the message if you do not know.” — [al-Anbiyā’ 21:7; al-Nahl 16:43]

And blessings and peace be upon our master, our beloved, our leader, and our exemplar, Muḥammad—servant of Allah and His Messenger—who said: *“O Allah, place knowledge and understanding in my progeny and my progeny’s progeny, and in my cultivation and the cultivation of my cultivation.”* May Allah’s blessings and peace be upon him and upon the most select of his Household—the noble, pure ones, stars of guidance, lamps in the darkness, a safeguard from misguidance and ruin. To proceed:

With Allah’s help and grace, we present to you, dear reader, this noble tome, entitled **“From the Fruits of Knowledge and Wisdom — Fatwas and Gleanings”**, in its three volumes, by its author, al-Sayyid al-‘Allāmah al-Ḥujjah **Muḥammad b. ‘Abd Allāh ‘Awaḍ al-Mu’ayyadī**—may Allah support him—in its new printing, with its handsome, singular attire and its beneficial, useful fruits. We ask Allah to make it of benefit to the Muslims—scholars, students of knowledge, and the general public alike. It encompasses most of what a Muslim needs in his practical life—in both worship and transactions. Hardly a single issue will pass you by without finding it, or one like it, or something close to it within its folds. In addition, it resolves many problematic questions, weighty difficulties, and contemporary novelties, in a distinctive scholarly manner, free of affectation and complication—laying bare the face of the proof, highlighting the strength of its source, clarifying the reasons for its issuance and its basis, explaining what is obscure, purging it of every taint—directing the evidence in a way that heals the ailment of every ailing one, and deriving inferences before which thought stands humbled; thus one bows one’s head in appreciation and reverence, praising the Lord of Majesty, who bestows abundant gifts upon whom He wills.

It is no wonder—for its author (*may Allah aid and preserve him*) is an imam of eloquence and expression, foremost among its champions in the field, a divinely taught guide of this age and the helmsman of the ship of safety, the remaining remnant of the pleasing lineage. We ask Allah to let us enjoy the span of his days and to increase him in His favor and bounty.

We note here, briefly, that this edition contains many additions. We gathered what the author—may Allah Most High aid him—wrote after the previous editions. Since most of that material was scattered throughout notebooks (as we indicated in his book *Zubr min al-Fawā’id al-Qur’āniyyah*), we added everything under the topic that best suits it

from what had been first printed, so that benefit might be more general and so it would be easier for the researcher to reach what he wants. We re-arranged it: what pertains to fiqh we ordered according to the well-known sequence of fiqh chapters; the miscellaneous gleanings we distributed by subject, then arranged them as best we could after presenting that to the author (*may Allah support him*). Any headings we added we placed between brackets like this [...].

A reader may notice that under some topics there are more than one paragraph or question that are very close in meaning, with only slight differences in wording, and wonder why they were not condensed into a single topic or a single question. The reason is that, being scattered in notebooks, each was written at a different time or on a particular occasion or in answer to a specific inquirer. When they were gathered, we found in some of them additional benefit not found in the others; therefore, we did not content ourselves with one and recorded them all.

Accordingly, we devoted the first and second volumes to fiqh topics: **Volume One** from the beginning of the fiqh chapters to the end of the **Book of Divorce**; **Volume Two** from the beginning of the **Book of Sales** to the end of fiqh. In **Volume Three** we collected the miscellaneous gleanings on various subjects, such as **uṣūl al-dīn**, **uṣūl al-fiqh**, and other important topics.

We ask Allah to benefit us and everyone who reads it by its useful benefits and its unique, precious gems; to reward its author on our behalf and on behalf of Islam and the Muslims with the best of rewards; to be most pleased with him; and to place it in the scale of his good deeds. And may blessings and peace be upon our master Muḥammad and his pure Household.

Department of Verification / Ahl al-Bayt Library —

Muḥarram / 1441 AH

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, the Most Merciful

[Introduction]

A Study on Ijtihād

Some scholars have said: *Every mujtahid (jurisconsult) is correct in subsidiary issues (furū’).*

Others said: *The truth in subsidiary issues lies with one only, and the one who disagrees is mistaken yet excused.*

I say: The adherents of both positions are agreed on the principle that a mujtahid is obliged to act upon what his ijtiḥād (personal reasoning) leads him to. Thus, no difference appears between the two opinions in meaning or in reality. For the meaning of their statement “*Every mujtahid is correct*” is that it is obligatory for the mujtahid to act upon what his ijtiḥād leads him to, and that it is permissible for a layman to follow that mujtahid in such, and that it is not permissible to overturn his ruling by means of another’s ijtiḥād. All of this is also affirmed by those who say that the truth lies with one only and that the one who errs is excused.

[When may a mujtahid follow another?]

Question: Is it permissible for a mujtahid to imitate (do taqlīd of) another in matters where he has not yet been able to perform ijtiḥād—because its basis is obscure, or its rationale is hidden, or something similar?

Answer (and Allah is the granter of success):

Yes, that is permissible. The evidence is the generality of Allah’s saying:

“So ask the people of the message if you do not know.” — [al-Anbiyā’ 21:7]

The generality here is in the pronouns, and the scope of the pronouns follows the generality of what they refer back to.

What appears to be meant by the statement, “*It is forbidden for a mujtahid to imitate,*” is the one who is able to perform ijtiḥād and has the capacity for it—not every mujtahid absolutely, even if he faces difficulty.

The evidence for what we have said is Allah’s statement:

“So fear Allah as much as you are able.” — [al-Taghābun 64:16]

Likewise, if an incident arises urgently and he is unable to perform ijtiḥād at the moment, it is permissible for him to follow another, based on Allah’s saying:

“So fear Allah as much as you are able.” — [al-Taghābun 64:16]

Based on what we have mentioned, the permissibility of *partial ijtiḥād (tajazzī’ al-ijtiḥād)* is derived.

Benefit: (Categories of subsidiary ijtihādī issues)

Subsidiary ijtihādī issues are of several types:

1. Issues where the truth is one only, not subject to multiplicity.

For example: the difference among scholars regarding whether the Prophet (*peace and blessings be upon him and his progeny*) married Maymūnah while in a state of iḥrām, or while not in iḥrām. Such a case cannot have both as true.

Another example: the narration regarding the Prophet’s entering the Ka‘bah—whether he prayed two rak‘ahs inside it or not.

Another: whether he proclaimed “Hayya ‘alā khayr al-‘amal” in the adhān or not; whether he performed the iqāmah as a single call or repeated phrases; whether he glorified [saying: *Subhanallah walhamdulillahi wala ilaha illallah wallahu akbar*] in the last two rak‘ahs of prayer.

All such are matters where one position alone can be correct. However, in some cases, both actions may be correct—such as what was repeated by the Prophet (*peace and blessings be upon him and his progeny*) in his practice, where he did an action at one time and left it at another.

2. Issues where every mujtahid is correct, provided he fulfills the requirements of ijtihād.

This includes matters such as estimating the blood-money (arūsh) in cases of injury, the value of destroyed property, or the penalty for hunting game while in iḥrām. These are matters with no explicit ruling in Qur’ān, Sunnah, or consensus, and are left to the reasoning of the imām or judge—such as disciplinary measures for subjects in certain acts.

3. A third type: where differences arise due to the obscurity and multiplicity of evidences.

This type, in my view, may fall under either of the two: having one truth only, or allowing multiple truths.

An example is the report that when the Prophet (*May Allah bless him and his family and grant them peace*) returned from the Battle of the Trench [*al-Ahzaab*] he said: “*Whoever believes in Allah and the Last Day, let him not pray ‘Aṣr except at Banū Qurayzah*” (or words to that effect). The Companions then set out: some prayed ‘Aṣr on the road, fearing the time would expire; others did not pray until they reached Banū Qurayzah, even though the time had elapsed. When they informed the Prophet (*May Allah bless him and his family and grant them peace*), he did not censure either group.

Differences of the Imāms in rulings on worship and transactions

The differences among the imāms and scholars in issues of purification, prayer, and other acts of worship and transactions are differences that do not impair faith nor blemish piety.

Imām Zayd b. ‘Alī (‘a), when speaking of the differences among the Ahl al-Bayt (‘a) in these juristic matters, said: *“Our differences are a mercy for you.”* He meant thereby that there is no blame upon you, when the Ahl al-Bayt differ, if you take the saying of one of them or of another. Thus, all those differing opinions are valid; whoever acts by one of them, it suffices him. If one takes the opinion of Zayd, it suffices him; if one takes the opinion of al-Hādī, it suffices him, and so on. Thus, the opinion of Zayd is truth and correctness, and the opinion of al-Hādī is truth and correctness, and so on.

And the madhhab of the majority of the scholars of the Ummah of Muḥammad (*May Allah bless him and his family and grant them peace*) is that differences in the issues of this science (*fiqh*) are light and easy matters, in which there is no blame upon those who differ. Every school of thought suffices its adherent, and they have said: *Every mujtahid is correct.*

Therefore, it is not appropriate to censure someone who repeats the phrases in the adhān four times [saying: *Allahu akbar* four times], or who yatawajjah [saying the two invocation of orientation] after the opening takbīr, or who combines between two prayers, or other such matters in which the Imams of Islam have differed.

What is incumbent upon a Muslim is that he exercises utmost care in his religion, not taking it except from the most trustworthy scholars in his view, and that he acts upon their word—without declaring mistaken the one who holds a differing view. It is also not proper for a Muslim to take matters of fiqh directly from books, for understanding from books may be right or wrong; rather, he should take his religion from the scholars—exactly as Allah, Exalted, has said:

“So ask the people of the message if you do not know.” — [al-Naḥl 16:43]

Yes, the meaning of what we have mentioned is not that it is permissible for a Muslim to wander in his religion between madhhabs—one day Shāfi‘ī, another day Ḥanbalī, another day Mālikī, and so on—according to his own desire and whim. That is something the scholars have strongly condemned. Rather, what is meant is that a Muslim should take care in his religion, not taking it except from the most trustworthy scholar in his view, and acting upon his word without declaring mistaken those who disagree.

Allah, Exalted, has said:

“So give good tidings to My servants who listen to speech and follow the best of it. Those are the ones Allah has guided, and those are the people of understanding.” — [al-Zumar 39:17-18]

The Imams of the Zaydiyyah do not reproach the followers of other madhhabs in matters such as saying “āmīn” or folding the hands in prayer, or similar issues in ṣalāh, zakāh, ḥajj, marriage, divorce, nursing, and the like. They do not censure these nor consider them blameworthy nor see any harm in them. What they do reproach is their opponents’ positions in *tashbīh* (anthropomorphism), *jabr* (determinism), enmity toward the Ahl al-Bayt (‘a), and opposition to them, and the like in the fundamentals of religion (*uṣūl al-dīn*).

A person is not considered Zaydī until he follows Zayd (‘a) in three matters:

1. Belief in **tawḥīd** (Divine Unity) and ‘**adl** (Divine Justice), which are expressed as the principles of religion (*uṣūl al-dīn*).
2. Belief in the superiority of ‘Alī (‘a) and giving him precedence over the Companions, and giving precedence to the Ahl al-Bayt (‘a).
3. Upholding enjoining good and forbidding evil.

As for the rest of the rulings of Islam, the Zaydī is at liberty: he may follow the opinion of al-Hādī or of other Imams and scholars. It is not said of one who follows someone other than Zayd that he has opposed Zayd; rather, he is in agreement with Zayd, for Zayd (‘a) said, as we mentioned earlier: *“Our differences are a mercy for you.”* Thus, Zayd (‘a) permitted his followers to imitate other scholars of the Ahl al-Bayt in cases of difference, considering that a mercy for the people, a facilitation, and a latitude.

Even though the Imams of the Ahl al-Bayt (‘a) differed in some subsidiary juristic matters, they were unanimous on the matters of creed (*uṣūl al-dīn*)—the issues of tawḥīd and ‘adl, prophethood, succession, and the matters of Allah’s promise and threat. They saw no harm in differing outside these areas of creed.

So, if a Muslim professes the oneness of Allah Most High and His justice, affirms the precedence of ‘Alī (‘a) and of his Household, and upholds enjoining good and forbidding evil in the way that Zayd (‘a) and the rest of the Ahl al-Bayt upheld, then he is Zaydī—even if he follows the madhhab of al-Nāṣir, al-Qāsim, al-Ṣādiq, al-Hādī, or other Imams and mujtahid scholars.

A Benefit: (On the Change of a Mujtahid’s Ijtihād)

If a mujtahid’s ijtihād changes due to his obtaining a conclusive proof, he must inform those who had imitated him so that they may act upon

the second opinion. But if that is not the case, rather another proof appears stronger to him, then—as al-Mu’ayyad bi-llāh, Abū Ṭālib, and Shaykh Aḥmad al-Raṣṣāṣ said—he is not obliged to inform those to whom he had given the first fatwā.

This is the end of what is cited in the marginalia of Sharḥ al-Azhār.

[Do Circumstances Have an Effect in Ijtihādī Matters?]

Question: Can circumstances and conditions play a role in some ijtihādī issues—for example, what is related about al-Nāṣir al-Uṭrūsh concerning *ṭalāq bid’ī* (innovative divorce), combining between washing and wiping in purification, or some inheritance issues? Can certain circumstances and conditions be a basis for preference?

Answer: Circumstances and conditions, as they appear to me, are of various types:

1. **Circumstances that are a cause and rationale for rulings**—such as the state of travel, fear, or illness. These are made by the Lawgiver an excuse for concessions in leaving off some religious obligations.
2. **When a scholar-mujtahid is in a community that follows a particular madhhab**—such as the Shāfi’ī madhhab, or that of Mālik, or Abū Ḥanīfah, or the Imāmiyyah. That community sees its madhhab as truth and correctness. In such a case, it is permissible for the mujtahid in that community to issue fatwās to the people according to their madhhab, and to judge among them according to their madhhab. This serves as a reason for preference, because opposing what the people are accustomed to in madhhabs is strongly rejected by the common folk, and may lead to hostility and great harm. The scholars of madhhabs have said: *“A layman is to be given fatwā according to the madhhab of his locality.”*

As for the mujtahid, in what pertains to himself and his close ones, he may act upon his own madhhab in private. In what appears to people: if he feels safe from corruption, he acts upon his own madhhab; but if he fears harm—such as that people turn away from him, accuse him, or refuse to accept from him—he leaves his own madhhab and follows theirs. This is in the case where the scholar in that society is a model and an exemplar whom people refer to, take from, and benefit from his knowledge.

But if that community already has another exemplar whom they follow, and they do not accept from him nor take from him, and he is not in the position of inviting and guiding them, then it is not appropriate for him to abandon his own madhhab in deference to theirs. What we have mentioned here pertains to subsidiary ijtihādī issues.

The Effect of Society

It is difficult for a person legally responsible (*mukallaḥ*) to depart from the madhhab in which he was raised, and in which his family, neighbors, brothers, and people of his land were raised.

The scholar-mujtahid continues to hold to the madhhab in which he was brought up until proofs and evidences overwhelm him and force him to turn aside to another. This is clear.

The clearest example is that the polytheists who worshiped idols did not abandon their superstitious madhhabs for the light of Divine guidance except after great struggle and long striving. Based on this, there is no doubt that one who grows up among the people of a madhhab must be influenced by some of their ways.

[A Benefit: On the Permissibility of a Follower Transferring to Another Imām’s Madhhab]

It is stated in *al-Muhadhdhab*: “It is not permissible for the follower of a madhhab to take the fatwā of another muftī, and it is [considered] leaving the religion.” End quote in meaning.

I say: This should apply to the one who moves about from one madhhab to another out of whim, play, or chasing after concessions, without concern for what he had previously bound himself to. But if the transfer is not of this kind, and there arises a reason calling for transfer, then it appears there is no impediment to transferring and acting upon the new fatwā.

An example: a follower holds to the madhhab of those who require prayers to be performed in their fixed times (*tawqīt*). Then he happens to accompany a mujtahid who permits combining the prayers. Here there is no harm in him combining with this mujtahid, because opposing him outwardly would bring reproach upon him. Likewise, a committed follower may fall into straits he cannot bear; in such a case, there is no harm in his moving to the madhhab of another Imām equal in rank to his own, in order to free himself from such straits. This is provided he believes that the new Imām is equal in knowledge and standing to his former Imām, or superior. But if he sees the new Imām as lower, then it is not appropriate to transfer—for following the less sound is not permissible, neither rationally nor legally.

A Benefit [from the Words of Imām al-Manṣūr bi-llāh (‘a) Concerning Differences in Subsidiary Issues]

1. *It is not permissible to censure a matter that is open to possibility until the situation is clarified; for it is obligatory to carry the actions of Muslims upon soundness as far as possible.* This is the meaning of the words of Imām al-Manṣūr bi-llāh (‘a) in *al-Majmū‘*.

2. In it, after mentioning certain subsidiary issues in which differences occurred among the Imāms, he said: *“These rulings, as you see, differ among the Ahl al-Bayt. Differences occurred also among the Companions (may Allah be pleased with them) and the Followers after them, and remain among the people of knowledge to this day. One is not declared sinful or unbelieving for them; rather, it is breadth and mercy.”* End quote.

A Benefit [from the Words of Imām Zayd (‘a) on the Consensus of the Ahl al-Bayt (‘a)]

In the book *Tathbīt al-Waṣīyyah* of Zayd b. ‘Alī (‘a): *“Our differences are a mercy for you. But if we agree upon a matter, then the people must not oppose it.”* End quote.

A Benefit: Explaining the Words of Imām al-Manṣūr bi-llāh and Zayd b. ‘Alī (‘a)

The words of Imām al-Manṣūr bi-llāh and of Imām Zayd b. ‘Alī (‘a) which have preceded show that the Ahl al-Bayt (‘a) differed in some speculative issues, and that differing in them was allowable, and was a breadth and a mercy for the Ummah.

The meaning of “breadth and mercy” is that it is permissible for the follower (*muqallid*) to choose from the sayings of the Imāms whichever is easier and lighter, and that every statement of the Imāms is a true and correct statement.

From this is derived an indication supporting the authenticity of the ḥadīth reported from the Prophet (*peace and blessings be upon him and his progeny*): *“The differences of my Ummah are a mercy.”*

However, this ḥadīth must be interpreted as referring to differences in speculative matters, not fundamentals. From it may also be derived the permissibility of moving between the madhhabs of the Imāms (*peace be upon them*), for that is the meaning of breadth and mercy.

If it is said: *They have said that pursuing concessions (tatabbu‘ al-rukhaṣ) is heresy (zandaqah).*

We reply: What is meant is the one who seeks to escape obligations by chasing after the concessions of scholars. There is no doubt that following desires leads astray. As for the one whose intention is not that, but rather to seek Allah’s pleasure, then he is in the enclosure of mercy—whether he follows the opinion of al-Hādī or that of other Imams of guidance.

[A Benefit: On the Layman’s Adherence to the Madhhab of a Mujtahid]

In the marginalia of *Sharḥ al-Azhār*: “If a layman commits himself to a madhhab, it is either that he has known the conditions of taqlīd or not. If he has not known them, then his taqlīd is not considered taqlīd, and his ruling is that of one who has no madhhab”. End quote.

[The Ruling on Followers When the One They Follow Slips]

Question: If a scholar slips, and his followers imitate him in his slip in good faith—such that, had they known, they would not have followed him in his error—what is the ruling on them?

Answer (and Allah grants success):

If the slip is in matters pertaining to justice and Divine unity—such as determinism (*jabr*) and anthropomorphism (*tashbīh*)—then the scholar and his followers are destroyed, by proof of Allah’s saying:

“Indeed, Allah does not forgive association with Him.” — [al-Nisā’ 4:48]

and the like. The scholars of the madhhab are nearly agreed on this.

But if the slip is in some derivative of the fundamentals, or in subsidiary issues, then there is no blame upon them all, based on Allah’s saying:

“And there is no blame upon you for that in which you erred, but [only for] what your hearts intended.” — [al-Aḥzāb 33:5]

[Issues in Ijtihād and Taqlīd]

Q1: *Since it is not permissible for the mujtahid to imitate another, and he must act upon what his own reasoning leads him to—must he teach his students his own ijtiḥād and give them fatwās upon it? Or may he teach them something other than his own choice?*

Answer: It is not obligatory for the mujtahid to teach his students his personal ijtiḥād. It is permissible for him to teach them the curriculum known among them, even if it contains what contradicts his own choice.

The students are of two categories:

1. Those who have advanced and know ijtiḥād and taqlīd, what may be subjected to ijtiḥād, what may be followed in taqlīd, what is open to disagreement, and what is not—there is no harm for the mujtahid in presenting his ijtiḥād to this group.
2. Those who have not advanced beyond layman status—it is not appropriate for the mujtahid to present to them from his ijtiḥād what contradicts what they are accustomed to, because that may cast doubt upon them in their religion and confuse them.

The mujtahid must also leave the laypeople upon the madhhab in which they were raised. He must not teach them from his own ijtiḥād what would confuse and bewilder them in their religion.

Indeed, it is not permissible for him even to practice his own ijtihād in front of them if he knows that this will lead them to doubt him, revile him, or fall into perplexity.

Q2: *Is every mujtahid correct, even if his evidence proves weak compared to what others see as stronger and weightier?*

Answer: Every mujtahid is correct—even if his evidence is shown to be weak—meaning that the mujtahid who acts upon his ijtihād is correct in acting upon what he saw as valid, and likewise his followers are correct in following him; there is no blame upon them before Allah. If we come to know the weakness of that mujtahid’s evidence and it becomes clear to us that he erred, this does not affect the validity of his madhhab nor the correctness of his followers.

The proof of this issue is Allah’s saying:

“And there is no blame upon you for that in which you erred, but [only for] what your hearts intended.” — [al-Aḥzāb 33:5]

However, it is not permissible for a follower who has come to know the weakness of that mujtahid’s reasoning to continue imitating him in that issue.

Q3: *Is the truth in matters of ijtihād with one side only, while the others are mistaken?*

Answer: The scholars differ. Some say the truth in ijtihādī matters is one; others say it is multiple. They are all agreed, however, that sin and blame are lifted from the mistaken mujtahid, that he must act upon his ijtihād, and that his followers are excused.

Accordingly, we may say: What the mujtahid’s reasoning leads him to is correct, and his followers are correct in following him—whether or not that ijtihād accords with truth in reality, and whether or not we say that *every mujtahid is correct*.

Thus Imām Zayd b. ‘Alī (‘a) said, as in his collected letters: *“Our differences are a mercy for you. But if we agree upon a matter, it is not permissible for you to oppose us.”* Or words to that effect.

The meaning of his statement (‘a) is that the differences among the scholars of the Ahl al-Bayt are a mercy and an opening for the people, since it contains facilitation for them and choice in following one or another opinion.

Q4: *Do the jurisprudential curricula that are generalized for teaching entail uniformity of opinion, teaching a single methodology, issuing fatwas based on it, ruling based on it, and limiting other interpretations to their proponents? How is this methodology, which should be generalized, chosen?*

Answer: As we mentioned earlier, opposing ijtihādāt should remain

confined to their own adherents and should not be spread among the general public, because of the corruption that may result from spreading them. There is no harm, however, in presenting them to advanced students, since no corruption results from that.

In Yemen, the Zaydiyyah have a general, comprehensive curriculum, just as is the case in the four madhhabs. After the year 250 AH, the Zaydiyyah followed Imām al-Qāsim b. Ibrāhīm, and a group among them followed Imām al-Nāṣir al-Uṭrūsh, due to the prominence, fame, and lofty standing of these two Imams. Then, after some time, a group of the great scholars of the Ahl al-Bayt (*peace be upon them*) wanted to establish a complete curriculum encompassing all juristic rulings, to be the reference for the Zaydiyyah in all lands across time.

They saw that the madhhab of al-Qāsim (‘a) was the one relied upon by most of the Zaydiyyah, so they made it the foundation upon which they built this curriculum. They added to it the opinions of his sons—such as Muḥammad b. al-Qāsim and al-Hādī (‘a) and his sons—making those opinions the bases, then building upon them and branching out from them.

This work was completed at the hands of Abū al-‘Abbās al-Ḥasanī, al-Mu’ayyad bi-llāh, Abū Ṭālib, and others.

Likewise, the followers of Imām al-Nāṣir al-Uṭrūsh (‘a) relied upon his opinions, built upon them, branched out from them, and produced for the Nāṣiriyyah a complete curriculum in all fields, encompassing everything they needed. The Nāṣiriyyah continued upon it until it disappeared entirely after the year 900 AH. Its heritage, however, remains preserved today in the manuscript libraries here in Yemen.

As for the madhhab of al-Qāsim and al-Hādī—which is *the madhhab* as we call it today—it remains and will remain, as do its followers and supporters, until today and until the Day of Resurrection. For this reason, there is no need to establish a new general curriculum in this regard, since that earlier curriculum is sufficient.

- It is not possible to explain in full detail to the common masses the issues of ijtihād and taqlīd—what admits of ijtihād and what does not, whether every mujtahid is correct or excused, what are the issues of ijtihād, and that disagreement therein is easy and does not cause deficiency in religion—for they are incapable of grasping this, their understanding being too limited to comprehend such matters. This is possible only for advanced students who have traversed stages in the pursuit of knowledge.
- The Imām of truth has the right to impose what he sees as correct in ijtihādī matters upon the people of his state. But this pertains only to public laws, not to private rulings. He has no right to

compel individuals in their personal practice to follow his madhhab; rather, it is obligatory that mujtahids be left free to choose for themselves in matters that pertain to them.

- We say that the Imām may compel the people to his madhhab in public rulings because he is bound to judge among them with truth, and to enforce among them what he sees as truth. Allah the Exalted has said:

“And judge between them by what Allah has revealed.” — [al-Mā’idah 5:49]

“...so that you may judge between the people by what Allah has shown you.” — [al-Nisā’ 4:105]

“...so judge between the people in truth.” — [Ṣād 38:26]

Thus, if the Imām holds that *ṭalāq bid’ī* (innovative divorce) takes effect, he must enforce that upon the people. If he holds that it does not, he must likewise enforce that upon them.

- The opinion of the Imām of the time—or others—may change even in a single day: he may issue one fatwā at the beginning of the day, and another, contrary to it, at the end of the day, regarding the very same case. We have seen Imām al-Hādī (‘a) take one position in some issues of *al-Muntakāb* and another in *Masā’il al-Aḥkām*. All of this is correct, for it arises from the reasoning of a mujtahid.

Who Are the People of the Madhhab?

Question: There is discussion about the sayings of the people of the madhhab in *al-Azhār*, *al-Sharḥ*, *al-Bayān*, and other works—what is your opinion on that?

Answer (and Allah is the granter of success):

The sum of the matter is this: the madhhab consists of the sayings of five Imams:

- Imām al-Qāsim b. Ibrāhīm,
- his son Muḥammad b. al-Qāsim,
- his grandson al-Hādī Yaḥyā b. al-Ḥusayn,
- the two sons of al-Hādī: Aḥmad al-Nāṣir and Muḥammad al-Murtaḍā—*peace be upon them all*.

These are called *the Imams of the Texts (A’immat al-Nuṣūṣ)*.

Then came after them the *Imams of Compilation and Derivation*—Abū al-‘Abbās al-Ḥasanī, al-Mu’ayyad bi-llāh, and Abū Ṭālib. They compiled the madhhabs of the five Imams, systematized them, elaborated upon them, branched out from them, and derived rulings—all in accordance with what the words of the earlier Imams [the five Imams] entailed.

However, their derivations differed in some details and branches,

according to their different understandings. This constitutes the second stage of the madhhab.

Then came the third stage: rigorous scrutiny and examination of the soundness of what the people of the second stage had established in every branch and derivation, from the beginning of fiqh to its end. Whatever they found to accord with the principles, foundations, and texts of the earlier Imams, they marked with the well-known symbol¹. Whatever did not accord, they left unmarked.

Through the past centuries, scholars have continued to verify the soundness of what their predecessors established. Whatever they found in agreement with the texts of the five Imams, they confirmed and marked as part of the madhhab. Whatever was not so, they attributed to its author, saying: “*al-Sayyid al-Mu’ayyad bi-llāh said,*” “*Abū Ṭālib said,*” “*Abū al-‘Abbās said,*” or “*such-and-such jurist said.*”

Objection: *We find in the books of the madhhab that sometimes the madhhab is reported in one issue, and then a contrary opinion is attributed to al-Hādī. How then do you say that the madhhab is that of al-Hādī, his grandfather, his two sons, and Muḥammad b. al-Qāsim?*

Response: When the compilers and derivators studied the sayings of those five Imams and examined them thoroughly, they extracted from them principles and foundations. They then built upon these principles and foundations and made them the basis for the derivations. Whenever they found a statement from one of the five Imams that contradicted these principles and foundations, they did not adopt it or establish it.

If you say: How could they attribute to the madhhab what they established as the madhhab of al-Hādī, when al-Hādī himself disagreed with it in some places?

We say: They deemed it permissible because they saw that al-Hādī, after a thorough study of his words, relied upon principles and foundations which he built upon—such as the principle that the default state is purity. If they found him making a statement contrary to the principles he relied upon, they adopted the principle and foundation that he had built upon.

[The Preferable Course Is to Follow the Stronger Opinion]

- As it appears to me, it is permissible for a follower to move between the madhhabs of the scholars and Imams of the Ahl al-Bayt. Indeed, Zayd b. ‘Alī (‘a) said in his printed collected letters: “*Our differences are a mercy for you.*” This means that the differences of the scholars of the Ahl

¹ Like this:

al-Bayt in a matter are a breadth for the followers: no one of them is bound to a single opinion, but has latitude and freedom to move between them.

- Even so, it is preferable for the follower to imitate the scholar he sees as weightier. If the scholars appear equal to him, he takes the opinion that seems stronger in his view. This is something a rational person is guided to by the innate light of his reason.

[The Meaning of Their Statement: *In Matters of Ijtihād There Is No Fixed Ruling of Allah*]

In *al-Intiṣār*: What we deem correct is what our scholars have said, along with the Mu‘tazilah, and what the verifiers among the Ash‘arīs and jurists have also said: that a given case has no specific ruling from Allah in itself. Rather, its ruling is determined by the reasoning and opinion of the mujtahid.

When an incident befalls him, and he applies his reasoning, exerts his mind, asks Allah for guidance and success to the truth, and is qualified with the sciences of ijtiḥād, possessing them with their necessary conditions, then ... (and so forth).

I say: It is clear that the mujtahid scholars base their establishment of ijtiḥādī rulings on the Qur’ān, the Sunnah, and analogy (*qiyās*). Deriving rulings from these may be from the outward text of a verse or ḥadīth, from its indication, from its implication, or from its understanding. The outward texts may conflict among themselves, or implications may conflict with texts, or with ḥadīths, or with analogy. From here differences arise.

All such evidences must be examined by the mujtahid, who then takes what appears strongest to him. The strongest may differ among mujtahids—or even for the same mujtahid at different times—so that at one time he favors one evidence, at another time he favors another.

It is clear that each piece of evidence points to a ruling. The mujtahid is charged with examining those evidences and taking what appears strongest. Since this is the case, taking the strongest in each instance is correct and true for every mujtahid.

It is correct and true because each mujtahid has fulfilled what is required of him.

The meaning of their statement “*There is no fixed ruling of Allah*” is that Allah, Exalted, has not charged the scholars-mujtahids with more than what we have described: to examine, reflect deeply, and then take what appears strongest.

Yes, it may be said that Allah Most High has a definite ruling in every case: whoever reaches it has attained it, and whoever misses it has erred.

But the one who errs is excused. Therefore, all ijtihāds are correct—from the standpoint of examination, reflection, and taking what appears strongest. And Allah does not burden a soul beyond its capacity.

[How does a seeker of knowledge issue fatwas to the general public?]

Question: Guides (*murshidūn*) go out to instruct people in the countryside and elsewhere, at the request of the scholars (*may Allah preserve them*). The people of these villages must ask the guide about certain matters—such as prayer, zakāt, and similar issues. Is it permissible for the guide to give them fatwās according to what he studied with the scholars from *Matn al-Azhār* and the like? Or must he refer them to a scholar to issue the fatwā?

And if it is not permissible for him to issue fatwās according to his knowledge, does that mean his study is only for himself until he reaches the rank of ijtihād and then assumes the position of giving fatwā?

Answer (and Allah grants success): If *istiftā* (seeking fatwā) concerns well-known issues, and the guide is confident in his knowledge of the matter, then there is no problem—in fact, that is part of the important duties for which the guide was sent. The madhhab of the majority of the lay Zaydīs is based upon the madhhab.

However, the guide must know that whatever the layman has done in the past is valid, so long as it accords with the opinion of any mujtahid. He must not issue fatwā declaring it invalid on the basis of what he understood from *al-Azhār*, thereby obliging him to make it up.

That said, the guide is often asked about matters not mentioned in *al-Azhār* or its commentaries such as *al-Tāj*. In such cases he must exercise caution and refer the fatwā to scholars who have the ability of derivation, analogy, and ijtihād.

How Should a Pure Layman Be Given Fatwā?

Question: If a pure layman—who knows nothing of taqlīd, commitment, or its conditions—comes asking fatwā in matters relating to divorce, marriage, transactions, or acts of worship, how should he be given fatwā? Should he be answered according to the madhhab of the muftī or otherwise?

Answer (and Allah grants success):

The correct approach here is detailed:

- If the layman is asking about something that has already occurred, he should be given fatwā of its validity and permissibility, so long as it does not contradict consensus.
- If he is asking about something in the future, it is incumbent upon the muftī to give him fatwā according to what he himself

believes to be the ruling in the matter.

The Ruling on Giving a Layman Fatwā Outside the Madhhab

Question: Is it permissible to give a layman fatwā outside the madhhab, or outside the madhhab of the muftī—such as when the muftī gives him fatwā according to the madhhab of one of the Imams of the Ahl al-Bayt (‘a), for the sake of ease and facilitation to the layman?

Answer (and Allah grants success):

Islam is built upon ease, facilitation, and relief—just as Allah the Exalted has said:

“...and He has not placed upon you in the religion any hardship—the way of your father Abraham. He named you Muslims...” — [al-Ḥajj 22:78]

“Allah intends for you ease and does not intend for you hardship.” — [al-Baqarah 2:185]

“Allah wants to lighten [the burden] for you; and man was created weak.” — [al-Nisā’ 4:28]

And in the narration: *“Make things easy and do not make them difficult.”*

On this basis, there is no harm in giving the layman fatwā outside the madhhab, or outside the madhhab of the muftī, from among the madhhabs of the Imams of the Ahl al-Bayt (‘a), so long as it entails ease and facilitation. The condition is that the madhhab of that Imam is authentic.

We have restricted ourselves with our saying “correctly” from of some madhhabs that are attributed to the Imams through *takhrīj* (derivation) and branching upon their madhhabs, but these do not actually constitute their madhhabs. Derivation may or may not be valid, and an Imam may or may not have intended it. If we give a layman fatwā on such a basis, it may be that we have given him what is not permissible.

Objection: The layman’s question to the muftī is itself a commitment to the madhhab of the muftī, as indicated by Allah’s saying: *“So ask the people of the message if you do not know.” — [al-Anbiyā’ 21:7]*

Response: The verse indicates that it is obligatory on the layman to act upon what the muftī has given him fatwā with, but it does not indicate that the muftī must issue fatwā only according to his own madhhab, or any specific madhhab.

Objection: The layman chose this muftī among the scholars in order to receive fatwā in his madhhab, not another.

Response: The layman chooses the muftī out of trust and good opinion of him—because he sees him as more knowledgeable, or more ascetic and pious, or due to his worship and chastity—and because he is confident that he will give him only a correct madhhab by which he is

excused before Allah Most High.

Indeed, within the madhhabs of the Imams of the Ahl al-Bayt (‘a) is what suffices for their followers to be excused before Allah, as the Prophet (*May Allah bless him and his family and grant them peace*) said: *“My Ahl al-Bayt are like the stars—whenever one sets, another rises.”* And he (*May Allah bless him and his family and grant them peace*) said: *“Learn from them, and do not teach them.”* And he said: *“My Ahl al-Bayt are like the Ark of Noah: whoever boards it is saved, and whoever lags behind it is drowned and ruined.”* And he (*May Allah bless him and his family and grant them peace*) said: *“I leave among you that which, if you hold fast to it, you will never go astray after me: the Section of Allah and my progeny, my Ahl al-Bayt. The Subtle, the Aware has informed me that they will never separate until they return to me at the Ḥawḍ.”* And other ḥadīths, too numerous to be counted.

Section of Ṭahārah [Purity]

Chapter on Najasat [Impurities]

[The Default Ruling on Animals: Purity]

Impure animals are three: the dog, the pig, and the unbeliever. All other animals are pure.

The proof is that the default ruling concerning animals and other things is purity. Thus, whatever there is no evidence for its impurity is pure. Evidence has established the impurity of the pig, the dog, and the unbeliever.

[A Note on the Purity of Every Living Animal Except the Dog, Pig, and Unbeliever]

According to the madhhab: every living animal is deemed pure, except the dog, pig, and unbeliever. End quote from *al-Tāj*

[The Impurity of Dogs]

Dogs are impure, by proof of the ḥadīth about lapping (*al-wulūgh*), and the Prophet (*May Allah bless him and his family and grant them peace*) warned, as in the ḥadīth, against keeping dogs except for hunting or livestock.

The scholars agreed on killing a vicious dog, but differed regarding others. They also differed concerning the impurity of dogs that are permissible to keep—such as hunting dogs and shepherd dogs. It was said: the Prophet's (*May Allah bless him and his family and grant them peace*) permission to keep them is proof of their purity, because keeping them while avoiding them would involve severe hardship, and full benefit from them and keeping them is not possible except if they are pure. Their purity, then, would be among the necessities of keeping them, while declaring them impure would be tantamount to prohibiting them.

Objection: The Lawgiver's ruling that something is impure indicates that avoiding it contains a benefit, and engaging with it entails harm. For He is All-Wise, and does not legislate rulings for His servants except for benefits returning to them. Modern science has established that dogs carry harmful microbes which pass to humans through contact. On that basis, hunting dogs and others are alike, and it is not appropriate to differentiate between them—declaring some pure and some impure.

Response: Hunting and shepherd dogs, in general and in most cases, are raised by their owners in their homes from a young age, and they are not allowed to mingle with other dogs or with carrion or other polluted foods. Thus, they are not contaminated with the microbes that

contaminate other dogs. Perhaps this is the wisdom behind Allah’s allowing consumption of the game caught by a trained dog, but not by an untrained one.

This is in addition to the necessity and urgent need of keeping hunting and guard dogs, and it is well known in the Sharī‘ah that necessity has its own rulings.

Yes, precaution is to hold them impure.

[The Ruling of a Drop from an Impure Vessel Falling into Another Vessel or on Clothing]

Question: If a drop of blood falls into a vessel of water, that water becomes impure. If then a drop from this impure vessel falls into another vessel or onto clothing, does that render the water or clothing impure?

Answer (and Allah grants success):

If a drop of blood falls into a vessel of water, the vessel becomes impure; it is not permissible to use it or to purify oneself with it.

If then a drop from that vessel falls into another vessel containing water, the impurity is weakened, and that water becomes *majāwir thānī* (second-level contact), meaning: pure, but not *mutahhir* (purifying).

If then a drop from this second vessel falls into a third vessel, that water becomes *majāwir thālith* (third-level contact), meaning: pure and purifying.

Accordingly:

- If a drop falls on clothing from the first vessel, the clothing is impure.
- From the second vessel: pure.
- From the third: also pure.

This can be supported rationally: the second vessel is further removed from the impurity than the first, and the third vessel further removed than the second. The same applies if a drop of urine falls into a vessel.

So stated some scholars of the madhhab, as in *Sharḥ al-Azhār*¹.

The Purity of Cologne (*al-Kālūnyā*)

Question: It is said that cologne is impure. Is that true or not?

Answer: Those who say cologne is impure have attached it to wine (*khamr*) and compared it to it. What I hold is that cologne is not impure. The proof of impurity applies only to *khamr*, whether from grape juice, dates, or other fruits—based on the ḥadīth: “Every intoxicant is wine.”

1 Sharḥ al-Azhār (5/51)

But intoxication is not itself the cause of impurity, for substances like hashish and the like—which intoxicate by nature—are pure by consensus, though they are intoxicants.

Therefore, impurity is a property of *khamr*, which is the fermented intoxicant juice. The cause of impurity is the combination of fermentation and intoxication. Thus, the mere presence of one element of wine’s composition does not prove impurity. Impurity, therefore, is the attribute of wine, not of cologne—since cologne is not wine.

[A Note on the Milk of Animals Whose Meat Is Not Eaten]

In *al-Majmū‘ al-Manşūrī*, section two, volume two, Imām al-Manşūr bi-llāh (‘a) was asked about the milk of animals whose meat is not eaten—whether it is permissible or not, and whether it is pure or impure.

He answered: It is pure, but not permissible to consume. Not because it is impure, but because it is among the *khabā’ith* (repulsive things), and Allah has forbidden them. It is pure, because its separation does not harm the animal, so it is like sweat and the like. End quote.

[The Ruling on One Unable to Avoid Impurity Due to Old Age and Weakness]

Question: An elderly, bedridden man cannot avoid impurity due to his old age and weakness. If he removes his trousers at prayer time, he suffers greatly from the air—even in summer—his leg joints hurting him. What is required of him?

Answer (and Allah grants success): He must avoid impurity as much as he is able, and is not required to do more than that. He should dry himself after relieving himself as much as he can, and he is not at fault regarding what comes after that on his body or clothing. It suffices him to change his soiled trousers for clean ones once a week, for example, or every five days, and to wash the soiled areas of his body if doing so causes him no harm.

The proof is Allah’s saying:

“Allah does not burden a soul beyond its capacity.” — [al-Baqarah 2:286]
“So fear Allah as much as you are able.” — [al-Taghābun 64:16]
“Allah intends for you ease and does not intend for you hardship.” — [al-Baqarah 2:185]

and other such verses.

The scholars of the madhhab have also said about one afflicted with incontinence of urine: it suffices him to wash his garment once every four days or so.

[On the Ruling of Prayer for One Bearing a Urine Bag]

Question: A man afflicted with a urinary tract illness had tubes inserted by doctors through his abdomen, so that urine flows into a

pouch strapped to his thigh. What is the ruling of his prayer in such a state?

Answer: The scholars of the madhhab, as mentioned in the marginal notes of *Sharḥ al-Azhār*, stated: *“If one were to devise an apparatus to collect urine, his prayer would not be valid, for he is carrying an impurity. He is not obligated to bind or to stuff it.”* End quote.

I say: The stronger view is that the prayer of such a man carrying a pouch collecting urine is valid, due to the necessity of his condition. What is obligatory upon the mukallaf is to minimize impurity to the extent possible, in light of Allah’s saying:

“So fear Allah as much as you are able.” — [al-Taghābun 64:16] and the ḥadīth: *“When I command you with a matter, do of it as much as you are able.”*

If the patient were to abandon the pouch and allow the tubes to leak over his thigh, the impurity would spread to his body and clothes far more than by carrying the pouch wherein the urine is contained.

[A Note on Istihālah (Transformation) and the Purity of Animal Feed]

The scholars of the madhhab said: *“That which is impure, or contaminated with impurity, is purified by transformation (istihālah) into what is ruled pure—like wine transformed into vinegar.”*

In the marginal notes of the madhhab: *“Among this is soap if made from carrion.”*

The reality of *istihālah* in the madhhab is: *“the change of a substance into a state other than its original, such that it cannot revert to its former condition if intended”.* End quote.

I say: Based on this, animal feed manufactured with blood and bones is pure—due to *istihālah*.

[A Note on Mind-Altering Substances That Are Not Impure for Medicine]

In al-Muhadhdhab: *“What removes the intellect but is not impure, like henbane and anise, may be used in medicine.*

And it is permissible for the ill to drink snake broth out of necessity.

The milk of the horse is pure, but may not be drunk except for medicine or dire need.” End quote.

A Proof for Requiring the Purity of the Body in Prayer

One may adduce as proof the verse in *al-Māʿidah*, after mentioning the command of wuḍūʿ and ghusl for janābah at the time of standing for prayer:

“...Allah does not intend to place upon you hardship, but He intends to

purify you...” — [al-Mā'idah 5:6]

Here, Allah has informed us of the cause (*'illah*) for which He prescribed ablution and bathing when rising to prayer: it is purification (*tahārah*). Thus, purification is a condition for the validity of prayer.

On the Validity of Prayer in Impure Clothing

The scholars of the madhhab stated: If a pure garment is unavailable, one prays naked, at the end of the prayer time, seated cross-legged, gesturing with minimal indication, whether in private or in public.

I say: The stronger view is that he should pray in the soiled garment, for reasons:

1. The one who prays naked forfeits many pillars:
 - Standing.
 - Bowing.
 - Upright posture after bowing.
 - Both prostrations.
2. In addition, he commits the reprehensible act of exposing the *'awrah*. Reason rejects its exposure in public, as do people of dignity, honor, and nobility, to the extent that some would prefer death to such exposure.

One who wears an impure garment and prays therein forfeits only a single condition: the purity of his clothing—a matter disputed among jurists. It was said: purity of the garment is not required. Indeed, the scholars of the madhhab said: *If one prayed in an impure garment and only discovered the impurity after the time had passed, he is not obligated to repeat it*, for the requirement of pure clothing is a point of disagreement.

3. Their legal maxim states: *Leaving an obligation is preferable to committing a prohibition.*

Yet in this issue, the madhhab's position contravenes this maxim, for praying naked entails both abandoning an obligation (covering) and committing a prohibition (exposing the *'awrah*), while also forfeiting several pillars.

Whereas praying in an impure garment involves leaving one obligation due to necessity, and it is impossibility of purifying it and the absence of pure substance.

On Blood Transfusions and the Permissibility of Medicating with Donkey's Milk

Allah, Exalted, says:

“He has only forbidden you carrion, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is compelled,

neither desiring it nor transgressing, there is no sin upon him. Indeed Allah is All-Forgiving, Most Merciful.” — [al-Baqarah 2:173]

From this noble verse, it is derived that it is permissible to transfuse blood from one person to another when necessity requires. By extension, it is permissible to medicate with donkey’s milk for certain types of cough—out of necessity.

Objection: It is narrated from the Prophet (*May Allah bless him and his family and grant them peace*): “Allah has not placed your cure in that which He has forbidden you.”

Response: This ḥadīth is to be understood of medicating with the unlawful in the absence of dire necessity, in order to reconcile the verse with the ḥadīth.

Thus, by analogy, it is also permissible, in necessity, to transplant an organ, part of an organ, or flesh from one person to another out of necessity.

In such cases, it is permissible to buy and sell blood.

Objection: Is it not narrated: “When Allah forbids a thing, He forbids its price”?

Response: It is not forbidden when necessity permits its use, but lawful. If lawful, then its price is also lawful.

Some of the Ahl al-Bayt (‘a) narrated what supports this, for they ruled the price of dogs forbidden, citing reports from the Prophet (*May Allah bless him and his family and grant them peace*), yet made an exception for the hunting dog or the Bedouin’s guard dog, whose price was lawful due to need.

Supporting evidence also lies in the practice of scholars in our lands and others: they did not object to blood transfusion or its sale.

Moreover, a Muslim may be compelled by a judge to compensate a dhimmī for a pig he killed, or for wine he spilled. This too supports what we have said.

It is further supported by the fact that eating the flesh of donkeys and mules is prohibited, but benefiting from them by riding and carrying is lawful, and their purchase, sale, and profits are lawful by consensus. If their sale and purchase for consumption are unlawful, then it should be all the more so.

Similarly, they ruled against selling grapes to one who will turn them into wine, or selling weapons to an enemy or rebel. Thus, the permissibility of selling blood for medical necessity is strengthened.

And all praise belongs to Allah, Lord of the worlds.

A Note on Impurity (Najāsa)

Impurity is of two types:

1. **Apparent impurity** (*najāsah zāhirah*) — that which the human disposition naturally detests and recoils from even before Allah Almighty revealed Islām, such as excrement and similar filth.
2. **Hidden impurity** (*najāsah ghayr zāhirah*) — that which most minds and natural dispositions do not recognize as filthy until Allah Almighty revealed Islām and pointed out their impurity, such as flowing blood and urine.

As for pus and discharge (*qih, ṣadīd*), they are impure, for they are blood transformed into a more repugnant state. Likewise, semen, pre-ejaculate (*madhī*), and post-urine discharge (*wadhī*): the ḥadīth established the command to wash the penis from *madhī* and *wadhī*; thus, it is more fitting that semen, also necessitates washing, because *madhī*, is a precursor to sermen, and *wadhī* is a companion to sermen.

Other impurities include: vomit if expelled in a mouthful, carrion, substances that intoxicate through chemical process, the dog, the pig, and the unbeliever.

On Handling Dung, and the Purity of Books, Muṣḥafs, and Phones

In the marginal notes of *Sharḥ al-Azhār* and in *al-Burhān*: "it is permissible to use dung (*sargin*) to plaster walls" End quote.

Among them: "as for books and muṣḥafs: they are purified by drying. Though in reality, they fall under what is impossible to wash. This was mentioned by al-Manṣūr bi-llāh al-Qāsim ibn Muḥammad (‘a)".

Others said: "they are in fact impossible to purify". End quote.

"Nevertheless, one may benefit from them like a soiled garment, but the prayer of one carrying a defiled muṣḥaf is invalid". End quote.

In the marginal notes, from Imām al-Mahdī (‘a): "the ruling of children’s clothes is like their bodies—that they are purified by drying". End quote.

I say: if a phone or similar device that would be ruined by water becomes defiled, its ruling is that of books and muṣḥafs—benefit from it is allowed, but the prayer of one carrying it is invalid.

The Section of Waters

[The Ruling of Large Pools When Their Odor Changes]

Question: There are wide pools in many mosques in Yemen, where the people perform wuḍū’ throughout the year. Often the odor changes due to long standing water and little rainfall, with no water for them but rainwater. Is it permissible to perform wuḍū’ with such water despite its odor?

Answer (and Allah grants success): I found in *Sharḥ al-Majmū’* known as *al-Minhāj al-Jalī* by Imām Muḥammad ibn al-Muṭahhar (*may Allah have mercy on him*) the following meaning: “It is permissible to perform wuḍū’ with odorous water by consensus of the *Ahl al-Bayt* (‘a).”

Accordingly, purification with such odorous water is valid, as long as it still retains the name “water.” Its change of odor does not harm so long as it remains *mā’*.

This may be supported by Allah’s words:

“And We sent down water from the sky in measure, and settled it in the earth. And indeed, We are able to take it away.” — [al-Mu’minūn 23:18]

and His words:

“And We sent down from the sky purifying water.” — [al-Furqān 25:48]

Allah Almighty informs us that He sent down purifying water from the sky, and settled it in the earth. Thus, the water that Allah settled in ponds, pools, and valleys remains purifying (*ṭahūr*). Otherwise, the divine favor of sending and settling it would not be complete.

It is known that water, when long settled in the earth, changes in odor due to the growth of creatures within it, fallen leaves, roots, animals, humans, exposure to the sun, and the winds.

Yes, if water changes to the extent that its very nature is altered—becoming milk, coffee, or the like—it can no longer be called water, and purification with it is invalid, for *ṭahūriyyah* (purifying capacity) is a quality specific to water and earth.

Hence, changes short of this do not prevent purification.

The criterion for “little water” according to the scholars of the madhhab: that which one presumes impurity upon contact with filth. “Much water”: that which one does not presume impurity upon contact with filth.

[The Ruling of Water that not affected by Impurity]

If a drop of urine, for example, falls into one, two, or even five liters of water, it becomes impure by a drop of urine falling into it or by something similar from impurities falling into it —whether or not it changes. They cited as evidence the ḥadīth of a dog lapping, the ḥadīth of

waking from sleep, and the ḥadīth: *“None of you should urinate in standing water, then wash in it.”*

This is supported by modern medicine: small amounts of water become contaminated even by a drop of urine, and this can be detected by laboratory instruments. If contamination is established, the Sharī‘ah has commanded us to avoid it.

Yet many scholars held that water, whether little or much, is not rendered impure by filth unless its smell, color, or taste changes. They cited the ḥadīth: *“Water was created pure; nothing renders it impure except what changes its smell, color, or taste.”*

The reply: this ḥadīth is general, while those they are mentioned are specific. Reconciliation between general and specific is obligatory in case of apparent conflict.

On Water

If water is mixed with something that alters it:

- If altered to the extent that it loses its essential nature, becoming broth, milk, juice, or something else not called “water,” this changes prevent the validity of purification with it is wuḍū’, ghusl, or removing impurity.
- If altered but still called “water,” purification with it is valid—whether for wuḍū’, ghusl, or removing impurity.

The evidence: Allah called water *ṭahūr*, saying:

“And We sent down from the sky purifying water.” — [al-Furqān 25:48]

Allah commanded the believers to perform wuḍū’ for prayer, and ghusl from janābah, with water. He commanded that if water is not found, then tayammum is the substitute. This proves the obligation to use water, and that one may not shift to tayammum as long as water exists under the name “water.”

If the change in water does not change its nature or name, then we are obligated to use it for wuḍū’, ghusl, and it is not permissible to resort to tayammum while it is available.

However, an exception is when water changes due to contact with impurity. Any such change, even slight—in smell, color, or taste—renders it corrupt, even if it remains under the name “water,” whether little or much.

The proof: the Wise Lawgiver forbade contact with impurity and commanded keeping away from it.

Chapter: On Relieving Oneself

A benefit for the one relieving himself

According to *al-Zaidy Madhhab*: it is recommended for the one relieving himself to spit into his clothes, so that if he later senses moisture he will not decisively judge that it is urine. (فَرَر) (Taqrīr for Zaidy madhahb)

A question about drying the traces of urine

Question: What people commonly do today—drying off from urine in ordinary bathrooms—does it have any basis in a narration from the Messenger of Allah (*May Allah bless him and his family and grant them peace*), or from any of the Imams of the People of the House, or is it a bad habit?

And is it sufficient for a person, while in the lavatory, to wipe his penis with earth until the trace of urine disappears, with any moisture that emerges after he stands being excused?

If it is not excused, then why does a person not need such exertion in water bathrooms—given that it is possible that what comes after standing up in an ordinary (dry) latrine might also come there, but the water does not leave one an opportunity to notice the moisture because the organ has not dried?

And what is meant by what has been reported—that the Companions would sprinkle their garments after urination, or what is the meaning of that?

And on what basis did the scholars determine that urine is a severe impurity about which even a small amount is not excused? Such moisture that appears after much wiping in the lavatory and comes seconds after standing may be something natural for everyone, and something that cannot be fully avoided except by the hardship of holding the penis—an act not transmitted from the Messenger of Allah (*May Allah bless him and his family and grant them peace*) or from any of the Imams. Can it be deemed a necessity like urinary incontinence (*sals al-bawl*) or the case of a woman with chronic bleeding (*al-mustaḥāḍah*)? And what is most in keeping with the ease of Islam and its teachings?

Answer:

- What people are accustomed to—taking hold of the penis with the left hand together with a clod of earth or a stone when leaving the place of relieving oneself—there is no report for it from the Prophet (*May Allah bless him and his family and grant them peace*), nor from any of the righteous predecessors.

- It is an uncommendable habit, because drying the urine is possible while seated for the one relieving himself; if he dries his urine then he can leave without needing to hold his penis.

- Know that nothing of urine is excused, and it is obligatory upon the one relieving himself to be thorough in removing and cutting off the urine. The Sunnah has come to that effect in multiple sound ḥadīths.

Al-Hādī (*peace be upon him*) said: Water cuts off urine—meaning that when a man urinates and then washes his private part with water, the outflow of urine ceases completely. Accordingly, drying cannot be analogized to washing, for washing cuts off its trace and prevents its outflow, whereas drying does not prevent outflow.

- If a man performs wuḍū' and wants to cut off whispers (obsessive doubts), then let him sprinkle a handful of water between his thighs; the whispers will cease, because it will be impossible for the man to know whether anything of urine has exited—due to the abundance of moisture. The default is that nothing has exited, and one does not depart from this default except with certainty—which is not possible amid the abundance of moisture between the thighs.

- The scholars—despite their differing schools—are unanimous that urine and feces are severe impurities from which no amount is excused; they agreed that the ruling of their impurity is definitive. And the Sunnah has transmitted the command to perform *natr* three times—that is: after finishing urination, a man places his penis between his middle finger and thumb, then with his middle finger wipes/sweeps from the lower part of the penis upward to the upper part, then continues wiping along the underside of the penis until he reaches its tip; this wiping is accompanied by firm squeezing. The one who has urinated does this three times.

- The one relieving himself can avoid anything coming out after leaving the lavatory by being thorough in extracting what remains of urine—first by wiping, then by *natr* three times or more. If a small amount emerges after he leaves the lavatory, that indicates he was not thorough in extracting what remained of the urine. I have tried that in my own case.

But if a man is thoroughly and fully diligent as we have described, doing all that is reasonably possible, and then something comes out after leaving the lavatory: if it is something that does not stop for the whole time of the prayer, then it is urinary incontinence, and it takes its rulings; but if it does stop, then the worshiper must wash it from his body and from his garment—given what is known of the condition for prayer of the purity of the body, the garments, and the place.

[Keeping away from people when defecating]

From *ash-Shifā'*: “Chapter on specifying the places prohibited for relieving oneself”: *When the Prophet (May Allah bless him and his family and grant them peace) intended to relieve himself, no one would see him,*

narrated by al-Mughīrah.

Al-Mughīrah also narrated: *When the Prophet (May Allah bless him and his family and grant them peace) went to the place of relieving himself—or he said: when he came out of it—he would go far away and screen himself from people’s eyes, etc.*

I say: There is no need to adduce these two reports, for the innate sound intellect finds it repugnant to defecate in full view of onlookers; the matter is innate—just as exposure of nakedness in public, and lifting up the garment all at once in people’s sight when relieving oneself—all of that is rejected by innate nature and shunned by natural disposition. Likewise the report about facing the qiblah, and indeed all that has been used as evidence in this chapter, is not in need [of citation]; for Allah, Exalted is He, commanded the veneration of the Ka‘bah, and commanded that the worshipers face it in their prayer in honor and exaltation of it. On that basis, anything that conflicts with honoring and exalting it is disliked; facing it with urine and feces conflicts with venerating and exalting it.

And praising Allah upon leaving the place of relieving oneself is called for by the blessing.

The Chapter of Wuḍū'

A Note on the Intention (*Niyyah*) of Wuḍū'

There is a difference of opinion regarding wuḍū': does the one performing wuḍū' pray whatever prayers he wishes with it, or is he limited only to the prayer for which he made wuḍū'?

From the apparent words of the scholars of the madhhab: intending wuḍū' alone is not sufficient; rather, he must specify in his intention the prayer for which he performed wuḍū', or generalize it to all prayers and the like. It has also been said: intending wuḍū' for lifting the state of ritual impurity (*ḥadath*) which prevents prayer is sufficient.

Indeed, if we reflect on the verse of wuḍū', it becomes clear from it and from what was said about it:

1. That wuḍū' was legislated by Allah Almighty for prayer, as in His saying:
"When you rise for prayer, wash your faces..." — [al-Mā'idah 5:6]
 meaning: wash your faces *for it* (i.e., for prayer), just as it is said: "If so-and-so the scholar or the imām arrives, then stand," meaning: stand *for him*.
2. His saying in the same verse:
"Allah does not intend to place hardship upon you, but He intends to purify you." — [al-Mā'idah 5:6]
 shows that purification itself is an intended purpose.
3. The cause (*'illah*) for the obligation of purification is the occurrence of ritual impurity.
4. It was said in the tafsīr of this verse: it is an address to those in a state of ritual impurity.
5. The disputants agreed that the intention of *ghusl* from janābah is to lift impurity.
6. Wuḍū' is a condition for the validity of prayer.
7. The ḥadīth states: *"Wuḍū' is half of faith."*
8. It is recommended to renew wuḍū' after wuḍū' for one who has engaged in a permissible act or the like.

Thus, based on what has preceded, the intention in wuḍū' may be:

- to remove the state of ritual impurity resulting from its causes mentioned in the verse, as with the intention for janābah;
- to attain purification itself, for that is the ultimate purpose mentioned in His saying:
"...but He intends to purify you." — [al-Mā'idah 5:6];
- to fulfill the condition commanded by Allah for prayer;

- or for the specific prayer for which he stood.

Based on this, he prays with that wuḍū’ the prayer he stood for. When another prayer time arrives, he may—out of recommendation—renew wuḍū’ lightly, as narrated from ‘Alī (‘a). If he prefers, he may pray without renewing purification, for he has not invalidated it, and the verse addresses those in a state of impurity, as narrated.

A Second Proof:

Wuḍū’ combines two aspects: it is an independent act of worship, and it is a condition for prayer.

- As an independent act of worship, the proof is the ḥadīth: *“Wuḍū’ is half of faith.”*
- As a condition for prayer, the proof is the ḥadīth: *“There is no prayer without purification.”*

Thus, from the perspective that wuḍū’ is an act of worship, its intention suffices as in all acts of worship. And from the perspective that it is a condition for prayer, no intention is required, just as with the other conditions of prayer such as covering the ‘awrah or removing filth.

Further Clarification

What also indicates that wuḍū’ is an independent act of worship is Allah’s saying:

“Indeed, Allah loves those who repent and loves those who purify themselves.” — [al-Baqarah 2:222]

and His saying in the verse of wuḍū’:

“...but He intends to purify you.” — [al-Mā’idah 5:6]

Thus, the command to purify oneself, as in the verse of wuḍū’, together with Allah’s declaration that He intends it and loves those who do it, all show that it is an act of worship in itself.

As for wuḍū’ being a condition for prayer, there is no disagreement.

Objection: Covering the ‘awrah is similar, for Allah commanded it in His saying:

“Take your adornment at every masjid.” — [al-A‘rāf 7:31]

and there is no disagreement that He loves and intends it. Thus, it too would be an independent act of worship requiring intention, as well as removing filth and using the siwāk.

We said: There is a distinction:

1. Wuḍū’ is a *ritual purification* (ṭahārah ḥukmiyyah shar‘iyyah), whereas washing away najāsah is a *physical purification* (ṭahārah ḥissiyyah ‘aqliyyah). That is, reason (‘aql) itself required and imposed it even before Sharī‘ah. Similarly, covering the ‘awrah is a rational obligation. The requirement concerning tangible

impurity is that both reason and Sharī'ah demand the removal of its substance. Once the impurity itself is removed, both the rational and the legal requirement are fulfilled. Likewise, covering the 'awrah is sought by both intellect and Sharī'ah—namely to conceal the private parts. If that is achieved, the requirement is fulfilled.

As for wuḍū', it is—as we said—a ritual purification decreed by Sharī'ah; the desired aim intended by Allah, Exalted is He, cannot be achieved except in the exact manner He prescribed.

2. Wuḍū' has an added distinction connected to ṣalāh, as indicated by the Prophet's (*May Allah bless him and his family and grant them peace*) words: "*The key to prayer is purification (ṭahūr) ...*" (ḥadīth). Thus, it is not equal to the other conditions of ṣalāh. For this reason, Allah commanded it explicitly in the Qur'ān, explained it in detail, and the Messenger of Allah—*may Allah bless him and his family and grant them peace*—emphasized it and enjoined it. None of the other conditions of ṣalāh received such status.

Commentary

The statement of the Prophet (*May Allah bless him and his family and grant them peace*): "*The key to prayer is purification ...*" (ḥadīth):

This ḥadīth was narrated by Imām Zayd ibn 'Alī (*peace be upon him*) in *al-Majmū'* from the Prophet (*may Allah bless him and his family and grant them peace*). It is a sound ḥadīth, attested by the innate disposition of reason. For filth, impurity, and defilement upon a person's body or garments cause inner unease and mental distraction. When one cleanses himself from such impurities, removes janābah from body and clothing, and wears clean garments—the anxiety and distraction vanish, the mind clears, and the soul experiences serenity and tranquility.

This is the meaning of Allah's words in the verse of wuḍū':

"Allah does not intend to make difficulty for you, but He intends to purify you and complete His favor upon you ..." [al-Mā'idah 6].

Indeed, the author of *al-Rawḍ* said: The disagreement in this issue stems from their differing views on whether wuḍū' is *non-substantial* ('adamī) or *substantial* (wujūdī). Whoever says it is substantial (wujūdī) holds that one may not pray with a wuḍū' except for the ṣalāh intended specifically or generally at the time of ablution. Whoever says it is non-substantial ('adamī) maintains that one may pray whatever ṣalāh he wishes with that wuḍū', even if he did not intend them at the time of starting it.

This is the meaning of his words.

The term 'adamī means: purification is the absence of the state of

ritual impurity preventing ṣalāh.

The term *wujūdī* means: purification is a positive quality beyond the mere absence of impurity.

I say: The apparent truth is that wuḍū’ combines both aspects. The evidence that it is a substantial quality is experiential—indeed, the person who performs wuḍū’ perceives within himself the effects of purification: relief of the soul and clarity of thought. He remains in that state until something nullifies it.

Thus, once this ritual purification is achieved, the state of ritual impurity preventing ṣalāh is necessarily lifted.

[Ruling on Mentioning Allah in a Clean Bathroom]

Question: If a man performs wuḍū’ inside a “foreign-style” (flush) bathroom, is it disliked for him to mention Allah there? And if a man or woman performs ghusl in a covered and clean place, is it disliked for them to mention Allah during it?

Answer: It is recommended that whoever wishes to perform wuḍū’ in a flush bathroom first pour some water into the toilet so that the trace of excretion is removed. Once its trace is gone, there is no dislike (*karāhah*) in mentioning Allah near the toilet when performing wuḍū’ or ghusl.

- And if a man or woman performs ghusl in a covered and clean place, then there is no dislike in mentioning Allah during ghusl. This accords with Allah’s praise for those “*who remember Allah while standing, sitting, and lying on their sides*” [Āl ‘Imrān 191].

[If One Sees Blood on His Companion’s Garment During Ṣalāh]

In the *Fatāwā* of al-Sayyid al-‘Allāmah ‘Alī al-‘Ajrī, from al-Bāqir (*peace be upon him*):

“If you see something of blood on your companion’s garment while he is in prayer, do not inform him until he has finished his prayer.”

From this, it is understood—according to the school of Imām al-Bāqir (*peace be upon him*):

1. It is not obligatory for one who prayed with blood upon his garment—without knowledge of it until after finishing his prayer—to repeat it, even if the time remains.
2. But if he becomes aware of the blood while in prayer, then his ṣalāh is invalidated.

Yes, this ruling may be specific to blood according to al-Bāqir (*peace be upon him*), either because the impurity of blood is deemed light, or because it is considered a presumptive impurity (*ẓanniyyah*).

It may also be that the ruling is general for blood and other certain and presumptive impurities, given that the requirement of a pure

garment for prayer is itself presumptive—or that the purity of the garment is obligatory but not a condition.

It is also possible that one does not typically notice impurities on another's garment except for blood, whereas other possible impurities are not as visible. Thus, the ruling for other impurities would be like that of blood.

This is further supported rationally by the principle affirmed by the scholars of Uṣūl: that imposing obligations upon what the mukallaf cannot know is an absurdity unbecoming Allah, Exalted is He. Hence, a worshipper is not held accountable for removing impurity from his garment until he knows of it. Therefore, if he only discovers it after completing his ṣalāh, his prayer remains valid.

[Ruling on one who prays and then finds at the end of the prayer that water has not reached a spot on his forearm]

Question: If a Muslim performs wuḍū' and is careful to wash all his limbs, then prays and—at the end of the time—sees something like a small spot of dough or the like on his forearm, is he required to repeat the prayer because water did not reach the place of that spot?

Answer (and Allah is the One who grants success): If a Muslim performed wuḍū' as Allah, Exalted is He, commanded, then prayed and—at the end of the time—saw something like a small spot of dough or the like on his forearm under which water had not reached, what appears to me is that he is not required to wash that and repeat the prayer. That is because:

1. The scholars of the madhhab and others did not require a woman to remove what she places on her face for beautification, even though it prevents water from reaching what is beneath it; rather, they validated her prayer, adducing as evidence the customary practice of the Muslims.
2. It is not within human capacity to be completely free of error and forgetfulness. Hence Allah, Exalted is He, said: *"And there is no blame upon you for that in which you erred, but [only for] what your hearts intended."* [al-Aḥzāb: 5].

If it is said: The legally responsible person does not exit the obligation due to forgetfulness; rather, he must perform the act in order to be discharged of the obligation.

We say: In the case before us, the legally responsible person did what he was commanded to do; he traced the effects of dough and the like on his limbs and removed them, and a speck eluded him such that he did not discover it until the end of the time—so his ruling is not that of one who forgot to do what he was

commanded altogether. He has, in fact, complied with the command, taken care, and been thorough, and thus he has been discharged of the obligation; there is no blame upon him beyond his capacity.

3. It is said of one who acted thus that he “washed his hands up to the elbows” in both language and custom; hence we say that such wuḍū’ is valid.
4. It is narrated from some scholars that washing *most* of the limb suffices—on the basis that, in the usage of the linguists, the majority of a thing is treated as the whole of it.

If it is said: It is narrated that when the Prophet (*may Allah bless him and his family and grant them peace*) saw a man praying in the mosque, the Prophet said to him: “O man, I see the back of your heel dry; if you have touched it with water, then complete [your ablution],” so ‘Alī (*peace be upon him*) said to the Prophet (*may Allah bless him and his family and grant them peace*) — whose meaning is: “If this man prayed like this, would his prayer be valid?” He said: “No.”

We say: The one who leaves the back of his heel dry is negligent in purification—careless and remiss; unlike the case before us, in which none of that occurred.

[The ruling on one who prayed for a long time without wuḍū’ out of ignorance]

Question: A woman used to perform wuḍū’ for prayer, then offer as many supererogatory prayers as Allah willed; then urine would come to her, so she would urinate and cleanse herself, but not perform wuḍū’ again, thinking that the first wuḍū’ sufficed her. She remained thus for a long time until one of her relatives noticed and alerted her. What is required of her in that?

Answer—and Allah is the One who grants success: What appears to me—and Allah knows best—is that she is not required to make up [those prayers], because ignorance can be an excuse in subsidiary matters; as evidence, His saying, Exalted is He: *“And Allah would not mislead a people after He has guided them until He makes clear to them what they should avoid.”* [al-Tawbah 11], and His saying, Exalted is He: *“So whoever has received an admonition from his Lord and desists—then he may have what is past, and his affair rests with Allah.”* [al-Baqarah 275], and the Prophet’s (*May Allah bless him and his family and grant them peace*) saying to the one who prayed alone behind the rows: *“May Allah increase you in eagerness, but do not repeat [that].”*

[Does drawing blood with a medical needle nullify wuḍū’?]

Question: Does drawing blood with a medical needle nullify wuḍū’?

Answer: Taking blood with a needle does not nullify wuḍū'. The scholars of the madhhab¹ said likewise regarding the leech and mosquitoes and the like: if they suck more than a drop from the body of one in wuḍū', it does not nullify wuḍū'.

The permissibility of performing wuḍū' in one mosque and praying in another

Question: Is it permissible for a person to perform wuḍū' in a mosque, then pray with that wuḍū' in another mosque?

Answer—and Allah is the One who grants success: As it appears to me, there is no objection to that, because wuḍū' is an independent act of worship, as evidenced by His saying, Exalted is He: *"Indeed, Allah loves those who repent and loves those who purify themselves."* [al-Baqarah], and his saying (*may Allah bless him and his family and grant them peace*): *"Wuḍū' is half of faith."*

This—and perhaps what prompted the questioner to ask this question is that the one who set the water in the mosque intended it for those praying in that mosque; thus, one who performs wuḍū' and then prays in another mosque has used the water for other than what it was set for, and that is not permissible.

We say regarding that: wuḍū' is an independent act of worship, as we mentioned. Therefore, one who uses that water set in a particular mosque for wuḍū' and removal of major ritual impurity is not overstepping what the donor designated it for; indeed, the donor set it for that very purpose.

That which is not permissible is to use the water for purposes other than that for which it was provided—such as diverting it to houses or watering fields. As for when the water is so scarce that, as a rule, it suffices only for the worshipers in that mosque, then it is not proper for others to come merely for ghusl or wuḍū'. However, if someone comes for wuḍū' and prayer, he has a right to that water, because the one who placed the water in that mosque intended thereby to keep that mosque alive.

A note on dropping wuḍū' and switching to tayammum.

The jurists of the school said: "It is obligatory for the sick person to seek someone to perform wuḍū' for him—either for a wage, or without a wage where there is no condescension—within the distance of a mile". (فرو) (Taqrīr for Zaidy madhhab).

That is the end of what is in the marginalia to the commentary.

1 Sharḥ al-Azhār 1/97.

I say: When illness in a person reaches the point that he is unable to perform wuḍū’ by himself, then wuḍū’ falls from him and he turns to tayammum; as evidenced by the saying of the Exalted: “...and if you are ill ... then seek clean earth and wipe your faces and your hands [with it] ...” [An-Nisā’ 4:43]. And as evidenced by His saying, “Allah does not charge a soul except [with that within] its capacity.” [Al-Baqarah 2:286].

If it be said: The sick person has two states—one in which using water harms him, and one in which using it does not harm him. In the first state, it is permissible for him to turn to tayammum and he is not obliged to use water; while in the second state he must use water, since there is then no justification for turning to tayammum.

We say: Allah, Exalted is He, has made the permissibility of tayammum dependent upon illness and has made it the cause for turning to tayammum; so there is no basis for singling out some of the sick to the exclusion of others, when they share in the hardship and difficulty entailed by using water—hardship which Allah, Glorious is He, has negated concerning them in His saying: “Allah does not intend to make difficulty for you, but He intends to purify you ...” [Al-Mā’idah 5:6]. There is no doubt that obligating a sick person to perform wuḍū’ while he is unable to do so because of severe illness imposes hardship and difficulty upon him, and Allah has informed us that He does not intend that. So reflect. And Allah knows best. All praise is for Allah, Lord of the worlds. And may Allah bless him and his family and grant them peace—Muḥammad and his pure family.

The infirm (al-‘alīl)

(“and someone else performs wuḍū’ for him”). In the marginalia: al-Manṣūr bi-llāh said: It is obligatory for the sick person to seek someone to perform wuḍū’ for him—for a wage that is not burdensome, and without a wage where there is no condescension—within a mile. (قرن)

(Taqrīr for Zaidy madhahb)¹.

(“and his spouse performs istinjā’ for him”). Al-Mu’ayyad bi-llāh [said so]; and the woman has the right to refuse, because serving the husband is not obligatory upon her except by way of what is customary. (قرن)

(Taqrīr for Zaidy madhahb). And it is related from Abū Ṭālib that he must marry for the sake of istinjā’, or purchase a female slave; then, if that is not possible, someone of his own sex assists him—wrapping a cloth around his hand and washing his private parts. This is from the

1 Sharḥ al-Azhār, 1/261.

commentary and its marginalia¹.

I say: If the sick person is unable to use water, the obligation to use it falls from him and he turns to tayammum; and Allah, Exalted is He, has explicitly stated in His Noble Book that illness is an excuse in the verse of wuḍū' whereby, on its account, the sick person turns to tayammum.

If it be said: His saying, Exalted is He, "*So fear Allah as much as you are able*" [At-Taghābun 64:16], and the like, support what the jurists of the school said; because if the sick person has surplus wealth with which he can hire someone to perform wuḍū' for him and cleanse him, then by that he is "able" with respect to wuḍū' and purification.

We say: Wuḍū' and purification for prayer are individual obligations upon the sick person; yet the Qur'anic evidence has indicated that the obligation to do so is lifted in the case of illness. Therefore, obligating wuḍū' and purification upon him conflicts with the specific Qur'anic evidence regarding the sick person; whereas His saying, Exalted is He, "*So fear Allah as much as you are able*" [At-Taghābun 64:16], is general, and the verse of wuḍū' is specific.

Omitting triple-washing in wuḍū'

And in the marginalia as well: It is obligatory to omit triple-washing when the time is too tight to catch the whole prayer within it, and because of scarcity of water. Thus, if he finds water that does not suffice him, it is forbidden to use it for any of the Sunnahs; and it is recommended to omit triple-washing in order to catch the congregation—so long as he does not expect another congregation while the first half of the preferred time remains².

[Triple-washing in wuḍū']

Question: If performing triple-washing (at-tathlith) in wuḍū' would cause one to miss the congregational prayer or some of its rak'ahs, whereas washing the limbs of wuḍū' once each would enable him to catch the congregational prayer—wholly or without missing any part of it—then which is preferable and weightier: triple-washing in wuḍū', or catching the congregation (all of it or most of it)?

Answer: What is preferable for the legally responsible person, when Sunnah acts come into conflict, is to preserve the more important of them. The congregational prayer is more important than triple-washing; for triple-washing in wuḍū' is Sunnah by agreement of the scholars,

1 *Sharḥ al-Azhār*, 1/261–262.

2 *Sharḥ al-Azhār*, 1/91.

whereas as for the congregational prayer, among the scholars of the Ummah are those who say it is Sunnah, those who say it is a communal obligation (farḍ kifāyah), and those who say it is an individual obligation (farḍ ‘ayn)—and each of the three views rests upon evidence that indicates it.

Likewise with respect to any conflicting religious obligations that face the legally responsible person: he gives precedence to the more important over what is lower in importance. Thus, an individual obligation takes precedence over a communal obligation; a definitive obligation takes precedence over a presumptive obligation; an obligation agreed upon as obligatory takes precedence over an obligation disputed in its obligatoriness—and so on. Obedience to the mother takes precedence over obedience to the father in cases of distressing conflict; obedience to Allah takes precedence over obedience to one’s parents; fulfilling the need of a near kinsman takes precedence over the need of a stranger; likewise, reconciliation between disputants takes precedence over judging between them. Averting harms takes precedence over procuring benefits; the superior act takes precedence over the less-excellent; and some evils are lighter than others—so repelling the greater evil is prioritized over the lesser.

Grades of wuḍū’ nullifiers

The nullifiers of wuḍū’ are: the exiting of urine, feces, wind, semen, pre-ejaculatory fluid (madhī), post-urination discharge (wadhī), and intercourse. These nullifiers are of the first degree in authenticity.

Second degree: the exiting of blood or pus from any part of the body (a drop or more), vomiting, sleep, and loss of consciousness.

Third degree: committing a major sin—short of persistence upon it.

We have ordered them in this way in accordance with the ranks of the soundness of the evidences and the clarity thereof: the evidences for the first degree are clearer, sounder, and stronger; then come those of the second degree, then the third.

[Ruling on minor lying that entails no harm]

Question: What is your view concerning minor lying that entails no harm—such as in jest—and about lying for a benefit; and does it nullify wuḍū’? Also, what is the meaning of Allah’s sayings: *“Rather, this—his largest—did it”* [Al-Anbiyā’ 21:63], *“Indeed, I am ill”* [Aṣ-Ṣaffāt 37:89], and *“Indeed, you are thieves”* [Yūsuf 12:70]?

Answer: The reality of lying is that you promote your statement to the listener such that the listener believes its truth and correctness. On this basis, speech made in jest is not described as lying, because the report is not thereby promoted to the listener nor does he believe it to be true—

the jest itself is an indicator that prevents that.

As for His saying—relating the words of Abraham (*peace be upon him*): *“Rather, this—his largest—did it”* [Al-Anbiyā’ 21:63]—it is speech intended to expose the ignorance of idol-worshippers and to proclaim the feebleness of their minds, followed by arguing against them and compelling them: whoever cannot even break idols, how could he do anything greater than that? There is nothing in Abraham’s words that even suggests a lie, let alone constitutes one; rather, it is a kenning (kināyah) for what we have mentioned, and it contains lofty eloquence—since a kināyah can be more forceful than plain speech, in addition to the many meanings it conveys with few words. Therefore, this sentence is not among instances of lying, contrary to what is in some narrations—that Abraham (*peace be upon him*) told three “lies,” of which this was the last and the second was *“Indeed, I am ill,”* etc.

As for His saying: *“Indeed, I am ill”* [Aṣ-Ṣāffāt 37:89], it is not lying, as has been related concerning Abraham (*peace be upon him*). Rather, the meaning is: “I am sick at heart because of your worship of idols—dissatisfied with it, not agreeing to it, indeed utterly detesting it—since you have abandoned worship of the Lord of the worlds and turned to worshipping idols.”

The proof for what we have stated in this interpretation is that Allah, Exalted is He, said after *“Indeed, I am ill”*: *“So they turned away from him, departing.”* [Aṣ-Ṣāffāt 37:90] Allah related that they turned away from Abraham and rejected his idea and his call. Had it been—as in some narrations—that Abraham informed them of bodily illness, it would have sufficed for Allah to say *“So they turned away,”* and then *“departing”* would not add benefit. And Allah knows best. Thus the speech is figurative, its relation being the resemblance between the ailments of hearts and those of bodies.

As for His saying: *“Indeed, you are thieves”* [Yūsuf 12:70], it has been said that the brothers of Joseph (*peace be upon him*) had indeed committed a theft before; so Joseph called them “thieves” on that account, and this statement was not a lie.

As for the question, “Is lying permissible for a benefit?”—we say: If telling the truth entails a harm, then lying is permissible in that case—indeed, it may be obligatory. For example, a tyrant asks you about a believing man whom he wants to kill or torment with imprisonment, beating, or humiliation. It is obligatory for you to say, “I do not know where he is,” even if you do know his location. Indeed, if the tyrant makes you swear regarding what you say, you should swear that you do not know, and in that case you are truthful in your oath and not taken to task for it. The scholars, however, have mentioned that in such a case it is

recommended for the one swearing to intend an internal interpretation (ta’wīl) of his oath—such as intending, “I do not know where he is—whether at the head of the gathering, or in the middle, or at the end,” or the like—so that he is truthful in his statement and his oath. What the scholars mentioned is fine and good; it contains prudence and safety. Yet such ta’wīl may not be feasible for common people, especially at moments of distress and pressure from the tyrant and the like.

If the speaker or the one swearing is able to employ such a ta’wīl, then it is better that he do so; otherwise there is no blame upon him, if Allah wills. This is an example of a situation in which lying is permissible.

Another example: where telling the truth would produce a greater harm than that of lying—such as a man engaged in reconciling two parties. He is asked about something and finds no escape from answering; yet if he answers truthfully it will intensify and inflame the discord, whereas if he answers contrary to the truth it will be more conducive to reconciliation. In this case, it is not permissible for him to tell the truth; rather, lying is the determinate course—if no indirect wording (ma‘ārīḍ al-kalām) is feasible for the speaker.

As for lying without any motive other than **(personal)** benefit, it is not permissible merely for the sake of benefit. Yes: lying in cases like the two examples above is good and **does not** nullify wuḍū’; but lying for mere (personal) benefit **does** nullify wuḍū’—this according to the position of the school and those who agree with them.

[Does wuḍū’ break if a man kisses his wife or sees her private parts (or those of another man)]?

Question: Is wuḍū’ nullified if a man kisses his wife, or sees her private parts, or touches her private parts, or if a man sees another man’s private parts?

Answer: Wuḍū’ is not nullified by any of that.

Chapter: Ghusl (*Major Ritual Bath*)

A note on the essence of ghusl

The school's position is that the reality of ghusl is: water contacting the skin together with flowing and rubbing. Thus ghusl is not realized except with all three.

As for an-Nāṣir, Zayd ibn 'Alī, and Abū 'Abd Allāh ad-Dā'ī: they held that water merely contacting the skin suffices.

And the majority of the imams and jurists said: water contacting the skin with flow suffices. End quote. This is mentioned in *al-Masā'il an-Nāfi'ah*.

I say: Allah, Exalted is He, says at the end of the verse of wuḍū': "*Allah does not intend to make difficulty for you, but He intends to purify you ...*" [*Al-Mā'idah* 5:6]. In this verse Allah makes clear that what is meant by washing is purification, and purification is cleanliness. But merely having water touch the skin without flowing does not remove any filth whatsoever, nor does it achieve cleanliness.

The report from Imām Zayd ibn 'Alī is weak, since the contrary is found in *al-Majmū'*.

Moreover, evidence has come that supports the first view—the view of the school. Among it is what occurs in part of a ḥadīth from the Prophet (*May Allah bless him and his family and grant them peace*): "... *they are like two hands, each of which washes the other,*" which clearly points to rubbing.

Also among it is what has been narrated that the Prophet (*May Allah bless him and his family and grant them peace*) *tamassah* (wiped of) in the sense of "perform wuḍū'," which supports the school's wording; and *at-tamassuḥ* means rubbing.

And among it is what Imām al-Hādī (*peace be upon him*) narrated from the Prophet (*May Allah bless him and his family and grant them peace*) regarding the description of ghusl, in which it says: "*And rub from your body whatever your hands can reach.*"

And among it is the well-known linguistic usage that when a man inserts his hand into water people say: "he dipped (ghamasa) his hand," not "he washed it." Hence the ḥadīth: "... *he must not dip his hand into the vessel until he washes it three times ...*"

And among it is what is in *al-Majmū'*: "Zayd ibn 'Alī narrated to me, from his father, from his grandfather, from the Commander of the Faithful 'Alī (*peace be upon them*): *If a man has grievous sores such that he cannot perform ghusl with them, then let him perform wuḍū' as for prayer and pour water over them by pouring.*"

And therein: From ‘Alī (*peace be upon him*) regarding a man who has sores, wounds, or smallpox, he said: “He pours water over them by pouring.”

From this it is taken that pouring is not ghusl, and that rubbing is included in the very reality and essence of ghusl.

This is a proof for the weakness of the first report from Zayd ibn ‘Alī (*peace be upon him*), as we have stated.

As for what they adduced as proof from the wording of the Prophet (*May Allah bless him and his family and grant them peace*): “... if you have caused water to touch [it], then proceed...” (ḥadīth)—this is a kenning for ghusl, as indicated by what we have mentioned.

They also adduce what is narrated from the Prophet (*May Allah bless him and his family and grant them peace*): “The believer’s wuḍū’ is like his anointing (oiling).”

We say: the ḥadīth is open to possibilities, for the point of resemblance is not specified. In the end it appears to be evidence for those who require rubbing in ghusl; the likeliest reading is that the believer’s wuḍū’, in encompassing the limb and rubbing it, is like anointing with oil. No other interpretation is valid in this context, as it is not logical to estimate a quantity based on another quantity—for no one says that three or four drops suffice for washing the face.

A note on saying the basmalah in ghusl from janābah and menstruation

In the marginalia to *Sharḥ al-Azhār* it says: “In *az-Zanīn*: As for pronouncing Allah’s Name over food and the like, and dhikr that includes some Qur’ānic words without intending recitation, the sound view in the school is that it is permissible.” End quote.

And the wording of *al-Bayān*: “And reciting anything from the Qur’ān—except what is customary in people’s speech, such as the basmalah, al-ḥamdalah, al-‘awdhah (seeking refuge), tasbīḥ, tahlīl, and takbīr—provided that it is not intended as tilāwah (recitation). (قرآن) (Taqrīr). Likewise, saying *al-istirjā’* (Innā lillāh...) at a calamity.” That ends the quotation from *al-Bayān* (Taqrīr) (قرآن).¹

I say: Based on this, the basmalah ought not to be omitted in ghusl from janābah and in the ghusl of menstruation; and it would have been proper for the scholars of the school not to omit mentioning the

1 Sharḥ al-Azhār: 1/106.

basmalah in ghusl from janābah and menstruation.

If they say: Even though we deem it permissible here, what we mean is permissibility with dislike—

I say: Then at the very least Allah’s Name should be mentioned in the heart at the beginning of ghusl, and one should not fully neglect in ghusl what has come from the Prophet (*May Allah bless him and his family and grant them peace*), such as his saying: “*Every matter of consequence that is not begun with ‘In the Name of Allah’ is cut off,*” and what has come from him (*May Allah bless him and his family and grant them peace*) in the ḥadīth: “*There is no wuḍū’ for one who does not mention Allah’s Name.*”

Ghusl is analogized to wuḍū’, both being purifications intended for prayer. If the qiyās holds, then naming (tasmiyah) in ghusl is obligatory—though opposed by the claim of dislike; but the side of obligation outweighs the side of dislike, as is discussed in its proper place. And what we mentioned—dhikr within oneself at the start of wuḍū’—reconciles the two views.

This is on the assumption of those who deem all dhikr disliked. Otherwise, the sound view in the school is that non-Qur’ānic dhikr is not disliked according to al-Hādī (*peace be upon him*) for he ruled the slaughter of one in a state of janābah valid—and the basmalah is indispensable for it; and he said that the menstruating woman remembers Allah, and says the tahlīl and takbīr. It is related from some of the People of the House (*peace be upon them*) something to this effect: *Our women, during menstruation, were commanded at the times of prayer to perform purification and to say the tahlīl, tasbīḥ, and remembrance of Allah, Exalted is He.*

On this basis, remembering Allah is not disliked; what is disliked is reciting the Qur’ān. Hence, we see no reason for one in janābah or a menstruating woman to omit the basmalah at the start of ghusl from janābah and from menstruation.

Moreover, the scholars of the school have made tasmiyah the first obligation of tayammum, even for one in janābah; therefore there is no basis for their neglecting to mention it in the ghusl from menstruation and janābah. And in the marginalia to *Sharḥ al-Azhār* according to the school: tasmiyah is recommended, because the evidence for tasmiyah has come specifically regarding wuḍū’, and so on. End quote¹.

1 Shaḥ al-Azhār: 1/114.

Writing the Qur’an by one in janābah via telephone and computer

Question: Is it forbidden for a person in a state of janābah (major ritual impurity) to write the Qur’an on a telephone or computer, or not?

Answer (by Allah’s enabling): Janābah or menstruation is a cause for the prohibition of reciting the Qur’an, touching it, and directly handling it. The scholars have assimilated writing the Qur’an with a pen and the like to recitation, for the pen is one of the two tongues.

As for writing the Qur’an by means of a computer or telephone, this is among newly arising issues for which no fatwā was issued by earlier scholars.

- Therefore, we could attach it to pen-writing by way of analogy (qiyās), or include it under the general prohibition of writing for one in janābah or a menstruating woman.
- And we could say: it is permissible for the menstruating woman and the person in janābah to write the Qur’an by means of the computer or telephone, because the alphabetic letters are already present in the device; the menstruating woman and the person in janābah merely cause one letter to join another on the screen of the computer or telephone, without either of them directly handling the letters or the screen.
- From this it appears that writing via computer/telephone differs from writing with a pen: the one writing with a pen is the very person who brings the writing into existence with his pen, whereas the one “writing” by means of the computer does not bring the writing into existence; rather, the writing exists in the computer in potential, and what the user does is only to prompt the computer to write and to assemble the letters.

On this basis, it is permissible for the person in janābah and the menstruating woman to send what is written of the Qur’an from the computer to a printer, and to copy and transfer that from one device to another—because there is no direct handling by them: it is the computer that writes, transfers, copies, and prints, while the menstruating woman and the person in janābah merely prompt it with electronic commands. The mechanism that writes, copies, transfers, and prints is inside the computer and is not directly handled by them.

Accordingly, we say—and we choose—the permissibility of writing the Qur’an on the telephone and the computer for the menstruating woman and the person in janābah.

Likewise, it is permissible for the menstruating woman and the person in janābah to open a Qur’ān recitation on the mobile phone or computer, listen to it, and carry the devices while the recitation is

playing; this is like a man carrying another man who is reciting the Qur'an.

Likewise, it is permissible for the menstruating woman and the person in janābah to open the muṣḥaf stored in the mobile phone or computer and to carry that, due to their not directly handling the muṣḥaf—given the presence of the glass barrier and the outer casing.

Chapter: Tayammum (*Dry Ablution*)

A note on the invalidity of performing tayammum with water

An elderly shaykh of very advanced age and extremely weak body asked me: “*Should I perform tayammum with earth even though I am able to do tayammum with water? He had been told that tayammum with water suffices.*”

I answered him: Allah, Exalted is He, says: “*So fear Allah as much as you are able.*” [At-Taghābun 64:16]

If *istinjā’* is difficult for you, then wash your hands and face in a vessel, and wipe your head and your feet. This is something that may not be difficult. If part of the acts is difficult and part is possible, then do what is possible and leave what is difficult.

The jurists of the school have said: If you rinse the mouth, draw water into the nose, and wash your face and forearms, then—when the remainder is impossible or too difficult—your ruling is the ruling of one who has performed *wuḍū’*. Accordingly, it suffices you to pray with that one *wuḍū’* two prayers or more.

As for tayammum with water: if by it is meant *wiping* as in wiping the head, then it is not legislated; but if what is meant is a light washing, then there is no harm.

When do the sick person and one without water perform tayammum?

Question: It has been said that a sick person does not perform tayammum except at the end of the prayer time, and likewise one who lacks water. Is this the case or not?

Answer (and Allah is the One who grants success): It has been said so, and this is what the later scholars of the school determined. Others—both within the school and outside it—said: If the sick person has no hope of his ailment disappearing within the prayer time, he may perform tayammum and pray whenever he wishes within that time; but if he expects the ailment to be removed at the end of the time, he waits to pray until the end of the time. This school of thought is closer to truth and correctness, because saying that it is obligatory to delay the prayer absolutely entails:

1. imposing severity and constraint upon the sick person—which contravenes ease;
2. the sick person may fall asleep at the end of the time—especially before Fajr—and thus miss the prayer;
3. his illness may worsen and thus he misses the prayer.

All of that conflicts with the obligation to maintain the prayers, known

from His saying: *“Maintain with care the [obligatory] prayers and [in particular] the middle prayer.”* [Al-Baqarah 2:238]

Moreover, praying at sunset is strongly disliked; so it is not fitting to delay the prayer to that time.

Yes: one who lacks water—if he thinks that by delaying his prayer he will find water—should wait to pray, but not so long as to enter a time in which the Messenger of Allah (*May Allah bless him and his family and grant them peace*) forbade praying. If the one lacking water despairs of finding it, he may pray whenever he wishes within the time.

A follow-on benefit to what has preceded

The scholars of the school say: It is obligatory for one performing tayammum to delay the prayer to the end of the time, whether the tayammum is due to illness or lack of water.

What appears to me is a distinction:

- A sick person whose ailment is not expected to disappear within the time may perform tayammum and pray at the beginning of the time.
- A sick person who expects his ailment to disappear within the time must delay the prayer.
- Likewise, one who lacks water: if he expects to find water, he delays; if he does not expect to find it within the time, he prays whenever he wishes within the time.

We say this because Allah, Exalted is He, has obligated the prayer with wuḍūʾ using water; if using water is impossible due to illness or lack of water, then the worshiper prays with tayammum.

Thus, a sick person who expects recovery near the end of the time is—in his estimation—able to perform the prayer in its time with wuḍūʾ; therefore, it does not suffice him to pray with tayammum at the beginning of the time. This is per His saying: *“So fear Allah as much as you are able,”* [At-Taghābun 64:16] and the ḥadīth: *“When I command you to do something, do of it what you are able.”*

As for the sick person who is not expected to recover at the end of the time—or is not expected to recover at all—there is no basis for obligating him to delay the prayer to the end of the time; delaying was only required where there is hope of recovery or of finding water. When there is despair of recovery at the end of the time, or of finding water, there is no benefit in delaying the prayer.

If it be said: It is obligatory for one who lacks water to seek it until the end of the time; when only enough time remains to perform the prayer, he performs tayammum and prays—because he cannot be certain that he truly lacks water unless he does so.

We say: We only permitted one lacking water to perform tayammum at the beginning or middle of the time when he despairs of finding water within the time of the prayer currently due—such as a traveler in the deserts of the Empty Quarter or similar lands in which no water is found.

If it be said: One who lacks water in such deserts cannot despair of finding it—perhaps Allah will send rain during the prayer time.

We say: If he has hope of rain, he delays the prayer—such as when it is a season of rainfall and signs of it appear, like winds and gathering clouds. If there is none of that, then he is not obligated to delay.

Yes: If a man prays with tayammum—due to illness or lack of water—at the beginning of the time, in a state of despair of recovery or of water within that time, and then he recovers at the end of the time or finds water, what is the ruling?

Answer: What appears to me preferable is the view that repeating the prayer is obligatory; for the Muslim is addressed to establish the prayer with all its conditions except when excused. Here it has become clear that part of the time remains, the sick person is recovered, the water is present, and the excuses have been lifted.

If it be said: He already prayed with tayammum while genuinely despairing of recovery or water; he did what Allah commanded him to do. And in the ḥadīth: “*No two Ḍuhrs in one day.*” How then do you obligate him to perform Ḍuhr twice in one day?

We say: We conditioned the validity of praying at the beginning of the time upon despair; here it has become clear that such despair of recovery or of finding water was invalid. Therefore, the first prayer is invalid: in the case of the one lacking water—because water existed within the time; and in the case of the sick person—because he was able, without hardship, to use water within the time.

[Is one who can pay the price of water deemed to have found water?]

The scholars of Madhab said: It is obligatory to purchase water for wuḍū’ provided that doing so is not unduly burdensome. The limit of “burdensome” is: if he is traveling, that the purchase would diminish the provisions by which he reaches his destination; and if he is resident, that he would be left destitute like a bankrupt person.

I say: What appears to me is that one is not obliged to purchase it except at its customary price, or at an increase that water may reach in certain locales and for which it is commonly purchased, or at a slight markup people typically tolerate. Something to this effect is related from al-Manṣūr bi-llāh in the commentary.

If the price of water exceeds that, then purchasing it is not obligatory.

If it be said: “Whoever possesses the price of water is considered as one who possesses water; hence tayammum is not permitted,”

We say: Even though he is, in one sense, a “finder” of water by possessing its price, this case is excepted by the evidences of removing hardship and seeking ease, such as His saying:

“And He has not placed upon you in the religion any hardship.” [Al-Ḥajj 22:78]

and His saying:

“Allah intends for you ease and does not intend for you hardship.” [Al-Baqarah 2:185]

The high price of water casts a person into straitness, constraint, and hardship—just like the high price of food.

Moreover, the scholars of the school stated that the obligation of ḥajj falls due to charging travel costs (ar-rusd) beyond the customary rate; thus, they ought here to say that the obligation of wuḍū’ falls when water is above the customary price, since the two issues are analogous.

Chapter on Menstruation

Some Rulings on Menstruation (*Aḥkām al-Ḥayḍ*)

Praise belongs to Allah, Lord of the worlds; and may Allah bless him and his family and grant them peace—our master Muḥammad—and his good, pure Household. To proceed:

These are several issues concerning menstruation that a Muslim woman should know:

1. The minimum duration of menstruation is three days; its maximum is ten days; and the minimum period of purity is ten days.
2. What is common among women is that menstruation lasts one week, and purity three weeks.
3. A woman must know what her habit (‘ādah) is in menstruation and how many days her purity lasts.
4. If her menses comes sometimes seven days and sometimes eight, then her habit is seven; and if it is sometimes six and sometimes seven, then her habit is six.
5. A woman should know when in the month her period comes: at the beginning, around the tenth, the middle, or at some other time.
6. Menstruation has signs: pain in the back, and the color of menstrual blood is dark and has a distinct odor.
7. Yellowish discharge (ṣufrah), brownish/earthy tint (ghubrah), and dusky brown (kudrah)—if they occur during the time of her habit—are menstruation.

[What should a woman do if bleeding continues?]

Question: A woman has had continuous bleeding for six months, stopping only a day or two. With Ramaḍān approaching, what should she do?

Answer: This woman must look to the time she was accustomed to menstruate and leave prayer and fasting during that time. When the customary time ends, she performs ghusl, fasts, and prays, and everything permitted to the pure becomes permitted to her—entering the mosque, reciting the Qur’an, and so forth.

If the woman forgot the time she used to menstruate, and forgot how many days it lasted, then she should distinguish (*tastadill*) menstrual blood, for it has signs reported from the Prophet (*May Allah bless him and his family and grant them peace*): dark color and a distinct odor known to women. When she finds these descriptions, she leaves prayer and fasting and treats it as menses; when they cease, she performs ghusl

and prays, etc.

If she cannot distinguish menstrual blood from the blood of *istiḥāḍah* (non-menstrual bleeding), then she must revert to the habit of her womenfolk; this is on account of the ḥadīth from the Prophet (*May Allah bless him and his family and grant them peace*) in which he ordered the *mustaḥāḍah* to do so, saying: “*Menstruate as (other) women menstruate.*” The scholars understood “women” to mean her female relatives on her father’s side.

What is more persuasive is that she reverts to the prevailing habit among women: that menstruation comes once a month and its number of days is a week. Hence what is related from the Prophet (*May Allah bless him and his family and grant them peace*) in the ḥadīth of the *mustaḥāḍah*: “*Menstruate six or seven (days).*”

Yes, there is no universal habit among women regarding which part of the month the menses begins—whether the beginning, middle, or end. In the ḥadīth of the *mustaḥāḍah*, the Prophet (*May Allah bless him and his family and grant them peace*) said to her: “*Menstruate six or seven days—as Allah knows.*” It may be inferred that she counts six or seven days from whichever part of the month, for the Prophet (*May Allah bless him and his family and grant them peace*) so commanded her; and there is no way for her to know what is in Allah’s knowledge, and Allah does not charge a soul except [with that within] its capacity. She should also act upon indications to determine the time of menses, even weak ones.

Yes: if blood comes and then continues, she counts seven days from its beginning as menstruation, then performs *ghusl*; when three weeks pass, she counts menstruation again—and so on.

If the period becomes prolonged for her and the reckoning is confused, let her revert to reasonable judgment and indications. She may remember, for example, seeing the moon in a certain phase or position, and the like; she may take that as the time of menstruation, and so forth.

She should not—and it is not permitted for her to—abandon two pillars of Islam, prayer and fasting, on account of her confusion about their timing and number—especially given what has come in the ḥadīth of the *mustaḥāḍah*: that she is commanded to pray and to purify herself, that she menstruates six or seven days as Allah knows, and that she menstruates as women menstruate. At most, she may end up praying and reciting the Qur’an while actually menstruating—and that is lighter than abandoning the prayer.

The proof for this is that Allah, Exalted is He, repeats the command to pray in His Noble Book and commands maintaining it, and He has emphasized that to the utmost in numerous verses beyond counting. As for the menstruant’s leaving the prayer, even though it is well known,

it is not mentioned in the Qur’an even once; and prayer without ritual purity has been permitted in cases of necessity.

Yes: What appears is that the reason for the menstruant leaving prayer is lack of purity. Thus, if the confused woman counts a week from the beginning of the month, then performs ghusl and prays, her prayer is possibly valid and possibly invalid; the possibility of invalidity is less likely, because the days of purity are, on average, three times the days of menstruation. Therefore, abandoning prayer and fasting given such a possibility is neither fitting nor permitted.

If it be said: “On this basis you must require her to always pray and never treat herself as menstruating.”

We say: Had the command to count days of menses not come from the Prophet (*May Allah bless him and his family and grant them peace*), we would have required that.

Indeed, the detail we have mentioned is supported by:

1. The ḥadīth of the Prophet (*May Allah bless him and his family and grant them peace*), transmitted among the Zaydīs and Ahl al-Sunnah;
2. The ease and facilitation inspired by His sayings:
“And He has not placed upon you in the religion any hardship.” [Al-Ḥajj 22:78]
“Allah intends for you ease and does not intend for you hardship.” [Al-Baqarah 2:185]
“Allah does not charge a soul except [with that within] its capacity.” [Al-Baqarah 2:286]
3. Maintaining the prayers and fasting—for “there is no good in a religion without prayer.”

Furthermore, the mustahāḍah must perform wuḍū’ for each prayer; if she is able to perform ghusl for each prayer, that is better; otherwise, one ghusl suffices upon the end of the days of menstruation.

She should pack the outlet of the blood with cotton or the like and bind it firmly, as has come in the ḥadīth of the mustahāḍah.

[Some Rulings on Menstruation]

Question: People frequently ask about irregular menstrual bleeding—that it comes in its usual time and outside its time; sometimes there is blood, and sometimes brownish (*ghubrah*) or yellowish (*ṣufrāh*) discharge, whether in time or out of time. When I ask about the cause, they say it is due to using a contraceptive treatment.

Answer (and Allah grants success): If blood exits from a woman because of taking a medication, or due to an illness, and the like, then it is not menstruation unless it comes at the time of her habit; in that case it

is menstruation. Whatever comes before her usual time or after it is not menstruation, and she must pray and fast.

The proof is the well-known report that the Prophet (*May Allah bless him and his family and grant them peace*) instructed the woman who complained to him of continuous bleeding to leave off prayer and fasting during the time in which she used to have her menses; then, when that time ended, to perform ghusl, pray, and fast, and so on. He (*May Allah bless him and his family and grant them peace*) also said to her: “*That is but a kick from Satan, so do not abandon prayer and fasting.*”

Accordingly, this sound report shows that when blood exits from a woman for a reason or due to an ailment, it is not menstruation; rather, she must pray and fast until the time arrives in which she used to menstruate—then, in that time, she leaves prayer and fasting, and her husband may approach her.

If the menses does not come at its usual time because she used a contraceptive treatment, and then comes ten days after her usual time and continues for seven, nine, or ten days, then—according to the school—that is not menstruation.

And if the number of her days increases because of using the treatment, the excess is not menstruation.

Likewise, brownish or yellowish discharge after the time of her habit—when caused by the treatment—is not menstruation.

[Ruling on brownish/yellowish discharge before the time of the habit]

Question: A woman’s monthly habit is seven days, but before those seven days there comes a little of yellowish or brownish discharge on the two days preceding the seven; then her known habit comes, accompanied by the usual pains and copious blood, and she becomes pure after seven days. What is the ruling of the brownish/yellowish discharge in the two days preceding the time of the habit—bearing in mind it does not occur every month, only some months?

Answer: What appears to me is that the yellowish and brownish discharge on those two days is not menstruation; the woman’s ruling is purity, so she fasts and prays. Such discharge has the ruling of menstruation only if it occurs in the time of the habit; outside the time of the habit, it is not ruled as menses.

Evidence for this:

1. Menstrual blood is dark and recognizable—as narrated from the Prophet (*May Allah bless him and his family and grant them peace*).
2. Menses is accompanied by pains known among women.

A note on blood that appears due to contraceptive treatment

In the school it is said: If a woman ingests something that alters her vaginal condition, then it is not menstruation—even if it comes in the time of her habit. (قرو) (Taqrīr) “Consistent with cases where distinguishing signs are absent.” (قرو) (Taqrīr, from the marginalia to *Sharḥ al-Azhār*)¹

I say: On this basis, a woman using contraceptive treatment—which often alters the vaginal state—must pray and fast, and she should not leave them merely on account of seeing blood unless it becomes clear to her that it is menstrual blood.

Menstruation is distinguished from istiḥāḍah by the pain women feel at the onset of the period, as well as by the color and odor.

[Carrying items that contain the remembrance of Allah by a menstruant or one in janābah]

Question: Is it permissible for a person in janābah or a menstruant to carry a paper inscribed with the remembrance of Allah, supplications, and Qur’ānic verses—for preservation and healing? And is it permissible to carry that into the bathroom when relieving oneself?

Answer: If the item carried is in a plastic pouch or the like, then there is no harm in a menstruant or one in janābah carrying it; for what is forbidden is a menstruant’s or one in janābah directly handling the muṣḥaf, whereas when it is encased there is no direct handling—and this is when there is a need, such as for healing or protection.

If there is no need, it is preferable that the menstruant or one in janābah avoid carrying it.

- As for bringing it into the lavatory: if keeping away from items bearing Allah’s remembrance would cause hardship—such as when it is under the clothes, or there is fear of loss or forgetfulness—then there is no harm and no blame in entering the lavatory with it. If none of that applies, then it is preferable not to bring it into the lavatory.

[When is the ruling of nifās (postpartum bleeding) established?]

"The ruling of nifās is established by the expulsion of a pregnancy—even if a miscarriage—when followed by blood, on condition that the expelled tissue is formed (mutakhalīq)". The scholars of Zaidi school said.

Their wording indicates that by “formed” they mean that it has developed from blood to a muḍḡhah (a “chewed-like lump”). If it is unclear whether it has transformed or not, place the tissue in hot water:

1 Sharḥ al-Azhār 1/153.

if it disintegrates and returns to blood, then nifās does not apply; if it does not disintegrate, then nifās applies.

One may adduce for this the likes of His saying:

"...until they deliver their burdens." [At-Ṭalāq 6]
"She carried him with a light burden and continued with it; then when she grew heavy..." [Al-A'rāf 189]

It is known in the Sacred Law that menstrual blood is not a pregnancy. Thus, even if the drop (*nutfah*) transforms into a blood clot (*'alaqah*) and then exits with menstrual blood, it is not said that the woman has delivered her pregnancy; rather, it is said that she has menstruated. But when the clot transforms into a *muḍghah*—that is, a piece of flesh in the shape of a morsel chewed between the eater's teeth—then it is true of it that it is a pregnancy, and the woman thereby is at the beginning of pregnancy, i.e., the stage of light pregnancy. The *muḍghah* then develops from state to state until it becomes a heavy pregnancy ... then

If she delivers the pregnancy, whether light or heavy, and blood comes out immediately after delivery, the rulings of nifās (postpartum bleeding) apply to her. If no blood comes immediately after delivery, the rulings of nifās do not apply; she must purify herself and pray, and *ghusl* is not obligatory upon her.

If a woman feels labor pains and blood exits before the child—while it is prayer time—she must pray, because that is not nifās; nifās is the blood after the child exits.

[The ruling on intermediate purity during nifās]

Question: A woman gave birth; after seven days the blood of nifās stopped, so she prayed and fasted for about twenty days, then she saw blood again. Are those twenty days considered nifās, or are they considered purity? And if they are nifās, must she make up her fasts or not?

Answer: According to the school, as in *Sharḥ al-Azhār*, if the cessation of blood continues for ten full days—from time to time— it is purity and not nifās. Based on that, the woman's fasting during the twenty days—which were a time of cessation—is valid fasting, so it is not obligatory upon her to make it up [sic]. Moreover, some scholars say that it is nifās if it occurs within forty days, but what is established in the school is as we have stated.

What indicates the soundness of what the scholars of the school mentioned is that ten days constitute valid purity, which is their minimum purity. Therefore, if the blood of nifās ceases for ten days or more, the necessary ruling is that it is purity.

[A woman who gives birth by abdominal incision—is she considered a nufasā’?]

Question: If a woman’s pregnancy is expelled by an abdominal incision, is she thereby considered to be in nifās or not?

Answer: The scholars of the school—per the marginalia of *Sharḥ al-Azhār*—mentioned that this is not nifās, and the woman is not thereby a nufasā’. However, the waiting period (‘iddah) of a divorcee does end by the delivery of the pregnancy in this way as well, because it is truly a delivery (*wad‘ al-ḥaml*).

I say: On that basis, if blood exits from the womb after the operation and abdominal incision to remove the pregnancy, that blood is not considered nifās.

Delivery by cesarean section is not called nifās

Question: What is the proof of the school for negating nifās in the case of a woman whose child is delivered by a cesarean operation—even though postpartum blood may then exit from its proper place (the vaginal orifice) as well as other post-delivery discharges?

Answer: One can argue on their behalf that what is customary in the Sharia is that the rulings of nifās are predicated upon two successive matters:

1. the exit of the child from the specified orifice; and
2. the exit of blood immediately after it.

There is no doubt that these two together are the cause and sign for the rulings of nifās. Neither the exit of blood alone, nor the exit of the child alone, is a cause; rather, the combination is the cause.

The proof is that blood exiting from the vaginal orifice in the period before delivery does not entail any of the rulings of ḥayḍ or nifās—for it has been related that menses does not co-exist with pregnancy, as it was made provision for the fetus (*or as is narrated from the Commander of the Faithful*).

And the exit of the child alone is not called nifās nor does it entail the rulings of nifās.

Moreover, the textual evidence concerns blood exiting from the specified orifice immediately after the child exits from that same orifice. Therefore, when the child exits by a cesarean operation, and then blood exits from the vagina afterward, this would require evidence establishing that it carries the same ruling as the first case; no such evidence exists, and analogy (qiyās) in such matters does not avail. Do you not see that it is invalid to analogize the blood of istiḥāḍah to menstrual blood, or blood before delivery to blood after delivery? Many scholars of legal theory have prohibited analogy with respect to legal causes (*asbāb*).

Book of Prayer

The ‘Awrah and its covering

- Covering the ‘awrah is something that innate nature (fiṭrah) makes imperative; fiṭrah finds it repugnant that the ‘awrah be exposed among people.

The ‘awrah is the front and back private parts and what is connected to them. What is connected to them is the buttocks and what lies beneath them down to the knees, and what lies above them up to near the navel.

We say this because people have always been emphatic about covering the front and back private parts, the buttocks, the pubic area, the upper thighs, and the testicles—both the religiously observant and the irreligious, the believer and the unbeliever alike. As for what lies above that up to near the navel, and what lies below that to the knees, the custom of humankind since ancient and modern times has been to cover that as well.

A note on statues [from *at-Tāj*, in the marginalia]

On this basis, if the body of a statue is so small that the like of it does not live, it is not obligatory to alter it—since it is not a complete, independent form. End of citation¹.

Question: Animal statues are widespread nowadays. It has been said that the prayer of one who prays with a statue within a mīl (mile) while he is able to denounce it is invalid—until he changes it and denounces it, etc. Is that correct?

Answer (and Allah grants success): What appears to me is that statues fall into two categories:

1. Statues prohibited unequivocally;
2. Statues prohibited presumptively.

Unequivocally prohibited statues and images are those taken for worship, like those the idolaters used to make from stone and other substances to worship, calling them lords. Such statues must be denounced, smashed, and prohibited—there is no disagreement about the obligation to denounce them. In the Noble Book, and in what Allah has related about His Prophets (*may Allah bless them*), are countless indications of what we have said.

Allah relates that Abraham (*peace be upon him*) said to his people: *“What are these statues to which you are devoted?”* [Al-Anbiyā’ 21:52] Then he (*may Allah bless him*) went to the idols of his people and set

¹ *at-Tāj*, 4/465.

about striking them and breaking them with his right hand, *“And he made them into fragments, except a large one for them, that they might return to it”* [Al-Anbiyā’ 21:58]

As for presumptively prohibited statues, they are animal statues not intended for worship but for other purposes. Denouncing these is not like denouncing the first category, because the proof for prohibiting and forbidding them is not unequivocal but probabilistic.

Thus, what is required here is guidance and sincere counsel; it is not permissible to denounce them by smashing, striking, or fighting—for people’s reputations, lives, and property are unequivocally inviolable, and one may not abandon what is unequivocal on the basis of a solitary probabilistic proof.

In addition, that probabilistic proof may be intended to prohibit only those statues meant for worship. It may also be that the prohibition of statues in the ḥadīths came because people were newly removed from idol- and image-worship: if they saw them, their souls would gleam for them and their hearts incline to them, because of a long familiarity, a deep-rooted love, and close ties with them. Thus when Allah sent the Prophet (*May Allah bless him and his family and grant them peace*) with Islam, and idolatry was forsaken and people entered the religion, the Prophet (*May Allah bless him and his family and grant them peace*) wished to sever those ties completely, to wean people from what they were accustomed to, and to extinguish the love their souls had known and grown used to. So he (*May Allah bless him and his family and grant them peace*) forbade images and statues, and taking them into homes—blocking the means (*sadd adh-dharī‘ah*) and as a precaution against the hearts being touched by longing for the familiar, and yearning for the old era. Human souls, by their nature, weaken at the sight of what reminds them, and grow tender.

How much in Arab poetry and tales revolves around remembering the days of youth, or seeing the abodes of friends and loved ones, or the traces they left—this is something experiential that a person recognizes.

Yes: we interpret the reported prohibition accordingly because it has not become clear to us that the prohibition is for statues as such, but rather for what they may lead to of being worshiped.

Moreover, matters today are not as they were then, and people are not those people; no consequences like those once feared follow from the existence of animal statues. The commands and prohibitions of the Law are founded on considering interests and harms. Parallels to what we have said exist in the Law. Among them is the command to wash for Jumu‘ah: Ibn ‘Abbās said, *“it was only because of the odors that would arise when people gathered and crowded in the mosque. When people*

expanded and Allah expanded their means, the ruling differed and washing for Jumu‘ah was not obligatory"—thus did Ibn ‘Abbās say and give fatwā: he tied the obligation to the presence of its cause, namely emitted odors; when the cause is not present, the obligation is not present. Another example is the matter of hospitality: scholars restricted the obligation to cases of need; if there is in the locale a restaurant or bakeries where food is sold, and places where the traveler may lodge, then hospitality is not obligatory. Thus scholars qualified the obligation and did not impose it absolutely.

[Ruling on passing in front of those praying around the Ka‘bah]

Question: What is the ruling on passing in front of worshipers around the Ka‘bah?

Answer: Based on what I have seen there of crowding and massive numbers during Ḥajj and ‘Umrah, it appears to me that passing in front of worshipers there is permissible due to necessity. When the necessity disappears, a believer ought to avoid doing so.

Chapter on Mosques

It is not valid to dedicate endowments (waqf) to the mosques of the anthropomorphists and the predestinarians; this was stated by Abū Ṭālib and al-Manṣūr bi-llāh (*peace be upon them*). (End of *Bustān*.)

In *al-Muhadhdhab*: “The mosques of the Muṭrafiyyah, the Bāṭiniyyah, the anthropomorphists, and the predestinarians have no legal standing and no sanctity; for they were established upon a crumbling bank, and they are mosques of harm (*maṣājid ḍirār*).” End.

I say: One may adduce for this several points:

1. They are unbelievers, and no act of devotion is accepted from an unbeliever—according to those who deem them disbelievers.
2. The saying of the Exalted: “*The mosques of Allah are only to be maintained by those who believe in Allah ...*” [At-Tawbah 9:18].
3. Analogy with the Mosque of Ḍirār.

A note on locking mosques

Question: Is it permissible to lock the mosque outside the times of prayer out of fear of theft?

Answer: It is obligatory to protect the mosque’s property; it is not permissible to expose it to thieves or to be negligent regarding it. There is no objection—so far as appears to me—to locking the mosque for that reason outside the customary prayer times. As for during them, it is not permissible, due to His saying, Exalted is He: “*And who are more unjust than those who prevent the name of Allah from being mentioned in His mosques and strive toward their ruin.*” [Al-Baqarah 2:114]

If it be said: The apparent sense of the verse indicates that locking mosques is not permissible at all—neither in prayer times nor outside them—

we say: Locking the mosque after the first third of the night until pre-dawn is not a “prevention,” for no one generally frequents mosques at that time; thus it is not a prevention of the remembrance of Allah therein, but rather a prevention of thieves taking the mosque’s property. If, on rare occasion, someone comes to pray at that time and finds it locked, there is no blame upon the overseer for locking it, since he did not intend to prevent and did not will it. Allah, Exalted is He, has said: “*There is no blame upon you for what you did by mistake, but [only] for what your hearts intended.*” [Al-Aḥzāb 33:5]

Yes: if the mosque is well-funded and worshipers do not cease frequenting it—like the Mosque of Imām al-Hādī (*peace be upon him*) in Ṣa’dah—then the overseer must open it as need dictates and arrange for a guard to protect it from thieves.

This is what appears in this matter; it reflects due care to safeguard the mosque's property and to serve those who frequent the mosques—to the extent possible.

[Permissibility of building bath facilities from a mosque's rubble]

Question: A small mosque was expanded and rebuilt anew. Is it permissible to build bathhouses and the like for the mosque using its demolition rubble?

Answer (and Allah grants success): There is no objection to that; for no sanctity remains in the rubble once detached. Sanctity pertains to the place. As for walls, roofs, and doors, their sanctity is only due to their connection to and inclusion within the place; when they are removed, their sanctity ceases, and selling them upon being surplus is valid. Were they to retain the mosque's ruling, such a sale would not be valid. The rubble has no sanctity in itself and is not described as a "mosque" when separate; hence, the evidences for the inviolability and honor of mosques do not apply to it.

Accordingly, there is no objection to building bathrooms and facilities with the surplus rubble. Allah knows best; praise belongs to Allah, Lord of the worlds.

[A mosque with bathrooms beneath it]

Question: There is a mosque with bathrooms underneath for relieving oneself, wuḍū', and ghusl, and a person in janābah enters them. Must this be denounced or not? Is relieving oneself there and entrance by one in janābah permissible?

Answer (and Allah grants success): It is established in legal maxims that "*the layman's school is the school of the one he follows.*" On this basis, denunciation is not required. In the marginalia to *al-Azhār* it is mentioned that the author of *al-Wāfi* said: "*It is valid for there to be something endowed to Allah beneath the mosque.*"

Al-Kāfi states: "*If the benefit returns to the mosque—such as wash areas and the like. And it is said that Bayt al-Maqdis has wash areas beneath it.*" End.

As for entry by one in janābah and relieving oneself: if the founder placed the mosque upon the site of a previous mosque, expanded it, and then built toilets beneath it—that is not permissible. But if the founder established the site from the start, first building the bathhouses, and then constructing the mosque above them—it is permissible to enter those facilities for one in janābah and for relieving oneself; for the lower level was made only for that and was not intended as a mosque. And "the layman's school is the school of the one he follows," so there is no objection.

A note on the mosque’s wall

From a marginal note to *Sharḥ al-Azhār*: If the plot (*‘arṣah*) was endowed, and [the wall] was built within it, then it is part of the mosque. If it was built outside the endowed plot, it is not part of the mosque. If it was built before the endowment, or the matter is ambiguous, then it is not part of the mosque. End (قرّر) (Taqrīr)¹.

A note on lending a mosque’s surplus

Imām Yaḥyā (*peace be upon him*): “The overseer may lend the mosque’s surplus, since its purpose is religious interests, provided the borrower is solvent and trusted to repay.” End (قرّر) (Taqrīr)—from the marginalia.

Also: if it serves a benefit, such as when the surplus is in danger of worms or dampness. End from the marginalia².

The ruling on artifacts belonging to mosques and shrines

Question: There are artifacts in some shrines or mosques that the overseer—being unaware of their worth—has discarded outside among refuse. Is it permissible for a Muslim to take such an item for himself?

Answer (and Allah grants success and aid): He must inform the mosque’s guardian that such pieces have value; he only threw them away and turned from them because he thought they were worthless. Had he known their high value, he would not have thrown them away but would have kept them most carefully.

We say this because of the established obligation to cooperate in righteousness and piety, per His saying, Exalted is He: “*And cooperate in righteousness and piety, but do not cooperate in sin and aggression.*” [Al-Mā’idah 5:2]—and due to the obligation of sincere counsel for all Muslims, commoners and elite.

If the pieces belong to the shrines of the righteous, the ruling is as we have stated. If they belong to the shrines of the unrighteous, then they should be taken and allocated to the public interests of the Muslims.

A note on decorating mosques

Some scholars said: ornamenting mosques is not permissible, based on the report: “*Among the signs of the Hour are the ornamentation of mosques and the lengthening of minarets,*” and the ḥadīth: “*The Hour will not be established until people vie with one another in (building) mosques.*”

1 Sharḥ al-Azhār 1/202.

2 Sharḥ al-Azhār 3/175.

In another ḥadīth: the Anṣār came to the Prophet (*May Allah bless him and his family and grant them peace*) and said to him, “Adorn your mosque.” He said, “Adornment belongs to churches and synagogues; whiten your mosques.”

The scholars of the school and others said: ornamentation is permissible, for therein lies exalting and honoring them: “*And whoever honors the sacred ordinances of Allah—it is best for him in the sight of his Lord.*” [Al-Ḥajj 22:30]

I say: The stronger view is that ornamentation is permissible, proven by the consistent practice of Muslims over the ages, in all lands, without mutual repudiation. As for the ḥadīths the prohibitors adduce, they do not prove prohibition. The fact that something is among the portents of the Hour does not entail that it is forbidden; there is no necessary connection between the signs of the Hour and prohibition.

And his words, “Adornment belongs to churches and synagogues,” is information from the Prophet (*May Allah bless him and his family and grant them peace*) about what is the case—for the People of the Book used to adorn them, and perhaps they even believed it obligatory; so the Prophet (*May Allah bless him and his family and grant them peace*) answered the Anṣār that obligation pertains—in the religion of the Jews and Christians, as they claim—to their places of worship.

If we interpret the ḥadīth in this way, no prohibition of decorating mosques is understood from it.

The proof for this interpretation is that the lām in his saying “for churches” (*li’l-kanā’is*) is the lām of entitlement, which conveys obligation, like the lām in His saying, Exalted is He: “*Zakah expenditures are only for the poor ...*” [At-Tawbah 9:60]. In that case, there is no proof for prohibiting the decoration of mosques. And Allah knows best. All praise is for Allah, Lord of the worlds. And *may Allah bless him and his family and grant them peace*—Muḥammad and his family.

A note on delivering a vowed offering to a trustee who will not spend it properly

In the marginalia it says: The Sayyid muftī said: *If someone makes a vow for a particular or righteous mosque, and the vow-maker knows that the trustee will not spend it (properly), but will consume it—then it does not suffice to hand it to him. It remains a liability upon him until he is able to pass it to someone known to spend it in its proper channel, or he spends it himself, or he bequeaths it. It does not suffice to do a recitation with the intention of (benefiting) the righteous one.*

He may disburse it to the poor if the mosque is already provided for, or hand it to the imām, etc. al-Shāmī affirmed this.

[May I take possession of a mosque of which only the foundation remains?]

Question: Between my house and my neighbor’s is an old mosque, of which only the foundation remains. People have no need of this mosque. My neighbor wants to enclose this mosque and take it for himself. Is it permissible for me to take something of the mosque—bearing in mind that, most likely, if I do not take some of it, my neighbor will take all of it, and the people of the quarter are not thinking about this mosque nor in need of it, and it is a small mosque?

Answer (and Allah grants success): It is not permissible for you nor your neighbor to take anything from the mosque. It is Allah’s property; it is not permissible for anyone to dispose of it. You and your neighbor can restore the mosque and benefit from it, or make it a women’s prayer area. If you do that, you must open a door from it to the street. It is obligatory upon you to advise your neighbor that it is not permissible for him to own the mosque.

A note encouraging the building of mosques and giving charity

“Whoever builds for Allah a mosque—even like the nesting place of a sand-grouse (mifḥaṣ qaṭāh).”

“Give charity—even with a charred hoof.”

“Protect yourselves from the Fire—even with half a date.”

It is known that a sand-grouse’s nest cannot actually serve as a mosque, nor is there benefit in giving a charred hoof in charity; and half a date barely suffices. Therefore we say: Such speech is based on emphatic encouragement to build mosques and to give charity—so that no one belittles or turns away from giving a small amount, or from building a small mosque—without there being any legislative intent or will for the charred hoof itself or the exact measure of a sand-grouse’s nest, for it is known that there is no benefit in that.

As for His saying, Exalted is He: *“So whoever does an atom’s weight of good will see it, and whoever does an atom’s weight of evil will see it.”* [Az-Zalzalah 99:7-8]—it may be that this is of the same tenor, namely hyperbolic emphasis: the aim is to encourage good and warn against evil, and that a person should not belittle any deed of good or evil, however small.

It may also be that what is meant is what is measurable of good and evil by a weight. An example of good: it is written for the farmer—with righteous intention—the reward for what birds, humans, and animals eat from his field, as in the ḥadīth: *“No one plants a crop but that whatever is eaten from it by a person, an animal, or a bird is charity for him,”* or as he said; a bird may eat a grain or two, and a grain is approximately an atom’s weight.

An example of evil: that one deprives an ant of its grain, or the like. One may also exemplify with removing a thorn from the road, the good word, guiding the lost, and the like—deeds whose cost is small and performance is easy. On either construal, the meaning is that every morally responsible person will have written for and against him what he has done of evil and good—even if it reaches the furthest degree of smallness.

[The ruling on smoking in the mosque]

Question: What is the ruling on smoking in the mosque?

Answer:

- Smoking, in itself, is permissible and not prohibited, due to the absence of a proof indicating prohibition.
- If smoking in the mosque leads to harming the people of the mosque—or some of them—then it is not permissible.
- If smoking in the mosque does not cause harm to anyone in the mosque, then there is no sin upon the smoker in it.
- If smoking in the mosque leads to people’s denunciation, reviling the smoker, blaming him, and tearing away his cover, then it is not permissible—for a believer must guard his reputation. It has been related from ‘Alī (*peace be upon him*): “Leave what people denounce—even if you have your excuse for it.”

[The ruling on praying at home when the imām is not acceptable]

Question: If the imām of the central mosque is not acceptable, is praying at home better, or in the mosque? And does this apply equally to the Two Sanctuaries and to other mosques?

Answer (and Allah grants success): If it is possible in that situation to pray in the mosque without suffering harm, then praying in the mosque is better—based on His saying, Exalted is He: *“In houses which Allah has permitted to be raised and in which His Name is mentioned—glorifying Him therein in the mornings and the evenings are men whom neither commerce nor sale distracts from the remembrance of Allah ...”* [An-Nūr 24:36-37]. This applies equally to the Two Sanctuaries and to other mosques.

[Sleeping in the mosque while waiting for the prayer]

Question: If a man goes to the mosque before Ṣuḥr, for example, and lies down there until the time of the adhān—intentionally—because if he lay down at home he might miss Ṣuḥr: is that permissible?

Answer: If that is the case, then it is permissible—indeed, it is preferable—because it helps to maintain the congregational prayer. It has come that *“Waiting for prayer is [counted as] prayer,”* and the Exalted

says: *“Maintain with care the [obligatory] prayers and the middle prayer ...”* [Al-Baqarah 2:238].

Chapter on Prayer Times

Benefits from the marginalia of *Sharḥ al-Azhār* concerning prayer and time

- Whoever fears missing the prayer time if occupied with the adhān or iqāmah may omit them¹.
- Hastening the prayer does not conflict with first taking care of: relieving oneself, siwāk, purification, one's customary supererogatory prayers before the obligatory prayer, and waiting for the congregation up to half of the preferred time, except for Maghrib. (فري) (Taqrīr)².

[A note about the times of Fajr and 'Aṣr]

In the ḥadīth: “Whoever catches a rak‘ah of Fajr before the sun rises has caught it,” and: “Whoever catches a rak‘ah of ‘Aṣr before the sun sets has caught it.”

The apparent sense is evidence for the view of the school: that to “catch” the prayer one must catch a full rak‘ah with its recitation, etc., for the ḥadīth conditions catching a rak‘ah, and the word *rak‘ah* names the unit inclusive of recitation, etc.—that is the plain, immediate sense.

It may be said, however: Following the school's own phrasing would entail not requiring that the rak‘ah be with the full recitation, because recitation is not uniquely obligatory in the first rak‘ah.

[By what is the entry of Maghrib known?]

Question: By what is the beginning of Maghrib known? And when does its preferred time end?

Answer: The entry of Maghrib is known by:

1. the appearance of a night star—known to be “night” by being seen in the northern half of the sky;
2. the emergence of darkness in the places of the sun's rising;
3. the light of the moon appearing—i.e., a shine on its face.

There is no disagreement that the first time of Maghrib is immediately after sunset; but we do not ascertain that it has set except by such signs—for it may be concealed by a mountain, a height, or clouds. In Jābir's ḥadīth on the Prophet's Ḥajj (*May Allah bless him and his family and grant them peace*), it is reported that he (*May Allah bless him and his*

1 Sharḥ al-Azhār 1/225.

2 Sharḥ al-Azhār 1/211.

family and grant them peace) departed from ‘Arafah when the sun had set and its yellow glow had diminished a little; thus he (*May Allah bless him and his family and grant them peace*) did not depart at the very moment of sunset, but delayed until the yellow glow had slightly faded. From this it is inferred that what is meant by sunset is the setting of the sun and its rays, not its mere concealment behind a mountain and the like.

The preferred time of Maghrib ends with the disappearance of the red twilight. Some scholars have estimated it as the time sufficient for Maghrib, its regular Sunnah, the two rak‘ahs of Maghrib, and the two rak‘ahs of al-Furqān.

[How should one act when time is tight and several obligations conflict?]

Question: If time becomes tight and multiple obligations collide for a Muslim—such as an obligatory prayer, forbidding an evil, rushing a patient to the hospital, and the like—what should he do? What takes precedence and what is deferred?

Answer: A Muslim ought not delay the prayer if he expects tasks to pile up near the end of the time. If he does delay until the end and a case like the question arises, then aiding the patient takes precedence if the illness is severe and there is fear of death or grave harm if help is not immediate—such as hemorrhage. If he fears missing the prayer while giving aid, he should pray however he can: perform tayammum, gesture for bowing and prostration, and pray even not facing the qiblah: *“So fear Allah as much as you are able.”* [At-Taghābun 64:16]

The proof is His saying, Exalted is He: *“Maintain with care the [obligatory] prayers and [in particular] the middle prayer, and stand before Allah devoutly obedient. And if you fear (an enemy), then [pray] on foot or riding.”* [Al-Baqarah 2:238–239] Allah, Exalted is He, permitted in this verse that when believers are arrayed against an enemy, they pray however possible—this is called the prayer of engagement (*ṣalāt al-musāyafah*). The fighter prays mounted on his horse while fighting, or on foot while engaged, gesturing for bowing and prostration; turning, moving, striking, etc., do not harm the prayer.

Thus the verse indicates that preserving life takes precedence over some obligations; accordingly, preserving the life of a believing patient takes precedence over some obligations of the prayer—except that nothing of the prayer’s obligations that can be performed alongside aiding the patient should be dropped, as noted above.

Benefits regarding combining two prayers

In the marginalia to *Sharḥ al-Azhār*: It is stated in al-Dharī‘ah by Qāḍī Muḥammad ibn al-Ḥasan al-Maghribī, from Qāḍī Sulaymān ibn Yaḥyā,

Sahib Sha‘ālal, with his chain to Zayd ibn ‘Alī, that he used to combine the two prayers at the beginning of the earlier one, saying: “This is my school and the school of my fathers and forefathers before me.” End of the marginal note¹.

And in al-Ṭabarī’s History, to the effect that when Hārūn al-Rashīd was informed about Yaḥyā ibn ‘Abd Allāh (*peace be upon him*), among what was mentioned was: that he combined Ṣuḥr and ‘Aṣr. Hārūn said: “That is the custom of that Household.” End of the paraphrase.

Question: If the imām combines the two prayers, is that an excuse to combine with him? And is combining with him better, or praying each at its time individually?

Answer (and Allah grants success): When the Prophet (*May Allah bless him and his family and grant them peace*) combined between Ṣuḥr and ‘Aṣr, and between Maghrib and ‘Ishā’, the Muslims combined with him, as in the well-known ḥadīth of Ibn ‘Abbās. On that basis, the best guidance is the guidance of Muḥammad (*May Allah bless him and his family and grant them peace*).

Moreover, al-Amīr al-Ḥusayn—as in *Yanābī‘ an-Naṣīḥah*, upon the school of al-Hādī (*peace be upon him*)—mentioned that combining the two prayers in congregation is better than praying each at its time individually.

And in the marginalia to *Sharḥ al-Azhār*: “My father (*May Allah have mercy on him*) said: Rather, it is conceivable that the interest of the congregation is an excuse for combining if the imām has an excuse, or if the prayer would be missed by praying each at its time—such as the busy person who fears missing it by separating them.” End of *Bustān*; the muftī affirmed this².

[Ruling on one who performed wuḍū’ or ghusl and missed the time]

Question: A man wakes up when the sun is about to rise. He knows that if he performs wuḍū’ (or ghusl, if required) the prayer time will end with sunrise; but if he performs tayammum he will catch the prayer within its time. Which should he do? And should he give the adhān and iqāmah though he fears the time will end, or omit them to catch the time?

Answer (and Allah grants success): The one who wakes up must perform wuḍū’, or ghusl if ghusl is due, and pray.

If it is said: “That will make him miss the time,”

1 *Sharḥ al-Azhār*, vol. 1, p. 213.

2 *Sharḥ al-Azhār*, vol. 1, p. 214.

We reply: The time is not considered missed for such a person. In the well-known report from the Prophet (*May Allah bless him and his family and grant them peace*): “Whoever sleeps through a prayer or forgets it, let him pray it when he remembers it.” It is not permissible to leave wuḍū’ or ghusl except where using water is difficult due to illness or its absence.

The proof is the verse of wuḍū’: “*O you who have believed, when you rise to [perform] prayer, wash your faces ...*” [Al-Mā’idah 5:6], and His saying: “*So fear Allah as much as you are able.*” [At-Taghābun 64:16]

As for the adhān and iqāmah, they are omitted if one fears missing the time by performing them. This may be inferred from the fact that the time has become exclusively for performing the prayer itself, and because neither adhān nor iqāmah is a condition for the prayer’s validity.

[The superiority of praying Fajr at the beginning of its time]

Question: Which is better: to pray Fajr at the start of its time and then return to bed, or to delay within the time—to the middle or last third—pray Fajr, and then remain seated in one’s place of prayer until the sun rises?

Answer: Praying at the beginning of the time is better, given the many virtues reported for that—if nothing else, then the Prophet’s (*May Allah bless him and his family and grant them peace*) consistent practice of praying at the beginning of the time, especially Fajr.

Even if the prayer in the last third is accompanied by remaining seated until sunrise—which has great merit—the merit of that does not equal what is lost by delaying the prayer beyond its earliest time, as evidenced by:

1. The ḥadīth: “*The best of your deeds is prayer at its earliest time,*” or words to that effect.
2. The report: “*Those who draw near have not drawn near to Allah with anything like fulfilling what He has made obligatory upon them.*”
3. The Prophet’s (*May Allah bless him and his family and grant them peace*) lifelong consistency in praying at the beginning of the time—and the best guidance is the guidance of Muḥammad (*May Allah bless him and his family and grant them peace*), while the worst of matters are their innovations.

Since prayer is the best of deeds and one of the pillars of Islam, that entails that what Allah has legislated within the prayer—its acts, remembrances, and qualities—is better than that legislated outside it. Thus, every Sunnah and recommendation within the prayer is preferable to recommended acts other than prayer.

[Ruling on those who pray Maghrib at sunset before a night star appears]

Question: In some mosques and lands, people pray Maghrib at sunset before a night star appears and before darkness. Some therefore doubt praying behind them for ‘Ishā’ and other prayers and impugn the validity of their prayers. What is correct here?

Answer (and Allah grants success): The matter is one of ijtihād. Al-Hādī (*peace be upon him*) and the scholars of the school have a known view; Imām Zayd ibn ‘Alī, Aḥmad ibn ‘Īsā, ‘Alī ibn Mūsā, the jurists, and Imām Yaḥyā ibn Ḥamzah have another view: that the first chosen time of Maghrib is the setting of the sun’s disk, known by its disappearing behind the veil. This is related from those imāms in *Sharḥ al-Azhār*¹.

It has been established among the scholars of the school and others that every mujtahid is correct. Thus, whoever follows the scholars of the school is correct, and whoever follows Zayd ibn ‘Alī, Aḥmad ibn ‘Īsā, and others is also correct.

On that basis, it is not permissible to slander or wound reputations over this, nor should one avoid praying behind such imāms—except in Maghrib itself: one should not pray Maghrib behind them—not due to any flaw in their uprightness or piety, but due to the difference regarding the entry of the time; for whoever believes the time has not yet entered may not pray Maghrib. As for ‘Ishā’, it is permissible to pray behind such a person.

[Which is better: taking the concession (*rukhsah*) or the strict ruling (*‘azimah*)?]

One may ask: Which is better, to take the *rukhsah* or the *‘azimah*?

Answer: Each has its merits. Taking the *rukhsah* is preferred by considerations such as:

1. Allah Most High legislated concessions for His servants—out of ease, relief, and mercy for them.
2. The Prophet (*May Allah bless him and his family and grant them peace*), on his journeys, would avail himself of concessions, combining between the two prayers—either at the beginning of the earlier time or in the time of the later one.

¹ *Sharḥ al-Azhār*, vol. 1, p. 207.

Chapter: The Adhān and the Iqāmah

[Which is better: leading the prayer or calling the adhān?]

Question: Which is superior—the imām or the mu’adhdhin? In other words, is imāmah better, or the adhān?

Answer (and Allah grants success): Some have preferred the imām, and others have preferred the mu’adhdhin. What appears to me—Allah knows best—is that the adhān is superior to leading the prayer, because of the many aḥādīth on its virtue, whereas nothing comparable has been narrated regarding imāmah. Among them is the famous ḥadīth: *“The mu’adhdhins will come on the Day of Resurrection with the longest necks,” calling out with the testimony that there is no god but Allah ...*”; the phrase *“longest necks”* is a kenning for eminence and honor, so the mu’adhdhins will be among the people of highest rank on that Day.

It has also been said about His saying, *“And who is better in speech than one who calls to Allah, does righteous deeds, and says, ‘Indeed, I am of the Muslims’;*” [Fuṣṣilat 41:33] that it was revealed concerning the mu’adhdhins.

If it be said: Imāmah in prayer is among the virtues Allah granted to Prophets and Imāms when present, while the adhān is not so;

It was said to him: Imāmah has great merit, and it is not far-fetched—Allah knows best—that imāmah is a reward hastened in this world for people of virtue, as indicated by His saying: *“And We made from among them leaders guiding by Our command when they were patient and [when] they were certain of Our signs.”* [As-Sajdah 32:24]

As for imāmah in ṣalāh, it is narrated from the Prophet (*May Allah bless him and his family and grant them peace*): *“Let the one who is most versed in Allah’s Book lead the people ...”*

There is no dispute that general leadership and leading the prayer are deserved on the basis of merit, which points to their being a hastened reward.

What clarifies this is that imāmah is an apparent honor, elevation, and exaltation—and there is no reward for imāmah from that aspect; rather, reward is for the works entailed by imāmah.

A benefit regarding the adhān

In the marginalia to *Sharḥ al-Azhār*: It is recommended for one who prays after another has already called the adhān and given the iqāmah to give adhān and iqāmah quietly for himself, so as not to encroach upon the first. This is mentioned in *al-Intiṣār*. End¹.

¹ *Sharḥ al-Azhār*, vol. 1, p. 220. That is the school position.

A benefit about a solitary person's adhān

From *al-Bayān* and its marginalia: Al-Qāsim, Abū al-‘Abbās, and al-Manṣūr bi-llāh (*peace be upon them*) say that the adhān of a solitary person who has no one else with him is recommended, not obligatory¹.

¹ *Al-Bayān ash-Shāfi*, MS 1/61.

Chapter: The Description of the Prayer

[A benefit concerning intention (*niyyah*)]

In *Miftāḥ as-Sa‘ādah* by the learned master ‘Alī b. Muḥammad al-‘Ajri (may Allah have mercy on him): *As for one who intends by worship (i.e., by worship and prayer) the earning of reward and safety from punishment—the scholars of the school said: if he does not intend it as an obligation, it does not suffice ... etc. End.*

I say: What one should intend by worshipping Allah Most High includes:

1. Gratitude to Allah Most High, by His saying: *“Work, O family of David, in gratitude.”* [Saba’ 34:13]
2. Compliance with the command of the Lord of the worlds—He who created and proportioned, measured then guided, and brought forth pasture—by His saying: *“Worship your Lord who created you and those before you that you may become God-fearing; [He] who made for you the earth a bed and the sky a canopy and sent down from the sky water ...”* [Al-Baqarah 2:21-22]. The meaning is: you worship Allah because He deserves worship, obedience, and compliance.
3. Seeking reward and safety from punishment, by His saying: *“Indeed, it is difficult except for the humble—those who are certain that they will meet their Lord and that to Him they will return.”* [Al-Baqarah 2:45-46] And His saying: *“We feed you only for the Face of Allah; we desire from you neither recompense nor thanks. Indeed, we fear from our Lord a grim, distressful Day.”* [Al-Insān 76:9-10]

If the worshiper combines these in his intention, that is best; if he limits himself to one of them, that suffices—as indicated by what is narrated from the Commander of the Faithful (*peace be upon him*) when he divided worship into three types:

- The worship of the free: to worship Allah because He deserves to be worshiped;
- The worship of traders: to worship Allah seeking reward;
- The worship of slaves: to worship Allah seeking safety from punishment.

Yes: the statement of the school bears consideration; for the meaning of obligation is that whose performance deserves reward and whose abandonment incurs punishment. Thus, if the worshiper intends by his prayer earning reward and safety from punishment, he has intended it as an obligation; and intending it as an obligation necessarily includes intending reward and safety from punishment.

On intention (*further points*)

The scholars of the school—per the marginalia—said: Uttering the intention aloud in prayer is disliked, due to the dislike of speaking after the iqāmah; uttering it is recommended in ḥajj, and one has choice in other acts of worship.

They then said: If the worshiper cannot form the intention except by uttering it, then uttering it is not disliked in that case¹.

What is recommended in niyyah is to intend the obligation for its obligatoriness and its cause—in magnifying Allah, seeking closeness to Him, complying with His command, and exalting the Book of Allah and the Sunnah of the Messenger of Allah (*May Allah bless him and his family and grant them peace*).

For the intention of prayer, advancing it, coinciding it, or intermixing it are all permitted; they set advancing as the amount of “the two invocations of orientation.” By contrast, the intentions for wuḍū’, ghusl, and ḥajj must coincide (*muqāranah*).

Coinciding means: the first part of the takbīrah coincides with the last part of the intention. Intermixing means: the intention overlaps the takbīrah from beginning to end.

They said regarding the intention for Ramaḍān fasting, a specified vow, and supererogatory fasting: it is permissible to advance or delay the intention.

Regarding make-up fasts, an unspecified vow, and expiations: the intention must be advanced.

Regarding zakāh: one may advance it or coincide it. End of the marginalia².

I say: Niyyah is among the acts of the heart and its obligations; its meaning is resolve and firm determination to do the act. On that basis, there is no legal weight to what the tongue pronounces as intention—this is the principle. They merely permitted the doubtful or obsessive person to assist his heart’s intention by uttering what he intends.

[Ruling on Combining the Intention of Commitment to Leading Prayer with the Intention of Prayer]

Question: A man performs the five daily prayers and maintains them, and he prays in congregation as an act of religion and worship of Allah, with no worldly taint in his intention. Then he is chosen to lead the prayer, which results in his committing to attend and lead people at the

1 *Sharḥ al-Azhār*, vol. 1, p. 227.

2 *Sharḥ al-Azhār*, vol. 1, p. 227.

beginnings of the prayer times. Thus, when he leaves for the mosque he has two aims in his heart:

1. worshipping Allah by performing the prayer; and
2. not failing in his commitment—so that he is not blamed by the worshipers or accused of being lax about the prayer. Does any of this conflict with sincerity in this tremendous act of worship?

Answer (and by Allah is success): The question contains two matters that should be clarified:

1. The intention regarding the preliminaries of the prayer—namely: leaving one’s house, arriving at the mosque at the start of the time for prayer, and committing oneself to that.
2. Then comes the intention for the prayer itself, which is made at the takbīrat al-iḥrām.

As for the intention concerning the preliminaries, it is not harmed by mixing it with another intention—such as intending to go out for the prayer, to please the worshipers, and to ward off blame, censure, and suspicion.

But as for the intention of the prayer itself, which occurs at the opening takbīr, nothing should be mixed with it.

We say this because leaving the house, going to the mosque, and committing to do so are not independent acts of worship; they are preliminaries to an act of worship. They are described as “worship” by reason of leading to the prayer; thus, their intention is not harmed by being accompanied by another motive. So it is permissible that you intend your going out for the prayer and to drive away dogs, to answer someone’s call, to settle a debt or to collect it, to discipline your children, and so on.

And it is permissible to attend the mosque for the prayer and to see someone who will be there, to inquire about something, to deliver a message, or to look for a child, friend, or guest, and the like.

There is no doubt that both the imām and the worshipers who are constant in praying in congregation acquire energy, drive, and heightened concern for attending the mosque and praying at the appointed times. Without the mutual commitment of the imām and the worshipers to attend the congregational prayer, such energy, concern, and constancy in attendance would not arise; rather, each person would pray whenever it happened to be easy, at any part of the time.

And even if a believer’s increased energy for the prayer and his commitment to attend stem partly from regard for the worshipers, he nevertheless finds ease in his heart because he recognizes the virtue of praying in congregation at the start of the time, and he keeps his

intention in the prayer itself pure—untainted by any worldly motive.

- Keeping oneself away from doing—or omitting—what people blame a person for, whether small or great, is required by the Law; the proof is what Allah, Exalted is He, and His Messenger (*may Allah bless him and his family and grant them peace*) commanded regarding covering one's own faults and those of others, and the many reports forbidding the pursuit of the private matters of Muslims.

- A believer is not required to hate praise and commendation for his steadfastness in congregational prayers and his commitment to piety and worship—because human nature is built upon loving praise, finding it pleasant, and feeling one's chest expand with it, and upon disliking blame, shrinking from it, and feeling anger and constriction when hearing it. It has been related that the Prophet—*may Allah bless him and his family and grant them peace*—was pleased to hear praise of him from poets.

- Because of the place that praise and commendation hold in human souls—how they find repose, expansion, and joy in them—Allah made it a kind of hastened reward in this world for His friends and elect ones, saying: *“And We granted them among later generations a goodly mention.”* [Maryam 19:50] And Abraham—*peace be upon him*—asked Allah for this reward, as Allah relates: *“And grant me a reputation of honor among later generations.”* [Ash-Shu‘arā’ 26:84]

The true danger, however, is that love of praise and commendation becomes the motive and driver for a person's act of worship—or that the motive is something other than obedience to Allah. Or that two motives jointly drive him: love of praise and obedience to Allah, or some other aim and obedience to Allah—this is what is prohibited.

Allah, Exalted is He, said—condemning a people—*“and they love to be praised for what they did not do.”* [Āl ‘Imrān 3:188] One may understand—if only distantly—from this verse that a person's liking praise for his good deeds carries no blame, nor is there any sin in it.

Therefore, when a believer performs an act of worship moved by obedience to Allah and compliance with His command, then there is no harm if—afterwards—he likes to be praised and commended for it; human nature cannot be rid of that. The danger lies only where the act of worship is performed driven by love of praise and commendation.

[Ruling on forgetting which prayer one is in after entering it with intention and takbīr]

Question: A man enters a congregational prayer with intention and takbīr, then becomes absent-minded during the prayer. When he regains his attention, he has forgotten which prayer he is in—Is it ‘Ishā’, Maghrib, or Fajr? A pillar or two (or more) of the prayer then passes

while he still does not recall; after that he remembers which prayer it is. Is his prayer invalid or not?

Answer: The prayer is valid. Our scholars—and others—have stated that the intention at the beginning of the prayer suffices; it is not required to maintain (consciously “carry”) the intention throughout every part of the prayer. Our scholars—and others—have detailed what invalidates and corrupts the prayer, and they have not listed the case described in the question among its invalidators.

The Obligatory Remembrances within Prayer

1. The opening takbīr (takbīrat al-iḥrām).
2. Reciting the Mother of the Book (al-Fātiḥah) and whatever is easy along with it—namely, a sūrah or three verses.
3. The final tashahhud and prayers upon the Prophet Muḥammad—*May Allah bless him and his family and grant them peace.*
4. The taslīm to the right and to the left.

These are the obligatory remembrances according to the school and other scholars as well. There are also remembrances that I deem closer to obligation than to sunnah, namely:

1. The takbīr during movements (transitions) and saying “sami‘a Allāhu liman ḥamidah” (tasmi‘).
2. The tasbīḥ in bowing and prostration.

That is because:

- Prayer was legislated to establish the remembrance of Allah. Allah says: *“Remember Allah with much remembrance, and glorify Him morning and evening.”* [Al-Aḥzāb 33:41-42] — *“And glorify your Lord with praise when you rise; and in the night glorify Him, and at the fading of the stars.”* [At-Ṭūr 52:48-49] — *“So glorified is Allah when you enter the evening and when you enter the morning.”* [Ar-Rūm 30:17] — *“Those who remember Allah while standing, sitting, and [lying] on their sides ...”* [Āl ‘Imrān 3:191].
- The Qur’an mentions the command to glorify (tasbīḥ) in many places, and they interpreted it as prayer. When *“So glorify the name of your Lord, the Mighty”* [Al-Wāqī‘ah 56:74], was revealed, he said: *“Put it in your bowing.”* And when *“Glorify the name of your Lord, the Most High”* [Al-A‘lā 87:1], was revealed, he said: *“Put it in your prostration,”* or as he said.
- When Mu‘āwiyah omitted the takbīr of transition, the people of the Prophet’s Mosque raised a clamor in denunciation—among them were remnants of the Companions—and no one offered a justification for Mu‘āwiyah’s action; otherwise it would have been

transmitted.

- And the Messenger of Allah—*May Allah bless him and his family and grant them peace*—used to say the takbīr in his rising and his sitting, and after him the Commander of the Faithful did likewise.

If it be said: The Prophet—*May Allah bless him and his family and grant them peace*—did not mention to the man who prayed poorly either the takbīr of transition or the tasbīḥ of bowing and prostration; had they been obligatory, he would have mentioned them, for he was then clarifying the law, and delaying clarification beyond the time of need is impermissible—so that indicates that what he (*May Allah bless him and his family and grant them peace*) did not mention to the man is not obligatory.

We say: Perhaps he left off mentioning and clarifying that to the man because it was known to him and to every Muslim.

If it be said: Were that the case, he (*May Allah bless him and his family and grant them peace*) would not have clarified the obligation of al-Fātiḥah, since its obligation is known.

We say: The obligation of reciting it could be obscure, because they used to pray behind the Prophet (*May Allah bless him and his family and grant them peace*) and behind others, with the imām being the one who recites on behalf of those following; a simpleton might think that recitation is only obligatory for the imām who is leading the people.

If the ḥadīth can bear the explanation we have given, then it does not serve as proof against the obligation of what it did not mention.

[Benefit in prayer: showing the importance of the remembrances]

In the marginalia to *Sharḥ al-Azhār*: “If he is able to recite but not perform the pillars, then the pillars fall away, because the remembrances follow the pillars, not the reverse.” End.

I say: What is preferable is to say that they do not fall away in such a case—just as they did not fall away for the one in battle-prayer—and due to His saying: “*So fear Allah as much as you are able.*” [At-Taghābun 64:16]

As for the statement, “*because the remembrances follow the pillars, not the reverse,*¹”

The answer is: Were we to say the reverse—that the pillars follow the remembrances—there would be evidence for it. Among it His saying, the Exalted: “*Those who remember Allah standing, sitting, and on their sides ...*” [Āl ‘Imrān 3:191]; “*Establish the prayer for My remembrance.*” [Tā Hā

1 *Sharḥ al-Azhār* 1/259.

20:14]; *“Recite what is easy of the Qur’an.”* [Al-Muzzammil 73:20]; *“Do not raise your voice in your prayer nor lower it, but seek a way between that.”* [Al-Isrā’ 17:110]; *“... and magnify Him with great magnification.”* [Al-Isrā’ 17:111]; *“O you who believe, remember Allah with much remembrance, and glorify Him morning and evening.”* [Al-Aḥzāb 33:41–42]; *“And glorify your Lord with praise when you rise; and in the night glorify Him, and at the fading of the stars.”* [At-Ṭūr 52:48–49], and so on—where Allah expressed prayer by remembrance and glorification, and did so only because that is the most important element in it—so much so that it is as though He named prayer by remembrance, as we have mentioned. And Allah knows best.

[How should the Qur’an be recited in prayer?]

Question: Must Qur’anic recitation in prayer be performed in the same style as that used by professional Qur’an reciters and on the radio?

Answer (and Allah grants success): The Qur’an came in the language of the Arabs, as He, Exalted is He, says: *“A Qur’an in Arabic, without any crookedness.”* [Az-Zumar 39:28]. On this basis, it is necessary that the Qur’an be recited in prayer in the manner characteristic of Arabic speech in their dialogues, addresses, orations, and poetry. Beyond that, forms of beautification are supererogatory—namely: articulating the letters from their points of articulation, and pronouncing the words properly inflected without departing from the rules of the language. As for lengthening the vowels (madd), idghām, and ikhfā’, they are not required.

[Ruling on the Prayer of One Who Cannot Distinguish Between Dād (ض) and Zā’ (ظ)]

Question: Is the prayer valid for someone who cannot properly distinguish between ḍād and zā’, pronouncing ḍād from the point of articulation of zā’ in *“al-maghdūbi ‘alayhim wa-lā ḍ-ḍāllīn”* [al-Fātiḥah]—bearing in mind that “there is no prayer without the Opening of the Book”? If it is valid, is the prayer of those behind him valid? And are the prayers of laypeople with obvious mistakes (laḥn) valid?

Answer (and Allah grants success): Pronouncing ḍād perfectly is not easy for many—earlier and later generations alike. Al-Jāḥiẓ mentions in his book *al-Bayān wa-t-Tabayīn* matters concerning pronouncing ḍād and those who mastered it, from which one gathers evidence that pronouncing it as it ought is not widely attainable. On that basis, the prayer is valid, for *“Allah does not burden a soul beyond its capacity.”* [Al-Baqarah 2:286]

Indeed, I have seen reported from one of the masters of Arabic that some Arabs did not distinguish between ḍād and zā’, putting zā’ in place of ḍād, and he adduced a line of their poetry; perhaps the variant

readings in (*ḍanīn/ẓanīn*) in Sūrat *at-Takwīr* also support this—reports that would reduce the weight of treating such utterance as an error.

Imām al-Mahdī examined our companions’ statement that one’s prayer is invalid if he puts *ẓā*’ in place of *ḍād* in “*al-maghdūbi ‘alayhim wa-lā ḍ-ḍāllīn*,” and he said: their points of articulation coincide; their case is not like that of *ḥā*’ and *khā*’.

Imām Yaḥyā ibn Ḥamzah and al-Ghazālī said that exchanging one for the other does not invalidate the prayer; their wording—as in *al-Baḥr* “*al-Imām Yaḥyā*: “...except *ḍād* and *ẓā*’, due to their closeness.” End. This is transmitted in *al-Bayān* and its marginalia¹.

In *Miftāḥ as-Sa‘ādah* it is related that Imām Yaḥyā, Imām ‘Izz ad-Dīn, and ar-Rāzī said: no, due to the strong similarity between them: both are voiced, soft (*riḥwah*), and emphatic (*muṭbaqah*); and the *ḍād*, because of its softness, spreads such that it approaches the articulation of *ẓā*’.

They said: Because of this similarity, distinguishing between them is difficult, and only select experts and Qur’ān readers perceive it. Allah says: “*He has not placed upon you in the religion any hardship.*” [Al-Ḥajj 22:78] And the Prophet (*May Allah bless him and his family and grant them peace*) said: “*I was sent with a ḥanīf, easy religion.*”

What also supports this is the report, “*I am the most eloquent of those who pronounce ḍād*,” which indicates the variance among people in pronouncing it from its proper articulation. End.

What further reduces the weight of treating it as error is that, for example, the dialect of the people of Yemen does not distinguish between *ḍād* and *ẓā*’; changes arising from dialectal differences are overlooked when transmitting others’ speech—this is undisputed in human speech.

As for the speech of Allah, the apparent sense of the canonical readings shows toleration of such matters; the Arabs recited the Qur’ān each in his dialect and tongue, and this was not denounced.

It also lessens the severity that if *ḍād* is replaced with *ẓā*’, only the trained ear usually notices—given the two letters’ similarity—so the meaning is not impaired. This differs from replacing *ḍād* with *dāl* or *qāf* in *ad-ḍāllīn*, saying *al-qāllīn* or *ad-dāllīn*, which does shift the listener’s mind to a different meaning.

I have seen someone who read the Qur’ān well and mastered it yet did not bring *ḍād* from its precise articulation—while thinking he did. This too reduces the severity of counting it as error.

1 *al-Bayān ash-Shāfi*, MS vol. 1, p. 76.

Therefore, the prayer behind someone who cannot perfectly distinguish the two letters is valid.

As for the laypeople’s prayer with obvious laḥn: the school holds—as in the marginalia—that if the layperson has not bound himself to a school, his prayer is valid, for it coincides with some ijtihād¹.

Elsewhere in the marginalia the scholars said: If a layperson does not know the conditions of taqlīd, his taqlīd is no taqlīd, and his ruling is that of one with no school. End.

In the marginalia for the school: If the layperson has adopted a school and knows the conditions for valid taqlīd, and then matches the school he follows—there is no issue. If he does not match it: If he knows of the contravention, the prayer is no prayer—he repeats it within the time and makes it up after. If he is ignorant of the contravention, he repeats within the time but not after².

I say: Their statement—“If he knows of the contravention, he repeats within the time and makes up after”—should be limited to one who can rid himself of the laḥn. As for one who cannot, Allah does not burden a soul except [*with that within*] its capacity.

Among what the scholars of the school tolerated, they said does not invalidate the prayer: adding tanwīn at a pause, omitting tanwīn in liaison, not fully lengthening the vowels (*the correct is: the ḥarakāt*)—so in the marginal note; likewise shortening where lengthening is due and vice versa; likewise cutting a hamzat al-waṣl, but if he joins a hamzat al-qaṭ‘, the prayer is invalid. End of what is in the marginalia for the school³.

[The imām was only appointed to be followed ...]

“The imām was only appointed to be followed; so when he says the takbīr, say the takbīr; when he prostrates, prostrate; and when he rises, rise ...” hadith [Muslim]

Some people adduce this ḥadīth as proof for the validity of praying Ṣuḥr behind an imām who is praying ‘Aṣr. In my view, there is no proof in it for that. The meaning of the ḥadīth is that the imām was made an imām so that the follower should follow him and take him as an example: when he says the takbīr, then say the takbīr, etc. Some imagined that merely following the imām in takbīr, bowing, prostrating, etc., suffices for the prayer’s validity regardless of whether the prayer types coincide

1 *Sharḥ al-Azhār, vol. 1, p. 273.*

2 *Sharḥ al-Azhār, vol. 1, p. 273.*

3 *Sharḥ al-Azhār, vol. 1, p. 273.*

or differ.

What is clear to me is that the restriction (innamā—“only”) here was used because the Companions had contravened the Prophet (*May Allah bless him and his family and grant them peace*) when he prayed sitting and they stood behind him. The restriction is a rhetorical one (elliptical for emphasis): the Companions thought it permissible not to follow the imām and yet still follow him; the Prophet (*May Allah bless him and his family and grant them peace*) then said, “Only ...,” etc.

Since the restriction is not literal, the ḥadīth does not indicate what they claim. And it cannot be literal, for then the meaning would be that the imām was made an imām for this purpose alone—to be followed—and not for any other purposes; that is incorrect. It is known that the imām is appointed for other aims as well: to obtain the virtue of congregation, to multiply the reward of prayer, and to manifest a symbol of Islam.

In the people of one town gathering multiple times daily there are religious and worldly benefits that are manifest: strengthening the sense of brotherhood in faith, reviving affection among the community, providing occasions for consultation on matters that concern them, facilitating mutual counsel among them, and opportunities for teaching and edification.

[A Note on Tasbīḥ (Glorification)]

“*Subḥān Allāh al-‘Azīm wa bi-ḥamdih, Subḥān Allāh al-‘Alā wa bi-ḥamdih.*” The sense that one should summon to heart when saying this—whether in prayer or outside it—is: “*I glorify Allah with the very glorification by which He glorified Himself, and I praise Him with the very praise by which He praised Himself.*” This remembrance, said in bowing and prostration, comprises both the oneness of Allah and gratitude to Him.

[The meaning of “*Subḥān Allāhi wa bi-ḥamdih*”]

Az-Zajjāj was asked about the phrase “*Subḥānaka Allāhumma wa bi-ḥamdik.*” He said: “*Subḥānaka wa bi-ḥamdik—sabbaḥtuka (I have glorified You).*” (End from *ar-Rawḍ*.)

I say: What appears to me is that this expression is glorification of Allah and praise of Him, with the underlying sense: “*and by Your praise, I have praised You.*” This applies when the conjunction *wāw* is present. But if there is no conjunction, as in His saying, “*So glorify the praise of your Lord*” [Al-Ḥijr 15:98], then—so it seems to me, and Allah knows best—the meaning may be: Declare Allah transcendent by devoting praise to Him alone. Thus, whoever says, “[All] praise is due to Allah, Lord of the worlds,” has glorified Allah by singling Him out for praise, to the exclusion of all others.

It is also possible that *fa-sabbih* has been made to carry the sense of a verb that governs with *bāʾ* (like *ishtagala*, “to busy oneself with”); on this reading, what is commanded are two things: glorifying Allah Most High, and occupying oneself with His praise—so the command is not fulfilled except by doing both.

[Supplications for Qunūt from the Qur’an]

In the Name of Allah, the All-Merciful, the Especially Merciful.

- *“Our Lord, give us in this world [that which is] good and in the Hereafter [that which is] good and protect us from the punishment of the Fire.” [Al-Baqarah 2:201]*
- *“Our Lord, pour upon us patience and plant firmly our feet and give us victory over the disbelieving people.” [Al-Baqarah 2:250]*
- *“The Messenger has believed in what was revealed to him from his Lord, and [so have] the believers. All of them have believed in Allah and His angels and His books and His messengers, [saying], ‘We make no distinction between any of His messengers.’ And they say, ‘We hear and we obey. [We seek] Your forgiveness, our Lord, and to You is the [final] destination.’ Allah does not charge a soul except [with that within] its capacity. It will have [the consequence of] what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned. Our Lord, do not impose blame upon us if we forget or make a mistake. Our Lord, and lay not upon us a burden like that which You laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have mercy upon us. You are our protector, so give us victory over the disbelieving people.” [Al-Baqarah 2:285–286]*
- *“Say, ‘We have believed in Allah and in what has been revealed to us and what has been revealed to Abraham and Ishmael and Isaac and Jacob and the Descendants, and in what was given to Moses and Jesus and [what was given] to the prophets from their Lord. We make no distinction between any of them, and we are Muslims [in submission] to Him.’” [Al-Baqarah 2:136]*
- *“Our Lord, let not our hearts deviate after You have guided us and grant us from Yourself mercy. Indeed, You are the Bestower. Our Lord, surely You will gather the people for a Day about which there is no doubt. Indeed, Allah does not fail in His promise.” [Āl ‘Imrān 3:8–9]*
- *“Our Lord, indeed we have believed, so forgive us our sins and protect us from the punishment of the Fire.” [Āl ‘Imrān 3:16]*
- *“My Lord, grant me from Yourself a good offspring. Indeed, You are the Hearer of supplication.” [Āl ‘Imrān 3:38]*
- *“Our Lord, we have believed in what You revealed and have*

- followed the Messenger, so register us among the witnesses.” [Āl ‘Imrān 3:53]*
- *“Say, ‘We have believed in Allah and in what was revealed to us and what was revealed to Abraham, Ishmael, Isaac, Jacob, and the Descendants, and in what was given to Moses, Jesus, and the prophets from their Lord. We make no distinction between any of them, and we are Muslims [in submission] to Him.’” [Āl ‘Imrān 3:84]*
 - *“Our Lord, forgive us our sins and the excess [committed] in our affairs and plant firmly our feet and give us victory over the disbelieving people.” [Āl ‘Imrān 3:147]*
 - *“Indeed, in the creation of the heavens and the earth and the alternation of the night and the day are signs for those of understanding—who remember Allah while standing or sitting or [lying] on their sides and give thought to the creation of the heavens and the earth, [saying], ‘Our Lord, You did not create this aimlessly; exalted are You [above such a thing]; then protect us from the punishment of the Fire. Our Lord, indeed whoever You admit to the Fire—you have disgraced him, and for the wrongdoers there are no helpers. Our Lord, indeed we have heard a caller calling to faith, [saying], ‘Believe in your Lord,’ and we have believed. Our Lord, so forgive us our sins and remove from us our misdeeds and cause us to die with the righteous. Our Lord, and grant us what You promised us through Your messengers and do not disgrace us on the Day of Resurrection. Indeed, You do not fail in [Your] promise.” [Āl ‘Imrān 3:190–194]*
 - *“Our Lord, we have believed, so register us among the witnesses.” [Al-Mā’idah 5:83]*
 - *“Our Lord, we have wronged ourselves, and if You do not forgive us and have mercy upon us, we will surely be among the losers.” [Al-A’rāf 7:23]*
 - *“Praise be to Allah, Who has guided us to this; and never could we have been guided if Allah had not guided us.” [Al-A’rāf 7:43]*
 - *“Our Lord, do not place us with the wrongdoing people.” [Al-A’rāf 7:47]*
 - *“Upon Allah we have relied. Our Lord, decide between us and our people in truth, and You are the best of those who give decision.” [Al-A’rāf 7:89]*
 - *“Our Lord, pour upon us patience and let us die as Muslims [in submission to You].” [Al-A’rāf 7:126]*
 - *“You are our protector, so forgive us and have mercy upon us; and You are the best of forgivers. And decree for us in this world [that which is] good and [also] in the Hereafter. Indeed, we have turned back to You.” [Al-A’rāf 7:155–156]*

- *“Upon Allah we have relied. Our Lord, make us not [objects of] trial for the wrongdoing people.” [Yūnus 10:85]*
- *“Our Lord, indeed You know what we conceal and what we declare, and nothing is hidden from Allah on the earth or in the heaven.” [Ibrāhīm 14:38]*
- *“My Lord, make me an establiher of prayer, and [many] from my descendants. Our Lord, accept my supplication. Our Lord, forgive me and my parents and the believers the Day the account is established.” [Ibrāhīm 14:40–41]*
- *“Our Lord, grant us from Yourself mercy and prepare for us from our affair right guidance.” [Al-Kahf 18:10]*
- *“My Lord, expand for me my breast. And ease for me my task.” [Ṭā Hā 20:25–26]*
- *“My Lord, increase me in knowledge.” [Ṭā Hā 20:114]*
- *“My Lord, then do not place me among the wrongdoing people.” [Al-Mu’minūn 23:94]*
- *“And say, ‘My Lord, I seek refuge in You from the incitements of the devils, and I seek refuge in You, my Lord, lest they be present with me.’” [Al-Mu’minūn 23:97–98]*
- *“Our Lord, we have believed, so forgive us and have mercy upon us, and You are the best of the merciful.” [Al-Mu’minūn 23:109]*
- *“My Lord, forgive and have mercy, and You are the best of the merciful.” [Al-Mu’minūn 23:118]*
- *“Our Lord, avert from us the punishment of Hell. Indeed, its punishment is ever adhering; indeed, it is evil as a settlement and residence.” [Al-Furqān 25:65–66]*
- *“Our Lord, grant us from our spouses and our offspring comfort to our eyes and make us an example for the righteous.” [Al-Furqān 25:74]*
- *“My Lord, enable me to be grateful for Your favor which You have bestowed upon me and upon my parents and to do righteousness of which You approve, and admit me by Your mercy into [the ranks of] Your righteous servants.” [An-Naml 27:19]*
- *“Our Lord, upon You we have relied, and to You we have turned in repentance, and to You is the destination. Our Lord, make us not [objects of] trial for those who disbelieve and forgive us, our Lord. Indeed, it is You who are the Exalted in Might, the Wise.” [Al-Mumtaḥanah 60:4–5]*

A benefit on the virtue of Qur’ān in prayer

It is reported in a sound ḥadīth: “Recitation of the Qur’ān in prayer is better than recitation outside prayer; recitation outside prayer is better