A Selection of Islamic Laws

(Muntakhab Taudhih-ul-Masae'l)

Grand Ayatollah
Sheikh Mohammad Ishaq Fayyadh
-May Allah Prolong his Life-

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In the name of Allah, the Beneficent, the Merciful

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According to the Fatawa of:

Ayatollah al-Uzma Sheikh Mohammad Ishaq Fayyadh

(May Allah Prolong his Life)

Those acting upon the verdicts (fatawa) given in this book shall be acquitted of their religious duties – Insha Allah.

Sealed and Signed
Mohammad Ishaq Fayyadh
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Revised and Edited by
Yasar Ebrahim

Rules regarding Taqlid

(Following a mujtahid)

The present rules of Islamic jurisdiction (Sharia) are divided into two categories:

1) Rules regarding the roots of religion (Usul Deen)
2) Rules regarding the branches of religion (Furu Deen)

The first category contains those rules for which Taqlid is not allowed. From a religious point of view, a *mukallif* (a person who has reached the age of *Takleef,* explained in Case 3) should have sufficient knowledge and be certain about the *roots of religion*. He should believe, with reasoning, in Allah, the Prophet, the Day of Resurrection and his Imam.

The second category, the branches of religion, constitute of two groups:

1) The Compulsory (zarouri, obligatory, essential) Rules: These are the rules that neither require Taqlid nor a comprehensive study and understanding of the subject; such as the necessity of praying and fasting, or the prohibition of murdering an innocent soul and adultery.
2) The Non-Compulsory (non-zarouri, non-obligatory, non-essential) Rules: If a mukallif is neither a Mujtahid nor does he act upon "Precaution", then, in order to make sure that he has fulfilled his religious obligations, he must follow a Mujtahid.

Therefore, Taqlid is restricted to the branches of religion and only for non-compulsory rules such as Halaal (lawful) and Haraam (unlawful) and other such acts.

Case 1: There are commands and prohibitions in Islam that must be observed by every Muslim. A mukallif must be either a mujtahid, muqallid (follower) or act on precaution.

Precaution is a concept whereby a mukallif must perform an act if there is a possibility of it being wajib (compulsory) and no possibility of it being Haraam (forbidden), and must avoid an act if there is a possibility of it being Haraam and no likelihood of it being wajib.

Precaution necessitates repeating an act in some cases; but not in others.

Example 1: At times, a traveller does not know whether to offer his prayers as qasr (shortened) or in full; the recommended precaution is that he must offer his prayer twice; once as qasr and once full.

Example 2: A mukallif does not know whether pronouncing Iqaamah (call to stand up for prayers) before offering prayers is Wajib or Mustahab (recommended); the recommended precaution is that he must pronounce it and then start his prayer.

Both types of precautions are permissible, even if the mukallif learns about the ruling through ijtihad (religious jurisprudence) or taqlid. Of course, identifying cases where one can adopt precaution requires a deep and vast knowledge of jurisprudence, which is difficult for ordinary people. For instance, a person makes a vow (Nazr) but his father prohibits him from fulfilling the vow. On the one hand he may think it is wajib to fulfil his vow because he has pledged to carry out the act, but on the other hand he may think it is probably Haraam to carry out the pledge because his father has forbidden him from the act. In this situation, precaution is definitely not permissible and the only way for him to learn the ruling is through either ijtihad or taqlid.

Case 2: Taqlid in religious rules is the acting upon the verdict (fatwa) of a mujtahid and cannot be accomplished except by action.

Case 3: The age of buloogh (religious maturity) for a girl is nine and for a boy is fifteen complete lunar years. However, a boy is thought to be buloogh before reaching the age of 15, if some coarse hair grows below his navel, or if semen is released while he is asleep or awake.

Case 4: The *Marja'a Taqlid* (a source of emulation in religious matters) must be an adult (buloogh), sane, Twelver (Ithna'ashari) Shia, male, mujtahid, aadil (just) and of legitimate birth – Aadil in the sense that he (the Marja'a) fulfils all his wajib acts and refrains from every Haraam act.

Case 5: If qualified mujtahids do not differ in their verdicts, then the follower can follow any of them; but if they do differ, then the follower must follow the

A'alam (the most knowledgeable) mujtahid. However, if they are all of equal level in all aspects, then the follower should follow the mujtahid whose verdicts are according to precaution, if precaution is possible, and if not, he is at the liberty to act according to the verdict of any one of them.

Case 6: It is the duty of the mukallif to carry out research about the most knowledgeable mujtahid, during which time he should act according to precaution, even if doing so results in repeating an act.

Case 7: If the mukallif follows a mujtahid on the basis that he is the most knowledgeable one but it turns out not to be the case at a later stage, then it is obligatory that he turns to the most knowledgeable mujtahid.

Case 8: If a person follows the most knowledgeable mujtahid but after a while another mujtahid takes over and becomes more knowledgeable, then he must turn to the latter. If the marja'a dies, then it is obligatory upon him to turn to the most knowledgeable living mujtahid.

Case 9: In order to remain the follower of a deceased mujtahid, one must obtain permission from the most knowledgeable living mujtahid to do so.

Case 10: If the mujtahid dies and he was more knowledgeable than all the current living ones, it is obligatory to remain as his follower, whether the muqallid has learned his verdicts (fatwas) or not, or has acted upon his verdicts or not. However, if the most knowledgeable mujtahid is alive, then one has to turn to him.

Case 11: Starting taqlid of a deceased mujtahid is permissible only if he is declared to be more knowledgeable than all the other deceased and current living mujtahids.

Case 12: There are four ways to ascertain if a marja'a is aadil (just):

1) The muqallid's personal knowledge – He reaches a level of certainty by way of continuously observation of the marja'a.

2) Endorsement by two just (aadil) persons – They certify the justness of the marja'a.

3) Endorsement by a trustworthy person – He declares that the marja'a is just. A trustworthy person is he who is well-known for his veracity and abstinence from telling lies, even if he is not just or does not adhere to religion in all his activities.

4) Apparent Well Manneredness – the marja'a should be well mannered and have admirable religious behaviour, in that he should be well-known for being religious, stable in his religion and has the necessary merit in religious affairs.

Case 13: There are three ways to identify a mujtahid and A'alam:

1) Expert knowledge of the muqallid – For example, when the muqallid is a scholar himself and is able to identify the mujtahid and marja'a.

2) Assuring fame and reputation that bring about certainty.

3) Endorsement by two aadil and trustworthy persons – provided that they are experts, knowledgeable and able to conduct scientific assessments.

Case 14: Formulating a verdict (pronouncing a fatwa) is Haraam for a person who is not a qualified Marja'a. Similarly, judgement is Haraam for the person who is not suitable for such a position; bringing a complaint (lawsuit) or testifying before him is not permissible; any property seized under his rule is Haraam, even if the recipient has the right to the property. However, if it is impossible to gain justice except through his judgement and if his ruling is just and the actual property exists then, the owner can repossess the property; but if the property is a monetary issue, then the claimant should gain permission from the "Religious Authority". Only a qualified mujtahid or a person appointed by him is suitable for jurisdiction and can be approached for arbitration.

Case 15: A person acting as an attorney on behalf of someone else, he should do so based on his client's taqlid and not his own taqlid.

Case 16: A person appointed as an attorney by a mujtahid to deal with *waqf* (endowment) with no specific trustee (administrator) will be stripped of his position immediately should the mujtahid die. In this case, his duty is to

approach a living mujtahid and seek advice. However, if he is appointed by a mujtahid as a trustee of an endowment or an administrator of an orphan's properties, then he will remain in his position even after the mujtahid's death.

Case 17: If a just (aadil) person commits a sin, all his justness will be annulled. However, if he repents for his sins, his justness will be re-instated on the condition that the spirit of obedience to God remains stable and firm in his soul.

Case 18: If the precaution *(ihtiyat)* mentioned in this Book *(Resaleh)* is obligatory *(ihtiyat Wajib)*, then it is necessary that the mukallif acts on the corresponding case according to his Marja's fatwa (verdict) and should not refer to another mujtahid in this case. However, if it is a recommended precaution *(ihtiyat Mustahab)* then the mukallif is free to carry out the act or not.

Rules regarding Tahaarat (Purification)

There are two types of water:

1- Pure Water: Water with no additives, such as sea water, river water (fresh water), tap water etc.

2- Mixed Water: Water with additives (like sugar or salt, enough to give a recognisable taste) or naturally produced liquids, such as fruit juice, rose-water, etc…

Pure water is of two categories: ample (*katheer*), and lesser (*qaleel*):

1- Ample water is of two types:

   1- *Flowing water,* which is directly and continuously sourced from a river, rain, well, spring or a large reservoir – running tap water is also of this type.

   2- *Stationary (still) water* that is Kurr i.e. it has a minimum weight of 399 kilograms or has a volume more than 42.875 cubic hand spans. (I.e. has a length, width and height of 3 and a half hand spans each).

2- Lesser Water: Any type or volume of water that does not fall within the ample water category.

Rules Related to Ample and Lesser Waters:

Both ample and lesser water are clean *(tahir)* and are cleanses *(mutahhir)*. However, the difference between the two is that when ample water comes into contact with najaassat (a ritually impure substance), such as blood or urine, it remains clean; unless its colour, taste or smell changes, in which case it will become najis itself.

However, lesser water becomes najis if it merely comes into contact with najaassat; but not so if it comes into contact with a mutanajjis thing that does not contain najaassat; although, as an *Ihtiyat Mustahab*, such water should be avoided. A Mutanajjis item is a formerly clean item that has come into contact with an intrinsically najis object, without stains or traces of the najaassat remaining on it.

Case 19: Ample water that has become najis (caused by a najaassat) and its nature has changed, can become cleansed again only by adding so much clean water to it so that it regains its nature back; for example by opening a tap to it.

Case 20: If lesser water becomes najis, as a result of coming into contact with najaassat, it can become clean again if it is connected with flowing water, like a running tap. It is not necessary for the flowing water to reach all parts of the lesser water, as it becomes clean by the mere connection of the two i.e. the lesser with the flowing.

Rules regarding a person without Wudhu:

The obligatory precaution is that a person without wudhu must not touch, by hand or any other part of his body or hair, the script of the Holy Quran or even a single letter of it or even diacritical marks in it or God's Glorious name (Allah) or His other names and attributes. It is better that the person without wudhu avoids touching the names of the Prophets, Imams or her Holiness Lady Fatima Zahra.

Rules regarding Mixed Water:

Mixed water, in any quantity – ample or otherwise, cannot clean anything. In fact, as soon as mixed water comes into contact with najaassat, it becomes najis itself and cannot be cleansed even by adding ample water to it.

Rules Concerning the Use of a Lavatory:

It is wajib upon every mukallif to conceal his/her private parts while in the toilet (and indeed at all times) from those who can differentiate between good and bad. However, husband and wife are exempt from this obligation; they are allowed to look at each other's private parts.

Case 21: The private parts of a man consists of his genitalia and his anus, while those of a woman, as an obligatory precaution, consists of her entire body, including her face and palms.

Case 22: As an obligatory precaution, it is Haraam for the mukallif, whilst relieving himself, to sit or stand while facing or with their back towards the Qibla.

Case 23: If the direction of the Qibla is unknown to a person, the obligatory precaution is that he cannot relieve himself unless he has lost hope of finding the correct direction of the Qibla.

Case 24: As an obligatory precaution, the urinary organ must be washed twice with lesser water after urination; but suffices once with ample water. Nothing but water will clean the urinary organ. The anus must be washed and cleansed with water if it has become unusually dirty; but if it has not, then the area can either be washed or wiped cleaned by stone, cloth or any other material that removes the dirt. However, water is preferable.

Case 25: The way to perform *istibra*, after urinating, is to press and rub from the beginning of the anus towards the bottom of the penis thrice, then to rub and pull the shaft of the penis using the thumb and index finger, up to the point of circumcision thrice, then finally to jerk and press the top/head of the penis thrice [so that all remaining urine in the passage has been flushed out]. The benefit of

istibra is that if anything is discharged from the penis afterwards, it is considered to be tahir (not najis).

Case 26: If one does not perform istibra after passing urine and then experiences urine-like discharges from his penis, he should clean the affected area and then perform ritual ablution (wudhu).

Case 27: Istibra is not necessary for women; the moisture discharged is tahir, and there is no need to perform wudhu because of that.

Wudhu (Ritual Ablution):

Wudhu consists of washing your face, arms, hands, wiping the front part of the head and the upper parts of the feet, in the order mentioned. The manner of performing Wudhu is that you wash, with pure and clean water, the length of your face downwards from the upper part of the forehead, where hair grows, up to the end of the chin. Then, wash your right arm and hand, followed by your left arm and hand, downwards from the elbow to the tips of your fingers, using your palms. After that, while your hands are still wet from the wudhu, wipe, with your right palm, the front part of your head and then your right foot from the tip of the toes to the joint; then, in the same way, wipe your left foot with your left palm, while it is still wet from wudhu.

Case 28: Once you have washed your hands in wudhu, you should not use additional water; but it is obligatory that you wipe your head and feet while your hands are still wet from the original water of wudhu.

Case 29: The head and feet should not be wet before wiping.

Conditions for the Validity of Wudhu:

1- *Purity of water:* Performing wudhu with mixed water is incorrect.

2- *Cleanliness of water:* Performing wudhu with najis water is incorrect.

3- *Mubah (Permissible) water:* Performing wudhu with water for which permission has not been obtained from the owner is not allowed.

4- *Lawful location (premises):* It is necessary that the wiping of the head and feet are performed in a lawful place; however, this is not a necessary condition for washing the face, arms and hands. So, if the mukallif washes his face and hands in a usurped place and then wipes his head and feet in a lawful location nearby, then his wudhu is in order.

5- *Cleanliness (taharat) of the Wudhu parts*: All parts of the areas used for making wudhu (washed or wiped) must be clean (tahir) before the corresponding action of wudhu.

6- *Harmlessness of the water:* A mukallif should only perform Wudhu if the water being used is not detrimental to his health and well-being. If wudhu causes a major health worry, then he should do tayammum. If he insists and performs wudhu, his wudhu will be void. However, his wudhu will not Haraam and will be valid if it will not cause him serious harm.

7- *Niyyat (Intention):* The only incentive for wudhu is for God and to obtain his satisfaction and proximity.

8- *Independence:* One should perform all acts of wudhu by himself; it is not allowed to appoint someone else to act on his behalf unless he is unable to do it himself. So, if the mukallif is unable to perform his wudhu and has to appoint some else to do it for him, it is necessary for him i.e. the mukallif, to do the niyyat and then the appointee should wash the mukallif's face and arms, then with the mukallif's hands wipes his head and feet to complete the wudhu.

9- *Continuity (Succession):* It is necessary to perform all acts of wudhu immediately one after the after, in succession, without any delay.

10- *Sequence:* Wudhu should be carried out in the correct order. The person performing Wudhu should wash his face first; then his right arm followed by his left arm. Then, he should wipe the front part of his head, followed by wiping his right foot and then his left foot.

Rules regarding the Wudhu of Jabira:

Any type of bandage or plaster that is used to cover (for healing) a fractured or broken bone is called *jabira*. According to the jurists, jabira also refers to a piece of cloth used to cover wounds and injuries.

Case 30: If an area of your body is covered (by a bandage or plaster) for healing, under the following five conditions, the mukallif must perform a *jabira wudhu*:

1- The broken or wounded area must be a part washed or wiped during wudhu i.e. face, arms, hands, head and feet.

11- Using water is harmful for the broken or wounded area.

12- The outside surface of the bandage or dressing (jabira) must be clean (tahir); it is not necessary for the inside to be tahir.

13- The jabira (dressing) must not be bigger than a typical size; the normal (typical) size is to cover the damaged area as well as the close vicinity. So, if the jabira is unusually large, then wiping the area is not sufficient; in this case, if possible, reduce the size of the jabira and if that is not possible, than tayammum is obligatory, providing that the jabira is not on the parts used for performing tayammum. However, if the jabira is in the tayammum area then it is obligatory to perform both wudhu and tayammum.

14- The jabira or dressing must be Mubah; so, wiping on a usurped jabira is not allowed.

Therefore, if the above five conditions are met, it is wajib on the mukallif to perform a jabira wudhu.

Case 31: If the wounded or broken area does not fall within the wudhu areas but if performing wudhu causes harm to the wounded area, then the mukallif's obligation is to perform tayammum in place of wudhu; but if it does not cause harm then his obligation is to do wudhu in the normal way.

Case 32: If any part of the wudhu area is wounded, fractured or has grown an abscess but is clean and open, then it is obligatory to perform wudhu as normal, provided that no harm is caused by washing the affected area.

Case 33: If a piece of cloth (or any other material) that is covering a part of the wudhu areas cannot be removed, and as a result of which water does not reach the covered area, then, provided that the covered area does not fall within the tayammum areas (i.e. face and hands), it is necessary to do tayammum, but if it is in the tayammum area then it is necessary to perform both tayammum and wudhu.

Case 34: If removing a bandage from a wound in the wudhu area causes the area to become najis, because of blood or wound discharges and without the possibility of it being cleansed, then it is necessary to perform tayammum, regardless of the affected area being part of the tayammum area or not; even if wudhu can be performed without causing any harm.

Case 35: Any medication laid on the wound in the wudhu area is treated as jabira, hence the mukallif can perform wudhu and wipe over it. An obstacle, such as tar or paint, stuck over the wudhu area should be removed, if possible; otherwise, if it is not in the tayammum area, one must perform tayammum and if it is, he must do both wudhu and tayammum.

Case 36: The bandage over a swollen or painful area is not treated as jabira; therefore, wiping over such a bandage is not sufficient. The mukallif must perform wudhu if no harm is caused; otherwise he must do tayammum.

Case 37: If one is in doubt whether to perform tayammum or jabira wudhu, the obligatory precaution is to do both.

Case 38: If the jabira is on one's palm then he must do the wiping with the wet jabira.

Things which Invalidate Wudhu:

Wudhu becomes invalid and void in the following five circumstances:

1- Passing urine; however, mazi, wazi and wadi do not invalidate wudhu; in the same way that things that come into contact with these fluids do not become najis; so, cleansing such things are not necessary.

   Mazi (pre-seminal fluid) is the clear, colourless, sticky fluid that emits from the male's penis when he is sexually aroused, during foreplay or while he is thinking about sexual intercourse.

   Wazi (post-seminal fluid) is the white (milky) colour fluid that emits from the male's penis after ejaculation.

   Wadi (post-urine fluid) is the white (milky) fluid that emits from the male's penis after passing urine.

2- Excretion

3- Flatulence (breaking of wind).

4- A heavy sleep during which time the person is unable to hear, see or recognise things. As an obligatory precaution, and in the same way as heavy sleep, insanity, drunkenness, and unconsciousness also invalidate wudhu.

5- Istihadha (as will be explained later).

Rules regarding Urinal and Intestinal Incontinence:

The person who involuntarily, uncontrollably and continuously experiences ritual impurity, in the sense that he has little or no control over his urine passage or intestine, has three states:

1- He has a period of time during which he has control over himself and is sufficient to perform wudhu and prayers; in this case it is obligatory that he performs wudhu and then does his prayers during this interval.

2- He finds little or has no period of time during which he can control himself and complete his wudhu and prayers or a part of his prayers; in this situation, he can perform wudhu and finish his prayers. Anything emitted from him uncontrollably during this period will not invalidate his wudhu.

3- He finds a time to complete his wudhu and a part of his prayers; in this case he must perform wudhu and say his prayers within that time; if anything uncontrollably emits from him during his prayers, it is not obligatory on him to repeat the wudhu.

Ghusl (Ritual Bath):

One can perform ghusl in two ways:

Irtimassi ghusl (immersing): this type of ghusl is performed by immersing the entire body under water so that all parts of the body are covered by water simultaneously; if the person has thick and long hair, it should be untied and loosened until he is certain that water has reached all parts of the body; also, one must ensure that his feet are not grounded to the bottom whilst under water, while he is performing the ghusl i.e. he should ensure that water touches the soles of his feet.

Tartibi ghusl (sequential): this type of ghusl is performed by first washing the head and neck then by washing the rest of the body. It is a recommended precaution for one to first wash the right-hand side of his body then the left-hand side.

Case 39: All the previous conditions mentioned for the validity of wudhu, such as niyyat, cleanliness of water, lawfulness of location, purity of water, cleanliness of the body, harmlessness of water etc., also apply to ghusl. If possible, the mukallif should perform the ghusl himself. However, in ghusl it is not necessary to wash the body downwards i.e. from top to bottom; also, it is not necessary in ghusl to wash one part of the body immediately after another part; whereas, in wudhu washing must be done downwards and the actions must be completed sequentially without any time delay.

Case 40: In irtimassi ghusl, one must do the niyyat before submerging himself in water completely; doing the niyyat once the whole body is in water is incorrect. So, the person already in water must bring a part of his body out of the water first; then, do his niyyat before re-submerging his body in water with the intention of ghusl.

Case 41: Performing tartibi ghusl is preferred over performing an irtimassi ghusl.

Obligatory (Wajib) Ghusls:

The obligatory ghusls are:

- Janabat
- Haidh,
- Istihadha
- Nifas,
- For a dead body
- For touching a dead body

1- Janabat:

There are two causes of janabat. One is the discharge of semen; if semen is discharged it is a religious obligation to have a ghusl, regardless of whether the discharge is voluntary or not, the person is awake or asleep, the semen is in a large or small quantity or it happens during sexual intercourse or otherwise.

Case 42: A man experiences a discharge but does not know (is not sure) whether it is semen or another type of fluid, in that case if the discharge is accompanied by force and sexual desire that leave the person fatigued (weak and relaxed), then the fluid is considered to be semen. However, if any of the three signs are lacking and the person is healthy, then the fluid is not treated as semen.

Case 43: A man experiences a discharge following a janabat ghusl but does not know whether it is residual semen from the penal passage or a tahir fluid. In this situation, if the person had passed urine before starting the ghusl, then he does not have to do anything (his ghusl is valid); otherwise, the discharged fluid is treated as semen and it is obligatory that he repeats his ghusl.

Case 44: If a woman experiences a discharge as a result of sexual stimulation accompanied by weakness (fatigue and relaxation) then she must perform ghusl; if before the ghusl she becomes ritually impure then she must complete both wudhu and ghusl. However, if the discharge takes place without sexual stimulation it is not obligatory on her to do ghusl, even if it occurs during foreplay with her husband.

The second cause of janabat is sexual (vaginal) intercourse (penetration of the circumcised area of the penis) even without ejaculation i.e. no semen is released. In the same way, the obligatory precaution is that one should perform ghusl janabat after anal intercourse with a woman, man or quadruped. If before such an act one becomes ritually impure then the obligatory precaution is that he should perform wudhu as well.

Case 45: As an obligatory precaution, one should do ghusl even if only a part of the circumcised are of the penis has penetrated.

Forbidden Acts for those in Janabat:

The following five acts are Haraam for a person in janabat:

1) Touching the script of the Holy Quran with any part of body.

2) As an obligatory precaution, touching scripts with God's name and attributes.

3) Entering Masjid-al-Haraam and Masjid-al-Nabi. A person in janabat must not stay in these two mosques or pass through them.

4) Staying in mosques other than Masjid-al-Haraam and Masjid-al-Nabi is Haraam; but entering them is allowed in the following two circumstances:

1. If the mosque has two gates, such that the person can enter through one and exit from the other without stopping.

2. One can enter the mosque to pick up his property and leave without stopping; but placing an item in the mosque while he is passing through the mosque is not allowed.

As an obligatory precaution, the shrines of the Imams, concerning the above ruling, are treated in the same manner as a mosque; however, their courtyards are not classified as mosques.

5) Reciting the verses that require prostration; which are:

* Verse 15: Surah 32- Alif Lam Meem As-Sajdah

* Verse 37: Surah 41- Haa Meem, As-Sajdah
* Verse 62: Surah 53- An-Najm
* Verse 19: Surah 96- Al-Alaq

2- Haidh (Menstrual Cycle):

Menstrual blood (Haidh) has special characteristic; most of the time it is red, warm and comes out with pressure and a burning sensation (sting/irritation).

There are four conditions regarding Haidh:

1) The woman should be between nine and sixty years of age.
2) Bleeding should continue for three consecutive days, otherwise it will not be classified as Haidh.
3) Bleeding should not exceed ten days; if it does, then only a part of that period is classified as Haidh.
4) As an obligatory precaution, the duration between two periods of haidh should not be less than 10 days. Therefore, if a woman sees blood of haidh and then becomes tahir and after nine days, for example, she sees blood again, this new blood is not haidh because the interval between two bleedings was less than 10 days.

Case 46: If a pregnant woman sees blood and she is certain that it is haidh blood, then she must act as if she is in haidh; but if she is not certain that it is haidh blood, in this case, if the bleeding occurs during her period time and has signs of haidh, then she must treat it as haidh blood; otherwise it is istihadha.

Rules regarding Haidh:

All the things which are Haraam for a person in janabat are also Haraam for a woman in haidh. Also, sexual intercourse is Haraam for both the husband and wife while the wife is on her haidh. However, as an obligatory precaution, anal

intercourse is absolutely forbidden whether she is in her haidh period or not; but there are no restrictions on other types of pleasure.

Case 47: Divorce of a woman is invalid while she is in haidh and has had intercourse, anal or otherwise, and her husband is present. However, the divorce is valid if she is pregnant or has not had intercourse or her husband is absent.

Case 48: Once the woman is tahir from haidh, she must give qadha of her missed wajib fasts, but it is not necessary for her to perform qadha for her missed wajib prayers.

Case 49: It is Mustahab that during her period of haidh, when it is time for prayer, a woman puts a piece of cotton in herself, does wudhu, sits in a clean place facing the Qibla and recites invocations and supplications; it is highly recommended for her to recite the "Four Tasbihaat"

3- Istihadha:

The blood of istihadha is mostly yellow and cold and comes out continuously and without irritation; it does not have any of the conditions explained for haidh. A woman can see istihadha blood before she is 9 year old, after she is 60 or immediately after a haidh period. There is no specific time for the istihadha period; it can last for part of a day, the whole day and sometime up to and longer than a month.

Case 50: According to religious law, istihadha is a kind of ritual impurity that annuls taharat; as previously mentioned in the *"Things which invalidate Wudhu"* section. Therefore, if a woman who has wudhu and thereafter sees istihadha blood, even by it passing through a piece of cotton, then her wudhu is nullified and she must do wudhu or ghusl which will be explained in detail later.

Case 51: There are three types of istihadha: *qalila* (light), *mutawassita* (medium) and *kathira* (heavy)

- The *qalila istihadha* is where the blood stains a piece of cotton but does not penetrate into it.

- The *mutawassita istihadha* is where the blood penetrates into a piece of cotton but does not go through it.

- The *kathira istihadha* is where the blood penetrates into a piece of cotton and goes through it.

Case 52: In the case of qalila istihadha, the woman must perform wudhu for each obligatory prayer, change her cotton and cleanse herself from the blood.

Case 53: In the case of mutawassita istihadha, the woman must change the cotton, cleanse herself from the blood, perform ghusl once and then do wudhu for each prayer; it is better to make wudhu after the ghusl. Therefore, if a woman starts a mutawassita istihadha before the Fajr (morning) prayers, then she must make a ghusl followed by wudhu and complete her morning prayers. For Zuhr (noon) and Asr (afternoon) prayers, she must replace the cotton, make wudhu again, then perform her prayers. She must do the same for Maghrib (evening) and Isha (night).

Case 54: A woman who has kathira istihadha must change the cotton, make one ghusl for the Fajr prayer, one for Zuhr and Asr prayers (if done together) and one for the Maghrib and Isha prayers (if done together).

Case 55: Fasting of a woman who has kathira istihadha is valid provided that she makes ghusl for the Fajr, Zuhr and Asr of the same day; as an obligatory precaution, she must make a ghusl for the Maghrib and Isha prayers on the eve before the day she wants to fast. So, for example, if she wants to fast on a Friday, she must make one ghusl for Maghrib and Isha prayers on Thursday night, one ghusl for Friday's Fajr prayer and another one for the Friday Zuhr and Asr prayers; otherwise, her fasting will not be correct.

Case 56: It is not allowed for a woman with any kind of istihadha (qalila, mutawassita or kathira) to touch the Holy Quran before completing her ghusl and wudhu, and touching the Quran after ghusl and wudhu is only allowed during prayers; after the prayers, touching the Quran is not allowed again.

4- Nifas:

Nifas is a condition experienced by a woman following childbirth, during which time blood comes out of her womb. Nifas has a maximum duration of 10 days from the time the woman sees blood and not from the time of labour. If the bleeding is less than three days, the obligatory precaution is that the woman should adopt the rules and duties of nifas and istihadha.

Case 57: If nifas exceeds ten days and her haidh cycle is regular, like if her period time is seven days, she should treat the first seven days as nifas and the rest as istihadha; but if her menstrual period is irregular, then she should treat the first ten days as nifas and the rest as istihadha.

Case 58: Rules applying to a woman in nifas or haidh are the same; that is to say that touching the Holy Quran, reciting verses that require sajdah, stopping in a mosque, entering a mosque without the intention of passing through it and having sexual intercourse is Haraam; also, divorcing her is void. Whilst in nifas, she must avoid prayers and fasting, and then after nifas she should perform qadha of her missed fasts; but not for her prayers.

Case 59: The methods of performing ghusl for nifas, haidh and istihadha are the same as for janabat, which must either be in the form of sequential (tartibi) or immersing (irtimassi).

Rules regarding the Deceased:

Following the death of a Muslim, all mukallifs, as a wajib kifayi, are responsible to perform certain duties regarding the deceased person. Meaning that all responsible individuals will have certain duties to fulfil, in a way that if these obligations are performed by certain individuals or even one person complete the tasks, the rest will be relieved from their duties; but if everybody neglects these duties then they will all be sinners.

One of these duties is to lay down the dying person on his back with the soles of his feet facing towards the Qibla, so that if he were to sit up he will be facing towards the Qibla; the obligatory precaution is that, if possible, the dying person himself lays down in this manner.

Case 60: It is wajib to perform ghusl for a deceased Muslim, and the method is to do three ghusls in the following order:

- *First:* With water mixed with a small amount of cedar.
- *Second:* With water mixed with a small amount of camphor.
- *Third:* With pure water, without anything being added to it.

Case 61: It is obligatory that the person who carries out the ghusl starts from the head and neck of the dead body; then the right-hand side of his body followed by his left-hand side should be washed, and in all three ghusls the washer must have the intention of gaining proximity to Allah; looking at or touching the private parts of the dead body during the ghusl, by the washer, is not allowed.

Case 62: Following his ghusls, it is obligatory to carry out *hunut* on the dead body; hunut is applying camphor, using one's right palm, on the deceased's seven parts of prostration namely, his forehead, palms, knees and tips of his big toes.

Case 63: After the completion of ghusl and hunut, the deceased's body must be wrapped in a shroud (*kafan)*, using three pieces of cloth.

1) A loincloth that covers the deceased from his naval to his knees.

2) A shirt that covers the deceased from his shoulders to the middle of his calves.

3) A long sheet that covers the deceased's entire body from head to toe.

Case 64: Following ghusl, hunut and kafan, performing prayers over the body of every dead Muslim (mayyit) over six years of age is obligatory; but this is not obligatory for children under the age of six.

Case 65: There are a number of conditions that need to be met for the performance of the mayyit prayer:

1) The body of the dead person must be present; so, one cannot offer prayers on the dead whose body is not present.

2) The deceased must be laid down on his back.

3) The person offering prayers must stand facing the Qibla.

4) The person offering prayers must stand before the body of the deceased.

5) The person offering prayers must not stand too far away from the body of the deceased.

6) The deceased's head must be on the right hand side to the person offering prayers.

7) The person offering prayers must do so standing up.

Case 66: The method of the mayyit prayer is as follows:

The person offering prayers must do so with the intent of gaining proximity to Allah and performs it by pronouncing five takbirs as follows:

1) Allah-u-Akbar, Ashhad-u-an laa-ilaha illallahu wahdahu laa shareeka lah, wa Ashhad-u-anna Muhammad-an abduhu wa rasooluh. *(Allah is the Greatest, I bear witness that there is no god but Allah and Muhammad is Allah's Servant and Messenger.)*

2) Allah-u-Akbar, Allahumma salli alaa Muhammad-an wa aali- Muhammad. *(Allah is the Greatest, O' Lord! Bestow peace and blessing upon Muhammad and his progeny.)*

3) Allah-u Akbar, Allahhumma-ighfir lil mu'mineena wal mu'minat. *(Allah is the Greatest, O' Lord! Forgive all believers - men as well as women.)*

4) Allah-u Akbar, Allahhumma-ighfir li-hadthal mayyit. *(Allah is the Greatest, O' Lord! Forgive this dead person.)*

5) Allah- u Akbar. *(Allah is the Greatest.)*

Following the above five takbirs, the person offering prayer will have completed his prayers.

Case 67: It is obligatory that the dead Muslim is buried under earth in such a way that birds or wild animals are not able to dig him up and his odour does not bother people; he should be laid down on his right-hand side in a way that he faces the Qibla.

Case 68: Ghusl, hunut and kafan must be carried out on a fully developed miscarried baby but no prayers are to be offered over the body. However, if the foetus was under four months old, even though it was not fully developed, it is an obligatory precaution that the body be wrapped in a piece of cloth and be buried.

Case 69: Ghusl is not obligatory on a person who has touched a dead body before it went cold; however, if the touching part of his or the dead body was wet, then that part of his body becomes najis. Also, ghusl is not obligatory on the person who has touched a Muslim's dead body on which ghusl has been performed, even if the touching parts are wet. Ghusl will be obligatory for the person who has touched the cold body of the dead person before the ghusl was performed on it.

Tayammum:

Performing tayammum instead of ghusl or wudhu is only valid under the following circumstances:

1) While there is time to offer prayers, a mukallif searches in his vicinity, as much as he can, but is unable to find water or finds an insufficient amount of water for wudhu or ghusl.

2) There is water in the vicinity but gaining access to it is difficult; like when water is in a very distant location or it belongs to a person who would not allow you access except by begging and humiliation or there is danger in reaching the water.

3) Water exists in the surrounding area but belongs to someone else who would not allow access to it unless it is bought at a price that causes harm to the mukallif, or reaching it leads to an act of sin; like passing through a usurped area to obtain the water.

4) There is water in reach; but there is not sufficient time to complete ghusl and prayers or wudhu and prayers; in this case one is allowed to do tayammum so that he completes his prayers in time.

5) It is possible to do wudhu or ghusl for prayers; but using such water is a health risk.

6) If a person, himself, is thirsty or if he fears for the thirst of someone else who is important to him, and there is water available but it is not sufficient for doing both wudhu and quenching ones thirst.

7) A person whose body or clothing is najis and he has water sufficient only to either clean the dirt off (najaassat) or to do wudhu; in this case he can wash himself or his clothing and instead of wudhu perform tayammum or he can perform wudhu with this water and offer prayers with the najis clothing or body.

Case 70: Tayammum can be done on earth and any material extracted from earth such as soil, stones, pebbles, dry clay, dry plaster, cement, bricks and marble; provided that they are tahir and Mubah (permissible).

Case 71: The way to do tayammum is that one, as an obligatory precaution, hits the earth with both palms simultaneously; then, with both palms, wipes his forehead and the sides of his forehead (temples) from where hair grows to his eyebrows and, as a recommended precaution, wipes his eyebrows as well; then he wipes the entire back of his right hand (from wrist to finger tips) with his left palm, followed by wiping the entire back of his left hand with his right palm.

Case 72: It is a necessary condition in tayammum that striking the earth is done twice i.e. once before wiping the forehead and once before wiping the hands.

Case 73: The intention of closeness to God is a necessary condition in tayammum, and the obligatory precaution is that wiping is done downwards from the top of the forehead.

Case 74: It is necessary that no obstacles are present on the parts that are wiped or are used for wiping i.e. the palms, in tayammum e.g. a ring.

Najaassat:

Case 75: From the Sharia point of view, everything is tahir except for the "*Ayn Najaassat*" (intrinsically ritual impurities) or those things which become najis by coming into contact with an Ayn Najaassat. The ayn najaassat are those things which Islam has declared to be intrinsically impure and cannot be cleaned or made tahir.

Case 76: The Ayn Najaassat are ten, and they are:

1&2- Urine and faeces (excrement) -

Urine and faeces of humans and animals are intrinsically impure, except for three categories of animals:

A) The urine and faeces of those animals whose meat is halal to eat is tahir; such as lambs, cows, camels, horses, mules, chickens etc.

B) The faeces (droppings) of all birds are tahir, regardless of their meat being halal or not; such as birds of prey and vultures.

C) The faeces of those animals that do not have gushing blood are tahir, even if eating them is not allowed; such as snakes, scorpions and small lizards etc. These types of animals are those that if their veins are cut, blood does not flow out with pressure and force.

Case 77: The urine of an animal whose meat is halal to eat is tahir, provided that it has not become an animal that eats najaassat (does not subsists on najaassat) or has been defiled by a human being; so, if an animal has eaten najaassat to such an extent that has strengthened its muscles from it or if a man has copulated with it, then their meat is Haraam and also their urine is najis, and the recommended precaution is that its leftover food should also be avoided.

3-Semen

The semen of humans and animals that have gushing blood is najis, even if its meat is halal to eat, such as lambs, cows, camels, etc.

4-Dead body

The body of a dead animal with gushing blood, whether its meat is halal to eat or not, is najis if it has died from natural causes, has been suffocated or not slaughtered according to the Sharia (Islamic law).

5-Blood

The blood of human beings and animals with gushing blood is najis; regardless of whether its meat is halal to eat or not; the following cases are exempt from this ruling:

A) The blood of an animal that does not have gushing blood; such as fish, snakes etc. is tahir.

B) The remaining blood in the body (including that in the liver) of an animal that is slaughtered in an Islamic way is tahir, provided that a normal amount of blood has come out of its body.

C) The blood spot found in an egg is clean but eating it is not allowed.

6 & 7- Dog and Swine (pig)

All parts of dogs and pigs, including their hair, meat, teeth, nails etc. are najis, be the animal dead or alive. There is no distinction concerning the breed of dog in this ruling. However, all other animals are tahir.

8- Wine

Wine is najis; but all other intoxicating liquors that are not made from grapes are tahir, even though drinking, buying and selling them is Haraam.

Case 78: If grape juice is fermented by boiling, it will remain clean (tahir), even though it becomes Haraam; but if two thirds of it evaporates because of the

boiling, it will become halal. However, if the grape juice is fermented gradually and naturally and without any heat (boiling), it will become Haraam and najis; because this liquid is wine made from grapes and grape wine is usually made in this way.

Case 79: Currants, dates and raisins and their juice will not become najis, even if they are fermented by boiling them.

Case 80: All other types of alcohol are tahir; therefore, perfumes mixed with alcohol are tahir and using them, even during prayers, is allowed.

Case 81: All kinds of vinegar and pickle are tahir, even if they include a small quantity of alcohol.

9- Fuqa'a (Beer)

Fuqa'a is beer made from barley, and it is called "Aab-e-joe", which is najis but barley water that does not contain any alcohol, also known as "Maa-o-shaeer" is not considered to be fuqa'a.

10- Kafir (Infidel)

An infidel (kafir) is a person who has no faith or practices a religion other than Islam or believes in Islam but denies its fundamental practices, such as prayer, fasting and hajj. Ahl-ul-Kitab are people who associate themselves to religions that have descended from God but have now been annexed by Islam, such as the Jews and Christians, are likely tahir from the viewpoint of Islamic law.

Case 82: Anything, such as bread, oil, honey and the like of liquids and solids received (directly) by hand from a kafir is tahir; unless the recipient is certain that they are najis. Also, items such as clothing, utensils and other things that belong to the kafir are considered as tahir, provided that one has no knowledge of them as being najis.

Case 83: If there are doubts that the meat, fat or skin (fur) of animals acquired (directly) from a Muslim or a Muslim market is halal, then the verdict is that they are tahir and halal. If these three kinds of items are obtained (directly)

from a kafir, they are also considered as being tahir provided that the recipient assumes the possibility of them being from animals slaughtered according to Islamic rules. However, such an assumption is not sufficient for the consumption of the meat or the fat, or offering prayers while wearing the skin (leather) of such animals; one has to be certain that they are from correctly slaughtered animals.

Case 84: If a tahir object and a najis object meet (touch each other) and one of them is wet, in a way that the wetness reaches the other item, then najaassat passes to the tahir item; but, if they are both dry no najaassat is transmitted.

Case 85: If a clean wet object touches an ayn najaassat directly or touches another clean object that had come into contact with an ayn najaassat, then it will become najis; but not so if there was another intermediary object in between. For example, one touches a dog with his wet hand, and then touches his clothing with the same wet hand. In this situation, his hand becomes najis because it was in immediate contact with the ayn najaassat, that is the dog's hair; his clothing is also najis because there was only one intermediary object between it and the ayn najaassat, and that was his hand. However, if another wet object touches his clothing, it will not become najis because there were two intermediary objects (his hand and clothing) between it and the intrinsic najaassat. Therefore, if a clean object comes into contact with a first (primary) *mutanajjis* it will become najis; but it does not become najis if it comes into contact with a second (secondary) *mutanajjis.*

By first (primary) mutanajjis, we mean a previously clean (tahir) object that has become najis caused by direct contact with an ayn najaassat, and by second (secondary) mutanajjis, we mean a previously clean object that has become najis as the result of touching the first mutanajjis. It is necessary to know that a liquid is not considered as an intermediary object; and if a clean item touches the liquid mutanajjis, it is as if it has touched the ayn najaassat directly. So, one should always take into consideration the type and amount of intermediary object between the najaassat, but should not apply this when the mutanajjis is a liquid. To conclude, if there are two or more intermediary objects, then the clean item will not become najis if it comes into contact with it; but if there is only one or no intermediary it will become najis.

Rules regarding najaassat:

Case 86: If the person who offers prayers does not know that his clothing, body or the place where he will perform sajdah is najis until after he has completed his prayers, repeating his prayers within its time or post-time (qadha) is not obligatory on him. Also, if (before and during prayers) he is sure of his cleanliness (taharat) but after finishing his prayers he finds out that, for example, his body or clothing was najis and that he had definitely prayed while he was najis, even in this situation, it is not obligatory on him to repeat his prayers within its time or post-time (qadha).

Case 87: If during his prayers, the performer discovers that a part of his clothing has become najis, then if there is time to repeat his prayers after cleaning his clothes, then his prayer is void and he should repeat his prayers with taharat, but if the time is too short for him to repeat even a single rakat within time, then if he can clean or change his clothing during his prayers, while preserving the conditions of the prayer and without acting improper then it is obligatory on him to do so and complete his prayers. However, if it is not possible to do so, he must complete his prayers with his najis clothing, and as an obligatory precaution, he should offer qadha of his prayers.

Case 88: If during his prayers, the performer's clothing becomes najis, then if it is possible to cleanse or change his clothing without invalidating the prayers, he should do so and continue with his prayers; repeating the prayers is not necessary in this case. However, if cleaning or changing the clothing is not possible due to cold weather or the presence of other people, and if there is insufficient time, he should continue his prayers with the same najis clothing and does not have to pray again. If it is possible to remove his clothing but he has no other covering, then apparently it is obligatory to complete his prayers with the same najis clothing.

Case 89: If the performer knew that there was najaassat on his clothing or his body but forgets and offers prayers, then his prayers are void. In this case, if he is within time, he should repeat his prayers and if he is not he should perform qadha of his prayers.

Case 90: If the performer remembers during his prayers that his clothing was najis before starting his prayers, then his prayers are void and it is necessary to terminate his prayers and offer prayers again with clean clothing.

Case 91: If a mukallif cleaned his najis clothing, then offers prayers; but afterwards realises that there is still some najaassat on his clothing; in this case, his prayers are valid and there is no need to repeat or perform qadha of his prayers.

Case 92: Eating or drinking a najis thing is Haraam; but one can utilise it for other purposes which are not subject to taharat.

Case 93: It is a sin to make a mosque or items belonging to it (such as its carpet) najis. If a mosque becomes najis, the cleaning of it is a wajib kifayi; however this wajib excludes the walls, building materials, carpets and mimbar (pulpit). So, cleaning these items is not obligatory, even though making them najis is Haraam.

Case 94: Should a person entering a mosque for offering prayers find a najaassat in there, he must immediately and before his prayers remove the najaassat if he has sufficient time for his prayers. However, if he offers his prayers first before removing the najaassat, he has committed a sin but his prayers are in order. However, if the remaining time for his prayers is tight, then he must do his prayers first and then remove the najaassat.

Case 95: If the mukallif is unable to clean the mosque but thinks that other people can, then he must inform them.

Case 96: The Quran, shrines and mausoleums of the Imams and the soil (turbat) of Imam Husayn and that of the Prophet Muhammad and other Imams, which are taken for *tabarruk* (blessing), are treated as a mosque; therefore, making them najis is Haraam and cleaning them is obligatory.

Instances when cleanliness of the body or clothing of the one who offers prayers is not compulsory:

A) The blood coming out of a wound, cut or abscess: Until healing has taken place, one can offer prayers with this type of blood (even thou it is najis) on his clothing or body, whether it is in a small or large quantity, or the wound is outside of the body or inside (such as haemorrhoids – when the blood has leaked onto the body or clothing). This exemption is valid only for people who experience high difficulties when changing or cleaning the clothing. It is not obligatory on the mukallif, who is suffering from bleeding wounds, to try and prevent the exempted blood reaching his clothing. In the same way that the blood coming out of the wound is exempt (for people with difficulties), so are the discharges oozing out of the wound, the medicines added to it and the sweat that has touched it.

Case 97: If the mukallif is in doubt as to whether the wound has healed (in the way that it has become obligatory to clean it) or not (in the way that it has not become obligatory to clean it), then he should assume that the wound has not healed and as such, cleaning the discharging blood is not obligatory.

b) Blood less than a joint of the index finger: The index finger is located between the middle finger and the thumb. If the blood that is observed on one's clothes is less than the size of the first joint of the index finger, prayers can be offered with those clothes even thou the blood is najis. However, this rule is bound by the following conditions:

1. The blood must not come from an ayn najaassat like a dog or pig.

2. The blood must not come from those animals whose meat is Haraam to eat like rabbits, foxes etc.

3. The blood must not have come from a dead body. As a recommended precaution, the blood should also not be that of haidh, istihadha or nifas.

Case 98: If the blood mixes with the pus coming out of a wound or with water, then one cannot offer prayers having such blood on his clothes even if the size is smaller than the first joint of the index finger, because this ruling of exemption is specific for blood only.

c) Offering prayers with small najis items of clothing, such as socks, gloves, hat etc. that normally would not cover the private parts, or other small najis items such as rings and bracelets, do not invalidate the prayer with the condition that these items are not made from animals whose meat is prohibited. This exemption also excludes clothing that has been made from the skin of a carcass or from the hair of an ayn najaassat e.g. dog or pig. Also that item that has become najis by coming into contact with excrement of an animal whose meat is prohibited and there remains some residue of the excrement on the item, is excluded from this exemption rule.

Case 99: It is not allowed for a person offering prayers to keep on him something derived from an animal whose meat is Haraam. However, if he offers his prayers having something mutanajjis in his pocket such as a large handkerchief that could cover his private parts, his prayers are in order.

Mutahhiraat (Purifiers)

First: Water

Water makes every najis thing tahir regardless whether the water is Kurr or under-Kurr. However making something tahir using Kurr or under-Kurr water differs in the following circumstances:

1. A cloth that has become najis by urine should be washed twice to become tahir if the water being used is under-Kurr, but it will suffice to wash it only if the water being used is Kurr water.

2. If a utensil is licked by a dog, or if he drinks anything from it, then it should be, firstly, rubbed with clean earth and then washed twice and as a precaution three times with under-Kurr water. But if the water is Kurr, then only once will be sufficient.

3. A cloth or floor which has become najis should be rubbed and pressed if it is being washed with under-Kurr water. But there is no need to rub or create a pressure on them if the water being used is Kurr.

4. If a plate or drinking glass becomes najis, it should be washed three times with under-Kurr water, but once with Kurr water is sufficient.

Case 100: If a pig drinks from a bowl, or a mouse has died in it, it should be washed seven times be it with running water, or Kurr or lesser water. If a utensil

becomes najis because of an alcoholic beverage, it should be washed three times, even if it is washed with running or Kurr water. The better is still to wash it seven times.

Case 101: If a child urinates on a carpet of on the floor, its urine should be first removed with a piece of cloth and then water should be poured on that area. As soon as the water spreads out and touches all the najis parts, it becomes tahir. In order to make the floor or carpet tahir, both actions need to be done, as it will not suffice to only either pour under-Kurr water on the najis area, or remove the urine with a cloth.

Second: Earth

The earth makes a najis thing tahir, provided that the following three conditions are fulfilled:

1. The najis thing should be on the soles of the feet or on the bottom of shoes worn by people.
2. The soles of the feet or shoes should have become najis because of walking or standing on land, otherwise the earth will not make it tahir if they became najis by other means.
3. The earth should be tahir and dry.

Therefore, if the above conditions are met, a najis thing will become tahir by walking with it on earth or rubbing it on earth.

Third: Transformation (Istihala)

A change observed in something najis which transforms its appearance along with its essence is called Transformation (Istihala). For example, urine which changes into vapours; wood into ash or a dog into earth or salt. But if this change is only regarding the outer shape of something without dealing with its inner qualities, then such a thing does not become tahir, like the meat of a prohibited animal changes into soup, or the skin of such animals changes into a saddle-bag or purse etc.

Fourth: Change (Inqilab)

Inqilab is when liquor turns into vinegar or any other substance so that it cannot be said to be liquor anymore.

Fifth: Transfer (Intiqal)
If the blood of a human being or an animal is sucked by a leech or any other insect and it becomes part of its body, is becomes tahir.

Sixth: Islam
If an infidel becomes Muslim by testifying to the Oneness of Allah, and the Prophecy of Prophet Muhammad, then he becomes tahir, and it is not necessary for him to take a bath.

Seventh: Removal of Najis-ul-ayn
If the body of a human being or an animal is stained with Najis-ul-Ayn, it will become tahir when the najaassat disappears. Similarly, the inner parts of the human body for example the inner parts of the mouth, nose or ears become tahir, once the najaassat has disappeared. If the beak of a bird is stained with human faeces for example, it will become tahir when the najaassat has vanished. The same is correct about a newly born animal whose body becomes najis with the blood (Najis-ul-ayn) on it i.e. once the blood has been removed or disappears that animal becomes tahir.

Eighth: Disappearance of a Muslim
If a Muslim is not present, his clothing, carpet and household utensils are tahir under three conditions:

1. The disappeared Muslim should be aware of the rulings regarding najaassat.
2. He should know that the purity of one's clothes is a must for offering prayer.
3. He should have been one of those who is conscientious of purity (tahaarat) and was not careless about the najaassat.

Hence, the disappeared Muslim's cloths, carpet, and household utensils are tahir with the presence of the above three conditions.

Ninth: Istibra of an Animal that subsists on najaassat
An animal which is habituated to eating human excrement can be made tahir by subjecting it to "Istibra". Such an animal should be prevented from eating najasat for a particular period of time so that the name of "habituated to eating human excrement" is removed from it.

This specific period of prevention for a camel is 40 days, a cow 20 days, a sheep 10 days, a duck 5 days and a chicken 3 days.

Case 102: Using utensils made of gold or silver for eating and/or drinking is Haraam.

Rules regarding Prayer

The following five daily prayers are amongst the most important wajib prayers:

1. Morning Prayer (Fajr) – 2 Rakat
2. Noon Prayer (Zuhr) – 4 Rakat
3. Afternoon Prayer (Asr) – 4 Rakat
4. Evening Prayer (Maghrib) – 3 Rakat
5. Night Prayer (Isha) – 4 Rakat

Case 103: The time for Fajr is from dawn till sunrise consisting of almost one and half hours. The time for Zuhr and Asr is from when the sun starts declining at midday till sunset. The time for Maghrib and Isha starts from soon after sunset till midnight. What we mean by midnight is the midway point between sunset and sunrise. It is obligatory for a person offering these prayers to offer the Zuhr prayer before the Asr prayer and the Maghrib prayer before the Isha prayer.

Case 104: While performing one's obligatory prayers, it is necessary to face the Qibla even while performing the forgotten parts of these prayers [this will be explained later], the person should be facing the direction of the Ka'bah. However, for recommended prayers that are performed while in a still and steady position, as an obligatory precaution, should be offered facing the Qibla, but it is not necessary to face the Qibla in those recommended prayers which are performed while the person is moving.

Case 105: If a person offers his prayers not facing the Qibla, his prayer is void whether he has done this unknowingly, forgetfully or being totally aware of his action. It is obligatory on him to repeat his prayer if sufficient time is left, otherwise he should offer his prayers qadha. But if he offers his prayers facing a direction which he is certain to be the Qibla, but later comes to know that he has been facing

the wrong direction, then he should see that if the difference between the Qibla and the direction he offered his prayers is less than the length of his right shoulder to the left one, his prayer is valid, otherwise if the difference is greater than the above mentioned length, if he has sufficient time remaining, he should repeat his prayers, but if he comes to know about the above mentioned matter after the period of prayer has passed, he is not required to give qadha of his prayer.

Case 106: It is obligatory on a man to conceal his private parts while offering his prayers both in a public place or somewhere alone. It is obligatory on a woman to conceal all parts of her body except her face, hands and the soles of her feet while offering her prayers.

Conditions for the Dress Worn during Prayers:

1. It should be tahir.
2. Is should not be made of parts from a dead body; like the skin of an animal which has not been slaughtered according to Islamic rule.
3. It should not be made from the skin of animals whose meat is Haraam like wolves and other predatory animals.
4. If the person who offers prayer is male, neither his dress can be embroidered with gold, nor can he have a gold ring on his finger.
5. As an obligatory precaution, if the person who offers prayer is male, his dress must not be made of pure silk.
6. As a recommended precaution, the dress worn by the person who offers prayer should be Mubah (permissible).

Case 107: Dresses embroidered with gold or of pure silk are not forbidden for women to wear while they offer their prayers.

Case 108: To wear a dress embroidered by gold or of pure silk is not allowed for men, even when they are not offering prayers.

Rules regarding the Place of Prayer

Case 109: Praying in a place which would necessitate that one of the seven parts needed for sajdah (prostration) usurps an area is not allowed.

Case 110: If a person who offers the prayer is fully aware of usurpation of a place and still continues his action, his prayer is void, even if he comes to know later that usurpation of the place was untrue. Similarly, if the person who offers the prayer is sure that the owner of the place has willingly allowed him to perform his religious obligation on his land, but afterwards he comes to know that the owner had not agreed with his actions, then his prayer is also void.

Case 111: If a person owns a property in partnership with another person, he cannot use that property to offer prayers without the consent of his partner. Also, praying on a land whose owner is unknown is no allowed except with the permission of the Religious Authority.

Case 112: It is allowed to offer one's prayer in the houses in which, according to the Holy Quran, eating something from them is permissible without asking any member or the owner of the house for his/her permission like the house of one's parents, brothers, uncles, and aunts. If a person has a key to a house, his prayers offered in it will be in order.
It is permissible to pry in a friends' house if it is unknown to you whether or not the owner of that house has not given you permission. However if you are certain that the owner of the house does not want you to pray there then it is not allowed to pray there.

Case 113: If a man and a woman are standing side by side in prayer, or if the woman is in front of him, but there is a gap of about an open hands span (from the tip of the small finger to the tip of the thumb of a spread hand) separating them, the prayers of both of them are correct regardless of them being of close relationship like wife and husband or not.

Case 114: It is not allowed to offer one's prayer standing in front of a shrine of a Holy Infallible, if this prayer brings forth a feeling of disrespect to the Holy Infallible.

Case 115: The place on which sajdah is made should be tahir. Sajdah can be made on the earth and on the things springing up from it and on a piece of paper; however it is better to use the soil from the Holy Shrine of Imam Husayn known as Mohr for such a purpose.

Case 116: Sajdah can be made on a plant if the following two conditions are met:

1. It should not be of wheat, barley and the like i.e. things which are used for consumption.

2. It should not be of cotton, wool and the like i.e. something used for wearing or making clothes.

Case 117: The place where prayers are offered should not have such vigorous movements which would make normal standing difficult. Therefore, something moving like quadrupeds, swings, cars, aircrafts, boats and trains cannot be used for prayers. Still, it is allowed to pray in the above mentioned things if their movements do not disturb the normal standing of the performer. Otherwise, the person who is offering the prayer should see whether there is enough time left for prayer or not. If yes, then he should delay his prayer till his vehicle reaches its destination, but if the person is aware that the vehicle is not going to be stopped until the time left for prayer has passed, he should then face the Qibla for the whole period of prayer, if possible, and start offering his prayer while travelling. But if it is not possible for him to remain facing the Qibla till the end of his prayers, then he should only face the Qibla for Takbiratul Ihram. However, if it is not possible for him to face the Qibla for even a single moment, he should then drop this obligation of facing the direction of the Qibla.

Call to Prayer (Adhan and Iqaamah)

It is recommended for a man and woman to say Adhan before offering the daily obligatory prayers which consists of:

Allah is The Greatest (Allahu Akbar)	…….	4 times

I bear witness that there is no god except Allah

(Ash hadu alla ilaha illal lah) …….. 2 times

I bear witness that Muhammad is the Messenger of Allah
(Ash hadu anna Muhammadan Rasu lul lah) …… 2 times

Hasten to prayer
(Hayya'alas Salah) …….. 2 times

Hasten to felicity
(Hayya'alal Falah) …….. 2 times

Hasten to the best of acts
(Hayya'ala Khayril 'Amal) …….. 2 times

Allah is The Greatest
(Allahu Akbar) …….. 2 times

There is no **g**od except Allah
(La ilaha illal lah) …….. 2 times

After having said the Adhan the person who is offering the prayer should say Iqaamah which consists of:

Allah is The Greatest
(Allahu Akbar) …….. 2 times

I bear witness that there is no god except Allah
(Ash hadu alla ilaha illal lah) …….. 2 times

I bear witness that Muhammad is the Messenger of Allah
(Ash hadu anna Muhammadan Rasu lul lah) …….. 2 times

Hasten to prayer
(Hayya'alas Salah) …….. 2 times

Hasten to felicity (Hayya'alal Falah)	……..	2 times
Hasten to the best of acts (Hayya'ala Khayril 'Amal)	……..	2 times
Surely. Establish the prayer (Qadqamatis Salah)	……..	2 times
Allah is The Greatest (Allahu Akbar)	……..	2 times
There is no god except Allah (La ilaha illal lah)	……..	1 time

Case 118: It is highly recommended that a person should utter the formula of praise (Salawat) whenever the name of the Holy Prophet Muhammad is heard or pronounced.

Case 119: After having said 'Ash hadu alla ilaha illal lah' and 'Ash hadu anna Muhammadan Rasu lul lah', it is recommended to say 'Ash hadu anna ameeral mo'mineena Alian wali ullah, Ash hadu anna ameeral mo'mineena Alian hujja tullah'. (I bear witness that the Commander of the Believers, Ali is the Viceregant of Allah. I bear witness that the Commander of the Faithful, Ali is the Proof of Allah)

Obligatory Acts Related to the Prayer

First – Intention (niyyat): A person should only offer prayers with the intention of obeying and complying with the orders of Allah. For example, he should utter before he starts praying: 'I am offering, two rakat of Fajr prayers, Qurbatan illal lah (seeking Allah's nearness and pleasure).'

Second – Takbiratul Ihram: Saying Allahu Akbar (at the start of the prayer) is called Takbiratul Ihram. It is obligatory on the person who is offering the prayer

to be in a standing position and his body should be steady and calm while he pronounces the Takbiratul Ihram.

Third – Qira'at: The recitation of Surah al-Hamd in the first and second rakat of all the daily wajib prayers is obligatory. After the recitation of Surah al-Hamd, another Surah from the Holy Quran should be recited as an obligatory precaution.

Case 120: If a person is ill and because of this illness he finds it difficult to recite both Surah al-Hamd and the other surah, he should suffice with just the recitation of Surah al-Hamd. Similarly, if a person has an important task to do or if he fears something or if the time for prayer is very little he can forfeit reciting the second surah.

Case 121: The Qira'at should be done in the most correct manner possible and according to what is written in the Holy Quran. Therefore, if someone does not know the correct manner of Qira'at, if it is possible for him to learn it, then it becomes obligatory on him to do so.

Case 122: It is, as an obligatory precaution, compulsory on a man to recite Surah al-Hamd and the other surah loudly, in Fajr and in the first two rakats of Maghrib and Isha prayers and it is obligatory on a man and a woman to recite Surah al-Hamd and the other surah silently while offering the Zuhr and Asr prayers.

Case 123: It is not obligatory on a woman to recite Surah al-Hamd and the other surah loudly. She can recite Surah al-Hamd and the other surah in the Fajr, Maghrib and Isha prayers loudly or silently. However, the prayers which should be prayed silently, she must pray them silently.

Case 124: In those prayers where Surah al-Hamd and the other surah should be recited silently, it is not necessary for the person who offers the prayer to also recite the 'Bismillah' in a silent manner. It is recommended that the person should recite Bismillah loudly in all the prayers.

Case 125: If a person intentionally offers his prayers in a loud voice when it should be offered silently or vice versa, his prayers void. But if he does this unintentionally or out of forgetfulness or not knowing the ruling, his prayers are valid. If a person during his prayers realises and remembers the ruling regarding the recitation of that prayer, whatever he had recited is correct but the remainder must be done in accordance with the rules of recitation regarding that prayer.

Case 126: The person who offers prayer has an option while offering the third rakat for Maghrib, and the third and fourth rakat of the Zuhr, Asr and Isha prayers to either recite Surah al-Hamd or the Tasbihat Arba'ah, which is as follows:

'SubhanAllahi wal hamdu lillahi wa laa ilaha illal lahu wallahu Akbar'; if the person offering prayer recites the Tasbihat Arba'ah once it will suffice, but as a recommended precaution, he should recite it three times, Better still, he should seek forgiveness from Allah after the Tasbihat Arba'ah. That is, one should say, Astaghfirullah Rabbi wa Atubu Illayhi. Surah al-Hamd, Tasbihat Arba'ah and even the Bismillah should be recited silently in the third and fourth rakat of the prayers as an obligatory precaution.

Fourth – Genuflexion (Ruku'): It is obligatory upon a person to bow once in every rakat after reciting the surahs (Qira'at). There are some conditions for Ruku':

1. Ruku' should be performed to show humility. A person offering prayer should bow to an extent that he is able to touch his knees with his fingers.
2. Ruku' should be performed from the standing position i.e. it should be done in a way that the person who is performing this act is standing on his feet. But if a person cannot perform Ruku' from the standing position because of some ailment or inability then he/she can perform it from a sitting position.
3. It is obligatory for one to say in Ruku', Glory be to Allah (SubhanAllah) three times or Glory to my Lord, the Most Magnificent and I praise him (Subhana Rabbiyal 'Adhimi wa bi hamdih) once. The body should be in a perfect steady condition while reciting the above mentioned Dhikr.
4. One should stand upright after having done the Ruku'.

Fifth – Prostration (Sujood): A person offering prayers should perform two sajdahs (prostrations) after standing up from the Ruku' in each rakat of the prayers.

Sajdah means that one should place one's forehead on earth to show humility and with the intention of pleasing and obeying Allah.

There are some conditions for Sajdah:

1. Sajdah should be done with seven body parts: Whilst performing sajdah, it is obligatory on a person to put his forehead, the palms, knees and big toes on the ground. It is obligatory that the palms must be placed flat on the ground but it will be sufficient to place the forehead the amount of a finger joint on earth.

2. Dhikr: The person offering prayer should say: Glory be to my Lord, the Most High Most and I praise him (Subhana Rabbiy al-A'la wa bi hamdih) once or Glory be to Allah (SubhanAllah) three times.

3. Steadiness of the body: While performing the dhikr, the parts of the body essentially involved in sajdah should be steady and on the ground. If one or some of them are not in their fixed positions, the person offering prayer should stop reciting the dhikr until they have been placed back in their positions again.

4. Raising one's head: After having performed the first Sajdah, one should raise their head from the ground, sit steadily for a moment and then bow down for the second sajdah.

5. Position of the forehead: The place where a person places his forehead for sajdah should neither be higher than four joined fingers nor be lower than four joined fingers from the level of his toes.

6. The area where the forehead is placed must be tahir: The part of the ground on which a person places his forehead must be tahir.

7. Solidity of the place: The place chosen for sajdah must be solid and firm so that the forehead remains steady on it. Therefore, if sajdah is performed in soft mud, it will not be correct.

8. Not usurped: The entire area required for a sajdah must be Mubah and not usurped.

9. Sajdah on allowable things: A sajdah must be done only on earth or plants that are not used as food or dress.

Sixth – Tashahhud: In the second rakat of all obligatory prayers, one must sit after the second prostration with a tranquil body and recite Tashahhud, saying: All praise is for Allah, and I testify that there is none worthy of worship except Allah, Who is One and has no partner and I testify that Muhammad is His servant and

messenger O Allah! Send Your blessings on Muhammad and his progeny "Ash hadu alla ilaha illal lahu wahdahu la sharika lah, wa ash hadu anna Muhammadan 'Abduhu wa Rasuluh, Alla humma salli 'ala Muhammadin wa aali Muhammad".

Seventh – Salam in the Prayers: The last compulsory act of the prayer is the Salam. The Salam is performed only in the last rakat of all five daily wajib prayers after the Tashahhud. After performing this last obligation the person completes his prayer. The Salam consists of two phrases:

1. Allah's peace be on us, those offering prayers - and upon all pious servants of Allah (Assalamu Alayna Wa Ala Ibadi llahis Salihin).
2. Allah's peace, blessings and grace be on you believers! (Assalamu 'Alaykum wa rahmatu llahi wa Barakatuh).

From the two phrases mentioned above, the first phrase is wajib and the second one is recommended. Therefore, the person offering the prayer ends his prayer when the first line is recited, however as a recommended precaution, he should enclose the second line with the first one. In addition, saying, 'O Prophet! Allah's peace, blessings and grace be upon you!' (Assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh) at the beginning of the Salam is recommended.

Eighth – Qunut: It is recommended to recite Qunut in all obligatory and recommended prayers before the Ruku' of the second Rakat. Any dua, supplication or invocation can be recited in the Qunut.

Ninth – Sequence (Tartib): The person who offers prayer should offer his prayers in the sequence that has been prescribed i.e. the prayers start with intention (niyyat) and then Takbiratul Ihram, followed by Qira'at, Ruku', Sujood, Tashahhud and at the end Salam. It is not allowed to change the above mentioned sequence.

Tenth – Maintenance of Succession (Muwalat): A person should maintain continuity during his prayers, that is he should perform the various acts of the prayers in continuous succession; one after the other, and there must not be any observed gaps between them i.e. a gap which could break the unity of the prayer should not be allowed to enter the succession of the prayers.

Things which Invalidate the Prayer

First – Ritual Impurity:

If a ritual impurity (e.g. breaking of wind) occurs during the prayers by the performer of the prayers, his prayers become void regardless of whether it is a minor impurity or a major one.

Second – Turning away from Qibla:

To turn one's face or body away from the Qibla without any excuse invalidates one's prayers. However, if there is an excuse, like forgetting or lack of concentration, a person should repeat his prayers if he has time, otherwise nothing is required of him. This ruling is applicable when the body turns to either the right side, left side or towards the back. In addition, if one turns his face away from the Qibla, it will be counted as if he moved his body away. If he deviates between the left and right sides and has not crossed the limited area between them both [as explained earlier], if he has time he should repeat his prayer, but if not, then there is no need to pray the qadha.

Third – Performing an Action Contradictory to the Prayer:

If the person offering prayer does something which contradicts and breaks the form of the prayer like dancing, clapping, swaying etc., his prayer becomes void irrespective of whether this action was done with a clear intention or unknowingly. Some slight movements during the prayer like pointing with one's finger, picking up a child or feeding of a child by its mother are not forbidden.

Fourth – Talking:

If the person who offers prayer talks with a clear intention, it will invalidate his prayer, even though it is a single word. Nevertheless, coughing, blowing or moaning will not invalidate one's prayer as they are not dealt with as talking.

Instances when Talking during Prayers doesn't invalidate the prayer:

1. **Dhikr of Allah and other Invocations:** If the subject of someone's talking is invocation or dhikr, It will not invalidate his prayer.
2. **Recitation of the Holy Quran:** the prayer will be in order if someone recites verses from the Holy Quran while offering his prayer.

3. **Replying to a person's greeting:** If someone greets (Salaam) the person who is praying, it will be obligatory on him to reply to his greeting in the same manner during his prayer. So, if the person who is greeting says Salaamu 'Alaykum, it is obligatory to answer him by saying "Salaamu 'Alaykum". If the praying person does not reply to the greeting, he would have committed a sin, but his prayer will still be in order.

Fifth – Laughter: a loud laugh while praying invalidates one's prayer, irrespective of whether the person who is praying does it with a clear intention or uncontrollably. But the prayer will remain correct if someone just smiles or laughs forgetfully.

Case 127: Greeting a person who is praying is an act which is disapproved of (Makrouh) but not forbidden.

Case 128: If a person tries to overcome his laughter, and as a result his physical state changes and his face turns red, his prayer will remain correct and he should complete it in the normal way. However, as a recommended precaution he should repeat his prayer.

Sixth – Crying: Crying invalidates one's prayer when dome in the following ways:

a) Crying loudly: If a person offering prayer cries without making a sound and only with the tears coming to his eyes, his prayer does not become void.

b) Crying Related to one's Personal Interests: If someone cries for his deceased loved ones or worldly desires, his prayer becomes void. But if his crying is for religious purposes, like out of the fear of God, or for paradise, his prayers will remain correct.

c) Intentionally crying: If a person who offers prayers is aware that he is praying, still he starts crying, his prayer becomes void. But if he starts weeping forgetfully, his prayer will be valid.

Seventh – Eating and Drinking: Eating or drinking while praying, regardless of the amount, makes the prayer void, but if a person swallows melted sugar or food that remained in his mouth, there is no problem.

Eighth – Folding of the Arms:

If a person folds his arms as some of the Sunnis usually do and he performs this intentionally as a part of the prayer, his prayers will be void.

Ninth – Saying Amin:

If a person says "Amin" after the recitation of Surah al-Hamd intentionally as a part of his prayers, his prayers will be void.

Doubts in the Prayer:

Case 129: If a person doubts whether he has or has not offered his prayer, if the time left for prayer is sufficient, he should offer his prayers, otherwise he should ignore the doubt if the time has passed.

Case 130: If a person doubts about any part or condition of his prayer after having completed his pray, he should not pay attention to his doubts. However, if the doubts come to his mind during the prayer, he should act on precautions.

Case 131: If a person has a doubt about the previous action of the prayer after he has entered and started the next action, he should ignore his doubt. Therefore, if he doubts about Takbiratul Ihram while he has reached Surah al-Hamd, he should continue his prayer and ignore the doubt, but if the doubt is about Surah al-Hamd while the person is performing Qunut, he must return and recite al-Hamd, as Qunut is not one of the obligatory parts of the prayer. But if he feels uncertain while he is in Ruku' that whether or not he has recited Surah al-Hamd, then he should not worry about it.

Case 132: If a person doubts whether or not he has performed the previous action correctly, he should think it as being done correctly, even if he has not yet entered the next action. For instance, if a person after having performed Takbiratul

Ihram doubts its accuracy, he should take it as if he has performed it correctly, even though he might not have entered the recitation of Surah al-Hamd.

Case 133: A Katheerush shak is a person who doubts at least once in every three consecutive prayers. If such a person doubts about having performed any part of the prayer, he should decide that he has performed it. Similarly, if such a person doubts about the number of Rakat of the prayer like if he doubts whether or not he has performed the fourth Rakat, he should decide that he has performed the mentioned Rakat, and he is not required to pray the Ihtiyat prayer either. But if a person doubts about the number of Rakat which invalidates the prayer, like if he doubts whether he has performed four or five Rakat, or if a doubt comes to his mind about whether he has performed Ruku' once or twice, deciding about the greater amount in both of these examples will invalidate his prayer. Hence, in such conditions he should decide that he has not performed the greater amount and continue his prayer until completion.

Case 134: It is not permissible for a Katheerush shak person to pay attention to his doubts.

Case 135: If a Katheerush shak person doubts about the number of Rakat in recommended prayers, he is free to go either with the higher amount of Rakat or the lower one. But if choosing the higher amount would invalidate his prayers, then he should go with the smaller amount.

Case 136: If the doubt about the number of Rakat is after the completion of the prayers, it should be ignored. But if it occurs during prayers, then there are the following nine scenarios:

First: Between 2 and 3 Rakat: After the performing the second Sajdah, if a person doubts whether he has performed 2 Rakat or 3, he should assume that he has performed 3 Rakat, and finish his prayers. After finishing his prayers he should stand up immediately and without doing anything that would break the form of his prayer, offer 1 Rakat of Ihtiyat Prayer standing.

Second: Between 3 and 4: If a person doubts in any condition whether he has performed 3 or 4 Rakat, he should decide that he has performed 4 Rakat and should finish his prayer. He should then offer 2 Rakat of Ihtiyat Prayer sitting.

Third: Between 2 and 4: If a person doubts after the completion of the second Sajdah whether he has performed 2 or 4 Rakat, he should decide that he has performed 4 Rakat. After completing the prayers, he should perform 2 Rakat of Ihtiyat Prayer standing.

Fourth: Between 2, 3 and 4: If a person doubts after the completion of the second Sajdah whether he has performed 2, 3 or 4 Rakat, he should decide that he has performed 4 Rakats. After completing the prayers, he should perform 2 Rakats of Ihtiyat Prayer standing and afterwards 2 Rakat of Ihtiyat sitting.

Fifth: Between 4 and 5: If a person doubts, after the completion of the second Sajdah, as to whether he has performed 4 or 5 Rakat, he should decide that he has performed 4 Rakat and finish his prayers. After that he should performed two sajdatus sahv.

Sixth: Between 4 and 5 while standing: If a person doubts while standing, as to whether he has performed 4 Rakat or 5, he should sit down and recite Tashahhud and the Salam, completing his prayer. Then he should offer 2 Rakat of Ihtiyat Prayer sitting.

Seventh: Between 3 and 5: If a person doubts, while standing, as to whether he has performed 3 or 5 Rakat, he must sit down and complete his prayers. After that, he should offer 2 Rakat of Ihtiyat Prayer standing.

Eighth: Between 3, 4 and 5: If a person doubts while standing, as to whether he has offered 3, 4 or 5 Rakat, he should sit down, complete his prayer and then offer 2 Rakat of Ihtiyat Prayer standing and another 2 Rakat sitting.

Ninth: Between 5 and 6: If a person doubts, while standing, whether he has performed 5 or 6 Rakat, he should sit down, complete his prayer and then perform two sajdatus sahv.

In the last four situations (6–9) one should as an obligatory precaution, also offer two sajdatus sahv for performing an extra qiyam.

Case 137: If a person doubts in his prayer and his doubt corresponds to one of the scenarios, he should act according to his doubt. For example, if he doubts during the prayer whether he is offering the second, third or fourth rakat of the prayer, he should act according to his doubt.

Case 138: If a person is not sure about an action or part of his prayer, he should act according to the rules applied for doubt. For example, if he doubts about a performing a part in its correct place, he should perform it.

Case 139: If a doubt about the number of Rakat is other than the nine scenarios above, it will invalidate one's prayers. Therefore, if a person offering prayer does not know about how many Rakat he has offered, or if he doubts about the Rakat of Fajr and Maghrib or if he doubts in the first two Rakats of Zuhr, Asr and Isha, his prayers will be void.

Case 140: It is necessary for a person to perform Ihtiyat Prayer immediately after his everyday prayers and before performing another act which would break the form of his prayer. If a gap is found between a person's Ihtiyat Prayer and his daily prayers, his prayers will become void.

Case 141: A person, on whom it is obligatory to offer Ihtiyat Prayer, should make its intention (niyyat) immediately after the Salam of the prayers, and pronounce takbir and recite Surah al-Hamd and then perform Ruku' and two Sajdah. When completed, he should perform Tashahhud and Salam of the prayers.

Case 142: If a person forgets a sajdah or tashahhud and only realizes it after going into Ruku, it becomes obligatory upon him to give their Qadha after completing his prayer. Other than sajdah and Tashahhud, no other part of the prayer has Qadha.

Case 143: If someone doubts about whether he has performed Sajdah once or twice, he should decide that he has performed only one Sajdah and then he should perform the second one.

Case 144: Sajdatus Sahv becomes necessary in the following situations:

1. For talking forgetfully during prayers.
2. When the person doubts as to whether the number of Rakat performed is 4 or 5.
3. If the person forgets Tashahhud, on top of giving its Qadha, he should also perform two sajdatus sahv.
4. If a person stands when he should be sitting and comes to realize this after his prayer, like if he forgets to sit for a moment after the second sajdah of the first or third Rakat of a prayer consisting of four Rakat.
5. If a person forgets to stand at a necessary place and realizes this after his prayer. For example, a person goes straight into Sajdah after Ruku without the necessary standing.
6. As an obligatory precaution, a person should perform sajdatus sahv when he recites Salam at the wrong place, like if he forgetfully recites them after the first Tashahhud of a 3 or 4 Rakat prayer.
7. It is an obligatory precaution on a person to the perform sajdahtus sahv for a missed sajdah and for any addition or subtraction that might have occurred during the prayers.

Case 145: The method of offering sajdatus sahv is that one should make an intention (niyyat) of performing Sajdahtus sahv for the pleasure of Allah, then go into Sajdah and recite: ‘Bismillah wa billah Assalamu ‘alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh.’ Then one should sit up and perform another Sajdah as the first. After performing the second Sajdah, one should sit up again and recite Tashahhud and Salam respectively.

Congregational Prayers

As an emphasized recommendation, one should perform his daily prayers especially the Fajr, Maghrib and Isha prayers in congregation. A great spiritual

reward has been announced for such an action. There are also many traditions which encourage the performance of congregational prayers and prohibiting one from neglecting this valuable Islamic practice. The congregational prayer is one of the most sacred Islamic traditions.

Case 146: The manner of performing congregational prayer is that the person who wishes to offer prayers follows another person in the performance of the prayer, so when a follower is about to say Takbiratul Ihram, he will make the niyyat saying: I am offering my prayers following the congregational leader.

Case 147: It is allowed for a person who offers prayer to follow another person who is offering a different prayer, like if a person is offering his Fajr he can follow another person who is in the state of offering his Zuhr prayer. Similarly, a person offering Maghrib or Zuhr can follow another person offering Isha or Asr. Likewise, any one offering his prayers in time can follow another person who is praying a qadha prayer. Therefore there are no set criteria for congregational prayers regarding the manner, numbers of Rakat, in prime time or qadha.

Case 148: A person can make a niyyat to follow another person as an Imam when the second person is either in the state of saying Takbiratul Ihram, or reciting the Surah (irrespective of whether it is al-Hamd or the second one). The person can also start following the Imam when he has just finished the recitation and is about to go into Ruku' or when he is already in Ruku' and has not stood up yet to go into Sajdah. But if the Imam either has stood up from Ruku' or has gone into Sajdah, then it is not permissible for the person to join him. If the person wants to join the Imam, then he should wait and join the Imam in the next Rakat.

Case 149: If the follower goes into Ruku' thinking that he has joined the Imam in Ruku' but later comes to know that he did not, then his prayer is valid as Furada (individual), not as congregation.

Case 150: If a person reaches the congregation when the Imam is in the last Rakat saying Tashahhud, and if he wants to have a share in the spiritual reward fixed for the congregational prayers, then after saying Takbiratul Ihram and while the Imam is reciting the Salam, he should sit down and say Tashahhud with the

intention of proximity. Thereafter, he should stand up and do his prayers furada without repeating Takbiratul Ihram.

Case 151: If a person enters the congregational prayer, finding the Imam in the last Sajdah of the prayer, for wanting the reward of congregation, after saying Takbiratul Ihram, the person also should go into Sajdah and should perform Tashahhud with the Imam and while the Imam is performing Salam, he should start his own prayer as Furada. It is an obligatory precaution that he should say Takbiratul Ihram again with a general intention consisting of both Takbiratul Ihram and general dhikr.

Case 152: A congregational prayer is possible with at least two people, except for the Friday (Jumuah) Eid ul Fitr and Eid ul Adha prayers. In this case, one of the two persons becomes Imam and the other one is the follower regardless of whether the follower is a child or a woman. But when the congregation is of Friday, Eid ul Fitr or Eid ul Adha prayer, there must be at least five people, one of whom is the Imam himself.

Case 153: It is necessary for a person who leads the congregation as an Imam to be an adult, sane, of legitimate birth, Ithna ‘Ashari Shia and just. Therefore, an evildoer and unknown person cannot lead the congregation. The person chosen as the Imam should be able to offer the prayers correctly. Moreover, the Imam should not be a I’rabi i.e. a person who has migrated once into a Muslim land and left it again going back to a non-Muslim land. A person who has been subjected to Islamic punishment should not be followed as an Imam of congregation. It is also necessary that the prayers offered by the Imam should be fair from the point of view of his follower. For instance, if the follower is certain enough that the water used for Wudhu by the Imam was najis, he is not allowed to follow him in prayer.

Case 154: After making the niyyat and having said Takbiratul Ihram and once the Imam starts his recitation, then the follower is not allowed to recite Surah al-Hamd and the other Surah. This obligatory action is done by the Imam on behalf of the follower, but the follower is allowed to recite Tasbihat or Dhikr.

Question: Is the follower allowed to recite Surah al-Hamd and the other Surah while the Imam is also reciting them?

Answer: If the Imam is busy reciting either Maghrib, Isha or Fajr prayers, in which it is obligatory upon him to recite al-Hamd and the other Surah loudly, if the follower can hear the Imam then it is not allowed for him to recite al-Hamd and the other Surah. If he, however, is not able to hear even the whispers of the Imam, he can recite the Surahs silently. Similarly, if the prayer is one where the Imam recites the Surahs silently, the follower can recite the Surahs silently. This recitation should not however be with the intention of recitation for the prayer but rather just for reciting Quran. The follower should always follow the Imam, so if the Imam goes into Ruku the follower must also go into Ruku and so forth. Therefore, when the Imam stands for the second Rakat, the follower should also stand having conviction in the Imam's recitation of the Surahs. All that the follower is to do in the second Rakat is the same as in the first Rakat which has been just mentioned. It is necessary for the follower to perform, himself, all the parts of the prayer except reciting the two Surahs. If the follower joins the Imam when he is in the third or fourth Rakat of the prayer, then as a precautionary measure, he should perform Tasbihat Arba'ah.

Case 155: If the Imam goes into Ruku' after having recited both of the Surahs, while the follower has just finished making his niyyat and saying Takbiratul Ihram, then it is necessary for the follower to go directly into Ruku, or if the Imam is already in Ruku and the follower has just finished saying Takbiratul Ihram, then he should go into Ruku' following the leader of the congregation. In both cases nothing else is required from the follower.

Case 156: If the follower enters the congregation finding the Imam standing or gone into Ruku of the second Rakat of the prayer; he should say Takbiratul Ihram and start his prayers without reciting the Surahs, but he should keep in mind that this is his first while it is the Imam's second Rakat. Therefore, if the Imam after the recitation of the Surahs performs Qunut, it is recommended for the follower to follow the Imam in Qunut, Ruku and Sajdah. When the Imam after having performed the Sajdah sits up for Tashahhud, the follower should sit up in a position looking as if he is about to stand up, but it is not obligatory on him to perform

Tashahhud. Still, it is recommended to follow his leader by performing Tashahhud. If the Imam, after completing the obligation of the second Rakat, stands for the third Rakat, the follower should start his second Rakat of the prayer reciting Surah al-Hamd and the other Surah. But it is essential for him to recite them silently regardless of the prayers he is offering. If the follower decides to recite the second Surah but fears that he will not finish them before his Imam's Ruku of the third Rakat, then he should quit them and go to Ruku' by the time the Imam also reaches the Ruku. But if the Imam goes to Ruku' while the follower is busy reciting Surah al-Hamd, then the follower is not allowed to leave his recitation unfinished irrespective of the fear of not being able to join the Imam in his Ruku. In this case he should complete the recitation of al-Hamd with a hope that he will reach the Imam before he finishes the Ruku'. If he reaches the Imam in his Ruku', he will remain in the congregational prayer. Otherwise, he should continue his prayer as Furada completing both the Surahs, and then going into Ruku'. In this case, he becomes free from all obligations related to the congregational prayer.

If the follower after completing Surah al-Hamd reaches the Imam in Ruku', then he should follow him for the rest of his prayers. When the Imam has just performed the second Sajdah, the follower should perform Tashahhud as he is in the second Rakat of the prayer. After performing Tashahhud, a little time is left for him to reach the Imam in his next Ruku'. Therefore, he should move quickly in order to do Tasbihat Arba'ah and be able to reach the Imam in his Ruku' while he is in the third and the Imam is in the fourth Rakat. When the Imam sits down in order to perform both Tashahhud and Salam, the follower either can stand up for his fourth Rakat or can remain with the Imam performing Tashahhud. If he goes with the second option, then after completing Tashahhud, he should stand up for his fourth Rakat and perform it as Furada.

Case 157: There are two situations in which the Imam is in his third Rakat and the follower wants to join him:

First: When the follower finds the Imam standing for the third Rakat, he should say Takbiratul Ihram and after that should either recite both the Surahs or when fearing, should just go with a silent recitation of al-Hamd to be able to join the Imam in Ruku.

Second: If the Imam has already gone into Ruku, the follower should just say Takbiratul Ihram and join the Imam. He should skip both of the Surahs. In both of

the cases, when the Imam stands for the next Rakat, he should recite both of the Surahs in a low voice. When the Imam sits down for Tashahhud and Salam of the last Rakat, the follower should sit to perform Tashahhud of his second Rakat and then continue his prayer as Furada.

Case 158: There are some conditions for the congregational prayers:

a) There should not be an obstruction between the Imam and the followers, neither should it be between two rows or columns of a congregation separating them from each other like trees, curtains, walls or something else. This condition is applicable only when the Imam, as well as the followers of the congregation are all male. But if the Imam is male while the followers are female, then any obstruction between them is allowed.

Furthermore, the congregational prayer is correct if the obstruction is made of glass, the reticular walls or windows or something which normally does not disconnect the members of a column or row from each other. A mobile obstruction like the passing of people also does not invalidate the congregational prayers. But if the obstruction created by moving persons is continuous, the prayers performed in a congregation, become void.

b) The standing place used by the Imam should not be a hand span or more, higher than the standing place used by the followers. But it does not matter if the followers' standing place is higher than that of the Imams if public consensus dictates that it is a congregation.

c) The gaps between the Imam and the followers or between the rows should not be more than a full step of a common man.

Case 159: A person should not offer his prayers as Furada if it will offend the Imam of the congregation which is taking place.

Prayers of a Traveller (Musafir)

A traveller should reduce the number of Rakat in his Zuhr, Asr and Isha prayers, that is, he should perform two Rakat instead of four, subject to the following conditions:

1. The first condition is that his journey should not be less than 8 farsakh. 8 farsakh in Shari'a is equal to about 43.2 kilometres. It does not matter if either the mentioned distance is achieved only by moving in a single direction or by a round trip.

According to Shari'a, the starting point for a traveller's journey is the walls surrounding a city if there are any. Otherwise, the very last house of the city will be considered as the beginning point for him.

2. The second condition is that the traveller should not change his mind while on his way. If he changes his mind, or is undecided, he should offer full prayers. For instance, if the traveller moves from the beginning point with a decision of a journey covering 8 farsakh, but after passing half the distance, he changes his mind or starts hesitating about the other half, and keeps moving with the same mental situation, then he should offer full prayers even if he has reached the end of his journey. The reason for him having to offer full prayers is that he has not covered a distance of 8 farsakh intentionally.

3. The third condition is that the traveller does not intend to pass through his home town and stay there, or to stay at some place for 10 days or more, before he reaches a distance of 8 farsakh. Hence a person, who intends to pass through his home town and stay there or to stay at a place for 10 days before he reaches a distance of 8 farsakh, should offer full prayers. If he remains undecided whether to stay and this lasts for thirty or more days, he should offer full prayers. If a traveller intends to pass through his home town or has some doubts about his intention, both his prayer and fasting should be performed as normal. For example, if at first he makes up his mind to travel a distance equalling the amount of 8 farsakh, but during his journey and before completing the distance, he reaches another city which is presumed to be his home town like the other place which he has just left behind, he should offer full prayers because he has been to his own hometown while being on a journey. If the traveller starts his journey from Najaf to Kufa or vice versa, and his travel covers 43.2 kilometres, and if he belongs to both of these cities, staying a particular period in each of them during a year, and if he passes through any of the mentioned cities while covering a distance of 43.2 kilometres, then such a person is not called a traveller from the Shari'a point of view although he has been travelling for the required distance.

Case 161: If there are two possible ways for reaching a particular city for a traveller, one of which is of a distance covering the mentioned limit of 43.2 kilometres and the other one is less than that, then the traveller should shorten his prayers if he goes with the long way. Otherwise, a full prayer is required. If the journey is circular and going and coming each equal half of it, his prayer is Qasr (shortened).

Case 162: A person obeying another person like a wife who obeys her husband during their journey, should shorten her prayers if she comes to know that her husband intends to cover the required distance.

Question: Should a woman from Baghdad shorten her prayers and break her fasts, if she has married a man from Basra, if she intends to see her family members in Baghdad on Eid festivals or other occasions?

Answer: If the woman has completely left her motherland 'Baghdad' with an intention of never returning there again even if her husband, who is a native inhabitant of Basra, dies or divorces her. In this situation of travelling to Baghdad she should offer shortened prayers and break her fast. But if she has not left her motherland forever and intends to return there at the time of her husband's death or divorce, then by going there she should offer full prayers and fast in the same manner as she was doing at her home in Basra. If a worker who works far from his hometown for years and has completely quit his city with an intention of never going there again after retirement or completion of his job, then in the case of him returning to his previous hometown, he should shorten his prayers and break his fast. Otherwise full prayer and normal fast is obligatory on him.

If a person travels in a city so big that moving from one point to another covers the required distance of 43.2 kilometres regardless of whether the person moves in a single direction or goes and returns again covering the mentioned distance, he should not shorten his prayer as both the points are in the same city. Sometimes, there are some small towns in which the distance from the first to the second is equal or more than 43.2 kilometres. Therefore, if a person living in the first town moves to the second, he should shorten his prayers as he has covered the required distance. If these small towns are connected with each other, the traveller

should still perform shortened prayers. However, if by combing such small towns a city is formed, then the traveller should offer full prayers, as it has become known as one city. The following two scenarios are mentioned to clarify the issue:

a. If newly built localities are built around a city and become linked with that city at once or gradually, they are dealt with as being a part of that city.

b. If there are two completely different cities from a historical point of view, but they have progressed in a way that makes them look like one city like Kufa and Najaf, Kazimiyah and Baghdad, in such a situation the two cities will not be considered as a single city. Hence, if a citizen of Kufa travels to Karbala and enters Najaf while returning from his journey, he should keep in mind that his journey has not ended yet, therefore, he should offer shortened prayers in Najaf. On the other hand, if an inhabitant of Baghdad decides to stay for five days in Najaf and five days in Kufa, he should also shorten his prayers as he has not decided to stay in one of the above mentioned cities for 10 days or more.

4. The fourth condition is that the purpose of travelling should be Mubah. If the purpose of one's journey is to commit Haraam like murder, theft, adultery, helping an oppressor etc., he should offer full prayers.

Case 163: If a person travels to avoid an obligatory religious duty, his travel will be dealt as a criminal act and he should offer full prayer. As an example, a person who can pay his debts while at home makes a decision of travelling just to escape from paying his debt, he should offer full prayer.

Case 164: If the reason for a person's travel is Mubah, but the carriage he uses or the land he passes through is usurped, he should shorten his prayer, although he has committed a sin but as his travel is not illegal and neither is his target Haraam. But if a person usurps another person's carriage and runs away to avoid its owner, such a person should perform full prayers, because the motive of his travel is to reach something Haraam such as acquiring stolen things and using other people's property illegally.

Case 165: If the reason for one's travel is legal from the point of view of Shari'a such as to travel for fun or pilgrimage, but during one's journey he commits

a Haraam action like telling a lie, backbiting, drinking wine etc. his travel will be that of Haraam, so he will not need to pray full.

5. The fifth condition is that a person's travel should not be for hunting animals as a sport i.e. killing animals without the intention of consuming them. If it is then the traveller should offer his prayers in full.

6. The sixth condition is that travelling should not be his profession, that is, one who has no other work but travelling; or that travelling is the means of his sustenance, like a camel herdsmen, businessmen and those who work at a distance or more than what is required to shorten one's prayer. Such people should offer their prayer without any reduction.

If a person drives to earn his living, his action will be dealt as being his profession. But the person who owns a car and every day crosses the mentioned limitation for either to pass time or for going on a pilgrimage to the Holy Shrines will not be called a professional driver.

A person whose travel is according to one of the following standards is presumed to be a professional driver:

1. A person whose job is travelling like drivers, pilots and sailors.

2. A person who is not one of the above mentioned people by profession but he cannot do his job unless he travels such as a professor of a university or a doctor who lives in Baghdad, but works somewhere else and has to leave for his job every day at morning and has to come back home after having finished for the day. Hence, such people are not professional travellers but travel only to do their job which is either teaching or medical practice. Here we provide some cases which may clarify the matter:

a) A citizen of Baghdad who works somewhere else and leaves every day for his job early in the morning and after completing his work for the day returns to his home at night, or stays in that particular area for a week and comes back home on weekends only, and after his weekend returns to his work, should offer full prayers irrespective of whether he is at home, travelling or at the place where he works. The mentioned person can offer full prayers during his travel only when the place where he works does not become the place for his permanent stay. He should be sure that the duration of his job at a particular place will not be more than a year, otherwise the particular place will be dealt as his second home and he will have to perform his

prayers in the same manner as a person in his hometown would. In this case, he should offer full prayers when at work, not because he is travelling but because he is in his hometown. But he should shorten his prayer during his travel i.e. when leaving his first hometown and moving to the second, even if he does this every day. Hence, he will not be a traveller according to Shari'a because he works in his second hometown.

b) A student who belongs to Najaf and studies at Baghdad University, travels everyday to attend his classes and returns when done, or stays there for a week and comes back home on weekends only, and if he is sure that his studies are not going to finish before four years, then he should offer full prayers when in Baghdad, and should shorten the prayers while travelling.

c) This situation is very similar to the previous case but here the student makes up his mind to stay in Baghdad for a year and then return to Najaf. During his stay he will have to offer full prayers in Baghdad and while travelling.

d) If a person works in different cities and he stays working for a year or less in each city, and if this situation continues for a long time, then the person should offer full prayers irrespective of whether being at work or travelling. Therefore, in the above situation there is no difference between students, doctors, engineers, workers, labourers or soldiers.

e) If a student belonging to Najaf decides to study in Baghdad for two years, but later starts to doubt that whether two years stay will be enough for him to accept Baghdad as his second hometown and offer full prayers and shorten his prayers while he is travelling. In this case, as an obligatory precaution, he should offer his prayers twice; once full and once shortened during his travel from Najaf to Baghdad or vice versa. But once in Baghdad or Najaf he should offer full prayers.

f) A soldier or an army officer whose base is at the distance of 43.2 kilometres or more from where he lives, should offer full prayers regardless of as to whether he remains at his base for a week, two weeks or an unknown period of time.

Situations Where the Prayers must be Shortened:

First: A blacksmith or a carpenter who works in his hometown but who sometimes has to travel to another town which equals or exceeds the Shari'a distance in order to solve problem related to him, should shorten his prayer.

Second: A worker who works within the limits of his hometown but is required once a month to spend three or four days out of town, covering the required distance for shortened prayers, should offer his prayer as Qasr.

Third: A preacher who normally addresses in his hometown but every now and then goes to other places to deliver speeches should offer shortened prayers. But if his travels become a regular part of his job like going to the other place for preaching of Islam in the holy months of Muharram and Safar, then he should offer full prayers.

Fourth: A worker who on weekends carries passengers using his own carriage and receives an amount in return from them, or a person who is hired on Fridays to take pilgrims to the Holy Shrines or he is not a driver by profession, should offer his prayers shortened. If a person travels once in a year covering the required distance for a really important deed which can be called his work, during his travel like if he is a manager of Hajj groups who travels with pilgrims to Mecca, or if he is a farmer who takes vegetables to be sold every summer, then he should offer his prayers in full only during those particular times of the year.

7. The seventh condition is that the traveller should not be a nomad, those who roam about in the deserts and temporarily stay at places where they find food for themselves, and fodder and water for their animals, and again proceed to some other place after a few days' halt. During these journeys the nomads should offer full prayers.

8. The eighth condition is that the traveller reaches the limit of tarakhkhus, which is a point where the traveller cannot be seen by the inhabitants of the very last houses of the town or city. For instance, if a person stands at the last part of the town but cannot be seen from it, nor he can see it, then the traveller should shorten his prayers regardless of whether he can still see the buildings of the town.

Things which disrupt one's travel:

No.1: Hometown: There are two types of hometowns:

a) The person's first hometown is where his forefathers lived and the prayers being offered in such an area by him should be full irrespective of whether he has

been living at the mentioned place or not. The reason for this is that he has not quit this place forever, although living somewhere else for some time. For example, if a person who is an inhabitant of Najaf works in Baghdad making his mind to return to Najaf as soon as he is exempted or retired from his job, then Najaf will be dealt with as his hometown even if he is living in Baghdad at the moment. But if he has no intention of returning to Najaf after retirement or exemption and accepts Baghdad as his new hometown, in such a situation, Najaf will not be his hometown any longer, no matter if his forefathers have been living in that particular area or if he might have some property there. Therefore, when going to Najaf, he should shorten his prayer in the same manner as other travellers do.

b) If a person migrates to Najaf from his first hometown intending to live there till the very last moment of his life, then Najaf will become his selected hometown, irrespective of whether he has a property there or not. A third hometown is also possible when a person intends to live somewhere for a temporary but longer period, like a person seeking religious education comes to Najaf. But the duration of one's stay in such a place should not be less than three years.

Case 166: When a person intends to live in a city forever, the other dependent members of his family will also have to accept that particular place as their contractual hometown whether it is out of free will or necessity. For example, if the wife or children of a person come to know about his intention to live in a new area forever as the head of the family, then they also should accept this new land as their hometown.

Case 167: If a traveller has another hometown under the mentioned circumstances and when reaching there his travel has finished. If he is willing to go further, he will have to measure the distance once more but from the ending point of his second hometown this time. By saying that his journey is ended once, we mean that his journey will be finished if he enters his second hometown, not if he only passes by it having a look at its buildings, towers or trees.

Case 168: If a person enters his second hometown regardless of whether he intends to stay there or just wants to pass through it to reach his final destination, he should offer full prayers. For example, if someone travelling by car enters his second hometown and without stepping out of the car wants to move ahead, he

should still recalculate the distance of his journey from the very end point of his second hometown, and if does not travel the required distance from his second hometown, his prayers will be full.

Case 169: If a student is living in Baghdad and has accepted this city as his second hometown, goes to his first one on summer vacations, and returns back in the winter, he should offer full prayers as soon as he enters Baghdad.

Case 170: If someone enters the holy city of Najaf intending to remain there for three or more years, then Najaf becomes his second hometown, and stepping therein he should start offering full prayers. But while he is on the way to Najaf, he should offer shortened prayers. Nevertheless, if he intends to live in Najaf for less than two years, then Najaf will not be dealt as his second hometown and he should pray only shortened prayers whether on his way to the city or living in there. However, if he is sure to be in Najaf for more than two years then his prayers in Najaf will be full, while during his journey he should, as an obligatory precaution, offer them once shortened and once full.

No.2: If a traveller intends to live in a place for more than 10 days, and if such a place has met the required distance, then he will become a temporary resident of this place and should offer full prayers there.

Case 171: When we say staying for 10 days, we mean that the person staying at a particular place should not only sleep there, but also should have all his personal belongings with and him being fully settled there. Meanwhile, he should not travel a distance covering 8 farsakh during his 10 days stay. Hence, whosoever decides to stay at a particular place at the distance of 8 farsakh or more from where he starts his journey should offer full prayers. But this does not mean that he cannot move around the city or visit the nearby places. All that he needs to keep in mind is not to cross the limit of 8 farsakh. For example, if a person staying in Najaf for 10 days or more determines to visit Kufa or Sahla for an hour or more each day without sleeping at these two places, his stay is correct. Still, if he remains within the limits of 8 farsakh spending a night out of his particular place, his prayers will be shortened as his stay becomes void.

No.3: If a person travels for 8 farsakh reaching a particular place, but is not sure whether he will remain at the mentioned place for 10 days in order to shorten his prayers or leave the place within one or two days, it is obligatory upon him to offer shortened prayers till 30 days have passed in this state of indecision. When 30 days have passed, he should then start offering full prayers irrespective of whether he is leaving this place in the next hour.

Case 172: When travelling, a person is exempted from offering all recommended prayers like Wutairah (the recommended prayer prayed after Isha).

Case 173: If a person whose obligation was to offer full prayers, offers shortened prayers, all his prayers will be void. But if a person intends to stay at a place for 10 days and offers shortened prayers instead of full because of ignorance of the ruling, his prayers are likely to be valid.

Case 174: If a person misses some of his prayers while being at home, he should pray them qadha as full prayers while travelling. But if he misses some of his prayers during travel and wants to pray qadha for them at home, he should offer the qadha prayers in shortened form. However, if he is at home at the beginning of the time fixed for a certain prayer and travels in the last moments for praying the prayers or vice versa, then he should consider the last section of the time limit when offering there qadha prayers.

Case 175: A traveller has the option either to offer his prayers full or shortened at the following four places:

1. The Holy Ka'bah in Makkah
2. The Holy Shrine of the Prophet in Medina
3. The Mosque of Kufa.
4. The Holy Shrine of Imam Husayn

Qadha Prayers:

A person, who does not offer his daily prayers within their specific time, should offer qadha prayers even if he did it knowingly or unknowingly, was asleep, or was unconscious during the entire time prescribed for the prayers. Furthermore, one should give Qadha for all those prayers which he offered with a part or condition missing. But there is no need for a previously insane person or child to

offer Qadha for the prayers missed. Similarly, there is no need for a woman who was in Haidh or Nifas to offer Qadha for those prayers missed during those times.

Case 177: It is permissible to give Qadha for a missed prayer at any time regardless of whether it is night or day, and whether a person is at home or travelling. But it is necessary to give a Qadha for a shortened prayer in the short form, and in complete form for full prayers.

Case 178: There is no specific order in which Qadha prayers can be prayed. However, if a person is to give Qadha for four prayers of a day, it should be in the same sequence as the regular prayers themselves are. For example, if a person has missed Zuhr, Asr, Maghrib and Isha prayers of the same day, and now he wants to give Qadha for them all, he is neither allowed to offer Asr first followed by Zuhr, nor to offer Isha first followed by Maghrib. Hence, in this situation all the prayers should be offered in their original sequence.

Case 179: After death of one's father, it becomes obligatory upon his eldest son to give Qadha for all his missed (either knowingly or unknowingly) prayers and fasts. He should also give Qadha for all those prayers and fasts which were missed because of travel by his mother, not while she was in Haidh or the ones she missed due to illness.

Case 180: If a person dies and at the time of death his heir is either just a child or is insane and cannot perform his duty, in this case he (the heir) should give Qadha for his father's missed prayer when becoming sane or grown up.

Case 181: If after the death of the father, the eldest son also dies, then it is not obligatory on the younger brothers to give Qadha for their father's missed prayers and fasts.

Case 182: It is not obligatory on the eldest son to perform the entire obligation related to his father's missed prayers and fasts on his own, but he can hire another person to do so. If another person accepts the obligation for free, the eldest son is exempted of it.

The Ayaat Prayer (Namaz-e-Ayaat)

The Ayaat Prayer will become obligatory upon every person except those who are in the state of Haidh or Nifas whenever the moon or the sun is partially or fully eclipsed. Furthermore, as an obligatory precaution, it should be performed when an earthquake, thunder and lightning storm, red and black cyclone, severe darkness, a fire observed in the sky or on the earth and other similar celestial phenomena which frighten most of the people, occur.

The Time for the Ayaat Prayer

Case 183: The time of the Ayaat Prayer for a solar or lunar eclipse sets in as the eclipse starts, and remains till the eclipse is over. But for the rest of the frightening phenomena, the time of prayer is till it is observed.

Case 184: If a solar or lunar eclipse occurs and a mukallif is unaware of it, it is not obligatory on him to offer the Qadha of the missed Ayaat Prayer.

The Method of Performing the Ayaat Prayer

Case 185: The Ayaat Prayer consists of two Rakat, and there are five Ruku in each Rakat. Its method is as follows: After making the intention of offering the prayers, one should say takbir (Allahu Akbar) and recite Surah al-Hamd and another Surah, and then perform the Ruku'. Thereafter, he should stand and recite Surah al-Hamd and a Surah and then perform another Ruku'. He should repeat this action five times, and, when he stands up after the fifth Ruku', he should perform two Sajdah and then stand up to perform the second Rakat in the same manner as he has done in the first. Then he should recite Tashahhud and Salam and complete the prayers.

Friday Prayers (Jumuah)

Case 186: Friday prayer consists of 2 Rakat like the Fajr prayers. The difference between these two is that the Jumuah prayer has two sermons at the beginning of the prayer. In the first sermon the preacher praises Allah and exhorts the people to observe piety, and then he also recites a Surah from the Holy Quran. Thereafter he sits down for a while and then stands up again. This time also he

praises Allah and invokes peace and blessings upon the Holy Prophet and the Holy Imams and seeks forgiveness for the believers.

Case 187: The Jumuah prayer is Wajib Takhyeeri, which means that a person has an option to either offer the Jumuah prayers if all its necessary conditions are fulfilled, or to offer Zuhr prayers.

Conditions for Jumuah

1. It must be performed in congregation. The number of persons partaking in Jumuah must be at least five, including the Imam.

2. The Imam should fulfil the necessary conditions for leading the prayers. These conditions are righteousness (‘Adalat), legitimate birth and the ability to offer the prayers correctly.

3. The distance between two places where Jumuah is being offered should not be less than one farsakh.

Fasting

It is obligatory on every Muslim too fast for the Holy Month of Ramadhan if they possess the following criteria:

1. Buloogh: It is not obligatory upon an underage person to fast. However, if they wish to fast there is no objection.

2. Sanity: A mad person is not required to fast.

3. Cleanliness of a woman: A woman in Haidh or Nifas should not keep fast. If while in Haidh of Nifas, a woman stops bleeding just a minute after daybreak, it is not wajib on her too fast. Similarly, if she starts bleeding even a minute before sunset, her fast becomes void, and she must give a Qadha when she becomes Tahir. Thus, a woman can make the niyyat for fasting only when she remains Tahir all day long. If she begins her Haidh or Nifas during her fast, then she should break it and later on give its Qadha.

4. Unharmful: If keeping fast is harmful to someone, it is not wajib on that person. Therefore, someone fearing that fasting may prolong his illness or his illness may get worse or it may cause him another illness or it may weaken him, making it impossible for him to keep

fast, then such a person can break his fast and be exempt from his obligation. But one should not break his fast as a result of every kind of harm or illness like a little headache, a slight temperature or a partial inflammation in one's eye or ear. In situations such as these which are not thought to be a hurdle in one's daily life work, one should not break his fast.

Case 188: If a person makes the niyyat of fast, thinking that it is harmless for him but later it becomes apparent that this wasn't the case, and fasting was putting himself into harm's way, then his fast, apparently, becomes void.

Case 189: If a statement of a doctor causes fear or worry for a fasting person, then he is allowed to break his fast. If a qualified and professional doctor, whose words cause certainty because of his expertise, advises his patient not to keep fast because he might be endangering himself, then it becomes necessary for the patient to do as the doctor says, though the doctor's instruction may not frighten or upset him for the time being. However, if the fasting person is sure about the doctor's wrong instruction or if he is certain that the doctor is telling him a lie, then he is allowed to keep fast. However, breaking the fast under a situation which is other than the two mentioned above is not permissible.

Case 190: If the doctor assures his patient that fasting will not endanger him, but the patient still remains sure that keeping fast will harm him, then he should break his fast.

5. Not cause extreme hardship: For example, it should not stop a person from earning his living, or it should not weaken him to an extent that he cannot continue his work, as well as not causing an intense thirst. If a person can continue his work or even delay it, he should remain fasting, otherwise he should break it.

6. Not travelling: The fasting person should not be a traveller, as it is not obligatory upon a traveller to keep fast. However, such a person can keep fast if he intends to stay at a particular area for 10 or more days, or if travelling is his profession, or if he is travelling sinfully.

If a person starts his journey before the sun starts its decline (or midday), then he should break his fast. Otherwise, if he leaves after midday, he should complete his fast. However, he should still give a Qadha for this fast after the Holy Month of Ramadhan.

7. An old and feeble person has the option to either fast or not. If he does not keep fast, then he should give, for every fast missed, 3/4 kilograms of wheat, rice etc., which is equivalent to 750 grams, as fidyeh. After giving the fidyeh, there is no need for him to give Qadha for the fast missed.

8. Fasting is not obligatory on a person who suffers from a disease which causes excessive thirst, making fasting unbearable, or extremely hard. Such a person has the option either to keep fast or break it. If breaking his fast he should give fidyeh for that, and after giving fidyeh the Qadha is not obligatory on him.

9. Fasting is not obligatory on a woman in the advanced stages of pregnancy as it might be harmful to or for the child she carries. She should later on give Qadha for the fasts which were missed, but if it was harmful only for the child, then she must give fidyeh as well.

10. If a woman is suckling a child and the quantity of her milk is small, and if fasting will be harmful to her or the child, it will not be obligatory on her too fast. She should later give Qadha for the fasts missed. But if it was harmful only to her child, then she should include the fidyeh in the given Qadha for the fasts. However, this rule is inapplicable when she can ask another woman to suckle her child or when she can use milk powder, which doesn't cause harm to the child.

The Obligatory Conditions for Fasting in the Holy Month of Ramadhan

1. **Intention (niyyat):** It is necessary for a person to make the intention (niyyat) before Fajr of the day he intends to fast saying: I intend to fast today or tomorrow, seeking proximity to Allah.
2. **Janabat Ghusl:** If a person is in the state of Janabat, then he should take a bath before the time of Fajr.

3. **Refraining from those Things that break the fast:** A person observing fast should refrain from everything which would render his fast void.

Things which Break the Fast

1&2. Eating and drinking, regardless if the amount is large or small, invalidates one's fast. If a person observing fast intentionally swallows something which remained in between his teeth, his fast is invalidated. Swallowing dust is also forbidden for a person observing a fast.

3. If a person commits sexual intercourse while fasting, then their fast becomes void regardless of whether being vaginal or anal, the subject or the object, or if done with someone living or dead.

4. If a person who is fasting, intentionally ascribes something false to Allah or the Holy Prophet or the Imams and, as an obligatory precaution, to any of the prophets or any of the divine guardians be in for something Halaal or Haraam, a story or an admonishment. If a person quotes something from Allah, his Prophets or the Imams with the intention of it being true, but later finds out that it was false, his fast is in order. On the other hand, if a person intends to ascribe something false to Allah or the Prophets or the Imams, which ends up being true, his fast becomes void. It does not matter if one immediately retracts his statement and seeks forgiveness or not, or whether the lie was written in a book or not, either way his fast will become void. If a person is certain about the falsehood of a narration, he is not allowed to quote it saying, for example, 'the Holy Prophet in Al Kafi said or Imam Sadiq in Wasael said'. However, if he says that, 'It is reported in Al Kafi that the Holy Prophet has said or…' there is no objection and his fast is in order.

If a fasting person takes a false upon Allah, his Prophets or the Infallibles, his fast does not break, but he has committed a sin.

5. If a fasting person immerses his had completely under water at once or gradually, his fast becomes void.

6. Swallowing thick dust invalidates the fast. Smoking also makes the fast void and as an obligatory precaution, a person who intentionally smokes in the Holy Month of Ramadhan should give the Qadha of the fast as well as the Kaffarah.

7. If someone deliberately remains in the state Janabat till the Adhan of Fajr prayers, their fast will be invalid.

8. Masturbation (Istimna) which means to release semen by one's own intentional actions also invalidates the fast.

9. If liquid enema is taken by a fasting person using anything smooth, his fast becomes void. However, if something hard and solid is used for such a purpose, his fast remains correct.

10. If a fasting person vomits intentionally, his fast becomes void even if it is for the sake of treatment.

Case 191: The use of Collyrium (surma), ear-drops and eye-drops do not invalidate one's fast.

Case 192: Anything entering one's body from a way other than the mouth does not break the fast void. An injection which does not involve the mouth is permissible. A person observing fast can let his muscles and veins be used for injection. A person suffering from asthma can use the spray without breaking his fast. Similarly, a person who is sick and is compelled to take medicines can do so. However, in this case his fast becomes void and after recovering he should give a Qadha for the fasts missed.

Case 193: As an obligatory precaution swallowing one's mucus which is produced from the chest is not permissible. However, if it is produced from the sinus, entering his mouth, it can be swallowed, but the recommended precaution is that it should be spat out.

Case 194: Swallowing one's saliva, regardless of the quantity, does not break the fast void.

Case 195: If a fasting person deliberately, without a valid excuse, breaks his fast, then it becomes obligatory on him to give the Kaffarah.

Case 196: The Kaffarah of intentionally breaking a fast in the month of Ramadhan is to: either free a slave, or fast for two months consecutively, or feed sixty poor to their fill. If the person on whom Kaffarah is due goes with the third option which is to feed sixty poor, then he should give each of them food weighing 750 grams. The Kaffarah for a Qadha fast of Ramadhan broken in the afternoon is to feed 10 poor people. If the person is unable to feed 10 people, he should fast for three days which, as an obligatory precaution, should be the three continuous days.

Case 197: When giving Qadha for a Ramadhan fast, a person is not allowed to break his fast after midday. If he does, then Kaffarah is wajib upon him.

Case 198: A person who has to give a Qadha for a fast which has been missed, or if Kaffarah is due on him, then he is not allowed to perform recommended fasts. However, if a person has been hired to offer the obligatory fasts of a deceased person or has made a vow to keep a fast, his recommended fasts are in order.

Case 199: The lunar months are sometimes of 29 days and sometimes of 30 days, based on the birth of the new moon.

Method of ascertaining the first day of a month

The 1st day of month is established in the following five ways:

1. If a person himself, sights the moon with his own eyes and without the help of visual aids like a telescope.
2. If a large number of people confirm to have sighted the moon and their words assure or satisfy a person. Otherwise, if it doesn't bring certainty, the establishment of the first day of the month of Ramadhan will not be proved.
3. If two just (Aadil) persons say that they have sighted the moon at night. The first day of the month will not be established, however, if they differ about the details of the new moon like its size, position etc., or when a large group of

people, who are all equally capable of sighting the new moon if it existed, go out in search of the new moon and none but two Aadil persons claim to have seen the new moon, this is not sufficient to prove the first of the month, as the possibility of a mistake exists.

4. If 30 days pass from the first of Sha'ban, the 1st of the month of Ramadhan will be established. Therefore, if 30 days pass and the moon has still not been sighted, then one must be sure that the new month has started.
5. If a qualified religious authority passes a decree that it is the first day of the month of Ramadhan. In such a case, no one has the right to oppose his decree regardless of whether the person is one of his followers or not. However, if a person is sure that the Hakim is not qualified for that position or he has made a mistake in his decree, then he shouldn't be followed.

Case 200: The first day of the month of Ramadhan is not proven if the witnesses are either women or only one just person even if he swears upon Allah; similarly it cannot be proven by the prediction made by the astronomers. If the moon is high up in the sky, or sets late, it is not an indication that this night is the second night of the month. Similarly, if there is a halo round it, or this halo seems round enough spreading a long way all around or if the moon shines brightly for an hour or more or it sets after evening twilight, it is not a proof that the new moon appeared the previous night, though it might indicate that the moon was born for more than 24 hours. But if the moon of the month is seen before noon on the 30th day of month, that same day will be deemed as the first day of the new month, but if it is observed in the afternoon, the next day will be the first day of the new month.

Case 201: If the first day of a month is proved in a city, it is also proved in other cities if they are united in their horizon. Apparently it is also proved for other cities even if they do not share the same horizon.

Case 202: If the first day of the month of Ramadhan is proven, it will become obligatory on the person to observe fast on that day. Accordingly, the arrival of the first day of Shawwal means the person must stop fasting. If the 30th day of Sha'ban has arrived but the first day of the month of Ramadhan is still to be proven, the fast of the 30th day of Sha'ban is not obligatory and fasting on it with the intention of Ramadhan is not allowed. So, one can break his fast on the mentioned day or

observe the fast as a Qadha fast or a recommended one. But if he observes the fast by making an intention that, "I am performing a fast for the last day of Sha'ban, if it is Sha'ban or for the first day of Ramadhan, if it is Ramadhan", then his fast is valid. Also if the person observes the fast based on the probability of the above mentioned scenarios and later on comes to know that the mentioned day was actually the first day of the month of Ramadhan, his fast will suffice as a Ramadhan fast.

Case 203: If the 30th day of the month of Ramadhan comes and if the moon of Shawwal has not been observed, one should continue observing fast and if he later comes to know that he has observed fast on the day of Eid, on which keeping fast is Haraam, his fast will have no objection as he was certain that the month of Shawwal had not yet begun.

Zakat

The general conditions for the obligation of Zakat:

1. Buloogh: Therefore, Zakat is not obligatory on a child's property.
2. Sanity: Hence, Zakat is not obligatory on an insane person's property.
3. Freedom: Thus, Zakat is not obligatory on a slave's property.
4. Possession: The person should have the power of spending his wealth.
5. Ownership: It means that the owner should have full ownership of the four types of grains and the three types of animals for the entire year.

Case 204: It is obligatory to pay Zakat on the following nine things:

1. Wheat
2. Barley
3. Dates
4. Raisins
5. Gold
6. Silver
7. Camel
8. Cow
9. Sheep (including goat)

Case 205: For Zakat on animals, the following points should be kept in mind:

1.1 The number must reach one of the taxable limits.

Camels have the following taxable limits:

1. 5 camels: Zakat on them is one sheep. As long as the number of camels does not reach five, no Zakat is payable on them.
2. 10 camels: Zakat on them is 2 sheep.
3. 15 camels: Zakat on them is 3 sheep.
4. 20 camels: Zakat on them is 4 sheep.
5. 25 camels: Zakat on them is 5 sheep.
6. 26 camels: Zakat on them is a female camel which has entered the 2nd year of its life.
7. 36 camels: Zakat on them is a female camel which has entered the 3rd year of its life.

Some other taxable limits also exist and have been explained in the Resaleh A'maliyeh.

Sheep have five taxable limits:

1. The 1st taxable limit is 40, and its Zakat is one sheep. And as long as the number of sheep does not reach 40, no Zakat is payable on them.
2. The 2nd taxable limit is 121, and its Zakat is 2 sheep
3. The 3rd taxable limit is 201, and its Zakat is 3 Sheep
4. The 4th taxable limit is 301, and its Zakat is 4 Sheep
5. The 5th taxable limit is 400 and above, and in this case, calculation should be made in for every 100 sheep, and one sheep should be given as Zakat for each group of 100 sheep.

Taxable limits of Cows:

If the number of cows owned by a person reaches 30. Its Zakat will be a calf which has entered the second year of its life. But if the cows have reached 40, its Zakat will be a female calf which has entered its third year of life.

1.2 Zakat is obligatory on the animals only when they graze in open fields throughout the year. The owner is exempted from paying Zakat if he himself has to feed his cows with fodder which he has to purchase.

1.3. Zakat becomes obligatory only when the animals have not been used for work purposes even once during the whole year.

1.4. When a complete year passes i.e. when the year enters in to the 12th month

Case 206: For gold and silver the following conditions are applied together with the general conditions:

Taxable limit of gold: The taxable limit of gold is 20 Dinars and as an obligatory precaution, half of a Dinar is its Zakat. A Dinar is equal to 3/4 mithqal Sayrafi of gold, and there will be no Zakat needed if it is more than that unless it increase by 4 Dinars. Now, 1/40 or 2.5% of the entire amount should be given as Zakat.

Taxable limit of silver: The taxable limit of silver reaching 200 Dirhams is 5 Dirhams. If it reaches 240 Dirhams, a Dirham should be added for every increase of forty Dirhams. If the amount is less than 200 Dirhams, no tax will be payable. In addition, there will be no Zakat on a number between two taxable limits e.g. 230 Dirhams.

2. Dirhams and Dinars should be in the form of the coins regardless of whether Islamic or non-Islamic.

3. A person should pay Zakat on Dirhams and Dinars only if they remain with him for a complete year.

Case 207: There are two additional conditions for paying Zakat on wheat, barley, dates and raisins including the general conditions:

1) Taxable limit: Zakat on wheat, barley, dates and raisins becomes obligatory when their quantity reaches the taxable limit which is approx. 847 kg.

2) Ownership: The person should be the legal owner of the grain when Zakat becomes obligatory on it.

The Taxable Limits for Wheat, Barley, Dates and Raisins is as follows:

1. If the trees and crops are watered with rain or river water without spending any sum of money, the Zakat payable on them is 1/10.

2. If they are watered with the help of machinery like water pumps and water carriers etc. the Zakat payable on them is 1/20.

3. If they are irrigated in both ways, the Zakat payable on half of the produce is 1/10 and on the other half it is 1/20.

Disposal of Zakat

Case 208: Zakat can be spent for the following eight purposes:

1. Faqeer 2. Miskeen. They are people who are unable to provide for themselves and their families appropriately for an entire year. A Miskeen is worse off than a Faqeer

3. The collectors of Zakat: They are those persons who collect, protect and calculate the Zakat and give it to the Imam or his general representative or to those who require it.

4. To a person, whose beliefs in Islam are weak and shaky, in order to strengthen his faith or to an unbeliever in order to attract him towards Islam or to gain his assistance at the time of war and defence.

5. Slaves: Includes only those slaves which have an agreement with their owners that if they pay a certain amount they will become free but have been unable to pay that amount.

6. Debtors that do not have the ability to pay off their debts.
7. It can be spent in the way of Allah that includes good works such as building a bridge, school, mosque etc.

8. To a stranded traveller who has used up all his money and is unable to return home.

Case 209: The person who is receiving Zakat should have the following qualities:

1. He should be from amongst the believers, because it is not permissible to give Zakat to an unbeliever.
2. As an obligatory precaution, the person who is about to receive Zakat should not be a sinner.
3. He should not be one of the family members whose expenses are to be provided by the person giving Zakat, such as father, mother, son, daughter, permanent wife and slave.
4. The person receiving Zakat should not be a Sayyid if the other person who is giving Zakat is a non-Sayyid.

Zakat of Fitrah

The following conditions are necessary for Zakat of Fitrah:

1. Buloogh: It is not obligatory upon a child to give Zakat Fitrah.

2. Sufficiency: Giving Zakat is not obligatory upon a needy person. If the person is insane but not needy, his guardian, as a precaution, should give Zakat on his behalf. If the following conditions are proved before the moon of Shawwal is seen, giving Zakat of fitrah becomes obligatory. But if it happens to be proved during or after the moon is seen, giving Zakat of fitrah does not become obligatory, however, it is a recommend precaution for one to give Zakat Fitrah in this respect.

Case 210: It is recommended that a faqeer should also give Zakat Fitrah, if he only has one sa'a (about 3 kilos) of wheat etc. to pay fitrah, he should give it to some family members as Sadaqah and then pass it around the family in this way till eventually it reaches a stranger in need.

Case 211: It is obligatory upon a person to make niyyat before giving Zakat Fitrah.

Case 212: A person qualifying for all the above mentioned conditions should pay fitrah on his own behalf and on behalf of those people who eat from his house be they his dependents or not, close relative or not. If guests arrive before the moon is sighted for the 1st of Shawwal and stay the night of Eid at his house, he should also give Zakat Fitrah on their behalf and, as a precaution. Even if they arrive after the sighting of the moon

Case 213: A person should pay about three kilos per head of wheat or barley or rice etc. as Zakat of Fitrah. It is also sufficient if he pays the price of one of these items in cash.

Case 214: The time for taking out the Zakat Fitrah is from the Fajr of Eid day till the Eid prayer and it is not allowed to give it after Eid prayers, but if he does not offer Eid prayers, he can delay giving fitrah till zawwal (midday). Once a person puts aside his Zakat Fitrah he cannot change it.

Case 215: The manner of disposal of Zakat Fitrah is the same as Zakat.

Case 216: A person, who is not a Sayyid, cannot give Fitrah to a Sayyid. However, a Sayyid can give both to a Sayyid and non-Sayyid

Khums

Khums is an obligation that Allah has fixed for the Holy Prophet along with his household, as a sign of respect, as a replacement of Zakat. If a person pays even a single dirham or less than what he should, he is thought to be one of those who oppress the Holy Prophet. Abi Baseer says: Once I asked Imam Mohammed Baqir, "What act causes a person to easily be thrown into hell?" Imam replied: "To usurp even a single dirham of an orphan and we are orphans."

Case 217: Khums is obligatory on the following seven things:

1. **Spoils of War:** If a property comes under the ownership of Muslim after fighting the infidels, it becomes obligatory to pay Khums on it. However, the war must have been allowed by the Holy Prophet or an Imam.

2. **Minerals:** It is obligatory to pay Khums on gold, silver, lead, copper, iron, oil, coal, emerald, agate, turquoise, salt or any other mineral. Khums becomes wajib on these items once they reach the taxable limit of 20 gold Dinar coins.
3. **Treasure:** A treasure trove is a property which has been hidden underground or in a wall etc. If a person finds such a property, he can claim ownership of it, but he must pay Khums on it. The taxable limit of a treasure is the lowest limit of gold and silver.
4. **Gems obtained from the sea via diving**: It is obligatory to pay Khums on gems that are obtained from the sea by diving, even if the gem does not cost a single Dinar.
5. If a dhimmi (a non-believer living in a Muslim state) purchases land from a Muslim, he (the dhimmi) should pay Khums on it.
6. **When Lawful (Halaal) property gets mixed up with Haraam property:** If lawful (Halaal) property gets mixed up with Haraam property in such a way that it is not possible to separate them, and the owner and the amount of the Haraam property is unknown, in this case Khums should be paid.
7. **Profit from earning:** If a person earns by means of trade, agriculture, rent, industry or any other ways of earning, he should pay Khums from the surplus that exceeds his yearly needs and expenditure. He should also pay on his other properties such as donations, gifts, prizes, alms, willed property and inheritance, if they exceed his yearly expenditure. There is no Khums on the Dowry (Mahr) which a wife receives, if it is in line with her status, but if it exceeds her status then apparently Khums is payable on the dowry.

Case 218: If a person pays Khums on his property but after having paid, some separated parts are included to it as surplus, like after having paid Khums on his sheep it gives birth to a lamb or his garden starts fruiting, then he should pay Khums on the newly added parts as well. A person also should pay Khums on internal benefit as well, like if a tree starts growing larger or a sheep becoming fatter. But if only the market price increases without there being any separate of internal benefits, if he bought the product for business purposes then Khums is wajib on the increase, but if he inherited a garden, for example, that was 100 Dinars and after some time he sold it for 200 Dinars, the extra 100 Dinars does not have Khums on it. Similarly, if he bought something not for business purposes and just wished to keep it, like if a person buys a piece of land with the intention of using it

later on and as already paid Khums on it, when the price inflates, it is apparently not necessary for to him to pay Khums on the inflation.

The following examples may make the above case clearer:

The First Example: A person intends to start trading, either by buying and selling, or importing and exports or opening a factory. There are the following scenarios in this instance:

1. If he starts trading with money or a property which has remained with him for less than a year, he should pay Khums at the end of the year on his property and profit at the current amount.
2. If he starts trading with money or a property which has remained with him for a year and Khums has not been paid on it, he should immediately pay Khums on his property now and on his increase and profit at the end of the current year.
3. If he starts trading with the money or a property on which he already has paid Khums, then he should pay only on the profits and increased prices of the property and current stock towards the end of the year; not on the capital invested.
4. If the original capital is mixed with money that has and has not had Khums paid on it, in this case he should pay Khums only on that amount which has not had Khums paid on it and pay the Khums of the profit and the end of the year.

The Second Example: A person buys a property without the intention of using it for trade, but wishes to use it now or in the future. For example, he buys a house to benefit from it, or he buys a piece of land to build a house or shop on it in the future. This situation has the following possibilities:

1. If he buys the property with money which remained with him for less than a year, the bought property becomes a benefit to him and so Khums should be paid on it at the end of the year on the current price.
2. If he buys the property with money which has remained with him for a year, he should pay Khums on the money used to buy the property

now and if his property inflates, as a recommended precaution, on the increased price of the property towards the end of the year.

3. If he buys the property with money on which he has already paid Khums, he has no further obligations regarding the payment of Khums. However, if the market price of the property increases, then as a recommended precaution, he should pay Khums on the increased amount.

The Third Example: A person does not own something through buying or selling, but it comes under his ownership through inheritance. This situation has the following two possibilities:

1. The property does not have Khums and if the price of the property inflates, the increase does not have Khums either.
2. If he sells his property at the increased price, according to common consensus he is not gaining any further benefit from it, therefore, he does not have to pay any Khums on it.

Case 219: One should pay Khums for both separate and internal benefits of his sheep such as fatness, wool, milk and lamb after deducting his expenses of the year. If he sells some part of what he has and the money he gets in return remains with him till the end of the year, he should pay Khums on the remaining amount, too. This rule should also be applied on other animals. Therefore, as an obligation, he should pay Khums on their lambs or calves if they, or after selling them, their money remains with him till the end of the year. This is when the owner has already paid Khums on the sheep. If not, then he should pay Khums on the sheep.

Case 220: If a person buys something with the intention of selling it, and its price increase during the year, but does not sell it for hope of it going higher or forgetfulness, and then during the same year the price decreases to its original amount, then he should not calculate Khums on the increased price towards the end of the year. But if the increased price remains till the end of the year, but he knowingly does not sell his property while after the year it returns to its previous price, then he should calculate Khums on the increased price as he has not sold it being fully aware of the new prices.

Case 221: The best way to measure the due amount of Khums is to fix a particular day of the year as the first day of one's working year like one can start from the very first day of Muharram. When the year has passed, he should calculate what he has earned during last year. He should pay Khums only on the amount remaining with him, not on what he has spent during the tear to cover his expenses.

The yearly expenses of a person are of two kinds:

1. The expenses occurred is trying to make a profit (capital).
2. The yearly expenses.

The expenses for profit are those which are spent to earn something more than what is being spent, such as the import and export of products, transporting costs, wages of the dealers, secretary, guard, industrial employee, shop keeper, taxes etc. Therefore, one should pay Khums only on the benefit after having deducted all above mentioned expenses. If a person buys machinery but after using it for the whole year, its original price comes down like if he loses some money on industrial equipment, factory, machineries, publication, tailoring and agriculture etc., the lost amount should be deducted from his benefit towards the end of the year. For instance, if one buys a car for 20 thousand Dinars earning a yearly profit of 4000 Dinars on it, but its price comes down to 18 thousand Dinars because of its continuous usage, then he should pay Khums only on 2000 Dinars. The other 2000 will be dealt as his yearly expenses which will compensate his loss of 2000 Dinars on the car's price.

By yearly expenses, we mean the usage of an amount by a person on himself and his family for the running of their daily lives and also other things such as alms, gifts, hospitality and some other necessary occasions such as one's son or daughter's marriage, books and circumcision of his sons etc. This expenditure must however be equal to the person's status and must not be extravagant.

Case 222: A person can fix a separate beginning of the year for each of his business commodities. For example his commercial benefits, has a year beginning in Muharram while his agricultural benefits has a year beginning in Ramadhan and so on.

Case 223: A person can change the first day of his working year. But in order to do this, he will have to pay Khums on all his benefits gained till the very day which he wants to be the first day of his year and then start the year afresh

Case 224: It is permissible to start a new working year either on the basis of the Hijri or Gregorian Calendars.

Case 225: It is not permissible to pay Khums on something twice. A person whose income hardly suffices the needs of his family should not fix any day for his working year as it is not obligatory upon him to pay Khums.

Case 226: If a person earns some money either by working or as a donation made by someone else, and intends to invest the particular amount in some sort of business before the end of the current year to meet the challenges of his daily life with the expected profit, or if his social position demands for an investment in a business so that he can manage his daily life from its profit, then his money is dealt with as his yearly expenses and he should pay no Khums on it. However, if his social status does not necessitate such an investment and if working in business, buildings or industry does not bring his honour down, the mentioned capital will be dealt with as being a benefit on which he should pay Khums. The following two examples might clarify the matter:

1. If a doctor towards the end of the year has some money available to him which includes that of gifts or prizes and he uses it to buy surgical equipment or pay for his office and the wages of his secretary etc. and makes a earning from this practice and then spends it according to his status, then he should not pay Khums on the equipment and tools used to gain an income at the end of the year, because the mentioned amount will be dealt as his yearly expenses, as it does not suit him to work like a common worker or industrial employee.

2. If a tailor buys some tailoring equipment from his income of the year to continue his work and meet the challenges of his daily life, he should pay no Khums on the newly bought equipment.

.**Case 227:** If a person borrows some money from another person who does not pay Khums, the borrower has no obligation regarding the payment of Khums on the borrowed amount.

Question: Should a debtor pay Khums on money put aside to pay his debt?

Answer: Debts are of two kinds:

1. Those debts which do not have an output or any gain like the ones which are borrowed for payment of salaries, rent, blood money etc. If a person repays such debts from the profit that he has made during that year, there is no need to pay Khums on it. However, if he repays his creditor, from money made in previous years, then he should pay Khums on such an amount. If after the expenses for a year have become apparent, an amount that has been set aside for paying off ones debt, as an obligatory precaution, should have Khums paid on it.

2. Those debts that have an exchange and replacement, for example an amount is loaned and is used to buy goods, land, equipment etc. This type of debt, if accompanied by a specific profit or the profit is distinguished before the debt is acquired and is used to pay off the debt; Khums is transferred to the exchanged external item, so paying Khums on those items that were bought with the money borrowed is Wajib. However, if the profit is distinguished after the debt is acquired; paying off the debt with the profit gained from these items is only possible after Khums has been paid on the acquired profit. So it is Wajib to first pay the Khums and then pay the debt off.

Case 228: A woman who works in addition to being supported by her husband and if her earnings are more than her yearly expenses should pay Khums on her yearly income. Even if she does not work herself but the income that she receives from her husband is more than her yearly needs, then she should pay Khums on it at the end of the year.

Case 229: Every person should have a fixed day for the start of his working year. Regardless of the amount of profit, or the occupation, he should pay Khums on his excess income.

Case 230: After a child becomes buloogh, he does not have to pay Khums on his property he had as a child. However, if his property is mixed with Haraam, then his guardian should pay Khums on such property on his behalf. If the guardian does not pay Khums, then after becoming buloogh, he himself should do so.

Case 231: It is highly likely that an insane person should pay Khums on his property. If he cannot do so himself, then his guardian should pay on his behalf. If he does not have a guardian, then the religious authority should pay the Khums from his property.

Case 232: If a person would like to pay his Khums for the first year out of the profit from the second year, then he should act according to one of the following two ways:

He should pay one fourth of his profit in exchange for Khums, in a way that he should pay 25 Dinars on every 100 Dinars, and 2500 Dinars for every 1000 Dinars and carries on in this way. The second option is firstly to pay Khums on the profit of the second year, then on the first one.

Case 233: If an heir comes to know that no Khums has been paid on his inheritance, in this instance even though the left behind items have Khums outstanding on them, it is not wajib on the heir to pay Khums on them, but it is Mustahab to do so. However, if Khums was outstanding on an item that was already used by the deceased, it is wajib upon the heir to pay the Khums of that item from the estate of the deceased like any other debt.

Case 234: There is no objection if a person starts a partnership with another person who is either a pagan or sinner or careless towards his religious responsibilities and does not pay any Khums on his part. It will suffice for the first person if he pays Khums on his share of the profit.

Case 235: If a believer receives an amount, which has not had Khums paid on it, as a present, it is not obligatory on him to pay Khums on it before using it. But if the mentioned amount remains with him for a complete year, then he should pay Khums on it.

Case 236: There is no objection if a believer offers prayer or eats food at the house of a person who does not pay Khums. Therefore, anything given to a believer from a person who does not pay Khums regardless of whether such things are given to him through trading or as a gift, he becomes the owner of such things. He can use the things without giving Khums on them. The reason for this is that the Holy Infallibles have made it lawful (Halaal) for their Shi'as to use these items. Similarly, it is also permissible for a believer to use a property of a person who has not paid Khums on that property, if the person allows him too without the need of ownership change. Hence, in all these situations the believer is at ease and has not committed a sin as the sin is on that person who has not given Khums out of neglectfulness.

Case 237: If a person has taken a Sargofli [it is a long term agreement between the 'renter' and owner and resembles something like a lease and trust] from the owner of the property or a third person, and if he has permission to Sargofli it to another person, it is wajib upon him to take the payment of the Sargofli and pay Khums on it. However, if the owner of the property has not given the person, who has taken a Sargofli, permission to Sargofli the property to another person and has only allowed him to use the property. In this instance there is no Khums on the amount paid to the owner.

Case 238: If a person, who has not paid Khums on his property for many years because of carelessness, amusement, negligence or intentionally, intends to pay Khums for all the years gone by, then he should divide his property into two categories:

1. Part of expenditure: All those items that currently or previously would have been part of his yearly expenditure like his house, car, food, drink, clothes etc. would be included here. If he knows that they have been purchased with income that has not yet complete a full year, they do not have Khums, but if he knows that they were purchased with income that has seen a complete year then he should pay Khums on them at the price they were purchased. If he has absolutely no recollection, apparently Khums is not wajib on him but the better is that he should come to an understanding with the religious authority and pay half of the Khums.

2. Extra expenditure: Those items that exceed his expenditure like money, land, house etc. should have Khums paid on them at the time of wanting to pay Khums i.e. the current amount

Case 239: In the period of occultation of Imam Mehdi the Khums is divided into two parts: one part belongs to the Imam himself, and the other part is related to the Sayyids, which is distributed amongst their orphans, poor and in keeping their name alive. Belief, however, is a condition for those who receive the Khums, just as being poor is a condition in connection with an orphan. If a Sayyid is stranded on a journey, he may receive Khums, even if he is wealthy in his hometown and if he is unable to acquire a loan etc. to get home.

Case 240: During the period of occultation, the Imam's share should be given to his deputy i.e. a qualified jurisprudent that is completely aware of how to use such money. Hence, either the Khums should be paid to him or one should ask for his permission before making the use of Khums in some other ways.

Case 241: It is likely that the authority to use the Sayyid's share of Khums is at the disposal of the religious authority just as the Imam's share is. At least, it is the more precautionary measure. The person himself should not give Khums to those who can receive it unless he gains permission from the religious authority first.

Case 242: The reason behind why the share belonging to the Imam should be given to a mujtahid who fulfils all conditions is because this share has always belonged to the religious leadership. Hence, it belonged to the Holy Prophet, then to the Holy Infallibles and then to the most learned and qualified jurisprudent of that time during the occultation of the Imam. Therefore, whoever takes the responsibility of religious leadership, the share of the Imam will be at his disposal and he should spend it for the purposes of strengthening the foundations of Islam and protecting its elements and limits.

Enjoining Good and Forbidding Evil

Al'amr bil ma'rouf wannahi anil munkar (enjoying what is good and forbidding what is evil) is one of the most important religious obligations. Allah says: "And among you there should be a group who invite to good and enjoin what

is right and forbid what is wrong, and there it is that shall be successful". The Prophet (PBUH) said, "My umma 'Islamic community' shall be in a good condition so long as they enjoin that which is good, forbid that which is wrong and co-operate in righteousness. If they fail to do so, their blessings shall be taken away; some will over power others while they will have no helper on the earth or in the heavens!"

Case 243: Al'amr bil ma'rouf wannahi anil munkar towards obligatory and forbidden acts is Wajib Kifayi; which means that if one person from a group performs this obligation, the rest become free of their obligations, while if none performs this obligation, all of them would have committed a sin.

Case 244: If the act is a mustahab act, calling for it also will be recommended. Therefore, if someone calls the others to perform the recommended act, there will be a spiritual reward for him. If he does not call for it, there is no sin on him.

Case 245: There are some conditions under which Al'amr bil ma'rouf wannahi anil munkar becomes obligatory, they are as follows:

1. The person, who guides towards what is good and forbids what is evil, should be well aware of good and evil according to Islamic law.
2. The Amr and Nahy, possibly, should have an effect. If this possibility does not exist, then there is no obligation for performing Amr and Nahy.
3. When a sinful person is continuous in his sinning it is wajib to perform Amr and Nahy on him, however if he shows signs of leaving that sin and has stopped performing it, in this situation Amr and Nahy are not compulsory .
4. When a person abandons good and performs the evil without any excuse. But if a person abandons good and performs the evil unknowingly believing that it is permissible, there is no need for Amr and Nahy.
5. If performing Amr and Nahy does not cause harm to ones or any Muslims life, honour, financial situation etc. then it becomes wajib.

The generally accepted degrees of Al'amr bil ma'rouf wannahi anal munkar

Case 246: It is said that Al'amr bil ma'rouf wannahi anal munkar consists of some degrees as below:

1. **With the Heart**: Here person shows his anger towards the sinful person by not talking to him or by averting his glance etc.
2. **With the Tongue**: Here a person advises and admonishes the sinful person.
3. **With the Hands**: Here a person physically stops a person from committing a sin, like beating him. However, this type should only be applied after the failure of the first two methods.

Marriage

Etiquettes and Recommendations regarding Marriage

Marriage is one of the most highly emphasized recommendations in Islam. There is a tradition from the Holy Prophet saying: "There is no practice more beloved in the sight of Allah than marriage". Another tradition quotes the Holy Prophet saying: "Marriage is of my custom (Sunnah) and whosoever abandons my sunnah, is not of me". In another tradition the Holy Prophet says: "Marriage completes half of a man's faith; he should thus perform abstinence in order to complete the other half".

Case 1: A person who is about to marry a woman should first investigate about her qualities. The Holy Prophet said: "Choose a virtuous place for your offspring because the ethics and behaviours of the uncle influence a child in the same way as when two persons living together are influenced by each other". Imam Sadiq says: "A woman is like a necklace, so be sure about what you tie around your neck". Similarly, the parents of the girl should also investigate about the man's character. The Holy Prophet said: "A marriage means to give ones daughter into obedience, so they (the parents) should carefully consider the person to whom they are giving there blessed daughter to in obedience".

Case 2: It is recommended that a person who decides to get married should pray a two Rakat prayer before choosing any girl as his bride. Then he should recite the following supplication (Dua): "Alla humma Inni ureedu an atazawwaja allahumma faqaddir li minan nisaain a'affahunna farjan wa ahfazuhunna li fi

nafsihaa wa maali wa awsa'uhunna rizqan wa a'zamuhunna barakatan wa qaddir li minhaa waladan tayyaban taj'aluhu khalfan saalihan fi hayaati ba'd mauti".

Case 3: It is recommended that one should get married openly and in the presence of witnesses. It is also recommended that the marriage ceremony should be performed at night.

Case 4: It is recommended to announce a banquet (walima), inviting all the poor and rich ones. Accepting such invitations and eating at such a banquet is also recommended. It is not suitable only to invite the rich ones, neglecting the poor, because the Holy Prophet says: "The worst walima is the one in which only the rich ones are invited".

Case 5: Performing a marriage ceremony at the time when the moon is at the point of Scorpio is Makrouh.

Marriage Contract and Formula

For a marriage contract to take place, the affirmation of a woman and the acceptance of a man is enough. It will suffice for a woman to pronounce the formula of marriage, for example, saying: "Zawwajtuka nafsi bimahrin qaddarahu alfe dinarin" and the man says replying: "Qabiltu". If the woman makes someone else her representative, than the representative should say: "Zawwajtuka mutawakkilati bimahrin qaddarahu alfe dinarin" and the man should reply: "Qabiltu".

Case 6: A man can perform coitus interruptus i.e. allowing his semen to be released out of the woman's body, however, a woman is not allowed to compel her husband to do so or move her body away while coming to know that her husband is about to ejaculate, because sexual pleasure is the right of the man. The woman is not allowed to stop him from his sexual right except when there is a legitimate excuse.

Case 7: During a civil marriage, if the pronunciation of the marriage formula occurred according to the above mentioned methods, then such a marriage is valid.

However, if he just asks the man and the woman to fill up the marriage documents, without pronouncing the marriage formula, then such a marriage is void.

Case 8: A man is allowed the usage of condoms in order to prevent his wife from becoming pregnant, regardless of whether the woman is happy with it or not.

Apparently, a woman is also allowed to use The Pill as such medicines remove a child before settling and forming in her womb. According to specialists, as long as a woman uses such medicines, her uterus is unable to hold onto her eggs. As a result she becomes infertile and barren for the time being. The method of tying the fallopian tubes to prevent pregnancy, as an obligatory precaution, is not allowed unless it becomes a necessity.

Such procedures should only be used when it does not harm or have any dangers to the woman's body. If it does, then it is not permissible.

Case 9: A man can look at the face, palms, calves, hair and neck of a woman whom he intends to marry, with a condition that he should not look at her for enjoyment. Otherwise, he is not allowed to do so.

Looking at a woman who does not show any response towards admonishments about Hijab, is allowed with a condition that such a sight should not be for sexual pleasure and enjoyment.

Case 10: It is not allowed to look at a woman who if was told about Hijab would cover herself except her palms and face and as an obligatory precaution, looking at her hands and face are also Haraam and forbidden.

Case 11: A woman is allowed to look at other men if such a sight is not for sexual pleasure.

Case 12: It is obligatory on a woman to cover and conceal all parts of her body and hair except from her face and palms from everyone except her husband or her close relationship (mahram). Yet as a precaution, she should also cover her face and palms.

Case 13: It is not obligatory on a woman to cover herself when being amongst those who are mahram to her.

A Mahram of a woman are those people with whom marriage is prohibited, and this prohibition is everlasting either because of family ties, sucking and fostering or because of kinship. A woman can also look at men who are her mahram with a condition that her sight should not be for pleasure.

Case 14: It is Haraam for non-mahram men and women to touch one another, even if it is not for pleasure and enjoyment.

Case 15: A man can shake hands with a non-Buloogh girl if it is not performed for pleasure. Likewise, a woman also can shake hands with a non-Buloogh boy under the same condition.

Case 16: If a doctor can cure an ill woman by just looking at her without touching her, then he should do so. In such a case, the doctor is not allowed to touch her. However, if the medical treatment requires touching any part of her body, then he should touch her only to that extent that is necessary to cure and treat her.

When a female doctor is available and the illness of a woman can be treated by her, then such a woman is not allowed to consult a male doctor. However, she can be treated by a male doctor if the female doctor is unable to treat her illness.

Case 17: Listening to a non-Mahram woman's voice for a man is allowed with a condition that it should not be for pleasure.

Case 18: It is not permissible for a husband to abandon having sexual intercourse with his youthful permanent (or even temporary) wife for more than 4 months. However, this rule is only applicable when the man has access to his wife, so if he is on a journey which is longer than 4 months, this ruling does not apply.

Guardianship

What we mean by guardianship here is that dealing with marriage i.e. it is permissible for the guardian of a non-Buloogh boy or girl or of an insane; Buloogh person to perform the marriage contract on their behalf.

The guardians are the father, paternal grandfather, an appointed representative if neither of the first two are available, the religious authority and a master in respect to his slave. Apart from the mentioned individuals, no other person has guardianship over another.

Therefore, a mother or maternal grandfather cannot be a representative of an insane, non-Buloogh or virgin girl.

Case 19: If a father gets his non-Buloogh son or daughter married before reaching the age of puberty, his child does not have the right to nullify the marriage after becoming mature. But if rational consensus indicates that at the time of marriage there ware harms and agendas, then such a marriage is automatically nullified without the permission of the father and grandfather once the child becomes Buloogh.

Case 20: A father or paternal grandfather cannot become the representative of their Buloogh son and Buloogh; non-virgin daughter. Thus, such a man and woman can make independent decisions over their marriages. But if the girl is a virgin, then she should ask for her fathers or paternal grandfathers' permission. In this case, however the guardians cannot marry her without her consent. So, in the case of marrying a virgin girl the permission of her guardian as well as her consent are necessary, be it for a temporary or permanent marriage.

Case 21: If the virginity of a girl is removed through misapprehended consummation [will be explained later on] or by fornication, then she has lost her virginity. But if her 'virginity' is removed as a result of an accident, then she is still considered to be a virgin.

Gaining physical benefits with a condition of no penetration, in order to become mahram or to gain sexual pleasure without intercourse is not allowed for a virgin girl without the permission of her guardians.

Case 22: If it is not possible to gain the permission of the father (e.g. he is on a journey, in jail or absent), then a mature girl can marry without her father's permission.

Case 23: If a father forbids his daughter from getting married to persons of her own status, the daughter can marry without his permission. But if he forbids her from getting married to a specific man who is the same status as her, then the girl does not have the right to get married with that specific man without the permission of her father.

Mahrams of a Man

Case 24: What we mean by Mahram are all those people that a man cannot get married to either because of kinship or other means (e.g. marriage and fostering).

The women who are mahram because of kinship consist of the mother, grandmother and as the line ascends; his daughters and granddaughters i.e. daughters of sons and of daughters and their descendants, sister and her children (nieces) and their descendants, one's maternal and paternal aunts and the ascending e.g. the aunts of my parents or the aunts of my grandparents and my brother's daughter and their descendants.

There are four ways to list the women who become mahram by other means, which are as follows:

1: Through Marriage (In laws):

Case 25: If a person marries a woman, and has sexual intercourse with her, her mother and grandmother and the ascending line as well as her daughters and granddaughters and their descendants become mahram to him. It is also forbidden to marry one's mother in law and the daughters of one's wife even if the wife has passed away or been divorced.

Case 26: If a person marries a woman and has sexual intercourse with her, his father and the husband's sons cannot marry that woman after his death.

Case 27: If a father marries a woman, she becomes mahram to his sons regardless of whether the father has sexual intercourse with her or not and vice versa. Similarly, if a son marries a woman, the woman becomes mahram to his father irrespective of whether the son has sexual intercourse with the woman or not.

Case 28: If a man marries a woman, but does not have sexual intercourse with her, her mother becomes Haraam for him forever and as long as their marriage lasts, his wife's daughter, as an obligatory precaution, is Haraam for him. But if they separate before having sexual intercourse, the man can get married with her daughter. However, after having sexual intercourse with the woman, her daughter becomes mahram for the person and he can never marry her.

Case 29: If a man marries a woman, he cannot marry her sister, as long as she is his wife. However, if they separate of the wife dies then he can marry her sister.

Case 30: If a person commits fornication (frontal or anal) with his maternal aunt, her daughters and their descendants become Haraam for him with the condition that he committed it before getting married with her daughter. But if he commits fornication with his maternal aunt after marrying her daughter remains intact.
Committing fornication with one's paternal aunt, as an obligatory precaution has the same ruling as with the maternal aunt.

Case 31: If a person commits fornication with a woman other than his maharim, he can marry her daughter.

Case 32: A man is not permitted to marry more than four women by way of permanent marriage. He is also not allowed to have more than 2 Kaneez at one time, but he can have 2 permanent and 2 Kaneez or 3 permanent and a Kaneez at one time.

Case 33: If a person has a permanent wife, he cannot marry a Kaneez unless his wife permits him. If he marries the Kaneez without his wife's consent, the marriage is null.

Case 34: It is Haraam to marry a married woman, or a woman being in Iddah, even if he marries her unknowingly either about the ruling or of the matter. His marriage with such a woman becomes void even if he has no knowledge of the Islamic ruling or if he knows the verdict but does not know about the marital status of the woman, or her Iddah.

But if he marries such a woman intentionally and with knowledge of the ruling, at the time of reciting the marriage contract, the woman becomes Haraam forever for him even if he does not have sexual intercourse with her.

Case 35: If a person contracts matrimony with a woman who is either already married or in her Iddah, and has sexual intercourse with her, she becomes Haraam for him forever even if he did not know the ruling or her status.

Case 36: If a mature (buloogh) person commits sodomy with a boy, the mother, sister and daughters of the boy will become Haraam for him forever.

Case 37: If a person contracts matrimony with a non-buloogh girl, it is not permitted to have sexual intercourse before she has her completed nine years.

Case 38: If a person commits fornication with an unmarried woman and who is not in Iddah, she does not become Haraam to him, but it is better for him to marry her after she becomes tahir from one period of Haidh.

Case 39: If a woman is known to be a fornicator, it will not be permissible to marry her until she has genuinely repented.

A fornicateress is a woman who is famous for her sexual behaviour amongst the people.

Case 40: If a person commits adultery with a married woman or a woman in Iddah, as a recommended precaution, he should not marry her afterwards. If a married woman commits adultery, she will not become Haraam for her husband.

Case 41: If a woman gets married but commits adultery with another person before having sexual intercourse with her husband, it is probable that the marriage becomes void and she should not be given her dowry (Mahr). As a precaution, such a woman should be divorced. However, if the man wants to marry her again later, they should recite the marriage formula again.

Case 42: If a person who is in the state of Ihram (which is one of the acts to be performed during Hajj and Umra) marries a woman himself or by way of representation, the matrimony is void, and if he knew that it was Haraam for him to

marry her in the state of Ihram, he cannot marry that woman again ever. But if he was unaware that it is Haraam to get married in the state of ihram, he can marry the woman once he is out of Ihram.

Case 43: A woman, who is divorced three times, becomes Haraam for her husband. But, if she marries another man, her first husband can marry her again after her second husband divorces her.

2. Mahram by Means of Suckling:

Suckling a child is another cause of becoming mahram. The same rules apply here as in the case of kinship. Hence, if a woman suckles a child under some conditions which will be discussed later, she becomes the mother of that child by means of suckling, and her daughters will become foster sisters to the child, her sister will become his foster maternal aunt, her husband's sister will be dealt with as his foster paternal aunt, and he cannot marry anyone of them. Just like marrying them was Haraam through kinship.

Case 44: The followings are the conditions under which a suckling child becomes mahram:

1. The milk should be the product of a legitimate marriage and childbirth. Hence, if the milk is from an illegitimate child or because of fornication or not caused because of childbirth, is fed to a child it will not make the child mahram to anyone.

2. The suckling should be for at least a full day and night or of such a quantity that it could be said that the bones of the child were strengthened and the flesh increased or if the child has drunk 15 times from the woman. It is a condition in feeding the child for a full day and night or 15 times, that the child should feed till it's full and leave the breast by its self and also the woman feeding the child should not change or alternate with another woman. For example if a woman feeds the child during the day and another woman feeds it during the night, this will not result in the child becoming Mahram.

3. The suckling should be done in the first 2 years of the child's life. However, if it was done after the completion of 2 years, Mahram will not be established.

4. A child should suckle the milk of only one woman whose milk is that of her husbands. If a man has two nursing wives, and if, for example, one of them suckles the child eight times and the other suckles it seven times, the child does not become Mahram to any one of them.

5. The child should suckle milk directly from the breasts of the woman. Hence, if milk is poured into its mouth or any other method is used, it has no effect on the becoming Mahram of the child.

Case 45: If a child is suckled by his maternal grandmother or maternal step grandmother, the mother of the child becomes Haraam for the child's father and their marriage becomes nullified, but if the child is suckled by his paternal grandmother, the mother of the child does not become Haraam for the father, however the children of his paternal uncle and aunt become Haraam for the child as he becomes their foster uncle.

Case 46: If there enters any kind of doubt in one's mind regarding the number of sucklings and their completions or if one doubts whether the milk has been sucked directly from the breast or not or if there is a doubt about the age of the child at suckling i.e. was it before or after 2 years, then the Mahram relationship is not established.

Case 47: A milk-relationship is proved by the justification of four women or two men who are Aadil. However, it is not proven by the testimony of the mother or foster mother.

Case 48: It is recommended that the wet-nurse, whose services are obtained for a child, should be Shia Ithna-Asheri, sane, chaste, good looking and possess good moral traits, as the milk has a large influence on the social and moral behaviour of the child As well as its effects on physical appearance. This has been proven by scientific and empirical data. There is a great emphasize on this in the religious sources too.

Li’an [a type of divorce]:

By Li’an one's relationship with his wife becomes Haraam forever. It will be discussed later in detail.

Infidelity:

Case 49: A Muslim woman cannot marry an unbeliever even if he is from Ahlul Kitab.

Case 50: A Muslim male cannot marry an infidel woman irrespective of whether the marriage is contracted as permanent or temporary.

Case 51: A Muslim male can contract a permanent or temporary marriage with a woman who is from Ahlul Kitab. However, as a recommended precaution, he should not contract a permanent marriage with such a woman.

Case 52: An Ahlul Kitab woman is someone who belongs to a religion which follows a Divine Book, such as a Christian or Jew.

Case 53: To get married with a woman who belongs to the Majus is a matter of Ishkal. It would be better if a person does not marry such a woman.

Case 54: A Muslim person cannot marry a woman who has become an apostate (a Muslim who renounces Islam and adopts an infidel faith). Moreover, a Muslim woman also can not marry a man who has turned into an apostate.

Case 55: If two Muslims get married and before consummation one of them becomes an apostate, the marriage is nullified immediately, and if the husband apostates after consummation, the marriage is null. However, if the wife apostates after consummation precaution should be taken i.e. the nullifying of the marriage is dependent on her Iddah and returning to Islam, so if her Iddah finishes and she does not return to Islam, the marriage is nullified.

Case 56: If a woman’s husband becomes a Fitri apostate, she should observe Iddah for four months and ten days as is done in the case of a dead husband. But if

her husband becomes a Milli apostate, she should observe Iddah for divorce which is the completion of three Haidh periods.

Case 57: A Fitri apostate is he who was Muslim to begin with and later on became an apostate. A Milli apostate is that person who was an unbeliever to begin with, become Muslim and then again later apostated.

Case 58: If an Ahlul Kitab woman becomes Muslim, but her husband does not, her marriage immediately nullifies.

Case 59: It is makrouh (an abominable act) for a religious woman to marry a non-religious man. As a precaution she should not marry such a man. If she fears that marrying him would lead her astray, then it is Haraam for her to marry such a man.

Case 60: It is makrouh (disliked) to marry a sinful person. This dislike is even more emphasized towards a person who drinks alcohol.

Case 61: A Shighar marriage is invalid. A Shighar marriage is that marriage where the woman makes her mahr a marriage of another woman, saying: "Zawwijni bintaka aw ukhtaka masalan ala an azwajaka binti masalan wa yakoonna mahru kullin minhumaa nikahaan ukhra"

Case 62: Marriage is permitted between a Sayyid and non-Sayyid, between an Arab and a non-Arab and so on.

Temporary Marriage (Mu'ta)

All Islamic sects unanimously agree that Mu'ta was permissible during the early days of Islam, the Holy Prophet was ordered by Allah to legitimize and legislate it. The differences occur at whether or not this type of marriage has continued to be allowed in Islam. The Shia affirm that this practice is allowed up to day and the proofs for this can be found in both Sunni and Shia Hadith books, however the four Sunni schools of jurisprudential thought believe that this practice is not allowed anymore with proofs that the Holy Prophet was ordered to abrogate this practice at other times.

Case 63: There should be a verbal affirmation and acceptance in a temporary marriage as there was in permanent marriage. The woman says to the man: "*Zawwaj-tuka nafsi bi mahrin qadruhu* x *limudatin* x" I give myself to you in marriage for the dowry of x and for the time x." (In place of "x" mention the agreed marriage dowry and time period) The man immediately says, "*Qabiltu tazweej* — I accept the marriage."

Case 64: The dowry must be mentioned in a temporary marriage.

Case 65: One must also mention the time period in a temporary marriage. If mentioning the time period was forgotten, the temporary marriage will turn into a permanent marriage.

Case 66: A man is not allowed to contract a temporary marriage with unbelievers other than those from the Ahlul Kitab.

Case 67: As an obligatory precaution, one should not contract a temporary marriage with a woman who is known as a fornicator.

Case 68: There is no fixed limit on the amount of women a man can contract temporary marriage with at one time. Also there is no limit on the amount of mahr either; large or small.

Case 69: If a person contracts a temporary marriage with a woman for a fixed period such as one month, or a year, but he intends to cancel the contract without having any sexual intercourse with her, the woman will be given half of her Mahr. If one of them dies or the period of their temporary marriage comes to an end, then nothing will be deducted from her Mahr, even if they did not have sexual intercourse.

Case 70: If a child is born as a result of a temporary marriage, it belongs to the father, not the mother and he is responsible for its upkeep.

Case 71: In temporary marriage, the duration of Iddah for a woman is two haidh after the marriage period is annulled or completed. If the woman has not reached her menopause but because of illness she does not see Haidh, the period will be 45 days. If her husband dies, she should observe Iddah for four months and

ten days. If the woman while observing Iddah for her dead husband is pregnant, her Iddah will be whichever of the two times, i.e. between the fixed time and the birth, is longer. If the husband passes away outside of her Iddah, as an obligatory precaution, the same rules apply.

Case 72: A husband cannot renew the contract of a temporary marriage with his temporary wife before the first contract period is over.

Case 73: If a woman with whom temporary marriage is contracted, makes a condition that her husband will not have sexual intercourse with her, the marriage as well as the condition imposed by her will be valid, and the husband can then derive only other pleasures from her. However, if she agrees to sexual intercourse later, her husband can have sexual intercourse with her.

Case 74: A woman, with whom temporary marriage is contracted, is not entitled to subsistence unless she makes it a condition while contracting the temporary marriage or it was included in another contract.

Case 75: A woman, with whom temporary marriage is contracted, does not inherit from her husband, and the husband, too, does not inherit from her unless one or both of them make it a condition which is then compulsory to be performed.

Occasions when Husband or Wife can Nullify Matrimony

Case 76: The following four deficiencies in a man can cause a woman to annul the marriage:

1. Insanity: If a man was insane before marriage but the woman was unaware of this, she can annul the marriage and even if insanity occurs after the marriage contract she can do so. However, if she knew about his insanity before the marriage contract she has no right to annul the marriage.

2. Impotency: If the husband is physically unable to have sexual intercourse with his wife, the wife can nullify the marriage. But if the deficiency comes into being after having sexual intercourse with the woman, she cannot nullify the marriage, even if he has sexual intercourse with her only once.

3. Castration: If the husband has been castrated and cannot become a father, his wife can nullify the marriage with the condition that the woman was unaware of his deficiency before marriage. Otherwise, she does not have the right to nullify the marriage, or if she was unaware of his deficiency before marriage but after coming to know about his problem, showed her consent, she cannot nullify her marriage even if she regrets her decision later. If after marriage, the husband gets castrated, apparently the wife cannot annul the marriage.

4. Deficient Penis: If a man's penis has been cut or injured so that he cannot perform sexually, the wife has the right to annul the marriage. If a man had this problem before marriage or after marriage but before consummation, the wife can annul the marriage. However, if this defect occurred after he consummated the marriage, according to the stronger opinion she has no right to annul the marriage.

Case 77: The following seven deficiencies if found in a woman can cause the nullification of her marriage by her husband:

1. Insanity
2. Leprosy
3. Leucoderma
4. Presence of flesh or a bone in the woman's uterus, which may or may not obstruct sexual intercourse or pregnancy
5. Being crippled, even if it is not to the extent of immobility.
6. Blindness.
7. 'Ifdha' - meaning that her urinary tract and rectum have become one.

Case 78: If the husband comes to know after matrimony that his wife had, at the time of matrimony, any one of the seven mentioned deficiencies, he can annul the marriage.

Case 79: If one or some of the foregoing problems occur to the wife after marriage and before having sexual intercourse with her, annulment will be a matter of Ishkal. As an obligatory precaution, if the man wishes to be separated from the woman, he should divorce her or both divorce and annul the marriage.

Case 80: If the husband remains unaware of the deficiency of his wife till the time of having sexual intercourse with her, he has the right to nullify the marriage. But after having seen the deficiency, if he still accepts the wife, then he has lost the right to nullify the marriage. But if he comes to know after sexual intercourse, he cannot nullify the marriage.

Case 81: The rules regarding the mentioned deficiencies include both temporary and permanent marriages.

Case 82: The right to have the marriage nullified is not removed by the lapse of time. It is removed only when one of the two comes to know about the other's deficiency and accepts it.

Case 83: If a husband nullifies the marriage before having sexual intercourse with his wife by one of the above mentioned deficiencies, the woman does not have the right to ask for her Mahr. If he nullifies the marriage after having sexual intercourse, he should give the full Mahr to the woman. After having paid the Mahr, the husband has the right to take it back from the person who deceived him. If the woman herself is the deceptive person, then she should be paid no Mahr. If the woman nullifies the marriage, she does not have the right to claim for her Mahr, except when the husband is impotent. In this case she can claim only half of her Mahr.

Case 84: If one marries a woman on the basis of her virginity but after matrimony it becomes clear that she is not a virgin he cannot annul the marriage. However, he can lessen her Mahr by an amount usually paid to a virgin to one that is usually paid to a non-virgin.

Dowry (Mahr)

Case 85: A woman becomes the owner of her Mahr at the time of the marriage contract. If she is divorced without having sexual intercourse, she will own only half of her Mahr. If either the husband or wife die, only half of the Mahr will be payable to her. If the husband has sexual intercourse; frontal or anal, she will own the full Mahr. If the man makes the woman lose her virginity with his fingers without her consent and approval, she will own the full Mahr.

Case 86: If a person other than the woman's husband removes her virginity either by sexual intercourse or by other means with her unwillingness, the offender should pay her the same amount of Mahr as a woman of her status.

Case 87: If the dowry (Mahr) is not fixed in a permanent marriage, the marriage is correct. And in such a case, if the husband has sexual intercourse with the wife, he should pay her a proper Mahr (Mahrul Mithal) which would be in accordance with the Mahr usually paid to women of her category and status. However, if he divorces her before having sexual intercourse, he should provide something to the woman according to his financial situation, such as money, clothes etc. If a woman marries a man without asking for Mahr, for example, if she says: "I give myself to you in marriage for no marriage gift" (Zawwajtuka Nafsi Bila Mahr) and the man says: "Qabiltu" (I accept), such a marriage is called a "bequethment of one's chastity". This kind of marriage is correct. If one of them dies before having sexual intercourse, there will be no Mahr for the woman, just as if she nullifies her marriage before intercourse.

Case 88: If the woman imposes a condition at the time of matrimony that her husband will not take her out of the town, and he also accepts this condition, he should not take her out of that town against her will.

Case 89: If the woman imposes a condition at the time of matrimony that her husband will not marry another woman, it is obligatory upon the man to act according to her wish. But if he does not pay attention to the condition and marries another woman, then he has committed a sin, but his marriage is in order.

Case 90: A woman can, during the recitation of the marriage contract, appoint herself to be her husband's Wakeel in the issue of divorce, saying: "Zawwajtuka nafsi wa ja'altu nafsi wakeelan 'anka fi talaaqi minka (I marry myself to you and appoint myself your wakeel in the case of divorce from me" and the man should say: "Qabiltu (I accept)". Thus the woman becomes the representative of her husband for divorce and if they get divorced [God Forbid!] it will be correct**.**

Case 91: A woman cannot make a condition that puts divorce in her control.

Case 92: A father cannot use his Buloogh and mature daughter's Mahr, without her permission.

Case 93: A woman, at any stage of life, can exempt her husband from paying the Mahr. In this case, if her husband divorces her before having sexual intercourse with her, he can demand for half of her Mahr back, which becomes obligatory on the woman to pay.

Case 94: An excessive Mahr is Makrouh. There is a tradition attributed to the Imams which says: "One of the blessings of a woman is a low Mahr and one of her evils is an excessive Mahr."

Distribution and Disobedience

Distribution: The spending of nights between his wives.

Disobedience: The wife fails or refuses to fulfil her matrimonial duties towards her husband.

Case 95: It is obligatory on a man to spend one out of four nights with his permanent wife. For example, if a man has two permanent wives, it is obligatory on him to spend one night out of four with each of them. But he is free to use the other two nights according to his own will. If he has three or four wives, as an obligation, he should spend one night with each of them in every four nights.

Case 96: If a man has two wives, he can spend three nights with one of them, and one night with the other, similarly, if he has three wives. However, it is better to spend equal nights with each of them and to not prefer one of them over the other.

Case 97: A woman can exempt her husband from his duty by asking for something in return or without any reward, and afterwards the husband does not need to spend the night with her.

Case 98: It is obligatory on a man to sleep alongside his wife. Sexual intercourse is not obligatory upon him in all of the four nights.

Case 99: It is not obligatory upon a man to sleep the whole night with his wife. It is obligatory on him to spend a particular part of the night with his wife which is commonly accepted by all people. Hence, there is no objection if he spends a part of the night out of the house like one or two hours.

Case 100: A person during a journey is exempted from spending his nights with his wives regardless of whether his journey is for religious or worldly purposes. It is not obligatory on him to be accompanied by one of his wives. After returning from his journey, it is also not obligatory on him to perform Qadha for the missing nights. In other words, it is obligatory on a man to spend nights aside his wife or wives only when at home or close to his wives.

Case 101: It is obligatory on the woman to submit herself to her husbands' sexual desires and should not prevent him from having sexual intercourse with her. Moreover, she should not prevent her husband from any sexual enjoyment he may want from her.

Case 102: If a woman shows disobedience towards her husband and fails in her duty by not letting him have sexual intercourse with her, the husband should admonish her. If his admonishment does not work, he should quit sleeping with her and turn his back to her. If she still continues the disobedience, the man is allowed to punish her physically. However, he should be careful not to break any of her bones, and not to cause her any kind of bleeding.

Case 103: If there is a family dispute between the wife and husband, two people should be chosen as judges, one person from the husband's family and one from the wife's. The judges should enquire about the reasons of the dispute and try to solve the problem. If both the judges agree on a solution and give judgement on it, then it should be applied and both the wife and husband should accept the decision with the condition that it has benefits for both parties. For example the judges can come to a conclusion that the husband should move to a particular town or closer to his wives parents and the like, however the judges cannot conclude on divorce or forgiveness of the Mahr without first consulting the couple and gaining their consent and approval.

Case 104: The Holy Quran emphasizes on observance of justice and equity amongst one's wives, this obligation is in connection with the distribution of one's nights between his wives and sleeping with them equally. It means that if a man spends one night with one of his wives, he should spend the other with his second wife. He should spend one night from every four nights with one of his wives. Equity in generosity and fulfilment of sexual needs and the like is recommended.

Children

Case: 105: A child born of permanent or temporary marriage is related to the father under the following circumstances:

1. When the man is aware of having sexual intercourse with the woman, and knows that he ejaculated inside the woman.

2. When six months pass from the time of having sexual intercourse with the woman.

3. When the woman falls pregnant within one year. There are three possible periods for pregnancy; 9, 10 or 12 months. The first one is the stronger opinion but the third one is also not impossible.

Case 106: If a man does not spend any night with his wife for more than the period of pregnancy and after this period his wife becomes pregnant, the child will not belong to the man.

Case 107: An illegitimate child does not belong to the person who fathered it, even if afterwards he gets marry with the woman who bore the child.

[Editor's Note: Meaning that the rules dealing with inheritance and guardianship do not exist between the illegitimate child and its parents. However they are Mahram to each other, and hence cannot marry.]

Case 108: A woman can use contraceptive tablets, even if the husband is unhappy with such an act.

Case 109: Abortion is not permitted, even if it is just an embryo. The woman who aborts a foetus must pay diyah which is 20 gold Dinar coins. When saying embryo, we mean the very first step of a sperm when it changes into a particular shape. Specifically, we mean the egg which settles in the uterus and starts growing. However, it is allowed for a woman to abort it before this stage.

Case 110: When giving birth, only the husband and other women helping the pregnant woman should be present. No one else, except the husband and these women are allowed to be present there.

Case 111: It is permissible for a wife and husband to adopt a child as their own son or daughter. However, it is not permissible if they adopt it to claim it as their own i.e. to inherit from it or becoming mahram to it etc. and usurp its religious rights. But if the wife and husband adopt an orphan or a child whose own parents are not able to nourish it or are absent, without claiming it to be their own, there is no objection. It should be noted that there is a great spiritual reward for a person who performs such an act.1) Editor's Note: Meaning that the rules dealing with inheritance and guardianship do not exist between the illegitimate child and its parents. However they are Mahram to each other, and hence cannot marry.

Case 112: It is recommended to bath the baby upon birth. Also it is recommended that the Adhan be pronounced in the right ear of the baby, and Iqaamah in its left ear. Then some Turbat (soil from around the shrine of Imam Husayn) and Zamzam Water should be dropped into its mouth. His name should be chosen from amongst the messengers and he should be given an epithet. The shaving of its head should be done on the seventh day of his birth and there should also be a sacrifice. An amount of either gold or silver equal to the weight of the baby's hair should be distributed amongst the needy. If the baby is a boy he should be circumcised on the same day. If a boy's circumcision is not performed before the age of maturity, it should be performed after he matures.

Case 113: When putting Turbat and Zamzam water into the mouth of the child, it should be put on the upper side of the baby's mouth.

Case 114: The Aqeeqah (sacrifice on the seventh day) of a baby is an emphasized recommendation for every one regardless of whether the person is

young or old, male or female. The sacrifice for a male and female are equal. However, it is recommended to sacrifice a male animal for a boy and a female animal for a girl. The conditions applied in the obligatory sacrifice are not necessary in this matter. It would be better if the animal chosen for such a sacrifice is fat and healthy. It is better if none of the family members, including the father and mother, eat from the Aqeeqah.

Case 115: If the sacrifice is not performed for one who has now become mature (buloogh), it is recommended that he performs it on his own behalf.

Case 116: If in place of an Aqeeqah a person gives a certain amount of money, it will not compensate for the Aqeeqah, but if any animal is slaughtered, it will suffice for the Aqeeqah.

Case 117: The duration of suckling a child is two years, and it is also permissible to suckle a child for more than two years. If the mother and another woman (either on the basis of payment or not), are able to suckle a child, the mother's milk is preferred over the others.

Case 118: It is better for the child to be nourished by a Muslim, sane and trustworthy mother (if she is willing), even if the child is a girl. It is better that the child remains with its mother till the age of seven, even if it is a boy.

Case 119: If the father dies after being given guardianship of the child, the mother should take care of it. This should continue until the child matures, regardless if the mother gets married again.

Case 120: If the mother of the child dies, the father should take care of it afterwards. If both of them die, the paternal grandfather should nourish the child. In case the parental grandfather also dies, then the Wasi of the father or mother should become the guardian of the child.

Case 121: After the child matures; the guardianship of the father or mother ends. He can therefore live with either his father or mother or any other person he chooses.

Case 122: Apparently, after divorce, the mother is not exempted from her right of guardianship over her child.

Case 123: If a mother, after being divorced, marries another person, it is improbable that she still has the right to guardianship over her child.

Case 124: The right of custody of the child for the mother nullifies when she disowns the child. However, the right of custody of the child on the father or paternal grandfather does not nullify even after the child is disowned. This is because the mothers right to custody is based on her being preferred over others to suckle the child, and thus she has the right not to act upon her right, however, the right of the father is guardianship of the child, and guardianship cannot be nullified.

Sustenance

Sustenance of the Wife

The sustenance of the permanent wife is obligatory on her husband.

Case 123: It is obligatory on the husband to provide her, at the least, with food, water, clothing, shelter and those things that are needed in everyday life. If the husband cannot afford even the minimum of sustenance and she also does not wish to live with him anymore, they can separate from each other. This amount of sustenance is obligatory on the husband only when the wife remains with him, if she leaves him without his permission or valid religious excuse, it is not obligatory for him to sustain her.

Case 124: Apparently, the expenses of childbirth, doctors and medicines are dealt with as obligatory sustenance. Similarly, the expenses for the treatment of life threatening and painful diseases are also a part of this obligation, even if they demand a great deal of money, but only if it does not put extreme difficulty on the husband.

Case 125: During the period between the engagement and the marriage, the sustenance of the wife is not obligatory on the husband.

Sustenance of Relatives

The difference between the sustenance of relatives and that of the wife, is that the wife's is on the level of a debt that is placed on the husband's shoulder and by refraining from providing or not having the ability too, this responsibility does not fall away and remains on his shoulder as any other debt would. In this respect it does not matter whether the wife is rich or poor. However, the sustenance of relatives is just a duty and falls away if the relatives are wealthy, similarly if the provider is poor, he does not have to provide for his close relatives.

Case 126: Those relatives, whose subsistence is obligatory consists of one's parents and children. If a father is wealthy, the sustenance of his poor children (sons and daughters) is obligatory on him. Conversely, if the parents are poor, their subsistence becomes obligatory on their wealthy children.

Case 127: The obligation of provision is not specific only for the first generation. Therefore, it is obligatory on a father to provide the sustenance of his children, grandchildren and the descending generations. Similarly, it is the obligation of the children to provide the sustenance of their parents, grandparents and the ascending generations.

Case 128: One's own sustenance is before the wife's, while the wife's sustenance comes before the relatives.

Case 129: The obligatory sustenance in respect to ones relatives consists of food, water, clothes and other things they might need to run their daily life. Anything extra, like the repayment of their debts or assistance with marriage are not obligatory.

Case 130: For a woman with whom permanent marriage is contracted, it is Haraam to go out of the house without the permission of her husband if it will violate his rights, even if it doesn't violate his rights, as an obligatory precaution, she should not leave without his permission.

Case 131: The travelling expenses incurred by the wife for necessary travel must be borne by her husband. However, there are two situations. If she travels because of an illness which cannot be cured unless she travels, her husband should provide take care of the expenses as his obligation. But if she has an obligatory

travel like if she wants to perform an obligatory Hajj, or if she, with her husband's permission, vowed to perform a recommend Hajj, then her expenditure is not obligatory on the husband. Similarly, the payment of blood money, Kaffarah and other obligations which do not have a link with the wife's daily life are not obligatory on the husband. The obligatory expenses on a husband are providing the wife with clothes, food and shelter which are necessary for the continuation of her life and which are his religious obligations. Since the mentioned expenditure during travel is other than what has been fixed by religion, such expenses are not to be taken as an obligation by the husband.

Case 132: If the husband cannot provide his wife with sustenance, the wife can consult a religious authority who will ask the husband to divorce her. If the husband does not divorce her, the jurist himself will pronounce the formula of her divorce. However, if the husband, being able to provide her with sustenance, does not do so, the wife should consult the religious authority. The religious authority will order the husband to either provide her with sustenance or divorce her. If he does not perform any of them, the jurist himself will pronounce the formula of her divorce.

Sustenance of Pets and Owned Animals

It is obligatory on the owner to provide his animals with sustenance, even if he just leaves them to graze in an open field. If he does not do so, the religious authority will order him to either sell the animals or to nourish them or if the animals can be slaughtered, as an obligatory precaution, he should slaughter them.

Divorce

Rules regarding Divorce

Case 133: Divorce has four pillars:

1. The person who divorces
2. The person being divorced
3. Formula of divorce

4. Witnesses

Necessary Conditions for Divorce

Four conditions are compulsory on a man divorcing his wife:

1. The man must be an adult.
2. He must be sane.

3. The man should divorce of his own free will, therefore, if someone compels him to divorce his wife, that divorce will be void.

4. It is also necessary that a man seriously intends to divorce; therefore, if he pronounces the formula of divorce while asleep, mistakenly, jokingly or being unconscious or drunk, then his pronunciation is not valid

Case 134: If the guardian of an insane boy divorces his wife using his right of guardianship, the divorce will be void.

Case 135: It is not improbable that the guardian of an insane boy can terminate the marriage period of the boy's temporary wife, especially when in doing so is for the benefit of the boy.

Conditions for a Woman being Divorced

The following conditions are necessary for a wife being divorced:

1. She must be a permanent wife of the husband, because there is no divorce in the case of a woman with whom temporary marriage is contracted or in the case of a Kaneez.

2. It is necessary that at the time of divorce, the wife is tahir from Haidh and Nifas with the following three conditions:

a. The husband should have had sexual intercourse with her.

b. She should not be pregnant.

c. The husband should not be absent.

However, if one of the above conditions is absent then the husband can divorce her while she is in Haidh or Nifas, for example if the husband did not have sexual intercourse with her etc.

Case 136: If a man can ascertain whether his wife is in Haidh or Nifas by common means, it is not permitted to divorce her without having acquired this knowledge. If he divorces her and later finds out that she was in the state of Haidh or Nifas at the time of being divorced, the divorce will be void. If finding out about the condition of the wife is not easily possible, like if he has been absent from his wife for a long period of time and he has no way of knowing her state, if he divorces her, the divorce is in order even if later he came to know that she was in the state of Haidh or Nifas at the time of divorce.

3. The husband should not have had sexual intercourse with her during her tahir period i.e. that period where there is no Haidh or Nifas, but if he did he cannot divorce her in that period, unless she is non-Buloogh, or in menopause (being outside the age of Haidh), or pregnant, or if the husband is absent and has no way of finding out about his wife's state, then the divorce is in order. Otherwise if he wishes to divorce his wife he should wait till she sees Haidh again and then divorce her once she becomes tahir again.

Formula of Divorce

If the husband says: "fulanatun taaliqun" or "anti taaliqun" or "zawjati taaliqun" divorce has taken place. A divorce has not taken place with the pronunciation of wordings such as: "talaqtu fulaanatan" or "anti mutallaqatan" or "fulaanatan mutallaqatun" or "anti Haraamun" or "anti khallitun" etc.

Case 137: A person who is able to talk cannot divorce his wife in writing or by indicating. However, a person who is unable to talk can do so.

Case 138: It is necessary that the divorce formula should not include any condition that has the possibility of occurring or not, like if one says: "Izaa jaa Zaydun fa anti taaliqun (When Zaid leaves then you are divorced)" or "Iza tala'tish

shamsu fa anti taaliqun (When the sun rises you are divorced).” These types of divorces are incorrect and void.

Witnesses

The following conditions are compulsory for the witnesses:

1. Justness: The witnesses should be two just persons.
2. Togetherness: The witnesses should be together at the place of divorce. If each of them listens to the divorce formula at two different sittings, the divorce will not be in order.
3. Male: The two witnesses should be men. Therefore, the testimony of women is not sufficient.

Apparently, the justness that is necessary from the witnesses should be a true and actual justness. Therefore, if a person has knowledge that the two witnesses were corrupt and sinners, it is not possible for the divorce to be in order, similarly if after the divorce the two witnesses are proven to be unjust by either the man or the woman, the nullification of the divorce is established and they remain married.

Types of Divorce

Divorce is of two types: 1) Bidat (Innovation) and 2) Sunnat (Legitimate)

Divorce of Innovation: Is a divorce which has been declared impermissible in Islamic law and includes:

1. To divorce a wife who is in the state of Haidh or Nifas, who is not pregnant, while her husband is present and with the possibility of having acquiring information about whether or not she has become tahir, or with his absence but with the possibility of acquiring information about her state.

2: To divorce a wife during her tahir period after having sexual intercourse with her in that period. The wife also should not be pregnant, or in menopause or non-Buloogh.

3: To divorce a mustarabah woman before three months have passed after having sexual intercourse with her.

A mustarabah is a woman who is not in menopause and can have Haidh but before of illness or other reasons she cannot see Haidh.

4: To divorce a wife three times in one sitting either by saying: "Hiyeh Taaliqun Thalathan" or "Hiye Taaliqun, Hiye Taaliqun, Hiye Taaliqun"

Divorce, in all of the above situations, is void except in the last case in which only one divorce is accepted. The other two divorces are void.

Case 140: A Legitimate Divorce: Is a divorce which is valid according to Islamic laws. It is of two types:

1. Irrevocable divorce means that after the divorce, the husband is not entitled to take back his wife, that is, he is not entitled to take her as his wife without reciting the marriage contract again, even though she is observing Iddah. This divorce is of four kinds:

1. The divorce of a girl who has not completed nine years of age.
2. The divorce of a woman who is in her menopause.
3. The divorce of a woman who has been divorced for a third time and who returned to her husband after the first and second divorce.
4. The divorce called Khul'a and Mubarat, which will be explained later.

2. Revocable divorce means that as long as the wife is observing Iddah, her husband has the right to take her back. Except for the divorces mentioned in the irrevocable category all other divorces are revocable divorces.

Case 141: In the case of a revocable divorce a man can take his wife back in two ways:

1. By telling her words which would mean that he wants her again as his wife.
2. By acting in a manner which would convey his intention to take her back e.g. kissing her out of affection.

For a return to be established by action, it is a condition that this action must be done knowingly and intentionally by the husband to the wife. Therefore, if this action is done unintentionally or with the belief that the woman has not been divorced; return does not take place.

Case 142: While the wife is in her Iddah, the testimony of her husband is sufficient to prove that return has taken place, however if he claims after her Iddah that she returned to him, he must bring a witness and proof.

Case 143: It is likely that return is proven if the husband brings a single proof and swears by it or with the testimony of one male witness and two females.

Case 144: If a man divorces a woman three times and has already taken here back twice, it is forbidden for him to take her back a third time unless she marries another man and then gets divorced from him, then the previous husband can marry her again.

Case 145: The person who marries a woman who has been divorced thrice must fulfil the below conditions if she wishes to return to her previous husband:

1. The man must be Buloogh.
2. The second husband should have sexual intercourse with her. A marriage without sexual intercourse has no benefit and it is also likely that ejaculation should take place.
3. The sexual intercourse should be a result of marriage, not of possession.
4. The marriage should be a permanent one not a temporary one.

The Rule of Necessity (Qaedeh Ilzaam)

This rule becomes apparent when a Shia acts upon the effects of an action that was performed by a non-Shia who believes and also acts upon those effects, with the condition that the action is contrary to the beliefs of a Shia. So, the subject of this rule is the action of a non-Shia and the ruling is the necessary acceptance of a non-Shia to that which he believes in and the instance of this ruling is when the beliefs of the non-Shia contradict that of a Shia. Therefore, whenever the criteria are present, this rule is applied in its entirety.

Case 146: If a follower of a different denomination divorces his wife during her tahir period after having sexual intercourse with her in that period, or when she is in the state of Haidh or Nifas, or when the husband has sworn to divorce her etc., the divorce will be valid according to his own beliefs, but it will be void according to Shi'sm. In this situation, according to the Ruling of Necessity, a Shia can marry such a woman after her period of Iddah has completed, regardless of whether she is Shia or Sunni.

Case 147: If a follower of another denomination divorces his wife three times in one sitting, but after divorcing her, he becomes Shia, then he just like any other Shia can marry her without asking another person to be an intermediary between him and her.

Case 148: If a follower of another denomination divorces his wife in her tahir period after having sexual intercourse with her in that period, or when she is in the state of Haidh or Nifas, or if he divorces his wife without the presence of two just witnesses, and after divorcing her becomes Shia, he return to her without reciting the marriage formula again if her Iddah is not completed. But if she had completely observed her Iddah, he should perform the marriage formula anew.

Iddah and its Causes

1. **Divorce and those rulings attached to it e.g. annulment and the divorce performed by the religious authority:**

Case 149: A wife who is non-Buloogh or who is in menopause will not be required to observe any Iddah (waiting period to get married again), even if the husband has had sexual intercourse with her. Similarly, a divorcee who has not had sexual intercourse (frontal or anal) with her husband has no Iddah.

Case 150: Sexual intercourse has taken place when the circumcised area of the penis enters into the women, even if there is no ejaculation.

Case 151: The Iddah for a divorced, free woman who has normal, monthly Haidh periods and is not pregnant, is becoming clean from Haidh thrice, so if she has seen two periods since being divorced, on the sight of the third one her Iddah is

over. If a woman is not in menopause but does not see Haidh because of an illness or some other reason, her Iddah will be three months.

Case 152: If a woman has irregular Haidh periods i.e. one month she sees it and the next month she does not or if it occurs once every six or four months, after the passing of three months her Iddah is over even if during those months she sees Haidh.

Case 153: If a pregnant woman is divorced, her Iddah lasts till the end of her pregnancy. So, even if her pregnancy ends an hour after her divorce, her Iddah is over. If the pregnancy is aborted, her Iddah also comes to an end, even if the foetus was not fully developed or still in the embryo stage.

2. Death

Case 154: If a woman is not pregnant and her husband dies, she should observe Iddah for four months and ten days. It does not matter whether the woman was non-Buloogh, in her menopause, free or a Kaneez, permanent or temporary wife, the marriage was consummated or not, or if she was Muslim or non-Muslim, her Iddah will be four months and ten days. However, if she was pregnant, her Iddah will be the longer of the two possibilities i.e. either her pregnancy last for more than four months and ten days or less, if more than her Iddah ends with completion of her pregnancy; if less than her Iddah ends after four months and ten days.

Case 155: As an obligatory precaution, a woman who is observing Iddatul Wafat (the waiting period after the death of one's husband) should not wear brightly coloured clothes, use collyrium, wear jewellery, use perfumes or do any such act which is considered to be an adornment by the common people. However, it is permissible for her to take a bath, remain clean, cuts her nails etc. as these acts are not considered to be adornment by common consensus.

Case 156: A woman observing Iddatul Wafat can observe it either at her husband's house or at any house she wishes. However, it is makrouh for her to go out of the house except when it is necessary.

Case 157: It is a common belief that a woman who is observing Iddatul Wafat should completely isolate herself, so that no non--mahram can see her. However, such isolation is not necessary, and in this regard she is just like any other woman.

Case 158: If a person irrevocably divorces his wife and if he dies during her Iddah, she should observe Iddatul Wafat instead of Iddah for divorce.

Case 159: A woman whose husband has disappeared and it is not known whether he is alive or dead should wait until information is received about him. During this time the Wali of the husband should provide for her from the husband's wealth or from his own, however, if the husband has no wealth and if the Wali does not provide for her either, the wife can chose to either remain patient and wait or not. If she chooses not to remain patient she can refer her matter to the religious authority who will give her a period of four years to search and acquire information about her husband from the area he disappeared, if she discovers traces of him being alive, she should remain patient, but if she discovers that he has passed away, she should perform Iddatul Wafat. If after four years his condition is still not known, the religious authority will summon the Wali of the husband and tell him to support the wife from the estate of the husband, if he has any and if this support is given she cannot marry. However, if the Wali does not support the wife from the husband's estate, the religious authority will order him to divorce her on her husband's behalf and if he refuses the religious authority will force it upon him.

Case 160: If the disappeared person has no Wali or if he cannot be forced into divorcing the wife on behalf of the husband, The religious authority will divorce the wife and it is wajib upon her to perform Iddatul Wafat. Once the Iddah finishes she becomes a stranger to her husband and can marry any one she pleases. If her husband reappears after she married again, he has no right over her, however if he reappears before her Iddah finishes he has the right to return to her.

Case 161: If the investigation for her disappeared husband is completed in less than four years because of modern facilities and technology, notifying the wife of her husband's death, there is no need to complete the four year waiting period. However, if the possibility exists that he might still be alive and has intentionally concealed himself; it is wajib upon her to wait the full four years. If after four years

no information about his whereabouts are found but there exists a possibility that if she searches longer she might find him; it is not wajib upon her to do so.

Case 162: For a person to be considered as ‘disappeared’, it does not matter if he disappeared whilst on a journey or at war or any other situation.

Case 163: If a woman becomes certain about her husband's death, she should start observing Iddatul Wafat and there is no need for her to search for him or to consult to the religious authority.

Case 164: It is obligatory to provide the woman with sustenance from her husband's property when she is divorced by his guardian or the religious authority, on behalf of her disappeared husband. If her husband reappears while she is observing her Iddah, he can take her back. If one of them passes away during her Iddah, the other one will inherit from the deceased, however, if either passes away after the period of Iddah, they will not inherit from each other.

Case 165: If a woman knows that her disappeared husband is still alive, but she proclaims that she doesn’t have the capacity to wait for him and wishes to get married again, or if her husband has a life imprisonment and she refuses to wait for him any longer, if the husband provides for her food, clothes and shelter and all necessary living expenses to her status, she has to remain patient and cannot request a divorce, however, if the husband does not provide for her, the religious authority can either arrange for her sustenance or divorce her from her husband.

Case 166: If a woman is divorced in a government court, but her divorce lacks some of the important conditions of an Islamic divorce and the husband doesn’t care about the religious divorce saying that he has given her divorce in the court, then in such a situation, the husband will be asked to pronounce the divorce formula according to Shari’a. If he does not do so, the religious authority will divorce the woman according to Shari’a and the woman will have the right to marry whosoever she wishes after completing her Iddah period.

Case 167: If a husband neither provides his wife with sustenance, nor is ready to divorce her, the wife can consult the religious authority, who will order the husband to either provide her with sustenance or divorce her. If the husband does

neither nor can he be forced to, the wife can request a divorce and the religious authority will himself perform the divorce.

Case 168: If a person oppresses his wife or does not treat her well, the wife can consult the religious authority. The religious authority will order the husband to change his behaviour for the better or divorce her. If the husband does neither and cannot be compelled to do so, then the wife can request for a divorce from the religious authority, who will pronounce her divorce.

Case 169: If a husband separates from his wife, and she is left with no responsibility, she can consult the religious authority, who will order the husband to either return to her and perform all his obligations regarding marriage or divorce her. If the husband does neither and there is no way to force him, the wife can request a divorce from the religious authority, who will perform the divorce.

3. Misapprehended Consummation (Wati bi Shubhah):

If a man has sexual intercourse with a woman who he mistakes to be his wife, or if a married woman marries another man thinking that she has exited the responsibility of her previous husband, or if a man thinks that the Iddah of a woman is finished or that it was not necessary for her to keep Iddah or that Iddah is not an obstruction in marriage, marries such a woman; this is what is called Wati bi Shubhah (Misapprehended Consummation).

Case 170: If a misapprehended consummation is performed with a woman, it is wajib upon her to observe Iddah of divorce. If she is not married, she does not have the right to marry a person till after the period of her Iddah is over, however, the person who performed the misapprehended consummation with her, can marry her. If the woman was already married, her husband cannot have sexual intercourse with her till after her Iddah.

Case 171: If a woman who performed misapprehended consummation is pregnant, the period of her Iddah ends with the completion of pregnancy.

Case 172: If a married woman commits adultery, it is not obligatory on her to observe Iddah.

Case 173: If an unmarried woman commits fornication and wishes to get married later, it is not obligatory on her to observe Iddah. She can marry the adulterer or any person she wishes. However, as a recommended precaution, she should get married after she becomes clean from one Haidh.

Case 174: The time of Iddah for divorce commences when the formula of divorce is pronounced, be the husband present or absent. The Iddah of death for a husband who is present begins from the time of his death, and for a husband who is absent at the time of receiving news of his death.

The Time Completion and Forgiving of Time in Temporary Marriage:

Case 175: The Iddah of a woman who has performed temporary marriage; is not pregnant and has a normal Haidh cycle is the completion of two Haidh periods. If she has irregular periods or does not see her Haidh periods because of some illness or other reason and she is not in her menopause, her period of Iddah is 45 days. If she is pregnant, her Iddah is till the completion of her pregnancy.

Case 176: A woman who has been given an irrevocable divorce is like a non-Mahram in that her sustenance is not the responsibility of her husband nor is she obliged to obey him and she does not need his permission to leave the house. However, if a woman has been given a revocable divorce, she still has the status of a wife, meaning that the husband can enter upon her without her permission and the woman can beautify herself for her husband; it is also wajib for the husband to provide his wife with sustenance and for her to obey him, and she needs his permission to leave the house. If one of them passes away during the Iddah period, the other will inherit from deceased's estate.

Khul’a

Case 177: Khul’a and Mubarat are two kinds of irrevocable divorces. Each having their own special conditions:

Conditions for Khul’a

1. Fidyeh (Payment): Is a property received by a man from the woman so as to divorce her and set her free. The fidyeh must be:

a. It must be something that can be acceptably owned and possessed. It is not permissible to declare something like pigs, wine etc. as a fidyeh.

b. The amount of the fidyeh should be stipulated and known to both the wife and husband.

c. The woman should give the fidyeh out of her own property and with free will and should not be compelled by anyone, including the husband, to do so.

2. Unhappiness of the wife: It is necessary that the women should be extremely unhappy with her husband and she cannot live with him anymore without hatred and cursing, either because of his bad habits or bad moral traits like drinking and irreligiousness or because of his ugliness and untidiness. It should be noted that the husband has not failed in his duty to his wife in connection with sustenance and distribution etc.

3. Lack of Hatred: The husband should not have a feeling of hatred or displeasure towards his wife.

4. Witnesses: The presence of two just witnesses is compulsory during the performance of a khul'a divorce; otherwise, the divorce will become void.

5. Lack of Conditions: The divorce should not contain any conditions that have the possibility of occurring or not, as discussed in the section of divorce

Case 178: All the rules mentioned in the section of divorce dealing with the conditions of the one giving divorce (husband) and the one being divorced (wife), are also applied in the divorces of Khul'a and Mubarat.

The Formula of Khul'a divorce:

Case 179: Apparently Khul'a can be performed by either the divorce formula alone, with the husband saying: "Anti Taaliqun a'la alfin dinarin" or "Fulanuhu Taaliqun a'la alfin dinarin" and a Khul'a has taken place and is in order. Similarly the husband can say: "Kal'atuki a'la kaza" or "Anti Muktala'tun a'la kaza" or "Fulanuhu Muktala'tun a'la kaza". However, it is better if both the divorce and Khul'a formulas were recited together and the precautionary method is to add Anti

or Hiye Taaliqun to the Khul'a formula saying: "Kal'atuki a'la kaza fa anti Taaliqun."

Rules regarding Khul'a

Case 180: A woman who has performed Khul'a; while she is in her Iddah can claim her property back and the man can return to her.

Case 181: A woman and man who have performed a Khul'a shall not inherit from one another because the matrimonial bond is severed with the pronunciation of the Khul'a. However, if the woman claims back the fidyeh during her Iddah and one of them dies before the Iddah is completed, they can inherit from the other.

Mubarat

A Mubarat divorce is like a Khul'a divorce. However, there exist some differences as in the following:

1. The development of mutual aversion is a must for Mubarat, whereas in Khul'a the aversion of just the wife was a condition.

2. In a Mubarat divorce it is not sufficient for a man to just say: "Baaratuki a'la kaza" without saying afterwards "Fa anti Taaliqun", whereas in a Khul'a if the man just said: "Anti Muktala'tun a'la kaza" it would suffice as already discussed in Case 179.

3. The property which the husband takes in a Mubarat divorce should not exceed the Mahr of the wife. But in the case of a Khul'a divorce, there is no problem if it exceeds her Mahr.

Zihaar

A Zihaar is when a man likens his wife to his mother or any other close relative who is his Mahram in order to make her Haraam to him. For instance, if the husband says: "anta alayya kazahri ummi" or "anta alayya kazahri ukhti" or any other close relative other than these two.

Zihaar is performed under the following conditions:

1. If two just witnesses hear the formula of Zihaar.
2. The intention of the husband in performing a Zihaar should not be to stop or make his wife do something. For example, if the husband says: "Anti a'layya kazahri ummi in tarakti assalah".
3. The husband, by such act, should not have the intention to annoy and irritate his wife.

Case 182: The formula of Zihaar is pronounced by saying: "anti alayya kazahri ummi" or "zawjati fulanuhu alayya kazahri ummi"

Case 183: A person who pronounces the formula of Zihaar must be Buloogh, sane, pronounce the formula out of free will and intention. If he has been coerced to pronounce the Zihaar, or if he pronounces it while drunk or unconscious or while angry etc., without any intention, the Zihaar is not correct.

Case 184: A woman who is the subject of Zihaar should have the following conditions:

1. She should be the wife of the person, because a person cannot pronounce the formula for a stranger, for example, he should say: "in tazawwajtu alayya fulanuhu fahiye alayya kazahri ummi".

2. The woman should be in her tahir period from Haidh and the man should not have had sexual intercourse with her during this tahir period. The explanation of this has been dealt with in the section of Divorce.

3. The husband should have had sexual intercourse with her previously. Otherwise, the formula will not be in order.

Rules regarding Zihaar

Case 185: After having pronounced the formula of Zihaar, it is Haraam for the husband to have sexual intercourse with the wife unless he gives Kaffarah. If he divorces her, but later returns to her while she is in her Iddah, she does not become

Halaal for him until he gives the Kaffarah. If he Iddah finishes and he then marries her anew and has sexual intercourse with her, he has nothing to pay.

Case 186: If a person has sexual intercourse, intentionally before giving the Kaffarah, he will then have to give two Kaffarah. The number of Kaffarah will increase with the amount of times he has sexual intercourse with his wife without paying the previous Kaffarah.

Case 187: If the husband is unable to pay the Kaffarah, apparently he should not have sexual intercourse with his wife. Thus it can be concluded that in this situation merely asking for forgiveness will not substitute for the Kaffarah.

Case 188: If the wife, who was the subject of Zihaar, takes her husband to the religious authority, the religious authority will give him a time period of three months to pay the Kaffarah. If within this period, he still does not pay the Kaffarah, the religious authority will compel him either to pay the Kaffarah or divorce his wife.

Rules regarding Iyla

Case 189: Iyla is when a man swears in the name of Allah to not have sexual intercourse with his wife by saying, for example: "Wallah laa Ujaamiu'ki" and it should be done with the intention of causing harm to the wife. However, if it was done for other purposes, it will not be binding as an Iyla but as a normal Qasm and the rules of Qasm will be applied to it.

Case 190: The person who performs the Iyla should be Buloogh, sane and do the act out of free will and with intention.

Case 191: It is necessary for the woman who is the subject of the Iyla to be his permanent wife with whom sexual intercourse has taken place.

Case 192: If after the Iyla the wife takes the husband to the religious authority, the religious authority will give him a time period of four months. Within this period, if he returns to her, has sexual intercourse and pays the Kaffarah, the problem will be solved. However, if he does not do the above, the religious authority will imprison him, ordering him either to return to her and pay the

Kaffarah, or divorce her. If he refuses to do both, the religious authority will grant her a divorce.

Rules regarding Li'an

If a husband sees his wife performing adultery, but four just persons are not able to testify to witnessing the act, he can accuse her of adultery by performing a Li'an. However, he cannot accuse his wife of adultery if he doubts some of the factors and things he witnessed or if a trustworthy person tells him otherwise or even if he is certain of the adultery but did not see it himself. If he is certain of the adultery but did not witness it and accuses his wife of adultery, he is liable for punishment, unless the wife confesses to the adultery or he brings witnesses.

Case 193: Apparently, Li'an also occurs when a husband denies that a child is his, even thou the apparent signs point to him being the father of that child and does not involve accusing the wife of adultery. If the husband claims that the child his wife bore is a product of adultery and not his, even thou the factors indicate that he is the father, for example the child was born 6 months after he had sexual intercourse with his wife or before the longest possible pregnancy date since intercourse. Based upon the ruling of 'al-walad lil faraash,' the child belongs to the husband of the wife and cannot be negated from him except by the performance of a Li'an.

Case 194: For the performance of a Li'an, both the wife and husband must be Buloogh and sane; their marriage must be a permanent one where sexual intercourse must have taken place. The woman who is the subject of the Li'an should not be dumb or have any speech impediments.

Case 195: The procedure of a Li'an is as follows: First the husband will swear by Allah four times that his accusation against his wife is true and then on the fifth time will say, 'Allah's curse be upon me if I am of the liars.' *[La'natullah a'layya in kuntu minaz Kazibeen.]* After this the wife will then swear by Allah four times that her husband's accusations are untrue and then on the fifth time will say, 'May Allah's wrath be upon me if he is amongst the truthful ones.' *[Ghazabullahi alayya in kaana minas Sadiqeen.]*

Case 196: If the wife confesses to her adultery, she should be punished accordingly. If she wants to defend herself and waiver the punishment, she should swear by Allah for four times saying that her husband's accusations are false and then on the fifth time, she should say: "'May Allah's wrath be upon me if he is amongst the truthful ones.*' [Ghazabullahi alayya in kaana minas Sadiqeen.]*

".**Case 197:** If the husband confesses that his accusation was a lie, he will be punished accordingly because of Qadhf (Slandering and Accusing a chaste women).

Rules regarding Qasm (Oaths)

Case 198: An oath performed by using 'Allah' or another other specific attribute of Allah is binding and should be fulfilled. Any oath performed with anything other than the two things mentioned above, like the Holy Quran, names of the Prophets or Imams etc. is not binding.

Case 199: If a person takes an oath on something other than Allah, but does not fulfil it, he is not liable to give the Kaffarah.

Case 200: A person who takes an oath should be Buloogh, sane, and should do so out of free will and with a clear intention. So if he does so out of anger or being compelled, his oath is not binding.

Case 201: An oath can be taken for the performance of an obligatory action like fasting in the month of Ramadan, as well as for recommended actions such as optional night prayers. It can be also taken for a permissible action whose performance is preferred to it abandonment like exercise. It can also be done on the abandonment of a Haraam act like telling lies, or a Makrouh act like laughing loudly or on a permissible act whose abandonment is preferred to its performance like smoking.

Case 202: If an oath is taken on an action whose performance and abandonment are equal both worldly and spiritually i.e. one is not preferred over the other, he should act according to his oath.

Case 203: If a person takes an oath on the basis of expressing his feelings of reluctance and aversion towards Allah or one of His Messengers of the Imams

saying: “If I do not perform such an act, I become exempted from Allah, or Prophet Mohammed or the Holy Imams”. Doing that action will not become obligatory upon him, and his oath is also likely to be Haraam.

Case 204: Taking an oath on an action performed by someone else is not allowed. For example is someone says:’ By Allah Zaid will go for Hajj,’ it does not become wajib for Zaid to go for Hajj. Similarly, taking an oath on an impossible action is also not correct, for example taking an oath on the joining of two completely opposite and contradictory actions at the same time [e.g. By Allah I will walk and jump at the same time]. These types of oaths have no effects what so ever.

Case 205: In order for an oath to be correct a person should have the ability to perform it at its allocated time. So, if a person takes an oath on an action he cannot perform or could perform it when the oath was taken but became unable when the time came for it to be performed; in both instances the oath becomes void.

Case 206: A son, wife and slave cannot take an oath without the permission of his father, her husband or his/her master respectively and also the father, husband and master all have the right to cancel any oath taken by those who require their permission for an oath. Similarly, any oath taken to perform a sin is not valid.

Case 207: Acting upon a valid oath is obligatory, but if he intentionally does not act upon his oath, he has committed a sin and should give the Kaffarah as well.

Case 208: If a person takes an oath about performing an action, but later comes to know that it is better for him not to perform that action; he can either oppose the oath or perform it, however performing it is better..

Rules regarding Nazr (Vow)

Case 209: A person making a vow should be Buloogh, sane and do so with free will and a clear intention. A slave can only make a vow after attaining the permission of his Sahib.

Case 210: If a wife makes a vow with her own wealth or one that does not violate her husband’s right, she does not need his permission. However, if she

makes a vow with his wealth or one that will violate his rights, she needs to gain his permission.

Case 211: If a father forbids the fulfilment of his child's (son or daughter) vow, apparently the vow is invalid.

Case 212: A vow must be made only for the sake of Allah. So if a person says "a'la kaza" and doesn't say Allah, his vow is unacceptable.

Case 213: If a person makes a vow but does not specify the action he wishes to perform, his vow is incorrect and it will be better for him to pray a 2 Rakat namaz or fast for a day or give sadaqah as recompense.

Case 214: If a person makes a vow to fast on a specific day but after beginning the fast, because of some reason, like travel, sickness or Haidh etc., they could not complete the fast; they should break the fast and give the Qadha for it later.

Case 215: If a person makes a vow to give something, e.g. carpet, bookshelf, pulpit or repairs etc., to a masjid or one of the Holy Shrines. If the masjid or shrine has a use for that item, the item itself should be given, but if the masjid etc. does not have a use for that item, it should be sold and the money used for the purpose of the masjid or shrine.

Case 216: If a person makes a vow to the person of the Holy Prophet or the Holy Imams, the base of his vow is his intention. If his intention was just for the holy personality, without mentioning any specific, he should spend the item in a way which returns to the personality to who his vow was made to, for example he spends his vow in helping the poor visitors of that personality or for the repairs of the shrine etc.

'Ahd (Covenant)

Case 217: A covenant is when one says: 'I make a covenant with Allah to do or not to such an act.'

Case 218: A covenant, just like a vow should be made with an act that is preferred and praiseworthy in the Shari'a.

Case 219: Both a vow and covenant can only be performed verbally, however if a person intends to make a vow or covenant but does not say it verbally, the recommended precaution is that he should perform that act.

Rules regarding Kaffarah

Case 220: If a person kills a believer intentionally, his Kaffarah is the combined performance of all following, freeing a believing slave, fasting for two months and feeding sixty poor people a Mudd (approx. 750 grams) of food.

Case 221: If a group of people are involved in the killing of a believer, the Kaffarah is wajib on all of them.

Case 222: If a person kills a believer unintentionally, his Kaffarah has the following order, he should free a slave and if he can't do that, then he should fast for sixty days and if he can't then he should feed sixty people.

Case 223: All the rules regarding killing a believer intentionally or unintentionally will be applied in the killing of a foetus that has acquired a soul.

Case 224: If a person breaks a Qadha fast being kept for a fast of the Month of Ramadhan after midday, the order of his Kaffarah is as follow; he should feed ten poor people and if he can't then he should fast for 3 consecutive days.

Case 225: If a person intentionally breaks a fast in the Month of Ramadhan or opposes the covenant that he made with Allah, his Kaffarah is 'Takhyeeri' meaning he can choose between the following three Kaffarahs, he can either free a slave or fast for two months or feed sixty poor people.

Case 226: The Kaffarah for a vow, covenant and Iyla is to either set free a slave or to feed ten poor people or to clothe them. If the person is not able to do any of the three, he should then fast for three consecutive days.

Case 227: The obligation for clothing is to give a poor person at least one piece of clothing.

Case 228: If a person misses Isha because of remaining asleep, as a recommendation he should fast the following day as a Kaffarah.

Case 229: Giving money to the poor will not suffice in fulfilling the Kaffarah.

Case 230: If a person has to give a combined Kaffarah, like in the case of intentionally killing a believer, but is unable to free a slave, the other Kaffarahs are still wajib upon him and he should ask for forgiveness. Similarly if he is unable to perform the remaining Kaffarahs he should seek forgiveness from Allah.

Case 231: There are other Kaffarahs which have not been proven jurisprudentially, for example:

Kaffarah for working at a king's court; which is to fulfil the needs of the believers

Kaffarah for a gathering; which is when leaving the gathering the person says: "Subhana rabbika rabbil 'izzati 'amma yasifoona wassalamun 'alayyal mursileen walhamdu lillahi rabbil 'aalameen"

Kaffarah for laughter; which is to say: "Allahumma la tumqitni"

Kaffarah for backbiting; which is to seek forgiveness for the person who was backbitten

Kaffarah for a bad omen; which is to trust in Allah (Tawakkul)

Kaffarah for hitting one's head and face during tribulations; which is to seek forgiveness from Allah.

Rules regarding Slaughtering and Hunting

Eating a corpse is Haraam. Additionally, the corpse of an animal that has gushing blood is najis. By corpse we mean the body of a dead animal which dies without being slaughtered in an Islamic way. The purification of a hunted animal takes place by slaughtering it in a Islamic way.

Case 232: Only wild animals, that are able to escape from humans, can be hunted i.e. they do not live in an enclosed habitat e.g. deer, buffalo and most birds. So, domesticated animals such as sheep, cows, goats etc. cannot be hunted.

Case 233: If hunting takes place by using an animal other than a dog e.g. hawk, falcon etc., the prey does not become Halaal. However, if a dog, be it a greyhound or any other breed, hunts an animal whose meat is Halaal, it is allowed to eat the meat of that animal.

Case 234: The following conditions apply when hunting with a dog:

a) **Training**: This is reflected in 2 ways:

   1. When the dog is ordered to go, it goes i.e. whenever the dog is ordered to catch the prey it goes after it.

   2. Whenever it is called back and requested to return it does so.

b) **Intention for Hunting**: Hunting is materialised when the hunter, with the intention of hunting, sends his dog to get the prey. However, if the dog is sent but hunts for itself or if it hunts out of its own will, the prey is not Halaal.
c) **Muslim Hunter**: The hunter must be Muslim, hence, if an unbeliever sends his dog to hunt, the catch will not be Halaal. It does not matter if the hunter is Shia or Sunni, even if he is a child.
d) **Mentioning Allah's Name**: The hunter must mention Allah's name; saying 'Bismillah' is sufficient, at the time of sending his dog out to hunt and must also do so when hunting with other tools such as a bow and arrow or a rifle, if he intentionally omits saying it, the prey is not Halaal, however if he forgets to say it, the prey will be Halaal.
e) **Death by Injury**: The prey must have died before of the injuries sustained from the bite of the dog. However, if it died from other causes like suffocation or dehydration etc., it will not become Halaal.

Case 235: If the hunter arrives at the prey after the dog has bitten it and the prey is still alive and he has enough time to Islamically slaughter it but does not,

that prey will be Haraam to eat. But if he did not have time, for example the animal died before he could take his dagger out, then the prey is Halaal.

Case 236: The area bitten by the dog is najis and it is wajib to clean it before eating the meat of that area.

Case 237: If one doubts whether the prey died from the bite of the dog or from other means, the meat is not Halaal.

Case 238: If hunting takes place using a weapon, the weapon must either be cutting and sharp e.g. sword, dagger, knife, cleaver etc. or piercing and arrow-like e.g. bow and arrow etc.

Case 239: If hunting takes place using a net or trap, stones, metal pole etc. that are neither cutting nor piercing, the prey does not become Halaal.

Case 240: If hunting takes place using a rifle; the bullet must have a point and be sharp, it is probable that the prey becomes Halaal. However, if the bullet used is very small and light, like a pellet, hunting is a matter of Ishkal.

Case 241: The following conditions should be observed when hunting with a weapon:

1. The hunter should be a Muslim.
2. When firing, the hunter should recite 'Bismillah'
3. The animal should have died as a result of the wounds sustained from the weapon.
4. He should fire with the intention of hunting.

Case 242: If a cow, camel or any other animal becomes wild and untamed, it can be hunted and its meat will be Halaal. Similarly if an animal falls in a well etc. and if slaughtering it is not possible, it can be shot with the intention of hunting and it becomes Halaal. It does not matter where the shot penetrates the animal, if it dies from its wounds, it will be Halaal.

Case 243: All hunted animals become purified, regardless if the meat of that animal is Halaal or Haraam. If a predatory animal e.g. wolf, fox etc. is hunted, their skins and furs can be used even if their meat is Haraam.

Fishing

Case 244: If a fish, while alive, is captured, it becomes Halaal. It does not matter if it was caught by hand, net etc.; whilst in water and then brought onto land or into the boat, or if it comes onto land or into the boat by itself, as long as a person captures it whilst alive it becomes Halaal, if left till it dies then it becomes Haraam.

Case 245: It is not a condition for the fisherman to be a Muslim or to utter the name of Allah while fishing. Hence, the fish still remains Halaal even if it dies in the hands of an unbeliever, be he from Ahle Kitab or not.

Case 246: If a person doubts about a dead fish which is in the possession of an unbeliever, he should assume that it is not Halaal even if the unbeliever tells him that it was caught Islamically.

Case 247: If a fisherman leaves his net in the water and fish are caught in it, if while bringing his net out of the water he notices that some or all the fish are dead, they are apparently Halaal as they were caught while alive.

C**ase 248:** If a fish is caught alive, tied with a rope and placed back into the water and then dies whilst in the water, it is apparently Haraam.

Case 249: If a fish, because of swallowing poison, comes to the surface of the water and is caught alive, it is Halaal. But if it dies before getting caught, it is Haraam.

Case 250: In the market there is a variety of different fish. If the fish correspond to the following two conditions, they are allowed to be eaten:

1. The fish should have had scales.

2. A person should be sure that the fish was caught with a net whilst in water and brought out either alive or dead. This surety can be assumed as generally the two approved ways of catching fish is either by bringing them out alive or by catching them in a net.

Locusts

Case 251: A locust becomes Halaal by catching it alive, either by hand or any other method. A locust that dies before being caught is Haraam. It is not a condition for a person to be Muslim or recite 'Bismillah' when catching the locust, so even if an unbeliever catches a locust alive, it is Halaal and pure.

Case 252: Eating a locust that has not yet developed wings and cannot fly is Haraam.

Rules regarding Zibha (Islamic Slaughtering)

Case 253: Zibha (Islamic Slaughtering) must be done by a Muslim. If an unbeliever, even if from Ahle Kitab, slaughters an animal, that animal will be Haraam.

Case 254: If a Nawasib, Khawarij or Ghulat slaughters an animal, it will not be Halaal.

Case 255: Buloogh is not a condition in Zibha, so if a child slaughters correctly, it is Halaal.

Case 256: Masculinity is also not a condition, so if a woman slaughters correctly, it is Halaal.

Case 257: The state and condition of the slaughterer is also not a condition in Zibha i.e. the person can be blind, uncircumcised, a sinner, of illegitimate birth, Junub etc., or if the person is a woman she can be in the state of Haidh or Nifas. However, the Zibha of an insane person or drunkard while drunk is not correct.

Case 258: The animal should be slaughtered using a tool made of Iron. It is not correct to slaughter an animal using other metals such as copper, silver etc., or

materials like wood, glass etc. However, if an iron tool is not easily available, and the person fears that the animal might die before an iron tool is found, he can slaughter the animal with anything he finds that will severe the four required veins.

Case 259: Steel is not iron. Therefore, it is not permissible to slaughter an animal with it.

Case 260: If slaughtering is performed using a knife made of both iron and steel, if the steel is so minimal that would not prevent the animal from being slaughtered by the iron, is it acceptable, otherwise it is not allowed. If a person doubts whether a particular knife is iron or not, it is not permissible to use it for Zibha.

Case 261: Zibha with a steel plated knife is permissible.

Case 262: Cutting the following four veins is obligatory in the Zibha of an animal:

1. jugular artery
2. food pipe
3. jugular vein
4. windpipe

Case 263: Apparently the cutting should be done from below the rising in the throat known as the ‘Adam’s Apple’ such that it remains towards the head of the animal. If some of it remains towards the body, complete severance of the four veins has not taken place

Case 264: If a person slaughters an animal from above the Adam’s apple, but realizes his mistake before the animal dies and severs the veins from below it, the meat is Halaal.

Case 265: When an animal is being slaughtered, it should be facing the Qibla. If a person, who knows the rule, purposefully ignores placing the animal towards the Qibla, the animal becomes Haraam, but if he forgets or does not know the rule, or makes a mistake in ascertaining the Qibla i.e. believing that a particular direction

is the Qibla but latter discovers that it was not; in these circumstances the meat is Halaal.

Case 266: It is not a condition for the slaughterer to face the Qibla, but it is recommended.

Case 267: If a person fears that animal will die before he faces it towards the Qibla, he can slaughter it without facing it towards the Qibla.

Case 268: An animal can to be slaughtered whilst it is standing or lying on its right or left side, as long as it is facing the Qibla.

Case 269: The slaughterer must recite Allah's name at the time of slaughtering with attention, if he intentionally does not, the meat is Haraam, but if he forgets, the meat is Halaal. If he does not recite out of ignorance of the rule, apparently the meat is Haraam.

Case 270: A dumb person can also slaughter an animal. It will suffice for him to move his tongue and indicate the recitation of Allah's name.

Case 271: As a precaution, it is not permissible to sever the head completely from the body before the animal has died, but if this occurs unintentionally because of the sharpness of the blade or forgetfulness etc., there is no problem.

Case 272: A camel should be slaughtered by a method called 'Nahr'. It is not allowed to slaughter a camel like other animals and similarly, other animals like a camel i.e. via Nahr.

Case 273: The method of slaughtering a camel is by thrusting a knife or spear into the hollow part of its neck that is situated just above the chest. All the conditions mentioned concerning the slaughterer [Case 253] and tool used [Case 258] also apply in Nahr. Also reciting 'Bismillah' at the time of Nahr and the camel facing the Qibla are also conditions. Case 268 also applies in Nahr.

Case 274: If Zibha or Nahr are not possible, for example the animal is stuck under a wall or has fallen into a river etc., it can be struck and wounded with a sword or arrow, even if it is not struck in the specific place for slaughter, and it will

be Halaal. However, the slaughterer must be Muslim and recite ‘Bismillah’ at the time of striking.

Case 275: A foetus has the same ruling as its mother. If the mother was not slaughtered Islamically and the foetus dies in the womb or if it is born alive and then dies without being slaughtered, its meat is Haraam. However, if the mother was slaughtered Islamically and the foetus died within the womb or if it is born alive and slaughtered, its meat is Halaal.

Case 276: If the mother is slaughtered and the foetus is born alive but there was not enough time to slaughter it and it dies, according to the stronger opinion its meat is Haraam.

Case 277: The foetus of a slaughtered animal becomes Halaal if its form has been completed and has fur covering its entire body. Hence, if it has not been completely formed, it will not become Halaal with the slaughtering of the mother.

Case 278: Only an animal whose meat is Halaal can be slaughtered. Hence, after such an animal is slaughtered, its meat is Halaal and it is Tahir. However, intrinsically impure animals i.e. dogs and pigs, even if slaughtered will remain najis.

Case 279: Apparently all other animals, except dogs and pigs, whose meat is Haraam to eat, if slaughtered will become Tahir and so their skins and hides can be used for clothing, carpets etc. Also their meat is Tahir, even thou it cannot be eaten.

Case 280: If the meat of animal that possess gushing blood is found and a person doubts whether it was slaughtered or not, it should be assumed that it was not and thus eating it is not allowed. Also its hide cannot be used in actions that require purity e.g. prayers, but if something wet comes into contact with that hide, it will not become najis.

Case 281: If a doubtful piece of meat or skin is in the possession of a Muslim and he uses it in a way that indicates that is pure, like he puts it up for sale or uses it for clothing etc., it is assumed to be pure. Hence, the possession of a Muslim is a context for the establishment of this ruling. However, if it becomes apparent that a

Muslim acquired it from an unbeliever without appropriate research, it should be assumed to be impure.

Case 282: If a person in a city whose population is majority Muslim, acquires something e.g. clothing, leather etc. from a person whose belief is unknown i.e. it is not known if he is a Muslim or unbeliever, it should be assumed that he is a Muslim.

Case 283: If meat, hide or leather is acquired from an unbeliever, it should be assumed to be impure and if the unbeliever claims that the animal was slaughtered, his word should not be taken.

Case 284: It is not permissible to eat meat imported from non-Islamic countries that have a label claiming that the animals were slaughtered Islamically.

Case 285: Hides that are imported from Islamic countries and in those countries these hides are used to make things like clothes etc., and hides that are available in Islamic countries and are used in a way that indicates their purity like selling and wearing, are assumed to be pure.

Mustahab (Recommended) Acts while Slaughtering

Case 286: There are some certain Mustahab acts and etiquettes while slaughtering:

- While slaughtering a sheep it is Mustahab to tie its two back legs together with one of its front legs and after slaughtering it, to hold its wool till its body becomes cold.
- All the legs of a cow should be tied together and its tail should be left free.
- If a camel is being slaughtered lying down, it front legs should be tied together till below the chest and its back legs should be left free, if it is standing it is better to just bend and tie its left front leg.
- It is Mustahab to let a bird run free after it has been slaughtered

- It is recommended that the blade should be sharp and that slaughtering should be done quickly and with sufficient force so that the animal doesn't suffer; the animal should also not see the blade.

- The animal should not be moved from place to place and should die were it was slaughtered. The animal should be taken gently and slowly to the slaughtering place and should be given water before being slaughtered.

Case 287: Slaughtering an animal on Thursday night and on Friday till midday is Makrouh.

Case 288: At the slaughterhouse for chickens where a large number of chickens are slaughtered at one go by a machine, for the chickens to be Halaal, the person operating the machine must be Muslim and should repeat 'Bismillah' every time he pushes the button and the feet of the chickens should be facing the Qibla.

Rules regarding Eating and Drinking

Seafood:

Case 289: It is only permissible to eat fish that have scales which can be removed from the fish itself. If a person doubts as to whether a fish has scales or not, it should be assumed to have not and hence it is not permissible to eat.

Case 290: A floating, dead fish is Haraam. Similarly, seals, eels, turtles, frogs, crabs, lobsters and crayfish are also Haraam. However, prawns and shrimps are Halaal.

Case 291: Caviar (fish eggs) has the ruling of the fish it is from, if the fish is Halaal, the caviar is Halaal; if the fish is Haraam the caviar is Haraam; and if a person doubts about the fish being Halaal or Haraam, apparently the caviar is Haraam.

Case 292: Soft eggs known as 'Hilbalaat' in Arabic, if from a Halaal fish are permissible.

Quadrupeds:

Case 293: It is Halaal to eat the meat of a cow, sheep and camel from amongst the domestic animals, and the meat of mountain goats, zebras, deer and buffaloes from amongst the wild animals.

Case 294: It is Makrouh to eat the meat of a horse, mule or donkey.

Case 295: It is Haraam to eat the meat of those animals that consume human excrement.

Case 296: The unlawfulness of an animal that consumes najasat is removed by Istibra. This means to feed the animal clean food for a specific number of days and stop it from eating najasat. The following animals should be prevented from eating najasat and fed clean food for the following number of days:

- As an obligatory precaution, a camel for 40 days
- Cow for 20 days
- Sheep for 10 days
- Water-fowl/Duck for 5 or 7 days
- Chicken for 3 days

Case 297: If a baby goat (kid) or sheep (lamb) is fed the milk of a pig to an extent of development, the kid/lamb becomes Haraam and so do their future generations.

Case 298: It is Haraam to eat the meat of predatory animals, like a lion, fox etc. as well as the meat of rabbits, lizards, mice, insects, louses and ticks.

Case 299: If a Buloogh person copulates with an animal whose meat is Halaal, the meat, milk and future generations of that animal become Haraam. As a recommended precaution the same applies for a non-Buloogh person. If the abused animal was an animal whose meat can be eaten e.g. a sheep, it should be slaughtered and burnt. If the abused animal was used for riding, it should be transferred to another city. If the abuser was not the owner of the riding animal, he should compensate the owner; then the animal should be taken to another city and sold and the money should be given to the copulater.

Birds:

Case 300: All predatory birds, such as eagles, vultures, falcons etc.; that have claws and talons and eat meat, are Haraam to eat.

Case 301: Those birds that glide more than flapping their wings are Haraam. However, if the flapping and gliding is equal and it possess one of the two signs i.e. a crop [a bag that is situated between the throat and stomach that stores grains] or a gizzard [a part of a birds digestive system that stores stones and hard objects], it is apparently lawful.

Case 302: A stork is Haraam even though it has both of the signs, because it glides more than it flaps.

Case 303: Bats, peacocks, birds that eat najasat and have not gone through Istibra, bees, mosquitoes and all types of crows are Haraam.

Case 304: The eggs of Haraam birds are Haraam.

Case 305: If a person doubts whether an egg is from a Halaal or Haraam bird, he should examine the egg, if the shape of the top and bottom of the egg are different (oval shaped) it is Halaal, but if there is no difference between the shape of top and bottom (circular shaped), it is Haraam.

Miscellaneous Rules

Case 306: Every animal that dies without being slaughtered is Haraam and if it possesses gushing blood it is najis as well.

Case 307: That part of a living animal that has been cut off has the ruling of a corpse. See Case 306.

Case 308: Those parts of an animal that are not considered to be ‘living’, such as hair, rennet, horns, feathers, bones, hooves, nails etc., do not have the unlawfulness of a corpse.

Case 309: If a person is certain that some foods contain rennet from animals that are Haraam or have not been slaughtered, it is permissible to eat.

Case 310: It is well known that certain parts of a slaughtered animal are Haraam, they include: 1) Penis 2) Testicles 3) Spleen 4) Faeces 5) Blood 6) Urinary Bladder 7) Gall Bladder 8) Uterus 9) Female reproductive organs 10) Spinal Cord 11) The two nerves that surround the backbone and stretch from the neck to the tail 12) Glands 13) Pituitary Gland and 14) Eye pupils.

However, this opinion is not free from Ishkal, even if the obligatory precaution is to avoid them all, especially the first five. This rule is concerning slaughtered quadrupeds and not birds, as birds only possess faeces, blood and the gall bladder, testicles are also found in some birds. It is an obligatory precaution to also avoid eating them in birds.

Case 311: It is Makrouh to eat the kidneys, ears and the heart of an animal.

Case 312: It is apparently Haraam to eat earth. However, it is permissible to eat a small quantity of the soil from the Shrine of Imam Husayn (usually called Turbat ul Husayn) for the purpose of curing an illness.

Case 313: It is Haraam to eat anything that is accepted will cause harm to the person, like poison etc.

Case 314: It is permissible to eat a respectable amount at the house of one's father, mother, brother, sister, paternal uncle and aunt, maternal uncle and aunt, wife, children, friend and the house of a person who has given the key to someone else so that he may watch over it, even if permission is not gained, however, if a person knows that the owner will not be pleased with the eating without permission, he cannot eat at that house without permission.

Case 315: It is permissible, even wajib to eat Haraam food to the extent that will be enough to saves one's life in an emergency situation. However, a Yaaghi (a person who rises up against a rightful Imam) or a person whose intention for travel is thievery or a hijacker do not have the right to do so, even thou intellectually it is wajib on a Yaaghi and hijacker to eat Haraam to save their lives and perform the

lesser of the two evils i.e. eating Haraam or destroying oneself but by eating Haraam they have committed a sin. However, a person who rises up against the Imam, it is not improbable that his destruction is Wajib upon him himself!

Case 316: It is Haraam to eat at a table where wine or alcohol is being drunk.

Case 317: Washing both the hands before and after eating is Mustahab. Also lying down on one's back while crossing the right leg over the left after eating is recommended.

Case 318: A person should start eating by saying 'Bismillah' and recite 'Alhumdulillah' after eating. It is also Mustahab to eat with the right hand.

Case 319: One should start and finish eating with a pinch of salt.

Case 320: One should collect and eat the food which has fallen on the dining cloth. According to some traditions, every illness is cured by this food. If one does so, his and progenies poverty is removed for seven generations! Allah will also increase him progeny. Such food is said to be the Dowry for the Houris of Paradise.

Rule regarding Inheritance

Inheritance has two reasons: Relational or Causal. Relational inheritance has 3 sequential categories. Hence, with the existence of a person in a higher category, even if it is just one, the individuals in the lower categories will not receive a share from the inheritance unless the higher category is removed or if the person in it has an obstacle to receiving inheritance. The three categories are as follows:

1. The first category consists of the dead person's parents, children, grandchildren and their descendants, be they boy or girl.
2. The second category consists of the grandparents and great grandparents and ascending, sisters, brothers, and their children and the descendants of their children.
3. The third category consists of uncles and aunts, both paternal and maternal and their ascendants i.e. the uncle of one's father or the uncle of one's grandfather, and their children (cousins) and their descendants.

The second reason for inheritance i.e. causal consists or matrimony and Walaa. Walaa also has three categories and with the existence of a higher category inheritance will not go to the next category. The three categories are: Walaa I'tq, Walaa Zamin al-Jarira and lastly Walaa Imamat. These categories of Walaa are lower than the Relational categories and hence with the existence of one of them, no inheritance will come down to these Walaa categories. Matrimony, however, is a reason for claiming inheritance with the existence of any of the categories.

Obstacles in claiming Inheritance

They are three:

1. Unbelief:

An unbeliever does not inherit from a Muslim, even if the relationship is between a father and son.

Case 321: An unbeliever cannot be an obstacle for a Muslim to claim inheritance, hence if a Muslim passes away and his son is an unbeliever but his nephew is a Muslim, his nephew will inherit him and not his son.

Case 322: Muslims inherit from each other, regardless of their denomination, and unbelievers inherit from one another regardless of their beliefs.

2. Murder:

Case 323: If a murder was done intentionally the murderer will not inherit the murdered, but if it was an accident like if he was aiming to shot a bird but he missed and the arrow hit the inherited, this will not be an obstacle in claiming inheritance. It will also not be an obstacle to inheritance if the inherited person is sentenced rightfully to death by Qisas, or killed in order to protect one's life or wealth.

Case 324: When a mother aborts her child, it becomes obligatory on her to give blood money (diyah) to its father or another person who has a right to inherit the child. The blood money for an aborted embryo (Nutfeh) will be 20 Dinars, for a blood clot (A'leqeh) 40 Dinars, for a lump of flesh (Muzgheh) 60 Dinars, for a nearly completely formed child (I'dham) 80 Dinars, for a complete formed child

before the soul enters it, 100 Dinars, and if the soul has entered the child, its diyah will be the diyah of a fully grown person. If the father is the killer of the child, the blood money will belong to the mother.

3. Slavery:

A slave will not inherit from his master's property even if the master has no other inheritor. However, if the slave dies, his estate will go to his master.

Categories of Inheritance

Inheritance of the first group:

Case 325: If the deceased person has no other heir except a parent (mother or father), they will inherit the entire estate. If in addition, the deceased had a husband, he i.e. the husband will inherit half the estate and the rest will go to the parents. If in addition, the deceased had a wife, she will inherit a quarter of the estate and the rest will go to the parents.

Case 326: If the deceased person only has a son or daughter, they will inherit the entire estate. If there was also a husband, he will inherit a fourth and if there was a wife she will inherit an eighth of the estate and the rest of the estate will go to the son or daughter.

Case 327: If the deceased only has both parents, the father will inherit two thirds of the estate and the mother the remaining third. However, if the deceased had brothers, the mother will inherit one sixth and the rest will go to the father provided the following conditions are met:

a) The brothers should be from the same parents or share the same father.

b) There should be 2 or more brothers or an equivalent to this i.e. one brother and 2 sisters or 4 sisters.

c) They should have been born and not still in the womb.

d) They should all be Muslim and free.

If all these conditions are met, the mother cannot inherit more than one sixth of the estate because of the brothers and sisters and the existence of the father, however if there is no father, the mother can inherit more than one sixth even with the existence of the brothers and sisters.

Case 328: If the deceased person has only sons, the estate will be divided equally among them. The same will be done if he had daughters only.

Case 329: If the deceased person has both sons and daughters, the property will be distributed among them in a manner such that each son gets double the share of each daughter.

Case 330: If the deceased person has a parent (mother or father) and one or a few sons, the parent will get one sixth of the estate and the remaining will go to the son or, if they are several sons, divided equally amongst them.

Case 331: If the deceased person has both parents along with a son or several sons, each parent will inherit one sixth and the remainder of the estate will go to the son or, if they are several sons, divided equally amongst them.

Case 332: If the deceased person has a parent (mother or father) and a daughter, the parent will inherit one fourth of the estate and the rest will go to the daughter.

Case 333: If the deceased person has both parents and a daughter, the parents will inherit one fifth each and the remainder will go to the daughter. If along with the parents there was a husband, the husband will inherit one fourth and the parents will inherit a sixth each and the remainder will go to the daughter. However, if there was a wife together with the parents, the wife will inherit one eighth of the estate, the remainder will be divided into five parts, the parents getting a part each and the remaining three parts going to the daughter.

Case 334: If the deceased has a parent (mother or father) with 2 or more daughters, one fifth of the estate will go to the parent and the remainder should be divided equally amongst the daughters.

Case 335: If the deceased has both parents with 2 or more daughters, each parent will receive one sixth of the estate and the remainder should be divided equally amongst the daughters.

Case 336: If the deceased person has no children remaining, the grandchildren will take their place and take the share of the relative they are closest to. So, if a deceased person only had grandchildren, the children of the daughter will receive a third of the estate and the children of the son will receive two thirds of the estate. However, if there exists a child of the deceased person, inheritance will not reach the grandchildren.

Case 337: The eldest son of the deceased will inherit his father's clothes, ring, sword, Quran etc. as a Habweh.

Case 338: A wristwatch and other such items are not counted as Habweh. However, it is probable that rifles, pistols, daggers and other such weapons are included in the Habweh. The eldest son, as a recommended precaution, should come to an agreement with the rest of the family members regarding these items.

Case 339: If the deceased made a will bequeathing all or some of the Habweh items to someone other than the eldest son, it will be valid and should be acted upon. If the deceased wills a third of his estate to someone without specifying from which part of his estate it should be taken from, a third should be taken from his entire estate (Habweh plus all other property).

Inheritance of the second category:

Case 340: If there exists a person from the first category, inheritance will not reach the second category of inheritors.

Case 341: If the only heir of the deceased is a brother or sister, or a grandfather or grandmother, he/she will inherit the entire estate. It does not matter if the siblings share the same parents or just one parent (mother or father) with the deceased, or if the grandparent is maternal or paternal. If there was a husband as well, he will inherit half of the estate and if there was a wife, she will inherit one

fourth. The remainder of the estate will go to either the brother or sister or the grandfather or grandmother.

Case 342: If the deceased person has brothers and sisters from the same parents or just paternal brothers and sisters, the estate should be divided according to the basis of a man getting twice the amount of a women. If the siblings are maternally only, the estate must be divided amongst them equally, be they brothers or sisters.

Case 343: With the existence of siblings from the same parents, paternal siblings will not receive inheritance. However, maternal siblings will inherit even with the existence of siblings from the same parents or paternal.

Case 344: If the deceased person has siblings from the same parents, paternal and maternal; if the maternal sibling is just one, he/she will inherit a sixth and if they are more than one, they will split a third of the estate between them equally. The remainder will go to the siblings from the same parents or the paternal siblings. If the sibling is just one, he/she will inherit the remainder, if more than one the inheritance will be split on the basis of a man inheriting twice as much as a woman.

Case 345: If the deceased person has paternal grandparents only, the grandfather will inherit two thirds and the grandmother will inherit one third of the estate.

Case 346: If the deceased person has maternal grandparents only, the estate will be divided equally among them.

Inheritance of the third category:

Case 347: With the existence of persons from the two previous categories, inheritance will not reach this category of people.

Case 348: If the only heir of the deceased is a paternal uncle or paternal aunt, he/she will inherit the entire estate. If there are several paternal uncles or paternal aunts, the estate will be divided equally amongst them.

Case 349: If there are both paternal uncles and aunts who are from the same parents, it is generally accepted that the uncles will inherit two thirds and the aunts will inherit one third, however the equal division of the estate between then is not improbable, and as a recommended precaution there should be an agreement between all parties. If all the paternal uncles and aunts share a mother only, the stronger opinion is that the estate should be divided amongst them equally.

Case 350: If the deceased person has only a maternal uncle, he will inherit the entire estate; if there are two or more maternal uncles, they will inherit the entire estate equally. Similarly, if there was one maternal aunt or two or more the same will apply. If there are both maternal aunts and uncles, they will inherit the entire estate equally.

Case 351: If the deceased person has both paternal and maternal uncles, the maternal uncles will inherit one third, even if it is only one person and the paternal uncles will inherit two thirds. If there are several paternal and maternal uncles, they will divide their shares equally amongst themselves.

Case 352: The children (cousins) of one's uncles and aunts will take the place of their parents if they are not available. However, with their existence, the cousins will not receive inheritance.

Inheritance by Causality

There are two: Matrimony and Walaa

1) Matrimony

Case 353: If a wife dies without having any children, the husband will inherit half of the estate; if she had children of even grandchildren, the husband will inherit one fourth of the estate.

Case 354: A wife will inherit a fourth of her husband's estate if he had no children. If he had children or grandchildren, she will inherit an eighth of the estate.

Case 355: If a deceased person had more than one wife and children, the wives will share amongst themselves the eighth of the estate equally, and if he had no children the wives will share amongst themselves the fourth of the estate equally.

Case 356: Only a permanent wife and husband can inherit from each other. If the marriage is temporary they will not inherit from each other unless it was agreed upon at the time of the contract.

Case 357: If the husband or wife dies before sexual intercourse takes place, the other one inherits from the deceased as sexual intercourse is not a condition for inheritance. A wife who has been given a revocable divorce will inherit from her husband's property and he will inherit from her. But if the divorce was irrevocable, she will not inherit from her husband nor will he inherit from her.

Case 358: A husband will inherit from all of his wife's property, be they transferable or non-transferable, land or other. However, a wife will only inherit from the transferable properties of her husband, so she will not inherit from his owned lands, even the monetary equivalent, however, she will inherit from the buildings and fruits etc., that are on the land and the heir can give this to her as a monetary equivalent and she should accept it.

2) Walaa:

a) Walaa I'tq: If a person sets free a slave, the slave will inherit him if there are no other heirs.

b) Walaa Zamin al-Jarira: What is meant by Jarira is the money paid by a person, who accidentally killed another person, to the family of that person. If a person does not have any relational heirs, he can appoint a person to be his Zamin al Jarira, if he does so, the Zamin will also become his heir. For example, if the person says: "'Aqidatka alayya an ta'qqul 'ani wa tasarni" and the Zamin should say: "Qabiltu".

Case 359: If a husband or wife also claim inheritance together with the Zamin, the husband or wife will inherit the maximum amount possible and the rest will go to the Zamin.

c) Walaa Imamat: If a person had nor heir, relational or causal, his estate will go to the Imam. Thus, the Imam becomes the heir of a person who has no other heir. However, if the deceased had a husband, he will inherit half of the estate and the other half should be given to him. If the deceased had a wife, she will inherit a fourth, however the stronger opinion is that the wife will also inherit the remaining.

Case 360: If the Imam himself is present, the inheritance of a person who has no heir goes directly to him. If he is not present, it is given to the religious authority so that he may spend it in the way as the share of the Imam is spent.

Inheritance of an Unborn Child

Case 361: If a child is born alive it will claim inheritance, even if it was a just a foetus at the time of the death of the inherited. The sign of the baby being alive is apparent movements after leaving the mother womb and this sign should be proved and testified too, even if by the midwives. If after being born alive the child passes away, its share of inheritance will go to its heirs. If the child is still born, it will not inherit anything.

Inheritance of a Disappeared Person

Case 362: If no information is available about a person i.e. whether he is died or alive, a period of time, the stronger opinion being four years, should be used to search for him. If in this period no information is found out about him, his property and estate should be divided amongst his heirs who existed at the end of the waiting period.

Rules regarding Purchase and Sale

Business or trade is one of the most emphasized recommendations in Islam. Imam Ali is reported to have said: “Do business so that Allah increases his blessings upon you, because I have heard the Holy Prophet saying: “there are ten parts to one's daily bread (as provided by Allah), nine parts of which lies in business and trade and the other part in other daily works.”

Case 1: If a person does not have personnel wealth, it is obligatory upon him to work in order to provide for his family and dependants.

Case 2: The obligatory amount of sustenance upon is a person is to provide his dependants with food, clothing and shelter, as well as other necessities that his wife and children might require; according to their social status and standing.

Case 3: If a person has enough wealth to provide for his family, it is not obligatory on him to work, however to improve his families material status and to assist the poor, it is highly recommended for him to work.

Invalid and Haraam Transactions

Case 4: Selling and buying intrinsically impure things such as corpses, alcohol, pigs and non-hunting dogs is not allowed. Their ownership and financing is not permissible in Islamic law.

Case 5: Selling and buying Tahir corpses such as fish, locusts etc. is permissible.

Case 6: Selling and buying human excrement for the production of compost and blood for the use in medical practices is permissible as commonly it is accepted that they have a financial benefit.

Case 7: Selling and buying Tahir dung and urine from animals whose meat is Halaal, like cows, sheep, camel etc. is permissible.

Case 8: Selling and buying Mutanajjis [a Tahir item that has become Najis] items like honey, juice, butter etc. which generally possess a financial benefit, is permissible. If the item does not have any financial benefit according to the general consensus, it is still permissible, however it is a recommended precaution that buying and selling in such an instance be avoided. It is also obligatory upon the seller to inform the buyer of the najis state of the item in all circumstances.

Case 9: Purchasing and selling instruments of entertainment like guitars, flutes, drums etc., instruments of gambling such as chess, back gammon etc., music cassettes and CDs and elicit films are all Haraam. However, buying and selling radios, cassettes, CDs, players etc. are all permissible, but they should not be used to perform Haraam acts, like listening to music or watching elicit films.

Case 10: Apparently, a television is not included amongst the instruments of entertainment, therefore its sale, purchase, usage and repair is permissible provided that it is not intended to be used for Haraam purposes.

Case 11: It is Haraam for a person to purchase, sell, repair or make idols and Crosses.

Case 12: A transaction with forged money is Haraam if the opposite party is unaware about the forgery of the money. However, if both parties are aware of the forgery, the transaction is correct and apparently it is not necessary to destroy the forged money.

Case 13: The selling and buying of carnivorous animals such as cats, lions, wolves, etc. and insects such as silk worms, honeybees, etc. is permissible.

Case 14: The selling and buying of vessels made of gold or silver used for decorative purposes is permissible. Apparently, they can be bought and sold for any purpose other than eating and drinking purposes.

Case 15: Selling vessels made of gold or silver for decorative or for eating and drinking purposes is apparently permissible.

Case 16: It is permissible to sell the Holy Quran to an unbeliever provided that no disrespect is shown to it.

Case 17: Selling grapes for the intention of making wine, or wood for making idols or instruments of entertainment is Haraam. Similarly, renting out one's house for the purpose of selling alcohol or acquiring Haraam things is not permissible, also hiring one's car out for the purpose of delivering or transporting alcohol is not allowed. However, all the above instances are Haraam with prior knowledge and agreement of the transaction, for example the seller says that he is selling these grapes in order for wine to be produced and so forth.

Case 18: Selling grapes to a person who one knows will make wine from them or renting one's house to a person who will store alcohol in it or make something Haraam in it is apparently permissible if there was no prior agreement to such things taking place.

Case 19: Making a sculpture of a human or animal that contains a soul is Haraam. However, there is no problem if someone makes sculptures of the sun, the moon, trees and those things which don't have a soul. Painting human or animal portraits on walls, canvasses and other possible places is permissible, even thou avoiding it is a recommended precaution. Therefore, hiring a sculptor is Haraam, whereas hiring a painter is not. In addition, buying, keeping and selling sculptures of things that contain a soul is Makrouh.

Case 20: Photography with current day cameras is permissible.

Case 21: Singing (Ghina) and listening to music is Haraam. Imam Baqir is reported to have said: "Singing (Ghina) is one of the things for which Allah has promised hell for."

Imam Sadiq has been reported to have said: "Ghina is the cause or hypocrisy and poverty," and: "A house where ghina takes place is not safe from tribulations, and the prayers and supplications of the inhabitants are not accepted and the angels do not enter that house."

Case 22: Urf [general consensus] is the basis for understanding whether or not a type of music is Ghina or not. Therefore, every song which is considered to be Ghina by Urf is Haraam and listening to it is also Haraam. It is also not permissible for a wife to sing for her husband in a way that is considered to be Ghina or even for a person to sing to them themselves in such a way.

Case 23: It is not permissible for a person to hum a Ghina song to himself.

Case 24: Singing and listening to the praises of the Ahlul Bayt in a beautiful and attractive voice is not considered to be Ghina if it is free from being classified as entertainment.

Case 25: It is not permissible to listen to Ghina music at a wedding or henna party or reception.

Case 26: Clapping is allowed if it is not accompanied by any Haraam action like the playing of instruments or Ghina music.

Case 27: It is not permissible for women to dance in front of men, but women can dance in front of other women just like men can dance in front of other men provided that their dancing does not arouse sexual feelings.

Case 28: It is permissible for a wife to dance for her husband.

Case 29: It is unlawful (Haraam) to listen to music intentionally. However, there is no objection if someone unknowingly listens to it.

Case 30: Intentionally listening to Ghina music is Haraam, however if ones hears it unintentionally, there is no problem.

Case 31: The singing of a woman at wedding party is permissible under the following three conditions:

1. The singing should not be accompanied by any forbidden musical instrument or contain any vulgar phrases.

2. There should be no man present in that gathering.

3. The singing should not arouse lust in the listener; if it does, then it becomes Haraam.

Case 32: Assisting an oppressor in his oppression or in any Haraam act for that matter is Haraam. However, there is no objection in helping them in Mubah and religious acts.

Case 33: Playing with instruments of gambling such as chess etc., that have been made for gambling, with betting is Haraam, so it is forbidden for the winner to take the bet from the loser. Apparently, even playing chess etc. without betting is also unlawful.

Case 34: If a person knows that playing with instruments of gambling is Haraam, but still continues to play, he will be a sinner who deserves the fire of hell.

Case 35: Partaking in sports like football, weightlifting, cricket etc. that take up a considerable part of the day is allowed provided that no Haraam takes place and no Wajib is missed.

Case 36: It is not permissible to bet in football, weightlifting, wrestling or any other sport.

Case 37: It is allowed to earn one's living from playing football or any other sport.

Case 38: It is permissible to watch sporting events with or without payment.

Case 39: Performing, teaching and learning magic (the art of manipulating vision and sound and forcing a person into imagination) is Haraam. Earning a living by it is also Haraam.

Case 40: Subjugating a Jinn, an angel or a human is allowed. However, if it causes harm to a person then it becomes impermissible.

Case 41: Reading magic books in order to find out their contents and by doing so can be classified as learning magic, is not allowed.

Case 42: Physiognomy is Haraam. Physiognomy is when a person attributes or negates a child from a man being its father by observing specific signs and qualities that are similar between the man and child. It is Haraam to use this practice to earn a living.

Case 43: Illusionary is to make impossible things happen in the eyes of people by using rapid and speedy movements. If this action causes harm to a believer or teases and makes fun of people, it is Haraam, otherwise it is not.

Case 44: Fortune telling is Haraam. This is when a person gives news about the unseen, claiming that a Jinn told him so. However, if this is done by observing specific signs and hidden clues and not given with certainty, there is no problem.

Case 45: It is not allowed, as an obligatory precaution, for a person to bid an increased price on a product that he has no intention to buy, but he hopes that

another person will hear and then increase on his price. This is Haraam whether it was done with the co-operation of the seller or not.

Case 46: Predications made about recession, inflation, heat, cold, rain, clear weather etc. that occur because of the changing of the seasons and attributing them to astronomical phenomena like the alignment of planets etc. by way of estimating and guessing is not allowed. However, if the prediction is made using modern technology and methods and precise astronomical calculations that are usually precise and accurate is permissible.

Case 47: Any transaction which involves deceit or adulteration is Haraam. The Holy Prophet has said: "Whoever deceives a Muslim brother, Allah will remove His blessings from him, close the doors of his livelihood and will abandon him." The Holy Prophet also said: "Whoever deceives a Muslim brother in a transaction is not from me and he will be raised with the Jews on the Day of Judgement."

Case 48: Fraud and deceit has many forms e.g. mixing low quality produce with a high quality, adding water to milk, pouring water over vegetables to make the customer think that they are fresh, melting iron or copper with gold or silver to make the buyer think that it is pure gold or silver, not informing the buyer of a problem with the product etc. These are all considered to be deceitful and are Haraam.

Case 49: Although deceit is Haraam, it does not invalidate the transaction. However, if the customer comes to know about the deceit of the seller, he has the option to invalidate the transaction. However, the transaction of selling copper or iron melted with gold or silver as gold or silver is invalid and the earnings is Haraam on the seller and it is obligatory upon him to return the money to the buyer. This ruling of invalidation is applicable on all transactions where the essence of the product is manipulated.

Case 50: One cannot be hired to perform the religious obligations of a person, be they Ayni or Kefayi and any earnings gained from this is Haraam. Hence, a person cannot be hired to perform the daily prayers or fast in the month of

Ramadhan, nor can he be hired to perform the burial rites of a person as Islamic law has decreed that these rites should be performed free of charge.

Case 51: Hiring a person for the performance of representative (Niyabat) actions, such as the Qadha prayers and fasts of a deceased person etc., is permissible. Similarly, hiring a person to administer an injection for medical purposes and other such compulsory acts that have not been stipulated to be done for free in Islamic law, is allowed.

Case 52: Charging for teaching those religious rulings that are necessary for a person to know is apparently allowed, however refraining from charging is better. However, charging for teaching those rulings that are not essential is definitely allowed.

Case 53: It is Haraam for a reciter to falsely attribute qualities and traits to a deceased person who did not possess such traits. The reciter has no right to ask for payment for such an action. However, if the reciter mentions qualities that the deceased did possess, he can claim payment for his recitation.

Case 54: Bad mouthing or mentioning the faults of a believer, be they about his actions, lineage etc. or be it in poetry or written form is Haraam. However, such actions in respect to hypocrites, unbelievers and those who make Bida'a or innovate in Islam is allowed so that others do not follow their examples.

Case 55: Cursing and insulting is Haraam. This is a speech which degrades and humiliates another person such that he loses his honour and dignity. Similarly in this regard are statements which the general public see as unmoral or distasteful if said publicly, however such statements can be said to one's wife as long as they are not disrespectful to another person.

Case 56: It is Haraam for a person to bribe a judge in order for him to give a ruling in his favour, be the person in the right or wrong. It is also Haraam for the judge to take a bribe. However, an oppressed person is allowed to bribe a judge if it enables him to claim his right from an oppressor, but an oppressor cannot take a bribe.

Case 57: It is Haraam to keep books like the Bible, Torah and books of other denominations if one fears that he may be misguided by them. Similarly, it is forbidden to sell, buy and distribute such books.

Case 58: It is Haraam for men to wear gold even if it is just a ring or the like thereof. However, beatification that is not considered to be wearing, like having a gold crown on one's tooth is apparently allowed.

Case 59: Lying is Haraam. That is to give a statement about something which has no reality, be it intentionally or jokingly. However, if the intention of the lie was to state something that had no reality as a joke, it is not Haraam as it did not describe a reality.

Case 60: Tauriyeh, which is to say a meaningful sentence in which the meaning is not understood from the sentence itself, is permissible.

Case 61: A person is allowed to tell a lie in order to protect himself or another believer from an oppressor or enemy, even taking a false oath in this circumstance is allowed, just as it is when reconciling between two believers. However, as a recommended precaution, one should only do so if tauriyeh is not possible. Making a promise with the intention of not fulfilling it at its allocated time is apparently allowed, but is extremely Makrouh. However, making a promise with the intention of not fulfilling it at all, is apparently Haraam. Similarly, apparently, a promise made to one's family without the intention of fulfilling it must be avoided.

Case 62: Accepting an official post from an oppressive regime is Haraam except if he takes care of the believer's affairs and doesn't act against Islamic Law.

Case 63: It is permissible to accept a post offered by an oppressive regime, if one is compelled to do so in such a way that if he rejects, he or his family will be subjected to torture and sanctions. However, if a person is able to bear the oppressions and if the inflictions upon Islam and the believers outweigh the inflictions upon himself if accepted, then it is not permissible to accept the post.

Case 64: If a person gives an amount of money to another person in order for him to use it for the benefit of a group of people and at the same time he i.e. the

receiver, is also included amongst that group, he can take a share of that money, to an amount equal, more, or less, than the amount stipulated by the giver with the condition that he knows that the giver will be fine with such an action, otherwise he is not allowed to do so. If the money given is for a specific purpose like zakat for example and if the acceptor of the money is an instance for the usage of zakat, then he can take an amount equal to that which would be given to another person and does not need the giver's permission or approval.

Case 65: Accepting a gift or reward from an oppressive ruler is allowed even if one has basic knowledge that a part of that gift or reward is from Haraam. However, if the receiver knows that it is from usurped wealth, in this instance he should return the wealth to its rightful owner if he knows who it is. If the owner is not known from amongst a specific group of people, he should try and attain the consent of all those people and if that is not possible than he should depend on the casting of lots. If the owner is unknown amongst an unspecific group of people, if the receiver has hope of finding him, he should search for him and return the money to him, but if has no or has lost hope of finding the rightful owner, as a recommend precaution, he should seek permission from the religious authority to give that money as charity on behalf of the rightful owner.

Case 66: Shaving the beard, except for the cheeks, is Haraam based on obligatory precaution. However, shaving the cheeks and leaving a beard on the chin is permissible.

Case 67: Shaving the beards of others is forbidden and the money earned from such a practice is not Halaal nor does it belong to him.

Case 68: The obligatory amount of a beard is that amount which the general consensus considers a beard.

Case 69: Shaving one's own beard or someone else's with the knowledge of it being Haraam and without any religious excuse makes one a sinner and a corrupt person.

Case 70: If a person performs his obligations and refrains from the unlawful, shaves his beard while knowing that it is Haraam, without any religious excuse, is a sinner.

Case 71: The testimony of a person who shaves is not accepted, unless he has a religious reason for it. It is also not permissible to offer prayers behind such a person.

Case 72: If a father orders his son to shave his beard, it is permissible for the son to oppose his father's order. Hence, it is permissible to oppose one's father in matters related to abandoning a wajib or performing a Haraam, but it is still better to gain his approval.

Case 73: Shaving while knowing it is Haraam and without a religious excuse causes a person to earn punishment in the hereafter.

Case 74: Charging for gold and silver trading, selling kafans, butchery and cupping in particular is Makrouh, also breeding animals by charging for the male is Makrouh. However, if they are performed for free and are given a gift, then there is no problem.

Case 75: It is permissible to purchase and sell lottery tickets and to participate in sweepstakes and lucky draws and the prizes won are permissible. However, it is still better to abstain from participating in them, as well as buying or selling the tickets.

Case 76: It is permissible to donate blood and one can also request a fee or something in exchange for it.

Etiquettes of Buying and Selling

Case 77: It is recommended for a business man to learn the Ahkam of transactions so that he is able to differentiate between a correct and incorrect transaction and stay clear of interest (riba). If there is doubt concerning the validity of a transaction, one cannot assume it to be correct but rather must act with precaution. It is also recommended that when charging for one's products, no differentiation is done between the customers who bargain and those who don't.

However, if the differentiation is based on religiousness or knowledge and abstinence, there is no problem. It is also recommended that the seller should accept the returned product of a customer who was unhappy with it as Imam Husayn is reported to have said: "Any person who accepts the nullifying of a transaction by a Muslim brother, Allah will forgive his sins and mistakes on the Day of Judgement.

Case 78: It is recommended for one to recite Takbir and the Shahadatayn at the time of the transaction and take a little less but give a little more. In addition, it is Mustahab for one to be lenient in transactions and in requesting his debts.

Makrouh Transactions

Case 79: The followings transactions are Makrouh:

1. For a seller to praise and elevate products and for the buyer to degrade them.
2. Taking oaths on a transaction. Imam Kazim has said: "Allah does not look at three groups of people. One of these groups are those who have made Him there means of business and only buy and sell after having sworn upon him."
3. Business done in a place where the faults and defects of the product are hidden. For example: selling in a dark area so that the defects are not noticed.
4. Taking a greater profit than what is needed from a believer or a profit from a person who was promised generosity.
5. A transaction between Fajr and sunrise.
6. Having the intention of being the first person in the bazaar.
7. A transaction with a rogue, sanctioned or bankrupt person.
8. A transaction where after an agreement was reached, the buyer bargains for the price to be lowered.
9. A transaction where after an agreement was reached between the buyer and seller another person offers more money for that item so that the seller sells it to him. These types of transactions, as a recommend precaution, should be avoided.

Case 80: Hoarding is Haraam. That is to keep and store food items, as a monopoly, which are needed by people and refrain from selling them with the hope

that their price increases. Apparently this forbiddeness is applicable to the hoarding of barley, wheat, dates, raisins and oil, and as a recommend precaution, salt.

Case 81: If other items, other than food, which are also needed daily by common folk such as clothing, accommodation, vehicles etc. are hoarded, there is no problem in it as long as it does not disrupt the system of the market, otherwise it is not allowed. Therefore, if hoarding of such items causes a disruption in the market place, the religious authority can force the hoarder to sell the items. However, if there is a benefit for the greater Muslim community, the religious authority can force him to sell even if his hoarding does not cause a disruption in the market.

Conditions of a Seller and Buyer

Case 82: In order for a transaction to be correct, the following conditions need to be met:

1. The buyer and seller should both be mature (buloogh). So a child cannot sell his own property, be he mumayyiz or rasheed, even if he has permission from his guardian.

Case 83: A child cannot sell his own property but can sell the property of others with the permission of the owner. For example, if the child works in a store and the owner of the store, be it the child's father or someone else, leaves him in charge of the selling, the transactions will be valid.

Case 84: If a person sells or buys something from a child, it is wajib upon him to return the money to the guardian (father or grandfather) of the child. It is not allowed to return the money directly to the child.

Case 85: If a child buys something with money that belongs to someone else, without that person's permission, it is wajib upon the seller to either return the money or gain the owner's permission. If it is not possible to identify the owner, then the seller should give that money as charity on behalf of the owner.

2. They should both be sane. Hence the buying and selling of an insane person is not correct.

3. The buying and selling should be done out of free will. Hence any transaction which was forced upon someone is invalid. By force we mean that if someone refuses to do the transaction, he fears for his or his family's life or property.
4. Permission to use the money. So a buyer should be the owner of the money, or a representative or guardian of the owner and has permission to use the money. Similarly the seller should be the owner of the property or a person who has permission to sell the item. So if a slave, child, bankrupt or insane person buys or sells something, as they don't have the authority to use wealth as they please, the transaction will be known as an *Aqd Fuzuli* and these types of transactions are only validated when the guardian or representative of such individuals sanctions the transaction, otherwise it is invalid.

Case 86: Intrinsic approval from an owner is not sufficient. The approval must be in written or verbal form, for example the owner says: 'I have approved or I have given permission etc.' or the owner gives permission to another for selling etc.

Case 87: Apparently the approval of an owner in an Aqd Fuzuli transaction is that when the owner approves the transaction becomes valid and not when the transaction takes place. Hence, the inflation of the price from the beginning of the Aqd till the approval belongs to the seller.

Case 88: If a person sells an item of another person as an Aqd Fuzuli without the owner's permission, if the item is still with the seller the owner can reclaim it from him; if the item is with the buyer, the owner can reclaim it from either the seller or buyer; if the item perishes while in the seller's possession, the owner must reclaim from him; if it perishes in the buyer's possession, the owner can claim from either of them. The owner can ask to be compensated with a like item, if the item was *Misli* or the price of the item if it was a *Qaymi* item.

Case 89: Misli items are those items that are from the same genre in characteristics and are equal with each other. What is meant by being equal is that the attributes of the items are similarly e.g. money, wheat, barley and other such grains.

Qaymi items are those items from the same genre that are not like one another in characteristics e.g. sheep, cows and other animals and plants. Therefore, tools and cloths and other items that are produced by factories in bulk are Misli, whereas, Diamonds, Agate, Turquoise etc. are Qaymi items.

Case 90: If the owner of the property that was used in a Fuzuli transaction does not approve of the transaction, the seller must pay the owner the amount he received for the property or give him something in exchange of similar value if the amount received has been exhausted.

Case 91: If the actual item of a Fuzuli transaction perishes while in the seller's hand, the price at the time of acquiring the item is the reference point. So, if the item was taken from the owner on the first of the month and perishes in the middle of the month and wants to reimburse the owner at the end of the month, he should pay the amount of the item as of the first of the month.

Case 92: The father or paternal grandfather can use the property of a child for buying and selling, renting, Mudharabeh etc., and they each have independent guardianship and do not require the permission of the other to use the property. Being just is not a condition for guardianship and nor does the usage need to be for a benefit, as long as there is no harm in the usage, it is sufficient. However, if by using the property they cause a loss to the child, they are not allowed to use the property. For example, if they are required to sell the child's property and can get a higher price for it, they are not allowed to sell it for a lower price.

Case 93: Just as they have guardianship over the child's property, the father and paternal grandfather have guardianship over the child himself and hence can get the child work or employ him to provide services. They can also get him married, be the child a girl or a boy and also have guardianship in other aspects of the child's life with the condition that these things are to the benefit of the child. However, they do not have the right to divorce a child's permanent wife.

Case 94: If the father or paternal grandfather of a minor, wills that after their death another person should be the guardian of the minor, that person has the same rights as the original guardian had and can use the property of the child as long as there is no loss or harm to it. The appointed person must be trustworthy and mature,

but being just is not a criteria. For the will to be correct, the other guardian should also not exist i.e. if the father makes the will the paternal grandfather should not be present and vice versa. Otherwise the will is void.

Case 95: No one other than the father, paternal grandfather or a person who they appoint has guardianship over a child. Hence, the mother, uncles, aunts, older brother etc. do not have the right to use a child property or have guardianship over the child itself except with the permission of his lawful guardian of from the child itself once it reaches buloogh and becomes mature.

Case 96: If a child does not have a lawful guardian (father, paternal grandfather or an appointed person), the religious authority becomes the child's guardian and if the religious authority is not reachable, then the just believers becomes its guardian.

Conditions regarding Items and their Exchanges

Case 97: Items and their exchanges are two different concepts and trade takes place with them i.e. the seller transfers the item to the buyer who gives an amount in exchange for that item to the seller.

Case 98: It is a condition that the product should have an external existence. For example, it should be an allocated house or car or something which is due and owed to a person. For example, selling a kilo of rice that is owed to you to another person. What is meant by the product having an external existence is that it is able to yield a benefit e.g. a house for rent, or is in return for a service provided e.g. sewing of one's clothes or the building of a house, or in pursing ones right e.g. Khiyar or Safa'ah [to be explained later]. Hence, the selling of benefit, right or the service itself is not valid as it is not in exchange of anything.

Case 99: It is permissible to swap a product for a benefit, e.g. exchanging a kilo of sugar for a month's rent. Similarly, swapping work for a product is also allowed, e.g. exchanging books for clothes being sewed.

Case 100: As an obligatory precaution, a transaction must be stipulated in full. That is the amount of the product in terms of its weight, number etc. must be clearly

stated and the same goes for that which is given in exchange for it. Viewing something which is normally sold by sight suffices for such an item.

Case 101: It suffices in knowing the amount of an item if the seller, if he is trustworthy, informs the buyer of the weight etc., even if the seller is not just. However, if it is later understood that the amount the seller gave was more than the actual product, the buyer has the choice to either terminate the transaction or accept that lesser amount, but if the actual amount was more than what the seller said, in this instance the seller can either terminate the transaction or accept it as is.

Case 102: Complete information about the product and its exchange are conditions for the validity of a transaction, also those attributes that influence the price of the product e.g. taste, colour etc., as a recommended precaution, should also be fully known. However, those attributes that do not influence the price of an item do not need to be stated or known.

Case 103: Information about an item is gained in the following three ways: 1) Visual observation at the time

2) Description of the item by the seller's

3) The item was observed prior to the transaction.

Case 104: The product and its exchange should belong to the seller and buyer or someone who has the ruling of ownership. For example, the administrators of Zakat or Waqf can sell a part of that which is in their possession from the Zakat or Waqf in order to buy grass for animals that have been given as Zakat. Selling of the actual Waqf is only allowed at times of extreme necessity. So the item that is sold and the exchange of it are both not really owned by the person, however, Islamically they have the authority of ownership. Hence selling something that is not in one's possession, like a fish or bird or animal that has not yet been caught cannot be sold.

Case 105: A person, who gives an item as a deposit, can sell that item with the permission of the person who holds the deposit.

Case 106: If the person who holds the deposit does not give permission for that item to be sold, the item can still be sold, but the buyer has the right to Khiyar, if at the time of the transaction he was unaware that the item had been given as a deposit. He can cancel the transaction and get a refund from the seller; who is the original owner of the deposit, or conclude the transaction.

Case 107: Selling a Waqf is only permissible in the following circumstances:

1. The Waqf is so badly damaged that it cannot be used anymore, e.g. a cupboard that is rotten or a carpet that is extremely old and torn, and these items will only be lost by keeping them.
2. The Waqf is damaged in such a way that it cannot be used for something else, even if that other usage gives a small benefit but people would not even consider a benefit. For example, renting a Waqf house that has been so badly damaged that the rent would be close to nothing. So if by selling the house a higher benefit can be achieved and used to buy another building or shop that would provide the same benefit as the original house.

3. The giver of the Waqf stipulated in his contract that if the Waqf gives a small benefit and if by selling it the benefit will be greater, it must be sold if such a scenario arises.

4. If an intense disagreement occurs between the administrators of the Waqf, to the extent that it is feared that the Waqf will be destroyed, in this scenario the Waqf may be sold.

5. If it was known that the person who gave the Waqf, only meant a specific item to be the Waqf. For example, that his sole intention was for a bath house to be given as a Waqf, so as soon as the Waqf seizes to be that intended item or fulfil its intended purpose, the Waqf becomes null and can be sold. If possible, a replacement should be bought with that money and if not, than the money, at the earliest opportunity, should be used for the benefit of the person who gave the Waqf.

Case 108: The above case concerning the permissibility of selling a Waqf does not apply to a masjid. Therefore, a masjid cannot be sold under any circumstance.

Case 109: The buyer and seller both should have the ability to transfer the product and the exchange to the other person. So, a selling a camel that has escaped or a bird that is flying is not permissible.

Khiyarat (Options)

Case 110: Khiyar is a right that allows the possessor of it to either cancel or accept a transaction.

Types of Khiyar [each will be explained in detail Insha Allah]:

1. Khiyar Majlis
2. Khiyar Haywaan

3. Khiyar Shart

4. Khiyar Ghaban

5. Khiyar Takheer

6. Khiyar Rouyat

7. Khiyar Ayb

1. Khiyar Majlis

After the completion of a transaction, both the seller and buyer have the option to cancel the transaction before they separate from the place where the transaction occurred. However, if they did not cancel the transaction and separated, in this instance the transaction is correct and the right of cancellation is lost.

Case 111: What is meant by Majlis is the place where the transaction occurred. So this could have happened when they both were stationary in a shop, or

while walking or even done over the telephone, but once it is said that they have separated, the option of cancellation from both parties is lost.

Case 112: Khiyar Majlis is applicable only in selling (bay'), and is not applicable in other trade contracts and bartering. Because, only in a selling contract can separation between the buyer and seller occur.

Case 113: The seller and/or buyer can make a condition that nullifies the right of Khiyar Majlis in the transaction. So, if the nullifying of this right occurs and is accepted by the opposite party within the selling contract, the right is lost by both parties. Similarly, this can also occur after the conclusion of the selling contract.

2. Khiyar Haywaan:

Case 114: A person who buys an animal has the option to cancel the transaction within three days from the time of the transaction.

Case 115: The right of Khiyar Haywaan is nullified under the following circumstances:

1. If at the time of the transaction the seller makes a condition that this right is nullified and the buyer accepts.

2. If the buyer nullifies the right after the transaction.

3. If the buyer act in a way with the animal that signifies that he is happy with the transaction and doesn't wish to nullify and it causes a defect in the animal or any act that shows such, for example feeding the animal or test riding it.

Case 116: If a person sold his animal for another item, Khiyar Haywaan is still applicable for the seller.

Case 117: Khiyar Haywaan is only applicable in bay' contracts and is not applicable in other bartering agreements. So if a person gives animals as his monthly house rent, the owner of the house does not have the right to Khiyar Haywaan.

Case 118: If an animal dies before the buyer takes its possession, or if it dies within the three day period, the loss will borne by the seller and it is obligatory on him to return the buyers money. Similarly, if the buyer notices a defect in the animal during the Khiyar period, without any shortcomings on his behalf, the seller is responsible.

3. Khiyar Shart:

Case 119: What is meant by Khiyar Shart is that either the buyer or seller makes a condition within the transaction contract that he has the right to terminate the contract within a specific period of time; with the acceptance of the opposite party. For example, a person says, 'I am selling my house to you for such and such an amount with the condition that I have the right to nullify and terminate the deal within one month.'

4. Khiyar Ghaban

Case 120: If a seller sells an item for less than the market price without knowing the market price, he has the right to terminate the sale, if the difference in the prices cannot be ignored. Similarly, if a person sells an item above market value, such that the difference cannot be ignored, without knowing the market price, in this case the buyer has the right to terminate the contract. However, if the seller was aware of the market value and sells the item for less than its market value, he will not have the right to terminate the sale.

Case 121: Khiyar Ghaban is nullified in following circumstances:

1. If the person who experienced a loss, cancels his right after the sale, even if it was before becoming aware of the loss.
2. If the person who is set to gain makes a condition during the sale that the one who is about to experience the loss doesn't have the right to terminate the contract.
3. If the person who experienced a loss uses the product in such a way that shows he has accepted the transaction, Khiyar is lost. For example, if he bought a sheep and slaughters it or sells it to another person after he comes to know about the loss. However, if he uses it before coming to know about

the loss and his actions do not necessitate that he accepted the transaction, as is usually the case in Ghaban items being used ignorantly; Khiyar is not lost, even if the item has vanished or its ownership has changed.

Case 122: If the seller realises that he has experienced a loss and terminates the transaction, if the item is still in the possession of the buyer, he should return it; if the item has vanished, the buyer should reimburse the seller with a similar item, if the item was Misli or with the price if the item was Qaymi. If the item was damaged, by the buyer or naturally, the buyer should return the item and give the difference between a damaged and new item. If the item is not in the buyers possession e.g. he sold it, it apparently has the ruling of a vanished item and follows the same ruling as above.

Case 123: It is not necessary for Khiyar Ghaban to be enacted immediately. So if a person who experienced a loss intentionally delays his right for appropriate reasons, like waiting to consult a person about what should be done about the transaction, his right remains intact. So if a person delays terminating the transaction out of ignorance of the loss incurred, or his right or forgetfulness, then obviously the right to Khiyar Ghaban remains and he may terminate the transaction as and when he gets knowledge about it.

Case 124: Khiyar Ghaban is not only applicable in buying and selling, but can be enacted in any transaction where a trade of items has taken place. So if a person rents his house for less than the average rate, or more, the person who experiences a loss has the right to terminate the contract.

5. Khiyar Takheer:

Case 125: If a person sells a product to another one, but does not take payment for the item and the transfer of the item will only be done once the buyer brings the payment, a transaction of this type must be completed within three days. If the buyer brings the money within the three days, the transaction is completed, but if he doesn’t, the seller has the choice to either cancel the transaction or wait longer.

Case 126: Khiyar Takheer is only applicable when the product being sold is identified and is actually in the possession of the seller or his representative. However, if the product sold has a probable existence, proving Khiyar is a matter of Ishkal and it is not improbable that there is no Khiyar in this instance.

Case 127: If the seller or buyer makes a condition that stipulates the time for payment or the transfer of the product e.g. a week, a month etc., Khiyar is not applicable.

Case 128: If the seller makes a condition that the buyer must pay within an hour or less and the buyer does not do so, the seller can terminate the transaction there and then and does not have to wait for three days.

6. Khiyar Rouyat:

Case 129: Khiyar Rouyat is when a person buys an item that he himself sees or is described by the seller without sight and after buying it finds out that it was not as described or seen. In it instance the buyer has the option to either cancel the transaction or accept it as agreed.

Case 130: The seller also has the right to Khiyar Rouyat in terms of description. For example, if the seller finds out that the quantity of a product was greater than described by the buyer, the seller has the right to cancel the transaction.

7. Khiyar Ayb:

Case 131: If a person finds a fault in a product purchased, he can either return the item and get his money back or keep the item and ask the seller to recompense him the difference between the items. The seller also has this option, for example if he finds a fault in the payment he can cancel the transaction.

Case 132: Compensation for a fault is the difference between the price of a good item and the defective one. So firstly the good item should be priced then the defective one and the relational difference between them should be subtracted from the original payment price. For example, if a good product cost $8 and the faulty one cost $4, and the agreed upon fee was $4, the seller must pay back $2 to the buyer as the relational difference between the two prices was half. In acquiring the

prices of the good and defective items, advice should be sought from experts or those in the know, however, they must be trustworthy and truthful as conditions.

Transfer of Items and Payment:

Case 133: At the conclusion of a transaction, it is wajib upon the seller to give the item to the buyer and the buyer to give the agreed upon fee to the seller, unless one of them made a condition. That was accepted by the other for a delay. Otherwise none of them have the right to delay. However, if one of them accepts the others delay or excuse, then there is no problem.

Cash (Naqd) and Credit (Nisyeh):

Case 134: Naqd is when a person pays at the time of the transaction. Nisyeh is paying for the transaction at a delayed time.

Case 135: If a person sells something to someone else and none of them makes a condition that the payment has a time frame, the transaction is a Naqd one. Hence, it is wajib upon the buyer to pay the seller the agreed price on request and the buyer does not have the right to refrain from doing so unless the seller without an excuse refuses to give the buyer the items. Similarly, the seller doesn't have the right to hold onto the items once the buyer has paid for them.

Case 136: If the buyer, while conducting the transaction, stipulates a time frame for payment, this will be a Nisyeh transaction. Hence, the seller does not have the right to ask for the payment before the time frame expires. The buyer also does not have to pay on request or freely, before the time expires.

Case 137: The time frame should be clearly stipulated. If it is an estimation, the transaction will not be correct unless the seller agrees to it. For example, if the time frame given for payment is the beginning of the harvest, the transaction will only be correct if the seller agrees.

Case 138: If the seller says to the buyer that if he buys the item on cash the price will be $100 and if he buys it on a month's credit, the price will be $150 and the buyer accepts these conditions, the transaction is valid.

Case 139: If a person sells an item on credit and after the expiration of the time frame, the buyer does not have the ability to pay, the seller cannot increase the price in order to extend the transaction. For example the seller cannot say to the buyer,' I will give you an extension of a month with the condition that $100 is added to your account.'

Case 140: It is not permissible to sell credit for cash for less than the credit amount. For example, Khalid borrowed Zayd $100 over a period of six months, Khalid cannot sell this credit amount to Zayd for $90 cash for example. However, if this is done in a method of compromise, it is allowed. For example, Khalid says to Zayd,' I will compromise the $100 debt of yours, if you pay me $90 cash.'

Case 141: If a person sells a $100 for 200000 Dinars on a month's credit and if after the expiration, the buyer cannot pay the amount, in this instance the seller is not permitted to sell the amount of 200000 Dinars for 250000 Dinars for another six months. This type of transaction i.e. selling a debt for another debt; is forbidden.

Rules regarding Usury and Interest (Riba)

The impermissibility of usury has been clearly stated in the Hoy Quran, authentic traditions and in the verdicts of jurists from all schools of Muslim thought. It has been reported from Imam Ali: "The Holy Prophet cursed the eater, the giver, the seller, the buyer, the writer and the witness of usury." It has been reported from Imam Sadiq: "The punishment of Allah for a single usurped Dirham will be more severe than committing fornication seventy with a Maharim."

Case 142: Riba can exist in both transactions and in loans. Now we will discuss that riba which exists in business transactions and that which exists in loans will be discussed later.

Case 143: Riba in transactions is when a seller sells an item with a certain weight to someone in exchange for something similar in return, but the weights are not the same. This can take place in actual goods or in the ruling of goods [Hukmi]. Example for actual goods: Zayd exchanges 1kg of red wheat for 1⅓ kg of white wheat with Khalid. So a third of a kilo is excessive in one of the actual exchanged goods and hence riba has taken place. Example for ruling: exchanging 3kg or Naqd

wheat for 3kg of Nisyeh wheat that has a one month payment window. This one month extra is an excess in the ruling and hence it is riba or for example selling 3kg of wheat to someone with the condition that he sews clothes for you or makes flour for you etc. these are all instances of riba and are forbidden.

Case 144: The forbiddenness of Riba is not limited to bay' only, but also includes all those transactions that involve an exchange of two actual items. So if one of the exchanged items is greater than the other, it is considered riba and is Haraam. For example, if a person agrees to exchange 5kg of wheat for 10 kg of wheat it is not allowed as it is considered to be riba. However, if the exchange or compromise is not between two actual products, but between two compromises that involve an independent actual good, than there is no problem. For example, if a person says, ' Gift me that 10kg of wheat and I will gift you this 5kg bag of wheat.' This is not considered riba and is allowed.

Case 145: the following two conditions must be present for a transaction to become a Riba transaction:

1. The exchanged items must be from the same genre, even if their qualities are different. For example, exchanging 50kg of good wheat for 100kg of bad wheat or 20kg of good rice for 50kg or bad rice is not allowed. However, if the items are different there is no problem i.e. exchanging 50kg of rice for 100kg of wheat is permissible.

2. The exchanged items must be measurable in weight. So items that are sold in quantity can be sold for more of itself e.g. exchanging three eggs for one egg.

Case 146: A usury transaction is invalid in all circumstances, regardless if it was done knowingly or ignorantly. In this instance it is wajib upon the seller and buyer to return the products to each other.

Case 147: Wheat and barley are treated as being from the same genre in riba transactions. So selling 100kg of wheat for 50kg of barley is not permitted.

Case 148: The differing exchange of the meat, butter and milk of two different animals is allowed. So, for example, 1kg of mutton can be sold for 2kg of beef. The same rule applies in the exchange of milk from different animals.

Case 149: All kinds of dates are considered as one genre, however, grains and metals are treated individually e.g. wheat, rice, lentils, beans etc. in grains and gold, silver, copper etc. in metals are each treated separately.

Case 150: Sheep and goats are treated as being from the same genre, and so are cows and buffalos and Arab and non-Arab camels. However, every species of birds are treated independently so a pigeon is not a sparrow and so on. According to the stronger opinion, fish have the same rulings as birds.

Case 151: Wild and domesticated animals are different from each other. Therefore, a domesticated cow donkey and a wild cow are treated as two different genres and the same applies to donkeys. So exchanging differing amounts of their meat is allowed.

Case 152: Original products and their secondary products are treated as being from the same genre. So it is not permissible to exchange wheat for flour at differing weights. Similarly, milk, butter, cheese and yogurt are treated as being from the same genre, and so are ripened, dried and paste from dates.

Case 153: The exchange of bread for flour with differing weights is not allowed and is considered to be Riba.

Case 154: It is not permissible to exchange one mithqal (a unit of weight, equivalent to 4.608 grams) of casted gold for one mithqal of non-casted gold and taking an additional payment for the casting.

Case 155: There are two ways of escaping usury and interest:

1. By adding something to the item that has less weight. For example, exchanging 100kg of wheat plus a Dirham for 200kg of wheat.

2. By adding something to both items regardless of the excess. For example, exchanging two Dirhams and 200kg of wheat for a Dirham and 100kg of wheat.

Case 156: As an obligatory precaution, riba transactions between father and son, husband and wife, Muslim and infidel who is in a state of war, if the Muslim receives the greater weight, should be avoided. However, if the riba transaction between the Muslim and the infidel of war was for acquiring ones right back from the infidel, than it is allowed.

Case 157: Apparently, a riba transaction between a Muslim and a protect infidel is Haraam. However, if such a transaction takes place the Muslim is allowed to take a greater amount from the infidel but the opposite is not allowed.

Case 158: Riba does not apply in currency exchange transactions like Dinars or Dollars as they cannot be weighed or measured. So if the currency is externally specific and determined, for example Zayd owns and has $10 in his hands and sells it to Khalid who owns and has $12 in his hands; this is allowed and is not counted as Riba. However, if the entire amount is owed to Zayd i.e. he does not have possession of it or it is not with him, and it is not specific and determined, for example if Zayd says he wants to sell that $10 for the $12 that Khalid has, this transaction is called a 'generally possessed transaction.' This type of transaction is allowed if the currencies are different, like exchanging Dollars for Dinars, however if the currencies are the same, this type of transaction is not allowed.

The exchanging of Gold and Silver (Bay' Sarf)

It is when gold or silver is exchanged for gold or silver. Be they in the form of coins used in transactions or not. Bay' Sarf is also known as Bay' Naqdayn (Two Cashes).

Case 159: The following two conditions are necessary for the exchange of gold and silver:

1. If gold is exchanged for gold and silver for silver, they must be of equal worth and value. So, if one of them is greater in worth than the other it will be considered to be Riba and is Haraam. However, if gold is exchanged for silver and vice versa, there is no problem if the worth and value of the items are different and it is not considered to be Riba.

2. The exchange of the items must be done at the time of the transaction and before the two parties separate from each other. So if they separate before the exchange, the transaction is void. However, this condition is only effective in the exchange of gold for silver and vice versa and not in the exchange of gold for gold or silver for silver.

Case 160: The rulings of Bay' Sarf do not apply to paper currencies e.g. Dollar, Pound etc. So selling more of one for less of the other is permissible even if the exchange does not take place before separation of the relevant parties.

Case 161: If a person is owed some Dinars and the debtor asks for the amount to be changed into Dollars or Rials, if the creditor accepts, there is no problem.

Case 162: If a person loans a particular amount of money for a fixed period or agrees to pay his wife's Mahr at a particular time and at the time of agreeing the above the value of the money was high but when the time came to pay the money back the value of the money had fallen, it is Wajib on the person to pay back the actual amount agreed and not the value of the amount agreed as money is a Misli item. For example, if a person loans 2000 Dinars over a period of two years, after the two years all that he has to do is pay back the 2000 Dinars regardless of the value of the currency at the time.

Case 163: If an item is made of both gold and silver in a way that one part of it is silver whilst the other part is gold, selling it for only gold or silver without an increase is not permissible and is considered to be Riba. For example, if an item contains 5 Mithqal of silver and 3 of Gold, it cannot be sold for only 5 Mithqals of silver or 3 Mithqals of gold, however, if the selling of it is for more than the amount of gold or silver that it contains, than it is allowed e.g. 6 Mithqals of silver or 4 Mithqals of gold. It can also be sold for any amount of gold and silver or any other item that is not gold or silver.

Rules regarding Bay' Salaf (Pre-payment)

Case 164: Salaf or Salam is when a buyer pays for an item upfront and receives his item at a arranged delayed time, the opposite of Nisyeh. For example, the buyer will tell the seller that he is paying him an amount of money and that his

item should be delivered to him in six months, or the seller says that the item will be delivered to him in six months but that he should pay now.

Case 165: If the payment and item were other than gold or silver, and were from different genres e.g. milk and bread, Bay' Salaf in this instance is valid. This transaction is also valid if the items are from the same genre and if one or both of them cannot be weighted or measured. However, if the items are from the same genre and can be weighted, Bay' Salaf cannot take place because it will necessitate Riba. Similarly, Bay' Salaf is not permissible in transactions involving the exchange of gold for silver or silver for gold but it is permissible in the exchange of gold for gold or silver for silver, or if one of the exchange item is gold or silver whilst the other is something else other than gold or silver.

Case 166: Salaf transactions have the following conditions:

1. The characteristics of the item should have the ability to be recorded if they influence the price of the item in people's eyes. So those items whose characteristics are difficult to record, like gems and pearls, cannot be sold in this way.
2. The item and its characteristics should be clearly defined so that no ambiguity remains.
3. As an obligatory precaution, the payment should be made before the parties' part ways.
4. The item should be clearly weighted and/or measured.
5. The time period for delivery should be clearly stipulated.
6. The seller should have the ability to deliver the item at the fixed time to the allocated place.

Case 167: If a person purchases an item by way of Salaf and before the delivery date or even after it, he can re-sell that item for something else or a monetary value to the seller with the condition that there should be no increase. It is also not improbable that selling it to another person other than the original seller for a profit or loss or same price is also permissible. However, selling wheat, barley and the like which can be weighed before they are in one's possession is not allowed unless it is for the same price as was originally purchased.

Case 168: If the seller delivers the item that was agreed upon at the time of the Salaf transaction, it is compulsory upon the buyer to accept the item.

Case 169: If the seller delivers a different item to that which was agreed upon at the time of the Salaf transaction, the buyer has the right to reject the item.

Case 170: If the item which was paid for is not available at the time of delivery, the buyer can either wait until the seller can deliver it at another time or cancel the transaction and claim back the money paid.

The Buying and Selling of Fruit

Case 171: Selling the fruits of palm trees and those trees that bear fruit, before the visibility of the fruit, for a period of one year without a supplement is not allowed, however selling them for a period of two years or more without a supplement or for a year with a supplement, according to the stronger opinion is allowed. Selling them for a period of two years or one year with a supplement, after they become visible and are ripened, is allowed without any issue. However, if the fruits are visible but have not ripened, selling them for other than two years or a year with a supplement is allowed according to the stronger opinion but as a recommended precaution, selling them is not allowed.

Case 172: Ripening of the fruit means that the fruit is able to be eaten even during its earliest stage.

Case 173: The supplement that accompanies the fruits sold before ripening must be of things that by themselves can be sold and be the legal property of the owner and the price should be shared, without distinction, across the supplement and the fruit.

Case 174: If the fruits are sold along with their trees before they have ripened, it is allowed without any problem.

Case 175: Selling fruits and vegetables like cucumber, eggplant and melon etc. before they have become apparent is not allowed, but selling them after they have become apparent, ripened and bloomed, after visual confirmation, in one picking or multiple picks is allowed.

Case 176: Vegetables that are plucked like mint, leek, cress etc. can be sold after they become apparent in one or multiple pluckings. However, selling them before they become apparent, as an obligatory precaution, is not allowed.

Case 177: It is not allowed to sell a spike of wheat for its grains and the same rule applies to barley. This rule applies to all types of grains e.g. lentils etc.

Case 178: If a person passes a fruit tree that is located on a common path, he is allowed to eat the fruits of that tree providing that he doesn't cause any damage to its branches, trunk, fruit etc.

Case 179: Eating the fruit for a passer-by is apparently allowed if he intends to eat the fruit from the onset, however, he is not allowed to take the fruit with him. If a garden is walled or if a person knows that the owner will not be happy with him eating from that tree, in this instance eating the fruit is a matter of Ishkal and is apparently not allowed.

Iqalah (Mutual Termination of a Contract)

Case 180: It is Mustahab for a Muslim to accept the termination of a transaction from the opposite party, be the terminator the seller or the buyer, or whether he unhappy with the transaction or not.

Case 181: Iqalah takes place with any wording that indicates the intention to do so. So it is sufficient if one of the sides of the transaction says,' I wish to terminate that transaction between us,' and the other side accepts, or if they both say that the transaction is terminated. Iqalah can also take place via action, so if the seller returns the money of the product to the buyer with the intention of cancelling the transaction and the buyer returns the item, surely Iqalah has taken place.

Case 182: Iqalah can take place in all Lazim (essential) contracts, other than the contracts of marriage and Zamaan. Iqalah in sadaqah (charity) is also a matter of Ishkal.

Case 183: Iqalah by increasing or decreasing the value of one of the transferred items is not permissible. So the seller cannot ask for more money from the buyer or give the buyer less than what was originally given in order to perform

the Iqalah. This type of transaction is invalid and the seller and buyer remain the owners of their respective items.

Case 184: It is apparently correct for a person to say: "Cancel the contract and I will give you 1000 Dinars."

Case 185: If a person says: "I will cancel the contract with you on the condition that you should sew my clothes or give me 1000 Dinars," and if the other person accepts, there is no problem.

Case 186: When an Iqalah is performed, cancellation or Iqalah of the Iqalah is not permissible.

Rules regarding Pre-Emption (Shuf'ah)

Case 187: If a thing is owned in partnership by two people and one of them sells his share to a third person, the original partner has the right to purchase that share from the third person with the condition that it is sold for the same price that the third person bought it for. This right is called Shuf'ah.

Proven instances of Shuf'ah

Case 188: In the selling of unmovable things that can be divided like land, a house, garden etc. are definitely an instance of Shuf'ah. In movable or transferable things like clothing, vehicles etc. the right of Shuf'ah is apparently applicable.

Case 189: The right of Shuf'ah is not applicable for a neighbour. So if a person sells their house, his neighbour cannot use the right of Shuf'ah to buy it.

Case 190: The right of Shuf'ah is only applicable in Bay' transactions. So if a partner gifts or compromises his share, the other partner does not have the right of Shuf'ah in these instances.

Case 191: The right of Shuf'ah is only applicable when an actual thing is owned by two people as partners and one of them sells there share. So if an item is owned by three or more people the right of Shuf'ah is not applicable, even if all

except one of the partners sells their shares the right of Shuf'ah is a matter of Ishkal rather is doesn't exist.

The Conditions and Rulings on a person who has the Right of Shuf'ah

Case 192: Muslim: As an obligatory precaution, the Shafi (pre-emptor) must be a Muslim. So, if the third person is a Muslim and the partner was an unbeliever, there is no right of Shuf'ah. However, a Muslim over an unbeliever and an unbeliever over an unbeliever has the right of Shuf'ah.

Case 193: Financial Ability: The Shafi must have the ability to pay the amount to the third person. So the right of Shuf'ah is not applicable for a person who does not have the ability to buy the sold share from the third person except when the third person accepts a less amount.

Case 194: The right of Shuf'ah is intact even if the partner is insane or not Buloogh their guardian can perform the right on their behalf.

Case 195: It is not permissible for the Shafi to just buy a part of the sold share and leave the rest; he either buys all of it or leaves all of it.

Case 196: If the sold share perishes before the partner uses his right of Shuf'ah, the right is lost.

Rules regarding Rental Agreements

Case 197: The landlord and the tenant must have the following condition:

1. Buloogh: So if both or one of them is not Buloogh, the contract is void.

2. Sanity: So if both or one of them is insane the contract is void.

3. Free will: So if both or one of them were forced into the contract, the contract is void.

4. Spending power: The landlord and tenant should not be banned from spending their finances because of feebleness. So if they possess an impediment

that bans them from spending their money, it is not correct for them to rent out or rent property.

5. Neither of them should be bankrupt and thus have the ability to use their property; as bankruptcy suspends the usage of one's property. If one of them is bankrupt, the transaction is void.

6. The landlord and tenant should both be free and not slaves. Hence a slave is not allowed to rent out something from his property or himself for work purposes.

Case 198: If a person hires someone to do some work and adds a condition to it, for example, if he hires a person to sew his clothes with the condition that the hired person must recite a Surah as well, however, the hired person sews the clothes but does not recite the Surah, the hirer has the option to either conclude the transaction and pay the hired person the amount that was agreed upon or cancel the transaction and pay the hired person an average price for his work

Case 199: If a person hires a car to take him from Najaf to Karbala for $1 for example, and makes a condition that if the driver gets him to his destination during the day he will pay him $2, the deal is correct.

Case 200: If a person hires a car for $2 from Najaf to Karbala, making a condition that if the driver doesn’t get him to his destination during the day, he will pay him $1, this deal is correct.

Case 201: Contractual hiring fee is that fee which the two parties agreed upon at the time of the contract and the average fee is that amount that is normally requested from the hired person for the action completed.

Case 202: A rental contract is a Lazim contract that has specific conditions that need to be fulfilled. Cancellation cannot occur unless both parties agree to it or if one of the parties has the ability to use one of the Khiyar options. The contract can be an exact phrase or something similar or in action and dealings.

Case 203: If a landlord rents out his house or plantation for a fixed period of time, and before the expiration of the rent period, sells it. The rental agreement, by this sale, does not become void and all that takes place by this transaction is the

transfer of the property without any benefit to the buyer for the remaining period of the rental agreement and after the expiration of the rental agreement will the benefit also transfer to the buyer. If the buyer did not know that the property was rented, he has the option to either cancel the transaction and get his money back from the seller or confirm the transaction upon the agreed upon fee. However, the buyer does not have the right, if he confirms the purchase, to ask the seller for the difference in price between a property that has benefit and that which has none.

Case 204: If the guardian of a child rents the child's property for a period that goes beyond the age of Buloogh of the child; the agreement is correct. However, if the child himself does such an agreement, it is a matter of Ishkal rather it is not correct even if there was some benefit in the child doing so.

Case 205: If a woman is hired to work for a fixed period of time and during that period gets married; the agreement is not nullified if the work does not hinder the rights of her husband, otherwise it is nullified and in this case it does not matter when she got married i.e. before, during or after the agreement.

Case 206: If a woman is hired for work while being married, the validity of the agreement depends on her husband’s satisfaction, if the work hinders his rights. If the work does not hinder his rights, the agreement is valid.

Case 207: If the tenant finds a defect in the property rented, if he knew about it before, there is no issue, however, if he was ignorant of it and the defect causes a loss to the benefit of the property, for example, a house with some badly damaged rooms, the price is lessened according to the defect and is taken back from the landlord, rather the tenant has the right to cancel the transaction all together if the damaged parts are totally unusable but if the parts are usable the tenant can only perform Khiyar Ayb.

Case 208: The transfer of benefit occurs with the transfer of the property that possesses a benefit. So, if a landlord rents his house out for living purposes to another person and transfers the house to him, definitely the benefit of the house is also transferred and hence the landlord can ask for the agreed fee from the tenant.

Case 209: Work that is done via hire is completed and should be paid for when the work is done like if the work involves the person physically like hiring a person to pray or fast on behalf of a deceased person or for emptying out a well etc. However, if the work involves the wealth of the hired person, like if a person is hired to make a ring or sew clothes, he should be paid after the item is transferred to the customer and does not have the right to ask for payment before the work is completed unless he made a clear condition that payment should be made at the beginning of the work or if payment is generally made at the beginning for such work.

Case 210: If a tailor after having sewed the clothes or a mechanic after having repaired a car loses or damages the item, if the loss was due to negligence on behalf of the hired person, he should pay the amount of the sewed clothes and fixed car to the owner. However, if there was no negligence on the hired person's behalf, nothing will be paid to the owner and in both instances, the owner of the lost item must pay the hired person the amount that was agreed upon for the work done.

Case 211: The owner can make a condition during the hiring agreement that puts the responsibility of the item on the hired persons shoulder. So, if the item is lost or damaged while in the possession of the hired person, even if he was not neglectful or extravagant, he will be responsible for it.

Case 212: What is meant by negligence and extravagance is that the normal level of usage or care has been crossed. The normal level is establishment by those who are experts in that field e.g. security professionals, tailors, builders etc.

Case 213: The hired person can keep the item after it is done until payment is received, and if the item is lost or damaged during this time, without any negligence, he is not held responsible for it.

Case 214: If a person hires an item, the item, once in his hand, is like a trust and if it gets damaged or lost without any negligence, the person who hired the item is not held responsible. Otherwise he is.

Case 215: If the owner of the item puts a condition on the person who is hiring that if the item is lost or damaged, wholly or partly, it will his responsibility;

this condition is correct and if any lost is incurred by the item, with or without negligence, he will be held responsible for it.

Case 216: If a doctor treats a patient himself and in doing so worsens the patient's state, if he acted inappropriately, he will be held responsible for that increase of illness, otherwise, responsibility is a matter of Ishkal rather he is not responsible.

Case 217: If a doctor treats a patient himself and doesn't act inappropriately, but the condition of the patient worsens such that it results in death, the doctor is held responsible as the blood of a Muslim is dignified.

Case 218: If a doctor is acquitted of his responsibility and the patient or his guardian accepts this acquittal and if the doctor does not act carelessly, in this instance, if the patient dies after being treated by the doctor himself, the acquittal is a matter of Ishkal and it is not improbable that the doctor is held responsible and not acquitted.

Case 219: If a courier slips and the items that he was carrying, fall and break, if he was careless and negligence in his action, he will be held responsible, otherwise he will not. The same ruling applies if a courier drops something onto an item of another person and breaks it.

Case 220: If the owner of the cloth given to the tailor says that the cloth is sufficient for making a shirt, so cut it. If after cutting it the tailor realises that it will not be sufficient, he is responsible to sort it out as the order of the owner was that cutting was conditioned on the cloth being sufficient for a shirt. However, if the owner asks the tailor if the cloth will be sufficient and the tailor answers in the positive, and after cutting realises that it was not sufficient, apparently he is not responsible as the order of the owner was general.

Case 221: If a person hires a ship or animal or vehicle to transport his goods and the goods are stolen or damaged. In this instance the owner of the ship etc. is not responsible for the loss if he was not negligent, however, if the owner of the goods makes a condition that if the goods are stolen or damaged it is the responsibility of the owner of the ship or vehicle etc. and its accepted, it is wajib to

act upon the condition. Hence, it is compulsory on the owner of the transport to pay the amount of the damaged or lost goods to the owner of the goods.

Case 222: If a person is hires a security guard or night watchman to protect one's house and property and something gets stolen, the guard is not held responsible unless he was careless in his duty. Being overtaken by sleep is apparently not classified as being careless in one's duty except that after such a sleep, he sleeps intentionally whilst having the ability not to sleep; in this case he will be held responsible. Similarly, if the owner of the property makes a condition that makes the guard responsible to pay for or replace anything that gets stolen, it is Wajib to act upon the condition, if it is agreed upon.

Case 223: If a person hires a security guard to protect a property and the property is stolen or lost, the guard is not deserving of payment. This is because the agreement was for the goods to be protected and it was assumed that this person had the ability to do so, but afterwards it became apparent that he didn't have the ability to do so.

Case 224: If a shop is rented for a specific time, once that time finishes it is Wajib to return the shop to the owner and the tenant does not have the right to rent it out to another person except if the owner gives permission. Similarly, the tenant does not have the right to lease another property and give the one he rented to the leaser except with the owner's permission.

Case 225: A renter cannot give the rented property to someone else as a lease except under the following conditions:

1. The lessee can remain in the property for as long as he wishes and the owner does not have the right to compel him to leave the property.

2. The lessee can lease out the property to another person anytime he wishes and the owner does not have the right to prevent him from doing so.

3. The fee for the leased property must be at a clearly fixed monthly or yearly rate and as along as the lessee is at that property, the owner cannot increase the fee.

4. All the above are in exchange for a fixed fee known as 'Sargofli' that is given to the owner of the property. So if the tenant includes any of these conditions into the contract together with the agreed fee and the owner accepts, the tenant becomes the owner of rights and the owner of the property loses his rights. Therefore the tenant can lease out the property, even for a higher price and this profit is added to his income and just like all other incomes, Khums needs to be paid on it. If the tenant dies, this property will be inherited just like his other belongings and if the deceased willed that a third be used elsewhere, a third will be deducted from this property as well.

Case 226: If a property is rented out and no conditions were included in the contract, the tenant is free to use that property as he wishes for the period of the rent agreement. Once the agreement expires the owner has the right to ask the tenant to leave or increase the rent fee if the tenant wishes to renew the agreement and the tenant has no right to complain in this instance. The tenant also does not have the right to ask for an amount to relinquish the property from the new tenants except if the owner is okay with it. So if the tenant gets a Sargofli payment and uses it elsewhere, it will be usurpation and Haraam. However, if the tenant makes conditions that were explained in the above Case and the owner accepts, in this instance the tenant has the right to get a Sargofli payment from another person even if the owner is unhappy with it.

Case 227: It is not permissible to rent out one's land for farming purposes and set the fee as a fixed amount of wheat of barley that is harvested from that land. Similarly, it is not permissible for the fee to be a percentage of the harvest in terms of a partnership e.g. a third or a fourth of the harvest. Such types of transactions are void and incorrect. The stronger opinion is that this ruling only applies to wheat and barley and does not include other grains e.g. rice etc.

Case 228: It is not permissible for a living person to hire someone to perform his Wajibats like prayers and fasting except for Hajj, when the person himself is unable to go because of some valid excuse. However, a living person can hire someone to perform Mustahab acts on his behalf like Ziyarat and the like. However, this rule is not all encompassing as the hiring for Mustahab prayers and fasts is a matter of Ishkal rather it is not allowed.

Case 229: It is permissible to get hired for performing the obligations and recommendations e.g. prayers, fasts, Ziyarat etc. on behalf of a deceased person. Also, being hired for actions that are performed for one's self and gifting the reward to other people is also allowed.

Case 230: Taking money for reciting the tragedy of Imam Husayn or the merits of the Ahlul Bayt or sermons that contain advices etc. and those things which contain intellectual, worldly or spiritual benefits, is allowed.

Case 231: If a person is hired to offer the Qadha prayers of a particular person e.g. Zayd, but he, by mistake, offers the prayers on behalf of another person, e.g. Amr. In this case, as the mistake was in the identification of the person but his intention was to pray on behalf of that person who hired him. His prayers on behalf of Zayd are correct and he deserves to be paid his fee.

Case 232: In cases in which it is permissible to hire a Buloogh person for offering the recommended acts, it is also permissible to hire a non-Buloogh child to perform those actions.

Case 233: If the tenant gives a sum of money to the landlord for him to use and as a result the landlord lowers the rent of the property and at the end of the rental agreement, the landlord must return the sum to the tenant. This type of transaction is called 'Rahn' or deposit and is correct. Also if the rental is conditioned on a loan, like if the landlord says to the tenant that I will rent this property to you on the condition that you put in my possession such an amount of money or if you loan me such an amount, the transaction is correct. However, if the loan is conditioned on the rent, it is not allowed at it will cause Riya to occur. For example, if the tenant says to the landlord that I will loan you such an amount of money on the condition that you rent me your property.

Case 234: It is not permissible to avoid or run away from work that one has been hired for and one should act upon his duty. If one fails to accomplish his duty, he is not deserving of all of his pay.

Case 235: If there is contract between an employer and a contractor that a particular building should be built in six months, but the contractor was unable to

complete the work in the allocated time. Hence, the contractor should financially compensate the employer for every extra day. This type of transaction is correct and it is obligatory upon the contractor to reach an agreement with the employer.

Case 236: It is permissible to hire a worker without fixing his wages. In this matter, the worker should be paid the average paid for the work he does. However, this type of employment is Makrouh.

Case 237: If a person hires a car and asks the driver to take him to a particular place without having agreed upon a price, and after reaching the destination the driver demands for an amount more than the usual amount, it is not obligatory on the person to give him the higher amount.

Case 238: It is not permissible for a person to be hired in order to transfer wine, in his car, from one place to another.

Case 239: If a person hires out his car and after reaching the agreed upon destination and while offloading the car, realises that the load he was transporting was alcohol, In this instance, the driver and off-loader are not deserving of the fee that was agreed with the owner of the alcohol but should receive the average price. They have, however, not committed any sin as they were unaware of the alcohol.

Rules Regarding Ju'aala

Case 240: Ju'aala is a type of Iyqaat (unilateral contract) that is it is produced and confirmed by the person who intends to pay. For example, a person calls out that if someone fixes my wall, I will give him such an amount. This type of contact does not require verbal acceptance from the other side. So if a person hears the call of the owner, and fixes the wall, he is entitled to the amount of money that the caller claimed he would give for that work. .

Case 241: It is permissible for a third person to pay on behalf of someone else. For example, if a person says that whoever sews Zayd's clothes will get a Dinar and if a person sews Zayd's clothes, he should claim the Dinar from the speaker and not Zayd.

Case 242: Ju’aala is a Jaiz (permissible) contract and so the caller can cancel his claim before any work is done.

Case 243: If a person announces two Ju'aala transactions one after the other, the second announcement will bear weight. For example, he announces that whoever sews my clothes will get a Dirham and then announces that whoever sews his clothes will get a Dinar. If a person sews his clothes, that person will be entitled to the Dinar and not the Dirham.

Case 244: If a disagreement occurs between the caller (the person who announcers the Ju'aala) and the worker concerning the amount of money to be paid or the work that had to be done, the statement of the caller takes priority, if the worker fails to provide witnesses for his claim. For example, the caller said I announced that I would give 10000 Dinars to the person who fixes my wall, but the worker says that the caller announced that he would give that amount to the person who fixes his driveway and he fixed the driveway and asks for his money. The worker is not entitled to anything unless he can provide witnesses for his claim.

Rules regarding Partnership

Case 245: A partnership is when two or more people are the owners of one item in such a way that the exact portion of the item owned is not specified. For example, two people own a house without specifying who owns what of the house.

Case 246: A partnership contact is a Jaiz contract. So any of the partners can cancel the contract at any time and if done, none of the partners has the right to use the shared property. The partnership contract becomes null if one of the partners dies, becomes insane, bankrupt or if his mental state clashes with the other partner.

Case 247: It is permissible to get into a partnership with a non-Muslim, but it is Makrouh and not recommended.

Case 248: It is permissible to conclude a partnership contract concerning produce. So in transactions dealing with the produce that they agreed to be partners in earns a profit, they will split the profit according to the percentage owned, and

similarly if the produce experiences a loss, they will share the loss according to their percentage of ownership.

Case 249: It is permissible to have a partnership in external commodities. For example, two people agree to buy a house together.

Case 250: Partnership in work or labour in which the wages are split between two people is a matter of Ishkal and should be avoided as a precaution.

Case 251: A partnership in which two people agree to buy commodities to the amount of money that is due to them and that the commodities will be split between them. Afterwards they will sell the commodities and after paying back their debts which came about as a result of the purchase of the commodities, will split the money between them. This type of partnership is a matter of Ishkal and should be avoided as an obligatory precaution.

Case 252: A Mufawedeh partnership, as an obligatory precaution, should be avoided. This is a partnership where two people agree to share all the profits they acquire from all their sources like business, farming, gifts, inheritance etc., and agree to also share all their losses as well.

Case 253: One partner cannot use a shared item e.g. car, without the permission of the other partner. If the item has more than one usage, the partner can only use it for that action which he gained permission for and not for the other uses.

Case 254: If two people are partners in a house, and one of them prevents the other from using it in its entirety and this leads to a loss for the other partner, the prevented partner can refer to the religious authority who can give permission for him to use the property in a way that he sees fit. However, if the religious authority does not give a ruling or the partner does not refer to him, he is allowed to use the property in which he has a share in it.

Case 255: If one of the partners requests a share and this causes the item to lose value or acquire a defect that normally cannot be ignored, his request will not be granted. If it does not cause a severe loss, it is compulsory to provide his request. If the partner refrains from giving it to him, he can be compelled to do so.

Case 256: The partner who has permission to use the item is like a trustee. So if the item is damaged or destroyed while in his possession, and he was not neglectful or extravagant, he is not held responsible. If he claims that the item is gone and his partner doesn't believe him, his statement will be accepted by taking an oath. Similarly, his statement by taking an oath should be accepted even if his partner claims that he was neglectful and extravagant and the other partner denies such.

Rules regarding Mudharabah

Case 257: Mudharabah is a contract between two people, one being the financer while the other does the work and the profits are shared according to what is agreed upon. There are some necessary conditions in Mudharabah:

1. The financer should offer the contract and the worker should accept it. So the financer should either say that I have performed a Mudharabah with you or I have agreed a contract with you that you will conduct business for me with a specific amount and then the worker accepts. This is sufficient for the contract to take effect.

2. Both the financer and the worker should be mature, sane and do so out of free will.

3. The shares for both the financer and the worker should be specified.

4. There should not be a third person involved in the contract as in a Mudharabah it is necessary for the profit to be split between the financer and the worker only. So if both or one of them at the time of the Mudharabah make a condition that a part of the profit will go to a third person and the understanding of such a condition is that from the beginning this third person will have a share in the profits, this Mudharabah is invalid.

5. The worker should have the ability personally to conduct business, if the intention of the financer was for the worker to do business. So if the worker does not have the ability to conduct business, the Mudharabah is invalid.

Case 258: It is obligatory on the worker of the Mudharabah to spend within the means and not to exceed the limits. So if he has been ordered to work with a specific budget, or in a particular town or market, he is not allowed to detour from the stipulations. However, if he does so with the permission of the financer then there is no problem, but if done without permission, and they experience a loss, the worker will be held responsible. Similarly, if a large portion or all the capital is gone, the worker will be held responsible, because the loss was caused by his negligence and extravagance. However, if he makes a profit, the money will be split between them according to their agreement.

Case 259: The worker in a Mudharabah is a trustee, so if money is lost, he is not responsible unless he crossed the limits or was negligence in his duties. If a loss is experienced in the business, the complete loss will be shouldered by the financer and not the worker. However, if the financer at the time of the contract stipulated that if the capital is lost while in the hands of the worker, the worker will be responsible for it or if he stipulates that if a lost occurs they will mutually bear the burden just as they share the profits. These conditions are not correct.

Case 260: The Mudharabah contract is a Jaiz contract. Hence, both of the signatories have the right to cancel the contract, be it before work has started or after, or before profit is earned or after.

Case 261: It is not permissible for the worker to mix the capitals with his personal wealth or with the wealth of a third person except with the consent of the financer. If he doesn't gain permission and still mixes the monies, and the capital is partly or wholly lost, he, the worker, will be responsible for it. This action however does not invalidate the contract. So if after mixing the monies, he makes a profit, the profit will be split according to the percentage of the capitals.

Case 262: If the worker travels for business with the permission of the financer, his expenses should be taken from the original Mudharabah capital amount if the financer did not stipulate at the time of the contract that travel expenses will be the responsibility of the worker. What is meant by expenses are those things that the worker needs, like food, drink and travel costs to reach his destination that are adequate for him. So if on the journey he over spends or is

extravagant, he will have to pay for it, But if he spends minimally or is the guest of another person, these will not be counted as costs and deducted from the capital.

Case 263: If the financer and the worker differ on the amount of money that was given as capital in a way that the financer says the amount was more whilst the worker says the amount was less. In this case the statement of the worker takes priority if done with an oath and the financer doesn't have any witnesses.

Case 264: If the argument is about the share of the worker, in a way that the financer claims it being less than what the worker claims. In this instance the statement of the financer takes priority.

Case 265: If the financer claims that the worker is cheating or stealing, the statement of the worker will be given priority.

Case 266: If the financer claims that he stipulated to the worker not to buy a certain product or not to buy from a specific person etc. and the worker denies such a condition. The statement of the financer is given priority. .

Case 267: If the worker claims that the capital has vanished but the financer doesn't believe him, the statement of the worker is given priority. Similarly, if the worker claims that the capital has experienced a loss or that there was no profit, but the financer doesn't believe him, here also the statement of the worker takes priority.

Case 268: If the worker takes the capital and puts it aside for safe keeping and during a space of time he didn't use any money from there, the financer is also only liable to collect the capital, even if the worker delayed in giving it and a person committed a sin.

Rules regarding Amanat (Trusts)

Case 269: Amanat is when a person gives his property to another person in the form of a trust.

Case 270: The trustee should take adequate care in looking after the Amanat, however if the owner specifies a specific place for the property to be kept, the trustee must keep the property in that place. If the trustee does not obey the owner

and keeps the property in another place and it perishes, he will be responsible for it except if he had fear for the property, in this instance he is not responsible if the property is lost.

Case 271: If the owner of the property specifies a place for its safe keeping and tells the trustee that even if he fears for the property he should keep it there, but the trustee does not obey the owner and the property gets lost, the trustee is responsible.

Case 272: If the trustee uses the Amanat in a way that crosses the limits of him being a trustee, he will be held responsible for it. For example, he opens a bag that was sealed or eats food that was given to him in Amanat etc.

Case 273: It is Wajib upon the trustee to feed the animals that have been given to him as an Amanat and to take their expenses from the owner.

Case 274: If the trustee was careless in looking after the trust, he is held responsible and it will remain so until he returns the product to the owner of the owner forgives him.

Case 275: It is Wajib upon the trustee to take an oath in order not to reveal the location of a trust to an oppressor and where possible he should use Tauriyeh. If he tells the oppressor the location of the trust, he will be held responsible.

Case 276: It is Wajib to return the trust to its rightful owner or to his heirs after his death, even if he was an unbeliever except if the owner was a usurper, in which case giving the property to a usurper is not permissible as it is wajib to return it to its rightful owner. If the trustee returns the item to the usurper, he will be responsible towards the rightful owner, if he knows who he is. If the owner is unknown, the trustee should describe the item and if still the owner is not found, charity should be given on behalf of the rightful owner. However, if the owner is found and he was not satisfied with the giving of charity, apparently the trustee is not responsible.

Case 277: If the usurper gets the item from the trustee by force, the trustee is not responsible.

Case 278: If an infidel of war puts property into a person's trust, as an obligatory precaution, it is Haraam for the trustee to be treacherous, and claiming ownership and selling it is also not correct.

Case 279: If the owner and the trustee disagree on the price of the item or on the negligence in its safe keeping, like the owner claims the trustee was negligent in his safe keeping of the item, but the trustee denies this claim or if the owner sys that the item cost $10, whereas the trustee claims that it was only worth $5. In these cases the statement of the trustee, if accompanied by an oath, takes priority. The ruling is the same if there is a dispute on the vanishing of the item, with the condition that the trustee is not the accused one.

Case 280: If there is a dispute on whether the item was returned or not, like the trustee says I returned the item while the owner denies it. In this instance the statement of the trustee takes priority when accompanied by an oath.

Case 281: If the owner and the trustee have a dispute on whether the item was a debt or a trust, so if the owner claims it was a debt, as the indebted person is responsible for the debt, but the trustee denies it and claims it was a trust, as he will not be responsible for it if it disappears without there being any negligence in its safe keeping. The statement of the trustee is given priority if accompanied by an oath.

Rules regarding A'riyah (Borrowing and Lending)

Case 282: An A'riyah is when a person gives an item to another to use and doesn’t take any money for it.

Case 283: The lender has the right to retake his item at any time from the borrower and the borrower can also return it at any time.

Case 284: If the borrowed item becomes defected while being used permissibly, the borrower is not held responsible. However, if the borrower over steps the limits of usage or the lender made a condition that he would be responsible or if the borrowed items were of gold or silver; in the above situations the borrower would be held responsible if the item is damaged or destroyed.

Case 285: If the lender dies, the borrower should give the borrowed item to the lender's heirs.

Case 286: Lending an item whose usage is not Halal, is not allowed e.g. musical instruments or gambling tools.

Case 287: If a person borrows glass dishes or electronic equipment and accidentally the glass breaks or the equipment gets damaged, the borrower will not be held responsible unless it was his carelessness and negligence that caused the items to break or get damaged.

Rules regarding Luqtah (Lost Property)

Case 288: Luqtah is a property that has been lost by its owner and is in no one's possession.

Case 289: The lost property may be a human, an animal or wealth:

1. A child who does not have a guardian, nor can look after it's self is called Laqeet (foundling).

2. An animal that has been lost by its owner is called Dhalah (stray).

3. If wealth other than a human or animal is lost and its owner is unknown, it is called Luqtah in the specific sense.

Case 290: Taking in a lost child and protecting it is a Wajib Kifayi regardless if the child's family left him in the street, masjid or any other place.

Case 291: Whoever finds and adopts Laqeet, they are more deserving and it is essential that they nurture and develop that child. However, if they find a rightful guardian for that child, like its father, mother, grandparents or the administrators, it is Wajib for them to return the child, as the child is no more known as a Laqeet.

Case 292: Any property that is found with the Laqeet belongs to him.

Case 293: The finder of the Laqeet does not have the right to claim him/her as his own child, however if such is done, none of the rulings related to parents-children will be applicable.

Rules regarding lost Animals

Case 294: If an animal is found in a residential area and is in a safe place, capturing it is not allowed and whoever does will be held responsible and it is also Wajib upon him to describe and announce the animal and he will be responsible till that animal is returned to its rightful owner. If the capturer loses hope of finding the owner, he can as an obligatory precaution, with the permission of the religious authority, give that animal as charity on behalf of the owner. If the owner is found after charity was given on his behalf, he can choose between accepting the reward for the charity and asking for the price of the animal, the first option is the recommended option. However, if the owner wants the price of the animal, the capturer should pay it to him and he i.e. the capturer will be given the reward for the charity.

Case 295: If a chicken or a kid [baby goat] enters a person's house, it is not permissible to capture it; however, it can be removed from one's home if the removal does not necessitate capturing it. If it is captured, applying the rules of Luqtah on it is a matter of Ishkal, rather it is not permissible. So it is Wajib to announce and describe it till the rightful owner is found or hope of finding him is lost. In this case the capturer should give the animal as charity on the owner's behalf; if the owner comes forward after charity has been given and is happy with it, which is recommended, no further action is needed, however if the owner wants the price of the animal, the capturer should pay it to him and he will receive the reward for the charity.

Case 296: If a lost animal requires food and water, if a volunteer is found, he will provide the animal with food and water; if not then the finder will provide it for the animal and get reimbursed by the owner [if found].

Rules regarding lost Wealth

Case 297: Wealth that has been lost and that has a n owner who is currently unknown has specific rulings which need to be applied such as the finder, with the following three conditions, needs to describe and announce the lost property for one year:

1. The finder is not certain that the owner will be found.

2. The lost property should have specific attributes that can be described by a person making a claim to ownership.

3. In announcing, the finder should not be putting himself in danger.

If these three conditions are met, it is Wajib upon the finder to announce the found item for a year with the hope of finding the owner and there is no difference in the amount of the wealth found.

Case 298: If the owner is not found, the finder has the option of doing the following three things:

1. He can give it as charity, with a guarantee that if the owner appears, he will be responsible for it.

2. He can place it amongst his own wealth until the owner is found and if not he will write it in his Will.

3. He can keep it for himself.

Case 299: The finder has the option to either give the actual item or the price of it as charity. What is meant by price is the price at the time and place where the item was found and not at the current location or time.

Case 300: One dirham is equal to about 12.6 chickpeas of coined silver weighing approx. 2.6 grams.

Case 301: If a person finds a thing which is perishable e.g. fruit, vegetables etc. he should find out its price, use the item and put the amount of the price aside for the owner. As a precaution, the better option is to sell the items, either himself or

someone else, with the permission of the religious authority. Also as an obligatory precaution, the responsibility of announcing the items is not removed from the finder, rather it is Wajib upon him to protect the qualities of the item and announce it for a year. So if the owner is found, the price amount should be given to him, and if he is not found, the finder has the three options mentioned in Case 298.

Case 302: In announcing the found item for a period of a year, it will suffice if the finder writes it on a piece of paper and pastes it on a wall etc. in an area where he thinks the owner might pass by. It is also not necessary for the finder himself to announce the found item; he is allowed to hire a representative to do it for him.

Case 303: If the finder becomes certain that the owner will not be found; the responsibility of announcing is removed from the finder.

Case 304: If a person swaps his pair of shoes etc. with another person, in this instance, if it is known that the swap was done intentionally, he can take the exchange as a principle of retaliation and if the exchanged shoes were more expensive than his own, he should give the extra cost as charity; similarly if returning them to the rightful owner is not possible i.e. the ruling for shoes that were more expensive. However, if it was not known that this act was done intentionally but it was known that the owner would not mind the usage of the item, it is permissible to use the item. However, if the consent of the owner is not known, the item should be treated as an item whose owner is unknown and it is Wajib to search for him and once hope of finding him is lost, the item should be given in charity on his behalf.

Rules regarding Ghasb (Usurpation)

Case 305: Usurpation is to gain control over another person's property unjustly and oppressively and it does not matter if that property was transferable or non-transferable. Usurpation is accounted amongst the Great Sins and the usurper will be punished severely on the Day of Judgement.

Case 306: If a wall collapses on a person, animal or anything else, the owner of the wall is responsible if he knew that the wall was defective and did not repair it. Also the owner will only be held responsible if the person who the wall collapsed

on was unaware that the wall was faulty, but if he knew the owner will not be held responsible. So if a person stands or ties his animal under a known defective wall and the wall collapses, the owner will not be held responsible.

Case 307: If a person starts a fire that he thinks will invade the property of someone else, and it does, he will be responsible. However, if there was no such possibility but because of wind etc. the fire accidentally trespasses, he is not responsible.

Case 308: If a person buys something that was usurped, but did not know it was usurped at the time of buying it, it is Wajib upon him to return it to the owner. He should reclaim his money from the usurper and not the owner.

Case 309: If usurped property falls into the hands of the real owner from the usurper, he can reclaim it without seeking permission from the religious authority.

Case 310: It is Wajib upon the usurper to return the usurped property, if the actual item is still available. If the item has perished, he should give a like if the item was a Misli item or the price if it was a Qaymi item. He is responsible for paying the price at the time of usurpation but as a recommended precaution, if the price is different at the day of returning from the day of usurpation, for them to come to a mutual agreement on the payment. For example, if the price of the usurped property, at the day of usurpation was £1000 and on the day of return it was $10000 approx., they should come to a mutual agreement on the price.

Rules regarding Public Places

Case 311: What is meant by public places is the walkways, roads, masjids, schools, and parks etc. that are used by the general public.

Case 312: Public roads and walkways are equal for all people to use, so no one has the right to use the land to build a wall or plant a tree or the like which would hinder and obstruct the usage of them by other people.

Case 313: The usage of public roads and walkways is permissible for all people except those who cause hindrance to other pedestrians.

Case 314: If a person sits in a masjid for prayers or reciting Quran; till he is busy with that action no one has the right to hinder or trouble him. If he stands up from his place, he no longer has any right to that place, even if he intends to return to that place for prayers. However, if his standing was for only a very short time that does not break the unity of his sitting in the eyes of people, like if he goes to drink water from a nearby place etc. he still has a right to that place.

Case 315: Some worshippers leave their Turbah or Quran in a place of the masjid or Haram with the intention of leaving for a short time, like an hour and then returning; removing the Turbah and Quran is allowed in order to pray Namaz. However, it is not allowed to occupy that place for anything other than Namaz, as he only had the right to pray in that place. Hence, till the time that he is busy with prayers, no one has the right to hinder or stop him. Once he finishes his prayers and stands up, his right comes to an end, even if he has the intention of returning for prayers. Therefore someone else can pray at that place.

Rules regarding Debt and Loan

Case 316: Giving a loan to a believer especially one that is in need is an emphasised Mustahab. Because of this loan, the needs of the believer are fulfilled and his problems are removed. The Holy Prophet has reportedly said:" Anybody who removes a worldly problem from his Muslim brother, Allah will remove his problems on the Day of Judgement. The Holy Prophet also said:" Anybody who gives a believer a loan while taking into account his situation, Allah will increase his wealth and the Angels will send mercy upon him until the loan is repaid." Imam Husayn has said: "It is written on the doors of Heaven that charity has ten times the reward whereas a loan has eighteen times the reward." and many more narrations to this effect.

Case 317: There is no specific contract in a loan. So if a person gives money with the intention of it being a loan and the other takes it with the same intention, the loan is correct.

Case 318: It is Makrouh to take a loan when it is not needed. If a loan is taken it is Wajib to take it with the intention of repaying it.

Case 319: The property which is given as a loan must be Halal to be owned. So the loaning of alcohol or pigs is incorrect.

Case 320: Receipt is a condition of a loan, so the borrower only becomes the owner of that property once he has received it.

Case 321: If a person loans a Misli item, like wheat, barley etc. it is his duty to repay the exact amount of the item he loaned. Hence, it does not matter if the item increased in value or decreased at the time of repayment. So if the item increased the creditor does not have the right to ask at the current price and if the item decreased the debtor has no right to request to pay it at the current lesser rate.

Case 322: If a person loans a Qaymi item, like a cow, sheep etc. the price at the time of the loan is Wajib upon him to pay not the price at the time of repayment.

Case 323: If the time for repayment arrives and the debtor is not able to pay, the creditor cannot add interest to the amount loaned in order to delay the payment on behalf of the debtor. As this falls under the category of Riya and is Haraam.

Case 324: It is permissible for the debtor to offer the creditor a gift in order for him to delay the date of repayment. So if the debtor says to the creditor that if you allow me to delay the repayment for a month, I will give you $1000 as a gift, this transaction is allowed.

Case 325: A condition of interest or extra payment from the side of the creditor is not allowed. However the loan does not become invalid with this condition as it is only the condition that is invalid. Hence, the debtor becomes the owner of that which he loans and the creditor does not become the owner of anything extra. So if a person takes an interest loan on wheat and farms with it, he is allowed to use that which grows from it; similarly, if he takes an interest loan on money and buys some clothes with it, he is allowed to wear those clothes. However the creditor is not allowed to use the interest that he acquired from the debtor to buy anything and if he does, its use is not permissible for him.

Case 326: The condition of interest is Haraam in all circumstances and it does not matter if the interest is extra money e.g. if a person loans $2 with the condition

of paying back $4. Or if the interest is extra work e.g. a person gives a $100 as a loan with the condition that the debtor also sews him clothes. Or if the interest is a benefit e.g. a loan is given with the condition that the creditor can stay in the debtors house, and it doesn't matter if the interest goes back directly to the creditor or to a another person. So the creditor cannot say that I loan you this on the condition that you gift a poor person $1 or repair the masjid or hold a gathering etc. all of these instances are not permissible. However a condition that becomes Wajib upon the debtor himself is not forbidden. So the creditor can give a loan with a condition that the debtor pays his Khums or Zakat or makes Dua for the creditor or that the debtor does his prayers or fasts, all these are correct as they do not include any property or wealth of the debtor. However, the previous instances like repairing the masjid or giving money to a poor person involved the property of the debtor and hence are not allowed.

Case 327: If a person loans something with the condition that the debtor sells something to him at less than the normal price or rents him a property at a lower rate, this condition is not allowed and like the condition of interest is Haraam.

Case 328: If the debtor sells something at a lesser price to the creditor or buys something from him at a higher price and asks for a loan to be given to him, these transactions are allowed and do not fall under the category of interest transactions. For example, if the debtor has a product worth $100 and says to the creditor that he will sell this item to him for $80 with the condition that he gets a loan from him, or if the creditor has an item that's worth $80 and debtor says that I will buy it for $100 if you give me a loan.

Case 329: Interest is Haraam, only if it was stipulated. However, these is no problem if it was not stipulated rather it is Mustahab that the debtor repays with some extra quantity as this is the best way to repay a debt and the best of people are those who are the best in paying back their debts.

Case 330: It is Wajib upon the debtor that when the creditor asks for his money to be returned, and if he has the ability too, he should repay him as soon as possible, even if he has to sell some items or land or take another loan if it is within his means, or by renting out his property, But if by doing so, he still will not have the ability to repay the loan, it is not improbable that working or trade that

corresponds to his status becomes Wajib on him until he is able to repay his debt. However, it is not necessary for him to sell his house or clothes tor other things that he might need according to his status.

The general rule is that if the debtor needs something that is according to his status and if he does not have it he will fall into difficulty, it is not Wajib on him to sell those things. What is meant by the non-necessity of the debtor selling his house, is that it is not Wajib on him to do so, but if he himself decides to sell his house in order to pay his debt he may do so, even thou it is better that the creditor shows unhappiness with such an action.

Case 331: If the debtor owns land or items that are extra from those items that are exempted that can be sold for less than the market value, if is Wajib upon him to sell those things at less than the market value. However, if the loss is too great and can't be compensated for, than it is not Wajib on him to sell those items in order to repay his debt.

Case 332: If a person voluntarily offers to pay a debt on behalf of someone else, be that person alive or dead, it is allowed. It does not matter if he has the permission of the debtor or not and even if the debtor forbids him from performing such an act voluntarily, he can still perform it.

Case 333: If the debt is time stipulated, the creditor does not have the right to request repayment before that time arrives. If the debtor dies before that time arrives, the debt amount must be taken from his whole estate and it is compulsory for his heirs to pay the debt. If the creditor dies before the time arrives, the ruling remains i.e. the heirs of the creditor cannot request the debt to be paid before the time arrives. Hence, if the dowry of a wife is time stipulated, and her husband dies before the time arrives, when the time arrives, the wife has the right to claim her dowry; if the wife dies before the time arrives, her heirs do not have the right to claim her dowry until the time arrives.

Case 334: If the creditor is inaccessible and his whereabouts are unknown, it is Wajib on the debtor to have the intention of repaying and at the time of his death should mention that debt in his Will. If after a while of not knowing the creditors whereabouts, it becomes certain that he has died, it is Wajib to repay the debt to his

heirs and if they are unknown or unreachable, charity should be given on their behalf. Similarly, if ten years pass and there is no sign of him, the debt can be paid to the creditors heirs, even if his death is not certain rather repaying the debt to them is allowed after four years of the creditor going missing, if during that time he was searched for.

Case 335: It is Haraam to request repayment of a loan from a debtor who is really poor; rather the creditor should wait until the debtor has the ability to pay him.

Case 336: If a person takes currency, like Dinars etc. as a loan, and after a while the government cancels that currency, the debt is not cancelled but the debtor has to pay back an equivalent amount of the current rate to what he loaned.

Case 337: Selling a debt for less than the debt amount is problematic, and it is not improbable that it is incorrect. So if Zayd owes Amr $100 and Amr wishes to sell that debt to Khalid for $90, in this instance the buyer i.e. Khalid is only liable to claim the amount he purchased the debt for from the debtor i.e. Zayd, so Khalid can only claim $90 from Zayd.

Case 338: Selling a debt for a debt is not permitted. For example, if Zayd owes Amr an item and Amr owes Zayd $5, Zayd cannot sell that item for the $5 that Amr owes him, as this instance is that of selling a debt for a debt and is not allowed in Islamic Law.

Case 339: If a protected infidel loans something from a Muslim and in order to pay back the loan, he acquires money from selling Haraam products like alcohol and pigs, the Muslim can take that money as repayment.

Case 340: If a person inherits money that was gained through Riya and has been mixed with Halal money, there is nothing compulsory on him. However, if the amount is known and the owner is also known, he should return it and if the owner is not known, he should give that amount as charity on behalf of the owner.

Case 341: Taking a loan from a specialised bank with the knowledge that they will charge interest is not allowed.

Case 342: If the creditor forgets about the loan lent amount, it is permissible for the debtor to pay him with the intention of repayment even if he does not state it clearly and the creditor if of the belief that the amount was a gift to him. In this way the debt is lifted from the shoulders of the debtor.

Case 343: If a person is owed an amount from someone, it is not allowed for him to take that amount without the knowledge of the debtor even if he is shy to ask for his repayment. However, retribution and retaliation is allowed to be taken from the debtor if it known that the debtor is intentionally delaying the repayment and it should not be taken from those things that are exempted in debts.

Case 344: If the debtor refuses to pay his debt, it is not allowed for the creditor to increase the amount that has to be repaid. For example, the creditor says that if the debt is not paid at the agreed time, for every month delayed I will increase it by $10; this is Haraam as it is a type of Riya.

Case 345: If the debtor, by selling some items at the market value a little under it, is able to repay his debt, it is Wajib for him to do so and it is not permissible for him to delay the repayment or wait until the price of the items increase. However, if the loss is too great that is not commonly acceptable, it is not Wajib for the debtor to sell his items.

Rules regarding Rahn (Deposit, Guarantee or Down Payment)

Case 346: Rahn is a property or amount that the creditor takes from the debtor to ensure that his debt will be paid.

Case 347: In Rahn, pronunciation and acceptance are necessary, so the debtor will say that I give you my house as a deposit and the creditor should then say that he accepts.

Case 348: The pronunciation and acceptance should be done by persons who have the ability to give and take the Rahn.

Case 349: It is a condition that the property given as Rahn should be allowed to be owned, received and sold, like a house or gold jewellery etc. Hence, the

depositing of alcohol is not allowed, as it is Haraam to be owned and sold, or a bird that is flying as receiving it is not possible.

Case 350: According to the stronger opinion, the correctness of the deposit is conditional on receipt, meaning that the depositor should give the actual item to the creditor.

Case 351: The deposit transaction is a Lazim transaction from the side of the depositor, so the depositor does not have the right to take back the deposit except after repaying the debt of getting the creditors consent.

Case 352: If the deposited item has any benefits, they belong to the depositor and not the creditor.

Case 353: The creditor is not allowed to use the deposited item without the permission of the depositor, so if he uses the deposited item and it gets damaged or lost, the creditor will be held responsible for it and should pay back the average price of that item that he used.

Case 354: The depositor can use the deposited item if it does not contradict with the rights of the creditor. So in instances where the usage will not cause the item to lose value or get lost or damaged are allowed, like reading a deposited book or wearing deposited jewellery. But uses that will cause the item to loss its value or get damaged are not allowed, like using an item whose value is dependent on the amount of times it is used or selling and transferring the item to someone else and the like are not allowed except with the permission of the creditor.

Case 355: If the depositor wills to the creditor to sell the deposited item and claim his right from it, the Will must be acted upon and the heirs of the depositor have no right to claim and request the return of that property and offer to pay the debt by other means.

Case 356: The right of the deposit can be inherited, so if the creditor dies, his heirs will hold onto the deposit.

Case 357: The deposited item is a trust in the hands of the creditor. So if the item gets damaged or lost without there being any extravagance or neglect, the

creditor is not responsible for it. However, if there was neglect and extravagance he should replace it with a like item if it was a Misli item or pay the price of it at the time of neglect, if it was a Qaymi item. If the depositor stipulates that the creditor will be responsible for any damage or loss to the deposited item, this condition is apparently valid and the creditor will be responsible for the item in all cases.

Case 358: If the depositor and the creditor disagree on the price of the deposit, for example if the depositor says that the item was worth $100 while the creditor says it was worth $90, the statement of the creditor takes priority if accompanied by an oath. Similarly, if there is a disagreement on extravagance or negligence, the statement of the creditor takes priority if accompanied by an oath. But if there is a disagreement to the amount of the loan, for example the depositor says a lower amount than what the creditor says, the depositor's statement in this case takes priority if accompanied by an oath.

Case 359: If the depositor becomes bankrupt, the creditor who has the deposit in his possession is more worthy of the deposited item than the other creditors.

Case 360: In some cities it has become common practice for the owner of a property not to rent out his property unless an amount is paid up front, which is then returned to the renter at the end of the rental agreement. By giving this amount the renter will also give a less monthly rental fee to the owner, this is known as 'Rahn' amongst the general public. Is this transaction allowed in Islam?

If the owner rents his property out with the condition that that amount is giving to him as a loan, there is no problem. What is not allowed in Islamic Law is for the renter to say to the owner of the property that I will give you a loan on the condition that you rent me your property.

Case 361: A person loans an amount of money and places his residential home as the Rahn and at the time of repayment, he does not have the ability to pay back the loan. Is it permissible for the creditor to sell the house of the debtor in order to get his money back or is it not allowed on the account that the residential home of a person are from exempted items?

Answer: Yes, he can sell the house and take his money from it.

Rules regarding Hijr (Those people who are not allowed to spend their wealth)

Case 362: Hijr is when a person because of a reason or reasons mentioned below is forbidden from using his wealth:

1. A child who has not yet reached Buloogh and such a person has been Islamically forbidden from using his wealth and cannot sell, gift, loan, rent, borrow etc. any of his wealth even if he is able to tell right from wrong and the transaction is completely in his favour and benefit.

Case 363: Just like a child cannot use his own wealth, he also cannot use that which is owed to him. So taking a loan from or selling on behalf of a child is also incorrect. He also is forbidden to act on his behalf, hence, marriage, divorce, hiring himself out or being the worker in a Mudharabah are all invalid contracts. Once he becomes Buloogh and mature, and what is meant by mature is that he shows those intellectual attributes in the usage of his wealth and doesn't waste it or use it for foolish purposes.

2. The ruling relating to a non-Buloogh child also, in its entirety, is applied to an insane person. Until such time that insanity remains and the person does not become sane, he has no right to use his wealth.

3. A feeble-minded person (Safih) is an immature person who cannot protect their wealth and squanders it on foolish purposes.

Case 364: A Safih Islamically is forbidden from using his wealth and the usage of it for buying and selling, loans, rent etc. is not valid. This rule is not removed from him even if he is very old. However, if he becomes mature, this ruling is removed from him and his maturity is proven by the testimony of two male testifiers and similarly for a woman Safih. Also the testimony of four female testifiers is allowed.

4. A slave or kaneez cannot use their wealth without the permission of his/her master.

5. A person in bankruptcy also does not have the right to use their wealth.

Case 365: A bankrupt person is someone who has been prohibited by the religious authority from using his wealth, as his wealth does not meet the demands of his creditors and debts.

Case 366: A bankrupt person under the following four conditions cannot use his wealth:

1. His debts are proven in front of the religious authority.

2. His debts need to be paid as soon as possible. So a bankrupt person will not be forbidden from using his wealth if he has time stipulated debts.

3. His wealth is less than his debts.

4. Some or all of his creditors have requested the religious authority to forbid the bankrupt person from using his wealth. If the religious authority bans him from using his wealth, it is not permissible for him to use it.

Case 367: If a creditor finds an item that was bought by the insolvent person from him and which has not yet been paid for, if the period for paying for it has not yet arrived, he cannot take it back, but if the period has passed, the creditor has the option of either taking the item back or taking his portion with the rest of the creditors.

Case 368: The subsistence of the insolvent person and his family, until the day of division, is taken from his wealth.

Case 369: The wealth of the bankrupt person is divided amongst those creditors whose time for paying them has expired and if after division another debt that should be paid immediately comes to light, the division is invalidated and this new creditor is added amongst the others in order to get his share.

Rules regarding Zamaan (Guarantee)

Case 370: Zamaan is when a person becomes liable to pay a creditor if the debtor does not pay him his due.

Case 371: In Zamaan, pronunciation from the guarantor and the acceptance of it from the creditor by way of words or action that the guarantor will be liable for the debt and that the creditor is happy with it are all applicable.

Case 372: The guarantor and the creditor must be Buloogh, sane and do so out of free will.

Case 373: Apparently Zamaan must be definite. So it cannot be applied to things which are doubtful. For example, the guarantor cannot say that I will be the guarantor for the debt of such a person, if my father allows me.

Case 374: If the guarantor pays the debt to the creditor, can he reclaim it from the original debtor?

Answer: If the debtor approached and requested for the person to be his guarantor, the guarantor has the right to reclaim the amount he paid from the debtor, but if the guarantor volunteered himself, without any request, he has no right to reclaim the amount from the debtor.

Case 375: The Zamaan contract is a Lazim contract; hence neither the guarantor nor the creditor alone can cancel it.

Case 376: If the debtor is a poor person who can claim Islamic dues like Khums or Zakat, it is not permissible for the guarantor to pay the debt out of his Khums or Zakat but must pay it from his own wealth.

Case 377: If a dying person guarantees someone and dies, his guarantee is in order, and the due amount should be taken out from his entire estate.

Case 378: If a person says to another person, 'take this equipment to so and so as he needs to use them and I will be your guarantor,' and if the equipment gets damaged or lost, that person is responsible for those items and needs to give a replacement if it was a Misli item or the price if it was a Qaymi item.

Case 379: If a person tells another person to buy certain items and says to him that if these items belong to someone else I will be your guarantor, and afterwards it

becomes apparent that the items belonged to someone else, the guarantor is responsible for the price to the original owner.

Case 380: If a person tells another one to throw his items into the sea and that he will be his guarantor for them and the person does so, the guarantor will be responsible for those items.

Case 381: If a person commands another person to do something, like give a dollar to a poor person, or drive someone to a particular place etc. and the commanded person does what he is told to do, is the commander a guarantor for the amount spent?

Answer: If the commanded person intended to reclaim from the commander, the commander will be a guarantor for the amount.

Case 382: If the creditor and debtor have a disagreement in the existence of a Zamaan, like the debtor claims it took place while the creditor denies it, the statement of the creditor takes priority.

Case 383: A person stole some sheep and goods a long time ago to an extent that their prices have changed dramatically. He has now become regretful of his actions and wishes to repent and wants to remove the burden from his shoulder. So should he pay back the price of the items on the day they were stolen or on the day he repented? What if the sheep had lambs and he used their wool and milk, does he need to pay for these things also or not?

Answer: It is wajib for this person to pay the price of the stolen items as well as the things which he gained from them like the lambs, wool, milk etc. at the prices at the time of stealing them and not at the current prices.

Case 384: A person wants to buy a product, but is afraid that it might give him a loss, so he refrains from buying it. At that time a another person comes and encourages him to buy the product by telling that if he buys the items and they yield a loss he will be their guarantor, but if the yield a profit, the buyer must give him a fourth of the profits. After that talk the person buys the items. If the products yield a

profit is it Wajib upon the buyer to give a fourth of the profits to the guarantor? And if there is a loss is the guarantor liable to compensate?

Answer: It is not obligatory on the buyer to give the guarantor one fourth of the profits nor is it obligatory for the guarantor to compensate the buyer if there is a loss.

Rules regarding Hawalah (Transfer of Debt Payment)

Case 385: Hawalah is when a debtor refers his creditor to another person in order to fulfill his debt. For example, Zayd is owed $10 by Bakr; Bakr then tells Zayd that he should get his money from Khalid.

Case 386: Pronunciation and acceptance are required in a Hawalah transaction. So a debtor has to tell the creditor that he should get his money from so and so and the creditor must accept this proposition. This can be done by words, writing or anything that indicates the consent of both parties.

Case 387: The debtor and creditor must both be Buloogh, sane and mature.

Case 388: Hawalah is a Lazim contract, thus neither the debtor nor creditor can cancel the transaction by themselves i.e. without the opposite party's approval.

Case 389: Stipulating an option of cancellation for any of the parties involved in the Hawalah is allowed.

Rules regarding Kifalat (Stewardship)

Case 390: Kifalat is when a person takes responsibility to present the debtor to the creditor, whenever the creditor requests him.

Case 391: The steward (Kafeel) must be Buloogh, sane, be of free will and have the ability to present the debtor to the creditor and not be feeble minded.

Case 392: Stewardship is a Lazim contract, so cancellation on behalf of the steward is not allowed unless he stipulated for himself the right to cancellation.

Case 393: If the time for repayment has arrived, but the steward did not perform his duty in presenting the debtor to the creditor, in this case the creditor is allowed to claim his debt from the steward.

Case 394: Once the creditor takes his debt from the steward, the steward can reclaim that amount from the debtor if the debtor gave permission to the steward for both stewardship and reimbursement, however if the debtor only gave permission for stewardship and not reimbursement the steward does not have the right to claim that money back from the debtor.

Case 395: It is Wajib upon the steward to use any lawful means in order to present the debtor to the creditor. If he is in need of a stronger person, he must seek his help if it does not break any Islamic law.

Case 396: If the debtor is absent and in order to present him an amount is needed, apparently that amount is the responsibility of the steward except if the permission for that amount was given by the debtor, in which case the debtor will be responsible for that amount.

Case 397: If the creditor hold onto the debtor until he pays his debt but another person releases him by force of by slyness, that person has the ruling of a steward and it is Wajib on him to present the debtor to the creditor.

Case 398: The stewardship contract breaks in five instances:

1) The steward present the debtor to the creditor

2) The debtor pays his debt

3) The creditor removes the debt of the creditor

4) The debtor dies

5) The creditor cancels the stewardship contract

Rules regarding Sulh (Compromise)

Case 399: Sulh is a contract which aims to bring a compromise between two people and making both of them pleased with the transaction.

Case 400: Compromise is a Lazim contract from both parties and all the Khiyars are applicable to it except the Khiyar of Majlis, Haywaan a Takheer.

Case 401: Both parties of the compromise must be sane, Buloogh, have free will and have permission to use their wealth and the property that is being compromised on must be of a thing whose ownership is allowed i.e. must not be wine or pigs etc.

Case 402: Knowing the amount of property that was the subject of compromise is not necessary. Hence, if the properties of two people get mixed together to the extent that they cannot be differentiated and they don't know their own shares. In this instance they can come to an agreement and compromise and split the property how they see fit.

Case 403: If Zayd knows he owes Khalid an amount of money, but they both don't know the exact amount. It is permissible for them to come to a compromise on an exact amount and by doing so removing the debt from Zayd.

Case 404: If the debtor knows the amount he owes the creditor but the creditor does not; if the debtor compromises on a lower amount than that which is owed, the responsibility of the debt is not removed from him except to the amount he paid to the creditor, hence the remaining amount is still owed by him. But if the creditor becomes aware of the amount and is satisfied with the amount given, then the debt is removed from the debtor.

Case 405: As an obligatory precaution, it is not permissible to compromise on an exchange of two products that are the same type if they are measured or weighed, with the knowledge of excess, however if excess if assumed or a possibility, there is no problem if a compromise is reached.

Rules regarding Iqrar (Confession/ Denial)

Case 406: Iqrar is when a person confesses that a certain right is due from him or denies that a certain right is owed to him. For example, if a person says," this

house that I am living in belongs to so and so," or, "I am owed nothing from so and so."

Case 407: In Iqrar, specific wording is not necessary. So any wording that generally indicates to an Iqrar is sufficient, even if not directly said. Statements are also not necessary, as anything that indicates to it is sufficient.

Case 408: If a person confesses to something and follows that up with something that contradicts his first statement, it is if that second statement was not heard and did not occur. For example, if a person says to Zayd that I owe you $20 and then says no I owe you $10, he must pay the $20.

Case 409: If a person says to someone else that that he owes him money, it is necessary to act upon that statement if the amount of money is identified and is an amount that can be possessed, this Iqrar is accepted even if the amount is very small, however if his explanation and identification is of an amount that cannot possessed, his explanation of the amount is not accepted.

Case 410: If a person acknowledges that an external item belongs to Zayd and then acknowledges that same item for Amr. In this instance the item goes to Zayd but it is also necessary for the acknowledger to give something similar to Amr, be it of a like item or the price of it.

Case 411: Relationship is proven by the testimony of two just make witnesses, however it is not proven by the testimony of one man and two women or by one man who takes an oath. If two brothers testify that a person is the son of the deceased and if they are just, the son takes priority in claiming inheritance over them as his relationship to the deceased is confirmed. But if they were unjust, the relationship is not proven, but being an heir is if he, for those two brothers was not a third brother. If there was a third brother their claim will be applicable to them only and not for the third brother.

Rules regarding Wakalat (Agency)

Case 412: In wakalat pronunciation and acceptance are conditions, whether it be in a verbal, written or any other form that indicates to its occurrence.

Case 413: The wakalat contract from both sides is a permissible contract, meaning that both parties may cancel the contract, without needing the consent of the other.

Case 414: With the death of the agent (wakeel) or by the dissolving of the thing that wakalat was contracted upon, the wakalat contract is invalidated. For example, a person gets an agent to sell his horse and before he could, the horse dies; the wakalat is invalidated in this case.

Case 415: Using an agent in order to get divorced is permissible and it is not necessary for the client (muwakil) to be present. The husband can even appoint his wife to be his wakeel so that the divorce can take place.

Case 416: A wife cannot stipulate that she has the right to divorce in her marriage contract, but she can stipulate herself to be the wakeel of her husband in the issue of divorce, for example the wife stipulates that if her husband disappears for 6 months, she has the right to divorce herself from him as wakeel.; this is valid. So if the husband does disappear for six months the wife can get a divorce from him.

Case 417: Wakalat is applicable in all activities that do not have a religious injunction. So a person cannot appoint someone to read his daily prayers, as the Law Giver wants every single mukallif to perform these prayers.

Case 418: It is not allowed for the wakeel to act contrary to the prodder of the muwakil. So if the muwakil tells the wakeel to buy from a particular market, the wakeel does not have the right to buy it from another market.

Case 419: If the muwakil gives a general permission to the wakeel for usage of his property i.e. he says to the wakeel that you can use my property anyway you like. In this case, if the wakeel uses the property for the benefit of the muwakil, it is allowed except in Iqrar, for if the wakeel testifies in favor of someone else, this is not allowed.

Case 420: The wakeel cannot appoint another wakeel [on the muwakil's behalf] except with the muwakil's permission.

Case 421: It is Mustahab that respected and honorable individuals get wakeels to do their important works.

Cased 422: If property is lost in the hands of the wakeel without any negligence or extravagance, the wakeel is not responsible for it.

Case 423: Wakalat is not invalidated by negligence or extravagance; however that property that got lost because of negligence must be replaced by the wakeel.

Case 424: If the muwakil and wakeel disagree on the negligence; that is the muwakil claims that the property was lost because of the negligence of the wakeel and hence he is responsible, but the wakeel denies such a claim, if the muwakil cannot bring forward two just witnesses to prove his claim, the statement of the wakeel that is accompanied by an oath takes priority.

Case 425: If the wakeel claims that the property has been lost, his statement should be accepted except if the wakeel is the accused, in this case he will be required to bring a witness to prove his statement.

Case 426: If a disagreement occurs between two people, with one of them saying to the other that you appointed me your wakeel to sell these things, but the other one denies this claim. The statement of the one who denies the wakalat is accepted.

Rules regarding Gifts:

Case 427: Gifting is giving possession of an item to another person without any charge or exchange. Gifting requires pronunciation and acceptance, be it verbal, written or in the form of an action that indicates that such an agreement has taken place. There is no special formula that needs to be pronounced in gifting.

Case 428: In the giver, Buloogh, sanity, intention, free will and permission to use his wealth are all conditions. So if a child, insane person, a person without intention, a compelled person or a person who is not allowed to use his wealth gift something to someone, that gifting in not correct.

Case 429: A gift from a person who is about to die is correct even if is more than a third of his wealth. Just like any other transaction e.g. rent, selling, compromise etc. are all accepted from him.

Case 430: Receiving the item, with the permission of the giver, is a condition in gifting. So, if Zayd gifts Khalid a book, Khalid can only take the book with the permission of Zayd. If Zayd gave Khalid the book before he gifted it to him, and then after a while tells him that he gifted him that book, there is no need for another giving, as the previous giving is sufficient.

Case 431: Receiving non-transferable items like a house etc. is achieved by the giver empting the house and removing his ownership from it and placing at the disposal of the receiver.

Case 432: The giver does not have the right to reclaim his item in the following instances:

1. A gift to one's immediate and close family members: If a person gifts something to a family member like his father, mother, child, brother etc. or any person that would normally be called a family member like uncle, cousin etc. he does not have the right to ask for it back or ask for its price from his family members. As this is a Lazim transaction.

Case 433: If a husband or wife gift something to one another, the giver has the right to ask for the gift back, unless the wife is a family member of the husband e.g. cousin, in this instance taking the gift back is not allowed.

2. Exchanged Gifts: If the gift has an exchange, regardless of its value, the giver does not have the right to take the gift back after it was received by the gifted. What is meant by exchange is that something was given in return for that gift.

3. The gift perishes: If the gifted item perishes like if the gift was an eatable item that the receiver ate, the giver does not have the right to ask for it back or to ask for its price in return.

4. If the intention of the giver was to gift something for the sake of Allah and gaining his proximity, it is not allowed to reclaim the gift as anything that is given in the way of Allah cannot be taken back.

Other than the above mentioned cases, the giver has the right to reclaim his gift, if it still exists.

Case 434: If the receiver of the gift uses the gift and some of it remains, the giver can claim what remains back, but nothing of the item remains e.g. gifted clothes that have been re-coloured or cut or sold to someone else, in these instances the giver does not have the right to reclaim his gift.

Case 435: If the giver or the receiver of the gift dies after the gift was received, as a gift is a Lazim contract, the heirs of the deceased giver do not have the right to reclaim the gift from the receiver nor does the giver have the right to reclaim the gift from the heirs of the deceased receiver.

Case 436: If Allah blesses a woman with a child and people brings gift for them, those gifts that are known are for the child, the mother has no right to use it, but if it is unknown for whom the gift is for, it will be given to the mother.

Rules regarding Wasiyyat (Wills)

Wills are of two types:

1. Will of owner ship (Wasiyyat Tamlyki): This is when a person wills that a part of his estate should be given someone e.g. Zayd or the poor after his death.

2. Will of responsibility (Wasiyyat 'Ahdi): This is when a person orders a certain person to undertake some responsibilities that are connected to the deceased, like burying him in a particular place or hiring someone to perform his prayers, fasts, Hajj, to look after his minor children etc.

Case 437: When the signs of death begin to appear, the following things become Wajib upon a person:

1. Returning trusts: He should return all the trusts he had in his possession to their rightful owners.

2. Paying back his loans: If a person has outstanding debts, he should pay them if he has the ability to and if not he should write them in his Will and get witnesses for it.

3. Paying Khums, Zakat and any other religious due: If any of these are still owed by the dying person, if he has the ability, he should pay them and if not, he should write them in his Will with the possibility that one of heirs or someone in the future will pay these dues on his behalf.

4. Performing his Wajibs: Qadha prayers and fasts, paying the Kaffarah and Vows that he made. According to the stronger opinion, if time for performing them is short, it is Wajib for him to write them in his Will and announce them except when his has knowledge that one of his heirs or someone else will perform these duties, in this case it is not Wajib to Will it.

5. Informing his heirs of any hidden wealth: He should inform the heirs of money that has been left with someone else or money that has been hidden away and only the dying person knows of it, so that their right is not lost.

Case 438: In the establishment of the Will, anything that proves it will suffice, be it written, verbal or by action.

Case 439: The heirs do not have the right to use something that has been willed to someone else, as that item belongs to the person who it was willed for.

Conditions on the one making a will:

1. Buloogh: So the will of a child is not correct until he reaches the age of ten and becomes rational and wills his wealth for the benefit of his family, however if done for other than his family it is not improbable that is will be invalid.

2. Sanity: So the will of an insane, drunk or unconscious person, in that state, is not correct.

3. Free will: Hence the will of a compelled person is not correct.

4. Being free: Hence the will of a slave concerning his wealth is not correct unless his owner gives him permission.

5. Did not commit suicide: Therefore, if after injuring himself or drinking the poison etc. that will cause his demise, he writes a will, this will be invalid if it concerns his wealth, but if it concerns other things like his Kafan, burial etc., then it is correct.

Case 440: If before a person commits suicide, they write a will and then commit suicide, this will is correct even if during the writing of the will he had the intention of committing suicide.

Case 441: if a person wills that so and so should be the guardian of his minor children and does not stipulate in which form this guardianship is in, the allocated guardian has the permission to involve himself in all aspects of their lives i.e. their protection, upbringing, wealth, sustaining them etc.

Case 442: If a person wills that the allocated guardian only has guardianship in one aspect of the children's lives e.g. upbringing, the guardian does not have the right to involve himself in any other aspects, those are taken care of by the religious authority.

Case 443: In wealth that has been willed, a third is the maximum. So if the person wills more than a third, the extra amount is invalid except if the heirs give permission, in this case the will is correct.

Case 444: If a person wills his house for example, and at the time of the will the house was a third of his wealth but at the time of death it increased to more than a third. In this case, the third is applicable and the extra is invalid except if the heirs give permission for it, in which case it is correct,

Case 445: If the deceased owed a debt or had outstanding Khums, Zakat or other religious dues and Hajj Islam that was due during his life. In this case, if a third of the estate has been willed, firstly all the debts owed and the performing of Hajj Islam should be taken out from the entire estate and then a third is taken out

from the remaining estate. In connection to Khums and Zakat, if the items are not within the estate, for example, a property that required Khums or Zakat to be paid on it has been used up, in this case, like the other debts, Khums and Zakat should be taken out from the entire estate. However, if the property that required Khums or Zakat is still exists within the estate, in this instance, paying the Khums and the Zakat from the entire estate is not Wajib. But it is Mustahab for the heirs, as a sign of respect to the deceased, to pay the Khums and Zakat.

Case 446: Kaffarah, Vows etc. is, apparently, not taken out from the entire estate but from the third.

Case 447: Prayers and fasts are not taken out from the entire estate but from the third. So if the amount exceeds a third, the permission for the extra depends on the heirs.

Case 448: Willing for something forbidden is not allowed e.g. the repairs of a pub or to publish deceitful books.

Case 449: It is not permissible for the person, without the permission of all the heirs to will that some of his heirs should be denied inheritance, even if those some are the ones who don't give permission, the will is not permissible. So every heir will inherit even if the deceased willed that some of them should not inherit. However, if the deceased did not will a third of his estate away but willed that some heirs should not inherit, acting upon this will is wajib concerning the third only, hence, the share of these heirs in connection to the third is given to other heirs. For example, if the deceased had two sons and his estate was worth $30000 and he willed that his son Zayd should be denied inheritance, Zayd will inherit $10000 whilst the other son will inherit $20000 as in addition to his own share, the second son inherited the third as well.

Case 450: If a person wills in favor of his sons and daughters or paternal uncles and aunts or his maternal uncles and aunts or his paternal and maternal uncles, they will all be equal partners in the amount that had been willed for them except if there is contextual evidence that proves the superiority of one over the other and action should be taken according to the context.

Case 451: Being just is not a criterion for the executor of the will. So if they are certain about him and he is trustworthy concerning the wealth and property of the deceased and acts according to the will of the deceased, it will suffice.

Case 452: If the executor cannot practical implement the will, or he becomes deceitful and treacherous, the religious authority will appoint a person to assist the executor in implementing the will and preventing him from being deceitful, however, if this is not possible, the religious authority should remove that executor and appoint someone else to that position.

Case 453: The executor is a trustee and is not liable for anything that gets lost whilst in his possession if he was not negligent. For example, if the deceased willed that a third of his wealth should be used to assist the poor people of the town, but the executor took the third to another city and the property got lost on the way, the executor because of his action against the will of the deceased will be responsible for that lost property.

Case 454: the executor can, during the life of the will maker, return the will and remove himself from that position with the condition that he informs the will maker so that he can get someone else. However, after the death of the will maker, the executor cannot remove himself from implementing the will.

Case 455: If the will maker cannot find another person to take the executors place, the executor cannot remove himself from that position and duty.

Case 456: A will is a Jaiz contract from the side of the will maker, so if he appoints a person as his executor, he can change and replace him whenever he wishes.

Case 457: If a will has been made for a few items, the will maker can change his mind regarding all or some of them just like, during his life, he can replace all or some of them with something else based on the previous condition like sanity, free will etc.

Case 458: The will or ownership, like any other disagreement, is proven by the testimony of two just Muslims, or one just Muslim accompanied by the oath of

the receiver and it is also proven by the testimony of one just Muslim man and two just Muslim women.

Case 459: the will of responsibility is only proven by the testimony of two just Muslim men.

Rules regarding Endowment (Waqf)

Case 460: Waqf is that the original property is protected and/ or restricted, and the benefit and usage of that property is used in the way of Allah.

Case 461: in the establishment of a Waqf, intention alone is not sufficient; hence, it needs to be a verbal command that shows the intention of the giver to give the property as a Waqf e.g.' I give this property as Waqf,' etc.

Case 462: Apparently, Waqf is also established by Muta'aat (conduct), for example a person gives a lamp or carpet to the caretaker of the masjid or Haram, or he himself carpets the masjid, in these cases it is not necessary to pronounce the formula for Waqf. Similarly, if a person builds a building as a masjid and allows the general public to pray in it, this is sufficient to prove its Waqf status and no verbal formula is needed.

Case 463: After giving an item as Waqf, the giver (Waqif) has no right to reclaim it and nor do his heirs after his death even if it more than a third of the estate.

Case 464: Buloogh, sanity, free will and permission to use his property are all conditions for the Waqif.

Case 465: The Waqif can appoint himself or someone else to be the caretaker of the Waqf.

Case 466: If the Waqif does not appoint anymore to the Waqf, the religious authority will become it guardian.

Case 467: If an item, like a house, has been given as Waqf for a masjid or Haram, the benefit of that property should be used to the advantage of those places,

like repairs, carpets, lights, cleaning, hiring staff or any other way that would be to the advantage of the masjid or haram.

Case 468: If something is given as Waqf to Imam Husayn, that thing can be used during the mourning ceremonies held for Imam Husayn, and it is better that the reward for that action should be gifted to Imam Husayn.

Case 469: If the Waqif puts conditions on the item that was given as a Waqf, they should be adhered to; for example, a person endows a dormitory for students and stipulates that only just students who are not over 40 can stay there, so any student who does not fulfill these criteria will not be allowed to use that dormitory.

Ways to prove a Waqf:

Case 470: There are four ways in which a Waqf can be proven:

1. A person has knowledge of it

2. It is common knowledge amongst the people

3. There is a clear religious proof for it

4. The caretaker acknowledges that the item is a Waqf

Case 471: If it is written on a dish or book that it is a Waqf, apparently this proves that that item is a Waqf.

Case 472: Apparently, masjids and Hussayniyehs that have been destroyed and made into roads and streets are no more known as a masjid or Hussayniyeh. So a masjid that has been demolished and made into a road or street, that place does not have any of the rulings that pertain to a masjid. So making it najis is not Haraam, a woman in Haidh or Nifas can enter it even thou it is a recommended precaution to implement the effects of a masjid on that area. However, the items of the masjid, like the wood or bricks that were used to build it cannot be used or sold except with the permission of the religious authority or his deputy and the money that is gained from it should be used to the advantage of another masjid. The item itself can also be used in the making of another masjid, but the ruling of Al-Aqrab Fal Aqrab [that

is the closet possible masjid to this masjid] must be observed. This ruling also applies to those matters concerning the destruction of a Hussayniyeh or an Islamic School.

Case 473: If a masjid has not been completely demolished, does it still remain to be a masjid?

Answer: If the masjid can still be used for prayers and other acts of worship, it is still a masjid and all the rulings pertaining to a masjid are applied on it.

Case 474: If a masjid is demolished and in its place a house or shop is built which makes it impossible to use that area as a masjid, is it permissible to build a shop in that are or not?

Answer: If the usage of that place is in contrast to the usage of a masjid, like making it into a gym or a place of entertainment or the like, it is not permissible. But if it is used for something that does not contrast with the usage of a masjid, like eating or drinking or sleeping etc. than it is permissible without doubt provided that the user pays an amount equal to the average rent of such a place to the nearest masjid to the demolished masjid. This average payment is Wajib upon the user.

Case 475: If an item, like a carpet, is given as Waqf to a Hussayniyeh, transferring it to a masjid for the purpose of prayers is not allowed even if the masjid is in close proximity to the Hussayniyeh. Similarly, if an amount of money has been given as Waqf for the repairs of a particular masjid, it Is not allowed to use that amount for another masjid except if that masjid that was the subject of the Waqf was is no need of repairs for a very long time and in such a case the use of that amount for the repairs of another masjid is allowed.

Case 476: Is it permissible to sell items that were given as Waqf to the masjid but are extra and use the money gained to buy things that the masjid requires?

Answer: If the masjid, even in the future, will not need these items, it is permissible to sell them and buy things that the masjid does require and need. Also, transferring them to a masjid that requires such things is also permissible by observing the " closest comes first" principle.

Case 477: It is permissible for the caretaker of the masjid to borrow some of the carpets for a wedding or Quran recitation? And is it permissible for him to loan out the carpet and other equipment, like the microphone and speakers, if the masjid does not need them?

Answer: If these items were given as waqf to the masjid, borrowing and loaning them is not permissible.

Case 478: If a masjid that has been usurped is made into a house or shop, it is forbidden for the usurper and anyone else to enter that place.

Rules regarding Charity (Sadaqah)

The narrations that promote and encourage giving charity are Mutawatir [have been reported by a large number of reporters that no room is left to doubt them.]. It has been narrated that charity is the medicine of the sick and it protects a person from definite tribulations and increase a person's sustenance. It has also been reported that charity first reaches Allah before it reaches the hand of the person and is the source of blessings and confession of religion. Charity also prevents a bad death, pain, being burnt, drowning, insanity and seventy other tribulations. It is Mustahab to give charity at the beginning of the day and at the beginning of the night so that the tribulations of that day and night are prevented.

Case 479: In giving charity, the intention of gaining proximity to Allah is a condition.

Case 480: A Sayyid can give charity or even Zakat and Zakat Fitr to a Sayyid or a non- Sayyid. However, a non-Sayyid, cannot give his Zakat or Zakat Fitr to a Sayyid, and if he does it does not remove the responsibility from his shoulders. However, other than these two instances, according to the stronger opinion, a non-Sayyid can give to a Sayyid, be the giving Wajib e.g. Kaffarah or the Fidyeh for missed fasts, or Mustahab.

Case 481: If the charity is an amount that is very little just to prevent tribulation etc. and is an amount which would degrade a person and show his low status; giving this amount to a Sayyid is a matter of Ishkal.

Case 482: Mustahab charity can be given to a person who doesn't need it, a Kaffir and a non-Shia.

Case 483: Giving charity to one's immediate family is better than giving it to others and giving charity to family member who are in need is even better, but the best charity is that which is given to the family of an enemy, and being a link in arranging for charity to reach the poor and homeless is Mustahab, as it has come in narrations that any good deed even if done by 80 hands; all of them will be rewarded the same as the starter of the deed.

Case 484: Denying a beggar is Makrouh even if a person thinks that the beggar does not need any charity, but it is better just to give something, even if it is a little.

Case 485: Begging is Makrouh if the need of the person has not reached a level where he becomes desperate; however showing that you are in need when in fact you have no need is Haraam.

All Praise is due to Allah, the Lord of the Worlds

And His blessing and salutations be upon Prophet Mohammed and his Pure Family