

- (iv) Capability of delivery. It is illegal to sell a run-away slave while at large, or a stray camel; or fish while still at large in the river.
- (v) Ascertained price and definite object. Ignorance about any of them renders the sale contract void. Examples of such void contracts are when something is bought with a piece of an unknown stone. Or such as when gold or silver soil is sold.

USURY/INTEREST

Usury or increase in repayment is forbidden. That is increase over what is due. Also forbidden is usury due to postponement, that is, deferment of payment. This type of exchange involves gold and silver. It is not lawful, for example, to sell two *di-hams* for three *dirhams* (of the same value), or to sell a *dirham* for a *dirham* to be paid, for example, in the next day or in the next hour.

Resale with specification of gain is lawful but preferable to avoid it, for it involves much explanation from the vendor. And it is likely that he forgets a particular aspect which may have adverse effect or he may omit a thing while his mind may wander from one thing to another.

It is not lawful, in sale contract, to defraud. That is to conceal the defect in the commodity, from the purchaser.

It is compulsory that the vendor should mention every thing which if it had been mentioned could have reduced the interest of the purchaser in the good. It is also mandatory on the vendor to mention what he agrees upon and what he waves. Allah knows best.

تَسْلِيمِهِ فَلَا يَجُوزُ بَيْعُ الْآبِقِ ، وَلَا الْبَعِيرِ الشَّارِدِ وَالسَّمَكِ فِي الْمَاءِ ،
وَالْعِلْمُ بِكُلِّ مِنَ الثَّمَنِ وَالْمُتَمَنِّ فَالْجَهْلُ بِهِمَا أَوْ بِأَحَدِهِمَا مُبْطِلٌ
مِثْلُ أَنْ يَشْتَرِيَ بِرَنْةٍ حَجَرٍ مَجْهُولٍ وَتُرَابِ الصَّوَاغِينِ

﴿فَضْلُ الرِّبَا﴾

يَحْرُمُ رِبَا الْفَضْلِ وَهُوَ الزِّيَادَةُ وَرِبَا النَّسِي وَهُوَ التَّأْخِيرُ فِي الْقَدْرِ
وَهُوَ الذَّهَبُ وَالْفِضَّةُ فَلَا يَجُوزُ بَيْعُ دِرْهَمَيْنِ بِثَلَاثَةٍ وَلَا يَبِيعُ دِرْهَمٌ
بِدِرْهَمٍ إِلَى يَوْمٍ أَوْ سَاعَةٍ مَثَلًا ، وَيَبِيعُ الْمُرَابَحَةَ جَائِزٌ ، لَكِنْ الْأَحَبُّ
خِلَافُهُ لِكَثْرَةِ الْبَيَانِ عَلَى الْبَائِعِ فِيهِ فَرُبَّمَا يَنْسَى مَا بَضُرَ أَوْ يَنْهَو
فَيَنْتَقِلُ ذَهْنُهُ مِنْ شَيْءٍ إِلَى غَيْرِهِ ، وَلَا يَجُوزُ فِي الْبَيْعِ التَّدْلِيسُ وَهُوَ
كَيْفَانُ عَيْبِ السَّلْعَةِ عَنِ الْمُشْتَرِي ، وَيَجِبُ عَلَى الْبَائِعِ الْإِخْبَارُ
بِكُلِّ شَيْءٍ إِذَا أَخْبَرَ بِهِ الْمُشْتَرِيَ قُلْتُ رَغْبَتُهُ فَيَجِبُ عَلَيْهِ أَنْ يُبَيِّنَ أَنَّهُ
عَقَدَ عَلَى كَذَا وَنَقَدَ عَنْهُ كَذَا وَاللَّهُ أَعْلَمُ .

CHAPTER TEN

INHERITANCE

The male heirs are ten:

Son and son's son however low, the father and the grandfather however high, brother and the son of the brother be he a germane brother or a consanguine brother no matter how distant; the full paternal uncle or consanguine paternal uncle and his son(cousin) no matter how high; the husband; and the man who set free a slave i.e. the manumitted slave still under the care of his master/mistress.

Female heirs are seven: the daughter; the daughter of the son, however low, the mother and the grandmother, however high; the sister, the wife and a manumitted bondswoman still under the protection of her master/mistress.

Besides those mentioned, other persons, such as mother's father or sister's son¹⁵⁹ are relations who have nothing to inherit.

SHARES

The basic shares are six:

1. Half.. It is the share of each of the following five relations: The only daughter and the son's daughter in the absence of the daughter. The only germane sister or in her absence the consanguine sister and the husband in the absence of children.
2. A quarter: It is the share of the husband if the deceased has an issue. It is also the share of the wife or wives if the deceased left no issue.
3. One eighth: It is the share of the wife(s) if there is a child.
4. Two thirds: It is the share of two or more female shares that if one of them has been the only one, she would have been entitled to half.

الباب العاشر في الفرائض

الْوَارِثُونَ مِنَ الرِّجَالِ عَشْرَةٌ: الْإِبْنُ وَابْنُهُ وَإِنْ سَقَلَ وَالْأَبُ وَالْجَدُّ وَإِنْ عَلَا وَالْأَخُ مُطْلَقًا وَابْنُ الْأَخِ الشَّقِيقُ أَوْ لِلْأَبِ وَإِنْ بَعْدَ وَالْعَمُّ الشَّقِيقُ أَوْ لِلْأَبِ وَابْنُهُ وَإِنْ عَلَا ، وَالزَّوْجُ وَمَوْلَى النِّعْمَةِ وَهُوَ الْمُعْتَقُ . وَالْوَارِثَاتُ مِنَ النِّسَاءِ سَبْعٌ: الْبِنْتُ وَبِنْتُ الْإِبْنِ وَإِنْ سَقَلَتْ وَالْأُمُّ وَالْجَدَّةُ وَإِنْ عَلَتْ وَالْأَخْتُ وَالزَّوْجَةُ وَمَوْلَاةُ النِّعْمَةِ ، وَمَنْ عَدَا مَوْلَاهُ كَأَبِي الْأُمِّ وَابْنِ الْأَخْتِ فَهُوَ مِنْ ذَوِي الْأَرْحَامِ لَا يَرِثُ شَيْئًا

﴿فَضْلٌ﴾

الْفُرُوضُ الَّتِي هِيَ أَصُولُ سِتَّةٍ: النِّصْفُ وَهُوَ فَرَضُ خَمْسَةٍ: الْبِنْتُ لِلصِّلْبِ وَبِنْتُ الْإِبْنِ عِنْدَ عَدَمِهَا وَالْأَخْتُ لِلْأَبِ عِنْدَ عَدَمِهَا وَالزَّوْجُ مَعَ عَدَمِ الْحَاجِبِ وَالرُّبْعُ فَرَضُ الزَّوْجِ مَعَ وُجُودِ الْحَاجِبِ وَالزَّوْجَةُ أَوْ الزَّوْجَاتُ مَعَ فَقْدِهِ ، وَالثُّمْنُ فَرَضُ الزَّوْجَةِ أَوْ الزَّوْجَاتِ مَعَ وُجُودِ الْحَاجِبِ ، وَالثَّلَاثَانِ فَرَضُ كُلِّ اثْنَتَيْنِ فَصَاعِدًا نَسْتَحِقُّ إِحْدَاهُنَّ إِذَا انْفَرَدَتِ النِّصْفَ ، وَالثَّلْثُ فَرَضُ الْأُمِّ مَعَ فَقْدِ

5. A third: It is the share of the mother in the absence of a posterity. It is also the share of two or more children of the same mother with the deceased, whether male, female or mixed.
6. A sixth: It is the share of each of the following seven relations:
 - i. The father who co-exists with the offspring.
 - ii. The mother who co-exists with the offspring.
 - iii. The grandmother when she is alone or if she co-exists with another female sharer,¹⁶⁰
 - iv. One or more son's daughters, if one actual daughter exists.¹⁶¹
 - v. One or more uterine sisters in co-existence with a germane sister.
 - vi. One uterine brother or sister alone.
 - vii. The paternal grandfather when he co-exists with an offspring or an offspring of a son.

THE AGNATES

When the father, the grandfather, the son or the son's son, exists alone, he would take the whole estate. If two or more brothers alone exist, they would share the whole estate equally. If they (brothers) are made up of male and female, they would share it in a way that a male would have the portion of two females.

All male direct link or all male linked with the deceased through a male shall inherit as agnates. The implication of being an agnate heir is that whoever inherits through it, is entitled to the whole estate, if he is the only one existing as sharer and if he co-exists with others he would also be entitled to take the residuaries after the other basic sharers have got their shares.

EXCLUSION

Exclusion is of two types: exclusion through elimination and exclusion through shift.

الْحَاجِبِ ، وَالْإِثْنَيْنِ فَصَاعِدًا مِنْ وَلَدِ الْأُمِّ مَا كَانُوا ، وَالسُّدُسُ
فَرَضَ سَبْعَةً : الْأَبُ مَعَ وَجُودِ الْحَاجِبِ ، وَالْأُمُّ مَعَ وَجُودِ
الْحَاجِبِ ، وَالْجَدَّةُ إِذَا انفَرَدَتْ أَوْ كَانَ مَعَهَا أُخْرَى تُشَارِكُهَا .
وَالْوَاحِدَةُ فَأَكْثَرُ مِنْ بَنَاتِ الْإِبْنِ إِذَا كَانَ هُنَاكَ بِنْتُ الصُّلْبِ ،
وَالْأُخْتُ لِلْأَبِ فَأَكْثَرُ مَعَ وَجُودِ الْأُخْتِ الشَّقِيقَةِ ، وَالْوَاحِدِ مِنْ
وَلَدِ الْأُمِّ ذَكَرًا كَانَ أَوْ أُنْثَى وَالْجَدُّ مَعَ الْوَلَدِ أَوْ وَلَدِ الْإِبْنِ .

﴿فَضْلُ التَّعْصِيبِ﴾

إِذَا انفَرَدَ الْأَبُ أَوْ الْجَدُّ أَوْ الْإِبْنُ أَوْ ابْنُهُ أَخَذَ الْمَالَ جَمِيعَهُ .
وَالْإِثْنَانِ مِنَ الْإِخْوَةِ فَصَاعِدًا يَنْقَسِمُونَهُ بِالسَّوِيَّةِ ، وَإِذَا اجْتَمَعَ مِنْهُمْ
ذُكُورٌ وَإِنَاثٌ فَيَنْقَسِمُونَهُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيْنِ ، وَيَرِثُ
بِالتَّعْصِيبِ كُلُّ ذَكَرٍ يُدْلِي بِنَفْسِهِ أَوْ بِذَكَرٍ ، وَمَعْنَى التَّعْصِيبِ أَنَّ
مَنْ يَرِثُ بِهِ يَسْتَفْرِقُ جَمِيعَ الْمَالِ إِذَا انفَرَدَ وَيَسْتَحِقُّ الْبَاقِي بَعْدَ
ذَوِي السَّهَامِ إِنْ كَانَ مَعَهُ ذُو سَهَامٍ .

﴿فَضْلُ الْحَجَبِ﴾

الْحَجَبُ قِسْمَانِ : حَجَبُ اسْتِقَاطٍ ، وَحَجَبُ نَقْلِ ، أَمَّا حَجَبُ
الْإِسْقَاطِ فَلَا يُلْحَقُ مَنْ

Exclusion through elimination cannot affect any one who is directly related to the deceased, such as sons, daughters, fathers, mothers, and those who occupy such direct position – the husband and the wife.

Other heirs apart from those ones are affected by exclusion through elimination. Thus the son's son is excluded through elimination, by the son.¹⁶² The grandfather is excluded by the father. The brothers, whether germane, consanguine or uterine are so excluded by the son, the son's son, however low, and the father. The children of brothers are so excluded by their fathers and those who are substitutes of their fathers, as well as the grandfather.

The paternal uncle is excluded by the children of the brothers and those who exclude the children of the brothers.¹⁶³ The son of the paternal uncle is excluded by his father and those who exclude him.¹⁶⁴ The daughters of the son are excluded by the existence of the only son of the deceased, or two or more daughters of the deceased; except when the daughters of the son co-exist with their male counterpart, who in that case, agnatised the son's daughters, then the male counterpart (son's son) and the son's daughters would share what is left after the shares of the daughters.¹⁶⁵ The sharing shall be based on the principle of "for a male the share is for two females."

The consanguine sisters shall be excluded by germane brother or two or more germane sisters except when the consanguine sisters co-exist with a consanguine brother who, in that case, agnatises the consanguine sisters. Then the consanguine brother and the consanguine sisters shall share what is left after the due of the germane sisters.¹⁶⁶ It would be done among them in such a way that a male shall have the share of two females.

The germane or consanguine sisters shall be excluded by the father, the son, and the son's son. The grandmothers of any kind is excluded by the mother while the grandmother from the father's side (paternal grandmother) is eliminated by the existence of the father. The manumitted slave is excluded by agnates relations (of the deceased).

يُنْسَبُ إِلَى الْمَيِّتِ بِنَفْسِهِ كَالْبَنِينَ وَالْبَنَاتِ وَالْأَبَاءِ وَالْأُمَّهَاتِ
وَمَنْ فِي مَعْنَاهُمْ الزَّوْجُ وَالزَّوْجَةُ وَيَلْحَقُ مَنْ عَدَاهُمْ فَأَبْنُ
الْإِبْنِ يَحْجِبُهُ الْإِبْنُ وَالْجَدُّ يَحْجِبُهُ الْأَبُ وَالْإِخْوَةُ مُطْلَقًا
يَحْجِبُهُمُ الْإِبْنُ وَابْنُهُ وَإِنْ سَقَلَ وَالْأَبُ وَبَنُو الْإِخْوَةِ يَحْجِبُهُمْ
أَبَاؤُهُمْ وَمَنْ يَحْجِبُهُمُ وَالْجَدُّ وَالْعَمُّ يَحْجِبُهُ بَنُو الْإِخْوَةِ وَمَنْ يَحْجِبُهُمْ
وَإِبْنُ الْعَمِّ يَحْجِبُهُ أَبُوهُ وَمَنْ يَحْجِبُهُ وَبَنَاتُ الْإِبْنِ يَحْجِبُهُنَّ الْوَاحِدُ
مِنْ ذُكُورٍ وَلَدِ الصُّلْبِ ، وَالْإِثْنَانِ فَصَاعِدًا مِنْ بَنَاتِ الصُّلْبِ إِلَّا أَنْ
يَكُونَ مَعَهُنَّ ذَكَرٌ فَيَعْصِبُهُنَّ فَيَكُونُ لَهُ وَلَهُنَّ مَا بَقِيَ عَنْ فَرَضِ
الْبَنَاتِ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ وَالْأَخَوَاتُ لِلْأَبِ يَحْجِبُهُنَّ الشَّقِيقُ
وَالشَّقِيقَانِ فَاكْثَرُ إِلَّا أَنْ يَكُونَ مَعَهُنَّ أَخٌ لِأَبٍ فَيَعْصِبُهُنَّ فَيَكُونُ لَهُ
وَلَهُنَّ مَا بَقِيَ عَنْ فَرَضِ الْأَخَوَاتِ الْأَشِقَاءُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ
وَالْأَخَوَاتُ الْأَشِقَاءُ يَحْجِبُهُنَّ الْأَبُ وَالْإِبْنُ وَابْنُهُ وَالْجَدَّاتُ مِنْ أَيِّ
جِهَةٍ كُنَّ بِالْأُمِّ وَتَسْقُطُ الْجَدَّةُ الَّتِي مِنْ جِهَةِ الْأَبِ بِهِ ، وَالْمَوْلَى
الْمُعْتَقُ يَحْجِبُهُ عَصَبَةُ النَّسَبِ

1. Exclusion through shifting is divided into three kinds:
Shift from one fixed share to another. This is pertaining to five situations.

- (i) The mother is shifted by the child whether male or female, from a third to a sixth. She is also so shifted by the child of the son, (whether male or female, one or more) two or more of all types of brothers or/and sisters.
 - (ii) The husband is shifted from half to a quarter by a child or the grand-child.
 - (iii) The wife is shifted from a quarter to an eighth by those who shift the husband's share.¹⁶⁷
 - (iv) The sole daughter of a son shall be shifted from half and (in the case of) two or more daughters of the son would be shifted from two-thirds (and in both cases) by the existence of a female offspring at a generation level higher than theirs¹⁶⁸ and the son's daughter(s) would thus be co-sharers of a sixth.
 - (v) Consanguine sisters would be shifted to a sixth by one germane sister.
2. Shifting from the position of an agnate to the position of a basic sharer. This applies to the father and the grand-father. Either of them is shifted by the son or son's son to the position of a sharer and thus would have a sixth.
3. Shifting from having basic share to having portions as agnate. This is the case with daughters, son's daughters, germane sisters, consanguine sisters.

Sole-daughter would be a sharer of half since she is alone, and if they are two or more, they would have two thirds, once they have a brother of their level. They are not sharing inheritance as sharers on account of being relations, entitled to shares but as agnates.

The same applies to son's daughters when they qualify for inheritance. It is also applicable to germane sisters and also to consanguine sisters when there are no germane sisters.

وَأَمَّا حَجَبُ النَّفْلِ ثَلَاثَةُ أَقْسَامٍ :

الْأَوَّلُ نَقْلٌ مِنْ فَرَضٍ إِلَى فَرَضٍ دُونَهُ وَهُوَ مُخْتَصَرٌ بِخَمْسَةِ أَشْيَاءَ : الْأُمُّ يَنْقَلُهَا الْوَلَدُ مُطْلَقًا مِنَ الثَّلَاثِ إِلَى السُّدُسِ وَوَلَدُ الْإِبْنِ مُطْلَقًا وَالْإِثْنَانِ فَصَاعِدًا مِنَ الْإِخْوَةِ وَالْأَخَوَاتِ مُطْلَقًا ، وَالزَّوْجُ يَنْقَلُهُ الْوَلَدُ وَوَلَدُهُ مِنَ النِّصْفِ إِلَى الرَّبْعِ ، وَالزَّوْجَةُ يَنْقَلُهَا مِنَ الرَّبْعِ إِلَى الثُّمَنِ مَنْ يَنْقُلُ الزَّوْجَ وَبَنَاتُ الْإِبْنِ يَنْقُلُ الْوَاحِدَةَ مِنْهُنَّ عَنِ النِّصْفِ وَالْإِثْنَيْنِ فَلَا تَكْثُرُ عَنِ الثَّلَاثِينَ الْوَاحِدَةُ فَوَقْفَهُنَّ فَيَأْخُذَنَّ السُّدُسُ وَالْأَخَوَاتُ لِلْأَبِ يَنْقَلُهُنَّ إِلَى السُّدُسِ الْأَخْتُ الشَّقِيقَةُ

الْقِسْمُ الثَّانِي النَّفْلُ مِنَ التَّعْصِيبِ إِلَى الْفَرَضِ وَهُوَ مُخْتَصَرٌ بِالْأَبِ وَالْجَدِّ فَيَنْقَلُهُمَا الْإِبْنُ وَابْنُهُ إِلَى السُّدُسِ

الْقِسْمُ الثَّالِثُ النَّفْلُ مِنْ فَرَضٍ إِلَى تَعْصِيبٍ وَهُوَ مُخْتَصَرٌ بِالنِّسَاءِ وَبَنَاتِ الْإِبْنِ وَالْأَخَوَاتِ الْأَشْقَاءِ وَالْأَخَوَاتِ لِلْأَبِ . فَإِنَّ الْبَنَاتِ يُفَرِّضُ لِلْوَاحِدَةِ مِنْهُنَّ إِذَا انْفَرَدَتْ النِّصْفُ وَالْإِثْنَيْنِ فَصَاعِدًا . وَكَذَا حُكْمُ بَنَاتِ الْإِبْنِ إِذَا اسْتَحَقَّقْنَ الْوِثَاةَ وَالْأَخَوَاتِ الْأَشْقَاءِ وَالْأَخَوَاتِ لِلْأَبِ مَعَ عَدَمِ الْأَشْقَاءِ :

BARRIERS TO INHERITANCE

Difference in religion constitutes a legal barrier to inheritance. There cannot be mutual right of inheritance between a Muslim and an unbeliever; nor between the Jews and the Christians. Another barrier is being a slave. Thus a slave can neither inherit nor be inherited. What he leaves behind belong to his owner. Another barrier is murder. There cannot be inheritance for a heir who intentionally kills the deceased.

Another barrier is the rejection of blood-tie through action of imprecation.¹⁷⁰ The loss of right to mutual inheritance is between the one who claims imprecation and the child only.¹⁷¹

Uncertainty concerning who dies first or last between two relations is also a barrier to mutual right to inheritance. It is so, for instance, when relations die in a mishap such as fire or road accident.

﴿فَصُلِّ﴾

بِمَنْعِ الْمِيرَاثِ اخْتِلَافَ الدِّينِ فَلَا تَوَارَثُ بَيْنَ سُلَيْمٍ وَكَافِرٍ وَلَا
بَيْنَ الْيَهُودِيِّ وَالنَّصْرَانِيِّ ، وَالرَّقُّ فَلَا يَرِثُ الرَّقِيقُ وَلَا يُورَثُ وَمَا
مَاتَ عَنْهُ فَهُوَ لِمالِكِهِ .

وَالْقَتْلُ فَلَا مِيرَاثَ لِمَنْ قَتَلَ مَوْرَثَهُ عَمْدًا وَانْتِفَاءُ النَّسَبِ
بِاللَّعَانِ ، فَيَنْقَطِعُ التَّوَارَثُ بَيْنَ الْمُلَاعِنِ وَالْوَلَدِ فَقَطْ ، وَاسْتِثْنَاءُ
الْمَتَّقِدِ وَالْمُتَأَخِّرِ فِي الْمَوْتِ كَمَا إِذَا مَاتَ أَقَارِبُ تَحْتَ هَذِهِ
مَثَلًا .

THE EXPLANATION OF SOME OBLIGATIONS, PROPHETIC TRADITIONAL PRACTICES AND ETIQUETTES

It is mandatory on a Muslim to believe that Allah is one, no associate for Him in His sovereignty and there is no co-sharer with Him in any of His Divine attributes. A Muslim must also know that all what are in existence have a sole Creator. It is imperative that He exists. He is the Eternal, The Everlasting, He lives, He is Capable; The Initiator of resolutions, The All Knowing, The Hearer, The Perceiver and The Speaker. It is also imperative that His attributes do exist; Embracing particularities, generalities, impossibilities and others. The Muslim should also know that Allah, The Almighty is one in His Being, no partner for Him and no one is worthy of worship except Him; and that All His Messengers, Blessings and Peace Be on them are firm believers in what they brought; and that Muhammad Blessings and Peace be on Him is His servant and Messenger.

The Muslim must also know that all what the Prophet brought are true; and all what he disseminated are absolutely true, such as concerning punishment in the grave; the situation and horrors of the Day of Resurrection; the narrow path; the measurement (through which man's deeds would be assessed), all those things hidden from us; paradise and hell and that what He wishes shall be and what He does not wish shall not be.

Other things the prophet disseminated which are true included that faith is to be established in the heart, expressed by the tongue and demonstrated by the parts of the body. That the Word of Almighty Allah is abiding and firm, stored in the minds, read with the tongues, recorded in the sheets. That the believers shall see the Almighty Allah, and He shall talk to them.

A Muslim must also hold the belief that the best generation is that of the Prophet's Companions, then followed by the next generation to theirs and the generation that came

في بيان جمل من الفرائض والسنن والآداب وَتَعَيَّنَ عَلَى الْمُسْلِمِ أَنْ يُؤْمِنَ بِأَنَّ اللَّهَ إِلَهٌ وَاحِدٌ ، لَا شَرِيكَ لَهُ فِي مُلْكِهِ وَلَا نَظِيرَ لَهُ فِي صِفَتِهِ مِنْ صِفَاتِ الْأُلُوهِيَّةِ ، وَتَعْلَمُ أَنَّ لِجَمِيعِ الْمَوْجُودَاتِ خَالِقًا ، هُوَ وَاجِبُ الْوُجُودِ ، أَرْزَلِي أَبَدِي حَيٌّ بِحَيَاةٍ قَادِرٌ بِقُدْرَةٍ مُرِيدٌ بِإِرَادَةٍ عَالِمٌ بِعِلْمٍ سَمِيعٌ بِسَمْعٍ بَصِيرٌ بِبَصَرٍ مُتَكَلِّمٌ بِكَلَامٍ وَأَنَّ صِفَاتِهِ أَيْضًا وَاجِبَةُ الْوُجُودِ تَتَعَلَّقُ بِجَمِيعِ الْجَزْئِيَّاتِ وَالْكُلِّيَّاتِ وَالْمُسْتَحِيلَاتِ وَغَيْرِهَا ، وَأَنَّهُ تَعَالَى وَاحِدٌ فِي ذَاتِهِ لَا نَظِيرَ لَهُ وَأَنَّهُ لَا يَسْتَحِقُّ الْعِبَادَةَ غَيْرَهُ ،

وَأَنَّ جَمِيعَ رُسُلِهِ صَلَوَاتُ اللَّهِ وَسَلَامُهُ عَلَيْهِمْ مُصَدِّقُونَ فِيمَا جَاءُوا بِهِ ، وَأَنَّ مُحَمَّدًا ﷺ عَبْدُهُ وَرَسُولُهُ ، وَأَنَّ جَمِيعَ مَا جَاءَ بِهِ حَقٌّ ، وَمَا أَخْبَرَ بِهِ صِدْقٌ مِنْ عَذَابِ الْقَبْرِ وَأَحْوَالِهِ وَالْقِيَامَةِ وَأَهْوَالِهَا وَمِنْ الصِّرَاطِ وَالْمِيزَانِ وَجَمِيعِ الْمُغْيِبَاتِ عَنَّا ، وَالْجَنَّةِ وَالنَّارِ وَأَنَّ مَا شَاءَ اللَّهُ كَانَ ، وَمَا لَمْ يَشَأْ لَمْ يَكُنْ ، وَأَنَّ الْإِيمَانَ اعْتِقَادٌ بِالْقَلْبِ وَنُطْقٌ بِاللِّسَانِ وَعَمَلٌ بِالْجَوَارِحِ ، وَأَنَّ كَلَامَ اللَّهِ تَعَالَى قَائِمٌ بِذَاتِهِ ، مَحْفُوظٌ فِي الصُّفُورِ مَقْرُوءٌ بِالْأَلْسِنَةِ مَكْتُوبٌ فِي الْمَصَاحِفِ ، وَأَنَّ اللَّهَ تَعَالَى يَرَاهُ الْمُؤْمِنُونَ وَيُكَلِّمُهُمْ وَأَنَّ بَعْدَهُ أَرْبَعَةُ أَقْوَامٍ يَلُونَهُمْ ، ثُمَّ الَّذِينَ يَلُونَهُمْ ، ثُمَّ الَّذِينَ يَلُونَهُمْ ،

immediately after the generation that succeeds them and so on. He must also hold that the best of the Companions are Abū Bakr, 'Umar, 'Uthmān and 'Ali in that order. Similarly one should not mention them except for good.

MISCELLANEOUS PROVISIONS

Seeking blessing upon the Prophet, blessing and peace of Allah be upon him is obligatory once in one's life. It is forbidden to recite the Qur'an wrongly, similarly forbidden are back-biting, calumny, lie, envy, extortion, usury, and unlawful acquisition of others' properties. The Almighty Allah says:

"Do not illegally consume the properties of one another"¹⁷²

That is, through unlawful means. This is of various kinds. Among them are embezzlement, embezzlement of the properties of the orphan. Allah, the Almighty says: "Surely those who illegally acquire the properties of the orphans are consuming fire into their stomachs and they shall soon be burnt in the Hell-fire"¹⁷³ This implies that the end of their life shall be in hell.

BRIBERY AND CORRUPTION

One of the most grievous corruptions is taking bribes in matters of justice. The prophet, blessings and peace of Allah be on him, said: "All flesh nurtured through corruption shall be fit for hell." The prophet was asked: "O the messenger of Allah, what is corruption?" He said: "bribery in justice". He went further saying "Allah cursed the giver and taker of bribe". Al-Hassan, Qatadah and Muqatil said so, too. Ibn Mas'ūd said: "Corruption is bribery in any matter". He said further "that one helps one's brother out of a problem and the latter then gives him a gift on account of that." He was

وَأَنْ أَفْضَلَهُمْ أَبُو بَكْرٍ ثُمَّ عُمَرُ ثُمَّ عُثْمَانُ ثُمَّ عَلِيٌّ ، وَيَجِبُ الْكَفُّ عَنْ ذِكْرِهِمْ إِلَّا بِخَيْرٍ .

﴿فصل﴾

الصَّلَاةُ عَلَى النَّبِيِّ ﷺ وَاجِبَةٌ فِي الْعُمُرِ مَرَّةً ، وَنَحْرُمُ قِرَاءَةَ الْقُرْآنِ بِالتَّلْحِينِ ، وَالغِيَةِ وَالنِّيمَةِ ، وَالْكَذِبِ وَالْحَسَدِ وَالْعَضْبِ وَالرِّبَا وَأَكْلُ أَمْوَالِ النَّاسِ بِالْبَاطِلِ ، قَالَ اللَّهُ تَعَالَى : وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ : أَيُّ بِالْحَرَامِ ، وَهُوَ أَنْوَاعٌ ، مِنْهَا السُّخْتُ ، وَمِنْهُ أَكْلُ مَالِ الْيَتِيمِ ، قَالَ اللَّهُ تَعَالَى ، إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَى ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلَوْنَ سَعِيرًا : أَيُّ عَاقِبَةُ أَمْرِهِمْ ذَلِكَ فِي النَّارِ .

﴿فصل﴾

وَمِنْ أَعْظَمِ السُّخْتِ الرِّشْوَةُ فِي الْحُكْمِ ، قَالَ النَّبِيُّ ﷺ كُلُّ لَحْمٍ نَبَتْ بِالسُّخْتِ فَالنَّارُ أَوْلَى بِهِ ، قَالُوا : يَا رَسُولَ اللَّهِ وَمَا السُّخْتُ ؟ قَالَ : الرِّشْوَةُ فِي الْحُكْمِ ، وَقَالَ ﷺ : لَعَنَ اللَّهُ الرَّاشِيَّ وَالْمُرْتَشِيَّ ، وَبِهَذَا التَّفْسِيرِ قَالَ الْحَسَنُ وَقَتَادَةُ وَمُقَاتِلٌ ، وَقَالَ ابْنُ مَسْعُودٍ : السُّخْتُ الرِّشْوَةُ فِي كُلِّ شَيْءٍ ، وَقَالَ أَيْضًا هُوَ أَنْ يَقْضِيَ الرَّجُلُ لِأَخِيهِ حَاجَةً فَيَهْدِي إِلَيْهِ هَدِيَّةً قِيلَ لَهُ يَا أَبَا عَدٍ

told "Oh the father of 'Abdur-Rahmān we see that as taking bribe on justice". Then He said "Receiving a gift on justice is disbelief". Allah, the Almighty said: "Those who do not judge according to what Allah has revealed are unbelievers" ¹⁷⁴ Abu Hanifah, ¹⁷⁵ May Allah be pleased with him said "if a judge receives bribe, he should be retired immediately, if he is not retired all the judgement he pronounces thereafter becomes void.

Al-Qurtubī said: "This position, if Allah, The Almighty, wishes, is not to be contested by any person for bribe taking is viciousness and the judgement of a vicious person is not valid". Illegal possession is called *suht* - corruption (literally an eraser) because it erases obedience to Allah i.e., it removes and eliminates it, for Allah, The Almighty has said: "Whoever rejects faith, all his deeds had become naught and in the hereafter he would be one of the losers" ¹⁷⁶ It is said that whoever contests this position is one who permits the forbidden and forbids the lawful.

SECTION ON ETHICS

Saying of *Bismillāhi-r-Rahmāni-r-Rahīm* (in the name of Allah the Beneficent, The Merciful) at the commencement of eating and drinking is desirable. So also is the saying *Al-hamdul illāh* (All praise is due to Allah) at the end of each of the two.

It is also desirable that one eats or drinks with one's right hand. One should not blow air into food or drink nor respire into the container. There is no harm in drinking while standing.

Men are prohibited from wearing silk and sitting on it, so also is wearing gold-ring or ring made from any material that contains gold. It is meritorious to wear one's right shoe first before the left and to put off the left shoe first before the right shoe. One is not to walk with only a shoe on, and one is not to stand wearing only one shoe except for a necessity. Playing chess is prohibited. Also prohibited is fashioning a thing in the image of a human being or similar beings such as animals. ¹⁷⁷

الرَّحْمَنِ ، مَا كُنَّا نَرَى ذَلِكَ إِلَّا الْأَخْذَ عَلَى الْحُكْمِ ، فَقَالَ الْأَخْذُ عَلَى الْحُكْمِ كُفْرٌ ، قَالَ اللَّهُ تَعَالَى : وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ .

وَقَالَ أَبُو حَنِيفَةَ رَضِيَ اللَّهُ عَنْهُ إِذَا ارْتَضَى الْحَاكِمُ انْعَزَلَ فِيهِ لَوْ قَرَأَ وَإِنْ لَمْ يَنْعَزَلْ بَطَلَ كُلُّ حُكْمٍ .

يَحْكُمُ بِهِ بَعْدَ ذَلِكَ ، قَالَ الْقُرْطُبِيُّ : وَهَذَا لَا يَجُوزُ لِأَحَدٍ أَنْ يَخْتَلِفَ فِيهِ إِنْ شَاءَ اللَّهُ تَعَالَى لِأَنَّ أَخْذَ الرِّشْوَةِ فُسْقٌ وَالْفَاسِقُ لَا يَجُوزُ حُكْمُهُ وَسُمِّيَ الْمَالُ الْحَرَامُ سُحْتًا لِأَنَّهُ يُسْحِتُ الطَّاعَاتِ أَيْ يُذْهِبُهَا وَيَسْتَأْصِلُهَا ، وَقَدْ قَالَ اللَّهُ تَعَالَى : وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَهَذَا حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ ، قِيلَ هُوَ الَّذِي يُحَلِّلُ الْحَرَامَ وَيُحَرِّمُ الْحَلَالَ .

﴿فصل﴾

والتَّسْنِيَةُ هِنْدُ الْأَكْلِ وَالشَّرْبِ مُسْتَحَبَّةٌ ، وَالتَّحْمِيدُ عِنْدَ الْإِنْتِهَاءِ ، وَيَأْكُلُ وَيَشْرَبُ يَمِينَهُ ، وَلَا يَنْفُخُ فِي الطَّعَامِ ، وَالشَّرَابِ وَلَا يَتَنَفَّسُ فِي الْإِنَاءِ وَلَا بِأَسَ بِالشَّرْبِ قَائِمًا ، وَيَحْرُمُ عَلَى الرَّجَالِ لُبْسُ الْفَحْرِيرِ وَالْجُلُوسُ عَلَيْهِ وَالتَّجَنُّمُ بِالذَّهَبِ وَبِمَا فِيهِ ذَهَبٌ وَيُسْتَحَبُّ أَنْ يَلْبَسَ فِي لُبْسِ نَعْلِهِ بِالْيَمَنِ وَفِي خَلْعِهِ بِالْيَمْرِ وَلَا يَمْشِي فِي نَعْلٍ وَاحِدٍ وَلَا يَقِفُ فِيهِ إِلَّا لِمُضْرُورَةٍ ، وَيَحْرُمُ اللَّيْبُ بِالْشَّطْرَنْجِ وَيَحْرُمُ التَّصْوِيرُ عَلَى صِفَةِ الْإِنْسَانِ أَوْ غَيْرِهِ مِنَ الْحَيَوَانَاتِ .

SALUTATIONS

To initiate salutation of peace (*As-salām 'alaykum* — Peace be on to you) is a Prophetic Tradition; response to it is a corporate obligation. The modality is that the initiator would say *As-salām 'Alaykum* or *Salāmun 'alaykum* (Peace be unto you); then the respondent would say *wa 'alaykum salām* or *Assalām 'alaykum* (And peace unto you too or Peace be unto you, respectively).

It is reprehensible to kiss the hands during salutation. One is not to extend salutation of peace to people with heretic tendencies such as the Mu'tazilites and the Rafidites¹⁷⁸ or to those involved in some kind of plays, such as chess players when the play is on.

A Muslim is not to initiate salutation of peace to non-Muslims but if they extend the salutation of peace to him, he should respond without the letter 'wa' (He should say *'alaykum s-salām* and not *wa'alaykum s-salām*. It is not in line with Prophetic traditions to extend salutation of peace to a worshipper (while the prayer is on).

When one person within a group moves the salutation of peace or responds to it, it is sufficient for the whole group.

It is the one riding on a mount that should initiate salutation of peace to the pedestrian, and the pedestrian to the one sitting. It is not right for a person to enter another person's house without seeking the latter's consent. The manner of seeking it is to say: "*As-salam 'alaykum*, Do I enter?" He seeks the permission three times and not more, except if he has sufficient grounds to believe that the owner of the house has not heard. If one seeks the permission to enter and he is asked: "who is it?", he should mention his own name or any epithet with which he is known. He should not say "It is me" Shaking of hands is good¹⁷⁹ Necking is detestable according to some scholars. Mouth-kissing, between two men, is not acceptable.

فصل

الابتداء بالسَّلام سُنَّةٌ وَرَدُّهُ فَرَضٌ كِفَايَةٌ ، وَصِفَتُهُ أَنْ يَقُولَ الْمُتَبَدِّئُ : السَّلامُ عَلَيْكُمْ ، أَوْ سَلامٌ عَلَيْكُمْ ، وَيَقُولَ الرَّادُّ وَعَلَيْكُمْ السَّلامُ ، أَوْ السَّلامُ عَلَيْكُمْ ، وَيُكْرَهُ تَقْيِيلُ الْيَدِ فِي السَّلامِ وَلَا يُسَلِّمُ عَلَى أَهْلِ الْأَهْوَاءِ كَالْمُعْتَرِلَةِ وَالرَّوَافِضِ ، وَلَا عَلَى أَهْلِ اللَّهِو حَالِ تَلْبِسِهِمْ بِهِ كَلَابِيبِ الشُّطْرَنْجِ وَلَا يَتَدَأُّ أَهْلُ النَّمَةِ بِالسَّلامِ ، وَإِذَا بَدَأُوا رَدُّ عَلَيْهِمْ بِغَيْرِ وَאו ، وَلَا يُسَنُّ السَّلامُ عَلَى الْمُصَلِّي إِذَا سَلَّمَ وَاحِدٌ مِنَ الْجَمَاعَةِ أَجْزَأُ عَنْهُمْ وَكَذَلِكَ إِذَا رَدَّ وَاحِدٌ مِنْهُمْ وَيُسَلِّمُ الرَّائِبُ عَلَى الْمَاشِي وَالْمَاشِي عَلَى الْقَاعِدِ ، وَلَا يَجُوزُ لِأَحَدٍ أَنْ يَدْخُلَ عَلَى أَحَدٍ بَيْتَهُ حَتَّى يَسْتَأْذِنَ عَلَيْهِ وَصِفَتُهُ أَنْ يَقُولَ : السَّلامُ عَلَيْكُمْ أَدْخُلْ ؟ وَيَسْتَأْذِنُ ثَلَاثًا وَلَا يَزِيدُ عَلَى ذَلِكَ إِلَّا أَنْ يَغْلِبَ عَلَى ظَنِّهِ عَدَمُ السَّمَاعِ ، وَإِذَا اسْتَأْذَنَ فَقِيلَ لَهُ مَنْ هَذَا ؟ فليَسِّمَ نَفْسَهُ بِاسْمِهِ أَوْ بِمَا يُعْرَفُ بِهِ مِنَ الْكُنْيَةِ ، وَلَا يَقُولُ أَنَا ، وَالْمُصَافِحَةُ حَسَنَةٌ . وَالْمُعَانَقَةُ مَكْرُوهَةٌ عِنْدَ بَعْضِهِمْ وَالْقُبْلَةُ فِي الْفَمِ مِنَ الرَّجُلِ إِلَى الرَّجُلِ لَا رُخْصَةَ فِيهَا .

SNEEZING, etc.

Salutation to one who sneezes is obligatory just as response to salutation of peace. It is by telling the one who sneezes "*Yarhamuka Allahu* — May Allah have mercy on you" Response to it is a desirable act. It is that the one who sneezes should say: "*Yahdikumu 'L-Lahu wa yuslihu balakum* — May Allah guide you right and cleanse your heart — or to say "May Allah forgive us and you". To combine the two is better. The one who sneezes shall not be saluted until he expresses gratitude to Allah.

It is not lawful for a Muslim to forsake his Muslim brother for more than three days. Two persons should not engage in secret conversation in the presence and to the exclusion of another person. It is not lawful for a man to be in seclusion (where sexual cohabitation is possible) with a woman who is neither within prohibited-degree-in-marriage¹⁸⁰ nor his wife. It is also not lawful for a man to look at her.

EPILOGUE

It is necessary for every person not to do anything other than good and virtuous towards his hereafter or acquisition of money for his sustenance. Every person must avoid what does not concern him; to be on his guard against his own whims and caprices; to abandon what he is not clear about; to be equitable with his subordinates, deal gently with them, overlook their human frailties. Constant patience is also expected from him.

If he is in company of a learned person he should grant the learned person every honour and dignity; when the learned person speaks he should listen attentively. When he asks questions from the learned man it should be for purpose of clear understanding and one should not counter his response to another person's question.

﴿فَضْلُ﴾ تَشْمِيتُ الْعَاطِسِ

تَشْمِيتُ الْعَاطِسِ وَاجِبٌ كَرَدُ السَّلَامِ ، وَهُوَ الْقَوْلُ لِلْعَاطِسِ : يَرْحَمُكَ اللَّهُ ، وَجَوَابُهُ مُسْتَحَبٌّ ، وَهُوَ قَوْلُ الْعَاطِسِ : يَهْدِيكُمُ اللَّهُ وَيُصْلِحُ بِأَلْكُمُ ، أَوْ يَغْفِرُ اللَّهُ لَنَا وَلَكُمْ وَالْجَمْعُ بَيْنَهُمَا أَفْضَلُ . وَلَا يَشْمِتُ الْعَاطِسُ حَتَّى يَحْمَدَ اللَّهَ ، وَلَا يَجِلُّ لِمُسْلِمٍ أَنْ يَهْجُرَ أَخَاهُ فَوْقَ ثَلَاثَةِ أَيَّامٍ ، وَلَا يَتَنَاجَى اثْنَانِ دُونَ وَاحِدٍ ، وَلَا يَجُوزُ لِرَجُلٍ أَنْ يَخْلُوَ بِامْرَأَةٍ لَيْسَتْ بِمَحْرَمٍ لَهُ وَلَا زَوْجَةٍ ، وَلَا يَجُوزُ النَّظَرُ إِلَيْهَا .

خَاتِمَةٌ

يَنْبَغِي لِلْإِنْسَانِ أَنْ لَا يَرَى إِلَّا مُحَصِّلًا حَسَنَةً لِمَعَادِهِ ، أَوْ دِرْهَمًا لِمَعَالِيهِ ، وَيَتْرَكَ مَا لَا يَنْبَغِيهِ ، وَيَحْتَرِسَ مِنْ نَفْسِهِ ، وَيَقِفَ عِنْدَمَا أَشْكَلَ ، وَيُنْصِفَ جَلِيسَهُ ، وَيُلِينَ لَهُ جَانِبَهُ ، وَيَضْفَحَ عَنْ زَلِيلِهِ ، وَيَلْزَمَ الصَّبْرَ ، وَإِنْ جَالَسَ عَالِمًا نَظَرَ إِلَيْهِ بِعَيْنِ الْإِجْلَالِ ، وَيُنْصِتَ لَهُ عِنْدَ الْمَقَالِ ، وَإِنْ رَاجَعَهُ رَاجَعَهُ تَفَهُّمًا وَلَا يُعَارِضُهُ

If anyone is engaged in academic argument with another person he should do it with calmness, sobriety, and avoidance of pomposity. He should also do it with good conduct and good manners. These are two essential tools for scholarship.

All praise is due to Allah alone. Blessing and Peace be upon our leader, Muhammad, members of his house-hold and his companions.

فِي جَوَابِ سَائِلِهِ سَأَلَهُ ، وَمَنْ نَظَرَ فِي عِلْمٍ فَبَسْكَينَةٍ وَوَقَارٍ وَتَزَكٍ
الِاسْتِعْلَاءِ وَحُسْنِ التَّائِي وَجَمِيلِ الْأَدَبِ فَإِنَّهُمَا مُعِينَانِ عَلَى طَلَبِ
الْعِلْمِ . وَالْحَمْدُ لِلَّهِ وَحْدَهُ ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ
وَصَحْبِهِ وَسَلَّمَ .

NOTES AND REFERENCES

1. A scholar of the Maliki School of Islamic jurisprudence who is also a member of the Shadhili tariqah.
2. Included are such as spring-water, treated tap-water and water from similarly pure sources.
3. Ordinary bath which is non-obligatory on one like taking bath during a very hot weather to reduce the effect of the heat on one.
4. Non-obligatory ritual bath taken in preparation for Jumu'ah prayer.
5. Animals not slaughtered or properly killed.
6. Ibn. Yunus was a renowned muslim jurist.
7. The Tradition of the prophet Muhammad (S.A.W.)
8. This provision is to caution against the use of the residue of same handful of the water used for wiping the head for the wiping of the ears. A separate handful of water is needed for the wiping of the ears.
9. The Islamic law.
10. Cleansing the outlet of a filthy discharge with water.
11. One can wash one's hand with soap instead of rubbing it over an object.
12. Resting on one leg. This explains why the traditional Islamic scholars in Nigeria disapprove of urinating while one is in a standing position.
13. While one is still in the act of discharging the filth.
14. For a sudden appearance of any animal from it could lead to serious embarrassment and a messy consequence.
15. The author mentions only two of the three. The third is the bank of a functional river.
16. Towards the sacred house in Makkah i.e. The Ka'bah.
17. The other view is that it is allowed.
18. The implication of "wife" here is spouse.
19. The maid from Islamic view-point meant a slave-girl under a master. During the time of slavery such ladies were considered inferior and could not marry unless with the permission of their masters. One way through which the manumission of such ladies was effected by Islam is to make sexual cohabitation with them lawful for their masters. Once they had a child for the master, they became the "mothers of the children" and their status enhanced. This provision is not applicable to present-day female aids or house-helps who are just employees of their masters. For detailed information read M.M. Ali: *The Religion of Islam*, Lahore, 1973, pp. 543-544.
20. See *The Holy Qur'an* 4:22 ff.

21. Abdu's-salam b. Sa'id - Sahnun : *al-Madawwanah al-kubra*, Cairo, 1908, Vol. 1 P.17.
22. On which Qur'anic passages are written.
23. Provided there are other competent Muslims around to perform the funeral ritual prayer.
24. If it dawns on one only after the expiration of the prescribed period for the particular ritual prayer, then one need not repay.
25. (i) To do only the possible washing (ii) To do only the possible wiping (iii) To abandon both (iv) To combine what is possible of the two options.
26. Once it is not otherwise necessitated, it has no time limit when one should remove it and perform fresh and direct ablution.
27. The other view is that for the wiping of the left foot, one places one's left hand fingers on the toes and places one's right fingers under the toes.
28. The maximum duration she has ever had.
29. Still subject to the maximum of fifteen days.
30. Period of grace when one is expecting the cessation.
31. Khalil b. Is-haq : *Mukhtasar, Daru 'L-fikr*, n.d, P. 22
32. The prescribed period for the daily ritual prayer which is due at the time when the dryness has been ascertained.
33. Post natal blood-discharge including lochia.
34. Obligatory charity imposed by Allah on all believers once in a year.
35. The ninth month of the lunar calendar.
36. Or intention to do so at the earliest convenient opportunity.
37. That is: "I bear witness that there is no deity worthy of worship but Allah and that I bear witness that Muhammad is His servant and Messenger."
38. See *The Holy Qur'an* 4:103. Each of the daily ritual prayer has its specific time before which the particular prayer cannot be validly observed.
39. It could, but should not, be unduly delayed.
40. This provision has been analysed in I.O. OLOYEDE: *Shari'ah Versus Secularism in Nigeria*, (in Press) I.P.B., Lagos.
41. Each of the five daily prayers has both the prime time and the period of grace or period of excuse.
42. i.e. not obliterated or destroyed.
43. Not serious enough to inflict wound on him

44. *Zuhr*
45. *'Asr*
46. *Maghrib*
47. *'Ishā'* and *Suhh* respectively.
48. It is the time when objects begin to have shadows in a sunny afternoon.
49. The paleness can be vividly observed through the rays of the sun as reflected on the ground and on objects.
50. The circular shaped object and not the glow.
51. The implication of the statement is that if he makes the first second and he has to repay the second, it follows that the 'first' which is supposed to come after the one he has erroneously made the second, should also be repaid.
52. The implication of "within the prescribed time" is that if the time has lapsed by the time he finishes the missed ones, he need not repay the one he had performed behind the Imam. See Salih Abdul - Sami' Al-'Abi Al-Azhari: *al-Jawahir al-Madiyyah bi Sharh. 'I-Izziyyah*, Cairo, n.d, p. 59.
53. Ibn Qasin was a renowned muslim jurist who first compiled Al-Mudawwanah.
54. *Mukallaḥ*. A mature and sane free person.
55. Not for one who is on the prayer when the call is made nor for one who has already stood up to begin the *naḥilah* when the call is commenced.
56. Act which is in conformity with the practice of prophet Muhammad S.A.W.
57. Area mosques normally used for the observance of the daily prayers.
58. The call is to be made in Arabic which is the *lingua franca* of the Muslims. It is to be noted that the call is not intended for the people of any particular race, tribe or language but all Muslims within the locality. The practice of having ethnic mosques such as Hausa mosque, Yoruba mosque, etc which is in vogue in some parts of Nigeria is antithetical to the intended goal of congregational ritual prayer. Muslims should also discourage the practice of having family mosques which is rampant in some low density areas in most of our urban cities. Muslims should avail themselves of the opportunity and benefits of daily congregational ritual prayer in every locality. Individual family mosque is likely to hinder communal efforts and effective consultation and the taking of collective decisions by Muslims within a locality. See Qur'an 3:102.
59. It distorts the original meaning and thus constituting an un-intended opinion.
60. The elongation turns the statement to a question such as "Is Allah the Greatest?" instead of "Allah is the Greatest".

61. It does not make a complete sense and unless the succeeding phrase is added, it represents an opposition to the position of Islam on the concept of the existence of Allah.
62. If it is called "*rasūla*", it means "I bear witness that Muhammad, the Messenger of Allah" instead of "I bear witness that Muhammad is the Messenger of Allah".
63. "*Salat*" and not "*sala*". Though the origin of the letter is *ha* it becomes "*r*" with the two dots.
64. Or any other form of verbal greetings.
65. The two statements starting with "I bear testimony . . .".
66. Condition precedent.
67. Ibn Kinanah was a muslim jurist.
68. The general view is that it is not void. See S.A. Sami' al-'Abi-Al-Azhari : *Sharhu 'I-Izziyyah*, op. cit. p. 65.
69. The *'Iqamah*, just as the *'Adhān* has to be made in Arabic.
70. May be else-where in another work of the author.
71. Externally imposed impurity.
72. Literally those that have *rukū'* and *sujūd* and those which do not have both, such as *Ṣalātu-l-janāzah*.
73. A person who is marriageable to her. One who is not within prohibited degree of relationship to her in marriage.
74. If it is an obligatory prayer and he has completed it, and not if it is a voluntary ritual prayer.
75. For it to be valid, it has to be done normally while standing and facing the *Qiblah*. If these conditions are omitted without valid excuse, then the consecration - *Allāhu Akbar* is not validly made.
76. Chapter one of the Glorious *Qur'ān*.
77. The palms are included in some sound traditions of the prophet.
78. Whether it is the whole prayer or the rising that would be reperformed depends on how soon thereafter he remembers the omission.
79. Terminal salutation.
80. A member of the congregation.
81. Such as a Quranic verse(s)
82. *Zuhr*, *'Asr*, *Maghrib* and *'Ishā'*
83. It has to be recited in Arabic

84. *Ibid.*

85. The second and third are to be said silently.
86. A wood or any object. This is to avoid direct passage in front of either of them.
87. Pledge of absolute obedience to Allah to the absolute exclusion of all others.
88. The Glorious Qur'an 2:255
89. Some jurists opined that it is only when such drinking or eating is done deliberately.
90. Technically called *Ba'di* (that which comes after).
- 90a. Technically called *Qabli* (that which precedes).
91. Except for an all female congregation.
92. In Nigeria, it is not uncommon to find an Imam with linguistic impediment, who pronounces *lam* instead of *dal* or *sin* instead of *zad*. We are of the opinion that such linguistic peculiarity does not invalidate the Imamship of such persons.
93. With a proviso that the error does not seriously affect the intended meaning.
94. Compensation is used for a prayer which is being observed after the expiration of its prescribed time.
95. Such as lack of space.
96. Provided such situation is not forced on them by necessity.
97. The length of a mile varies from place to place. 3 English miles are equal to 4.8 k.m.
98. Such as removing the hair of the armpits and shaving the pubic region. See: *Al-Risalah*, p. 156.
99. Anything with repulsive odour, such as cigarette is not to be taken along, nor the remnant of its odour, to the *Jumu'ah* mosque.
100. A female's nudity is her whole body except the face and the hands while that of a male is what falls between his navel and his knees.
101. The plural is *burud*.
102. See footnote 97
103. A cubic is .68m. So 1,000 cubics is 680 metres which is less than a kilometre. This explains our earlier opinion that 'mile' has varied measurement.
104. Approximately 76.8 kilometre.

105. A journey on which the traveller spends more than three days on transit cannot be regarded as valid for the purposes of calculating the distance and the permissibility of shortening of ritual prayer.

106. After the observance of twenty obligatory daily prayers.

107. Qur'an 87

108. Qur'an 109

109. Qur'an 112, 113 and 114 respectively.

110. For a *sunnah* cannot be allowed to lead to the missing of an obligatory prayer.

111. *Fajr* prayer.

112. It falls on the first of *Shawwal*.

113. Greater *'Id*. It is observed on the 10th of *Dhul-Hijjah*.

114. It is usually recited in Arabic

115. Note that each *rak'ah* has two standings.

116. Qur'an 2

117. Qur'an 3

118. Qur'an 4

119. Qur'an 5

120. The reciter must be pure from impurities, cover his/her nudity while his/her dress free of physical and ritual impurities.

121. Qur'an 53, 84, 68 and 22 respectively.

122. If it is done by a group of people the obligation on others is removed

123. Legal minimum assessable amount for the poor

124. That is mineral resources.

125. A *dinar* is about 51.3 U.S. Dollars

126. The Value of a *dirham* is about 5.13 U.S. Dollars

127. If the collection is organised one year would mean the first time that the collector (who normally goes around annually) comes after the wealth has been possessed by the prospective payer.

128. A three-year old one.

129. Two - year old ones.

130. Every additional 10 increases the due.

131. The official collector may use 30 or 40 as a unit. The same goes for any number that is divisible by both 30 and 40. The rule is that, to be on the safe side, which ever is costlier should be adopted out of the two methods.
132. 40 – 120 is in the same category.
133. 121 – 200 is in the same category.
134. 201 – 399 is in the same category.
135. Literally loads. Technically it is about 60 *sa'*. One *Sa'* is 4 *muds* of the prophet. One *mud* is an average double handed scoop. (See the *Sharhu 'L-'Izziyyah*, op. cit. p. 122.)
136. The *ratl* is 449.28 English grammes; 3.202 Syrian kilogramme, 2.566 Beirut kilogramme: See J.M. Cowan (Ed.), *Arabic-English Dictionary*, India, 1960, p. 345.
137. The use of both methods would entail proportional determination as specified in *Sharhu'l-'Izziyyah* op. cit. p. 123.
138. For the owner of the slave owns all the possession of the slave. However, if the owner does not maintain the slave, the slave can be entitled to it. If possible, the *Zakah* should be used to obtain the slave's freedom first.
139. Provided he took enough precaution.
140. *Zakah* is not to be given to one's dependants.
141. Alms given at the end of *Ramadan* fast.
142. Slightly less than a bushell. See Ruxton: op. cit. p. 52.
143. The last day of *Sha'ban*. The 30th of *Sha'ban* may be the first of *Ramadan*, if the month ends on the 29th.
145. Or adequate arrangements for his feeding.
146. The formula should be recited in Arabic.
147. On the second day of *'Arafat*.
148. *Batnu 'L-Manil*. Only between Safa and Marwa.
149. Preferable in Arabic if one is able.
150. On the 10th of *Dhu'l-hijjah*.
151. One which has lost up to a third of its tail.
152. To be said in Arabic.
153. *The Glorious Qur'an* 23:6
154. This provision is superfluous since a non-Muslim cannot be legally married to a Muslim lady, divorcing her is completely out of place.

155. *Jawahiru'l – Ikhlil* is a commentary on *Mukhtasar khali* on which one of the present writers is currently researching.
156. Of Ibn Abi Zayd al-Qayrawani.
157. The popular view is that sexual cohabitation terminates the divorce process unless another one is started. The woman can seek judicial dissolution if she is not satisfied.
158. Or its agent.
159. Such as daughter's daughter; sister's daughter, maternal uncle, uncle's daughter, and brother's daughter.
160. Such as the deceased's descendant.
161. If more than one daughter exist, the son's daughters are eliminated, except by the presence of a brother of theirs (son's son) or their paternal uncle's son.
162. Many Islamic countries such as Egypt, Tunisia and Pakistan have amended this provision.
163. Their own fathers, the father and the grandfather of the deceased.
164. Children of the brothers.
165. Daughter's son 1/3 and son's son 2/3
166. 1/3 and 2/3 respectively.
167. The child or grandchild
168. Such as the direct daughter in relation to son's daughter.
169. In each case, once their male counter-part co-exist, they would be agnatised and they are thus no longer basic sharers.
170. When a man disowns paternity of a pregnancy of his wife through *Li'an*
171. The child can inherit from or through the mother but not from or through the father.
172. *The Glorious Qur'an* 4:28
173. *Ibid*, 4:10
174. *Ibid*, 5:44
175. The leader of the Hanafi school of Law in Islam
176. *The Glorious Qur'an* 5:5
177. An image that could have shadow. This does not apply to pictures.
178. Two extremist-groups in Islamic History. There is no Qur'anic justification for this provision.