PREFACE

Alhamdu lillahi Ladh bi 'idnhih tatimu 's sahih

All praise is due to Almighty Allah for making it possible for us to write this book.

This work Al'Izzaayah for the English Audience is part of a design to make some of the Arabic books written by traditional authors on Islamic Jurisprudence available to numerous Muslims who desire to know more about Islam especially Fiqh but are handicapped due to the fact that the books are written in Arabic which they do not understand. The situation should not be allowed to remain unchanged.

Attempts have been made earlier by Dr. Y. A. Quadri in this direction by writing both Islamic Acts of Worship According to Al'Amni and Al'Akhbari's compendium on Islamic Acts of Worship. Another scholar in person of Alhaji Bello Muhammad Daura had translated Ar-Risalah into English language while Mallam I.O.Oloyede is currently working on Mukhtasar Khalil.

With these books available in English language, it is hoped that many people will find a tremendous fulfilment of their desire to quench their thirst for Islamic Jurisprudence—Fiqh.

We must not fail to acknowledge the inspiration given to us by Professor I.A.B. Balogun, former Head, Department of Religions, University of Ilorin to whom this work is dedicated. Also, we express our appreciation to our colleague Dr. Z. I. Oseni for his usual useful advice and invaluable suggestions.

Y. A. Quadri
I. O. Oloyede
INTRODUCTION

In the Name of Allah the Beneficient the Merciful

Praise is due to Allah the Lord of the worlds. I bear witness that there is no God but Allah alone. He has no Associate. I also bear witness that Muhammad is His servant and messenger. Blessing and peace of Allah be upon him, the generality of prophets and messengers; the household of each of them and on all those who follow them in righteousness till the Day of Resurrection.

The devotee (of Allah) who is in need of the benevolence of Allah, the most Exalted, Abū 'L-Hasan 'Alī, Al-Maliki, Ash-shāhidī, May Allah forgive him, his parents, his teachers, his brothers and the entirety of the people who tread on the prophet Muhammad's path until eternity, says: This is a presentation of issues of worship and other matters, according to the school of Imam Malik b. Anas – May Allah the Most Exalted have mercy on him. It is hoped that the youths and their ilk will benefit from it. God willing, I have extracted it from my book entitled 'Umdatu 's-Salik 'ala madhhabī 'l – 'Imam Malik fi 'l–Thādāt wa ghayri dhālika. I name it (this book) al-Muqaddimat 'l – 'izziyat lil-jama' at 'l – 'azhariyyah. It consists of eleven chapters.
CHAPTER ONE
PURIFICATION

Allah the Most Exalted said: "And We have sent down pure water from the sky" (Qur'an 25:48). Pure water is that which is in itself clean and can also cleanse other things; such as river-water, well-water, and rain-water, provided none of its three qualities — colour, taste and odour — has been changed by what is normally extraneous to it, such as milk, honey, urine or excreta. If any of its qualities is changed by anything including those mentioned, it is not valid for ablation, ritual bath, or cleansing from filth (i.e. after visiting the toilet).

Water which is changed by a clean material remains clean but not pure; it can be used for general purposes but it is not to be used for religious acts. Pure water that is polluted by filth is filthy; it is neither used for general purposes nor for religious acts. If water is changed by its habitat; such as sand, salt or lime; or by what procreates in the water such as watermoss; or that which had stayed in the water for a long period, then such is not harmful; it is for both general and religious uses. When filth falls into a small quantity of water — such as the water in a container meant for ablation or for ritual bath — but the filth does not affect any change in the water, then cleansing or purification with the water is proper but using it is objectionable if another pure water can be found.

Water which had been used for ablation or ritual bath is pure, but it is objectionable to use it for purification, if another pure water is available. Concerning its uses for other things such as using it for cooling oneself in bath, and Jumu'ah — bath, there are two views. One objects to it while the other does not.
THE PURE BODIES

Every living being either human or others, is clean. Also clean is its sweat, saliva, mucus, tears and egg which is not addle. That is the egg which has changed and become rotten. The milk of a living human being is clean. Likewise is the milk of the living animal lawful for consumption such as cow, sheep and camel. So also are urine and excrete of an animal whose flesh is lawful provided the animal does not feed on filth. The (lawfulness or unlawfulness of) milk of others will be decided in accordance with the status of the flesh of the animal. So whatever animal whose meat is an unlawful food, its milk will be filthy, such include horses, mule or ass. Whatever the consumption of its flesh is objectionable such as beasts of prey, its milk is also objectionable. The dead body of that without any flowing-blood, such as flies, ants and worms; is clean.

THE IMPURE BODIES

The corpse of any human being other than that of a prophet is filthy. Also filthy is the carcass of whatever has flowing — blood such as that of louse, according to popular view, and such as fleas, according to the view of Ibn al-Qassar. Also filthy is what is extracted from a living or dead animal among those things which are sustained by life — such as horn, bone, nails and skin. Also impure are the milk of a dead body, and milk of an animal whose flesh is forbidden such as a pig and a she-ass. The urine and excrement of Jalālah are impure. Jalālah is every animal that feeds on filth. Also impure are the urine and excreta of a human being other than the excrements of prophets; the urine and excreta of an animal whose flesh is forbidden or that whose consumption is objectionable; such as lion
and wolf. Also filthy are bloody pus, white-pus, and flowing blood of a human being and other beings, vomit that has changed from the normal state of the food, and intoxicants such as liquor.

Also filthy are:

(i) *Al—maniyyu* (sperm): It is a thick white liquid from a man and its coming out is by gushing. It smells like pollen or very similar to the smell of dough. When it is dry, the smell is similar to that of an egg. From a female it is a light and yellowish water.

(ii) *Al—Wadyu* (Semenal urine): It is a thick white liquid that comes out mostly after urine.

(iii) *Al—Madhiyyu* (Semenal fluid): It is a light liquid which comes out during sexual enjoyment, either with the erection i.e. rising of the penis during romance or recollection (of sexual romance or cohabitation) i.e. thinking about it.

The ashes and smoke of a filthy thing are filthy.

**REMOVAL OF FILTH**

It is compulsory to remove filth from the garment, body and place of worship of a worshipper. These are what come in contact with parts of his body. It is compulsory provided he remembers (during or before the worship) and he is capable of its removal with pure water. If he removes it with something other than pure water and he thereafter offers his ritual prayer, the ritual prayer is invalid.

If filth falls on a worshipper while he is performing a ritual prayer, the prayer becomes invalid. The same (invalidity) applies if one remembers while on a ritual prayer, that either his garment, body, or place of worship contains filth.

When a place is filthy, and a worshipper places on it a clean and thick cover, the prayer on such a cover is gen-
rally accepted for both the sick and healthy, according to Ibn Yunus.

PARDONABLE FILTH

Overlook is a little quantity of blood in all cases. Be it menstrual blood, post-natal blood or blood from a dead body. (It is overlooked) when the worshipper discovers it, on his body, garment or place of worship either during ritual prayer or outside (before or after) it.

Also pardonable is a little bloody or white pus. Little is what is not up to a dirham. What is meant by a dirham is of mule's fore-arm. Also overlooked is the stain from the spot of a boil if it is not pressed; or stains of blood of fleas or rain-mud, even if it contains excreta. It is, however, not overlooked if the filth is more than the mud or if the filth is distinct from the mud.

OBLIGATORY ASPECTS OF ABLUTION

The obligatory aspects of ablution are seven:

(i) Intention: It is the intention within the mind. One offers the intention in one's mind while washing the face. The intention can be (a) "For making obligatory ablution" (b) "removal of (minor) filth" or (c) "For making lawful what has been made unlawful by the discharge of impurity."

(ii) Washing the whole face: Its length is from the beginning of where hair normally grows up to the end of the chin, while its breadth is whatever falls between the two ears. He specially washes the linings on his fore-head i.e. the wrinkles on the fore-head. So also are the tips of the lips and the tip between the two nostrils. It is compulsory to wipe a light beard and wash a long thick beard.
(iii) Washing the hands up to, and including, the elbows. It is compulsory to rub in-between the fingers of the two hands.

(iv) Wiping of the whole head. Starting from the beginning of the fore-head up to the end of the skull.

Whoever performs ablution and thereafter cuts his nails or shaves his head, needs not rewash or rewipe the places. Opinions differ if one shaves one's beard after ablution. Some scholars opine that one should rewash its place, while others say he need not.

(v) The washing of the two feet up to and including the ankles. These are the two protruding bones at the edges of the shins. It is recommended that the toes be rubbed through.

(vi) Proper rubbing. It is passing the palms over the relevant part of the body with water. It is not a condition that the rubbing should be done simultaneously with the pouring of water on the part of the body.

(vii) Continuity: It is to perform the whole ablution quickly at one stretch without an extraneous interruption while one remembers that one is in ablution and one is capable of performing it at once.

SUNNAH ASPECTS OF ABLUTION

The Sunnah aspects of ablution are eight:

(i) The washing of the two hands before dipping them into the container. The washing should be with the intention of worship. Each of the hands is separately washed thrice.

(ii) Rinsing of the mouth. That is putting water into the mouth. Then it is stirred and then spit out.
(iii) **Sniffing.** That is, allowing water into the nostrils.

(iv) **Exhaling.** It is the blowing out of water from the nostril while one places the left thumb and index fingers on the nose. One who is not fasting should be thorough in his rinsing and sniffing. It is preferred that the rinsing should be with three (fresh) handfuls and then the sniffing with three separate handfuls of water.

(v) **Wiping of the ears.** Both their outer and inner surfaces. (This is done) by putting the index fingers into the earcavities while the thumbs are placed behind the ears.

(vi) **Renewal of water for the wiping of the ears.**

(vii) **The return of the hands from the occiput to the forehead when wiping the head.**

(viii) **Arranging the obligatory aspects of the ablution in sequence.**

**NOTE:**

Whoever omits any obligatory part of ablution will re-do it and he shall repay the ritual prayer (which he might have performed on the basis of the incomplete ablution). Whoever omits a Sunnah aspect of ablution needs not repay the ritual prayer; he would re-do the Sunnah only for the subsequent ritual prayers.

**VIRTUOUS ACTS OF ABLUTION**

Virtuous acts of ablution are eleven:

(i) **Mentioning the name of Allah at the inception of the ablution by saying:** “In the name of Allah.” If it is forgotten at the beginning, and it is remembered during the performance of the ablution, one will say it then.
(ii) Prayer at the completion of the ablution by saying while raising one's index finger towards the sky: "I bear witness that there is no God but Allah alone, He has no associate and I bear witness that Muhammad is His servant and Messenger. Oh God, make me one of the repentants and make me one of the pure ones".

(iii) One should not talk during one's ablution.

(vi) Minimizing the quantity of water to be used. This has no specific limit. It is like the case in ritual bath, but with due cognisance of the requirements of each of them.

(v) Brushing the teeth with wet or dry stick, but the fresh one is preferred for a non-fasting person. If one does not find a stick, the fingers or any coarse object is used. The right hand is used for brushing. It is done before the ablution and the mouth is rinsed after the brushing. When there is a long period between an ablution and its use for the ritual prayer one brushes the teeth. If it is time for another ritual prayer while one is still with a valid ablution, one still brushes the teeth for the second ritual prayer.

(vi) That one performs the ablution in a clean place.

(vii) That the water container is placed on one's right-hand side if it is (wide) opened.

(viii) That one washes the right parts before the left.

(ix) That one starts (the wiping of the head) from the forehead.

(x) Arranging the Sunnah aspects together such as rinsing of mouth and sniffing water into the nostrils.
(xi) Washing the parts thrice with the exception of the head and the ears. It is not recommended that the wiping of each of the latter should be repeated.

NOTE:
Washing in excess of thrice is not in conformity with the law. There are two popular views on whether such excess is only reprehensible or forbidden. Excess is not recommended. Excess is to exceed the limit of what is compulsory to be washed such as the face and the hands up to, and including the elbows. Wiping the neck is not recommended. It is not bad to wipe the parts with handkerchief.

CLEANSING FROM DISCHARGED FILTH

Istinjā'u is compulsory. It is the washing with water of the outlet of discharged filth. Such cleansing is done in respect of everything that consciously comes out of the two outlets except (the blow of) wind.

Its description is as follows:
One shall begin with the washing of one’s left hand before its contact with the filth; then the washing of the source of excreta. One pours water into the hand using it to wash the spot. One relaxes the body a bit. The rubbing is thoroughly done until the place is clean. Then one rubs the hand over sand or similar materials.

Istibbrā'u is compulsory. It is to completely free the two outlets of filth that comes out through them. As for urine, it is done by a male putting his penis between his thumb and his index finger; the two fingers are tightly passed over the penis from its stalk up to the penis-cap, then it is shaken. This is done thrice. The rubbing off and the shake are gently done. The washing of the whole penis is compulsory once sperm is discharged. There are two views on the necessity or otherwise of giving intention for the cleansing.
TOILET ETIQUETTES

The etiquettes of easing oneself are fourteen:

(i) Remembrance of Allah while one intends entrance into, and before one gets to the lavatory. One says: "In the name of Allah. Oh Allah, I seek refuge in you from filth and impurity."

(ii) After the exit from it one says: "I seek Your forgiveness, all praise is due to Allah who has taken filth off from me and has overlooked my sins." It is not proper for one to enter the lavatory with anything that contains the name of the Almighty Allah, such as a ring and a coin. It is also not proper to cleanse with any material containing the name of the Almighty Allah.

(iii) To enter first with his left leg and come out first with his right leg.

(iv) To stoop while discharging the filth.

(v) To continue to cover one's nudity until one gets very close to the ground.

(vi) To rest on the left leg.

(vii) To put a jar one's thighs.

(viii) To avoid a very hard surface.

(ix) To avoid stagnant water.

(x) To cover one's head.

(xi) Not to talk, except for necessity such as fear of losing life or property.

(xii) To avoid the direction of the wind, a burrow and the three places where one can be cursed. These are the sitting spot of the people and their paths.

(xiii) To veil oneself from the sight of people.

(xiv) To go far from where one can hear the talk of others if it is in an open space or bush.

Concerning its taking place in a house, it is allowed whether...
or not there is a barrier and irrespective of whether or not it is difficult (to turn away from the Qiblah).

**VITIATIONS OF ABLUTION**

Acts that vitiate ablution are four:

(i) Apostasy. It is denunciation of Islam by a Muslim.
(ii) Doubt as to the subsistence of valid purity or on the existence of discharge of filth; or as to which of the two precedes the other (i.e. purification and discharge of impurity), provided the person is not habitually in doubt (in such matters).
(iii) Discharge of filth: It is what comes out from the two outlets in a good state of health and consciously.
(iv) The causes, and these are three:

   (a) Touching of one, from whose touching one normally derives sexual pleasure, such as one’s wife or maid. If one intended, with the touching, to derive sexual pleasure whether or not one derived it. So also if one derived sexual pleasure without intending it. The exception is mouth-kissing which vitiates ablution in all cases. The issue of sexual pleasure does not matter in the case of mouth-kissing.

Our statement that “touching of one from whose touching one normally derives sexual pleasure” is to exempt those from whose touching one does not normally derive any sexual pleasure, and in which case, does not vitiate it. Such as touching of a minor female that does not generate attraction; or touching a close relation who is within the prohibited degrees, such as mother, daughter or sister.

(b) Touching one’s penis with bare inner part or sides of the palm, or with either inside or side of fingers without any barrier. It is same whether it is done
intentionally or unconsciously; whether or not one derives sexual pleasure from it, and whether it is the gland of the penis or any part of it that is touched. Touching through a veil, no matter how thin does not vitiate ablation. Ablution is not vitiated by laughter during a ritual prayer.

According to the Maliki school of law, ablation is not vitiated by a woman's touch of her private part. It is however the opinion of some scholars that it vitiates it in all circumstances, while others say that it only vitiates ablation if she holds it or if the finger sinks into the private part, i.e. if she puts her hand in between the lips of the private part. Touching the outer surface of the private part does not vitiate ablation, just as touching the buttocks or the testicles. It is not vitiated with the erection of the penis which is not accompanied with sexual pleasure, or with sexual pleasure which is as a result of looking provided sperm is not discharged. So also is sexual thought accompanied with sexual pleasure in the heart, without the erection of the penis.

Two Sub-issues

One: Serious stomach—rumbling necessiates new ablation.
Two: It is said in the book — Al-mudawwanah:

If one worships while one is suppressing the discharge of filth one would ever repay the worship. Other scholars opine that if the suppression prevents one from completing obligatory acts one must repay it; if it prevents one from completing the Sunnah acts one would repay the ritual prayer if within the specified period only; and if it prevents one from the completion of optional acts, one need not repay.

(c) Loss of reason, through fainting, madness or drunkenness. Drunkenness is same whether it is by unlawful or lawful means. It may also be from sleep if it is deep irrespective of whether it is long or short. The contrast is
light sleep which does not vitiate even if it is long. A light sleep is that in which the person concerned can recognize one who leaves and one who arrives. A deep sleep is that in which the concerned person is not conscious of that.

Prayer, circumambulation (of the Ka'bah), prostration when reading the Qur'an, prostration of rectification, touching the Qur'an with a bare hand or with a stick, and carrying it with its chart or with strap are prohibited for one with impurity.

It is permissible for a teacher and learners who are without ablution to touch the slate. So also is touching of a portion of the Qur'an by a learner, even if the learner is mature. It is objectionable for minors to touch a complete Qur'an without ablution.

**RITUAL BATH**

Incidents which necessitate a ritual bath are four. Cessation of the flowing of menstrual blood; post-natal blood; death; and sexual impurity. The latter is of two kinds. Discharge of sperm which is accompanied with sexual pleasure which is normally experienced by man and woman either asleep or awake. Awake is the opposite of sleeping. Ritual-bath is also necessary for the discharge of sperm which is not accompanied by sexual pleasure. Such as if one cohabits and derives pleasure from it but sperm is not discharged, then sperm comes out thereafter, but before one performs a ritual bath. The second is the enclosure of the cap of the penis of a mature male — i.e. the head of the penis — or in the case of a penis that has been cut, dipping of the size of a penis-cap into the private part of a human being or animal, whether or not the being is female or male; living or dead even if sperm is not discharged.

Sexual impurity inhibits what minor impurity inhibits with the addition of the prohibition of Qur'anic reading.
EMERGENCY PURIFICATION (Ayyamul Hayl)

Emergency purification is such purification which is done in case of emergency where there is no time to take a light ablution. Its principal necessity is non-availability of water or what can be regarded as water on which one is not sufficient or the availability of water on which one is not sufficient or the availability of water on which one is not sufficient or the availability of water on which one is not sufficient.

The virtuous acts are:
(i) Making water penetrate the hair.
(ii) Shifting water into the nostrils.
(iii) Wiping the mouth.
(iv) Wiping the ear.
(v) Passing water over the surface of all parts of the body.
(vi) Standing with the intention of removing sexual impurity.

A ritual bath for the removal of sexual impurity is also prevented by entry into the mosque or saying in it. The compulsory acts are:
(i) Proper ablution.
(ii) Sama'i and virtuous acts.
(iii) Staying in the mosque.
(iv) Ablution, seeking protection and maintaining justice.
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