

## COMBINED PRAYERS

Combination of two close prayers is a concession, if it is on land and not on sea. When the sun passes the meridian and a traveller is at a place of watering or he is still on his mount (animal or vehicle) and he intends to alight from his mount after sunset, he would have to literally combine two prayers. The early afternoon prayer *az-Zuhr*, would be performed at the end of its prime-time and the late afternoon prayer *al-'Asr*, at the beginning of its prime time. The same applies to a situation when the traveller would alight at after the sun has turned pale but before sun-set.

Sun-set (*Al-Maghrib*) and night prayer (*al-'Ishā'*) may be combined on account of rain alone, or rain which is accompanied by darkness and mud and not when the rain is accompanied by only darkness. There are two different famous opinions on whether or not the two prayers could be combined on account of mud alone. The combination is done by making a call for sun-set prayer in the minaret at the beginning of its prescribed time; thereafter the performance of the prayer is delayed a bit, then the call for night prayer is made inside the mosque in a low voice, then the night prayer is performed before the disappearance of the twilight, then the worshippers disperse. The *witr* cannot be performed until after the disappearance of the twilight.

### EMPHATIC TRADITIONS IN RITUAL PRAYER

The prayers that are emphatic prophetic traditions are four:

- (i) The most emphatic one is *witr* prayer. It is made up of only one *rak'ah*. Its prime-time falls due after the performance of the obligatory night prayer. It is preceded by *shaf'* which is demarcated from it by the utterance of "*Assalam 'alaykum*." It is recommended that on the first *rak'ah* of *shaf'* (after the recitation of *Sūratu 'l-Fatihah*), *Sabbih Isma Rabbika* <sup>107</sup> be

## ﴿فَضْلُ الْجَمْعِ بَيْنَ الصَّلَاتَيْنِ﴾

وَصِفَةُ الْجَمْعِ بَيْنَ الصَّلَاتَيْنِ الْمُشْرَكَيْنِ فِي الْوَقْتِ رُخْصَةٌ إِذَا كَانَ فِي الْبَرِّ دُونَ الْبَحْرِ فَإِذَا زَالَتِ الشَّمْسُ عَلَى الْمُسَافِرِ وَهُوَ فِي الْمَنْهَلِ أَوْ وَهُوَ رَاكِبٌ وَنَوَى التَّرْوَلَ بَعْدَ الْغُرُوبِ جَمَعَ بَيْنَ الصَّلَاتَيْنِ جَمْعًا صُورِيًّا يُوقِعُ الظُّهْرَ فِي آخِرِ وَقْتِهَا وَالْعَصْرَ فِي أَوَّلِ وَقْتِهَا وَكَذَا إِذَا نَوَى التَّرْوَلَ بَعْدَ الْإِصْفَارِ وَقَبْلَ الْغُرُوبِ وَيَجْمَعُ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ لِلْمَطَرِ وَخَدَهُ، أَوْ مَعَ الظُّلُمَةِ وَالطَّيْنِ لَا مَعَ الظُّلُمَةِ وَخَدَهَا وَفِي جَمْعِهِ لِلطَّيْنِ وَخَدَهُ قَوْلَانِ مَشْهُورَانِ، وَصِفَةُ الْجَمْعِ لِذَلِكَ أَنْ يُؤْذَنَ الْمَغْرِبَ عَلَى الْمَنَارِ أَوَّلَ وَقْتِهَا وَيُؤَخَّرَ صَلَاتُهَا قَلِيلًا ثُمَّ يُؤْذَنُ الْعِشَاءَ فِي صَوْنِ الْمَسْجِدِ إِذَا نَا مُنْخَفِضًا. ثُمَّ يُصَلُّونَهَا قَبْلَ مَغِيبِ الشَّمْسِ ثُمَّ يَنْصَرِفُونَ، وَلَا يُصَلُّونَ الْوِتْرَ إِلَّا بَعْدَ مَغِيبِ الشَّمْسِ

## ﴿فَضْلُ السَّنَنِ الْمُؤَكَّدَةِ﴾

السَّنَةُ الْمُؤَكَّدَةُ مِنَ الصَّلَوَاتِ أَرْبَعَةٌ، الْأُولَى: وَهِيَ أَوَّلُهَا الْوِتْرُ، وَثَانِي رَكْعَةٌ وَاحِدَةٌ، وَيَدْخُلُ وَقْتُهَا الْإِخْتِيَارِيُّ بِالْفَرَاغِ مِنْ صَلَاةِ الْعِشَاءِ الْآخِيَةِ وَيَكُونُ مَسْبُوقًا بِشَفْعٍ مُتَفَصِّلٍ عَنْهَا بِسَلَامٍ، وَيُسْتَنْبَأُ أَنْ يَقْرَأَ فِي الرَّكْعَةِ الْأُولَى مِنَ الشَّفْعِ بَعْدَ الْفَاتِحَةِ بِسَبْعِ



recited, and recite on the second *rak'ah* (after the recitation of *Sūratu 'l-Fātihah*) "*Qul—Yā Ayyuha 'l-Kāfirūna*".<sup>108</sup> And the *witr* prayer is to include *Qul huwa Allāhu Ahad* and *al—mu 'awwidhatayn*,<sup>109</sup>

Whoever forgets to perform *witr* or sleeps off only to wake up when the period before sun-rise is only sufficient for the performance of about one or two *rak'ahs*, would abandon the *witr* and perform the *Subh*<sup>110</sup> prayer. If the duration before sun-rise is sufficient for the performance of three *rak'ahs* or four, he would perform the *witr* and then the *Subh*. If the time is sufficient for five *rak'ahs*, he would perform *shaf' witr* and the *Subh* prayer but leave out the day-break prayer.<sup>111</sup> If it is sufficient for seven *rak'ahs*, he would perform *shaf' witr*, day-break (*fajr*) prayers and then the *Subh* prayer.

- (ii) The prayers of the two festivals ('Id). The 'Id prayer is an emphatic tradition for one on whom *Jumu'ah* is due. It is a meritorious act for a slave, a traveller or a woman. It is two *rak'ahs*; with neither call to prayer nor '*Iqāmah* (commencement of prayer formula). In the first *rak'ah*, *takbir* of commencement shall be done six times apart from the initial one. For the second *rak'ah*, there are five *takbira* apart from the one with which one comes up to the standing posture. It is not recommended that one should raise one's hands while uttering the *takbir* except for the initial one for commencement. If the worshipper forgets the *takbir* he would return to perform it, provided he had not placed his hands on his knees for bowing, and he would thereafter prostrate after the utterance of the terminal *taslim*. (Ba'di). It is desirable that the *takbir* be made aloud. It is desirable to use scent. And any one who is capable of doing so, should wear new garments, while the return trip from the prayer-ground should be through a route other than the one through which one goes to the prayer-ground. Also desired are that one should take break-fast before

اسم ربك الأعلى ، وفي الركعة الثانية بعد الفاتحة يقول يا أيها الكافرون ، وفي ركعة الوتر يقول هو الله أحد والمؤذنين ، ومن نسي الوتر أو نام عنه ثم استيقظ وقد بقي لطلوع الشمس مقدار ركعة أو ركعتين فإنه يترك الوتر ويصلي الصبح ، وإن اتسع الوقت لثلاث ركعات أو أربع فإنه يصلي الوتر ثم الصبح ، وإن اتسع لخمس ركعات صلى الشفع والوتر والصبح وترك الفجر ، وإن اتسع لسبع ركعات صلى الشفع والوتر والفجر والصبح . الثانية صلاة العيدين ، وهي سنة مؤكدة في حق من تلزمه الجمعة ، مستحبة في حق العبد والمسافر والمرأة ، وصفتها ركعتان بغير أذان ولا إقامة يكبر في الأولى بعد تكبيرة الإحرام ست تكبيرات ، وفي الثانية خمس تكبيرات بعد تكبيرة القيام ، ولا يستحب رفع اليدين في شيء من التكبير سوى تكبيرة الإحرام ، وإن نسي التكبير رجع إليه ما لم يضع يديه على ركبتيه وسجد بعد السلام ، ويستحب الجهر بالتكبير ، والتطيب والترنن بالثياب الجديدة لمن يقدر عليها والرجوع من طريق غير التي جاء منها ، والفطر قبل الرواح إلى



going to the prayer-ground for the 'idu' I-Fitr<sup>112</sup> and to delay break-fast till after the prayer in the case of 'Idu 'I-kabir.<sup>113</sup> It is desired as well that Glorification of God should be consistently made at the end of each of the fifteen obligatory prayers coming immediately after the 'Idu'l - Kabir prayer. The first is the early afternoon prayer (*az-Zuhr*) on the day of the slaughtering and the last is the *Subh* prayer of the fourth day after the 'Id day. The formula<sup>114</sup> could be:

Allah is the Greatest, Allah is the Greatest,

Allah is the Greatest.

There is no deity worthy of worship except Allah.

And Allah is the Greatest, Allah is the Greatest,  
Allah is the Greatest.

And all praise is due to Allah.

- (iii) The prayer on occasion of the eclipse of the sun. It is a prophetic tradition for every one who is with legal discretion (i.e. matured, sane and conscious), male or female. It is desirable to perform it in a mosque congregationally. (without 'Adhān or 'Iqamah). Its time is as soon as it is time when *Nāfilah* is normally allowed up till when the eclipse disappears. Its performance is made up of two *rak'ahs*; each *rak'ah* with two bows (*rukū'*). It is with neither 'Adhān nor 'Iqamah.

During the first standing<sup>115</sup> of the first *rak'ah*, the worshipper recites after *Suratu 'I-Fātiḥah*; *Sūratul 'I-Baqarah*;<sup>116</sup> and during the second standing of the first *rak'ah*, after *sūratul 'I-Fātiḥah*, he recites *Sūratu Al-Imran*.<sup>117</sup> During the first standing of the second *rak'ah*, after the recital of *Sūratul 'I-Fātiḥah*, he recites *Sūratu 'N-Nisā'i*,<sup>118</sup> and in the second standing of the second *rak'ah*, after the recital of *Sūratu 'I-Fātiḥah*, he recites *Sūratu 'I-Mā'idah*.<sup>119</sup>

The prayer on occasion of the eclipse of the moon is a prophetic tradition. It is performed as other supererogatory prayers, in two *rak'ahs*, with one bowing, one stan-

المُصَلِّي فِي عِيدِ الْفِطْرِ وَتَأْخِيرُهُ فِي عِيدِ النَّحْرِ وَالتَّكْبِيرُ فِيهِ عَقِبَ خَمْسَ عَشْرَةَ فَرِيضَةً. أَوَّلُهَا ظَهَرُ يَوْمِ النَّحْرِ وَآخِرُهَا صُبْحُ الْيَوْمِ الرَّابِعِ مِنْهُ. وَصِفَةُ التَّكْبِيرِ: اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ، وَاللَّهُ أَكْبَرُ

اللَّهُ أَكْبَرُ وَلِلَّهِ الْحَمْدُ. الثَّالِثَةُ: صَلَاةُ كُوفِ الشَّمْسِ وَهِيَ سُنَّةٌ فِي حَقِّ كُلِّ مُكَلَّفٍ ذَكَرًا أَوْ أُنْثَى، وَيُسْتَحَبُّ إِيقَاعُهَا فِي الْمَسْجِدِ وَالْجَمْعُ لَهَا وَوَقْتُهَا مِنْ حِلِّ النَّاهِلَةِ لِلزَّوَالِ، وَصِفَتُهَا رَكَعَتَانِ فِي كُلِّ رَكَعَةٍ رُكُوعَانِ بِغَيْرِ أَذَانٍ وَلَا إِقَامَةٍ وَيَقْرَأُ فِي الْقِيَامِ الْأَوَّلِ مِنَ الرُّكْعَةِ الْأُولَى بَعْدَ الْفَاتِحَةِ الْبَقْرَةَ وَفِي الْقِيَامِ الثَّانِي مِنْهَا بَعْدَ الْفَاتِحَةِ آلَ عِمْرَانَ، وَفِي الْقِيَامِ الْأَوَّلِ مِنَ الرُّكْعَةِ الثَّانِيَةِ بَعْدَ الْفَاتِحَةِ النَّسَاءَ وَفِي الْقِيَامِ الثَّانِي بَعْدَ الْفَاتِحَةِ الْمَائِدَةَ وَصَلَاةُ خُسُوفِ الْقَمَرِ سُنَّةٌ وَصِفَتُهَا كَسَائِرِ النَّوَافِلِ رَكَعَتَانِ بِرُكُوعٍ

ding in each *rak'ah*, and the recital in the two *rak'ah* are made aloud and it is not done congregationally.

- (iv) The ritual prayer for seeking rain. It is for seeking good harvest or water for drinking by animals, human beings and for such other purposes. It is performed, like other supererogatory prayers, in two *rak'ahs* and with loud recital in the two *rak'ahs*.

### FAJR (DAY-BREAK) PRAYER

The two *rak'ah* day-break-prayer is meritorious and it requires a definite explicit intention. Its time is at the appearance of the morning twilight. Whoever enters the mosque while the Imam is performing the *Subh* prayer shall abandon day-break (*Fajr*) prayer and join the Imam in the *Subh* prayer. If the prayer is commenced while he is in the court-yard of the mosque, he would perform the Day-break prayer, provided he does not entertain the fear of missing a *rak'ah*, if he entertains it, he would join the Imam in the performance of the *Subh* prayer. It is desirable to read only *Sūratu 'I-Fātiḥah* in the two *rak'ahs*.

### SUPEREROGATORY RITUAL PRAYER

Meritorious prayers are;

- (i) *Ṣalaṭu d-Duhā*— Forenoon ritual prayer consists of a maximum of eight *rak'ahs*.
- (ii) Mosque — salutation — prayer is of two *rak'ahs*. It is performed before a worshipper sits down. Sitting down without its performance does not absolve one of its performance.
- (iii) *Tarāwīḥ* prayer during the nights of Ramaḍān. It is made up of twenty - three *rak'ahs* inclusive of the *shaf'* and *witr*.

وَاحِدٍ وَقِيَامٍ وَاحِدٍ وَالْقِرَاءَةُ فِيهِمَا جَهْرًا وَلَا يُجْمَعُ لَهَا ، الرَّابِعَةُ صَلَاةُ الْإِسْتِسْقَاءِ وَتَكُونُ لِأَجْلِ إِصْلَاحِ الزَّرْعِ ، أَوْ لِشُرْبِ حَيَوَانَ أَدَمِيٍّ ، أَوْ غَيْرِهِ ، وَصِفَتُهَا كَسَائِرِ النَّوَافِلِ رَكَعَتَانِ يَجْهَرُ فِيهِمَا بِالْقِرَاءَةِ .

### ﴿فَضْلُ﴾ رَكَعَتَا الْفَجْرِ

رَكَعَتَا الْفَجْرِ رَغِيْبَةٌ تَقْتَضِي إِلَى نِيَّةٍ تَخْصُهَا ، وَوَقْتُهَا بَعْدَ طُلُوعِ الْفَجْرِ . وَمَنْ دَخَلَ الْمَسْجِدَ فَوَجَدَ الْإِمَامَ يُصَلِّي الصُّبْحَ تَرَكَهُمَا وَدَخَلَ مَعَهُ ، وَإِنْ أُقِيمَتْ عَلَيْهِ الصَّلَاةُ وَهُوَ خَارِجَ الْمَسْجِدِ فَإِنَّهُ يَرْكَعُهُمَا مَا لَمْ يَخَفْ فَوَاتَ رَكَعَةٍ فَإِنْ خَافَ ذَلِكَ دَخَلَ مَعَ الْإِمَامِ وَيُسْتَحَبُّ أَنْ يَقْرَأَ فِيهِمَا بِأَمِّ الْقُرْآنِ فَقَطْ .

### ﴿فَضْلُ﴾

صَلَاةُ الضُّحَى مُسْتَحَبَّةٌ ، وَأَكْثَرُهَا ثَمَانُ رَكَعَاتٍ ، وَنَحِيَّةُ الْمَسْجِدِ وَهِيَ رَكَعَتَانِ قَبْلَ أَنْ يَجْلِسَ ، وَلَا تَقُوتُ بِالْجُلُوسِ وَقِيَامُ مَضَانَ وَهُوَ ثَلَاثٌ وَعِشْرُونَ رَكَعَةً بِالشُّعْرِ وَالْوَرْرِ ، وَالصَّلَاةُ قَبْلَ



- (iv) The supererogatory prayers before and after early afternoon prayer (*Zuhr*), before late afternoon prayer (*Ashr*) and after sun-set (*Maghrib*) prayer and *Isha*. There is no specification of number as regards these, rather the worshipper performs as many as he is able.
- (v) Prostration during the recitation of the Qur'an by the reciter <sup>120</sup> and one who is listening to the recitation intentionally, provided the reciter is fit to be an Imam (spiritual leader in prayer) by being a male, matured, and with valid ablution; and not one whose purpose is to make people (appreciate) and note the excellence of his mode or manner of recitation. There are eleven prostration points in the Qur'an, excluding those in *Sūratu 'N-Najm*, *Sūratu 'l-Inshiqaq*, *Sūratu 'l qalam* and the second prostration in *Sūratu 'L-hajj*. <sup>121</sup>

#### FUNERAL RITUAL PRAYER

Funeral ritual prayer is a collective obligation. <sup>122</sup> It is said by some scholars that it is a prophetic tradition. Its principles are five;

- (i) Intention
- (ii) Standing
- (iii) *Takbīr*. They are four. If the Imām makes the fifth, the prayer is not vitiated on account of that; but those praying behind him shall not say the fifth with him; rather they would pronounce the *taslīm*. They need not wait for the Imām (in the pronouncement of the terminal *Assalām 'Alaykum*). It is desirable to raise the hands only in the first *takbīr* and to start the ritual prayer with "All praise is due to Allah".
- (iv) Offering supplication for the dead, immediately after every *takbīr*, in any possible form of supplication. No specific formulae is required, for the said supplication.

الْمُؤْمِرِ وَبَعْدَهُ وَقَبْلَ الْعَصْرِ وَبَعْدَ الْمَغْرِبِ وَالْعِشَاءِ وَلَيْسَ فِي ذَلِكَ تَحْدِيدٌ ، بَلْ يُصَلِّي مَا تيسَّرَ لَهُ ، وَسَجْدَةُ التَّلَاوَةِ لِلْقَارِئِ ، وَقَاصِدُ الْإِسْتِمَاعِ ، إِنْ كَانَ الْقَارِئُ صَالِحًا لِلْإِمَامَةِ بِأَنْ كَانَ ذَكَرًا بِاللَّغَا يُؤْمَرُ غَيْرَ قَاصِدِ إِسْمَاعِ النَّاسِ حُسْنَ قِرَاءَتِهِ وَعِدَّةُ السَّجَدَاتِ الَّتِي يَسْجُدُ لَهَا إِحْدَى عَشْرَةَ سَجْدَةً وَهِيَ مَا عَدَا الَّتِي فِي النُّجْمِ وَالْإِنْشِقَاقِ وَالْقَلَمِ وَثَانِيَةِ الْحَجِّ .

#### ﴿فَضْلُ﴾ صَلَاةِ الْجَنَازَةِ

صَلَاةُ الْجَنَازَةِ فَرَضٌ كِفَايَةٌ وَقِيلَ سُنَّةٌ ، وَأَرْكَانُهَا خَمْسَةٌ الْأَوَّلُ النِّيَّةُ ، الثَّانِي الْقِيَامُ ، الثَّلَاثُ التَّكْبِيرُ وَهُوَ أَرْبَعُ تَكْبِيرَاتٍ ، وَإِذَا زَادَ الْإِمَامُ خَامِسَةً لَمْ تَبْطُلْ صَلَاتُهُ ، وَلَا يَتَّبِعُهُ مَنْ خَلْفَهُ وَيُسَلِّمُونَ ، وَلَا يَسْتَظِرُّونَهُ ، وَيُسْتَحَبُّ رَفْعُ الْيَدَيْنِ فِي التَّكْبِيرَةِ الْأَوَّلَى فَقَطْ ، وَالْإِبْتِدَاءُ بِالْحَمْدِ لِلَّهِ ، الرَّابِعُ الدُّعَاءُ لِلْمَيِّتِ بِأَنْزِلِ كُلَّ تَكْبِيرَةٍ بِأَيِّ دُعَاءٍ تيسَّرَ وَلَا يُسْتَحَبُّ دُعَاءُ مَخْصُوصٌ ،

- (v) *As-salām*. The Imam is required to pronounce "*Assa-lām 'alaykum*" once, turning his face slightly to right and loud enough for him and those behind him to hear. The follower-worshipper would pronounce the *Taslim* audibly enough for himself alone to hear. He does not make response of *Taslim* to the Imam.

الْخَامِسُ السَّلَامُ وَيُسَلِّمُ الْإِمَامُ وَاحِدَةً عَنْ يَمِينِهِ يُسْمِعُ نَفْسَهُ وَمَنْ يَلِيهِ ، وَيُسَلِّمُ الْمَأْمُومُ وَاحِدَةً يُسْمِعُ نَفْسَهُ فَقَطْ ، وَلَا يَرُدُّ عَلَى الْإِمَامِ .

### CHAPTER THREE

#### AZ-ZAKAH

*Zakah* (Due) is a term used for a specific rate taken at a specified time from a specific amount at a specific level, and expended on specific areas.

It is obligatory on every free Muslim, male or female, young or old, sane or insane.

The *niṣāb*<sup>123</sup> of gold<sup>124</sup> is 20 *dinars*<sup>125</sup> while that of currency is 200 *dirhams*.<sup>126</sup> The payable due in each case is 2½% once it has been fully possessed by the payer for one full year.

#### ZAKAH ON LIVE-STOCK

Under this category are camels, cows, sheep and goats be they fattened or left to go out for grazing, whether engaged or idle.

*Zakah* is not due on animals such as horses, mule, donkeys as well as on slaves. Gazelle and sheep in the throes of giving birth are also excluded.

### الباب الثالث في الزكاة وهي عيارة عن مالٍ مخصوص

يُؤْخَذُ مِنْ مَالٍ مَخْصُوصٍ إِذَا بَلَغَ قَدْرًا مَخْصُوصًا فِي زَمَنٍ مَخْصُوصٍ يُصْرَفُ فِي جِهَاتٍ مَخْصُوصَةٍ . تَجِبُ عَلَى الْحُرِّ الْمُسْلِمِ ذِكْرًا كَانَ أَوْ أُنْثَى صَغِيرًا أَوْ كَبِيرًا عَاقِلًا أَوْ غَيْرَهُ ، فَنَصَابُ الذَّهَبِ عِشْرُونَ دِينَارًا ، وَنَصَابُ الْوَرَقِ مِائَتَا دِرْهَمٍ ، وَالْوَاجِبُ فِي ذَلِكَ رُبْعُ الْعُشْرِ إِذَا بَلَغَ حَوْلًا كَامِلًا ، وَكَانَ مِلْكًا كَامِلًا

### فصل في زكاة النعم

وهي الأبل والبقر والغنم مطبوعة أو سائبة عاملة أو مهنلة ، ولا تجب في غيرها



- The conditions which make *Zakah* mandatory are:
- (i) Attainment of a minimum assessable amount or number
  - (ii) Full ownership
  - (iii) Being in one's possession for a whole year as at the time when the collector, if there is one, arrives. <sup>127</sup>

### THE ZAKAH ON CAMEL

On every five camels a young sheep is due. This is one in its 2nd year. It is to be a young sheep if sheep are as common as or more than goats in the locality but if goats are more common than sheep then a young goat shall be. This is what should be given out up to (and including when) the number of the camels reaches nine.

When the number reaches ten, and up to fourteen, then two sheep shall be issued. When the number reaches fifteen three sheep shall fall due up to when the number reaches nineteen. When the number is between twenty and twenty-four, the two inclusive, then the due shall be four sheep. When the number reaches between 25 and 35, then the due from it is a young she-camel, it is a she-camel in its second year, if the payer does not have such a she-camel, then a he-camel, that is in its 3rd year. When the number is between 36 and 45, a weaned she-camel <sup>128</sup> is due. When the number reaches between 46 and 60 a mature (capable of bearing pregnancy and male-crossing) she-camel is due. It is the one in its fourth year. When the number reaches between 61 and 75 then the due is a she-camel that is in its fifth year. Between 76 and 90, two young she-camels are due. <sup>129</sup> From 91 to 120, then two mature she-camels are due. <sup>130</sup> If the number exceeds 120 the assessment changes. <sup>130</sup> On every 40 a young weaned she camel is due and for every fifty, a mature she-camel.

مِنَ الْخَيْلِ وَالْبِغَالِ وَالْحَمِيرِ وَالرَّقِيقِ ، وَلَا فِي الْمُتَوَلَّدِ مِنَ الظُّبَاءِ  
وَالْقَتَمِ ، وَشُرُوطُ وَجُوبِهَا أَنْ تَكُونَ نِصَابًا كَامِلًا مِلْكًا كَامِلًا  
حَوْلًا كَامِلًا مَعَ مَجِيءِ السَّاعِي إِنْ كَانَ ، أَمَّا الْإِبِلُ فَفِي كُلِّ  
خَمْسٍ شَاةٌ جَذَعَةٌ وَهِيَ مَا أَوْفَتْ سَنَةً وَدَخَلَتْ فِي الثَّانِيَةِ مِنْ  
الضَّأْنِ إِنْ كَانَ فِي الْبَلَدِ الضَّأْنُ وَالْمَعَزُ سَوَاءً أَوِ الضَّأْنُ أَغْلَبَ ، أَمَّا  
إِذَا كَانَ الْمَعَزُ أَغْلَبَ فَالشَّاةُ مِنْهُ إِلَى تِسْعٍ ، فَإِذَا بَلَغَتْ عَشْرًا فَفِيهَا  
شَاتَانِ إِلَى أَرْبَعَةٍ عَشْرَ فَإِذَا بَلَغَتْ خَمْسَةَ عَشْرَ فَفِيهَا ثَلَاثُ شِيَاهٍ إِلَى  
تِسْعَةِ عَشْرَ فَإِذَا بَلَغَتْ عِشْرِينَ فَفِيهَا أَرْبَعُ شِيَاهٍ إِلَى أَرْبَعِينَ وَعِشْرِينَ  
فَإِذَا بَلَغَتْ خَمْسًا وَعِشْرِينَ إِلَى خَمْسٍ وَثَلَاثِينَ فَفِيهَا بِنْتُ مَخَاضٍ  
وَهِيَ الَّتِي دَخَلَتْ فِي السَّنَةِ الثَّانِيَةِ فَإِنْ لَمْ تَكُنْ لَهُ فَابْنُ لَبُونٍ وَهُوَ  
مَا دَخَلَ فِي السَّنَةِ الثَّالِثَةِ فَإِذَا بَلَغَتْ سِتًّا وَثَلَاثِينَ إِلَى خَمْسٍ وَأَرْبَعِينَ  
فَفِيهَا بِنْتُ لَبُونٍ فَإِذَا بَلَغَتْ سِتًّا وَأَرْبَعِينَ إِلَى سِتِّينَ فَفِيهَا حِقَّةٌ وَهِيَ  
الَّتِي دَخَلَتْ فِي الرَّابِعَةِ فَإِذَا بَلَغَتْ إِحْدَى وَسِتِّينَ إِلَى خَمْسٍ وَسَبْعِينَ  
فَفِيهَا جَذَعَةٌ وَهِيَ الَّتِي دَخَلَتْ فِي الْخَامِسَةِ ، فَإِذَا بَلَغَتْ سِتًّا وَسَبْعِينَ  
إِلَى تِسْعِينَ فَفِيهَا بِنْتُ لَبُونٍ فَإِذَا بَلَغَتْ إِحْدَى وَتِسْعِينَ إِلَى عِشْرِينَ  
وَمِائَةٍ فَفِيهَا حِقَّتَانِ فَإِذَا زَادَتْ عَلَى ذَلِكَ تَغْيِيرُ الْوَاجِبِ ، فَفِي كُلِّ  
أَرْبَعِينَ



## CATTLE

For every 30 heads of cattle a he-calf or she-calf (which has attained two years) is due. Due on every 40 heads of cattle is a three-year old calf. Only its female shall be taken. That is, a three-year-old. Thereafter up to 120, the due on every 30 heads of cattle is 2 years old calf and from every 40, a mature 3-year-old calf. The collector may choose whether to take a 3-three-year-old mature calves or 4-two-year old calves on 120 heads of cattle.<sup>131</sup>

## ZAKAH ON GOATS AND SHEEP

On 40 sheep or goats, the due is a young ram or sheep. It may be sheep or he-goat. It must have been a year old. Out of 121 goats, the due will be 2 sheep.<sup>132</sup> On 201, three sheep are due.<sup>133</sup> On 400, 4 sheep are due.<sup>134</sup> Beyond 400, on every 100 sheep or goats, one sheep is due.

### NOTE:

It is not proper to select as *Zakah* the choicest of the flock or herd, such as the specially fattened, the stallion or the most milky one. In the same vein, it is improper to select the worst or of least value of them such as an infant lamb, he-goat, old goat or an handicap-animal.

## ZAKAH ON FARM-PRODUCE

It is (applicable only to) the farm produce which is a staple food. Thus, *Zakah* is due on wheat, barley, rice, and similar items. It is also due on pulse or legumes such as lentils, peas, beans, chick-pea, dates, raisins and olive. *Zakah* is not to be taken from canes, reeds, herbs, fig and fruits such as pomegranate.

The *Nisab* of farm produce is 5 *Wasqs* (loads).<sup>135</sup> These five *wasqs* are 1,600 Baghdadian *ratl*.<sup>136</sup> Every *ratl* is 128 Makkan *Dirham*. This (a *dirham*) is about 55 grains of medium size barley. The said weights would be after the

بُنْتُ لَبُونٍ ، وَفِي كُلِّ خَمْسِينَ حِقَّةً ، وَأَمَّا الْبَقَرُ فَفِي كُلِّ ثَلَاثِينَ مِنْهَا تَبِيعٌ جَذَعٌ أَوْ حَذَعَةٌ وَهُوَ مَا أَوْفَى سَتَيْنِ ، وَفِي أَرْبَعِينَ مُسِنَّةٌ لَا تُؤْخَذُ إِلَّا أَثْنَى ، وَهِيَ الْمُؤَقَّةُ ثَلَاثَ سِنِينَ ثُمَّ فِي السِّنِّ تَبِيعَانِ ثُمَّ فِي كُلِّ ثَلَاثِينَ تَبِيعٌ ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ إِلَى عَشْرِينَ وَمِائَةٌ فَيُخَيَّرُ السَّاعِي فِي اخْتِارِ ثَلَاثِ مُسِنَاتٍ أَوْ أَرْبَعَةٍ أَتْبَعَةٍ ، وَأَمَّا النَّمُ فَفِي أَرْبَعِينَ مِنْهَا شَاةٌ جَذَعٌ أَوْ جَذَعَةٌ مِنَ الضَّانِ أَوْ الْمَعَزِ وَهُوَ مَا أَوْفَى سَنَةً وَفِي مِائَةٍ وَاحِدَى وَعِشْرِينَ شَاتَانِ وَفِي مِائَتَيْنِ وَشَاةٌ ثَلَاثُ شِيَاوٍ ، وَفِي أَرْبَعِمِائَةٍ أَرْبَعُ شِيَاوٍ ثُمَّ فِي كُلِّ مِائَةٍ شَاةٌ .

﴿تَنْبِيْهُ﴾

لَا تُؤْخَذُ كَرَائِمُ الْأَمْوَالِ كَالْأَكُوْلَةِ وَالْفَحْلِ وَذَاتِ اللَّبَنِ وَلَا شِرَارُهَا كَالسُّحْلَةِ وَالتَّبَسِّ وَالْعَجُوزِ وَالْعَوْرَةِ .

## فصل في زكاة الحِثِّ

وَهُوَ الْمُقَاتُ الْمُتَّخَذُ لِلْعَيْشِ حَالِيًا ، فَتَجِبُ الزَّكَاةُ فِي الْحِنْطَةِ وَالشَّعِيرِ وَالْأُرْزِ وَنَحْوِهَا ، وَفِي الْقَطَانِي كَالْعَدَسِ وَالْبَسِيلَةِ وَالْفُولِ وَالْحِمَصِ ، وَفِي التَّمْرِ وَالزَّيْبِ وَالزَّرِّيْتُونِ ، وَلَا تَجِبُ فِي الْقَصَبِ وَالْبَقُولِ وَالتَّنْبَرِ ، وَالْفَوَاكِهِ كَالرَّمَانِ ، وَنَصَابُ الْحَرْثِ خَمْسَةُ أَوْسُقٍ وَهِيَ أَلْفُ رِطْلٍ وَسِتِّ مِائَةٍ رِطْلٍ بِالْبَغْدَادِيِّ كُلُّ رِطْلٍ مِائَةٌ دِرْهَمٍ وَثَمَانِيَةٌ وَعِشْرُونَ دِرْهَمًا بِالدَّرْهَمِ الْمَكِّيِّ وَهُوَ خَمْسُونَ وَخُمُسًا حَبَّةٌ



removal of the low-quality grains and after its dryness. The due to be taken from farm produce is one tenth, if it is watered without any serious effort, such as if watered by rain. But if irrigated through equipments such as machinery, then the due is a twentieth  $\frac{1}{20}$ .<sup>137</sup>

#### EXPLANATION OF THOSE TO WHOM ZAKAH CAN BE GIVEN

It is paid to any of the 8 categories of people mentioned in the statement of Allah:

- "Alms are for the poor and the pauper. . ." (Q 9:60)
- (i) The poor is he whose possession is insufficient for his livelihood. If he, too, possesses minimum assessable amount (*nisab*) but which is not sufficient for his upkeep and that of his family, he too, should accept *Zakah*.
  - (ii) The pauper, is more needy than the poor. He is the one who has absolute nothing. It is a condition for him and the poor that each of them should be a muslim and free from bondage of slavery.<sup>138</sup>
  - (iii) The one engaged for the activities of *Zakah*; such as the collector, even if he is rich.
  - (iv) Those whose hearts are being drawn (to Islam). These are unbelievers (*Zakah* is not to be given to Muslims alone). They are given to attract them to Islam.
  - (v) The slave. He is a muslim slave. He is bought and manumitted and such a slave shall be under the tutelage of Muslims for a period.
  - (vi) A debtor. He is one who is indebted, not on account of insolence or viciousness and he does not possess the means of settlement or whose possession is barely what he needs to settle his debt.
  - (vii) The cause of Allah. What is meant by this is, Jihad other than pilgrimage. So part of *Zakah* could be given out to a warrior (in the cause of Allah), whether he is rich or poor, to be expended on his war.
  - (viii) The way-farer. This is a stranger-traveller. He is given on three conditions: That his journey is not criminally

من الشَّعِيرِ الْمُتَوَسِّطِ وَإِنَّمَا تُعْتَبَرُ الْأَوْسَقُ بَعْدَ وَضْعِ مَا فِيهَا مِنْ الْحَشَفِ وَالرُّطُوبَاتِ ، وَالْمُخْرَجُ مِنْ زَكَاةِ الْحَرْثِ الْعَشْرُ فِيمَا سَقِيَ مِنْ غَيْرِ مَشَقَّةٍ كَمَا السَّاءِ وَنِصْفُ الْعَشْرِ فِيمَا سَقِيَ بِآلَةٍ كَالدَّوَالِبِ .

فصل في بيان من تصرف له الزكاة

تَنْفَعُ لِأَحَدِ الْأَصْنَافِ الثَّمَانِيَةِ الْمَذْكُورِينَ فِي قَوْلِهِ تَعَالَى :  
 إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ الْآيَةِ ، الْأَوَّلُ الْفَقِيرُ وَهُوَ الَّذِي يَمْلِكُ شَيْءٌ الْبَسِيرَ الَّذِي لَا يَكْفِيهِ لِعَيْشِهِ وَإِنْ كَانَ يَمْلِكُ نَصَابًا لَا يَقُومُ بِهِ وَلَا بِعِيَالِهِ فَإِنَّ لَهُ أَنْ يَأْخُذَ الزَّكَاةَ ، الثَّانِي الْمِسْكِينُ وَهُوَ أَخْرَجُ مِنَ الْفَقِيرِ وَهُوَ الَّذِي لَا شَيْءَ لَهُ جُمْلَةً ، وَيُشْتَرَطُ فِيهِ وَفِي الْفَقِيرِ الْإِسْلَامُ وَالْحُرِّيَّةُ ، الثَّالِثُ الْعَامِلُ عَلَى الزَّكَاةِ كَالسَّاعِي وَإِنْ كَانَ غَنِيًّا ، الرَّابِعُ الْمُؤَلَّفَةُ قُلُوبُهُمْ وَهُمْ قَوْمٌ كَفَّارٌ يُعْطَوْنَ تَرْغِيًّا فِي الْإِسْلَامِ ، الْخَامِسُ الرِّقَابُ وَهُوَ الرِّقِيُّ الْمُؤْمِنُ يُشْتَرَى وَيُعْتَقُ وَوَلَاؤُهُ لِلْمُسْلِمِينَ ، السَّادِسُ الْغَارِمُ وَهُوَ مَنْ اسْتَدَانَ فِي غَيْرِ سَقَةٍ وَلَا فَسَادٍ وَلَا يَجِدُ وِفَاءً أَوْ يَكُونُ مَعَهُ مَالٌ يَأْزَاهُ دَيْنُهُ ، السَّابِعُ سَبِيلُ اللَّهِ وَالْمُرَادُ بِهِ الْجِهَادُ دُونَ الْحَجِّ فَيُذْفَعُ لِلْغَارِي غَنِيًّا كَانَ أَوْ فَقِيرًا مِنَ الصَّدَقَةِ مَا يَنْفَعُهُ فِي غَزْوِهِ ، الثَّامِنُ ابْنُ السَّبِيلِ ، وَهُوَ الْمُسَافِرُ



motivated; he is poor at the point in which he is, though he may be rich at his town and that he does not find a person to lend him money. (That is if he is rich at home but if not, he is entitled). A person who claims that he is a way-farer shall be believed (for this purpose).

#### MISCELLANEOUS PROVISION

It is proper to make use of gold in the payment of Zakah on currency and vice-versa.

It is mandatory to have special intention for the Zakah; and to distribute the due within the place at which the Zakah is collected. It is not proper to distribute it elsewhere unless there is another place where the poor face more hardship than those of the place of collection, even then, part of the due will still have to be expended in the place of collection; though greater part of it would be passed to those elsewhere whose poverty is more severe.

#### SETTING ASIDE OF ZAKAH

When a payer sets aside the Zakah due at the completion of year, but the due got lost, he would not be liable.<sup>139</sup> If, however, it is removed after the completion of a year, then he is responsible for the replacement of the loss due. If it is set aside, but before it is removed, the principal wealth got lost, he would have to pay it to those entitled to it.

Anyone who dies before the payment of his Zakah, or anyone who gives a testament to the effect that Zakah is due on his property, shall have the due taken from his principal asset. It is desirable that voluntary alms (not Zakah) be given in secrecy, and that be expended preferably on close ones and neighbours.<sup>140</sup> It is a strong practice of the prophet that it is given in the month of Ramadan.

#### ALMS OF BREAKING THE FAST OF RAMAḌĀN

Zakātu 'I-Fitr<sup>141</sup> is obligatory. The prophet (S.A.W) declared it to be so. According to one of the two popular

الْغَرِيبُ يُعْطَى بِثَلَاثَةِ شُرُوطٍ ، أَنْ لَا يَكُونَ سَفَرُهُ فِي مَعْصِيَةٍ وَأَنْ يَكُونَ فَقِيرًا بِالْمَوْضِعِ الَّذِي هُوَ بِهِ وَإِنْ كَانَ غَنِيًّا بِلَدِّهِ وَأَنْ لَا يَجِدَ مَنْ يُسَلِّفُهُ وَيُصَدِّقُ إِذَا ادَّعَى أَنَّهُ ابْنُ سَبِيلٍ .

﴿فَضْلٌ﴾

يَجُوزُ إِخْرَاجُ الذَّهَبِ عَنِ الْوَرِقِ ، وَالْوَرِقِ عَنِ الذَّهَبِ . وَتَجِبُ نِيَّةُ الزَّكَاةِ وَتَفْرِيقُهَا بِالْمَوْضِعِ الَّذِي وَجِبَتْ فِيهِ وَلَا يَجُوزُ نَقْلُهَا عَنْهُ إِلَّا أَنْ يَكُونَ مَوْضِعٌ آخَرُ بِهِ فَقَرَاءٌ أَشَدُّ إِعْدَامًا ، فَإِنَّهُ يُعْطَى مِنْهَا فِي مَوْضِعِ الْوُجُوبِ ، وَيُنْقَلُ أَكْثَرُهَا لِلْأَعْدَمِ .

﴿فَضْلٌ﴾

إِذَا عَزَلَ الزَّكَاةَ عِنْدَ الْحَوْلِ فَصَاعَتْ لَمْ يَضْمَنْ وَإِنْ عَزَلَهَا بَعْدَ الْحَوْلِ ضَمِنَ وَإِنْ عَزَلَهَا ثُمَّ ضَاعَ أَصْلُهَا قَبْلَ إِخْرَاجِهَا فَإِنَّهُ يَنْقُصُهَا لِأَرْبَابِهَا ، وَمَنْ مَاتَ قَبْلَ إِخْرَاجِ الزَّكَاةِ أَوْ أَوْصَى بِهَا فَإِنَّهَا تُؤْخَذُ مِنْ رَأْسِ مَالِهِ ، وَيُسْتَحَبُّ فِي صَدَقَةِ التَّطَوُّعِ السَّرُّ وَصَرْفُهَا لِلْأَقَارِبِ وَالْجِيرَانِ وَتَأْكُذُ فِي شَهْرِ رَمَضَانَ .

﴿فَضْلٌ﴾ صَدَقَةُ الْفِطْرِ

صَدَقَةُ الْفِطْرِ وَاجِبَةٌ فَرَضَهَا رَسُولُ اللَّهِ ﷺ . تَجِبُ بِأَوَّلِ لَيْلَةِ



views, it is to be paid on the eve of the Ramadān festival. The other view is that it is to be given when the morning-twilight appears on the festival day.

The implication of the difference between the two views becomes obvious in the case of he who (between sunset and day-break) dies; gives birth, accepts Islam or in similar circumstances.

It is proper to set it aside, two or three days to the festival. Its obligation does not lapse by the passage of its time of payment. It is not to be given to any other than a poor Muslim who is a freeborn. The rate is one sa' <sup>142</sup> of the common food item used in the locality.

It is to be paid by every responsible; free and capable muslim for himself and on behalf of his muslim dependants who are his relations such as children, or those under him such as slaves and similar others, such as wife and her domestic servant, even if the wife is rich. We have deliberately qualifies "Muslim, capable responsible and free" to exclude unbeliever, slave, incapable person, for whom it is not obligatory.

An incapable person is he who does not have up to a Sa' in excess of his sustenance for one day and he finds no one to lend him. <sup>143</sup>

عِيدِ الْفِطْرِ عَلَى أَحَدِ الْقَوْلَيْنِ الْمَشْهُورَيْنِ وَالْآخِرُ تَجِبُ بِطُلُوعِ  
فَجْرِ يَوْمِ الْعِيدِ وَقَائِدَةُ الْخِلَافِ تَظْهَرُ فِيمَنْ مَاتَ أَوْ وُلِدَ أَوْ أُسْلِمَ  
أَوْ نَحَرَ ذَلِكَ ، وَيَحُوزُ إِخْرَاجَهَا قَبْلَ يَوْمِ الْعِيدِ بِالْيَوْمَيْنِ وَالثَّلَاثَةِ  
وَلَا تَسْقُطُ بِمُضِيِّ زَمَانِهَا وَلَا تُدْفَعُ إِلَّا لِفَقِيرٍ حُرٍّ مُسْلِمٍ ، وَهِيَ  
صَاعٌ مِنْ غَالِبِ قُوْتِ أَهْلِ الْبَلَدِ عَلَى الْمُسْلِمِ الْحُرِّ الْمَكْلُوفِ  
الْمُوسِرِ عَنْ نَفْسِهِ وَعَمَّنْ تَلَزَمَهُ نَفَقَتُهُ مِنَ الْمُسْلِمِينَ خَاصَّةً بِالْقَرَابَةِ  
كَالْأَوْلَادِ ، وَبِالرَّقِ كَالْعِيدِ وَبِغَيْرِهِمَا كَالزَّوْجَةِ وَخَادِمِهَا وَإِنْ  
كَانَتْ مَلِيَّةً ، وَقَوْلُنَا عَلَى الْمُسْلِمِ الْخِاخِرَازُ مِنَ الْكَافِرِ وَالرَّقِيقِ  
وَالْمُعْسِرِ ، فَإِنَّهَا لَا تَجِبُ عَلَيْهِمْ ، وَالْمُعْسِرُ هُوَ الَّذِي لَا يَفْضُلُ لَهُ  
عَنْ قُوْتِ يَوْمِهِ صَاعٌ ، وَلَا يَجِدُ مَنْ يُسَلِّفُهُ إِيَّاهُ .



## CHAPTER FOUR FASTING

Fast is restraint from the passions of the stomach and the sex-organ for a full day, with the intention of drawing close to the Almighty Allah at times other than the period of menstruation, post-natal bleeding, and the festival days.

Fast has three principles:

- (i) Restraint from vitiators of fasts such as sexual cohabitation, discharge of sperm, semen or (deliberate) vomit. Others are making food, drink or similar things get to the throat through the mouth, nose, ears or eyes.
- (ii) Intention. A fast, whether obligatory or supererogatory, is not valid without intention. It is a condition that the intention must be specific. For example, to give intention for "the obligatory fast of Ramaḍān." The intention should be made before the day-break, Intention made in the afternoon of the fast is not proper. It must be decisive. Intention on probability is void. The intention of one who, on the eve of the day of doubt<sup>144</sup> intends to fast if the day is the day of Ramaḍān fast is not valid.
- (iii) The period of fast. This is from the appearance of the actual morning-twilight until sunset in the days other than the days of menstruation, post-natal bleeding, post-Ramaḍān Festival, Festival of Sacrifice, and the two days following the Festival of Sacrifice, for some one who is not on *tamattu*<sup>h</sup> hajj.

### OTHER PROVISIONS

It is desirable to break the fast in earnest (at sunset); to take the pre-dawn meal late (just before dawn); curb the tongue from delirious or indecent talk; avoid cleansing the teeth with fresh chewing-stick; and to avoid excessive rinsing of the mouth, or nose.

Also desirable are fasting on the 'Arafat day for a non-pilgrim; fasting on the 9th and 10th of *Muharram*; three days

## الباب الرابع في الصوم

وهو الإمساك عن شهوتي البطن والفرج يوماً كاملاً بينة التقرب إلى الله تعالى في غير زمن الحيض والنفس وأيام الأعياد، وللصوم ثلاثة أركان:

الأول الإمساك عن المفطرات كالجماع وإخراج المني والمذي والقيء وإيصال الأكل والشرب أو غيرهما إلى الحلق من الفم والأنف والأذن والعين، الثاني النية، فلا يصح صوم بدونها فرضاً أو نفلاً، ويشرط فيها أن تكون معينة بأن ينوي أداء فرض رمضان مثلاً، مية، فلا تصح نهاراً، جازمة، فالتنية المترددة باطلة. فمن نوى ليلة الشك صيام غدٍ إن كان من رمضان لم يجزه، الثالث زمن الصوم، وهو من طلوع الفجر الصادق إلى غروب الشمس في غير أيام الحيض والنفس ويوم الفطر ويوم النحر واليومين بعده لغير المتمتع.

### ﴿فصل﴾

يستحب تقديم الفطر وتأخير السحور وكف اللسان عن الهذيان والفحش من القول وترك السؤال بالربط، وترك المبالغة في المضغ والإسثاق، وصوم يوم عرفة لغير الحاج ويوم



in every month. The days need not be 13th, 14th and 15th (of lunar month). It is permissible for one to fast on Friday. It is reprehensible to taste anything. If it is done, it has to be spat out. Also reprehensible are sexual preliminaries such as kissing, physical contact, romantic thoughts or look or romance, if one is sure of self-restrain (from ejaculation or strong sexual arousal), but if one is not sure, all these are absolutely prohibited. A person observing even voluntary fast cannot abort the fast on account of a firm commitment for similar excuses. If any person imposes a vow of irrevocable divorce or manumission on a fasting person, the vow shall be broken; except when the person who places the vow on the person is one of his parents or his tutor (spiritual guide, or knowledgeable mentor) in which case, he has to accede. Provided the one who imposes the break does so out of pity over the hardship of the fast.

Whosoever deliberately or out of forgetfulness aborts his Ramaḍān fast in the day-time, would have to repay the fast. He has however in addition committed a sin if it is intentional for which reparation is obligatory on him. He is at liberty to select any of the three reparatory modes which are:

- (i) Feeding of 60 poor people, each of them taking as much as the *mudd* of the prophet (S.A.W.)
- (ii) Fasting for two consecutive months.
- (iii) Manumission of a worthy full muslim slave (not partially or conditionally free). Not one who is otherwise qualified for manumission.

تَسُوْعَاءَ وَعَاشُورَاءَ وَثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ وَلَا تَخْتَصِرُ بِالْأَيَّامِ  
الْبَيْضِ وَلَا يُكْرَهُ صَوْمُ يَوْمِ الْجُمُعَةِ مُتَفَرِّدًا ، وَيُكْرَهُ ذَوْقُ الْمِلْحِ  
وَمَجْهُ ، وَمُقَدَّمَاتُ الْجَمَاعِ كَالْقَبْلَةِ وَالْمُبَاشَرَةِ وَالضُّكْرِ وَالنَّظَرِ  
الْمُسْتَدَامِ وَالْمُلَاعَبَةِ إِنْ عَلِمْتَ السَّلَامَةَ وَإِلَّا فَيَحْرُمُ عَلَيْهِ ذَلِكَ وَلَا  
يُغَطِّرُ الصَّائِمُ الْمُتَطَوِّعُ لِعَزِيمَةٍ أَوْ غَيْرِهَا ، وَإِنْ حَلَفَ عَلَيْهِ بِالطَّلَاقِ  
الْفَلَاحِ أَوْ الْعِتْقِ حُنْثٌ إِلَّا أَنْ يَكُونَ أَحَدَ وَالِدَيْهِ أَوْ شَيْخَهُ فَإِنَّهُ يُطِيعُهُ  
إِذَا كَانَ عَلَى وَجْهِ الرَّاقَةِ لِإِدَامَةِ صَوْمِهِ ، وَمَنْ أَفْطَرَ فِي نَهَارِ رَمَضَانَ  
عَمْدًا أَوْ سَهْوًا وَجَبَ عَلَيْهِ قَضَاؤُهُ ، وَيَأْتِي إِنْ كَانَ عَمْدًا ، وَنَجِبَ  
عَلَيْهِ الْكُفْلَةُ بِأَحَدِ ثَلَاثَةِ أَشْيَاءَ عَلَى التَّخْيِيرِ ، وَهِيَ إِمَّا إِطْعَامُ سِتِّينَ  
مِسْكِينًا كُلُّ وَاحِدٍ مَدًّا بِمَدِّ عِلَّةٍ وَهُوَ أَفْضَلُ أَوْ صِيَامُ شَهْرَيْنِ  
مُتَّابِعَيْنِ أَوْ عِتْقُ رَقَبَةٍ مُؤْمِنَةٍ كَامِلَةٍ غَيْرِ مُلْفَقَةٍ سَلِيمَةٍ لَا تُسْحَقُ  
بِرُجْعِهِ .



## CHAPTER FIVE SPIRITUAL RETREAT – 'I 'TIKĀF

Its real meaning is staying in a mosque for the purpose of worship in a specified manner for at least a day and a night and at most for ten days. It is one of the voluntary meritorious acts of worship. It has four principles.

- (i) The performer of the 'I 'tikāf. That is any rational Muslim. The retreat by a woman, a child or a slave is valid.
- (ii) Fast. Retreat is not valid without it.
- (iii) The venue of retreat is the mosque. It is not valid in any other place.
- (iv) Continuous performance of any of the specified acts of worship. They are canonical prayer (*aṣ-Ṣalāh*), Qur'anic recitation and remembrance of Almighty Allah. It is reprehensible for him to engage in any other acts of worship apart from these three, such pre-occupation with acquisition of knowledge or research; or extensive copying of the Qur'an, or to be Imam of the daily prayers. Also reprehensible for the performer of the retreat, is climbing the roof of the mosque (or elsewhere) or the minaret; going out on consolatory or congratulatory visit, retreating without having with him adequate provision.<sup>145</sup> It is desirable to observe the spiritual retreat during the month of Ramaḍān and performance specifically during the last ten days of Ramaḍān is an emphatic tradition of the prophet.

### VITIATORS OF 'I 'TIKĀF

One's 'I 'tikāf becomes void with the commission of a grievous sin such as adultery or fornication, consumption of liquor, telling a lie, making a defamatory accusation, and by sexual cohabitation or its preliminaries such as lustful kissing either during day-time or night, menstruation, eating or drinking during the day, or going out of the mosque, not for the purpose of sustenance nor response to the call of nature.

## الباب الخامس في الاعتكاف

وَحَقِيقَتُهُ اللَّبْثُ فِي الْمَسْجِدِ لِلْعِبَادَةِ عَلَى وَجْهِ مَخْصُوصٍ وَأَقَلُّهُ يَوْمٌ وَلَيْلَةٌ ، وَأَكْمَلُهُ عَشْرَةُ أَيَّامٍ وَهُوَ مِنْ نَوَافِلِ الْخَيْرِ ، وَلَهُ أَرْكَانٌ أَرْبَعَةٌ : الْأَوَّلُ الْمُتَكَيِّفُ وَهُوَ كُلُّ مُسْلِمٍ مُمَيَّزٍ فَبَصَحُ مِنَ الْمَرَأَةِ وَالْهَيْبِيِّ وَالرَّقِيقِ ، الثَّانِي : الصَّوْمُ فَلَا يَصِحُّ بِذُونِهِ ، الثَّلَاثُ : الْمُتَكَيِّفُ فِيهِ وَهُوَ الْمَسْجِدُ فَلَا يَصِحُّ فِي غَيْرِهِ ، الرَّابِعُ : الْإِسْتِخْرَارُ عَلَى عَمَلٍ مَخْصُوصٍ مِنَ الْعِبَادَةِ وَهُوَ الصَّلَاةُ وَقِرَاءَةُ الْقُرْآنِ وَذِكْرُ اللَّهِ تَعَالَى ، وَيُكْرَهُ لَهُ أَنْ يَفْعَلَ غَيْرَ هَذِهِ الثَّلَاثَةِ مِمَّا هُوَ عِبَادَةٌ كَالِإِسْتِغَاثِ بِالْعِلْمِ ، وَكِتَابَةِ الْكَثِيرِ مِنَ الْقُرْآنِ وَأَنْ يَكُونَ إِمَامًا رَاتِبًا ، وَأَنْ يَرْقَى عَلَى سَطْحٍ أَوْ مَنَارَةٍ ، وَأَنْ يُعْزِيَ أَوْ يُهْنِي ، وَأَنْ يَغْتَكِفَ غَيْرَ مَكْفِيٍّ وَيُسْتَحَبُّ الْإِعْتِكَافُ بِرَمَضَانَ . وَيَتَأَكَّدُ بِالْعَشْرِ الْأَخِيرِ مِنْهُ .

### ﴿فَضْلٌ﴾

يُطْلَقُ الْإِعْتِكَافُ بِفِعْلِ الْكَبَائِرِ : كَالزُّفَا وَشُرْبِ الْخَمْرِ الْكَذِبِ وَالْقَذْفِ وَبِالْجِمَاعِ وَمُقَدَّمَاتِهِ كَالْقُبْلَةِ لَيْلًا أَوْ نَهَارًا عَلَى وَجْهِ الشَّهْوَةِ ، وَبِالْحَيْضِ وَبِالْأَكْلِ وَالشُّرْبِ نَهَارًا وَبِالْخُرُوجِ مِنَ الْمَسْجِدِ لِغَيْرِ مَعِيشَةٍ أَوْ لِغَيْرِ حَاجَةٍ الْإِنْسَانِ .



## CHAPTER SIX

### PILGRIMAGE

It is obligatory on a free mature and capable person once in his or her life-time. It is not valid except from a Muslim. It has four principles.

1. Putting oneself in an inviolate status during a particular period, in the months of Shawwal, Dhū'l-Qa'dah and Dhū'l-Hijjah and in a particular place, that is Makkah for those who are within Makkah at the period of inviolation. The place, for one coming from Madina is Dhū'l-Hulaifah; for one coming from Egypt, Syria and Maghrib (Algeria, Tunisia, Morocco, Mauritania and Libya), the station is al-Juhfah. Yamlam is the station for one coming from Yemen while Dhatu 'Iraq is the station for one coming from Persia, Iran and Khurasan.

The state is not validly entered into except with an accompanying intention, either through word or action, for a person, immediately before entering the inviolate status to cleanse off his dishevelled parts by paring his nails, and shaving certain hairy parts of the body (pubic hair and armpits).

Traditional Prophetic acts of *Ihrām* (inviolable state) are four:

- (i) Bath at the time of wearing it.
- (ii) Abstention from sewn clothes; sewn wrapper or shoes (or covered sandals).
- (iii) Two non-obligatory *rak'ahs*.
- (iv) *At-Talbiyah* — response call. . The formular is: I am totally available to you, Allah. I am totally available to you. I am totally available to you, you have no partner.

Surely praise, benefaction and sovereignty are yours  
You have no partner. <sup>146</sup>

## الباب السادس في الحج

وَهُوَ وَاجِبٌ فِي الْعُمْرِ مَرَّةً عَلَى الْحُرِّ الْمُكَلَّفِ الْمُسْتَطِيعِ ، وَلَا يَصِحُّ إِلَّا مِنْ مُسْلِمٍ وَلَهُ أَرْبَعَةُ أَرْكَانٍ : الْأَوَّلُ الْإِحْرَامُ بِزَمَنِ مَخْضُوصٍ وَفَوْشَوَالٍ وَذُو الْقَعْدَةِ وَذُو الْحِجَّةِ وَمَكَانٍ مَخْضُوصٍ وَهُوَ مَكَّةُ لِمَقِيمٍ بِهَا وَقَتِ الْإِحْرَامِ ، وَذُو الْحُلَيْفَةِ لِمَنْ تَوَجَّهَ مِنَ الْمَدِينَةِ ، وَالْحُحْفَةِ لِمَنْ تَوَجَّهَ مِنْ مِصْرَ وَالشَّامِ وَالْمَغْرِبِ وَيَلْمَلَمُ لِمَنْ تَوَجَّهَ مِنَ الْبَحْرِ ، وَذَاتُ عِزْقٍ لِمَنْ تَوَجَّهَ مِنْ فَارِسَ وَنَحْرَاسَانَ ، وَلَا يَنْعَقِدُ إِلَّا بِنِيَّةٍ مَقْرُونَةٍ بِقَوْلٍ أَوْ فِعْلٍ ، وَيُسْتَجَبُ لِلْمُخْرِمِ إِزَالَةُ شَعْبِهِ قَبْلَ إِحْرَامِهِ بِقَلَمٍ أَظْفَارِهِ وَإِزَالَةُ مَا عَلَى بَدَنِهِ مِنْ شَعْرِ وَسُنَنِ الْإِحْرَامِ أَرْبَعَةٌ : الْفُسْلُ مُتَّصِلًا بِهِ وَالتَّجَرُّدُ مِنَ الْمَخِيطِ فِي رِدَائِهِ وَإِزَارِهِ وَنَعْلَيْهِ ، وَصَلَاةُ رَكْعَتَيْنِ مِنْ غَيْرِ الْقَرِيبَةِ ، وَالتَّلْبِيَةُ وَهِيَ : لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْكَ إِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكُ لَا شَرِيكَ لَكَ ، وَلَا يَقْطَعُ