

**An Abridgement of the School of the Two Imams:
The Star of the Messenger’s Family, al-Qāsim bin Ibrahim and
Al-Hādi ila al-Haqq, Yahya bin al-Hussein**

By
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Translator’s Introduction

In the Name of Allah, the Most Gracious, the Most Merciful...

All praise is due to Allah, the Exalted and Majestic; the One who has no partners or associates; the One who provides the light of guidance to His slaves so that they may attain spiritual perfection and illumination by means of it. May Allah send His choicest blessings upon His slave and seal of the Messengers, Muhammad bin Abdullah. May Allah bless his pure Progeny, righteous Companions, and those that follow them in excellence until the Day of Judgment. As to what follows...

Once the slave has attained belief and gnosis of his/her Lord, it is incumbent for him/her to acknowledge this belief in some way. This is because the manifestation of an inner state or quality is a natural consequence. For example, when we have a cold, it manifests itself with symptoms not unknown to those familiar with a cold. If someone is sad or upset, it manifests itself with a facial expression or sour disposition. Similarly, we say that belief manifests itself with action.

The knowledge of jurisprudence and its sciences require a much specialised focus. Indeed, out of all of the sciences of Islam, the science of jurisprudence is the most misunderstood. The opponents of Islam see the development of jurisprudence as a haphazard array of opinions stemming from the egos of a parochial chauvinistic elite class. They imagine an almost Orwellian paradigm where a governing body (or individual) issues religious edicts as simply as one hands out leaflets and the masses are sheepishly forced to carry them out!

The opponents of Islamic jurisprudence cannot fully appreciate the arduous process of developing religious rulings from the primary sources. These scholars—no matter their ideological leanings—consider the exercise of scholarly judgment to not only be a grave effort in itself, but also a sacred trust issued to them from the Most High! Imam ‘Ali bin Musa ar-Ridā, upon him be peace, narrated on the authority of his ancestors that Allah’s Messenger, peace and blessings be upon him and his progeny, said: ((Whoever issues a religious edict without knowledge, the heavens and earth curse him)). Therefore, the mufti and jurist were keen to deliberate before issuing a ruling lest the curse of heaven and earth be upon him/her.

There were jurists and imams amongst the school of the Prophet’s Progeny who took upon themselves this sacred trust. In addition to emphasizing the teachings of the Qur’ān and Prophetic Sunnah, those scholars and imams dedicated to the preservation of their ancestors’ legacy; two of whom were Imam al-Qāsim bin Ibrāhīm ar-Rassi and his grandson, al-Hādi ila al-Haqq Yahya bin al-Hussein, upon both of them be peace. They saw it as a religious duty to uphold the fundamentals of the Sacred School (*al-madhab ash-sharīf*) and promulgate it to the masses.

Imam al-Qāsim, Imam al-Hādi and the Zaydi School

Imam al-Qāsim ar-Rassi, upon him be peace, was based in Medina around the 2nd century after the Hijra. He was a theologian, philosopher, jurist, scholar, and imam who spent the majority of his time in the City of his Grandfather, the Prophet Muhammad, peace and blessings be upon him and his progeny. Although he is more famous for his knowledge of theology and dialectics, he nevertheless was referred to regarding his jurisprudential opinions as well.

Most of his jurisprudence can be derived from his replies to the issues and questions of his time. Some of these works include: *Masā’il Ja’far bin Muhammad an-Nayrūsi*, *Masā’il ‘Abdullah bin Muhammad al-Kallāri*, *Kitāb at-Tahāra*, *Kitāb as-Salāt al-Yawm al-Layla*, *Masā’il ‘Ali bin Jahshayār*, *Kitāb al-Farā’id wa as-Sunan*, and *Kitāb al-Manāsik*. His jurisprudential positions were not written by him in a book rather, they were compiled in various fatwas and aforementioned replies to questions by his students.

Those unfamiliar with the development of the Zaydi School remark that since Imam al-Qāsim, upon him be peace, barely referenced Imam Zayd, upon him be peace, in his works, the former can’t be considered a Zaydi authority. We reply by saying that although Imam ar-Rassi hardly referenced Imam Zayd, upon him be peace, in his jurisprudential positions, he is nonetheless “Zaydi” in the sense that he relied upon the collective opinion of the *Ahl al-Bayt* in his rulings. This is the hallmark feature of the Zaydi School which differentiates it from any other School. For example, when he was asked about the permissibility of wiping over the leather socks (*khuffayn*), he said:

As for wiping over the leather socks, the *Ahl al-Bayt* concur

That it is not permissible and invalid if that were to occur.

Therefore, Imam ar-Rassi, upon him be peace, is considered a Zaydi authority despite the fact that he barely referenced Imam Zayd bin ‘Ali specifically, upon them be peace.

It is also noteworthy that when Imam al-Qāsim, upon him be peace, made the call of the Imamate, among those that took the oath of allegiance to him was the grandson of Imam Zayd, Ahmed bin ‘Isa, upon them be peace. Imam Ahmed bin ‘Isa, upon them be peace, inherited the legacy of his grandfather in that he was recognised as “the Jurist of the Messenger’s Progeny (*Faqīh Āli ar-Rasūl*).” Yet, when he and other notables of the Prophet’s Progeny, like ‘Abdullah bin Mūsa and al-Hasan bin Yahya (another descendant of Imam Zayd) took the oath of allegiance to Imam al-Qāsim in 220 AH, they declared: “You have more right to this matter than we do by virtue of your knowledge!” Thus, two descendants and inheritors of Imam Zayd bin Ali, upon them be peace, acknowledged the qualifications of Imam al-Qāsim, upon him be peace, and followed him.

The jurisprudential book *Al-Jāmi’ al-Kāfi fī Fiqh az-Zaydiyya* lists the rulings of the four pillars of Zaydi jurisprudence and *hadīth* on various legal matters: Imam al-Qāsim bin Ibrāhīm, Imam Ahmed bin ‘Isa, Imam al-Hasan bin Yahya, and Muhammad bin Manšūr al-Murādi, upon all of them be peace. Suffice to say that not only was Imam ar-Rassi, upon him be peace, considered a Zaydi jurist, he was also considered an authority.

Imam al-Hādi ila al-Haqq Yahya bin al-Hussein, upon him be peace, was also based in Medina almost a century after his grandfather, Imam al-Qāsim, upon him be peace. He nevertheless, inherited the Prophetic legacy from his forebears and sought to promulgate the School of Ahl al-Bayt. His dedication to this ideology can be seen in one of his statements from his magnum opus, *Kitāb al-Ahkām al-Halāl wal-Harām*:

Verily, the Progeny of Muhammad, peace and blessings be upon him and his progeny, do not differ except in the case of negligence. Whoever is negligent amongst them concerning the knowledge of their forefathers and did not follow the knowledge of *Ahl al-Bayt*, disobey him. Disobey him until he stops at ‘Ali bin Abi Tālib, may Allah bless him, and the Prophet, peace and blessings be upon him and his progeny.

Imam al-Hādi’s jurisprudence is present in his aforementioned magnum opus, *Kitāb al-Ahkām* as well as his book, *Al-Muntakhab*. His jurisprudential rulings also appear in his various letters written to students and governors.

There is similar claim made that Imam al-Hādi, upon him be peace, was not Zaydi in his jurisprudence. His opponents (and some of his proponents) say that al-Hādi’s rulings differed drastically from that of Imam Zayd, upon him be peace. They even differentiate between the two of them by distinguishing the Zaydi School from the Hadawi (named after al-Hādi) School.

Similar to what we stated regarding Imam al-Qāsim, Imam al-Hādi followed the Zaydi methodology, which held the collective consensus of the imams of Ahl al-Bayt to be authoritative. Although he seemingly differed from Imam Zayd in some jurisprudential positions, his position is still “Zaydi” in the sense that he applied the approach that was prevalent since the time of Imam Zayd, upon him be peace.

However, unlike his grandfather, Imam al-Hādi frequently cited Imam Zayd, upon them be peace, in his works. In his *Ahkām*, he narrated numerous hadīths and reports on the authority of Imam Zayd bin ‘Ali, upon them be peace. In both the *Ahkām* and *Al-Muntakhab*, he related some of the jurisprudential rulings and statements of Imam Zayd, upon him be peace.

Author’s Biography

The author, or rather compiler, of this present work is Imam al-Mu’ayyad Billah Abul-Hussein Ahmed bin al-Hussein bin Hārūn bin al-Hussein bin Muhammad bin Hārūn bin Muhammad bin al-Qāsim bin al-Hasan bin Zayd bin al-Hasan bin ‘Ali bin Abi Tālib, upon them be peace. He was born in Tabaristan on 333 AH and passed from this world on 411 AH.

Imam al-Mu’ayyad Billah, upon him be peace, was well-known in the scholarly circles. He was famous as an expert grammarian and scholar of hadīth. He also excelled in theology, the fundamentals of jurisprudence (*usūl al-fiqh*), literature, and poetry. He was also known as an ascetic devoted to purifying the lower self of corrupt desires. Among the adjectives used to describe him in biographies include: humble, forbearing, just, brave, and a pillar of God-consciousness.

In 380 AH, he was involved in a failed rebellion against the Buyid governor of Tabaristan, as-Sāhib bin ‘Abbād. He then returned once again and called to himself as Imam. The Zaydis of Jīl and Daylam (both in Persia) gave him the oath of allegiance and formed a revolution. A series of battles were fought and they reached the city Hūsh before being pushed back to the city Ray. He stayed engaged in an active jihad until he passed away on the day of ‘Arafat 411 AH. He left a legacy of written works that serve to prove that he was amongst **{those who are firmly grounded in knowledge} (Q. 3:7)**.

Amongst his works include:

1. *Kitāb an-Nabūwāt* (alternatively known as *Ithbāt Nabuwwat al-Nabi*)—This book is a theological tract dedicated to proving the Prophethood of Muhammad, peace and blessings be upon him and his progeny.
2. *Kitāb Tajrīd Madhhab al-Imāmayn*—This is the present book.
3. *Kitāb ash-Sharh at-Tajrīd*—This multi-voluminous is a commentary on the aforementioned book which proves its authenticity using Zaydi and Sunni sources.
4. *Kitāb al-Balāgha fil-Fiqh*—This deals with the jurisprudence of Imam al-Hādi, upon him be peace.
5. *Al-Ifāda fil-Fiqh* (alternatively known as *At-Tafrīy'āt*)—Another book dealing with issues of jurisprudence; however, this deals with his own jurisprudence.
6. *Az-Ziyādāt*—This covers fatwas and religious issues, as well as their commentaries.
7. *Naqd al-Imāma 'ala Ibn Qubba al-Imāmi*—This is a letter written refuting the views of a 12er Shīte concerning the nature of the Imamate.
8. *Al-I'jāz al-Qur'ān fī 'Ilm al-Kalām*—This is a theological treatise.
9. *Kitāb at-Tabšira fil-Usūl*—This text is a theological text discussing Allah's Oneness (*at-Tawhīd*) as well as His Justice (*al-'Adl*).
10. *Ta'līq 'ala Sharh as-Sayyid Mānikdīm*—This is a commentary upon the explanation of Sayyid Mān kadīm.
11. *Al-Hūsamiyāt*
12. *Kitāb al-Hasr li Fiqh an-Nāsr*—This book deals with the jurisprudence of Imam an-Nasr al-Utrūsh, upon him be peace.
13. *Siyāsāt al-Murīdīn*—This book deals with Islamic spirituality.
14. *Risāla Jawāb Qābūs fī at-T'an 'ala al-As'hāb*—This is a letter addressing the ruling concerning criticising and cursing the Prophet's Companions.
15. *Kitāb ad-Da'wa*
16. *Divān ash-Shi'r*—This is a collection of his poetry.
17. *Al-Amāli as-Sughra*—This is a collection of *hadīths* and narrations.

Content of the Book

The *Tajrīd* is simply a compendium of the jurisprudential rulings of Imams al-Qāsim and al-Hādi, upon them be peace. Much of it includes verbatim quotes from the two imams. In his commentary of the *Tajrīd*, Imam Mu'ayyad Billah, upon him be peace, identifies which works the direct quotes are from. However, his intention in this book is to present the *fiqh* of the two imams in the simplest way possible. He does not present the proofs of their rulings in this text. He reserves the *Sharh at-Tajrīd* for that purpose.

We pray that the reader is able to benefit from this translation and gain some beneficial knowledge concerning the development of classical jurisprudence from the perspective of less-known contemporaries of the monolithic “four imams” of Sunni jurisprudence. We have attempted to stay close to a literal translation of the original meaning but yet evoke the use of idiomatic expressions when needed.

The Imam Rassi Society
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Translation of: *Tajrīd Madhhab al-Imāmayn: An-Najm Āl ar-Rasūl, al-Qāsim bin Ibrāhīm wa al-Hādi ila al-Haqq, Yahya bin al-Hussein*

Book of Ritual Purity

Concerning Water

- There is pure water and non pure water. And there is pure water that purifies and pure water that doesn't purify. Regarding the water that purifies, it is absolute (*al-mutlaq*) water in which there is no suspicion and has not come into contact with ritual impurity. Its smell, colour, and taste have not been altered.
- If it has, one does not use it as a purification of the limbs. Pure water that is not purifying is what looks like pure water but has been altered. Impure (*an-najas*) water is that in which a little of the water resembles the impurity that it came into contact with; whether the impurity is small or large, altering or non-altering. The same is the case with a large amount [of water] that resembles the impurity that altered it.
- The difference between a "small amount of water" and a lot is that a "large amount of water" is that which is conventional in its likeness. It is not assimilated by drinking or purification, like wellsprings, rivers, and large ponds. A "small amount of water" is other than that.
- There is no problem using the leftover water from any animal whose meat is lawful to eat.
- There is no problem using the leftover water from a horse, mule, donkey, or other livestock.
- The same applies to the leftover water of a person in the state of major ritual impurity and a menstruating woman except if the water is altered by means of saliva. It then leaves from its state of being able to purify although it remains pure.
- The leftover water from a dog or pig is ritually impure.
- The leftover water from a disbeliever is ritually impure whether it alters [the water's characteristics] or not.
- The urine of all animals lawful to eat is pure. Water is not rendered ritually impure by it; neither are clothes. That which is not lawful to eat—its urine is ritually impure.
- Ocean water is purifying.
- Water is not rendered ritually impure by something that died by itself in it; like a fly or the like.
- The skin of carcass is ritually impure even if it is tanned. Water is rendered ritually impure if it comes into contact with it.
- However, regarding its hair, wool, and fur, it is ritually pure if it's washed.
- The hair of a pig is ritually impure. It is not ritually pure even if it's washed.
- Al-Qāsim said: "The bones of a carcass are ritually impure; as well as its nerves and horns."
- Ritual impurities are not removed from clothes or body by any liquid except water.
- There is no problem with purifying with geyser water.
- Al-Qāsim said: "There is no ritual ablution with water that was usurped."

Chapter on Cleansing the Private Parts

- It is recommended for one who intends to defecate or urinate to not uncover their private parts until they have squatted down. It is also recommended to seek refuge from Allah.
- One must not sit facing the *qibla*, as well turn their back towards it. Al-Qāsim, upon him be peace, said: "This applies to open space."
- It is obligatory for men and women to cleanse their private parts by using water on everything that exits both ends.
- One begins with the top of the orifice and cleans it. Then, one proceeds to the lower orifice.
- It is not permissible for anyone to cleanse their privates with their right hand, if possible. If he does that, it is sufficient.
- It is recommended to cleanse the private parts with stones before water. The stones must be at an elevated place.
- Al-Qāsim, upon him be peace, said: "It is disliked to urinate while standing unless there's an excuse."

Concerning the Characteristics of Purity and What Obligates It

- An obligation of the ablution is intention.
- An obligation of the ablution is rinsing the mouth and nose.

- An obligation of the ablution is washing the face, as well as combing the water through the beard, if applicable.
- An obligation of the ablution is washing the right and left arms including the elbows.
- An obligation of the ablution is wiping the entire head, meaning the front, back, and side portions, as well as the inside and outside of the ears.
- An obligation of the ablution is washing the right and left feet including the ankles.
- An obligation of the ablution is doing the above in the order that we mentioned, at least once. Doing it twice or three times is virtuous and a *Sunnah*.
- The face comprises of the area beginning from the hairline to the two ears to the two jawbones to the chin. The ankles are the two protruding bones at the joints of the leg and foot.
- The mentioning of Allah’s Name (*at-tasmiya*) is obligatory upon the one who remembers to do it.
- It is *Sunnah* to wipe the neck along with the head. It is also *Sunnah* to use the tooth-stick (*siwāk*) for all of the purifications and especially in the morning.
- The washing is by the pouring of water. Wiping is besides that.
- Ritual purity is invalidated by everything that exits the two ends.
- Ritual purity is invalidated by flowing blood while it is flowing; similarly pus, and inducing vomit.
- Ritual purity is invalidated by sleep that removes intellect no matter what the state.
- Similarly, ritual purity is invalidated by losing consciousness, temporary insanity, and anything else that removes the intellect.
- Ritual purity is invalidated by major sins and acts of disobedience.
- Ritual purity is not invalidated by touching both private parts.
- Ritual purity is not invalidated by touching women.
- Ritual purity is not invalidated by laughing in the prayer (unless it is for a different reason).
- It is recommended for one working in the public to renew his ritual purity.
- It is recommended for one to make ablution and then cut the hair or clip the fingernails; insomuch that water is permitted to remain on the traces.
- It is not permissible to wipe over the turban or head scarf when wiping the head.
- It is not permissible to wipe over the leather socks, stockings, or feet instead of washing them.
- The purification bath is obligatory for the man and woman who excrete sexual liquid while dreaming or awake; as well as when their two circumcised parts meet, and a woman who completes her menses and post-partum bleeding.
- It is not sufficient unless the ritually impure person urinates before taking the purification bath.
- An obligation of the purification bath is rinsing the mouth and nose.
- An obligation of the purification bath is ensuring that the water reaches the roots of the hair.
- Making the ablution before the purification bath is supererogatory. However, for the one who wants to pray, it is obligatory to make the ablution afterwards.
- It is obligatory for the woman who finishes her menses to unloose her hair while taking the purification bath.
- The purification baths for the Friday prayer service (*al-jumu’a*), the two Festival prayers, and upon assuming the pilgrim garb (*al-ihram*) are *Sunnah*. It is recommended for the one performing the bath for the dead and the one entering the Sacred Mosque (*Masjid al-Haram*) to make the purification bath.
- Al-Qāsim, upon him be peace, said: “The one who takes the purification bath on Friday for the dawn prayer it would be sufficient for him, unless an impure occurrence occurs afterwards.”
- Whoever makes the ablution and then doubts whether he is pure from washing a limb, he returns to what was after [the last limb that he remembered]. If he has doubts concerning the sequence, he returns to the place where he had doubt and then continues from there.
- If a person is praying and then has doubts whether he performed it in sequence, he does not repeat the prayer. If a person is certain about a relapse, he repeats the ablution and the prayer.
- There is no problem separating the ablution and the purification bath.
- The state of ritual impurity (*al-janāba*) and menstruation can be repealed by one purification bath. Similarly, many impure occurrences are repealed by one ablution.
- Whoever fractures a bone and does not fear further injury if he were to unloose the splint, he is not permitted to loosen the splint. Instead, he purifies what is obligatory upon him. However, if he fears further injury if he were to loosen the splint, he simply wipes over the splint and wrappings.

- Whoever was burnt or afflicted by smallpox and does not fear further injury from taking a purification bath, has to take the purification bath. If they fear injury from the rubbing (*adh-dhalk*) but not the contact of water, they simply pour the water [on the limb]. If there is fear of injury, it is permissible for them to purify themselves by earth (*at-tayammum*).
- Al-Qāsim, upon him be peace, said: “The amputee washes to the border of the amputated limb.”

Concerning Purification by Earth (*at-Tayammum*)

- Purification by earth is obligatory on the one who is unable to find absolute water before the necessary prayer time ends; while settled or travelling. If the noon prayer time has been determined and one is certain that there would not remain adequate time before the setting [of the sun] and not the late noon prayer time, one makes the purification by earth. Similar is the case if the late noon prayer time has been determined and one is certain that there would not remain adequate time before the setting of the sun. Similar is the case with the sunset prayer and evening prayer whose opportunity [i.e. to make purification by earth] ends at sunrise.
- It is not obligatory to look for water after the obligatory prayer. It is only obligatory to look for water before that.
- It is obligatory to renew the purification by earth before each prayer; except in the case of the supererogatory prayers. It is permissible to pray the supererogatory prayers with the same purification by earth.
- It is not permissible to purify oneself with earth by using flowers, arsenics, or that which is similar to both. Nothing is sufficient except dust. Regarding sand: if there is dust in it that sticks to the hand, it is sufficient. If not, then it is not sufficient. Imam Al-Qāsim, upon him be peace, said: “It is not sufficient to purify oneself with earth using the dust from a saddle or anything like it.”
- If one wants to purify oneself with earth, one should strike the pure earth with the hands. Then, they wipe over their face completely while entering the thumbs under their chin and combing through their beard [with the fingers], if they have one. Afterwards, they strike the earth again with the fingers outspread, raise the hands, and begin wiping the back of the right arm—starting from the nails and moving to the elbow. Then, one turns their left hand to their right wrist and continues wiping the inside of the right forearm until the wrist. One does the same thing with the left arm.
- It is not sufficient unless the dust sticks to the palms in each of the strikes.
- If one finds water and buys it out of thirst and there is no fear of running out of money from that price, it is not permissible to purify oneself by earth.
- Whoever fears bodily harm as a result of purifying oneself with water purifies oneself with earth.
- Similar is the case for one who fears that water will eventually run out by the time that one looks for it. In that situation, purification by earth is permissible. However, if one has no fear and knowledge that they would reach water before the expiration of the prayer time, whether their journey is near or far; does so [i.e. purification by earth] out of ease.
- If one finds water after praying subsequent to purifying themselves with earth and enough time remains, purifies with water and repeats the prayer. If one finds water after the prayer time has passed, it is not obligatory to repeat the prayer. However, it is obligatory for that person to purify themselves with the water.
- The one who cannot find water or dust prays in that state at the end of the prayer time. It would not be obligatory for that person to repeat the prayer once they find dust or water after the prayer time has elapsed.
- Al-Qāsim, upon him be peace, said: “If one finds only enough water for the face and arms, then he washes those two parts and doesn’t purify those portions by earth. If one only finds enough water for the face, one washes it and purifies the arms with earth and not the face.”
- If one purifies with earth, forgets that there was water in one’s riding animal, and remembers after the prayer time has elapsed, it is not obligatory for that one to repeat the prayer.

Book of Prayer

Concerning the Call to Prayer

- The call to prayer is a collective (*kifāya*) obligation.
- It is not permissible to perform the call to prayer for the five prescribed prayers before their respective times.
- There is no problem if a blind man, slave, or son of fornication to perform the call to prayer, as long as they are people of religion.
- There is no problem if the one who performs the pre-prayer call (*iqāma*) is different from the one who performs the call to prayer if they have to.
- The call to prayer consists of fifteen words. One says: “Allah is the Greatest. Allah is the Greatest. I testify that there is no god but Allah. I testify that there is no god but Allah. I testify that Muhammad is the Messenger of Allah. I testify that Muhammad is the Messenger of Allah. Come to the prayer. Come to the prayer. Come to prosperity. Come to prosperity. Come to the best of deeds (*Hayya ‘ala khayrul amal*). Come to the best of deeds. Allah is the Greatest. Allah is the Greatest. There is no god but Allah.”
- The pre-prayer call is similar to this except that after one says: “Come to the best of deeds”, one says: “The prayer has been established” (*qad qāmat as-salāt*).
- There is no problem chanting the call to prayer as long as its wording is clear.
- It is not permissible to take compensation (*al-ju‘l*) as a condition of one’s performing it. If one does not take it to be a condition, then it is permissible.
- It is disliked to speak during the call to prayer or the pre-prayer call unless it is absolutely necessary.
- It is not permissible for the impure (*muhdath*) person to perform the pre-prayer call; however, it is no problem if they perform the call to prayer. Al-Qāsim, upon him be peace, said: “The person in the state of major ritual impurity (*al-janab*) does not perform the call to prayer.”
- Women do not perform the call to prayer or the pre-prayer call.

Concerning Prayer Times

- The beginning of the noon prayer (*až-žuhr*) time is the descent of the sun from the zenith. That becomes apparent by the growth of the shadow of an erect object from when the shadow was the smallest. The end of its time is when the shadow becomes the same size as the object.
- The beginning of the sunset prayer (*al-maghrib*) time is the setting of the sun and the beginning of night. That becomes apparent by the appearance of a star. The end of its time is the fall of twilight; which signals the beginning of the evening prayer (*al-‘ishā*) time. The end of the evening prayer time occurs at the first third of the night.
- The twilight becomes evident at the appearance of red.
- The beginning of the dawn prayer (*al-fajr*) time is before sunrise and the end of its time is at sunrise. All of these times are recommended.
- The one who is travelling, in fear, sick, or preoccupied with Godly matters can join the noon and late noon prayers (*al-‘asr*) anytime between the sun’s descent from the zenith and sunset. One may also join the sunset and evening prayers anytime between sunset and sunrise.
- The one who catches one unit of the late noon prayer before sunset has caught it. The one who catches one unit of the evening prayer before sunrise has caught it. The one who catches one unit of the dawn prayer before sunrise has caught it.
- The time for the odd prayer (*al-witr*) is between the end of the evening prayer until the sunrise after dawn. The best time for it is the last part of the night.
- If a person begins the obligatory prayer before its time, knowingly or unknowingly, and then discovers it, he has to repeat the prayer; whether it is still during its time or not.
- The least number of supererogatory prayers one should perform includes: two units after the noon prayer, two units after the sunset prayer, two units before the dawn prayer, and three units for the odd prayer with only one salutation (*taslīm*) and the standing supplication (*qunūt*) in the third unit after the bowing.
- It is recommended for one who is able to pray eight units at night, making the salutation after every two units. This is the conventional supererogatory prayers and it would be better if one can do more than that, if one wants.
- It is not disliked to pray at any time except these three times: during sunrise until it has fully risen, during

sunset until it has fully set, and while it is at the zenith. However, if someone has to make up their obligatory prayers, it is not disliked to pray during these times. A detail is mentioned in *Al-Muntakhab* concerning the elapsing of the night prayer time until the morning sunrise: “They make it up after sunrise.”

- Whenever a woman becomes pure or recovers consciousness before sunset in enough time that she can complete five units of prayer, she prays the noon and late noon prayer respectively. If the aforementioned takes place before sunrise in enough time that she can complete four units of prayer, she prays the sunset and evening prayers respectively. If the aforementioned takes place before sunrise in enough time that she can complete one unit of prayer, she prays the dawn prayer. The same applies to a child that attains maturity, the disbeliever that embraces Islam, and the traveller that settles as resident.

Concerning the Direction (*at-tawjih*) and Place (*al-biqā'*) of Prayer

- It is obligatory for the one who prays to face the Ka'ba, if it is possible. If it is not possible to determine its exact direction, pray in the general direction. It says in *Al-Muntakhab*: “Even a small portion of the Ka'ba suffices a lot if the one who is praying has the intention to face it.”
- If a man prayed believing that he faced the Ka'ba but made a mistake, and he was informed of his mistake after the prayer time elapsed, he does not repeat the prayer. However, if he was informed of it during its time, he repeats the prayer.
- The traveller shifts on his camel's back to face its direction. When there is a litter, one turns it face towards the *qibla*.
- The one who is aboard a ship, prays in any manner they can; standing or sitting. One does not pray sitting if it is possible to stand while facing the *qibla*. One turns in the direction of it [i.e. the *qibla*] with the turning of the ship if it is possible. If not, then it suffices.
- It is recommended for one praying in an open field to place a barrier (*sutra*) in front of him. If one cannot find one, it is no problem if something walks in front of him.
- One's prayer is not invalidated by a dog, donkey, or anything else walking in front of one. The Muslim should prevent it if he can.
- It is disliked for one to pray around filth; however, if there is a wall between that one and it, then it is not disliked.
- It is disliked to pray on an elevated platform while the people are below him. However, if one prays in a place below the people while they are elevated above him, it is not disliked.
- It is disliked to face an image (*tamthīl*) of a living creature.
- It is not permissible for a person to pray on the roof of the Ka'ba if he prostrates on the edge of it. If he does not prostrate on the edge of it, it is permissible.
- There is no problem praying inside of the Ka'ba.
- It is disliked to pray in bath houses, cemeteries, or the middle of the road.
- There is no problem praying in camel stalls or sheep pens as long as there are no traces of pus or dung.
- It is not permissible to pray in a synagogue or church if there are impure traces of disbelievers (*mushrikīn*). If it is purified from that, then it is permissible.
- Al-Qāsim, upon him be peace, said: “It is not permissible to pray on usurped land or in usurped clothing.”
- The best place to pray is the mosque.
- One does not pray in any place except that it is clean from filth.
- If one is in a cesspool or the like, or they are in a hole covered in dirt but they know that the clay is pure, it is permissible to pray like that. However, refraining from that would be more preferable to us.
- It is obligatory to prevent the protected caste (*adh-dhimmi*) from entering mosques.

Concerning Covering the Private Parts and the Clothing for the Prayer

- It is obligatory for the one who prays to cover his nakedness with a pure over-garment, if one is able.
- One's nakedness consists of that between the navel and the knees.
- Regarding women, their nakedness consists of all of the limbs except the face.
- It is recommended for the man to cover his knees, shoulders, back, and the chest during the prayer. There is no problem with one praying in one garment if it's thick enough and covers everything that is obligatory for a man or woman to cover.
- It is not permissible for a man to pray in pure silk. The only exception is if the majority of it is silk or a portion of a garment is tinged with it.

- It is disliked to pray in silk skins (*julūd al-khazz*).
- It is not permissible to pray in the skin of carcass, even if it is tanned. Similarly, it is not permissible to pray in the skins of that which is not permissible to eat. However, it is no problem to pray in the hair or the wool of these animals, as long as it is washed and purified.
- It is obligatory for those who pray to ensure that their clothing is ritually pure during the prayer and that he prays on that in which there is no ritual impurity.
- Everything that exits the two ends, including semen, prostate fluid, and other things, are ritual impurities that the one who prays is obligatory to free his clothing from; whether it's a small or large amount.
- Regarding blood, it is obligatory to remove it if it is continuously dripping. However, if that is not the case, then it is not obligatory to remove it.
- If one is afflicted by all of that we mentioned, one simply washes their clothing from it. If this takes place at the termination of the time of the prayer, there is not harm to avoid doing so [i.e. washing the clothes]. It is not recommended for one to avoid doing so if there is enough time in the day or night to change one's clothes for the prayer.
- Al-Qāsim, upon him be peace, said: "There is no problem with the remaining traces of filth on the clothes after one has attempted to remove it."
- The one who is afflicted by nakedness [i.e. can't afford or find clothing] prays sitting cross-legged. He covers his private parts with grass, dust, or anything that he can. If one cannot find anything, one prays gesturing with his hands similar to that of a sick person. He does not rise from the ground at anytime while displaying his nakedness.
- The one who is [naked] prays standing in the water if he is in a lot of water and sitting if one is in a small amount. In this situation, one gestures with the hands signifying bowing and prostrating.
- If there is a group of naked people, they appoint one of them to lead the prayer and pray to his left and right. Those praying in clear water do similarly if they appoint one of them to lead the prayer. However, if they are in murky water, they pray behind the imam.
- It is recommended for the praying person to lay the forehead on the earth or that which grows from the earth. It is disliked to prostrate on sackcloth or felt, except out of necessity.
- It is disliked to pray on carpet with images of living creatures on it.

Concerning the Characteristics of the Prayer and Its Manner

- Among the obligations of the prayer are the intention and the opening declaration of *Allahu Akbar*.
- Among the obligations of the prayer is the recitation of the *Fātiha* and three verses with it, at least once.
- Among the obligations of the prayer are the standings, bowings, and prostrations.
- Al-Qāsim said: "Among the obligations is the testimony of faith with the salutation after it, as well as the salutation. Avoiding these and the remaining ones [i.e. obligations] invalidates it [i.e. the prayer]."
- It is recommended for the one who is praying to face the *qibla*, seek refuge in Allah from the rejected Satan, and say: "**{I have turned my face towards whoever has formed the heavens and earth [as an upright Muslim]. I am not amongst those who associate partners (Q. 6:79). Verily, my prayer, my sacrifice, my life, and my death are for Allah, the Lord of the worlds. He has no partners. With this I am commanded. [I am from amongst] the Muslims} (Q. 6:162-163).** Then say: **{All praise is due to Allah who has not taken a son. There is no partner who shares in [His] dominion. He has no protector out of weakness} (Q. 17:111).** Afterwards, recite the *tabbīr* by saying: "*Allahu Akbar*".
- Then one begins the prayer with: *Bismillah ar-Rahmān ar-Rahīm*. Then they recite the *Fātiha* and an additional chapter. One recites "*Bismillah ar-Rahmān ar-Rahīm*" aloud in the audible prayers, for it is a verse of the *Fātiha* as well as the other chapters of the Qur'ān [except *Tawba* (Q. 9)]. Yahya [bin al-Hussein], upon him be peace, said in *Al-Ahkām* that the prayer is invalid if one does not recite *Bismillah ar-Rahmān ar-Rahīm* aloud.
- Then one declares *Allahu Akbar* and bows until the back is straight with space under his armpits. He places his palms on his knees with slight space between his fingers while they [i.e. his knees] face the *qibla*. One does not bend them [i.e. the knees] to the sides. One keeps his head straight without bowing it low or raising it high.
- One says during the bowing: "Glorified is Allah, the Magnified and may He be praised!" (*Subhāna Allah al-'Azim wa bi hamdihi*) three times. Then, one raises his head from the bowing and says: "Allah hears those that praise Him" (*sami' Allahu li man hamidahu*).

- When one has settled in his standing, he goes down to prostrate to Allah saying *Allahu Akbar* and placing his hands on the ground before his knees.
- Then he prostrates placing his forehead and nose on the ground. However, placing the nose on the ground is not obligatory. One remains in prostration with one's back straight, limbs settled, feet erect, palms close to one's cheeks, fingers close, space under his armpits, upper arms showing, and elbows away from the sides. In the case of a woman, her elbows are close to her body. Then, one says while in prostration: "Glorified is Allah, the Exalted and may He be praised!" (*Subhāna Allah al-'Ala wa bi hamdihi*) three times.
- Then one sits with their legs folded under them while their butt is on their left foot and the right foot is extended upwards.
- When one is tranquil while sitting on the left foot, one declares *Allahu Akbar* and prostrates a second time. One glorifies Allah and does in the second prostration the same thing they did in the first one. Afterwards one rises while saying *Allahu Akbar* pushing themselves up with their hands until they stand tranquil. Then they do the same thing throughout the rest of the prayer.
- It's recommended to say [the glorification] in the last two units of the noon, late noon, and evening prayers, as well as the last unit of the sunset prayer: "Glorified be Allah! All Praise is due to Allah! There is no god but Allah! Allah is the Greatest!" (*Subhāna Allah wal-hamdulillah wa lā ilaha ila Allah wa Allahu Akbar*) three times. One is permitted to recite the *Fātiha* instead; however, the glorification is preferable.
- When one sits for the testimony of faith, one says: "In the Name of Allah and in Allah! All Praise is due to Allah! The most beautiful Names belong to Allah! I testify that there is no god but Allah, the One in which there is no partner! I testify that Muhammad is His Messenger and Slave." Then one rises if that is the first testimony of faith.
- Before one intends to end the prayer with the final salutation, one says: "O Allah, send your prayers upon Muhammad and the family of Muhammad, and send your blessings upon Muhammad and the family of Muhammad just as you sent your prayers and blessings upon Abraham and the family of Abraham. Verily, only You are the Praiseworthy, the Glorious."
- Then one recites the final salutation to the right and then the left. If one is alone then the greeting is to the angels. If one is in a group, the greeting is to the angels and the people praying with him. One says: "*As salāmu 'alaykum wa rahmatullahi.*"
- It says in *Al-Muntakhab*: "The prayer is not completed except by means of the two salutations. There is no prayer except with the two salutations."
- If one says in the testimony of faith: "Greetings, prayers, and goodness are for Allah..." as is established, there is no problem.
- It is disliked for the one who prays to do the following during the prayer: blow, point, think about other things, wipe the traces of prostration from the forehead, play with the beard, crack the fingers, raise one of the legs while standing, blow the nose, or rotate to the left or right.
- It is not permissible for the one praying to say "*Amīn*" after the recitation of *Fātiha*.
- Giggling invalidates the prayer. Similar is the case with laughing, if he opens his mouth and it preoccupies him from the prayer. If it has not passed [the mouth], it would be considered giggling.
- One should not recite a verse of prostration and prostrate for it during the obligatory prayers. However, it is permissible in the voluntary prayers. If one refrains from doing that it is more beloved by us.
- Al-Qāsim, upon him be peace, said: "Prostration for a recitation [i.e. of a verse of prostration] of the Qur'ān is not obligatory upon the one who recites or the one who listens."
- The one who is praying does not raise his hands for any of the declarations of *Allahu Akbar*; whether it be the first one or any other one. Similarly, one does not raise the hands for the standing supplication (*al-qunūt*).
- The standing supplication is *Sunnah* in the last unit of the dawn prayer and odd prayer after the last bowing. One recites it aloud, and verses of the Qur'ān are the only speech that is permissible to recite in them.
- The recitation is aloud in the first two units of the sunset prayer, evening prayer, and dawn prayer. The recitation is silent in the noon prayer and late noon prayer.
- It is recommended to not recite the glorification [i.e. *Subhāna Allah...*] in the bowing and prostration less than three times.
- A sick person prays to the best of their ability. If they can stand, they pray standing. If they can sit, they pray sitting. The one who is praying sitting, sits cross-legged in the place of standing, and they perform all of the rest of the actions of the prayer normally. If one is not able to prostrate, one simply gestures and

mimics the prostration by lowering the head lower than what one would do for the bowing. If one is not able to sit, one faces the *qibla* and prays gesturing the bowing and prostration as we mentioned. Regarding that, if the face is close to something or something is close to the face, it is not permissible. The one who is able prostrates and the one who is not able, gestures.

- There is no problem if a man writes the number of units he performed on the ground or use pebbles to count them if this would aid in him remembering them. There is no problem if one leans against a wall or otherwise while praying, as long as there is a need, like an illness or greater.
- It is not permissible for the one praying to kill a snake or scorpion in the prayer. One cannot rectify diversions and it preoccupies one from it [i.e. the prayer]. If one is compelled to do so, one departs the prayer. There is no problem if one straightens one's robe in the prayer, if it falls from the shoulders. It is disliked to place one's hand on one's mouth if one yawns or brushes away pebbles with one's hand, except if one fears that the prostration would not be level if he weren't to do so.
- There is no problem if the one praying with a *dinar*, *dirham*, flask, stones, or other than that in one's pocket, as long as it is pure.
- If an impure occurrence takes place in the prayer, this repeals one's purity and this in turn, invalidates the prayer.
- Similarly, the prayer is invalidated by an action that is not in observance of it, from its lawful (*tahlīliha*) to unlawful (*tahrīmiha*).

Concerning Leading the Prayer

- There is no problem to pray behind any Muslim who is a slave, a child of fornication, blind, or a Bedouin; just as long as they know what is necessary for the prayer. There is no problem for a free person to pray behind a bounded person (as long as he is complete in the requirements).
- The clothed person does not pray behind the naked person, the standing person behind the sitting, the person who has made ablution behind the person who has made purification by earth (*tayammum*), the one who is performing the obligatory prayers behind the person who is performing the voluntary prayers, nor a man behind a woman or child.
- It is not permissible for the imam to be an openly disobedient person (*al-fāsiq*). Al-Qāsim, upon him be peace, said: "One who has missed a prayer does not lead the prayer."
- If a man prays with another, the follower stands to the right of the imam. If there are three or more, they stand behind the imam.
- A man does not lead women in prayer with a man praying amongst them. However, if there is one man amongst them, it is permissible for him to lead them. If there are two men, the other stands to the right of the imam and the women pray behind the both of them. If there is a congregation of men, they stand behind the imam and the women pray behind them. If there is a man and a hermaphrodite, he does not pray alongside her [i.e. the hermaphrodite]. If there are two men, a hermaphrodite, and a woman, the man stands to the right of the imam, the hermaphrodite stands behind the two of them and the woman stands behind the hermaphrodite. If the imam invalidates his purity by an impure occurrence (*ahdath*), he discontinues his prayer and the followers pray the remainder of the prayer alone. If there are two men with an imam and the imam invalidates his purity by an impure occurrence, one of them leads the other in prayer until the prayer's completion.
- A woman leads other women in prayer by standing in the middle of them. She does not stand in front of them nor do they stand behind her.
- It is recommended for the imam and those with him to rise when the caller to prayer says in the pre-prayer call: "Come to prayer." [Similarly, it is recommended for] the imam to begin the prayer by declaring *Allahu Akbar* without waiting when the caller to prayer says in the pre-prayer call: "Establish the prayer."
- If a man enters the congregation and cannot find an opening in the prayer line, he goes to one of the ends and pulls one of the men to make a gap. He then stands in the gap. Whoever can make his way into the prayer line, it is best for him. One should not pray behind a prayer line if it is possible.
- If a man reaches the prayer while the imam is bowing, he declares the opening *Allahu Akbar* intending by it to enter the prayer. He declares it a second time for the bowing and bows. He prays the rest of the prayer with him; standing when he stands, sitting when he sits, and he does not differ in any of the remaining actions. When the imam performs the final salutation, [the man] stands and completes the rest of the units he missed prior to reaching the imam.
- It is recommended for the one who reaches the prayer while the imam is prostrating to prostrate. When the

imam stands, stand and begin the prayer. One makes the point at which one reached the prayer the beginning of the prayer. Similar is the case for a woman who reaches the prayer.

- If two men ignorantly selected the other as the imam and intended to pray with him [i.e. without knowing that one selected the other], their prayer would be valid. However, if the two of them ignorantly made the intention to be the follower, their prayer would be invalid.
- There is no problem if the follower corrects the imam if he makes a mistake in recitation.
- There is no problem if the follower recites behind the imam if he cannot hear him; however, if he can hear him, he doesn't recite.
- There is no problem if one prays in congregation in a mosque after another congregation has already prayed.
- The traveller does not pray behind the resident; except the sunset and dawn prayers. The resident prays behind the traveller and when the traveller completes his prayer, the resident stands and prays the remainder of his prayer.
- If a man unknowingly leads the people in prayer while in the state of major or minor ritual impurity, once he remembers, he repeats the prayer and they repeat the prayer as well.
- It is disliked for a congregation to pray behind an imam while they are on elevated plain and the imam is on a lower plain. However, if a congregation is on a lower plain and the imam is on an elevated plain, the congregation repeats their prayer. Al-Qāsim said: "If there is a road that people pass through between the imam and the followers, the prayer is invalidated."
- If women penetrate the men's prayer lines, the prayer of the men behind them would be invalidated. The school's position also demands that the prayer be invalidated for the one to the right of her or the left.
- If an impure occurrence happens to the imam, he discontinues his prayer and brings another person forward to lead the prayer. If the point at which he was brought forward was a completion of a unit, when he is in the final sitting, they stand and complete the rest and perform the salutation while not waiting for him. If they do wait until the salutation, there is no problem with that.

Concerning the Prostration of Forgetfulness

- Two prostrations of forgetfulness are obligatory on whoever stands in the place of sitting, sits in the place of standing, bows in the place of prostrating, prostrates in the place of bowing, glorifies Allah in the place of reciting, or recites in the place of glorification.
- If a man has doubt whether he completed two units or three, he investigates, acts upon his assumption, and prostrates twice for forgetfulness. If he reaches no assumption, he repeats the prayer. Similarly, if one is certain that he did more or less, he repeats the prayer. Al-Qāsim, upon him be peace, said that anyone who is afflicted by a lot of doubts continues with it and does not pay heed to the distractions of his doubt.
- If the one who prays is certain that he performed an extra unit in the prescribed prayers by way of a prostration of forgetfulness, his prayer would be sound.
- If one forgets to sit for the testimony of faith in the second unit while standing and remembers before he begins the recitation, he sits, performs the testimony of faith, and then stands. If he does not remember until after he begins the recitation, he continues with the prayer and prostrates twice for forgetfulness.
- If a man reaches the imam during a unit and [the imam] has to perform the prostration of forgetfulness, when [the imam] pronounces the salutation and prostrates twice for forgetfulness, [the man] does not prostrate, rather he continues with his prayer and prostrates twice for forgetfulness afterwards.
- If a man forgets something while praying behind an imam who did not forget anything, the man prostrates twice for forgetfulness.
- If one forgets something in his prayer and unmindfully performs the two salutations, he repeats the prayer. If he remembers after only pronouncing one salutation, he continues with his prayer and prostrates twice for forgetfulness afterwards.
- If one forgets to declare the first *Allahu Akbar*, he repeats the prayer. If he forgets any of the subsequent declarations of *Allahu Akbar*, he prostrates twice for forgetfulness. Similarly, if he forgets all of the recitations, he repeats the prayer. If he recites in one unit but forgets to recite in the others, he prostrates twice for forgetfulness. Similarly, the one who forgets to make the standing supplication prostrates twice for forgetfulness.
- The two prostrations of forgetfulness take place after the final salutations; whether one prostrates out of additions or deficiencies. Whoever prostrates before the final salutation invalidates his prayers.
- It is recommended to repeat the testimony of faith after them [i.e. the two prostrations]. If a man has to

perform the two prostrations of forgetfulness and then remembers, he prostrates twice for forgetfulness. If he is outside of the prayer, he prostrates twice wherever he is. Al-Qāsim, upon him be peace, said: “If one forgets in the voluntary prayers, one prostrates twice for forgetfulness.”

Chapter on Making Up the Prayers

- If a man loses consciousness for a day, it is not obligatory for him to make up any of the prayers he missed, except if it is within one of its times [that he regains his consciousness]. Similar is the case for one who is temporarily insane or very ill insomuch that he cannot perform the prayer, in every respect.
- If a man avoids the prayer knowingly or unknowingly, he has to make it up.
- If one misses a number of prayers, one makes it up however one wants, whether it be immediately or at different times. One precedes each prayer with the appropriate intention.
- If one misses a supererogatory prayer, it is recommended to make it up.
- If one begins a supererogatory prayer and then discontinues it, it is not obligatory for him to make it up.
- Al-Qāsim, upon him be peace, said: “If the prayer time elapses prior to a woman completing her menstruation cycle, it is not obligatory for her to make it up.”
- If the prayer time elapses for a traveller, he makes it up. However, even if he settles as a resident, he prays the prayer of a traveller. If the prayer time elapses for a resident and he begins travelling, he makes the prayer up as a resident.
- If a man purifies himself with impure water without knowing it and he finds out, he makes up his prayer as long as it is still within the [necessary] prayer time. However, if he finds out that the prayer time has passed, he does not make it up. The same applies to the one who prays with ritual impurity on their clothes. This statement applies to every situation in which one does something ignorantly without intention. Whoever unknowingly prays in the state of major ritual impurity repeats the prayer; whether it is before or after its allotted time. The same applies to the one who unknowingly prays before the prayer time.

Concerning the Travelling Prayer and Fear Prayer

- It is obligatory for the traveller to pray two units [for every prayer] except for the sunset prayer.
- Travel consists of at least a *barīd* (approximately 12 miles).
- If a man departs on a journey, he shortens after he is no longer visible to the people of his house; whether by land or sea, near or far.
- If the traveller makes the intention to remain in a place for ten days, he prays the complete prayer. Likewise is the case if they take a ship to an island or other than that. However, if one has the intention to travel, he shortens the prayer up until a month’s time; after which, he prays the complete prayer.
- If a man leaves from his city to go to other places, returns, but passes through his city, he prays the complete prayer. If he is in his native city but moves throughout it and goes outside of it, he does not pray the complete prayer.
- If a traveller enters the prayer and decides that he wants to settle as a resident, he prays the complete prayer. If he then decides to travel afterwards, he is not permitted to shorten [the prayer].
- The fear prayer is the division of the Muslims into two groups. One group stands face-to-face with the enemy and the other group prays with the imam. He begins the prayer, then recites, bows, and prostrates. Then the imam stands with the first group, lengthens the recitation, and completes one unit. Afterwards, they pray the last unit by themselves without an imam and pronounce the final salutation. Then the first group departs and stands face to face with the enemy while the second group begins their prayer. They stand behind the imam pray the second unit with him. He then performs the testimony of faith and the final salutation while the second group continues to pray their last unit on their own.
- If it is the sunset prayer, the imam prays two units with the first group and one unit with the second group.
- Al-Qāsim, upon him be peace, said: “One does not pray the fear prayer except during travel.”
- Al-Qāsim, upon him be peace, said: “If one is in fear and he is not able to pray standing, bowing, or prostrating, he simply gestures with his head. One gestures the prostration lower than the bowing. If one is not able to pray except by declaring *Allahu Akbar* and other verbal remembrances to Allah, the Exalted, one does the best to one’s ability.”

Concerning the Friday Prayer and the Two Festival (*Idayn*) Prayers

- The Friday prayer is not valid unless the following conditions are met: there must be at least three Muslims present excluding the imam; the place that they pray in must be in a city, village, or any other place that is

normally utilized as a congregational mosque; the time for it must be after the descent of the sun from its zenith; the sermon must be two separate sermons with a sitting between them; and the imam that gives the sermon must be one in whom the obedience of the Muslims is obligatory.

- It must take place as we mention: The caller gives the call to prayer, and then the imam stands and gives two sermons while sitting between them. Afterwards, he establishes the prayer by praying two units with the recitation being audible.
- It is recommended for the imam to recite the Mother of the Book [i.e. *Fātiha*] (Q. 1) and *al-Jumu'a* (Q. 62) in the first unit, as well as the Mother of the Book and *al-Munāfiqīn* (Q. 63) in the second unit.
- Attendance of the Friday prayer is obligatory upon all based upon the conditions that we previously mentioned except the following: a sick person, a woman, and a slave. However, it is recommended for them to attend.
- If one of the two Festivals occurs on Friday, it is permissible to choose between observing one of them, except in the case of the imam.
- It is disliked to pray or speak during the imam's sermon.
- The one who misses the sermon prays four units for the noon prayer. The one who catches a unit with the imam, prays two units.
- If a man is in a place where he is far away from the imam, it is permissible for him to pray the Friday prayer with the people following him if the imam appoints him for the sermon. If there is no imam, then he appoints one. Similar is sufficient. If no one calls to himself [i.e. to be recognized as the imam], it becomes necessary for one to do so. If the imam makes the intention [i.e. to call to himself] but does not do so openly, he is not an imam. If he does not call to himself openly, the Friday prayer is not obligatory.
- If one begins the Friday prayer with the appointment of the imam and then finds out that the imam died before its [i.e. the Friday prayer service] completion, the Friday prayer service would be discontinued.
- If the Friday prayer service begins on a foggy day before the descent of the sun from its zenith and the sermon or the prayer is going on, after one comes to know of it, one continues with the sermon and the prayer because the sermon is in conjunction with the prayer.
- The two Festival prayers are two units. The imam begins the prayer and then recites the *Fātiha* and a lengthy chapter. Then he declares *Allahu Akbar* seven times, reciting the following between every two declarations: "Allah is the Greatest over all (*Allahu Akbar kabīra*). Abundant praise is due to Allah (*Al-hamdulillahi kathīra*). Glorified be Allah in the morning and late noon (*Subhana Allah bukra wa ašīla*)."
Then he bows, prostrates twice, stands, and recites the *Fātiha* and another chapter. Then, he declares *Allahu Akbar* five times and recites what he recited in the first instance. Then he bows, prostrates twice, makes the declaration of faith, and performs the final salutation.
- Then he rises on his camel or pulpit to deliver a sermon. Before he begins his speech, he declares *Allahu Akbar* nine times and after he completes it, he declares *Allahu Akbar* seven times. He instructs the people in what they need to know concerning the fast-breaking dues (*zakāt al-fitr*). Then, he sits for a short period, and rises again for the second sermon. He declares *Allahu Akbar* seven times and descends. He does similar in the case of the Festival of Sacrifice (*Id al-Ad'ha*), except in that sermon, he specifies with: "Allah is the Greatest! Allah is the Greatest (*Allahu Akbar, Allahu Akbar*)! There is no God but Allah! (*Lā ilaha ila Allah*)! Allah is the Greatest over all (*Allahu Akbar kabīra*). Abundant praise is due to Allah (*Al-hamdulillahi kathīra*), Who has guided us, appointed us, and enjoined us with the care of livestock (*'ala ma a'tānā wa awlānā wa ahla lanā min bahīma al-'anām*)."
Then he returns to the sermon and does that three times urging the people to sacrifice and instructing them in what they need to know concerning that.
- There is no call to prayer or pre-prayer call for the two Festival prayers.
- It is recommended for one to pray a two unit prayer before the two Festival prayers without declaring *Allahu Akbar*.
- It is also recommended for one to pray the Festival prayers to engage in the declarations of *Allahu Akbar*
- The declaration of *Allahu Akbar* for the last Days of Sacrifice (*at-tashrīq*) continues from the dawn prayer of the day of Arafat to the late noon prayer on the last day of sacrifice, which amounts to 20-three prayers. The declaration is: "*Allahu Akbar! Allahu Akbar! Lā ilaha ila Allah! Allahu Akbar! Allahu Akbar! Wa lillahi al-hamd! Al-hamdulillahi 'ala ma a'tānā wa awlānā wa ahla lanā min bahīma al-'anām!*" It says in the *Ahkām*: "*Allahu Akbar kabīra! Al-hamdulillahi kathīra! Subhana Allah bukra wa ašīla!*"
- One declares this at the end of each prayer; obligatory or supererogatory. One also declares this on the day of breaking the fast (*yawm al-fitr*) until the imam comes out and begins the sermon.

The Chapter of the Eclipse Prayer and the Rain Prayer

- The eclipse prayer is ten bowings with four prostrations. The Muslims choose the imam and stand behind him. He then declares *Allahu Akbar* and recites the Fātiha and what's easy [i.e. from the Qur'ān]. He then bows, lifts his head, recites, bows, lifts his head, and recites. He does this five times. Then after he lifts his head from the fifth bowing, he declares *Allahu Akbar* and prostrates twice. He then stands and repeats in the second unit what he did in the first unit. He then makes the declaration of faith and performs the final salutation. It is recommended that he stays in his place, increases in asking for forgiveness, declaring *Lā ilaha ila Allah*, supplicating for himself and the Muslims, and reciting [Qur'ān] loudly, if he desires.
- Yahya, upon him be peace, recommends that one repeats the recitation of *al-Falaq* (Q. 113) in the eclipse prayer.
- For the rain prayer, if they are afflicted by a drought, the Muslims gather and go to the public square of their city. Then they place an imam in front of them and he leads them in four units of prayer with a salutation between two. Then he seeks forgiveness from Allah for himself and the Muslims while they supplicate earnestly. They supplicate seeking mercy, repentance, and acceptance.
- Then the imam flips part of his cloak that was on his right onto his left and the part of his cloak that was on his left onto his right. He then departs and the people depart with him.
- If there is no imam present to pray the rain prayer, then they find an imam of a mosque and he does it.

Book of Funeral Rites

Concerning Preparing the Dead

- The best preparation (*at-tawjīh*) is that one dictate (*yulqī*) to the dead at his death as well as at his bathing when he is on his back, and to turn his face towards the *qibla* and line his feet to face it as well.
- It is not lawful for one to wail, strike one's face (*latm*), scratch oneself, or rip one's clothes in lamentation.
- It is not necessary for one who dies at the beginning of the day to be housed except in a tomb (*qabr*). Whoever dies at the beginning of the night, it is preferred by us that one not wait until the morning before placing it in the tomb unless it has drowned, was mutilated, or poisoned. In that case, it would be obligatory to wait.
- If a pregnant woman dies, one removes the baby from her belly and does with it what one would normally do with a dead person; this includes bathing it and so forth.

The Chapter Regarding Bathing the Dead

- It is obligatory for the Muslims to bathe their dead. Likewise is the case for a disbeliever who pronounced the testimony of faith before they died. The exception is for the one who dies as a martyr in the battlefield. In that case, one buries them in their clothing and does not bathe them, unless one is hidden, drenched, or torn to shreds. Then one undresses them, removing the pants, unless it is covered in blood. If one just died in the battlefield, one does the same thing with him that they do with the rest of the dead and prays over them in those two cases.
- If a baby dies before it is born, one does not bathe and pray over it. However, if it dies after it is born, one acts upon that [i.e. washes it and prays over it].
- If one is burned to death by fire, one pours water on them if they fear that the body would be damaged in the process. However, if there is no fear, one bathes them. Similar is the case with a drowned person.
- There is no problem if a man bathes his wife or a woman bathes her husband. One should be cautious about looking at the other's nakedness. Likewise is the case if a man dies amongst women or a woman dies amongst men. The person who is lawfully related (*mahram*) props the body up, pours the water onto it, and bathes the trunk, without touching the private parts or going near to them. One simply pours the water over them [i.e. the private parts]. If there is no person who is lawfully related present, then one assumes the responsibility, except that they pour water onto and wash the corpse while its body and hair [if it is a woman] is covered. Al-Qāsim, upon him be peace, said: "Women can bathe a pre-pubescent boy if there are no men present."
- Al-Qāsim, upon him be peace, said: "The person in the state of major ritual impurity and a menstruating woman are bathed if they die in that state. It is not recommended for them to bathe the dead except out of necessity. They make the earth purification and purification bath."
- The bathing of the dead is similar to the bathing of a person in major ritual impurity. One cleans the teeth, lips, nose, and completes the ablution. It is recommended for one to bathe it with three washings. The first with a cleansing herb (*al-hard'*), the second with lotus jujube (*as-sidr*), and the third with camphor. If one cannot find those things, there's no problem if one completes the three washings using clean water. There is no problem if one wants to use warmed water if the warmness took place after that. If it takes place after that happens, the bath is concluded by five. If it takes place after that happens, the bath is concluded by seven. And after that, rotate it on its back with hamstring cloth or other than that. After the shrouding, it is not obligatory to repeat the bathing. One buries it in that state without combing or cutting the hair and without pruning the nails. Al-Qāsim, upon him be peace, said: "The hair or nails that fall from it remains in its shroud." It is recommended for one to wash the place that [the body] was on. It is also recommended for the one who bathes the dead to take a purification bath.

Concerning Shrouding and Embalming the Dead

- One spreads the shroud in a clean place, sprinkles scented powder on it, and places the body on it. One then places some camphor on the places of prostration on its forehead, nose, hands, knees, and feet. There is no problem if one places some scented musk in the embalming. One can shroud it in pieces that ranges from seven, five, three, or one. If one shrouds with three pieces, one clothes it in a waist-wrapper (*izar*) and roll it in two shrouding cloths. If one shrouds with five pieces, one clothes it with a shirt, a waist-wrapper, and three shrouding cloths, as is mentioned in *Al-Muntakhab*. In the *Ahkām*, it says that if one shrouds in five pieces, one includes a shirt, waist-wrapper, turban, and two pieces of shrouding cloths. If one shrouds in

seven pieces, one includes a shirt, waist-wrapper, turban, and four pieces of shrouding cloths. The same applies to a woman except that one substitutes a head-covering for the turban. If one does not have anything to shroud in, one utilizes herbage; for, if a person is poor, one shrouds them in anything one can. There is no problem shrouding a woman in dyed clothes. The same applies to a man, if out of necessity; however, white clothing is more preferable to us.

Concerning Carrying the Dead and the Prayer Over It

- It is recommended for one to carry the funeral bier by beginning on its right and then behind it; and also by beginning on its left and then behind. Walking behind the funeral bier is better than walking in front of it.
- One prays over the dead amongst the Muslims, and one does not pray over the dead of the openly disobedient.
- It is disliked for a woman to follow the funeral bier and for a lamenter to wail in the public square. There is no problem with making the two calls of prayer. It is recommended to pray over the dead in the times of the obligatory prayers. Al-Qāsim, upon him be peace, said: “Similar is the case with entombing (*taqbīr*).” It is disliked to pray over the dead during the times that it is prohibited to pray.
- For the funeral prayer, one declares *Allahu Akbar* five times. Al-Qāsim, upon him be peace, said: “One raises the hands at the opening declaration only.”
- There is no restriction on the one praying to make supplication for the dead between the declarations of *Allahu Akbar*. It is recommended for one to recite *Fātiha* (Q. 1) after the first declaration of *Allahu Akbar*; *Ikhlas* (Q. 112) after the second declaration of *Allahu Akbar*; *Falaq* (Q. 113) after the third declaration of *Allahu Akbar*; a supplication for the dead, if he was a believer, after the fourth declaration of *Allahu Akbar*, and the final salutations to the right and left after the fifth declaration. Whoever misses something from the declarations of *Allahu Akbar* completes it after the departure of the imam until the lifting of the body.
- Whoever fears that the time would elapse before one is able to pray over the dead, makes purification by earth and then prays. It is not recommended [to pray it] outside of the state of ritual purity. It is recommended for the imam to stand at the navel of the man and the heart of the woman.
- If there is a group funeral that consists of freemen and slaves, as well as women and bondmaids, one places the funeral bier of the freeman in front of the imam. The funeral biers of the freeman’s male children are placed in front of his funeral bier so that they can follow the freeman’s funeral bier. The slave’s funeral bier follows that of the freeman’s children. The freewoman’s funeral bier is followed by that of the slave’s. The funeral bier of the bondmaids follows that of the freewoman’s. It says in *Al-Muntakhab*: “One places the freeman’s funeral bier in front of the imam. Then the funeral bier of the freeman’s children follows that of the freeman’s. Then the funeral bier of the freewoman follows that of the free male children. Then the slaves’ funeral bier follows, then the bondmaids. One prays the funeral prayer over all of them at the same time and intends the prayer for them.”
- If one places a funeral bier in front of the imam and he begins by declaring *Allahu Akbar*, and then another one is brought at the second declaration of *Allahu Akbar*, he intends that it [i.e. the second funeral bier] be with the first funeral bier. He completes [the prayer] after six declarations. Similar is the case if another funeral bier was brought after the other one.
- Al-Qāsim, upon him be peace, said: “If a funeral bier arrives during the time of an obligatory prayer, one can pray whichever one chooses first. However, if one fears that the obligatory prayer time would elapse, one begins with that.”
- There is no problem to give condolences to people of the protected caste as long as one does not supplicate for their dead to receive forgiveness. One should not observe their funerals. If a person from the protected caste dies and a baby is in their stomach, the baby is a Muslim. However, there is no difference between the rulings concerning it and the rulings concerning its own coreligionists. That withstanding, one buries it in their cemetery, and one does not treat it in any way other than how one would treat their deceased.
- Yahya bin al-Hussein, upon him be peace, said: “No one performs the bathing except the foremost amongst the people or a person who is evidently in the position to do so from amongst their coreligionists.”

Concerning the Burial

- It is necessary that Muslims bury their dead. If one is not able to bury it, one builds a mausoleum. It is disliked to spread something over the dead in the tomb. Similarly, it is [disliked to] place curtains (*at-tarwīq*) and have an entrance fee. There is no problem to use embroidery, adobe, clay, as well as throwing pebbles over it in order to distinguish it from others. Al-Qāsim, upon him be peace, said: “It is disliked to

whitewash and place a ceiling on it.”He also said: “It is recommended to place the body into the grave not from the head's side but from the side of its feet and to draw the body in. [It is also recommended] to direct the face towards the qibla and spread some earth on a part of the grave or to spread some (*Lahd*) instead. Do not spread anything else.”

- Al-Qāsim, upon him be peace, also said: “Do not bury a group in a single grave except out of necessity. If the necessity arises, separate them by placing earth between them.”He also said: “It is recommended for a man to participate in the burial by throwing a handful of dust in the grave three times.”It is recommended to construct square (*tarbi'i*) tombs. This is more preferable to us than constructing domes over them, although this is no problem.
- Al-Qāsim, upon him be peace, said that the one who dies at sea and it is not possible to bury him on land, he is bathed, shrouded, wrapped, and placed in the sea.

Book of Purification Dues (az-Zakāt)

Concerning the Manner of the Obligatory Purification Dues

- The purification dues from the basis of one's wealth are obligatory. This is based upon two conditions. First, it must be greater than the minimum amount (*an-niṣāb*). Second, a year must take place; except that which is extracted from the earth [like plants]. If that is the case, the purification dues are due upon it once it has ripened and grown to maturity. It is necessary that it be a just estimate. One estimates all of what is obligatory to render the purification dues on, which is nothing more than by weight, as in the case of gold and silver; by number, as in the case of livestock (*al-mawāshi*) like camels, bulls, and sheep; by measure, as in the case of what is eaten from what is extracted from the earth; or by value, as in the case of the money from commerce that is circulated as well as that which is not eaten from what is extracted from the earth.
- If a man owns the minimum amount at the beginning of the year and earns an additional amount at some part of the same year while maintaining that for a year, he extracts the purification dues from the basis and the additional amount except that which one originally had (*'ayn*) or other than that.
- If a man loses an amount on account of theft or other than that in Muslim lands, one is exempt from rendering the purification dues for two years. When one gains the amount back in two years, one extracts the purification dues from it. If a believer is captured by the idolaters in the lands of war, remains in their hands for two years, and is finally freed or rescued, he does not owe the purification dues for the two years that he missed.
- The one who exchanged that which does not belong to him as a business owes its like of the purification dues on it. Then, once there are any increases or decreases of its price before the completion of a year, the purification dues are due on what remains of the increase and decrease at the end of the year.
- The one who is overcome by debt or excessive balance does not forego the purification dues on it.
- If the owner of the debt renders the purification dues, he must his dues unless it becomes less than the minimum amount with ongoing fees payment as years go by. Al-Qāsim, upon him be peace, said a similar statement regarding the dowry of a woman which must be paid by her husband.
- The purification dues are due on jewellery, ships (*al-marākab*), as well as gold and silver utensils.
- The purification dues are due on the money of an orphan.
- The purification dues are not invalidated by that which is seized by a tyrannical authority.
- The tenth of land taxes are not invalidated but both must be joined.
- The master extracts the purification dues from the money of the slave and others; for example, the money of the one being taken care of (*mudabbir*) and a freed mother (*umm walad*).
- As for the indentured servant (*mukātib*), his money is discontinued until he attains freedom or he returns to slavery. If attains freedom, then he owes purification dues after the passing of two years. If he remains in slavery, his master owes.
- There are no purification dues on houses (*dawr*), servants, clothing, horses, or camels used for labour. There are no purification dues on what is used for commercial purposes. You cannot mix the value of valuables to make up the minimum amount so that purification dues becomes obligatory, except with gold and silver.
- All resources that are damaged before the obligatory tenth is taken from it, the owner does not owe purification dues on it. The time of its obligation is when it produces a seed, its protection from damage is ensured, and its soundness is evident.
- When it is the case that one has to estimate, at the time of a new harvest, new growth, or fresh yield, one takes a tenth from that which was estimated, or one takes half a tenth of that which one was able to water.

Concerning the Purification Dues upon Gold and Silver

- There are no purification dues on livestock except that which freely grazes. There are no purification dues on beasts of labour such as camels, stall-fed cows, and stall-fed sheep.
- There are no purification dues on livestock until there are five. When there are five camels, one owes one. When there are ten camels, one owes two. When there are fifteen camels, one owes three. When there are 20 camels, one owes four. When there are 25 camels, one owes a *bint makhād*. When there are 36 camels, one owes a *bint labūn*. When there are 46 camels, one owes a *huqqa*. When there are 61 camels, one owes a *jadha'*. When there are 71 camels, one owes two *bint labūns*. When there are 91 to 120 camels, one owes two *huqqas*. Afterwards, one renews the distribution (*farīda*) based upon what reaches the limit.

- When the purification dues become obligatory on the owner of a camel, it becomes *sunnah* to give what is available.
- One does not take the monetary value (*qīma*) from the purification dues, rather one takes the material value (*‘ayn*) from it.
- There are no purification dues on cows until there are 30 cows then a calf is due. When there are 40 cows, a full grown cow is due. When there are sixty cows then two calves are due, and so on. For every 30 cows a calf is due while for every 40 cows, a full grown cow is due.
- If the cows are in large number that more than one calf is due or more than one full grown cow is due, then the full grown cows should be taken.
- There are no purification dues on sheep until they reach 40 sheep, then a sheep is due. When they reach 121 sheep then two sheep are due. When they reach 201 sheep then three sheep are due. Above that for every 100 sheep, one sheep is due.
- It does not make a difference if the livestock are collected in one area or land or are dispersed, instead what makes the difference is if the livestock are collected under one ownership and there is dispersal in ownerships.
- There is nothing due on those counts that are in between the threshold of dues. For example, the counts between 5 camels and 10 camels and between 10 and 15 camels. Similar is the case between 30 cows and 40 cows, between 40 cows and 60 cows, between 40 sheep and 121 sheep, and between that and 201.
- The purification dues collector counts the released cattle in the field and what is taken from the young, old, camels, cows, and sheep; as well as from grazing camels. If they carry material a couple of times during the year, they are still considered grazing camels. Unless they are load-bearing camels most of the time and grazing some of the time, no purification dues are due on those camels. The exception is if these camels are for commercial or rental purposes. Then a purification due of tenth of a quarter of its value is due after a lunar year has passed.
- Similarly, if the horse or donkey is used for production, rent, or commercial purposes, purification dues of a tenth of a quarter of its value are due after a lunar year has passed. If the owner holds any of the animals for private transportation, or anything similar, then no dues are necessary.
- If two men jointly owned five camels or 40 sheep, no purification dues are necessary for either of the men. If they both owned 10 camels or 80 sheep and each owns half, they each have to give one sheep.
- In *Al-Muntakhab*, it says that if a man dies and leaves three children and 100 sheep and they have not given the inheritance until it has been a whole lunar year cycle, the alms-collector takes one sheep. It is the same if the inheritance is not given for many years. For every lunar year, one sheep is given.
- If two men jointly owned 80 sheep and one of them owns three-fourths of the sheep while the other owns a fourth, the alms-collector takes one sheep. Then the owner of the majority gives the owner of the minority a value of quarter of a sheep. If they have 100 sheep between them and one of them owns three fifths while the other owns two fifths, then the purification dues of one sheep from each is necessary. When the alms-collector takes the two sheep, the owner of the majority gives the owner of the minority the value of a fifth of a sheep. The same applies to the joint ownerships of camels and cows, whether there are two owners or more.

Concerning the Purification Dues on What is Extracted from the Earth

- Purification dues are due upon one-tenth of the produce if the watering source is from natural flowing water, from the falling rain, or from what is produced without the need to water. If they are watered with buckets and other equipment used to water the earth, the purification dues of a half of a tenth is due. If both methods are used during the lunar year, the purification due is counted based on the amount of times each method is used.
- If the earth is watered half the year with buckets and half the year from a natural flow source or from falling rain, the purification dues percentage is taken at the same ratio.
- The purification dues are not necessary on what the earth produces if it is measurable in bushels until it becomes five. If it isn't measurable produce in bushels then there are no purification dues until its value for the whole year reaches 200 dirhams, even if it harvested in the year once, twice, or more.
- Each wasq equals sixty *ṣa*'s from the *ṣa*' of the Prophet, peace and blessings be upon him and his progeny. [i.e. four *mudds* (3 kilograms)].
- One *ṣa*' is equal to 3 Iraqi *makūks*.
- Regarding the grape, it is to be calculated by the estimation. Therefore if he surely believes that, when the

grape dries and becomes a raisin, it totals five *wasqs* then the charity shall be obligatory on him. But if it is less than that, it shall not be obligatory.

- And it is impermissible to add a type to other different one, for the charity to be obligatory, like if he has five *wasqs* minus a *ša'* of wheat, the same quantity of barley, and the same quantity of maize and the same quantity of rice. In that case, the purification dues shall not be obligatory for any of the above mentioned quantities. Also, if it were peaches and its value amounts to 100 ninety dirhams and the same quantity of pears and the same quantity of watermelons, the purification dues shall not be obligatory for any of the above mentioned. The same judgment is applicable in case of henna, cane, and linen.
- And the value of anything of what we previously mentioned is not to be collected, neither if it was what can be weighed or what cannot be weighed. But the charity is to be collected as some from the same type of the thing that requires it. The exception is if it is watermelon, cucumber, or something similar which is produced as huge harvested quantities for a lunar year, and cannot be held from its beginning until its end. If it totals 200 dirhams or one tenth from it or half of the one tenth more, depending on its irrigation, the value is taken at the end. If the harvest of each time produces a quantity of a value that totals 200 dirhams, then the charity shall be collected from the same type of the quantity of harvest not from its value.
- And the purification dues rate of the bee's honey is the same of that of crops from land, that is not weighed, which we previously mentioned.
- And the one tenths of the corps must be calculated before deducting anything from it for eating, for digging a well, or building a well head over it or paying the fees for workers, etc.

Chapter concerning the Judgments of the Lands.

- Know that its judgments differ. In case of a land which was conquered by Muslims by force, they share and divide it amongst themselves. It has become their property. In that case, they only will be obligated to pay the one tenth. Similar is the case of a people that populate a land who converted willingly to Islam. In that case, they only will be obligated to pay the one tenth. And if a Muslim man farmed a land, then it will become his property and he only will be obligated to pay the one tenth.
- The people that abandoned their land without being expelled by expedition with either cavalry or camelry. It shall be a property for the imam of the Muslims. And he only will be obligated to pay the one tenth.
- A land that was conquered by Muslims in which they left it in the hands of its original proprietors but imposed a tribute on them, or obligated them to pay half, one third, less, or more; then it shall be considered a tributes land. And such treatment shall be valid.
- If agreement has been concluded with the proprietors of a land without conquering them. Then it is to be collected from them what they agreed to give according to the pact. And what was collected from the two previously types from the land. Is to be considered booty and deposited in the Muslims' collective treasury (*bayt al-māl*). It is not to be treated as charity. But it will be permitted for those who are not forbidden to receive the purification dues. But if the proprietors of the said land convert to Islam afterwards, or if the land becomes a property of Muslims, they will be obligated to pay the one tenth in addition to the tribute.
- And if a Muslim man farmed any land, then it will become his property and a property for his inheritors after he dies; only if it was not a property of someone else before him.

Chapter concerning the Judgment of the Purification Dues of the Money from Commerce.

- For all money dedicated to trade—if its total value reached the minimum amount requiring dues and remained in one's possession for one full lunar year—it is obligatory to pay 2.5percent of its value as the legal rate of the purification dues; whether it was cloths, livestock, food, or anything else.
- If a man makes use of a house or shop as his living quarters and for trading inside them, he will not be obligated to pay the purification dues for their value. Similar is the case if he uses slaves to help him in his trade or for any other purpose, or uses cattle to ride or to carry his trading money or anything else over it. Then he will not be obligated to pay any purification dues for the value of the aforementioned.
- If a man makes use of a house, shops, slaves, or cattle for only use of commerce or to trade it then the purification dues is mandatory on their full value.
- If a man accumulated lots of wool from his sheep, camelhairs from his cattle, and things similar to these, like milk and grease, and the value of the aforementioned is more than the minimum amount requiring dues, he is not obligated to pay any purification dues for it. But if he intends to exchange the aforementioned with other trading goods, the purification dues shall be obligatory for the value of what he took in exchange as long as it remained in his possession for one full lunar year.

Chapter concerning What is to be Collected from the Merchants of the Protected Caste

- Five percent of the money of the traders from the protected caste is to be collected from the money that they bring with them and trade within the land of Islam; even if they come from a very distant country to another very faraway one. But if any of them trade in his own country, then only the tribute shall be obligated on him.
- Then the tribute shall be collected from their rich people and their heads. Its rate is 48 dirhams for each. From their traders and middle-class people, it is 24 dirhams for each. From their weak and poor people, it is 12 dirhams for each.
- The tribute shall not be imposed on their women, slaves, or children.
- It is to be imposed on the Bani Taghlib, the Christians of the Arabian Peninsula, double the quantity imposed on Muslims for the purification dues until the end of the chapter.
- What is collected from the protected caste is to be considered booty and shall be permitted to be collected by those who are impermissible to collect the charity.
- The protected caste are impermissible to rent any of the crop-producing lands of the Muslims. Similarly, it is impermissible to buy from them any of their farms to avoid the cancellation of the tribute imposed on their lands.

Chapter concerning the Manner the Purification Dues is Collected

- The person charged with collecting and dividing the purification dues (*al-musaddiq*) may not be hosted in the house of the one that he collects the charity from. Similarly, he may not accept any gift from him. But if he did, the said gift must be deposited in the Muslims' treasury. The exception is if the imam permitted him to collect it for good purposes. The said judgment is applicable to all the people working for the Imams.
- If he reached the watering place, he must divide the sheep of every man to two groups. Then he lets him choose from the two groups of animals. Whichever group he wishes to keep then the purification dues is collected from the other. The same is to be done in the case of camels, cows, and other kinds of cattle. This behaviour of generosity and similar should be implemented.
- The owner of the property is permitted to buy from the person who receives the charity whatever he took as charity.
- The imam has the right to force the subjects to pay him all their money whether it was gold, silver, or anything else. Any owner of wealth who is accused of hiding some of his wealth which requires charity, must be—for precautionary reasons—asked to swear.
- The purification dues of a people must not be collected outside of their country if there are poor people among them. The exception is when the imam thinks that is necessary for the good.
- If the person charged with collecting and dividing the purification dues delayed and did not come on time, and the people gave the charity to the deserving poor, then the person charged with collecting and dividing the purification dues should approve their behaviour and notify them that if they repeated such a behaviour again, he will not accept it and will punish them by forcing them to pay charity again. But if they pretended that they have already paid it, he shall investigate that and ask them for evidence. If he discovered that they are telling the truth, he should pardon them. But if not, he will ask them to repay it.
- If there is no just imam in the present time, then the people should pay the purification dues and divide it among the deserving according to the rules that Allah mentioned.
- If the person who is obligated to pay the purification dues separated and isolated it from the rest of his wealth until it was corrupted before he gave it to the deserving, he will be obligated to pay its guarantee. Similarly, if he sent it from his country to the country of the imam, and it was lost in the way, he will be obligated to pay its guarantee. However, if it was corrupted while it was in the hands of the imam or a representative of imam, the wealth-owner shall not be obligated to pay any guarantee. And if the imam, or the representative of imam receives it from the wealth-owner, then he deposited it as a trust to the wealth-owner but is corrupted, the wealth-owner shall not be obligated to pay any guarantee. But if the person charged with collecting and dividing the purification dues ordered him to isolate it, and he did isolate it, then it becomes corrupted before it reaches the person charged with collecting and dividing the purification dues, the wealth-owner shall be obligated to pay any guarantee.
- If a person charged with collecting and dividing the purification dues came to collect the required quantity of the purification dues from a person and found out that he sold all his crops to another one, the person charged with collecting and dividing the purification dues shall collect the said quantity from the buyer.

The buyer should collect the price of the said quantity from the seller who sold it to him. But, if the buyer has already consumed the crops, the person charged with collecting and dividing the purification dues shall collect its value from the seller.

- It is permitted to expedite the purification dues.

Chapter concerning Who Deserves the Purification Dues

- The purification dues is to be paid to the eight types of people that Allah described in the Holy Qur'ān. But if one of them refused to receive it, then its share is to be given to the other. And the imam shall have the right to assign which one shall receive it without causing any injustice to the others.
- The eight kinds are: the poor (*al-fuqarā*) who do not own anything but a house, a servant, and clothes to wear or what resembles that; the extremely poor (*al-mašā'kīn*) who are needier, poorer and weaker than the poor; those employed to collect it (*al-'āmilīn*) whose job is to collect, organize, and divide it; those whose hearts have been inclined (*al-mu`alaf qulūbahum*) only if the Muslims need them, then it shall be given to them—the imam should act as the Prophet, peace and blessings be upon him and his progeny, did in this regards; the slaves who agreed with their masters to work to get money to pay for their own freedom (*ar-riqāb*); the indebted (*al-ghārimīn*) who have debts to pay and did not waste their money or spend it in disobedience; those in the way of Allah (*as-sabīl*)—the dues are used to prepare the mujāhidīn and buy their weapons and rides--some of which may be used to build mosques, dig graves, build water machinery, and purchase burial shrouds, if preferred; and the wayfarers (*banu as-sabīl*) who are the passengers and the weak travellers, even if they have money in their own countries and people.
- Those who are impermissible to receive charity are the Banu Hāshim, and they are the progeny of 'Ali, Ja'far, A'qīl, and Abbās.
- If anyone of them, meaning the Banu Hāshim, needed to receive anything from the charity, this shall be considered as a loan. He should return what he took from the charity to its original owner, even if he is so needy that he eats carcass.
- It is forbidden for anyone who has wealth which requires charity to receive anything from charity.
- He is impermissible to give anyone of the needy people, except the amount that is below the amount to give charity, whatever was its type.
- He may not give his charity to his mother, father, child, slave, steward, nor the mother of his son, only if they are definitively freed and separated from him. Also, he should not pay charity to any of the people that he is obligated to spend money to feed them. But his relatives who he is not obligated to feed, he is permitted to give them from his purification dues. And they are considered the people who most deserve it.

Chapter concerning the Fast-Breaking Dues

- The man who is the head of the household, may pay the required amount of the fast-breaking dues on the behalf of himself and for the other Muslim members—whether they are free or slave, adult or child, female or male.
- It is obligatory starting from the first hour of the day of breaking the fast (*yawm al-fītr*).
- The quantity which is due is one *ṣā'* of wheat or one *ṣā'* of dried dates, one *ṣā'* of barley, one *ṣā'* of corn, one *ṣā'* of powdered milk for the people who have it, one *ṣā'* of raisins, or anything else that the people who pays the purification dues use to pay.
- It is preferred for the people who spend the said charity to eat some from it before they spend it and that they spend it before the beginning of the Eid prayer. It is also preferred to expedite it and not to delay it until the end of the day, which shall be difficult and uncomfortable for its doer.
- The fast-breaking dues should be food only. But if its value was more needed, then it can be spent as value (money).
- There is nothing wrong with someone who divided his the fast-breaking dues amongst a group of people if they are extremely needy. But it is more preferred to pay each poor one what he needs.
- There is nothing wrong with a man who spends his the fast-breaking dues from the type of food that he usually does not eat. But it is preferred to be from the same kind of food that he is used to eating, unless he spends from a type of food which is better from that he usually eats.
- A man is not obligated to spend the fast-breaking dues on the behalf of a foetus. However it shall be obligatory for the one who has the food that is enough for him ten days or more. But if he did not own any of that on the fast-breaking day, he shall not be obligated to pay anything. Similarly, if the fast-breaking day passes and he became a rich man, then he shall not be obligated to pay anything.

Chapter concerning the Fifth Tax

- The fifth tax is required for all the quantities all of what requires the fifth tax, whether they are much or little. There is no standard for judging it by quantity or by staying in one's possession for one full lunar year. The fifth tax is required in all of what is taken as booty from the enemies in war and from the people of injustice and immorality.
- And if an imam ordered a man to loot an enemy, and the man kills the said enemy, then he shall worth the loot and be required to pay the fifth tax of the booty he took.
- The fifth tax is imposed on the money that is taken as tributes or the crops of the lands that is taken by peaceful agreements.
- The fifth tax is imposed in all the wealth that is extracted from the land or the sea like gemstones, rubies and pearls; as well as what is extracted from the metals like turquoise, gold, silver, kohl, ochre, mercury, alum, arsenic, stones, and emerald. The fifth tax is required from musk, ambergris, tar, and petroleum oil.
- The fifth tax is imposed in all of what is hunted or fished.
- The due fifth tax is to be paid from the same kind of what requires it, it cannot be paid as its value. The exception is if it was something that cannot be divided, or it will be damaged if divided.
- If a man spends money to extract some of what requires the fifth tax, he shall be obligated to pay the fifth tax of all what is extracted, but the money he paid for the extraction does not get calculated in the fifth tax. And if a man finds something that requires the fifth tax and sold it before he spent the due fifth tax, the buyer should spend it, and collect its value from the seller. The fifth tax is not to be imposed repeatedly on the same kind of wealth.
- The share of the descendants of the family of the Prophet Muhammad, peace and blessings be upon him and his progeny, is to be given to them, and they are the four progenies of 'Ali, Ja'far, A'qīl, and Abbās.
- It is to be divided among them, on condition that the share of a male equals that of a female, from only those who are true believers and support the right religion. But if anyone from them does not behave with the good morals and was not a true believer, then he will not have the right to receive anything from it.
- Regarding the share of the orphans, extremely poor, wayfarers; the orphans, extremely poor, and wayfarers from the descendants of the family of the Prophet Muhammad, peace and blessings be upon him and his progeny, shall be the worthier than the others. But if it was impossible to find them, then it is to be given to the same three types from the *Muhājirīn*. But if it was impossible to find them, then it is to be given to the same three types from the *Anṣār*. But if it was impossible to find them, then it is to be given to the orphans, extremely poor, and wayfarers of the common Muslims.
- If a man got some of what requires the fifth tax, he may give the fifth tax to the imam so that he can divide it among its deserving. But if he did not find the imam, then he may divide it among its deserving.

Book of Fasting

Concerning the Manner of Entering the Fasting

- The fast of Ramadan is not obligatory upon one unless one sights the crescent (*hilāl*), it is established by mass-transmitted reports, or it is witnessed by two upright witnesses. Similarly, the ruling of breaking the fast is established by such. If there is something in the sky like a cloud or other than that, one counts the days of the month to be 30 days.
- Imam al-Qāsim, upon him be peace, said: “Whoever sees the crescent of Shawwāl before the zenith should complete the fast and delay breaking the fast until the next day.”
- Fasting on the day of doubt (*yawm ash-shak*) is preferable to breaking the fast.
- Whoever fasts an obligatory fast should make his intention before Ramadan. Whoever fasts a voluntary fast during the month of Sha’bān should make an intention before it as a condition for intention.
- If one fasts the day of doubt and later finds out that it was Ramadan, one does not make up the fast.
- It is sufficient for one to make one’s intention to fast for Ramadan on the first night until there remains a portion of the day.
- The obligation to fast begins at the approach of dawn. It is recommended to desist from anything that may break the fast before dawn.
- The time for breaking the fast begins at the setting of the sun. This becomes manifest by the appearance of a star at night.
- Fasting becomes obligatory upon one who is capable, who has had a wet dream [for the first time], or who has reached maturity at the age of 15. Capability refers to one who is able to fast for at least three days.

Concerning the Recommended and Disliked Actions during a Fast

- It is obligatory upon one to take care when rinsing the mouth and nose and prevent water from entering the throat from the mouth and nostrils. It is obligatory for one to be extra aware of those actions during the day which will invalidate the fast.
- It is recommended to refrain from foreplay with one’s spouse or anything else along those lines, like kissing and embracing, if one fears to be overcome by lust.
- It is recommended that one increase in recitation of the Qur’ān, glorification, and seeking forgiveness in the mornings as well as before sunset.
- If one uses the tooth-stick during the day, one should prevent any portion of it from entering the throat. This includes that portion of the tooth-stick which is separated with saliva. It is disliked to chew snuff (*assa’ūr*).
- It is recommended for the traveller [to begin fasting] when he arrives to his family, as well as the menstruating woman once her menstruation ends. If both of these things occur at a portion of the day, they fast for the rest of the day.
- It is recommended for the one who fasts to prevent dust, flies, and smoke from entering one’s throat.
- Al-Qāsim, upon him be peace, said: “There’s no problem if one who fasts uses a moist tooth-stick.” He also said: “There’s no problem if one wets one’s clothing or sprays oneself with water [to cool down]. There’s no problem if one rinses one’s mouth with water as long as water doesn’t enter one’s throat.” It is disliked for a person to fast consecutively for two days without breaking it.

Concerning the Recommended and Disliked Fasts

- It is recommended to fast on ‘Ashūrā. Al-Qāsim, upon him be peace, said: “It is the tenth of Muharram.”
- Similarly, it is recommended to fast on the Day of Arafat for the Pilgrimage. This applies to those who remain in their residences.
- It is recommended for one to fast three days out of the month (*ad-dahr*) if one is able. This is as long as one does not harm one’s body.
- One does not fast on the two ‘Festival days and the Days of Sacrifice because it is not permissible to fast on those days.
- It is recommended to fast on the White Days (*ayām al-bayḍ*), which are the 13th, 14th, and 15th days after the sighting of the crescent. Fasting on these days is very virtuous. Al-Qāsim, upon him be peace, said: “It is recommended to fast on Muharram, Rajab, Sha’bān, Mondays, and Thursdays.”
- Fasting during travel is better than not fasting as long as one is able to do so. However, it is permissible to

not fast. The permission to not fast corresponds with the obligation to shorten the prayers during travel. Al-Qāsim, upon him be peace, said regarding the narration ((It is not righteousness to fast while travelling)): “This refers to the voluntary fasts.”

- If the fast reaches one while one is settled, he fasts. However, one who travels can break the fast if one wishes.
- It’s not permissible for a menstruation woman or one with postpartum bleeding to fast. It is obligatory for the pregnant woman or sick person to refrain from fasting if they fear for the embryo or increased sickness. Anyone who fears that they will inflict damage on themselves is discouraged from fasting. If they were to fast, it suffices. Similarly applies to the pregnant woman and sick person.
- It is permissible for one who cannot withstand the fast out of extreme thirst to break their fast—whether they be man or woman. Similarly is the case if they were to become senile.
- Regarding the one who can withstand the extreme thirst and whose illness has departed, this one makes up the fast for those days that he did not fast. Similar is the case for other than him, as we previously mentioned.
- Al-Qāsim, upon him be peace, said: “It is recommended to fast the month of Sha’bān if one breaks the fast one day between it and Ramadan.”
- It is disliked for one to set aside Friday to fast on that day except if one’s fasting day falls on that day.

Concerning That Which Invalidates the Fast, Does Not Invalidate the Fast, and What Obligates a Sacrifice

- Whoever has sexual relations [while fasting] during Ramadan—whether out of forgetfulness or intentionally—invalidates his fast and has to make it up. The one who does intentionally must also repent. Similar is the case for the one who eats [during the fast].
- Regarding what is narrated concerning the obligation of manumission and other things for the one who [invalidated the fast] intentionally, it simply refers to a recommendation. Sincere repentance is sufficient.
- Whoever engages in kissing, looking, or touching and he ejaculates, he does not owe anything other than making up the fast and sincere repentance. If there occurs in him pre-ejaculatory fluid, it is recommended for him to make up the fast.
- Whoever wakes up in the morning in the state of major ritual impurity does not invalidate the fast whether that one had sexual relations or a wet dream intentionally or out of forgetfulness.
- Whoever breaks the fast while being in doubt whether the sun set or not invalidates the fast and has to make it up. The exception is if the sunset was concealed and he broke the fast after sunset. Whoever eats the pre-fast meal while being in doubt whether the dawn approached or not does not invalidate the fast. The exception is if it was clear to him that he continued eating the pre-dawn meal after the approach of dawn.
- There is no problem for one to undergo cupping while fasting as long as one is sure that he wouldn’t be weakened by it.
- There is no problem for the one who’s fasting to wear eye-liner (*kohl*), powder, be injected, or have oily discharge from the urethra or ear. It is disliked to chew snuff because of the possibility that it may enter the throat.
- Whoever vomits or is suddenly overcome by vomiting does not invalidate the fast. The only exception is when some of it returns to the belly; this would invalidate the fast.
- Whoever intentionally swallows a dirham, dirhams, other coinage, glass, pebbles, and other than that invalidates the fast, and he has to make up the fast. If one swallows all of that unintentionally, one does not invalidate the fast.
- Similarly, whoever rinses the nose and the mouth and water enters the belly—this invalidates the fast, and he has to make up the fast.
- If flies, dust, smoke, and the like which does not overcome one, enters the throat, it does not invalidate the fast nor does one have to make up the fast. Similar is the case with tasting something with the tip of the tongue as in rinsing the mouth. That which enters the mouth but does not pass the throat, like honey, vinegar, and the like does not invalidate the fast.
- If a fasting woman has sexual relations while sleeping and she then becomes aware and willing, she invalidates the fast and has to make it up. The same is the case with an insane woman, but she is not accountable until she is sane.
- Also if someone invalidates a Ramadan fast for a valid reason and that valid reason has been relieved, on the day his situation is changed, he should continue the fast for the rest of that day and make up the fast for that day as well.

- If someone invalidates his Ramadan fast and did not make up the fast before next year's Ramadan, they are required to feed a poor person for every day he invalidated a Ramadan fast and make up the fast after the month of Ramadan even if the fast is delayed for a valid reason or else give half a *sa'a* for charity. It says in *Al-Muntakhab* that if someone breaks a Ramadan fast for a valid reason and does not make up for it until the next Ramadan, he should only make up that fast.
- And whomever cannot bear being thirsty from the men and women must feed a poor person for every day he have broken their fast, the same goes to the elderly that cannot bear to fast.

Concerning the Fast of Oaths, Unlawful Declarations (*až-žihār*), and Unintentional Homicide

- If a person pronounces an oath to Allah that he will fast 20 days, he must fast them. If the person intended to fast them consecutively, then he must fast them as intended. However, if the person at the time of the oath intended to not fast them consecutively then he may fast them consecutively or not. It depends upon what was pronounced at the time the oath had been made.
- If a person pronounces an oath to Allah that he will fast a whole year, then he must fast the whole year with the exception of the two Festivals and the Days of Sacrifice. Then he must make up these days in addition to making up of the month of Ramadan. The exception is if he has taken into account during his oath that these days or some of them are the exception.
- If a person pronounces an oath to all that he will fast a month or two consecutively then he must fast them as pronounced. If this person breaks his month or 2 month fast before completing it, he must start the fast from the beginning. Unless he becomes a person who is constantly ill and is unable to continue the fast for the only reason of his incapable body strength and the constancy of his illness. In such case, he can build on the fast that they have already done.
- If a person pronounces an oath to Allah that he will fast or commit to religious confinement (*i'tikāf*) a whole month for Allah's relief from a certain matter and this relief was granted to him/her towards the end of Sha'bān then he must begin his fast on the 2nd of Shawwāl and fast 30 days.
- As well, if a person pronounces an oath to Allah that he will fast or commit to religious confinement on the day of the Festival then he must not fast on these days and make up the fast on another day.
- If the one who has made an unlawful declaration and is unable to free a slave then he must fast two months consecutively. If he breaks the fast before completion of the two month fast then he must start from the beginning unless there is reason for breaking the fast. In that case, he can build on their fast. The same is for an unintentional homicide when a slave cannot be freed.
- In the case of the one who has made an unlawful declaration and committed an unintentional homicide, if they begin the fast and become capable of freeing a slave then he should stop fasting and free a slave unless he completed the fast. Then, freeing a slave becomes unnecessary. In the case of one who has made an unlawful declaration, if he is incapable of fasting and start to feed the poor then later become capable of fasting before finishing feeding the poor, then he must fast from the beginning unless he finishes feeding the poor. In that case, fasting becomes unnecessary.

Concerning Making up the Fast

- Whomever breaks his fast in Ramadan consecutively then he must make up the fast consecutively. If the fast was broken in Ramadan in varying days then he can make up in varying days or consecutively. Making up the fast consecutively is better.
- Whomever enters into a voluntary fast, and he then breaks the fast, it is not mandatory to make up the fast.
- Whomever loses his sanity during the whole of Ramadan and then becomes sane, he must make up the fast. If he becomes insane during some of Ramadan, these days must be made up.
- If a man/woman becomes a disbeliever for years and then revert from his disbelief, then he does not need to make up the fast for Ramadan during his time of disbelief.
- Whomever breaks their Ramadan fast because of a valid reason such as travel, sickness, menstruation, postpartum bleeding, pregnancy, or breast feeding, out of fear for the infant, he must make up the fast after the reason has past. And the woman who is menstruating should pray, fast, and make up the fast after finishing the days of menstruation.

Concerning Religious Confinement and the Night of Power (*Laylat al-Qadr*).

- There's no religious confinement except in the state of fasting and refraining from wives for a day and night while one is in religious confinement.

- The least time that one should be in religious confinement is one day.
- It is obligatory on one who religiously confines oneself to enter the mosque before dawn and stay until the evening prayer and to make one's intention for religious confinement. He may utter that he would like to make religious confinement obligatory upon himself by saying: "I dedicate to Allah religious confinement upon myself for a day or days."
- Religious confinement is permissible in any mosque.
- There's no problem if the religiously confined person exits the mosque to fulfill a need, witness a funeral, or attend to the sick. If he needs to command his family or forbid them, he goes to them, commands or forbids them while standing. He doesn't sit until he returns to the mosque.
- There's no problem if the religiously confined person marries, conducts a marriage for another, or witnesses a marriage. However, he must not have relations with his spouse.
- There's no problem if the religiously confined person applies eyeliner, makeup, or any perfume whether it be musk or other than that.
- It is recommended that the religiously confined person not buy, sell, or preoccupy him/herself from the remembrance of Allah. He must command the good and prohibit the bad with his tongue and hand.
- If one vows to not speak to anyone while one is in religious confinement and one breaks the vow, one must feed ten needy people.
- Everything that invalidates the fast invalidates the religious confinement.
- If one religiously confines oneself on a Friday without designating a specific Friday nor in any specific month in his intention, this one can perform religious confinement on any Friday that he wants. If one designates a particular Friday, then one must perform religious confinement on that particular Friday. The exception is if there occurs a situation where he cannot perform religious confinement on that specified Friday then he can perform religious confinement on the next Friday after he is able to do so again in its stead.
- If one says: "I dedicate to Allah religious confinement for 20 days" but intends by it the daytime hours and not the night hours, it is obligatory for him to enter the mosque before dawn on those days and not exit until the time of breaking fast. The only exception is those things that we mentioned that is permissible for the religiously confined person to do to exit.
- If a woman religiously confines herself for a number of days but her menstruation occurs in the interim, she exits the mosque. When she becomes pure, she re-enters the mosque and makes up those days that she missed.
- If any man or woman who religiously confines themselves to a mosque fears for their lives in that mosque, he must religiously confine themselves to another mosque.
- If one was in the state of religious confinement and death reaches that one and that one bequests for someone to religiously confine themselves for him, then a third of his estate must be given to man of the Muslims religiously confine themselves for him and those who bequeath have to bring a positive verdict on the bequest.
- Al-Qāsim, upon him be peace, said: "The Night of Power is equal in virtue from the first of it to the last of it. It is the 23rd or 27th night of Ramadan."

The Book of the Pilgrimage

Concerning the Manner of the Pilgrimage Obligations

- The Pilgrimage is obligatory upon every free Muslim who is able to undergo it. Ability refers to sufficient provisions (*az-zād*), ability to travel, and personal safety.
- It is not permissible to delay the Pilgrimage for the one who it is obligatory for except in the case of a legal excuse.
- If a child reaches the age of maturity, a slave is freed, or a non-Muslim embraces Islam the night of Arafat and it is possible for them to assume the pilgrim garb that night in the Mosque of Mecca, one does so. If in Mecca, he assumes the pilgrim garb there. If in another place among the rendezvous points, he assumes the pilgrim garb in whatever place they're in. Similar is the case if in Mina or Arafat; one returns to Mecca if one is able. If one is not able to do so, one assumes the pilgrim garb in whatever place they're in. Similarly, if it is on the day of Arafat or the night of Sacrifice, it is sufficient for them after one meets at one of the rendezvous points before the dawn of the day of Sacrifice. What we make clear is that if they assume the pilgrim garb and meet at one of the rendezvous points, they have reached the Pilgrimage. It is recommended for them to return to Mecca from Mina and Arafat and begin the assuming of the pilgrim garb there. It will be a Meccan Pilgrimage, for that is the least of the Sunnah which is apparent from the people of the lands. It would be a joint Pilgrimage (*al-mutamatta'*). One would be pardoned if the pilgrim garb is assumed from any of the rest of the places after one stops at one of the rendezvous points.
- Al-Qāsim, upon him be peace, said that the obligation of the Pilgrimage is removed from an old person or infirmed who cannot remain upon a riding beast or camel. If that one is not able to travel upon the both of them, he are amongst those who are incapable. If they make the pilgrimage by themselves or if one makes the pilgrimage on their behalf, this would be good.
- The obligations of the Pilgrimage which cannot be substituted are the pilgrim garb, the rendezvous places at Arafat, and the visitation circumambulation.
- Al-Qāsim, upon him be peace, hinted to the obligation of stopping at the rendezvous point (*al-Mash'ar al-Harām*) and to the Minor Pilgrimage (*al-'Umra*) not being an obligation.

Concerning the Entrance to the Pilgrimage and the Minor Pilgrimage

- The Pilgrimage can only take place within its months. Its months are Shawwāl, Dhul-Qa'da, and the first ten days of Dhul-Hijja. Anyone who makes the pilgrimage in other than these times has committed an error. he must enter during those times.
- The rendezvous points of the Messenger of Allah, peace and blessings be upon him and his progeny, and the people of eminence are five. The rendezvous point of the people of Medina is Dhul-Hulayfa, that of the people of Greater Syria is al-Juhfa, that of the people of Iraq is Dhāt 'Irq, that of the people of Najd is Qarn, and that of the people of Yemen is Yalamlam. These are the rendezvous points for its people as well as those not of its people who come through those places. The one whose residence is closer to Mecca than these rendezvous points assumes the pilgrim garb in those residences.
- Whoever fails to assume the pilgrim garb in these rendezvous points from other than them, it is religiously obligatory that he return to the rendezvous points and assume the pilgrim garb there. If one cannot return to these rendezvous points for a valid excuse, one assumes the pilgrim garb before one reaches the Sanctified House. It is recommended that he offer a sacrifice due to entering the rendezvous point outside of the state of pilgrim sanctity.
- Whoever reaches the border of these rendezvous points and intends to assume the pilgrim garb, he takes the purification bath. Al-Qāsim, upon him be peace, said: "The purification bath is sunnah. If one is in the state of major or minor ritual impurity and cannot find water, the dust purification would be sufficient. One performs it for each prayer and assumption of the pilgrim garb." Then one clothes oneself with a cloak and waist-wrapper, if a man; and a shirt, trousers, and veil, if a woman.
- If the time for a obligatory prayer comes in, one prays and says: "*Allāhumma inni urīd al-Hajj*" (Tr. "O Allah, verily I intend the obligatory Pilgrimage") if one intends to make a solitary Pilgrimage (*al-mufrad*). In the case of the Minor Pilgrimage, one says: "*Allāhumma inni urīd al-'Umra*" (Tr. "O Allah, verily I intend the Minor Pilgrimage"). In the case of the joint Pilgrimages, one says: "*Allāhumma inni urīd al-Hajj wal-'Umra*" (Tr. "O Allah, verily I intend the obligatory and Minor Pilgrimages"). It is not permissible to perform the combined pilgrimages unless one brings a camel from the site of pilgrim sanctity. One must have it halt at one of the rendezvous points, take the purification bath, clothe oneself with the pilgrim garb,

then mark it [I.e. the camel] by making a small incision in its right hump until it bleeds. Then, one has to wear a necklace that contains a single slipper and clothe it. He prays the obligatory prayer if the time has come. However, if the obligatory prayer's time has not come, one prays two units to enter the state of pilgrim sanctity and says: "*Allāhumma inni urīd al-Hajj wal-Umra ma'an*" (Tr. "O Allah, verily I intend the obligatory and Minor Pilgrimages together").

- Then, after the pilgrim on the obligatory or Minor Pilgrimage intends to enter the pilgrimage, he says: "Make it easy for me. Accept it from me. I dedicate this state of pilgrim sanctity to you for such-and-such..." Then you name the obligatory pilgrimage, Minor Pilgrimage, or both. "...with my hair, skin, flesh, blood, and less than that from me."
- Then he says: "*labayk Allāhumma labayk. labayk lā sharīka laka labayk. Inna al-hamda wan-ni'mata laka wal-mulk. Lā sharīka lak. labayk dhal-ma'ārij labayk labayk bī...*" then one mentions the type of pilgrimage they are entering "...*labayk*" (Tr. "At Your service, O Allah! At Your service! At Your service! You have no partners! At Your service! Verily the praise, blessings, and dominion belong to You! You have no partners! At Your service, O Possessor of Ascension! At Your service..."). Afterwards, one proceeds on one's way while glorifying Allah, declaring His Oneness, declaring His Greatness, reciting Qur'ān, and seeking forgiveness. When one is in a desert plain, one begins with reciting *labayk*. It should be with a raised voice not too loud or soft. When one ascends to higher ground one declares Allah's greatness, when he descends to a lower ground he recites *labayk*, and he must not neglect in reciting *labayk* while he walks from a place to another.
- If a woman assumes the pilgrim garb without her husband's permission after beginning the obligatory pilgrimage, it is his choice to command her. If he likes, he can permit her to continue with what she had made obligatory upon herself, or he can prevent her from that. He can nullify her state of pilgrim sanctity if he is not able to go with her. If he nullifies it, he should send a camel on her behalf. The said camel is to be slaughtered on her behalf, and he is to stay away from her until the day which he has ordered to slaughter it.
- If her state of pilgrim sanctity was for the obligatory pilgrimage, he shouldn't prevent her unless he fears that she will be killed or that there will be some prohibited action done by the child or other than him. If he prevents her, he sacrifices on her behalf.
- Regarding the slave or freed mother, if he were to enter the state of pilgrim sanctity without their master's permission, he can invalidate their pilgrim sanctity. It would not be obligatory upon [the master] to sacrifice on their behalf. When they are freed, their sacrifices are to be made, it is obligatory that they sacrifice on their own behalf and continue the pilgrimage that they started and intended.
- If someone intended to make the obligatory pilgrimage but made an error and began saying *labayk* for a Minor Pilgrimage, its wording is not incumbent upon him/her. However, he must return and begin saying *labayk* intending the obligatory pilgrimage. Similar is the case for the one who intended to make the combined pilgrimages but made an error and began saying *labayk* for an obligatory pilgrimage. Similar is the case if one assumed the state of pilgrim sanctity by mistake to perform the two pilgrimages but his intention was to do one pilgrimage only, then he will only be obligated to perform what he intended to do.
- If one deliberately assumes the state of pilgrim sanctity to perform two pilgrimages then remembers them and intends to perform them together, he will be obligated to perform one of them. If he postpones the other pilgrimage for the next year due to avoiding it, he will be obligated to sacrifice an animal. If he decided to refuse and delay it for another year, he will have to sacrifice an animal the next year. Also, if he assumes the state of pilgrim sanctity to perform two Minor Pilgrimages and intended to perform them together, then he will be obligated to perform one Minor Pilgrimage only and to delay the other. S/he will have to sacrifice an animal for avoiding it, then he will have to make up for his delayed Minor Pilgrimage.
- Al-Qāsim, upon him be peace, said: "Regarding the mute who cannot say *labayk*, he is not obligated to ask someone to say *labayk* on his behalf."
- The Minor Pilgrimage is to be for the month that it was intended to be performed in; it cannot be in the next month. That withstanding, if a man has performed the Minor Pilgrimage and has come from any of the other countries in Ramadan, entered Mecca in the month of Shawwāl, circumambulated, hastened, ended his state of pilgrim sanctity, and then stayed in it for the time of the Pilgrimage, he will not be considered a pilgrim of separate pilgrimages. Similarly, if he performed another Minor Pilgrimage after this Minor Pilgrimage and wanted to perform the Pilgrimage, his condition will be like the conditions of the residents of Mecca, and he will not be obligated to sacrifice an animal.
- If this man comes out to the rendezvous point of his country, passed it, and came back after assuming the state of pilgrim sanctity for performing an Minor Pilgrimage, or when he comes back and assumed the state

of pilgrim sanctity for it in Mecca or between this, he will be considered a pilgrim of separate pilgrimages and he will have to sacrifice an animal.

- Regarding the one who was ignorant and assumed the state of pilgrim sanctity for the Minor Pilgrimage for purpose of avoiding the Minor Pilgrimage and performing it after performing the Major Pilgrimage, he will be obligated to sacrifice an animal for avoiding it.
- Regarding the one who is obligated to make up for the Minor Pilgrimage that he refused (and delayed), he will not be permitted to perform it until after the end of the last Days of Sacrifice (*at-tashrīq*), as well, for one who wants to do it for his own accord, then he cannot do this until after these days.

What is to be Done in Case of the Solitary Pilgrimage, Joint Pilgrimages and Separate Pilgrimages

- It is recommended for the pilgrim for the Obligatory Pilgrimage and Minor Pilgrimage to take a ritual bath when he reaches the Sacred Mosque.
- Whoever performs the solitary Pilgrimage--if he entered Mecca--he will have the choice to circumambulate and hasten [I.e. between Safā and Marwa] before going out to Mina. If he wants, he can delay that until he comes back. If he wanted to circumambulate, he enters the Sacred Mosque purified, and if he took a ritual bath, it will be better for him. Then he starts the circumambulation from the Black Stone until he reaches the door of Ka'ba. He goes to the Stone, then the Yemeni Corner and returns to the Stone. He does this until he circumambulates seven times, he hastens in the third one and he walks in the rest four times. Then, he touches all the corners. If he could not touch one of them, he should point with his hand toward it.
- When he touches them, he says: “*Rabbana ataina fid-dunya hasanatan wa fil-akhira hasanatan. Wa aqina adhāb an-nār*” (Tr. “Oh Lord give us in this world that which is good and in the afterlife that which is good, and save us from the torment of fire”). Then, he glorifies Allah, says that there is no God but Allah, and declares Allah’s greatness. Then he sends his prayers on the Prophet, peace and blessings be upon him and his progeny, in the circumambulation. When he finishes this, he prays two units of prayer in front of the place of Abraham, may Allah grant him and his family blessings and peace. He recites in the first unit *al-Fātiha* (Q. 1) and *al-Kāfirun* (Q. 111) . In the second unit, he recites *al-Fātiha* and *al-Ikhlās* (Q.112). And if he wishes he can recite in the first, *al-Ikhlās* (Q.112) and in the second, *al-Kāfirun* (Q. 111), or others from the short chapters.
- Then he stands up, faces the Ka'ba, and invokes for what he wants. Then he enters *Zamzam* and drinks from its water.
- Then he goes out to the hills of Safā, when he stands on the plain of Safā, faces the Ka'ba, and invokes of what he wants and engage in Allah’s remembrance. Then, he glorifies Allah, says that there is no God but Allah, and declares Allah’s greatness, and sends his prayers on the Prophet, peace and blessings be upon him and his progeny. Then he comes down from Safā and goes on until he reaches the green sign that is attached on the wall. He starts to hasten until he reaches the sign that is mounted in the beginning of the two lamps, then he walks until he reaches Marwa. Then he goes up on it until he faces the Ka'ba and invokes with the same invocation that he said in Safā. Then, he glorifies Allah, says that there is no God but Allah, and declares Allah’s greatness, he also does this in his hastening between Safā and Marwa until he completes seven rounds of hastening. He goes down, leaves it, and then returns to Safā. Then, he returns to Marwa until he runs seven rounds. Afterwards, he leaves Marwa.
- He continues to say *labayk* until the start of throwing the stones of al-Aqaba. Also, the performer of the joint Pilgrimages should continue to say *labayk* until this time.
- When the performer of the joint Pilgrimages enters Mecca, he should do the same as the performer of the solitary Pilgrimage; he circumambulates and hastens according to the description we explained. He is to intend in his circumambulation and hastening that they are for his Minor Pilgrimage. If he wanted to hurry in the circumambulation of his Pilgrimage, he returns to the Ka'ba and circumambulates around it. Afterwards, he returns to Safā and Marwa and hastens between them, as we previously mentioned and intended that all of this will be for his Obligatory Pilgrimage.
- If the performer of the solitary Pilgrimage wants to delay his circumambulation and hastening, and if the performer of the joint Pilgrimages wants to delay his circumambulation and hastening until they leave Mina, they will be permitted to do so.
- The performer of the separate Pilgrimages does what is done by the performers of the solitary Pilgrimage and joint Pilgrimages when he enters the Sacred Mosque, except when he looks at the Ka'ba he should stop saying *labayk*. Then he circumambulates around it seven times and hastens between Safā and Marwa seven times as we mentioned. The said circumambulation and hastening are to be for his Minor Pilgrimage.

Afterwards, he cuts his head hair short and does not shave it, and everything of women, stitched clothing and scent that was forbidden by his state of pilgrim sanctity is now lawful for him.

- If it is the Day of Contemplation (*Tarwīyya*), he assumes the state of pilgrim sanctity for performing the Obligatory Pilgrimage from the Sacred Mosque and then do the same as what he did when he started to assume the state of pilgrim sanctity. He says: “O Allah I want to perform the Obligatory Pilgrimage, so make it easy it for me!” He intends that his state of pilgrim sanctity is for his Obligatory Pilgrimage. Then he stands up saying *labayk* and walks to Mina. It is recommended for him to pray the noon and afternoon prayers together in the Day of Contemplation and the sunset and evening prayers in the night of Arafat, as well as the dawn prayer on the day of Arafat. Regarding the imam, he will be obligated not to leave this, the same saying is in the case of the performer of the solitary Pilgrimage and joint Pilgrimages. They are recommended to--if they reached Mina at the end of the night of 'Arafat—stay in it for a while and pray the dawn prayer and then walk to 'Arafat .
- Then he goes to Arafat whether he was performer of the solitary Pilgrimage, joint Pilgrimages, or separate Pilgrimages. When he reaches it, he resides and stays in it until he prays the noon and afternoon prayers in it—if he wants. If he wishes, he can just pray the noon prayer. Then he leaves to the halting places, and all of Arafat is considered a halting place except the place of Batn 'Arana. It is recommended to get close to the halting place of the Prophet, peace and blessings be upon him and his progeny, between the mountains. Then he remembers Allah with much remembrance, glorifies Him and say that there is no God but Allah. He sends prayers upon His Messenger, peace and blessings be upon him and his progeny, and he invokes for himself and for the believers until the sun sets.
- When the sun sets, he departs while he says *labayk* towards Muzdalifa with quietness, dignity, remembrance of Allah and seeking forgiveness. He does not pray the sunset or evening prayer except when he reaches Muzdalifa. Then he combines them together with one call to prayer and one pre-prayer call. Then he stands on it until the time of dawn. When he prays the dawn pray, he goes and stands up at the Sanctified Site for a while. He performs remembrance and supplicates to Allah--Glorified be He--he glorifies Him and sends his prayers upon His Prophet, peace and blessings be upon him and his progeny. Then he departs returning to Mina with reverence, dignity, recitation and saying that there is no God but Allah. He is recommended to hurry in his walking when he reaches the Valley of Mahsar until he passes it. When he reaches Mina, he stays. He leaves his convoy in it and then comes to the stoning of al-'Aqaba. Then he throws seven pebbles to it saying there is no God but Allah, he declares Allah's greatness and interrupts his saying of *labayk* with the first pebble he throws.
- Then he goes back to convoy and slaughters or sacrifices what he wants to cut its throat or slaughter it. The performer of the joint Pilgrimages slaughters what he has brought and the performer of the separate Pilgrimages should shed blood, whether a camel, cow or sheep.
- Then both of them eat some, feed some, and then give some of it as alms to the poor and the poor relatives who are close to his residence or his convoy.
- Then he shaves his head or cuts it short. After that, everything that was forbidden for him because of his state of pilgrim sanctity, like scent, clothes, etc., is permitted for him now; with the exception being the women.
- When he returns to Mecca on his day or any other day he chooses from the days of Mina, he enters the mosque and the performers of the separate Pilgrimages circumambulates and hastens for his Pilgrimage , as well, the performer of the solitary or joint Pilgrimages, if they did not circumambulate and hasten yet. Then he circumambulates the circumambulation of visit after all of this whether he was the performer of the solitary or joint Pilgrimages, which is the obligatory circumambulation and he does not hasten in it, then the women will be permitted for him.
- If he goes out to Mecca before the first *nafar*, he may come back from it and go to Mina on his day if he entered it on the day and on his night if he entered it at night. If he entered it at night and he waited until the daylight comes or if he entered it on day and he waited until the night, he will be obligated to sacrifice an animal.
- If he returned to Mina, he stands up in the following day of the Day of Sacrifice, purifies after sunset and carries with him twenty-one pebbles until he reaches the stoning station, which is in the middle of Mina. It is closer to Al-Khīf Mosque. Then he throws it with seven pebble from the bottom of the valley while he says that there is no God but Allah and he declares Allah's greatness with every pebble. Then he comes to the next stoning station and throws it as well, with seven pebbles. Then he comes to stoning station of al-'Aqaba and throws seven pebbles. Then, he goes out to his ride (or convoy) in Mina. The next day, he goes

to the stoning sites and throws twenty-one pebbles as he did in the first day.

- If he wants to return to Mecca on that day, he departs and goes back to it after sunset and after throwing the pebbles. Al-Qāsim, upon him be peace, said: “He leaves the rest of the pebbles which is twenty one pebbles because the pebbles are all seventy pebbles and if he wanted to depart in the second day of leaving, he stays to the next day. When the sun rises, he comes to the stoning sites and throws them with the rest of the pebbles, as he throws in the first and the second. Finally, he returns back to Mecca.”
- Then he stays in it, that is Mecca, as he wants. When he wants to depart, he goes to the Ka’ba and performs the Farwell circumambulation.
- And the pilgrim is recommended to take the pebbles from Muzdalifa and to wash them. If he takes them from some of the mountains of Mina and its valleys, it will be sufficient. It is permissible to perform the throwing while riding, and he should differentiate between the pebbles in the throwing. If he forgot and threw them, he repeats. It is impermissible to perform throwing before dawn, except for the woman because of weakness.
- The best type of obligatory Pilgrimages is the solitary Pilgrimage for those who performed the obligatory Pilgrimage and for those who did not perform the obligatory Pilgrimage.
- The Minor Pilgrimage performer does exactly what the performer of the separate Pilgrimages does from assuming the state of pilgrim sanctity, saying *labayk* and interrupting it, circumambulation, hastening, etc...
- Whoever circumambulates does not enter *Hijr* during his circumambulation, but if he enters it due to forgetfulness or ignorance, he will not be obligated to do anything. But if he enters it on purpose and knows this matter is disliked, he will have to sacrifice an animal then.
- If a man makes a mistake and circumambulates eight times, then he will have the right to refuse the eighth if he wanted to.
- If he had forgotten and shaved before slaughtering, he will not be obligated to do anything.
- If a man circumambulates while he was ritually impure due to forgetfulness or a woman circumambulates while she was in menses, then they will be obligated to repeat it if they are in Mecca. But if they have already returned to their family, then each of them will have to sacrifice a camel, and when they come back, they will have to make up for that circumambulation and if he forgot the circumambulation, he will have to come back from where he was and his condition will be like the condition of the one who keeps away from sexual relations with women. But if he had sexual relations with his wife before he comes back, then he will be obligated to sacrifice a camel. The circumambulation cannot be done except after purification.
- Al-Qāsim, upon him be peace, said: “It is disliked to speak during the circumambulation, but if he spoke, it does not invalidate it.”
- Whoever forgets to hasten between Safā and Marwa, it will be recommended for him to come back to make up for it. If he could not, he will be obligated to sacrifice an animal. If he returns to the Pilgrimage, he will make up for it because whoever hastens between them without being purified from the minor action that requires ablution, he will not be obligated to do anything.
- If something came and interrupted his hastening, he is to continue his hastening again, as well the circumambulation if something came and interrupted it.
- If he forgot to throw pebbles and then remembered them on the last of the days of Sacrifice, he is to throw them for the days he left, then he is to shed blood. If he did not remember it until after the last days of Sacrifice, he sheds blood and he will not be obligated to throw them.
- If he forgot to throw a pebble, two pebbles, three or four, then remembered what he forgot in the last days of Sacrifice, he throws what he forgot and feeds for each pebble one poor person. He feeds each poor debtor person, and if he forgot to throw four pebbles at each of the stoning sites and threw them with three only, he sheds blood and he throws in the days of throwing. If he remembered after it, he will be obligated to sacrifice an animal.
- The circumambulation is not to be disliked in any of the times except in the three times that are disliked to perform the prayers in them.
- Al-Qāsim, upon him be peace, said concerning the one who intended to circumambulate for two weeks or three or more: “He should pray two units of prayer for every week when he finishes it.”
- Al-Qāsim, upon him be peace, said if a man forgets to say *labayk* until he finishes all the rites, he will not be obligated to do anything. He must not leave it on purpose.

Concerning What the Pilgrim is Obligated to Do

- The person in the state of pilgrim sanctity must avoid *rafath*, *fusūq* and *jidāl*. *Rafath* is having sexual relations with one's wife and saying bad words. *Fusūq* is to commit sins, and *jidāl* is to dispute unjustly.
- He must not wear a colored garment and must not wear a robe after taking a bath for entering the pilgrim state. If he did this due to forgetfulness or ignorance, he is to tear it and take it off.
- He must not cut any of his hair, whether this is done by himself or by another. Al-Qāsim, upon him be peace, said that there is nothing wrong if he cuts his hair entering the pilgrim state.
- He must not take any medicine that contains scent and must not wear eyeliner. He must not kill any lice but he is permitted to move a louse from a place to another if he wanted to. However, if he kills it, he should give some of his food as alms.
- He must not marry or make someone else marry. If he did so, the marriage is considered null and void.
- He must not eat from a hunted animal that was hunted for him or for someone else, whether the hunter was a pilgrim or was not.
- He does not hold any of the hunted animal.
- There is nothing wrong for the pilgrim to kill kites, crows, rates, scorpion and the aggressive wild animal if it attacked him and the dog that bites, if he was afraid that it may bite him. It is also permitted to kill the flea, bug, wasp and every living matter that is feared for causing harm.
- There is nothing wrong if he squeezes the furuncles if they harm him by their pus, and to pull out the spines from his leg, even if he needed to cut some of his skin for pulling them out. However, if he bleeds from the place where he cut his skin, then he will have to sacrifice an animal. But if he bleeds only from the place where he pulled out the spines and did not pierce any skin, then he will not be obligated to do anything. If his molar hurts him, he is permitted to pull it out but he will have to sacrifice an animal for this.
- If being barefooted hurts his feet and did find any two soles, then there is nothing wrong to cut the sandal from below the two heels and to wear them. There is nothing wrong if he did not find a shawl, then he can assume his pilgrim garb in his slacks and use them as a belt. But if he did not find a cloth he wears the sleeves of the robe or he uses the sides of it and puts it around him.
- He must not take a hunted animal, but if he takes it, he will be obligated to send it and give some of the food as alms which equals the fear that he causes to the animal.
- He must not cut green trees except if he did this to eat it or feed his riding camel.
- If he was forced to either eat from a hunted animal that was hunted by a pilgrim or to eat from a dead animal, he chooses to eat from the dead animal without eating from the hunted. But in case of a person who is not a pilgrim, he will have the choice to choose between them.
- There is nothing wrong for the pilgrim if he performed cupping, but if he shaves some the hair or he cuts it, he will be obligated to pay an alms for this. But if this was clearly visible, then he will be obligated to pay a ransom.
- He must not kiss women, and he may not touch her except out a necessity. There is nothing wrong for him to shade himself with the shadow of the buildings, bearings, sunshades and homes. He must not let his head be in the shades. Al-Qāsim, upon him be peace, said: "...and it is recommended for him to expose his skin to the sun, if it is possible."
- The woman in the state of pilgrim sanctity must not wear a dress that is dyed with saffron, *waris*, or anything like it, as well as any cloth that is perfumed and ornamented. She must not wear the veil that covers her face, and she must not wear the yashmak either because her pilgrim garb is in her face. There will be nothing wrong for her if she loosens her clothes over her face. She must not wear jewelry, and she avoids all what the pilgrim avoids. She must not enter the crowds of men in the circumambulation, hastening, and elsewhere. She does not have to jog in the circumambulation and in the hasten.
- It is not permitted for the pilgrim to use anything of scent, and he may not smell it or smell any aromatic plants but there will be nothing wrong if he smells the fruits.
- There is nothing wrong for the pilgrim to slaughter sheep, camels, cattle and domestic birds as well as if any of them who has become a little wild. There is nothing wrong if he takes and slaughtered it, but what was originally a wild animal, such as the zebra, antelope, caribou, ostrich and animals like them, then it is impermissible for the pilgrim to hunt and slaughter them, even if they were later domesticated.
- Al-Qāsim, upon him be peace, said that there is nothing wrong for the pilgrim to take a bath and to use tooth-stick, but he must not dip his head in the water. He said about the locust and flea that it is impermissible to kill them. However, if he killed them, he will have to give some of food as alms whether it was enough, more or less. He said about the ant and mosquito that if he killed them for a harm that they

cause, then he will not be obligated to do anything; but if killed them for any other reason, he may give some of his food as alms. He said that there is nothing wrong for the pilgrim who feels headache to band his forehead with a rag.

- Al-Qāsim, upon him be peace, said: "...and he may not perfume himself upon assuming the state of pilgrim sanctity."
- Al-Qāsim, upon him be peace, said: "The ring is not considered from the jewelry." He said that there is nothing wrong for the pilgrim to wash his garments, but if he was sure that there are insects in them that died from the washing, then he gives alms with the quantity that he thinks is enough. He said: "He may scratch his head and his body but gently so he may not cut his hair, and there is nothing wrong for him to wear the waist belt."

Concerning What is Obligatory for the Pilgrim to Pay as Compensation

- If the pilgrim needed to wear clothes that he must not wear because of an illness or illnesses, he wears it and pays the compensation. The compensation is to fast for three days or to feed six poor persons. He gives each poor person a *mudd* of food or a sacrifice he did. The smallest animal to be sacrificed is the sheep. The same is to be done if he needed medication with a strong smell of scented perfume or something like it, as well if he needed to wear a turban or sandals.
- If he needed to wear all what we've mentioned at the same time, he will have to pay one compensation. If he needed to wear them at different times...if he has to wear on his head, he is obligated to pay a compensation; for wearing of body, he is obligated to pay a compensation; for wearing of feet, he is obligated to pay compensation, as well as if he needs to shave his head, then shaved, then he is obligated to pay compensation.
- If the pilgrim wears a coat, pants, shirt, or anything like it, then one compensation is enough for him whether he wears these in one time or at separate times. The same is true if he wears a hat, turban or a headband or something like them, as well as the saying about the sole, the socks, and if he wears any of the mentioned for an illness or for a reason. He will be permitted to continue wearing it until he recovers from it, and he will be obligated only to pay one compensation.
- If the pilgrim had sexual relations with his wife, then his state of pilgrim sanctity will be considered null and void, and his Pilgrimage will be judged as invalid and void. Then he will be obligated to slaughter a camel in Mina and to continue his void Pilgrimage. He will also be obligated to perform the Pilgrimage next year and will have to perform the Pilgrimage with the wife to whom he spoiled her pilgrimage.
- If she gave herself to him, then she will be obligated to slaughter a camel too, but if the husband forced her to do this, she will not be obligated to slaughter the camel, and her husband has to sacrifice it for her.
- If they performed the Pilgrimage the next year, they will be obligated to separate if they reached the place where they revoked the state of pilgrim sanctity. Being separated means that he must not ride a mount with her and he does not stay alone with her in a house. There will be nothing wrong for them if her camel towed his, or his camel towed hers.
- If a pilgrim kissed then ejaculated, then he will be obligated to sacrifice a camel. If he emits pre-ejaculatory fluid, he will be obligated to sacrifice a cow. But if any of this happens and the kiss was with desire and a movement of pleasure, then he will be obligated to sacrifice a sheep. But if he kissed without desire, he will not be obligated to do anything. If the pilgrim carries his wife and he did some movements of joy and desire, its judgment will be the same as the kiss regarding semen, the pre-ejaculatory fluid, and others.
- If a female pilgrim has dyed her hands and her legs at the same time, then she will be obligated to pay a compensation; but if she dyed her hands then she dyed her legs, then she will be obligated to pay half of the compensation. If she dyed one of her fingers, she will pay a half *ṣa'* of wheat. If she dyed one of her fingertips, she will pay a half *mudd* as alms, as well as if she dyed the fingertips of her hands or some of them, she will be obligated to pay an alms for each fingertip its share of a half of *mudd*. If a pilgrim cuts short a nail, he will be recommended to pay a half *ṣa'* of food.
- If a pilgrim killed a hunted animal on purpose forgetting that he is in the state of pilgrim sanctity or remembering that he is in the state of pilgrim sanctity, then the penalty is to be done in this case. The penalty is an animal to sacrifice, feed or fast.
- For the one who was obligated to sacrifice a camel but preferred the feeding more than it, then he is to feed one hundred poor persons. If he chooses to fast, he is to fast one hundred days. For the one who was obligated to sacrifice a sheep, but he preferred the feeding, he is to feed ten poor persons; and if he chooses to fast, he is to fast ten days.

- Whoever killed an ostrich, then he will be obligated to sacrifice a camel. Whoever killed a zebra or a wild cow, then he will be obligated to sacrifice a cow. Whoever killed a deer, then he will be obligated to sacrifice a sheep. The same is to be done in case of killing an ibex, fox, pigeon, the *debsi* bird, turtledove, and the *rahma*, he will be obligated to sacrifice a sheep. In case of killing a gerbil and big lizard, he is to sacrifice a small goat. Whoever killed a hyena, he is to sacrifice a sheep if he killed it in a position where it did not attack him. But if he killed it in a position where it was attacking him, then he will not be obligated to do anything.
- If a pilgrim has guided someone to kill a hunted animal and he killed it because of his guidance, then the pilgrim is subjected to the penalty.
- If he was in the Sacred Mosque, then he will be obligated to pay the value with the penalty. In case he scares it with his sign or his aiming then he is to pay alms that equals what he did. If a pilgrim killed any animal of what we mentioned, then he will be obligated to pay the value of what he killed in addition to the penalty.
- If the performer of the joint Pilgrimage has participated with a performer of the solitary Pilgrimage and one who is not in the state of pilgrim sanctity in killing a hunted animal in the Sacred Mosque, then the performer of the joint Pilgrimage is to pay two penalties in addition to the value of the hunted animal, the performer of the solitary Pilgrimage is to pay one penalty plus the value of the hunted animal. The one who is not in the state of pilgrim sanctity is to pay the value only.
- If the performer of the joint Pilgrimage hunted an animal and killed it, he will be obligated to pay two penalties. The same is to be done if he wore what she must not wear or he took a medication that contains scent, then he will be obligated to pay two penalties.
- If a pilgrim killed a little bird, like a sparrow, lark, or finch, he will be obligated to give alms-two *mudds* of food. If its value was more than that, he will have to give more until reaching the quantity that equals the value.
- If a pilgrim took a hunted animal--whether he buys it or hunts it--and he did not set it free until it died in his hands, then he will be obligated to pay the penalty. If he hunted and took it to his country, then he will have to return it back to where he took it and set it free. He is to give alms for frightening it and holding it. But if he did not set it free until it died, he will be obligated to pay the penalty.
- He has to send the penalty to Mecca, and he must not slaughter it in his country.
- If he bought a hunted animal, took it, plucked it, or cut its feathers, he will be obligated to feed it and to take care of it until it grows feathers on its wings. He is to set it free, and he pays a charity for what he plucked.
- If a pilgrim hunted an animal, then a man who is not in state of pilgrim sanctity took it from him and sets it free, then he will not be obligated to do anything for it but only pay a charity that equals the horror that he causes to it.
- If the pilgrim had sexual relations with his wife after throwing the pebbles at the stoning station of ‘Aqaba and shaving, then his pilgrimage is not considered void. However, he will be obligated to sacrifice an animal, as well as the performer of the separate Pilgrimages. If he had sexual relations with his wife before he cuts short his hair and after performing circumambulation and hastening, then he will be obligated to sacrifice an animal at most.
- Regarding the ostrich eggs, if the pilgrim broke them, or if it was broken by his ride, then he will be obligated to fast a day or to feed a poor person for each broken egg.
- If the pilgrim ate the meat of his own hunted animal, he will be obligated to pay its value with the compensation, and the compensation is to fast for three days, feed six poor persons, or sacrifice an animal. But if he was the one who slaughtered it, he will do the mentioned in addition to the penalty.
- If a pilgrim shoots an animal to hunt it while he was not in the state of pilgrim sanctity, and he injured it, then it flew until it died in the Sacred Mosque, then he will be obligated to pay the penalty without the value, but if he shot and injured it in the Sacred Mosque, then it flew until it died in another place, then he will be obligated to pay the penalty and the value altogether.
- If he makes his dog attack a deer in the Sacred Mosque then the dog caught it outside the Sacred Mosque and killed it, then he will be obliged to pay the penalty and the value. In the case he makes his dog attack a deer outside the Sacred Mosque then the dog caught it inside the Sacred Mosque and killed it, then he will be obligated to pay the penalty and the value.
- If a male or female slave, after taking the permission of their master, is required to pay a penalty or a ransom, then their master is to pay it on their behalf. This is only in the case that they did not do it in

disobedience and disturbance to their master. But if he did it due to forgetfulness or for a necessity, then he will not be obligated to do anything. If he did it in disobedience, then the expiation will be considered like a debt that they have to pay after they are set free. But if they assumed the state of pilgrim sanctity without their master's permission, then their master will not be responsible for paying anything that they did-- whether it was due to forgetfulness or necessity. If due to disobedience and doing it on purpose, it is to be considered as a debt that they pay after being set free.

- If children assumed the state of pilgrim sanctity, they will not be obligated to pay an expiation or compensation in anything that they do. If their guardians protected them about this matter, then it will be considered a good thing in spite of being unnecessary.

Concerning Prevention and Whoever Comes the Rendezvous Points While Afflicted

- If the pilgrim was prevented due to an illness that prevents him from walking, due to an enemy that he fears, or due to being imprisoned by an oppressor, he must send and sacrifice a beast that he can afford. The "beast" is at least a sheep.
- He orders his messenger to slaughter it on his behalf at Mina and on one of the sacrificing days.
- He determines an exact time from that day for his messenger, then a lot or little time after this time. The prevented one is to shave his head hair, and he ends his state of pilgrim sanctity. He is recommended to take care regarding it and to delay the time of shaving after the time that he agreed with his messenger to slaughter in it.
- If he gets rid of his prevention and could reach the position of standing before the dawn of the day of sacrificing, then he is considered to have performed the Pilgrimage, and he is not obligated to slaughter the beast. He is permitted to use it, but if he reaches it after that time and missed the Pilgrimage, then he slaughters his beast and assumes the state of pilgrim sanctity for performing a Minor Pilgrimage.
- If a prevented person could get rid of his prevention in a short time and found a fast mount that he knows will allow him to complete the Pilgrimage on time, then he will have to do his best to make it run as fast as it can after he spends his expenses. But if he fears that, then he will not be obligated to do it.
- If a man performs the Pilgrimage accompanied with some of his relative women who do not have any male relative but him, then he got prevented, they are considered prevented also because of his prevention. But if they have another male relative other than him, then they are obligated to go out with him. But if this prevented man did not have any woman to serve him in his prevention, and it was feared that he might be harmed if all of them left him, then some of them are to stay with him and serve him, but she is considered prevented because of him.
- Whoever reaches the rendezvous point and was so sick that it made him unconscious, then someone should make him assume the state of pilgrim sanctity. One is to take off his clothes, pour water over him--if possible--and he says: "O Allah, Your slave came out intending to perform the Pilgrimage. He has assumed the state of pilgrim sanctity for You with his hair, skin, flesh, and blood." Then someone should say *labayk* on his behalf and carry him to the Pilgrimage. They should make him avoid all what should be avoided by the pilgrim, like scent, etc., but if he needed to wear garments or to take medication that contains scent, they make him do this, and he will be obligated to pay the compensation. However, if he recovers from his illness, he will have to continue the rest of the rites of his Pilgrimage. If his illness continues, then he is to be carried in the litter and to be carried to the position of standing and has to be standing up on it. Then he returns from it, and he stands at the Sacred Monument, then he is to be carried to the stoning station. Seven pebbles are to be thrown on his behalf, then he is to be brought back to the Ka'ba to perform the circumambulation of visitation.
- If he died while he is in the state of pilgrim sanctity, then his head is not to be covered and is not to be embalmed with something that contains scent .

Concerning Performing the Pilgrimage on Behalf of the Dead Person

- If the dead appointed that the Pilgrimage should be performed on his behalf then the appointed person will be obligated to do this. The cost of the Pilgrimage will be from one-third of his [i.e. the dead person's] wealth. If he has performed the Pilgrimage on his behalf without appointing a will, then the Pilgrimage is for the one who was dedicated to.
- The hiring will be considered valid in it if it was completely done.
- Yahya, upon him be peace, stated in the *Kitāb al-Funūn* that if the hired person got sick in the way and left, then he does not deserve any from the hiring honorarium.

- Al-Qāsim, upon him be peace, said regarding performing the Pilgrimage on behalf of a dead person, whoever did not perform the Pilgrimage on his own behalf, it will be considered valid if he was so poor that he couldn't afford performing it for his own behalf. He was intends to perform his Pilgrimage when he has the capability to do it, and he is to have a desire and fear in all of its rites and positions.

Concerning the Woman who Menstruates at the Rendezvous Points or When Entering Mecca.

- If the woman started to have her menses when she is at the rendezvous point or when entering it while she is menstruating, then she is to assume the state of pilgrim sanctity like the others . She is to take a bath and purify herself. She wears clean clothes then she assumes the state of pilgrim sanctity for performing the Pilgrimage like the way we explained. However, if she was purified before entering Mecca, then she is to purify herself and enter Mecca to perform her rites. If she enters Mecca while she is having her menses, she must not enter the Mosque; but if she was purified before going out to Mina, she purifies herself and performs the circumambulation. Then she goes out to Mina, but if she remains in menses until the time of going out to Mina, she has to go out and she delays the circumambulation until she departs from Mina, and there will be nothing wrong in it.
- If she entered from the Minor Pilgrimage to the Pilgrimage and did not purify herself until she exits to Mina, then she delays her Minor Pilgrimage. Avoiding it means that she intends that she delayed it and is free from doing it as well as thinking about it; she will do something else other than it. Then she takes a bath, and she wears the clothes of her pilgrim garb. She assumes her pilgrim sanctity for performing the Pilgrimage and walks to Mina. She performs her religious duty of the Pilgrimage. If she purifies after departing from Mina, she is to perform circumambulation and hastening for her Pilgrimage, then she circumambulates the circumambulation of visitation. Afterwards, her Pilgrimage is considered complete, and she is obligated to sacrifice an animal in Mina for avoiding her Minor Pilgrimage.
- She is obligated to perform the Minor Pilgrimage that she refused. She assumes the state of pilgrim sanctity for it from the rendezvous site of which are closer to the desert. If she preferred, she can choose *Ju'urāna* then circumambulate and hasten for her Minor Pilgrimage as well as cut short her hair that has grown in each time a length that equals a fingertip.

Concerning the Sacrificial Animal

- A camel is sufficient for ten of the performers of separate Pilgrimages, and the cow is enough for seven if they were from one family. The sheep is enough for one. It is the statement of al-Qāsim, upon him be peace. The same is to be done with the sacrifice; it will be sufficient for three.
- If seven persons participated in one obligatory camel and it got lost, they have to get another one instead of it. However, if they found it before they slaughter the second one, then they will have the choice to slaughter any one from the two that they choose, as well as to utilize the price of the other one. If they participated in a voluntary sacrifice and it got lost and afterwards, they found it after they have provided another one, then they are obligated to slaughter both of them.
- The best sacrifice is the camel, then the cow, then the sheep.
- If the performer of separate Pilgrimages could not find a sacrifice, then he is to fast one day before the day of Contemplation, the day of Contemplation, and the day of Arafat. Then when he comes to his family, he must fast seven days. Whoever was afraid of missing the fasting of the three days, then it will be nothing wrong if he fasts three days before he enters Mecca in his state of pilgrim sanctity.
- If he fasted the three days and could afford a sacrifice then he is to slaughter the sacrifice.
- Al-Qāsim, upon him be peace, said that if one fasted the seven days in his way back to his family, then it will be good for him, as well as if he fasted them in his family on condition that they are all consecutive days and not divided between them.
- If a prevented person did not find a sacrifice, then he is to fast three days before the Pilgrimage and seven after the last days of Sacrifice.
- Al-Qāsim, upon him be peace, said: "...and if the performer of separate Pilgrimages has missed the fasting of three days before the Pilgrimage, then he is to fast them in the days of Mina. However, if he missed fasting in them, he is obligated to offer a sacrifice."
- If he brings a camel and it gave birth on the way, then it and what it gave birth to shall be considered a sacrifice and it is impermissible to drink from its milk. He leaves it in its udder what her foal has left, but if he was afraid that leaving the milk in the udder may cause harm, then he is to milk it and give it as charity to the poor. If he or some of his servants drank some of it, then he is to give alms that equals the value of

her drink to the poor people. The same is the case with the judgment of the cow and the sheep.

- If the performer of separate or joint Pilgrimages has delayed slaughtering his sacrifice until after the days of sacrifice, then he will have to slaughter his sacrifice that he had to slaughter and another animal for delaying slaughtering for his Pilgrimage. Both of them are permitted to eat from as sacrifice but they are not permitted to eat from the expiation.
- If a man brings a sacrifice and it got sick in the way and his owner feared that it might be corrupted, then he is permitted to sell it and buy with its price another sacrifice from the place that he sold the sacrifice. However, if its price did not amount to the price of the sacrifice, then he has to complete it and its owner should complete its price. But if its price was more than price of the second sacrifice, then he will buy another sacrifice with the difference. If it was a sheep and the difference did not amount to a price of a sheep, then he is to buy food and to give it as charity to the poor people in Mina after he slaughters his sacrifice.
- Every sacrifice that was dedicated for Minor Pilgrimage if it reaches the Sacred Mosque and it was feared to be corrupted and was slaughtered, then this will be considered sufficient, and the doer shall not pay any penalty. Every sacrifice that was dedicated for the Pilgrimage should be guaranteed until the day of sacrifice. However, if it was corrupted before it, its owner must pay a compensation. Mecca is the place of the Minor Pilgrimage performers, Mina is the place of the Pilgrimage performers.
- It is recommended for the performer of the joint Pilgrimages to stand with his camel in all situations. He must not make it carry anything for him, except when it gives birth. Then he should make it carry her foal over it. He or his servants must not ride it, except out of strong necessity. Then he rides it on condition that he does not make it tired and not to change it, but if he saw a weak man from the Muslims who is very tired from the walking, then he is permitted to carry him over it the night after the night.
- Whoever was obligated to bloodshed because he forgot to perform the hastening, he is permitted to shed it whenever he wants.
- If a performer of the joint or separate Pilgrimages sends a sacrifice with some people, and he commanded them to mark it with a necklace on an exact day but was late, then he will have to assume the state of pilgrim sanctity the day they mark his camel with a necklace.

Concerning the Vows of Pilgrimage and What is Related to it

- Whoever vows that he will walk to the Sacred Mosque, he will be obligated to go out, heading for it, and he walks as much as he can. He should ride if he could not afford walking, but if his riding was less than his walking, then he is to sacrifice a sheep as sacrifice, but if his walking was less than his riding, then we recommend him to sacrifice a camel as sacrifice, but if his walking was equal to his riding, then we recommend him to sacrifice a cow as sacrifice. If it was not possible for him to sacrifice a camel or a cow, then he is to sacrifice a sheep.
- Al-Qāsim, upon him be peace, said: “For he who says that the walking to the Sacred Mosque is for Allah, then his intention is to be for him if he intended to perform Obligatory or Minor Pilgrimages. But if he did not have the intention, a Minor Pilgrimage is sufficient for him.”
- If a man said: “I will obligate myself to slaughter for myself or my child or my brother in Mecca for the sake of Allah,” then he must slaughter a ram in it. If he said: “...in Mina,” then he is to slaughter it in Mina. But if he said that he obligated himself to slaughter for his male or female slave, then he should sell them and buy with their price the animals to sacrifice for them in the site that he mentioned in Mecca or Mina. The same is to be done if he said: “I will obligate myself to slaughter for the mother of my child or my scribe.” Its judgment will be the same of that if he said: “I will obligate myself to sacrifice for myself or my brother.”
- If he said: “I will give my money for the cause of Allah” or “I will pay it as gifts to the Sacred Mosque,” he will be obligated to pay one-third of his wealth for what he said, and he is permitted to hold the two one-thirds.
- If a man vows to sacrifice for his son or his brother or his father or a foreigner for the Sacred Mosque, then he must bring him to it, to fulfill his vow, and he is to perform the Pilgrimage with him and to return him to his family. But if said: “I give my male or female slave” or “...my horse” he sells it and buys with the price gifts that he pays as charity.