

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**IN THE NAME OF ALLAH,
THE ALL-BENEFICENT, THE ALL-MERCIFUL**

ترجمہ و تفسیر
Translation Statement

قال الله تعالى:

إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا

Indeed, Allah desires to repel all impurity from you, O People of the Household, and purify you with a thorough purification.

(*Sūrah al-Aḥzāb* 33:33)

The most authoritative books on Ḥadīth and Tafsīr (Quranic exegesis), amongst both Sunni and Shi'ah sources, cite Prophetic traditions that confirm verse 33:33 as being exclusively revealed in relation to the five who were 'covered by the Cloak'; namely Muḥammad, 'Alī, Fāṭimah, al- Ḥasan, and al- Ḥusayn, (peace be upon them), to whom the term 'Ahl al-Bayt' (People of the House) is specifically attributed.

For instance, refer to the following reference books:

(1) Aḥmad ibn Ḥanbal (d. 241 AH), *al-Musnad*, 1:331; 4:107; 6:292, 304. (2) *Ṣaḥīḥ Muslim* (d. 261 AH), 7:130. (3) Al-Tirmidhī (d. 279 AH), *Sunan*, 5:361 et al. (4) Al-Dulabī (d. 310 AH), *al-Dhurriyyah aṭ-Ṭāhīrah an-Nabawīyyah*, p. 108. (5) An-Nassa'ī (d. 303 AH), *al-Sunan al-Kubrā'* 5:p108, 113. (6) al- Ḥakīm al-Nayshābūrī (d. 405 AH), *al-Mustadrak 'alā aṣ-Ṣa ḥīḥayn*, 2:416, 3:133, 146, 147. (7) al-Zarkāshī (d. 794 AH), *al-Burhān*, pp. 197. (8) Ibn Ḥājar al-Asqalānī (d. 852), *Fath al-Barī Sharḥ Ṣaḥīḥ al-Bukhārī*, 7:104. (9) Al-Kulaynī (d. 328 AH), *Uṣūl al-Kāfi*, 1:287. (10) Ibn Bābawīyah (d. 329 AH), *al-Imāmah wa'l-Tabsīrah*, pp. 47, H. 29. (11) Al-Maghribī (d. 363 AH), *Da'aa'im al-Islām*, pp. 35, 37. (12) As-Ṣadūq (d. 381 AH), *al-Khiṣāl*, pp. 403, 550. (13) Aṭ-Ṭūsī (d. 460 AH), *al-Amaalī*, H. 438, 482, 783.

For more details, refer to the exegesis of the holy verse involved in the following reference books of *tafsīr*: (1) Aṭ-Ṭabarī (d. 310 AH), *book of Tafsīr*. (2) Al-Jassās (d. 370 AH), *Aḥkām al-Qur'an*. (3) Al-Wahīdī (d. 468 AH), *Asbāb an-Nuzūl*. (4) Ibn al-Jawzī (d. 597 AH), *Zād al-Maṣīr*. (5) Al-Qurṭubī (d. 671 AH), *al-Jāmī' li-aḥkām al-Qur'an*. (6) Ibn Kathīr (d. 774 AH), *Book of Tafsīr*. (7) Aṭ-Tha'albī (d. 825 AH), *Book of Tafsīr*. (8) As-Suyūṭī (d. 911 AH), *ad-Durr al-Manthūr*. (9) Ash-Shawkanī (d. 1250 AH), *Fath al-Qadīr*. (10) Al-'Ayyāshī (d. 320 AH), *Book of Tafsīr*. (11) Al-Qummī (d. 329 AH), *Book of Tafsīr*. (12) Furṭ al-Kūfī (d. 352 AH), *Book of Tafsīr*; in the margin of the exegesis of verse 4:59. (13) Al-Tabrīzī (d. 560 AH), *Majma'al-Bayān*.



مجلس شورای اسلامی ایران
Islamic Consultative Assembly

IMAM SADIQ'S JURISPRUDENCE:

VOLUME 1

RITUAL PURITY

(TAHARAH)

قَالَ رَسُولُ اللَّهِ ﷺ:

إِنِّي تَارِكٌ فِيكُمْ الثَّقَلَيْنِ: كِتَابَ اللَّهِ وَعِزَّتِي أَهْلَ بَيْتِي، مَا إِنْ تَمَسَّكْتُمْ بِهِمَا لَنْ تَضَلُّوا بَعْدِي أَبَدًا، وَإِنَّهُمَا لَنْ يَفْتَرَقَا حَتَّى يَرِدَا عَلَيَّ الْحَوْضَ.

The Messenger of Allah (ﷺ) said:

“Verily, I am leaving among you two precious things [*Thaqalayn*]: The Book of Allah and my progeny [*‘itrah*], the members of my Household [*Ahl al-Bayt*]. If you hold fast onto them, you shall never go astray. These two will never separate from each other until they meet me at the Pond [*hawḍ*] (of *Kawthar*).”

This holy tradition has been narrated, with different paraphrases, by numerous Sunni and Shi’ah sources:

Al-Hākim an-Nayshābūrī, *Al-Mustadrak ‘ala al-Ṣaḥīḥayn* (Beirut), vol. 3, pp. 109-110, 148, 533.

Muslim, *Aṣ-Ṣaḥīḥ*, (English translation), book 31, *ḥadīths* 5920-3.

At-Tirmidhī, *Aṣ-Ṣaḥīḥ*, vol. 5, pp. 621-2, *ḥadīths* 3786, 3788; vol. 2, p. 219.

An-Nassā’ī, *Khaṣā’iṣ ‘Alī ibn Abī Ṭālib*, *ḥadīth* 79.

Aḥmad ibn Ḥanbal, *Al-Musnad*, vol. 3, pp. 14, 17, 26; vol. 3, pp. 26, 59; vol. 4, p. 371; vol. 5, pp. 181-182, 189-190.

Ibn al-Athīr, *Jāmi ‘al-Uṣūl*, vol. 1, p. 277.

Ibn Kathīr, *Al-Bidāyah wa’n-Nihāyah*, vol. 5, p. 209.

Ibn Kathīr, *Tafsīr al-Qur’ān al-‘Azīm*, vol. 6, p. 199.

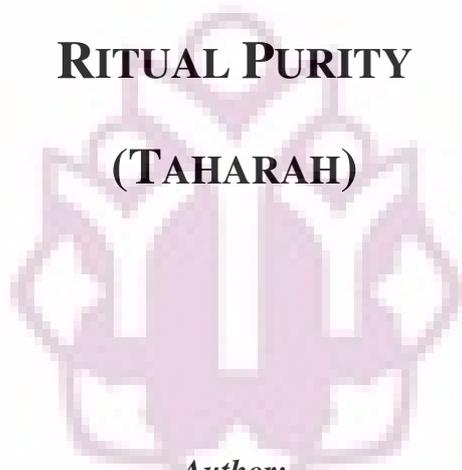
Nāṣir ad-Dīn al-Albanī, *Silsilat al-Aḥādīth aṣ-Ṣaḥīḥah* (Kuwait: Ad-Dār as-Salafiyyah), vol. 4, pp. 355-358.

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کتابخانه مجلس شورای اسلامی
کتابخانه مجلس شورای اسلامی



دھرتی تحریک
Translation Movement

Preface

In the Name of Allah, the All-beneficent, the All-merciful

The invaluable legacy of the Household [*Ahl al-Bayt*] of the Prophet (may peace be upon them all), as preserved by their followers, is a comprehensive school of thought that embraces all branches of Islamic knowledge. This school has produced many brilliant scholars who have drawn inspiration from this rich and pure resource. It has given many scholars to the Muslim *ummah* who, following in the footsteps of Imāms of the Prophet's Household ('*a*), have done their best to clear up the doubts raised by various creeds and currents within and without Muslim society and to answer their questions. Throughout the past centuries, they have given well-reasoned answers and clarifications concerning these questions and doubts.

To meet the responsibilities assigned to it, the Ahl al-Bayt World Assembly (ABWA) has embarked on a defense of the sanctity of the Islamic message and its verities, often obscured by the partisans of various sects and creeds as well as by currents hostile to Islam. The Assembly follows in the footsteps of the *Ahl al-Bayt* ('*a*) and the disciples of their school of thought in its readiness to confront these challenges and tries to be on the frontline in consonance with the demands of every age.

The arguments contained in the works of the scholars belonging to the School of the *Ahl al-Bayt* ('*a*) are of unique significance. That is because they are based on genuine scholarship and appeal to reason, and avoid prejudice and bias. These arguments address scholars and thinkers in a manner that appeals to healthy minds and wholesome human nature.

To assist the seekers of truth, the Ahl al-Bayt World Assembly has endeavored to present a new phase of these arguments contained in the studies and translations of the works of contemporary Shī'ah writers and those who have embraced this sublime school of thought through divine blessing.

The Assembly is also engaged in edition and publication of the valuable works of leading Shī'ah scholars of earlier ages to assist the seekers of the truth in discovering the truths which the School of the Prophet's Household ('*a*) has offered to the entire world.

The Ahl al-Bayt World Assembly looks forward to benefit from the opinions of the readers and their suggestions and constructive criticism in this area.

We also invite scholars, translators and other institutions to assist us in propagating the genuine Islamic teachings as preached by the Prophet Muḥammad (ṣ).

We beseech God, the Most High, to accept our humble efforts and to enable us to enhance them under the auspices of Imām al-Mahdī, His vicegerent on the earth (may Allah expedite his advent). ﷻ

Cultural Affairs Department
The Ahl al-Bayt ('a) World Assembly



الجمهورية الإسلامية الإيرانية
الجمهورية العراقية

Translator's Preface

Strictly speaking, one cannot term this treatise as a translation of the late M.J. Maghniyyah's 'Fiqh al-Imam al-Sadiq' for the following reasons: firstly, one may take the position that it is almost impossible to thoroughly translate Arabic jurisprudential themes into a language that doesn't possess many of the key technical terms (such as *junubs*, *jallals* and even the '*just*' – see glossary); secondly, explanatory commentaries have been added throughout the book, in addition to the original texts, so that readers may develop a more detailed, and sometimes clearer, understanding of the main issues at stake and thirdly, the structure and layout of the book has been organized differently from that of the original.

'Fiqh al-Imam al-Sadiq' is an example of dynamic jurisprudence and it illustrates how fiqh evolves through the times. Books of this calibre that touch upon, and demonstrate, the *ijtihad* practiced by the *fuqaha* in relation to passing verdicts and so forth are not commonly found in English. Admittedly, this was a new experience and I hope that the readers may forgive me for the shortcomings that arise throughout the book. I am all ears with respect to any feedback our dear readers may send.

F.B. Sekaleshfar
Qum 2008

ترجمه و تفسیر
بیان



حرکت ترجمانی
Translation Movement

1.0 Types of Waters

1.1 Mutlaq (absolute) Water

Transmissions

25:48 reads: "... and We sent down a tahirizing (purifying) water from the sky." (1)

Imam Sadiq (peace be upon him) said : "All waters are tahir (pure) save those that you know to be najis (impure)" (2)

Imam Sadiq (peace be upon him) said : "Verily Amir al-Mu'minin always used to say, when glancing at water, 'All praises are specifically attributed to Allah, who has assigned water as tahir, not najis'" (3)

Inferences & Discussion

The *fuqaha* (Islamic Jurisprudents) term all natural waters as *mutlaq*, such as waters that fall from the skies, spring from under ground, result from the melting of snow/ice or those that are either sweet or sour (in their natural, original state). *Mutlaq* water may be defined as absolute; the expression 'absolute' indicates *that* water which is neither compounded nor literally annexed by concrete matter, such as muddy water, (artificial) salty water, orange juice etc. The term 'water', when used on its own by *urf* (laity, the common layman), is sufficient with respect to informing us of the reality of water. *Mutlaq* waters therefore include:

- mineral waters such as sulphated waters [all being natural]
- water of rivers that may even alter, during flooding, as a result of becoming polluted with plants, sea-weed, mud...
- water in ponds and puddles that may either alter naturally after a lapse of time or due to the genesis of living beings, within them, such as algae etc... or even waters whose odour may alter as a result of the leaves of a tree etc. where it is impossible or extremely difficult to prevent such an alteration from occurring.

In the above examples, note that the colour, taste or odour of the waters may alter substantially, however since all such alterations are natural and naturally-occurring, rather than artificial and man-made, they are still referred to as *mutlaq*.

1.2 Tahir and Mutahhir (Purifiers)

Transmissions

8:11 reads: "...and He sent down water from the sky to tahirize you with it..." (4)

Imam Sadiq (peace be upon him) said: "The Messenger of Allah stated that water tahirizes (things) but doesn't become tahirized (by other than itself)" (5)

Inferences & Discussion

Mutlaq water eliminates (or purifies things from) concrete *najasah* (i.e. impurity resulting from something's contact with a concrete *najis* or a *mutanajjis* [a *najis*ated body]) such as blood and urine, *per se*, or objects polluted by them; it also removes abstract *najasah* (*hadath*: state of impurity that prevents a *mukallaf* [a dutybound Muslim] from executing a number of rituals, including *salat*, *sawm*, *tawaf*, specific Quranic recitations...), hence one may (a) *wudue* with it, (b) *ghuslate*, thus removing the states of *najasah* (impurity) caused by *hayd* (menstruation) or *janabah* (see glossary) and (c) wash the *mayyit* (the deceased) by means of *mutlaq* water. This is what the *fuqaha* are alluding to when they state *mutlaq* water as being *tahir*, *per se*, as well as *tahirizing* other things i.e. from *khathath* (a concrete *najis* or a *mutanajjis*) and *hadath*.

Taharah from concrete *najasah* concerns one's body, alone, and not one's heart or mind; therefore, it isn't necessary to intend to gain proximity to Allah whilst *tahirizing* oneself from *khathath* for making *niyyah* is an attribute of the heart/mind. However, *tahirizing* oneself from *hadath* involves the body *and* mind and therefore the *niyyah* for Allah's sake becomes a necessity.

1.2.1 Two differences between the khathath and hadath

Firstly, *qalil* water (see glossary) loses its *taharah* once it comes into contact with *khathath* such as blood or urine; however its *taharah* is intact after being touched by someone who is affected by a minor or major state of *hadath* but who is not physically (visibly) contaminated with any traces of concrete *najis*.

Secondly, *tahirizing* something from *khathath* requires no *niyyah* i.e. the *niyyah* to seek proximity to Allah whereas the process of *tahirizing* oneself from the minor and major states of *hadath* does, without doubt, require the execution of the *niyyah* to seek proximity to Allah.

1.3 Mudaf Water

Transmissions

Imam Sadiq (peace be upon him) was asked concerning the execution of *wudu* by means of milk. He replied: "No! verily *wudus* may only be achieved by means of water and earth." (6)

5:6 reads: "...if you don't find water, then *tayammumate*..." (7)

Inferences & Discussion

According to the *fuqaha*, all liquids – with the exception of *mutlaq* water – are *mudaf* e.g. vinegar, fruit juice, tea, wine, rosewater etc. *Mudaf* water may be classified into two categories i.e. (a) liquids that result from the addition of something with *mutlaq* water, thus converting the previously *mutlaq* water from its original state (into a liquid other than normal water) and (b) liquids that are extracted from concrete bodies e.g. orange juice, carrot juice...

Mudaf water is *tahir per se* according to (2) but it does not *tahirize*. Allah has declared *tayammum wajib* (7) on occasions where one encounters an absence of *mutlaq* water. *Mutlaq* water is implied in 5:6 for verily the word ‘water’, alone, conveys its denotation which is *mutlaq* water. If *wudu* were to be permitted with non-*mutlaq* water, i.e. *mudaf*, then *tayammum* wouldn’t have been declared *wajib*.ⁱ Another proof provided vis-à-vis the non-*tahirizing* nature of *mudaf* water is the following: that which is explicitly decreed *najis* by the *shariah* may not be decreed *tahir* unless its *najasah* is explicitly eliminated by the *shariah*. Now there does exist *nass* (explicit texts) that prove that *mutlaq* water does *tahirize* (1,4,5,6) and that *mudaf* water doesn’t *tahirize*. Therefore, if one beholds a *mutanajjis* and then washes it (eliminating the *najis* element) with *mudaf* water, since the latter does not *tahirize* – according to the *nass* of the *shariah* – one thus doubts as to whether the *mutanajjis* has become *tahir* or not. Doubting the *taharah* of the previously-known *mutanajjis*, one is permitted to apply the principle of *istishab* (presumption of continuity) i.e. where one is authorized to presume that the *mutanajjis* holds its previously-known, original state of *najasah*.

1.3.1 Enquiry

Assuming one encounters a given water and *doesn’t* know whether it is *mutlaq* (being able to eliminate *khath* and remove *hadath*), or *mudaf* (which is neither capable of eliminating *khath* nor *hadath*), what is one’s duty in such a case? Is there a method for determining the type for this given water? **Solution:** one must initially ask oneself whether one beholds any previous knowledge with respect to this given, unknown water. Assuming one has knowledge that the given water used to be *mutlaq*, originally, but after the occurrence of gradual, minute alterations such as the addition of small flakes of soap, ink drops etc. one doubts whether or not the previously-known *mutlaq* water has consequently exited the realms of *itlaq* (*mutlaqness*), one is justified in neglecting such a doubt and presume that the water has remained in its previously-known, original state i.e. *mutlaq*.

Inferences & Discussions

There exists two pieces of evidence involved in extrapolating the above ruling; one being rational, the other transmitted. **Rational proof :** Man’s *fitrah* (innate nature) dictates that when one has certainty with respect to something’s existence or non-existence, one will continue to act in accordance with that which one previously had certainty towards (thus presuming that *that* matter continues *to be*). Man’s *fitrah* – in such cases – never gives in to any future doubts or possibilities which are in contradiction to one’s previously-acquired certainty save on occasions whereby one acquires certainty with respect to the contrary i.e. a matter contrary to that which one had previously gained certainty; for verily nothing may eliminate certainty save a later certainty. It is inconceivable that a doubt can eliminate a certainty! for doubts are weak and baseless. Therefore, if one is asked ‘why do you stand by your previous certainty when you are at doubt at present?’ one ought to reply, “because

ⁱ This first proof has been cited by the author of ‘*Al-Madarik*’, 1:110.

the contrary has not yet been proved”.ⁱ **Transmitted proof:** *Istishab* may be canonically defined as the continuity of proof with respect to that previously proved or the continuation of refutation with respect to that previously refuted. In short, this principle declares the presumption of continuity. The *fuqaha* have observed this principle, counting it as being one of the standard canonical principles and have derived a whole range of laws by means of it. They have termed it *istishab* (literally meaning taking along, escorting) because Man remains accompanied with one’s original certainty up until certainty is disproved with respect to the contrary.

Imam Sadiq (peace be upon him) said: “Certainty doesn’t become nullified by doubt, rather it becomes nullified by means of another certainty” (8)

Similarly, if one had knowledge or certainty that a given water was *mudaf* and later, due to some alteration, developed doubt as to whether or not that water has become *mutlaq*, one ought to remain with one’s previous and original certainty, thus treating the water as still being *mudaf* via *istishab*.

Now, assuming one encounters a liquid and doubts as to whether it is *mutlaq* or *mudaf*, if one beholds no previous knowledge with respect to the water’s state (i.e. not knowing whether it had previously been *mutlaq* or *mudaf* – thus beholding a primordial doubt (*shakk al-badawi*), then one may neither treat it as *mutlaq* nor *mudaf*; the reason being because there exists no *nass* that decrees and presumes any given unknown water as being *mutlaq* or *mudaf*. *Istishab* may not be applied because no previous certainty has been acquired. The result therefore is that one cannot (a) either *wudue* or *ghuslate* with such a given water and (b) *tahirize* by means of such a water; moreover, the water is regarded as not beholding any *mudaf* properties, hence it won’t (if *qalil*) become regarded as *najis* on encountering a *khath*.

1.4 Waters that have a subterranean source (*nabi*) and those which have no *nabi*

Transmission

Imam Sadiq (peace be upon him) said: “its not problematic for one to urinate into *jari* (flowing/running) water but its *makruh* (undesirable) to urinate into *rakid* (stationary) water” (9)

Definitions

Jari water literally alludes to that water that flows on land – irrespective of whether or not the water beholds a subterranean source. *Rakid* water is stationary and confined water seen, for example, in wells, puddles or creeks. These two were literal definitions. How are they defined canonically? The author of ‘*al-Madarik*’ states:

ⁱ Basing *istishab* solely on rational grounds may not always be applicable, even *fitrah*-wise, in matters of vital importance such as life, dignity and capital e.g. Mr. A sends large sums of cash – on a monthly basis – to Mr. B at a certain address; after a while Mr. A doubts, on receiving some information, whether Mr. B has changed address. Should Mr. A still presume Mr. B’s address unchanged and therefore continue sending the monthly payments? Certainly not! (tr.)

“Jari water refers to that water that has a subterranean source because were it not to be connected to a source, it would have unanimously been decreed as a kind of rakid water”ⁱ

Discussion

The *fuqaha* have a specific canonical definition for *jari* and *rakid* waters which differ from the literal definitions. *Jari* water is that which is connected to a source even if it has no current flow, for it always beholds the potential to have flow. *Rakid* water, according to them, is that water which beholds no source, even if it bears flow for a period of time; it doesn't always behold the potential to have flow.

1.5 Water-Najis Contact

Transmissions

The Holy Messenger (May Allah's peace and blessings be upon him) said: “Allah has created water tahir; nothing may najisate it save that najis that alters its (the tahir water's) taste, colour or odour.” (10)

Imam Sadiq (peace be upon him) said: “if a water's odour or taste alters, then neither drink it nor wudue with it; and if its odour or taste doesn't alter, then you may drink it and wudue with it.” (11)

Imam Rida (peace be upon him) said: “well-water is abundant; nothing najisates it save that which alters the well water's odour or taste; in such cases, extract water from the well until the odour exits and the taste returns (to normal) for verily wells behold a source.” (12)

Imam Sadiq (peace be upon him) said: “if a water reaches the volume of kurr, then nothing can make it najis (provided that no alteration occurs)” (13)

Inferences & Discussion

If a *najis* contacts water, a number of possibilities may result:

- (1) if a *najis* contacts *nabi'* water and the latter's colour, taste or odour does not alter, then the water's *taharah* will therefore remain intact – be it *kurr* or *qalil*. The Imam's words ‘...for verily wells behold a source’ indicate that the existence of a source is a barrier against such a water becoming *najis* after contact – irrespective of whether the water is *kurr* or *qalil* – as long as none of the three pivotal alterations occur i.e. the water's colour, taste or odour.
- (2) if, however, a water's colour, taste or odour alters after contact with a *najis*, then the water will become *najis*. This is clearly indicated by the above traditions, irrespective of whether the water is *kurr*, *qalil*, *nabi'* or *non-nabi'*.

The *fuqaha* have stipulated conditions to instances where such alterations *do* actually lead to *najasah*:

- (a) only those alterations that occur as a result of the water's direct contact with concrete *najasah per se*; hence if a *mayyit* of an animal lies besides a *tahir*

ⁱ Al-Madarik, 1:28

water, giving the water a foul smell – albeit not in direct contact with it – then the water will not be deemed *najis*, rather it will still be regarded as *tahir*.

- (b) only those alterations caused by the concrete *najis*' own pivotal attributes cause *najasah*, not those alterations caused by the *mutanajjis*' colour, taste or odour. Hence, if a *mutanajjis* red fruit juice encounters a water and turns it red (due to the fruit's colour), the water is still deemed *tahir* provided that it doesn't become *mudaf*.
- (c) that alteration that leads to *najasah* must be *sensible (hissi)*, not *concealed (taqdiri)*. Hence, if a *najis* is of the same colour as the water it is contacting and no alteration is brought about after their encounter, the water remains *tahir* as before – even though an alteration would certainly have resulted were the *najis*' colour different to that of the water – for the criterion with respect to alterations is that of sensation (*hiss*).
- (d) if a *najis* contacts *non-nabi*' *qalil* water, the latter becomes *najis* even if no alteration occurs. This *shar'i* law is extrapolated by (i) *ijma*' (consensus) and (ii) traditions¹ (that some claim add up to three hundred) from the *Ahl al-Bayt*. However, if the *non-nabi*' water is *kurr* – volume-wise – then it shares the same ruling as *qalillkurr nabi*' water i.e. it doesn't become *najis* on contact with a *najis* unless an alteration occurs. This is clearly demonstrated by (13) that is regarded as *mutawatir*.

1.5.1 Doubt arising between *nabi*' and *non-nabi*' *qalil* waters

So far, it has been stated that (a) if a *najis* contacts *non-nabi*' *qalil* water, then the latter becomes *najis* even if the water undergoes no pivotal alteration (i.e. in colour, taste or odour) and (b) if a *najis* contacts *nabi*' *qalil* water, then the latter does not become *najis* unless it alters in colour, taste or odour.

Now, if a *najis* contacts a *qalil* water and one doubts whether or not the water beholds a source, what is one's duty? for in the former case (*nabi*') the water won't become *najis* whereas in the latter case it would do so.

Response

The subject of *najasah*, here, constitutes two causes; that is (i) a *najis*' contact with *qalil* water and (ii) the *non-nabi*'-ness of the water. The former cause may be proved by means of simple observation. The second cause of the equation may be proved by *istishab* for verily we know, for sure, that before the existence of such a water, there had been no source present and now, after the water comes about, one acquires doubt with respect to the presence of such a source; hence, one applies *istishab* i.e. presuming the original absence of such a source. Therefore, both causes of *najasah* and, therefore, *najasah per se* becomes realized.

¹ See *Wasa'il al-Shi'ah*, 1:150, section 8 on 'mutlaq water'.

1.6 Rainwater

Transmission

Imam Sadiq (peace be upon him) said: **“whatever is contacted by rain, becomes tahir”** (14)

Inferences & Discussion

The *fuqaha* unanimously claim that the law concerning rainwater, during rainfall, is similar to that of *nabi'* water (source-wise) i.e. it doesn't become *najis* on contact with a *najis*, irrespective of whether the *najis* enters upon (*warid*) the rainwater or whether the rainwater enters upon the *najis* (*mawrud*). However, if an alteration occurs in colour, taste or odour, the universal law of *najasah* still applies (see 10).

1.7 Contact between a najis and mudaf water

Transmission

Imam Baqir (peace be upon him) was asked about a mouse that enters a vessel containing animal oil and subsequently dies. He replied: **“throw it away as well as that oil that has come into contact with it, provided that the oil is solid; and (it is permissible to) eat the rest (of the oil). However, if the oil is liquid, then don't eat it (none of it); use it for burning purposes. The same applies to olive oil.”** (15)

Inferences & Discussion

The *fuqaha* claim that if a *najis* contacts *mudaf* water, then the latter becomes *najis* – no matter how much the *mudaf* water constitutes in volume. They have deduced such a law by means of (15) even though this tradition focuses upon liquid olive and animal oil which are not strictly termed *mudaf* water. They believe, however, that these two oils share some of the same properties of *mudaf* water and thus share the same ruling in some cases, this being one of them. Which properties? the properties they have in mind are (i) the circulatory aspect of the *najis* and (ii) the *najis'* apparent contact with all the liquid oil. This circulation and apparent contact are the reasons behind determining the liquid oils as being wholly *najis*. Hence, just as the tradition proves the *najasah* of the two oils after contact with the *najis* mouse, it may equally be employed to prove the *najasah* of *mudaf* water after the latter's contact with a *najis*, for verily oils are more viscous and heavier than *mudaf* water which are more flowing and light.

One may question whether the *fuqaha* have executed analogy (*qiyas*) with respect to the above inference. **Reply:** the *fuqaha* are certain that the cause of the oils' *najasah* is tantamount to their circulatory nature. Now, once this reason has been established, with surety, one may apply this principle and logic to other liquids that share this circulatory property, namely *mudaf* water. If the above cause was attained by strong conjecture (*zann*), or anything less, then the conclusion would have been acquired by a false analogy; however, the analogy employed, here, by the *fuqaha* is justified and valid.

Most *fuqaha* declare that if a *najis* contacts *mudaf* water – whatever its quantity may be – the latter becomes *najis*. In his ‘*al-Mustamsak*’, Sayyid Hakim has appreciated a difference, with regard to this ruling, between excessive and small volumes of *mudaf*. He states that excessive volumes of *mudaf* do not wholly become *najis* on contact with a *najis* due to the lack of circulation present, according to *urf* i.e. *urf* does not regard such a contact as spreading throughout the whole excessive amount of any *mudaf* water. However, with small amounts of *mudaf*, such a circulation is considered present by *urf*. In accordance with such a line of reasoning, Hakim therefore concludes that interconnected voluminous oil wells do *not* become *najis* on contact with a *najis*.¹ Note that Hakim’s comments are not out of place or in contradiction with that of the *fuqaha* due to the fact that the latter reject oil as being a *mudaf* water due to its different essence.

1.8 Tahirization of Najis Waters

Transmissions

Imam Sadiq (peace be upon him) said: “parts of a stream may tahirize other parts” (16)

See (2) & (14)

Imam Sadiq (peace be upon him) said: “all waters are tahir save those that you know to be najis” (17)

Inferences & Discussion

Question: assuming a *najis* alters the colour, taste or odour of a *nabi*’ water, how is this water *tahirized*? **Answer:** this water becomes *tahirized* if the alteration *per se* vanishes – be the water *kurr* or *qalil*, be the alteration’s disappearance direct (by itself) or indirect (by means of something else) – for the existence of a source, here, is adequate according to (12) which ended saying ‘...for verily wells behold a source.’ Note that some *fuqaha* regard *imtizaj* (blending between the current alteration-free water and the previously *tahir* water) as an additional prerequisite to disappearance.

Assuming a *non-nabi*’ *qalil* water becomes *najis*, if no alteration has occurred, it may become *tahirized* by a number of ways: (i) if rainwater falls upon it, (ii) if it becomes connected to *kurr* and (iii) if it becomes connected to *nabi*’ water to such an extent that the two connecting waters are considered one. If, however, alteration has occurred, then the alteration must initially be eliminated; the *tahirization* may then result by means of the three aforementioned routes. Another method is to pour the altered *qalil* water into *kurr* water to such an extent that the former becomes traceless once entered into the *kurr* water i.e. no traces of its alteration being observed.

Assuming a *non-nabi*’ *kurr* water becomes *najis* – by means of a *najis* altering the water’s colour, taste or odour; otherwise, a mere alteration-free contact can’t

¹ Al-Mustamsak, 1:114.

najisate such a water – it becomes *tahirized* once the alteration disappears and the water becomes connected to rain, *kurr* water or a source to such an extent that *urf* terms the two connecting waters as one. The mere disappearance of the alteration is not sufficient. Most *fuqaha* neither regard the *imtizaj* of all parts of the *najis* water with all parts of the *tahir* water as a prerequisite for *taharah* nor do they claim, as necessary, that the *najis* and *tahir* water be on the same level at the time of connection. The *tahirizing* water may be situated above the lower *najis* water but not vice versa, unless via force.

Concerning the latter two paragraphs, the issue of connection occurs after the disappearance is realized. However, note that this order is not conditional i.e. if connection and disappearance occur simultaneously, this is deemed sufficient with respect to acquiring *taharah*.

1.8.1 Doubts

Assuming one observes a given water and does not know whether the water was previously *tahir* or *najis* and, also, does not know its present state either, this water is decreed as being *tahir* (a) in accordance with the principle of presumption of purity (*asalah al-taharah*), (b) due to (2) and (c) due to (17) which includes waters and things other than water. If the above water is known to have previously been *tahir*, then the given water is ruled *tahir* without doubt. However, if the water is known to have previously been *najis* and one later doubts whether or not it is still *najis*, then *istishab* dictates that the water remains in its *najis* state.

1.9 A Najis amongst Tahirs

Transmission

The Imam was asked about a man who had two vessels of which one of them contained a *najis* and that the man didn't know which; furthermore, he had no access to any other water. Imam Sadiq (peace be upon him) said: “get rid of both of them and *tayammumate*” (18)

Inferences & Discussion

Therefore, assuming one has two vessels, one of which one knows to be *tahir* and the other *najis* and that one can't differentiate between the two, it is *wajib* to refrain from both vessels because accomplishing one's duty vis-à-vis abandoning the *najis* vessel may not be realized save by refraining from both vessels, thus granting one surety that a *najis* water is not employed during *wudu*. Hence, if there occurs no other water, one must *tayammumate*, according to (18) and (7), for *salat* purposes.

1.10 Kurrization (the becoming kurr) of qalil water

Assuming a *qalil* water is added to a *mutanajjis qalil* water such that the resulting water becomes equal to *kurr*, does the *mutanajjis* water become *tahir* or not?

Response: the *mutanajjis* water does not become *tahir*. (13) alludes to the fact that a given water is initially *kurr* and then contacted by a *najis*, for verily the subject of the tradition i.e. *kurr* water, must precede its predicate i.e. not becoming *najis*. The relationship between a sentence's subject and predicate is that of cause and effect;

hence, the subject must first be realized and the predicate will succeed. A subject-less predicate is meaningless.

Moreover, if the added *qalil* water is *najis*, then *mutanajjis* water is added to *najis* water, then the resulting water may by no means become *tahir*; and if the added *qalil* water is *tahir*, then it becomes *najis* on contact with the already *mutanajjis qalil* water. Either way, a *tahir kurr* will not result.

1.11 The Ghusalah (used water from wudus and/or ghusls)

Transmissions

Imam Sadiq (peace be upon him) said: “Usually, when the Prophet wudued, the water that was washed off his limbs used to be collected and the people would use it to wudue themselves” (19)

Imam Sadiq (peace be upon him) said: “concerning that water used for wudu – i.e. for washing one’s one’s face and hands – its okay, for another, to use it in order to wudue” (20)

The Imam was asked about a *junub* who had *ghuslated* with bathwater, whether another may *ghuslate* with the remaining bathwater (i.e. *that* used and finished with by the *junub*). Imam Sadiq (peace be upon him) replied: “its okay for another to *ghuslate* with that water even though you have *ghuslated* within that water too” (21)

Inferences & Discussion

One understands, from the above traditions, that verily water doesn’t become *najis* on mere contact with a *junub*’s body; moreover, the water that contacts the *junub* doesn’t lose its *tahirizing* property. The *fuqaha* unanimously claim that the *ghusalah* of *wudu* or *mustahabb ghusls* (such as Friday *ghusls*) may be employed to eliminate both *khath* and *hadath*. However, concerning the *ghusalah* of *wajib ghusls*, whilst unanimously agreeing upon the fact that it may be used to eliminate *khath*, the popular opinion with respect to *hadath* is that the latter may also be eliminated by such *ghusalah*.

1.12 Kurr water

Transmissions

See (13)

Imam Sadiq (peace be upon him) said: “if a vessel measures three and a half shibrs in length, breadth and depth, then that is the volume of kurr water” (22)

Imam Sadiq (peace be upon him) said: “that kurr which nothing may najisate is equal to one thousand and two hundred ritls (in weight)” (23)

Inferences & Discussion

(13) is uttered explicitly (thus termed *mantuq*); that which may be implicitly derived from the *mantuq* tradition is its *mafhum* which signifies, in this case, that *that* water

which is less than *kurr* becomes *najisated* by a *najis*. The *mafhum*'s ruling is always contrary to that of the *mantuq*'s; however, this contrast does not arise under all circumstances, rather it only manifests in some instances. In other words, its not necessary for the *mafhum*'s decree to be in contradiction to the *mantuq*'s decree when analysed from different angles; hence, if the *mantuq* is general (as is the case in (13) for when an indefinite article is accompanied by a negatory particle, generality is generated i.e. "...nothing *najisates* it") it doesn't become necessary for the *mafhum* to be general too i.e. 'if a water is less than *kurr*, anything can *najisate* it'. Hence, that is why it is said that *mafhum*s do not imply generalities.¹ (Note that when it is said that *kurr* water doesn't become *najis* (13), this applies to those occasions whereby no pivotal alteration (by a *najis*) has occurred. *Qalil* water, however, becomes *najis* even if no alteration is realized).

So how much is *kurr*? (22) relates to *kurr* by means of volume whilst (23) focuses on weight. The recommended procedure is to rely upon those traditions focusing on volume for the following reasons:

- the ritl unit is ambiguous; one can't be sure what was alluded to by this term during the Imam's era
- waters may differ with one another with respect to heaviness and lightness.
- the weight criterion for determining *kurr* is difficult and not feasible for many, especially for those living far from urban areas, whereas the volume criterion is not difficult; its calculation is feasible by means of one's hands and even by eye where one may approximate, with a degree of certainty, the required volume.

1.12.1 Arising Doubts

Assuming one has a given water and doesn't know whether it is *qalil* or *kurr*, one must endeavour to discover its previous quantity or volume. If one acquires certainty that the water was previously *kurr* and doubts, at present, whether or not it has become less than *kurr*, then one may apply *istishab*, thus presuming the water to still being *kurr*. Hence, all *kurr* properties are attached to such a water i.e. it doesn't become *najis* on contact with a *najis* and if a *mutanajjis* is washed in it, the *mutanajjis* becomes *tahir*.

Assuming one has certainty that a given water was previously *qalil* and doubts, at present, whether or not it has become *kurr*, then one may, again, apply *istishab*, thus presuming the water to still being *qalil*. Hence, all *qalil* properties are attached to such a water i.e. it becomes *najis* on contact with a *najis* and it doesn't *tahirize* a *mutanajjis* if the latter is washed in such a water. Note that if the water, however, is poured over (*warid*) the *mutanajjis* (after the removal of any *najis* particles *per se*) the latter does become *tahir* save in the case of a *urine-means-mutanajjis* that requires two pours of *qalil* water instead of one.

Assuming one has no previous knowledge with respect to a given water, this water may neither be decreed *kurr* nor *qalil*; hence, (a) if a *mutanajjis* is washed in such a

¹ Al- Mukhtalaf, 1: 230;

water, the latter remains *tahir* as long as no alteration occurs; *istishab* has been applied i.e. the water was *tahir* to start off with and after the process of washing, one doubts whether or not it has become *tahir* and so one applies *istishab*. Note that *asalah al-taharah* may also be applied; (b) if a *mutanajjis* is washed within such a water, the former is decreed *najis* by means of executing *istishab*. Does a paradox arise between such a water's *taharah* [in (a)] and the *mutanajjis*' *najasah* [in (b)]? No! for the subject-matter in both cases differ. The subject-matter of the *asalah al-taharah*, above, is the water *per se* whilst that of *istishab* is tantamount to the *mutanajjis* that contacts the water.



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2.0 Concrete Najasah

74:4 reads: “and tahirize your cloak”

2:222 reads: “...verily Allah likes those who repent and likes those who are tahir”

Najasah literally implies a bad disposition and vice behaviour; according to the *fuqaha*, they are specific material and abstract pollutants (stipulated by the canon) that must be eliminated for purposes of *salat* and *wajib* circumambulation (*tawaf*), amongst other rituals and actions. They comprise the following:

2.1 Urine and Faeces

Transmissions

Imam Sadiq (peace be upon him) was asked about a clothing or corpse that had come into contact with urine. He said: “wash it twice” (24)

Imam Sadiq (peace be upon him) was asked whether one may consume flour that had come into contact with mouse excrement. He said: “if any excrement remains in the flour, remove the flour on top that has come into contact with the excrement” (25)

Imam Sadiq (peace be upon him) said: “cleanse your clothes from the urine of haram-meat animals” and “you need not cleanse your clothes from the urine of halal-meat animals.” (26)

Inferences & Discussion

Urine and faeces are unanimously agreed upon, by the *fuqaha*, as being concrete *najises*. However, the urine and faeces allude to is either human urine/faeces or the urine/faeces of *haram-meat animals* that contain circulating blood. Circulating blood is that blood which subsides in the blood vessels and that spurts out, pulsatingly, on dissection of the vessels. Shaykh Reza Hamedani writes in his ‘*Misbah al-Faqih*’ :

“Verily the najasah of the urine and faeces of humans and some types of animals such as cats and dogs etc. are almost counted as the fundamentals of religion (*daruriyyat*), such as the taharah of water. Hence, it’s not worthy – for reasons of time and duration – to state the traditions that prove this issue.”¹

2.2 Birds

Transmission

Imam Sadiq (peace be upon him) said: “the faeces and urine of all animals that fly are unproblematic [taharah-wise]” (27)

¹ Misbah al-Faqih, 7:9.

Inferences & Discussion

(27) therefore indicates that the urine and faeces of both *halal* and *haram-meat animals*, that fly, are *tahir*. One may question that the above tradition seems to be in contradiction to those traditions that claim that the excrement of all *haram-meat animals* are *najis*. The latter may include, therefore, flying *haram-meat animals* such as bats. With which set of traditions ought one side with? **Response:** One must accept those traditions that state that the urine/faeces of all birds are *tahir*. Hence, one can decree that the excrement of all birds, including *haram-meat* birds, are *tahir* for verily the traditions of *najasah* are applied specifically to non-flying animals and so no clash of traditions occur. Supposing this specific application with respect to non-flying animals is not accepted, one consequently encounters an incompatibility and conflict between the two sets of traditions. In such a case, the *taharah*-supporting tradition is preferred because its authenticity is stronger than those of the *najasah*-supporting traditions. If, however, one recognizes both sets as equal, authenticity-wise, one may, then, equally opt for either incompatible tradition in which case one may rightfully decree the urine/faeces of all flying birds as *tahir*. On the other hand, if one concludes that both traditions cancel each other out and that both must be dismissed, then one may apply *asalah al-taharah* i.e. in that all things are *tahir* unless one knows it to be *najis*.

2.3 Najasah-consuming and humanly-defiled animals

Transmissions

Imam Sadiq (peace be upon him) said: “Don’t eat the meat of *jallal* animals; if their sweat comes into contact with you, you ought to cleanse yourselves from it” (28)

Imam Sadiq (peace be upon him) said: “verily Amir al-Mu’minin was once asked concerning a quadruped that was defiled by a man. He replied: ‘Its meat and milk are *haram* to consume’” (29)

Inferences & Discussion

(28) indicates that *jallal* animals are *najis*. *Halal-meat animals* may be divided into those which Man has customarily ate during the ages such as camels, cows, goats, sheep...and those which were not customarily eaten by Man during the ages such as horses, donkeys, ogres etc. Maybe the latter were abandoned because they constituted essential modes of transport for Man and that they were afraid that consuming such animals would lead to their (Man’s) extinction or a significant reduction in population.

Jallal animals are those whose nutrition mostly comprises human faeces. If either of the above two categories of *halal-meat animals* were to consume human faeces and to develop, meat-wise, in proportion to that eaten and thus be termed *jallal*, their meat becomes *haram* until they (a) are prevented from eating thus and (b) eat natural vegetation to such an extent that they become free from being labeled *jallal* by *urf*; for verily the laws that assign whether an animal’s meat is *halal* or *haram*, depends on that label – stamped by laity – beheld by the animal e.g. if its *jallal*, then it’s a *haram-meat* animal and if the *jallal* label is removed from it, then its prohibition is

subsequently removed as well. In short, assuming an animal becomes *jallal* or is defiled (by Man), its meat is *haram* to consume, its urine/faeces are *najis* and its milk is not *halal* to drink.

2.4 Sperm

Transmissions

Imam Sadiq (peace be upon him) was asked concerning sperm that had come into contact with a piece of clothing. He replied: “if you know where the sperm has contacted, then wash that area; and if you don’t know, then wash all the clothing.” (30)

Imam Sadiq (peace be upon him) was asked concerning *mathy* that comes into contact with clothes; he replied: “it’s unproblematic” (31)

Inferences & Discussion

The *fuqaha* have unanimously stated that the sperm of all animals that behold a pulsating blood circulation is *najis* – be they *halal* or *haram-meat animals*. Concerning those animals that do not possess a pulsating circulation, such as snakes, moths..., their sperm and blood are *tahir*.

Mathy is a whitish semi-viscous liquid that is secreted during foreplay or after deliberating on intercourse etc. Man often does not sense that such a liquid has been excreted (i.e. it’s not sensible as is the ejaculation of sperm). *Vady* is also an opaque and semi-viscous liquid; it’s often excreted after urination¹. Both liquids are *tahir*.

2.5 Blood

Transmissions

Imam Sadiq (peace be upon him) said: “if a man’s clothing comes into contact with blood and the man then prays, whilst wearing that clothing, not having acknowledged the contact, there’s no need to repeat the salat. However, if he had acknowledged the contact, pre-salat, but then forgot and executed his salat, wearing such clothes, then the salat ought to be repeated.” (32)

Imam Sadiq (peace be upon him) was asked concerning the blood of mosquitoes. He replied: “it’s not problematic”; the questioner then enquired, ‘but verily it may be a lot and it may spread!?’ The Imam said: “it’s okay! even if it’s a lot” (33)

Imam Sadiq (peace be upon him) said: “one may wudue with all waters from which birds have consumed save in cases where blood is seen on their beaks” (34)

Inferences & Discussion

Concerning all animals that behold a pulsating blood circulation, their blood is *najis* – be they *halal* or *haram-meat animals*, be the blood excessive or little. Hence, now

¹ Or during episodes of infection.

it is understood what is meant on saying that the urine and faeces of *halal-meat animals* are *tahir* but their blood is *najis*.

There exists a debate amongst the *fuqaha* in that whether or not there exists a canonical principle that indicates that blood *qua* blood is presumed *najis* unless specified as *tahir* by the texts such as the blood of animals that don't possess pulsating blood circulations or the blood remaining within the body of Islamically-slaughtered animals etc. Those who regard such a principle as valid thus decree all bloods whose *najasahtaharah* are not known, as being *najis*. Most *fuqaha*, however, reject such a principle and regard all bloods as being originally *tahir* save those textually-stipulated as being *najis*; their opponents' claim is based on (34). Since the blood in (34) is mentioned in absolute terms i.e. not being specified what kind of blood it is, blood *qua* blood is alluded to and this indicates that blood is originally *najis* unless specified otherwise. In reply, it must be noted that the Imam did not intend to discuss blood *qua* blood, in (34), but rather intended to focus on that water contacted by blood (which was assumed *najis*).

2.5.1 Concerning the Slaughtered

Most *fuqaha*, if not all, believe that the blood remaining in slaughtered animals after the normal discharge of blood that occurs on cutting the animal's neck, is *tahir*. Their evidence is not based on any transmitted material, rather its based on the fact that were such a remaining blood deemed *najis*, then this would place an enormous burden upon Muslims and the nature of such a burden is in contradiction to the essence of Islam.

2.6 Meetah (dead body of an animal)

Transmissions

Imam Sadiq (peace be upon him) said, concerning a well that had a carcass in it: “if its odour persists in the well-water, extract twenty barrels of water” (35)

Imam Sadiq (peace be upon him) was asked concerning wells that had dead beetles, locusts, flies and ants lying around in it; he replied: “its okay as long as they don't behold pulsating blood circulations” (36)

Imam Sadiq (peace be upon him) said: “no creature *najisates* water save the dead creature that bears a pulsating circulation” (37)

Imam Sadiq (peace be upon him) said: “there's no problem in executing salat on that which is made from a carcass' wool for verily wool contains no life” (38)

Inferences & Discussion

The *meetah* of animals that do not behold a pulsating blood circulation, such as snakes, locusts etc., are *tahir*. Likewise, all segments of *najis* corpses (i.e. of animals that behold pulsating circulations) that do not contain life or blood are *tahir* such as their hair, horns, nails, feathers, wool and bones, unless the segments be from concrete *najasa* such as dogs and pigs. In (38), the lack of life is mentioned as a reason for justifying the *taharah* of those bodily segments – of a *najis* corpse – that contain no life (or blood).

The *fuqaha* are divided on the issue of detached limbs/bodily segments from a living animal. Some claim such detached segments to be *tahir* in accordance to (17) whilst others deem them to be *najis* by way of precaution (*ihtiyat*), not via the *usulic* principle of ‘presumption of precaution’ (*asalah al-ihiyat*). Reasoning via *ihiyat*, alone, doesn’t strictly constitute canonical evidence. Hence, the author of ‘*al-Madarik*’ writes:

“in conclusion, that which one may infer from the traditions is the najasah of ‘corpses’ and this label certainly does not qualify for detached bodily segments of living animals. These [corpses and detached bodily segments of live animals] are two mutually exclusive domains.”ⁱ

2.6.1 The Abomasums and the Musk Pouch

Transmissions

Imam Sadiq (peace be upon him) was asked concerning the abomasum that is extracted from the corpse of a young (pre-herbivorous, suckling) goat; he replied: “**it’s not problematic**”. Also asked concerning the milk found in the udder of a female sheep’s corpse, he replied: “**it’s not problematic**”. (39)

Imam Kazim (peace be upon him) was asked about the musk pouch that accompanies those who execute *salat* (i.e. in their clothing, pockets etc.); he replied: “**it’s not problematic**”. (40)

Inferences & Discussion

The abomasum is the young goat’s stomach whilst being fed on milk i.e. not yet herbivorous. It becomes a functioning stomach once the goat is fed on vegetation. The abomasum is efficient in the production of cheese due to its rennet element. The rennet within it is called *majbinah* by the Iraqis and *musawwah* by the Lebanese.

The musk pouch is a skin seen in deer. It contains fragrant blood. In accordance with (39) and (40), and several other traditions of the like, the *fuqaha* decree that this skin pouch and abomasums are *tahir* even though they are extracted from carcasses. They also decree the milk present inside a dead sheep’s udder as *tahir* even though the milk is in contact with the *najis* udder of the carcass. Note that this *taharah* only applies in *halal-meat*, not *haram-meat*, animals.

2.7 In Muslim ‘Hands’

Imam Sadiq (peace be upon him) was asked about sandals transacted in bazaars (Muslim markets/shopping areas); he replied: “**buy them and you may execute salat in them, up until the time you come to know, for sure, that they are najis**” (41)

Imam Sadiq (peace be upon him) was asked about a man who enters a bazaar and buys clothes that are made from animal skin, neither knowing whether or not the animal has been slaughtered islamically nor whether or not he may execute *salat* within them. He replied: “**it’s not problematic; verily the Kharijites had imposed much restriction upon themselves due to their ignorance; and verily religion is much more lenient than such behaviour.**” (42)

ⁱ Al-Madarik, 2:282

Inferences & Discussion

In accordance with the above traditions, the *fuqaha* have decreed meats and skins from Muslims and/or bazaars in which all or most of the people within it are Muslims, as *tahir*. They have also decreed, as *tahir*, those meats and skins discarded within Islamic countries e.g. on the highway, roads etc. provided that the discarded bears indication that it has been ‘Islamically’ employed (i.e. that it hasn’t been discarded by Muslims as rubbish).

Sayyid Hakim states that one may acquire animals from Muslim ‘hands’ even if the latter had obtained them from atheists or from atheist countries. Hence, according to him, ‘Muslim hands’ *per se* is an indication of Islamic slaughter. Kashif al-Ghita and M.H. Najafi also agree on this point. The latter states that that which may be extrapolated from the traditions is that *that* acquired from Muslim ‘hands’ is *tahir* even if knowingly preceded or passed on by atheist hands.ⁱ

2.8 Pus and Vomit

Transmissions

Imam Sadiq (peace be upon him) was asked concerning a person’s abscess that bursts open during *salat*. He replied: “wipe the abscess and then wipe your hand on the wall or ground but don’t cease your *salat*” (43)

Imam Sadiq (peace be upon him) was asked, about one who had vomited over his clothes, whether or not he may execute *salat* within them. He replied: “it’s not problematic” (44)

Inference

The *fuqaha* allude to the above traditions when proving that pus and vomit are *tahir*.

2.9 Dogs and Pigs

Transmissions

Imam Sadiq (peace be upon him) said, concerning dogs: “they are *najis*; don’t wudue with water that has come into contact with them; discard such waters and before tahirizing (such) contaminated vessels with water, tahirize them with earth” (45)

Imam Kazim (peace be upon him) was asked what one ought to do with a vessel from which a pig has drunken from; he replied: “wash it seven times” (46)

Inferences & Discussion

The *fuqaha* regard the lifeless or bloodless components of these two concrete *najises* as *najis* too, without any exception. Moreover, the traditions used to prove that dogs and pigs are *najis* are directed towards terrestrial dogs and pigs, not sea-dogs/pigs.

ⁱ Al-Mustamsak, 1:330

2.10 (Grape-)Wine (Khamr)

Transmission

Imam Sadiq (peace be upon him) said: “if khamr, nabith (raisin-wine) or any intoxicant comes into contact with your clothing, then wash your clothing if you know the area of contact; and if you don’t, then wash all your clothing. If you have executed salat in wine-contaminated clothing, your salat ought to be repeated.” (47)

Inferences & Discussion

Intoxicants may be divided into those that are liquid at room temperature such as *khamr* and *nabith* and those that are solid at room temperature such as opium and hashish. Most *fuqaha* regard *khamr* as *najis*. All *fuqaha* regard solid intoxicants as *tahir* (albeit *haram* to consume). However, scholars differ as to whether non-*khamric* liquid intoxicants (such as *nabith*) are *najis* or not. Those who declare the latter as *najis* do so because they claim that the criteria for decreeing *x* liquid intoxicant as *najis* is, according to traditionsⁱ, when *x* shares the same intoxicating properties of *khamr*. Others deem non-*khamric* liquid intoxicants as *tahir*, claiming that the traditions which point out *khamr*’s *najasah* specify *khamr* alone and not others. Hence, according to them, the ruling depends upon the liquid’s label; if its termed *khamr*, its *najis*; otherwise, it is *tahir*. The ruling does not, according to the latter scholars, depend on extrapolative (in this case, valid analogical) reasoning.

Sayyid Khui theoretically admits that non-*khamr* liquid intoxicants are *tahir*, claiming that there exists no proof with respect to their *najasah*; hence, *asalah al-taharah* is applied. However, he decrees their *najasah* with precaution; after all, most *fuqaha* have alluded to its *najasah*.ⁱⁱ Note that precaution and popular consensus are not canonical pieces of evidences. As Shahid al-Thani said: ‘acting in contradiction to popular consensus is problematic but acting by a *fatwah* without any reasoning is even more problematic’.ⁱⁱⁱ

2.10.1 Boiling Grape Juice

The *fuqaha* unanimously agree upon the fact that drinking grape juice is *haram* when it boils – irrespective of whether or not the boiling is light or severe. The *najis haram* juice only becomes *halal* after two-thirds of it evaporates, thus leaving a third. The author of ‘*al-Madarik*’ states that the ruling of boiling grape juice’s *najasah* is popular amongst the later *fuqaha* and that he hasn’t seen any reference or proof with respect to the matter, indicating such a *najasah*. Shahid al-Awwal also points out in his ‘*al-Bayan*’ and ‘*al-Thikra*’ that he hasn’t perceived any textual material with regards to such a *najasah* and that those who *do* claim such a *najasah* are few in number. Others who rule such a juice as *tahir* include Shahid al-Thani and MH Najafi.^{iv} Such rulings are based upon *asalah al-taharah* which is free from

ⁱ Wasa’il al-Shi’ah, 25:342, section 9 on ‘Haram Drinks’, hadith no.s 1 and 2

ⁱⁱ Al-Tanqih fi Sharh al-Urwah al-Wuthqa, 3:88-94

ⁱⁱⁱ Al-Madarik, 4:95

^{iv} Ibid., 2:292-3

any complication. MJ Maghniyyah believes that those who regard boiling grape juice as *najis* have appended it to *khamr* and that such an appendage is analogical. Hence, its *taharah* is definite because all things, according to (17), are considered *tahir* until proven *najis*.

2.11 Beer (*Fuqqa'*)

Transmission

Imam Sadiq (peace be upon him) said, when asked about *fuqqa'*: “don’t drink it; verily it is tantamount to an unknown *khamr*. If it comes into contact with your clothes, then wash the area of contact” (48)

Inference & Discussion

Fuqqa' is a juice extracted from barley (see glossary). ‘*Al-Madarik*’ states that *fuqqa's najasah* is popularly decreed amongst the *fuqaha* and that the tradition alluding to its *najasah* is extremely weak with respect to its authentication.ⁱ

2.12 The sweat of one who becomes *junub haramly* (e.g. via adultery, masturbation...)

Inferences & Discussion

Some *fuqaha* claim this sweat to be *najis* whilst the main consensus of later scholars regard it as *tahir*; this latter view is valid in accordance to *asalah al-taharah*.ⁱⁱ Sayyid Hakim writes in his ‘*al-Mustamsak*’:

“that which is popularly attributed to the later scholars is tantamount to the *taharah* of such a sweat. Ibn Idris al-Hilli claims that *ijma'* proves this *taharah* and that those who have regarded such a sweat as *najis*, have later reverted from their decision in their other books.”ⁱⁱⁱ

That which is definite is that anything whose *najasah* is doubted may be decreed *tahir* until certainty is acquired with respect to its *najasah* and such a *najasah*, here, may not be extrapolated, at all, throughout the texts.

2.13 *Ahl al-Kitab*

Transmissions

Imam Sadiq (peace be upon him) was asked about dining with Jews and Christians. He said: “it isn’t problematic so long as it’s your food” (49)

Its narrated from Zakariyyah ibn Ibrahim that he said: “I used to be a Christian before reverting to Islam. I, once, said to Imam Sadiq: ‘verily my family are Christians and I am residing with them in one house and I am eating out of their dishes’. He asked: ‘do they eat pork?’ I said no. He said: ‘it’s not problematic, then.’” (50)

ⁱ Ibid., 2:292

ⁱⁱ Ibid., 2:299

ⁱⁱⁱ Al-Mustamsak, 1:435

Imam Rida (peace be upon him) was once told that a female Christian slave, who neither *wudues* nor *ghuslates*, was serving him. He said: “its okay; she washes her hands” (51)

Inferences & Discussion

The *fuqaha* are unanimous in that those who deny the existence of Allah are *najis*; as MJ Maghniyyah puts it: “without doubt, dogs and pigs are more loyal and urine and faeces are more clean, than such people.”

The *Ahl al-Kitab* include the Jews and Christians and those who are appended to them, such as Zoroastrians. Concerning the *Ahl al-Kitab*, two popular views are held by the *fuqaha*. Most scholars regard them as *najis* whilst others, a minority, deem them *tahir*. The latter include a few of the earlier scholars and a larger percentage of the later scholars such as the author of ‘*al-Madarik*’ⁱ, Sabzavariⁱⁱ...

The notion of the *Ahl al-Kitab*’s *najasah* has posed several serious difficulties for the Shi’ah, exerting considerable pressures upon them especially in Christian countries or areas where Christians reside. In today’s global village, such a notion bears severe consequences. Regarding the *Ahl al-Kitab* as *tahir*, however, is in accordance with the notions of ease and comfort that lie at the heart of the Islamic Shari’ah. Those who declare the *Ahl al-Kitab* as *tahir* require no proof for this notion is in accordance with nature, rationality, *urf* as well as the canonical principle of *asalah al-taharah*. However, those who decree the *Ahl al-Kitab*’s *najasah* ought to bring forward evidences and they have done so via *ijma*’ and traditions.

Ijma

MJ Maghniyyah rejects the idea of *ijma*’ on this issue for many of the earlier and later scholars have expressed their views that go against the commonly held notion that the *Ahl al-Kitab* are *najis*. Even if one were to accept that such an *ijma*’ exists, other technical difficulties arise. *Ijma*’ is considered as a canonical proof when it unveils – with certainty – a *ma’soom*’s statement; here, on the question of the *Ahl al-Kitab*’s *najasah*, one is aware of those traditions employed by those who have contributed to issuing such an *ijma*’ and, moreover, many of them have employed precaution with respect to the matter. It is evident that certainty with respect to a *ma’soom*’s statement may *not* be substantiated when accompanied with the probability that those who had contributed to the *ijma*’ had referred to traditions – accessible, and thus refutable, to us now – and had used precaution. Verily, in such a case, one must analyze those traditions for oneself and reach a conclusion oneself; furthermore, precaution isn’t acceptable as a canonical proof. Hence, if one believes or conjectures that those involved in the *ijma*’ have either employed traditions – known to us – or precaution, then *ijma*’ may never become realized because certainty will not be attained unless one analyzes those traditions for oneself.

ⁱ Al-Madarik, 2:298

ⁱⁱ Al-Thakhirah, 151.

Traditions

Those who rule the *Ahl al-Kitab* as *najis* defend themselves by authentic and explicitly indicative traditions. However, according to MJ Maghniyyah, there exists, simultaneously, authentic traditions that allude to and indicate the *taharah* of the *Ahl al-Kitab*; as a matter of fact, the latter set of traditions are greater in number, more indicative in expression and their authenticity isn't less than those traditions that allude to the *Ahl al-Kitab*'s *najasah*. Therefore, preferring the *najasah*-orientated traditions is tantamount to preferring the weak to the strong. Even if one regards both sets as equal – in all aspects – one may revert to *asalah al-taharah*, assuming that both sets of traditions cancel each other out. Moreover, a lack of preference between the two incompatible sets enables one to opt for either. As to those who rule the *Ahl al-Kitab*'s *najasah* on the basis of precaution, due to its popularity amongst the *fuqaha*, MJ Maghniyyah states that neither precaution (albeit sound in action) nor popularity (albeit assuring for one) constitute canonical proof. Hence, neither texts, *ijma'* nor rationality prove the *najasah* of the *Ahl al-Kitab*.ⁱ

Those *fuqaha* who regard the *Ahl al-Kitab* as *tahir* do attribute an accidental state of *najasah* to them i.e. in that the *Ahl al-Kitab* become *tahirized* by means of water after contact with a *najis* such as *khamr* etc. – exactly like in the case of Muslims. This accidental *najasah* may be deduced from (51) where the slave-woman merely required to wash herself, thus exiting the state of *najasah*. Tradition no. (51), and others like itⁱⁱ, explicitly demonstrates that the reason for avoiding the *Ahl al-Kitab* is due to their intimacy with things that the Muslims regard *najis*.

In short, Allah's religion is more open than this; it was the Kharijites who had limited and restrained themselves and who were, subsequently, restrained by Allah – as Imam Sadiq (peace be upon him) has described. Islam is the religion of virtue and justice, facilitation and rationality. The number of traditions indicating the *najasah* of the *Ahl al-Kitab* – and that have been abandoned by Shi'ah and Sunni scholars – are very limited in number. The main consensus of Sunnite scholars have ruled the *Ahl al-Kitab* as being *tahir* even though they regard as authentic the tradition narrated by Tha'labah al-Khashani where he said: "O Messenger of Allah, we live in lands inhabited by the *Ahl al-Kitab*; may we consume from their dishes?" The Prophet (May Allah's peace and blessings be upon him) replied: "don't eat from their dishes save in cases where you don't have access to any other in which case, wash them initially and then eat from them".ⁱⁱⁱ The apparent meaning of the tradition alludes to the fact that the *Ahl al-Kitab* are *najis* for the Holy Prophet had ordered the

ⁱ Once Sayyid Khui said "The *Ahl al-Kitab* are *tahir* in theory, *najis* in practice". Maghniyyah responded by saying "such a statement is a frank confession that the ruling of *najasah* is theory-less (proof-less)". Sayyid Khui then smiled.

Maghniyyah recalls that three grand religious authorities (M.R. AaliYaseen from Najaf, Sayyid S Sadr from Qum and Sayyid Muhsin Amin from Lebanon) had all believed in the *taharah* of the *Ahl al-Kitab* (admitting such a ruling to those who they had trusted) but had decreed their *najasah*, in public, in fear of potential negative reactions carried out by the ignorant; "surely Allah is more worthy to be feared!" (M.)

ⁱⁱ Wasa'il al-Shi'ah 24:211, section 54 on 'Haram Foods', hadith no.4, where Isma'il ibn Jabir narrates that the Imam says "verily their dishes and vessels have been contaminated with pig's meat and *khamr*".

ⁱⁱⁱ Sunan ibn Majah, 2:1069, hadith no. 3207

companion not to consume from their dishes save in cases of constraint; and even then, to wash the dishes before consumption. Sunnite scholars have, however, postulated another deduction (i.e. the *Ahl al-Kitab's taharah*) for this tradition. Some (Sunnite scholars) have said that the *najasah* in relation to the *Ahl al-Kitab* is one thing whilst the *najasah* with respect to their vessels is a totally separate matter (these two being mutually exclusive notions). Maghniyyah replies by stating that the *najasah* of their vessels is even more acute and that is why some Shi'ah scholars have decreed the vessels as *tahir* whilst deeming the *Ahl al-Kitab* as *najis*. Hence, according to the latter, assuming the vessels or dishes are deemed *najis*, the *Ahl al-Kitab* will be considered *najis*, *a fortiori*.

2.14 Denying the Fundamentals of Religion

Assuming one denies one of Religion's fundamentals e.g. the obligation to execute *salat* etc., without being aware that it is a fundamental, most scholars regard such a person as being *najis* i.e. bearing the same decree as if one were aware. Sayyid Khui, however, regards such a person as *tahir* due to the lack of proof with respect to his/her *najasah*.ⁱ MJ Maghniyyah accepts this view provided that one bears witness to the *shahadatayn* and doesn't intentionally deny or refute the Holy Messenger.

2.15 Offspring of Atheists

Most *fuqaha* regard an atheist's child as *najis*, in accordance with his/her parents' status. The author of '*al-Madarik*' regards such children as *tahir* due to the fact that the term '*kafir*' may not certify such a child i.e. may not be coined onto such a child.ⁱⁱ Hence, regarding them as *najis* is not based upon proof. This is correct for verily laws and rulings are in harmony with and conform with terms, names or labels; and since a child may not be labeled '*kafir*' or be given such a name i.e. the term '*kafir*' may not be applied to such a being, then the ruling applied to a child can't be that of an atheist. Therefore, like in 2.14, one is left with *asalah al-taharah*.

2.16 Those who attribute ghuluw (gross exaggeration that leads to blasphemy) with respect to Allah's creation

One who believes that a servant from amongst Allah's servants creates, provides sustenance or executes actions specific to Allah, is called a *mughal* and such a person is a polytheist and is *najis*. One should neither dine with such people nor marry them nor grant them any inheritance.

2.17 Nasibis

One who expresses hostility towards the Holy Messenger's *Ahl al-Bayt* i.e. to either one of them, is a *nasibi* and is decreed *najis*. Verily, hostility towards the Messenger's *Ahl al-Bayt* is on a par with hostility towards the Messenger himself and hostility towards the latter is on a par with hostility towards Allah.

ⁱ Al-Tanqih fi Sharh al-Urwah al-Wuthqa, 3:53-59

ⁱⁱ Al-Madarik, 2:298

2.18 Leftovers

Transmission

It is narrated from Fadl that he said: “I asked Imam Sadiq (peace be upon him) concerning the leftovers of cats, sheep, cows, donkeys, horses, ogres, wild animals and so on. I hardly left any animal out. He replied: ‘they’re not problematic save in the cases of dogs for they are concrete najises’” (52)

Inference & Discussion

By leftovers, one is alluding to the water/liquid left over after an animal drinks from any given vessel. The ruling for such leftovers depends on the animal’s state of *najasah* i.e. if the animal is a concrete *najis*, then the leftover is also *najis*; if not, the leftover is *tahir*.

2.19 A Few Issues On Doubt

Transmissions

Imam Sadiq (peace be upon him) said: “all things are *tahir* unless one knows it to be *najis*; if you know such, then indeed it is *najis*; and as long as you don’t know of such, there’s no duty upon you to regard it as being anything other than *tahir*” (53)

Amir al-Mu’minin said: “As long as I don’t know, I pay no attention at all as to whether that which has come into contact with me is urine or water” (54)

Inferences & Discussion

- Assuming one doubts whether a given leftover is from a *tahir* animal or from a *najis* animal, the leftover is ruled *tahir* in accordance with *asalah al-taharah*. This principle is clearly portrayed in (53) & (54).
- Assuming one doubts whether somebody is a Muslim or non-Muslim (and thus *najis*), he/she is ruled *tahir* in accordance with *asalah al-taharah*. However, this doesn’t justify that one may afford all Islamic rites (and an Islamic identity) to such a person i.e. rites that require one to have certainty with respect to the ‘Islamic Identity’ of the other party e.g. burial in Muslim cemeteries, marriage to Muslim women etc. Such actions may be carried out on people only when they are known, with certainty, to be Muslims.
- Assuming one doubts whether a given red thing is blood or not, the latter is ruled *tahir* in accordance with *asalah al-taharah*.
- Assuming one doubts whether a given blood belongs to an animal that beholds a pulsating blood circulation or one that doesn’t, such a blood is deemed *tahir* in accordance with *asalah al-taharah*.
- Assuming one doubts whether a given animal is *jallal* or not, such an animal is deemed *tahir* in accordance with *asalah al-taharah*.

2.20 Rules of Najasah

Transmission

Imam Sadiq (peace be upon him) said: “all things are halal to you until you know it to be haram in which case you must distance yourself from it; by way of example, if you deem possible (i.e. not for certain) that the clothes you’re wearing are stolen, such a clothing is presumed halal; or for example, if you deem possible that your wife may be your sister or one who had suckled from the same woman you had suckled, such a wife is presumed halal. In all such cases (where hurmah is deemed possible), hilliyah is presumed unless the hurmah is proved beyond doubt or unless two just people testify to such a hurmah.” (55)

Inferences & Discussion

Proving the *taharah* of *x*, requires no proof as long as one doubts its *najasah*. Only certainty with respect to *x*'s *najasah* can dispose *x*'s *taharah*; hence, if one conjectures (e.g. is 90% sure) that *x* is *najis* and that it has a 10% probability of being *tahir*, this 10% predominates the 90% and therefore *x* is ruled *tahir* unless the probability of it being *najis* becomes either 100% or unless it's *najasah* is testified by two *just* people. Therefore, in cases of doubt, *x* is presumed *tahir* unless proven *najis* and the latter may only be proved by (a) oneself via one's senses (e.g. 'I saw that such a contact was made...'), (b) *istishab* and (c) the canonical *bayyannah* (testimony of two *just* people). These proofs are observed and applied throughout all matters of jurisprudence.

2.20.1 May najasah be proved by means of one person's testimony?

The *fuqaha* unanimously agree upon the fact that the information or narration given by one *just* person is considered proof with respect to general rulings. Hence, if its narrated from one *just* person that a *ma'soom* said *x* is *halal* or *haram*, such information is deemed valid proof. They also unanimously agree upon the fact that judicial matters aren't usually sorted or solved by means of a single person's account. That which is an area of debate and controversy is whether or not particular external matters (not related to litigation) may be proved by means of a single *just* account. Hence, if one says *x* is *najis* – and no-one accuses him/her of lying etc. – is such a statement considered proof or not? Most scholars reject such statements as proof. Shaykh Hamedani writes in his '*Misbah al-Faqih*':

“aqwa dictates such statements' validity; this may be supported by the normative practice of rational people and by the canon in that it validates the athan recited by a single reliable person i.e. it allows one to enter salat after hearing the athan recited by a single, albeit reliable, person”ⁱ

Others, including MJ Maghniyyah, don't regard such single accounts as constituting proof save in cases where they lead to one's certainty with respect to the matter. Certainty, according to him, is proof by whatever means – be it a single account or otherwise.

ⁱ Misbah al-Faqih, 8:169-170

2.20.2 Owner of Something

Assuming the owner of something e.g. a housewife with respect to a house's utensils, a shopkeeper etc., claims x – that is under his/her possession/authority – as *najis*, may such a statement by such a person be deemed valid? Yes it may, according to the normative practice of the *fuqaha* and rational people.

2.21 Najis & Mutanajjis

Transmissions

Imam Sadiq (peace be upon him) was asked about a wound and that which the wounded ought to do. He said: “wash its surroundings” (56)

Imam Sadiq (peace be upon him) was asked, concerning a man who had urinated in a place where there was no water for *tahirization* and had then wiped his genitalia with a piece of stone, what one's duty is if his anterior genitalia and thighs later sweats. He said: “he must wash his genitalia and thighs” (57)

Imam Kazim (peace be upon him) was asked, concerning a man who had trodden on dry faeces and the latter had come into contact with his clothes and legs, ‘is it okay to enter a mosque in such a state and execute *salat*, not washing the contacted areas?’ He replied: “if it was dry, then its okay” (58)

Inferences & Discussion

A *najis* or concrete *najasah* is essentially *najis* and may never become *tahirized per se* i.e. it may never exit its state of *najasah*. However, a *mutanajjis* (that which a *najis* contaminates through a wet media) is essentially *tahir* but accidentally *najis* by means of contact with a concrete *najasah*.

The *fuqaha* unanimously agree that if a *najis* contacts a *tahir* object – in a wet media – and affects (wets) it, the latter becomes *mutanajjis*. They also agree that it is *haram* to eat or drink a *najis/mutanajjis*; this prohibition is an ends in itself. Moreover, one must cleanse one's body and clothes from anything *najis* or a *mutanajjis* before executing *salat* or the obligatory *tawafs*; such an obligation is a means to executing another obligation that, in turn, is an ends in itself, such as *salat* and *tawaf*.

2.21.1 Najis cases that are excused during *salat*

Transmissions

Imam Sadiq (peace be upon him) was asked, about a man with constantly-bleeding ulcers, how he ought to execute *salat*. He said: “he may execute *salat* even if blood is discharged during *salat*” (59)

Imam Sadiq (peace be upon him) said: “its okay for one to execute *salat* in clothes that bear blood that isn't greater, altogether, than the size of a dirham” (60)

Inferences & Discussion

The *fuqaha* unanimously agree that the blood that exits the body via wounds and abscesses are excused during *salat* – be they discharged onto the body or clothes, be they small or large in volume – provided that the wound doesn't heal. Moreover, pus that bears bloody discharges as well as the blood discharged from haemorrhoids are all excused. Also excused with respect to *salat* is blood that doesn't exceed, area-wise, the skin area of the thumb's distal phalanx, even though the blood isn't related to wounds and ulcers. This blood includes all bloods save that of (a) *hayd*, (b) *istihadah*, (c) *nifas*, (d) concrete *najises* such as dogs and pigs and carcasses and (e) *haram-meat animals* (save humans). In contrast to almost all *fuqaha*, MJ Maghniyyah believes that the above blood is only excused if one is unable or has no access to other clothing, otherwise one must, according to him, alter one's blood-stained clothing.

2.21.2 Things that aren't sufficient for salat

Transmission

Imam Sadiq (peace be upon him) said: “concerning things that may not be worn, alone, for *salat* purposes, assuming such things are worn by Man or accompanies him/her during *salat*, it's not problematic even if they contain *najasa*h e.g. caps, belts, socks, shoes and so forth” (61)

Inference & Discussion

The *fuqaha* unanimously agree that these things worn by Man – that do not cover one's *awrah* and are *najis* – do not harm one's *salat* provided that they do not consist of a corpse's bodily components and are not from concrete *najises*, such as dogs and pigs.

2.21.3 Tahirizing Mosques

Transmission

Imam Sadiq (peace be upon him) said: “protect your mosques from *najasa*h” (62)

Inference & Discussion

The *fuqaha* unanimously agree upon the fact that if one observes a *najasa*h in a mosque, then one is dutybound to remove it immediately. One is also obliged to remove *najasa*h from the Holy Scriptures – its covers and pages – for verily *najasa*h's continuous presence on such sacred entities is tantamount to slander.

2.21.4 Do Mutanajjis things najisate?

Transmissions

Imam Sadiq (peace be upon him) was asked concerning one who had urinated whilst not having any water and, thus, then wiped his penis on a wall. He said: “dry things do not najisate” (63)

Imam Sadiq (peace be upon him) was asked about a man who, although, had seen a dead, decomposed mouse in his vessel, had repeatedly *wudued*, *ghuslated* and

washed his clothes with such a container's water. He said: "if before wudu, ghuslating or washing his clothes, he had seen the mouse in the vessel, then one is obliged to wash his clothes and anything else that had come into contact with the water, again; one is also obliged to repeat his wudu and salat" (64)

Inferences & Discussion

The *fuqaha* unanimously agree that concrete *najises najisate*; however they differ as to whether *mutanajjis* things *najisate* or not. Concerning the former point, assuming a concrete *najis* encounters a *tahir* object and one of them is wet to such an extent that its wetness is conveyed from the concrete *najis* to the *tahir* object, then the latter becomes *najis* according to all *fuqaha*. However, if both objects – the concrete *najisah* and the *tahir* object – are dry on contact, no wetness is thus conveyed and the *tahir* object, therefore, remains *tahir* – this, too, is agreed upon by all.

Assuming a concrete *najis najisates* a given *tahir* object, the latter is termed a *mutanajjis*. Now, if a *mutanajjis* contacts a *tahir* object – in a wet medium – does such a *tahir* object become *najis* or not? In other words, does a *tahir* object become *najis* on coming into contact with a wet *mutanajjis*, thus becoming *najis* indirectly? Three opinions prevail:

- those who claim that the *mutanajjis* does *najisate*, back their *fatwah* by means of (64)
- some claim that a *mutanajjis* does not *najisate*. Sayyid Khui writes:

"ibn Idris believes that *mutanajjises* do not *najisate* and he apparently believes that this non-*najisate* is a well-known, accepted fact of his time...the earlier scholars never dealt with this issue in absolute terms and no-one ever issued a *fatwah* claiming that *mutanajjises* *najisate*, albeit an issue that had certainly affected them during night and day and so, how can some regard *ijma'* as proof with respect to a *mutanajjis'* capacity to *najisate*"ⁱ

As Rida Isfahani puts it: 'the rule of a *mutanajjis'* capacity to *najisate* is an innovation by the newcomers, we've not seen its proponents from amongst the earlier scholars!"ⁱⁱ

- others have kept silent on the issue, neither claiming the *mutanajjis* as being able to *najisate* nor vice versa; MJ Maghniyyah, too, opts for this alternative even though he admits that one does, nevertheless, refrain from the *mutanajjis* and thus wash oneself after contact with such objects as a result of custom and habit.

2.21.5 Tahirization of the body and clothes in preparation for salat

We have previously mentioned the traditions that indicate the obligation to remove *najisah* before *salat*. The author of '*al-Madarik*' writes:

"one must eliminate *najisah* from one's body and clothes in preparation for *salat* and *tawaf* provided that (a) both are obligatory [otherwise one's *salat* becomes void and the act of not removing such a *najisah* is haram; not eliminating *najisah* in *mustahabb* *salats* is not haram, even

ⁱ Al-Tanqih fi Sharh al-Urwah al-Wuthqa, 3:206-7

ⁱⁱ Ibid.;

though the *salat* is void] and (b) the *najasah* are those that are not excused during *salat*; in such cases *tahirization* is necessary assuming one has no other clothes, otherwise simply changing/removing the *najis* clothes, replacing it with another, would suffice. That which indicates that one's clothes and body ought to be *tahir* from *najasah* during *salat* include *ijma'* and numerous traditions that convey the necessity of cleansing the body and clothes from *najasah*. Note that this latter necessity or obligation is not intended directly to washing *per se*, rather it's a means to *ibadah* (rituals of worship) i.e. such a *tahirization* is obligatory for reasons of *ibadah*, rather than constituting an ends in itself."ⁱ

2.21.6 Executing salat whilst being, unknowingly, accompanied with najasah

Transmissions

Imam Sadiq (peace be upon him) was asked concerning a man who saw blood on his brother's clothes whilst the latter went to execute *salat*. He said: "don't inform him..." (65)

Imam Sadiq (peace be upon him) said: "if blood comes into contact with one's clothes and one then performs *salat* in them whilst not knowing (that his clothes had contacted blood), there exists no (need to) repeat his *salat*; but if he knew of such a contact before performing *salat* and then forgot and then performed *salat* in such clothes, the repetition of his *salat* becomes necessary" (66)

Inferences & Discussion

Assuming one observes a *najasah* upon someone's body and clothes, whilst the latter is performing (or even intends to execute) *salat*, it's not obligatory to inform the *musalli* of such a *najasah*. Moreover, all *fuqaha* agree that such a person may even perform *salat* behind such a *musalli*, in congregation, provided that he knows that the *musalli* is totally ignorant of such a *najasah*. However, assuming the *musalli* had knowledge of such a *najasah* but then carelessly forgot or neglected it, performing *salat* behind such a *musalli*, in congregation, is not permissible.

All *fuqaha* unanimously agree that if one performs *salat*, whilst accompanied with *najasah* – knowingly and intentionally – then his/her *salat* is *batil*. Assuming one performs *salat* in such clothes – that he knows bears *najasah* – whilst totally ignorant of the general *fatwah*, then such a *salat* is decreed *batil* as well e.g. if one knows that *x* is blood but doesn't know that it is obligatory to remove *najasah* from one's body and clothes for *salat* purposes.

Assuming one performs *salat* – whilst accompanied with *najasah* – knowing that its *haram* to do so but is totally ignorant of the fact that he/she's accompanied with such a *najis*, his/her *salat* is deemed valid e.g. if one knows that its obligatory to remove blood etc. from one's body/clothes for *salat* but isn't aware of the fact that his/her body/clothes is in contact with such a *najasah*. However, assuming one is aware of both the ruling and of a particular contact with a *najasah*, but then forgets and performs *salat* in such a state, this *salat* is unanimously decreed as being *batil*. The philosophy behind the latter ruling is that one who forgets – after

ⁱ Al-Madarik, 2:303-4

acknowledging the *najis*' presence – is counted as one who knows, hence they aren't excused. However, ignorance with respect to external contact with *najasah* is excused and in such cases, research and investigation aren't necessary. One who is ignorant of the general ruling is not excused and must therefore research and investigate the matter; such people are not excused unless they don't behold the capacity or access to ascertain such information in which case they will be excused.

2.21.7 The Compelled

Transmissions

Imam Sadiq (peace be upon him) was asked concerning a man who ejaculates onto his clothes or one whose clothes come into contact with urine, whilst having no other clothes. He said: **“he may perform salat in such clothes when under constraint” (67)**

Imam Kazim (peace be upon him) was asked whether one who is bare (having no other *tahir* clothes) - and comes across a piece of clothing, that is almost completely contaminated with blood - must perform *salat*, in the nude, or with such clothes once the time for *salat* has arrived. He replied: **“if he finds water, he must wash the clothing and perform his salat; otherwise, he may perform his salat in such blood stained clothes and must not pray, barely” (68)**

Inferences & Discussion

Assuming a *musalli* has a *najis* clothing and no other clothes, if he/she can neither *tahirize* it nor remove it due to the cold (weather) and then performs *salat* in it, his/her *salat* is valid and there's no need to repeat such a *salat* – be it compensatorily after the stipulated time for *salat* or be it within the *salat*'s stipulated time assuming the obstacle is removed. This much may be inferred from (67). Assuming one cannot *tahirize* a *najis* clothing (which is all one has) but is able to remove it and execute *salat* in the nude, if he/she performs *salat* in such a *najis* clothing, the *salat* is valid. This may be deduced from (68). Scholars agreeing with the latter ruling include the author of '*Urwah al-Wuthqa*'ⁱ, Sayyid Hakimⁱⁱ and Sayyid Khuiⁱⁱⁱ.

2.21.8 Doubting between a *tahir* and a *najis*

Transmission

A man had two pieces of clothing but didn't know which one had come into contact with urine; the time for *salat* had arrived and he had feared it may end; assuming he had no access to water, what would constitute such a man's duty? Imam Rida (peace be upon him) replied: **“he must perform salat in both clothes, one at a time” (69)**

ⁱ Al-Urwah al-Wuthqa, 1:76, issue no.4

ⁱⁱ Al-Mustamsak, 1:546

ⁱⁱⁱ Al-Tanqih fi Sharh al-Urwah al-Wuthqa, 3:364

Inferences & Discussion

The unanimous ruling, here, is that one must execute one's *salat* with each of the two clothes separately. The reasoning is as follows: one beholds certainty with respect to the obligation of *salat* in *tahir* clothing; moreover, one is capable, here, to apply precaution thus making such a precaution obligatory for verily as long as one knows that one's bound duty is tantamount to accomplishing an obligation (in this case, the obligation of *salat* in *tahir* clothing), one must thoroughly make sure one's duty is fulfilled i.e. having no doubt with respect to its accomplishment. Otherwise, in the presence of such a doubt, *istishab* will dictate the non-accomplishment of one's duty. In the above case, that which guarantees that one's duty is fully completed is the execution of two *salats*, each *salat* with one of the two clothes.

2.21.9 Must one eliminate the najasah or execute wudu?

Assuming one has enough water to *wudue* alone but there exists *najasah* on his/her body, ought he/she *wudue* and perform *salat*, whilst accompanied with bodily *najasah*, or must he/she eliminate the *najasah* and *tayammumate* for *salat*? Reply: One must eliminate the *najasah* and then *tayammumate* in preparation for *salat* for verily *wudu* bears a substitute i.e. *tayammum*, whilst the elimination of *najasah* has none.



دھرتی تحریک
Translation Movement

3.0 The Mutahhirat

These are elements or processes that *tahirize* other than themselves from *najasah*.

3.1 Water

The most fundamental *mutahhir* that has the capacity to *tahirize* anything from *najasah* is water. Before water may execute its function of *tahirization*, certain conditions must be observed:

- any concrete *najasah* must be eliminated from the *mutanajjis* before water can act as a *mutahhir*; note that even if the concrete *najasah*'s colour, taste or odour remains after the elimination of the concrete *najasah per se*, the *mutanajjis* will still be deemed *tahir*. The criterion with respect to the latter statement is that of *urfic* judgement, not science and scientific analysis. Even though science may state that a colour, taste or odour indicates the presence of the concrete *najasah*'s particles, that which constitutes criteria in fiqh is *urf*.
- the water that *tahirizes* must be *tahir* itself and not *mutanajjis* for how can something devoid of *taharah*, bestow *taharah*. Annexing *najis* with *najis* won't give *taharah* (two wrongs don't make a right!).
- the water must be *mutlaq* and not *mudaf* for the latter cannot *tahirize* – albeit *tahir* itself.

3.1.1 Tahirizing things najisated by dogs, pigs, desert rats and urine

Transmissions

Imam Sadiq (peace be upon him) was asked concerning a vessel from which a pig drinks. He said: “wash it seven times” (70)

Imam Sadiq (peace be upon him) said: “wash those vessels that have come into contact with desert rats, seven times” (71)

Imam Sadiq (peace be upon him) said: “dogs are najis so don't wash with that water that has come into contact with them; discard such a water, then tahirize the vessel by initially rinsing it with earth and then washing it with water twice” (72)

Imam Sadiq (peace be upon him) was asked concerning urine that comes into contact with one's body. He said: “wash over the contaminated area twice” (73)

Imam Sadiq (peace be upon him) was asked about a suckling male infant's urine (coming into contact with a carer's clothing). He said: “wash the contaminated area with water, once; if the infant is fed with other than its mother's milk, then wash it twice; the ruling with respect to male and female infants is the same” (74)

Inferences & Discussion

The *fuqaha* have all issued *fatwahas* based on traditions (70) to (73). Concerning (74), one may deduce that if a male infant hasn't been nourished on food, one

washing will suffice. MJ Maghniyyah, contrary to most *fuqaha*, claims that if a nurse had access to more than one piece of clothing, then the *najisated* clothing will not be *tahirized* by a single washing, rather two washings will be required. Most *fuqaha*, however, state that if such urine comes into contact with a clothing, carpet etc. – in absolute terms i.e. be there other clothings, carpets... present or not – one washing will suffice.

3.1.2 *Tahirization of Vessels, Clothes and the Body*

Transmissions

Imam Sadiq (peace be upon him) said: “if your clothes have come into contact with *khamr* or *nabith*, then wash them” (75)

Imam Sadiq (peace be upon him) was questioned whether it is okay to fill sprinklers and other vessels that have (previously) contained *khamr*, with water. He said: “it’s not problematic as long as its washed beforehand” (76)

Inferences & Discussion

Note that (75) & (76) only indicate the act of washing and not the manner or method. Assuming a *vessel* is *najisated* by means other than that of (a) being licked by a dog/pig and (b) a desert rat’s corpse – the latter two requiring seven washings – it becomes *tahirized* either by coming into contact with *kurr* water, alone, or by the pouring of *qalil* water over the vessel once, according to MJ Maghniyyah (thrice according to most *fuqaha*). The same ruling is applied – i.e. one washing, according to all *fuqaha* – to clothes and the body if *najisated* by other than urine that requires two rounds of washing with *qalil* water. Scholars such as Maghniyyah who state that once is enough with respect to vessels do so because they believe the Imam hasn’t limited the number of washing to two or three, even though the phrase ‘wash it three times’ does appear in some traditions concerning vessels. The author of ‘*al-Madarik*’ states:

“that which is the criterion with respect to all objects – save those excepted cases – is that its sufficient to wash a *mutanajjis* once i.e. that one washing will eliminate the *najasah*; verily the Lawgiver has commanded us to ‘wash’ that which the *najasah* has come into contact with and this order (i.e. the imperative to ‘wash!’) is realized with one round of washing.”ⁱ

3.1.3 *Ghusalah*

Ghusalah is that water that is washed off a polluted limb/object – either spontaneously or intentionally (carried out). The *ghusalah* of water that is employed to eliminate concrete *najasah* is deemed *najis*; otherwise, the *ghusalah* of water used to *tahirize* a *mutanajjis*, is deemed *tahir*.

3.2 *Takhalli*

Transmissions

The Holy Prophet of Islam (May Allah's peace and blessings be upon him) said: “on entering the lavatory, one should neither face the *Qiblah* nor have one’s back towards the

ⁱ Al-Madarik, 2:338

Qiblah, rather one should face and have one's back towards the East and West" (77)

Imam Baqir (peace be upon him) said: "it is sufficient to tahirize the anal orifice with three stones; this was the custom of the Holy Prophet. However, concerning the urinary orifice, it may only be tahirized by water" (78)

Imam Sadiq (peace be upon him) said: "The Messenger of Allah has prohibited one from tahirizing one's orifices with one's right hand" (79)

Imam Sadiq (peace be upon him) said: "when ghuslating on the ground, preserve your awrah and do not enter the bathing area without wearing a garment that covers your awrah. One should not intentionally glance at one's brother's awrah; assuming one does so, the result is that seventy thousand angels will curse him. Women, too, should not intentionally glance upon other women's awrah" (80)

Inferences & Discussion

It is always obligatory to cover one's *awrah* – be it during *takhalli* or not – from anyone who beholds the power of understanding and differentiation with respect to human *awrah*, even if they are insane or pre-pubescent. It is *haram* to view another's *awrah* – be they of the same sex or not, Muslim or non-Muslim. It is even *haram* for a mother to look at her differentiating daughter's *awrah*.

It's obligatory to grant honour to the *Qiblah* and, therefore, not to face it or have one's back towards it during urination/defecation. It is *makruh* to *tahirize* one's orifices with one's right hand for verily it is employed for eating, and several other daily routine, purposes.

The water employed during the *tahirization* of the anal orifice is termed *istinja*. Such a water is *tahir* provided that (i) it isn't altered by any *najasah*, (ii) no external *najasah* contacts the anal orifice, (iii) blood doesn't accompany the excreted urine/faeces, (iv) no faecal particles are present within the water and (v) the outer area of the orifice isn't polluted more than the norm/average.

Assuming the anal orifice is wiped by three *tahir* stones, then one no longer needs to *tahirize* the orifice with water. One may, likewise, wipe the anal orifice with cloth, leaves, hard clay, wood and other things that can eliminate such *najasah* provided that it isn't a respected edible item such as bread. The urinary orifice, however, may *only* be *tahirized* by means of water.

3.3 Earth: a mutahhir

Transmission

It is narrated from Halabi that he said to Imam Sadiq (peace be upon him): "verily my route to the mosque is a narrow alley that is (frequently) urinated upon and I often tread upon such urine, whilst not having any shoes, therefore the wetness of the urine comes into contact with my feet". Imam Sadiq (peace be upon him) asked: "don't you walk on dry earth after such a contact is made?" Halabi replied: "yes!". Imam Sadiq (peace be upon him) said: "then it's not problematic for verily parts of earth tahirize other parts" (81)

Inferences & Discussion

The *fuqaha* unanimously agree that earth *tahirizes* the soles of one's feet and shoes (i.e. it *tahirizes* those *najasah* acquired by means of walking on earth) either by merely walking or wiping it on the earth provided that the earth eliminates and removes all the *najasah*.

3.4 Sun: a mutahhir

Transmissions

Imam Baqir (peace be upon him) said: "whatever the sun shines upon, is tahir" (82)

Imam Baqir (peace be upon him) said: "if the sun dries something and one then executes salat on it, it's okay for that thing is tahir" (83)

Inferences & Discussion

Based on the above two traditions, the *fuqaha* have declared that the sun *tahirizes* buildings and stationary things that are situated in them such as doors, walls, nails... as well as trees, their fruit – so long as they are on the tree and have not fallen – and vegetation (i.e. before removed from the earth). Other things *tahirized* by the sun include vessels fixed into the ground, such as large earthenware. Appended to such objects include ships and straw mats/curtains.

3.5 Inqilab (Transformation): a mutahhir process

An example of such a process is that of the conversion of *khamr* to vinegar. Imam Sadiq (peace be upon him) was asked about a *khamr* that had become vinegar after being kept for too long. He said: "it's not problematic...provided that the term *khamr* is no longer applied to it" (84)

3.6 Istihalah (Transmutation): a mutahhir process

Examples of such a process include the transmutation of faeces to ashes or earth. The criterion involved in such a *tahirizing* process is the total change of essence to such an extent that e.g. the term faeces may no longer be applied after its conversion to ashes and so forth.

3.7 Bodies of Animals

The *fuqaha* all agree that if an animal's body contacts a *najasah*, it becomes *tahir* simply after the concrete *najasah* is removed from the animal by any means – with or without water. Sayyid Hakim writes:

"the proof for such a tahirization is based upon the normative conduct of the religious community during the era of the Imams; their way of life involved directly encountering animals knowing that (a) they had been polluted by *najasah* and (b) they hadn't been tahirized by something such as water. This mode of tahirization i.e. the mere removal or absence of *najasah* from the body, was so evident that there doesn't exist occasions whereby such a case was enquired about to the Imams and moreover, the Imams hadn't mentioned such an issue to the people."ⁱ

ⁱ Al-Mustamsak, 2:130

The Sayyid is saying, in other words, that the *taharah* of such animals was a self-evident matter.

3.8 Tannery

In contrast to the Sunnis, the skin of carcasses (dead animals) does not become *tahirized* by means of tanning.

A Final Note

Other books have mentioned additional *mutahhirs* but these may be questionable from two perspectives:

- whether or not these additional *mutahhirs per se* actually do the *tahirizing* e.g. ‘absence’ *per se* doesn’t *tahirize* rather we Muslims decree something as *tahir* when absence is realized¹. ‘*Taba’iyyah*’, too, does not *tahirize per se*.
- whether or not these additional *mutahhirs* behold a *tahirizing* capacity e.g. the $\frac{2}{3}$ evaporation of grape juice is controversial and not accepted as being a *tahirizer* by some, including Maghniyyah.



¹ Al-Urwah al-Wuthqa, 1:112



دھرتی سہولت
Translation Movement

4.0 Minor Ablution (Wudu)

Transmissions

5:6 reads: “O you who believe! When you rise up to salat, wash your faces and your hands including the elbows and wipe your heads and your feet to the ankles...” (85)

Imam Baqir (peace be upon him) said: “salat may not be realized unless accompanied with taharah” (86)

Imam Baqir (peace be upon him) said: “wudu is an obligation” (87)

Imam Sadiq (peace be upon him) said: “The Messenger of Allah said: ‘wudu is the salat’s commencement, takbir is its sanctuary and taslim is its ending’” (88)

Imam Rida (peace be upon him) said: “verily the salat is commenced with wudu so that the servant be tahir when arising before Allah - supplicating to Him alone – be obedient with respect to that which Allah has ordered and be clean from najasah; it also removes idleness and lethargy and tahirizes one’s heart” (89)

Imam Rida (peace be upon him) said: “We have prescribed the mayyit’s salat without wudu for it contains no genuflexions (ruku’) and prostrations (sujud) and verily wudu is obligatory in salats that contain rukus and sujuds” (90)

Inferences & Discussion

The obligation of *wudu* is indisputably demonstrated by the above traditions making it one of religion’s fundamental rituals. (90) demonstrates that the *mayyit’s salat* isn’t strictly a *salat*; rather, it’s a form of supplication.

4.1 Factors obliging one to wudue

Transmissions

Imam Sadiq (peace be upon him) said: “only faeces, urine and wind – that is audible, or detected by smell – oblige one to wudue” (91)

Imam Sadiq (peace be upon him) said: “the eyes often doze off whilst the ears and mind do not; however, if one’s eyes, ears and mind become dormant, the wudu becomes obligatory” (92)

Imam Sadiq (peace be upon him) said: “wudu is made void by defecation, urination, passing wind, ejaculating sperm and sleeping that inactivates the mind” (93)

Imam Sadiq (peace be upon him) said: “the wudu is made void by sleep and the hadath states” (94)

Inferences & Discussion

The *wudu’s* voiding factors are those factors that oblige one towards executing *wudu* for verily they nullify and ruin one’s previous *wudu*. In short, these traditions

indicate that defecation, urination, passing wind, *janabating*, *hayd*, *istihadah*, *nifas* and sleep that dominates over the intellect and hearing, are all factors that oblige one to execute *wudu*. However, the intellect's dormancy and inactivation by means of drunkenness, insanity and coma (i.e. factors excluding natural sleep) also oblige one to *wudue* but this is not prescribed to us explicitly by the traditions, rather it has reached us via *ijma'*. Shaykh Hurr Amili writes:

“the traditions that limit such voiding factors indicate that wudu is not annulled by means of the inactivation of the intellect (via factors other than sleep), however such factors' voiding capacity does conform with precaution”ⁱ

From what has been said, one may infer that the emission of worms, stones, blood, *mathy*, *wady* and vomit and any type of foreplay, do not void one's *wudu*.

It's evident that one's *wudu* – like one's other *ibadah* – is not deemed valid unless four factors are realized i.e. Islam, *puberty*, sanity and the lack of harm. Some have claimed that the *salat* of prepubescent, but differentiating – differentiates what *salat* does and doesn't actually comprise – children are valid in accordance with the principle that their *ibadah* are valid.ⁱⁱ

4.1.1 An Arising Doubt

Assuming one was certain he held *wudu* and then doubts whether or not he has committed a voiding factor, in such cases *istishab* dictates that one may remain with one's previous certainty; hence, its not obligatory to repeat one's *wudu*. Verily doubt, according to (8), cannot void one's previous certainty; the latter may only be cancelled by another certainty.

4.2 Objectives of Wudu

Transmissions

Imam Sadiq (peace be upon him) said: “Tawaf in Allah's House is a *salat*” (95)

Imam Kazim (peace be upon him) was asked concerning a man who was performing *tawaf* without *wudu*. He said: “he must cease executing his *tawaf* and not pay any heed to that performed” (96)

Imam Sadiq (peace be upon him) said to his son, Isma'il: “Son! Read the Holy Book” Isma'il said: “I don't have *wudu*”. The Imam said: “don't touch the script; you may touch the sheets/leaves and read” (97)

Imam Sadiq (peace be upon him) said: “its okay to recite the *athan* whilst not being in a state of *taharah* but don't recite the *iqamah* for *salat* unless you have *wudu*” (98)

Inferences & Discussion

Objectives are those acts of worship for which one executes *wudu* i.e. *wudu* is a means to fulfilling such objectives or 'ends'. These objectives include:

ⁱ Wasa'il al-Shi'ah, 1:257, section 4 on 'things that nullify wudu', under hadith no.1

ⁱⁱ See al-Urwah al-Wuthqa, 1:140, issue no.15

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- *wudu* is obligatory with respect to *salat* – be it an obligatory or recommended *salat*. *Salat*, in general, is not valid without *wudu*; this is backed up by explicit traditions (85 & 86) and *ijma'*.
- *wudu* is also obligatory with respect to *tawaf*; this is demonstrated by explicit traditions (95 & 96) and *ijma'*.
- Touching the Quran's script also necessitates having *wudu* (see 97). It's worth mentioning that touching the Quran's script may not be counted as one of *wudu's* objectives in reality. Verily, such a touch is neither obligatory nor recommended *per se*, hence executing *wudu* for such an act (that is free from obligation and recommendation) is certainly neither obligatory nor recommended; after all, the means to something (an objective) can't be obligatory if the ends itself (the objective) is not obligatory; the means can't be supplementary in relation to the ends. In brief, executing *wudu* for such a touch is not canonically legitimate. Hence, that which is meant by 'it's haram for one, without *wudu*, to touch the Quran's script' is tantamount to 'one who has executed *wudu* for a legitimate objective is permitted to touch the sacred scripture'.
- *Ijma'* and explicit traditions state that it's obligatory to *wudue* for the accomplishment of the *salat's iqamah* just as it is obligatory to *wudue* for *salat per se*.

4.3 Recommendations for executing *wudu*

Transmissions

The Messenger of Allah (May Allah's peace and blessings be upon him) said: **“O Anas! Execute *taharah* as much as you can and Allah will prolong your life; and if you can maintain *taharah*, throughout the day and night, then do it; and if you die in such a state, you will die a martyr”** (99)

The Messenger of Allah (May Allah's peace and blessings be upon him) said: **“whoever becomes *muhdith* and doesn't *wudue*, has indeed violated me (i.e. is indifferent in relation to the command to *wudue*)”** (100)

The Messenger of Allah (May Allah's peace and blessings be upon him) said: **“Allah has said: ‘verily my houses on earth are the mosques; they grant luminosity for those who inhabit the heavens, as do the stars for those who inhabit earth. So, blessed be those who frequently go to the mosques and blessed be those servants who *wudue* at home and then visit Me in My house”** (101)

Imam Sadiq (peace be upon him) said: **“*wudu* is on par with half of faith”** (102)

Inferences & Discussion

These traditions – and others similar to them in content – indicate that in addition to being a means to something else, *wudu* is also an ends in itself i.e. it is itself deemed a recommended act and so Man can execute *wudu* not as a means for another ritual but solely for the purpose of beholding *taharah*, during the night or day. Hence *wudu* may be (a) obligatory with respect to other than itself e.g. obligatory in order

to perform the five daily *salats* or the obligatory *tawaf* or with respect to an oath etc. and (b) *mustahabb* in itself and (c) *mustahabb* with respect to other than itself, such as for *mustahabb salats* and *tawafs*. *Wudu* is also *mustahabb* when one aims to prepare for *salat* before the time for *salat* has arrived; after the time for *salat*, *wudu* becomes obligatory with respect to that *salat*. Other occasions whereby executing *wudu* is deemed *mustahabb* include:

- Before entering mosques
- Before entering holy, sacred sites, such as shrines and mausoleums of the Infallibles
- When performing *sa'y* during one's Hajj
- When executing the prayer for the deceased
- When visiting the cemetery or graves
- When reciting the Holy Quran
- When supplicating
- When requesting - something desired - before Allah
- When carrying out the prostration of *shukr* (i.e. thanking Allah)
- When reciting the *athan*
- Before sleeping
- For the judge, before seating oneself in court
- For the woman in labour
- For the bride and bridegroom, in their wedding chamber, on their first night together
- For the *ha'id* before sitting on one's prayer mat and supplicating (au lieu de the time it usually takes to execute a *salat*)
- For the *junub*: before sleeping, eating, drinking or having intercourse again
- Before ceremonially washing the deceased

Re-executing *wudu* (i.e. carrying it out whilst already in a state of *wudu*) has also been deemed *mustahabb*; it has been described as light upon light. Imam Sadiq (peace be upon him) said: "Re-executing *wudu* is tantamount to repentance without asking for forgiveness"¹

Furthermore, before executing *wudu*, traditions mention a number of actions deemed as part of the etiquette of *wudu*. They include reciting specific supplications, brushing one's teeth, gargling with water thrice and partially breathing water into the nose, thrice.

¹ Wasa'il al-Shi'ah, 1:377, section 8 on 'wudu', hadith no.7

4.4 Prerequisites of Wudu

Transmissions

Imam Sadiq (peace be upon him) said: **“Allah has necessitated wudu to be executed by means of tahir water” (103)**

Imam Sadiq (peace be upon him) was asked, about one whose nose bleeds during *wudu* – with a drop of blood simultaneously entering the vessel from which he was taking water in order *to* wudue – whether or not such a *wudu* is valid from such a vessel. He replied: **“No!” (104)**

Inferences & Discussion

We have previously mentioned the tradition (see 18) that commands one to discard both vessels if one doubts which of the two beholds a *najasah* and to *tayammumate* in preparation for *salat*. Here, we shall list the prerequisites for a valid *wudu*:

- the water for wudu must be *tahir* and *mutlaq*. If one ignorantly or forgetfully executes *wudu* with a *mudaf* or *najis* water, such a *wudu* will be deemed *batil*.
- the water for *wudu* must be authorized and not usurped for the *shariah* prohibits dealing with usurped things and prohibition in *ibadah* leads to their nullity. However, if one *wudues*, not knowing or forgetting that the water was usurped property, the *wudu* is still valid. Two reasons may be brought forward. Firstly, *ijma'* dictates that such a *wudu* is valid – on ignorance/forgetfulness – but *batil* if the water's *taharah/itlaq* is disturbed. Secondly, using *najis/mudaf* water is not haram *per se* but such an employment does nullify the *wudu* because it is a prerequisite for the *wudu's* water to be *tahir* and *mutlaq*; hence, the *wudu's* nullification, here, is solely because a strict condition has not been fulfilled. However, using usurped water is haram and it is this sin *per se* that nullifies one's *wudu*. Therefore, if one is ignorant or forgetful with respect to a usurped water, a sin won't have become realized and so the cause for the *wudu's* nullification is removed. In conclusion, employing usurped water – due to ignorance or forgetfulness – does not nullify one's *wudu*.
- the *wudu's* limbs (which are to be either washed or wiped) must be *tahir* so that they don't *najisate* the *wudu's* water on contact.
- the water used for *wudu* may not be located or placed within a gold or silver vessel
- according to some *fuqaha*, including Maghniyyah, the water used to eliminate *najasah* (albeit *tahir*) may not be used for purposes of *wudu*.
- one mustn't *wudue* if the Canon prohibits one from carrying out such an act, such as if using water during *wudu* were to cause harm, or if priority dictates water to be used for a cause other than *wudu* (see chapter on *tayammum*)
- the *wudu* must be accomplished in a period that beholds ample time for both fulfilling the *wudu* and the *salat*, entirely. However, if ample time does not exist and executing one's *wudu* were to cause one's whole *salat*, or part of it,

to be fulfilled outside its stipulated time – whereas executing *tayammum* would have enabled one to have carried out the whole *salat* – then such a *wudu* is *batil* and *tayammum* becomes obligatory.

- one must execute all the *wudu*'s steps and instructions directly by oneself and not to receive assistance save in cases where necessity or a valid excuse prevails. Receiving assistance nullifies *wudu* because of the holy verse on *wudu* – together with the traditions – that command one to wash one's face and hands and to wipe one's head and feet; such a command indicates direct obligation, not an obligation to be carried out by means of an intermediary.
- abiding by the *wudu*'s ordained order is necessary. One must start by washing the face, then the right forearm (including the hand), followed by the left forearm; then, one must wipe one's head followed by the two feet. If this order is violated and one commits an instruction earlier or later than that stipulated by the Canon – be it due to ignorance or forgetfulness – such a *wudu* ought to be repeated as prescribed by the Canon.
- Instantaneity is also essential during *wudu* i.e. where one must instantly – without the lapse of time – resort to the next limb after accomplishing and finishing with the previous limb. This instantaneity is termed *muwalat* by the *fuqaha*. Some *fuqaha* have said, with regards to instantaneity, that it is necessary that no (previous) limb should dry up before the whole process of *wudu* has terminated. Hence, if the face dries up before terminating the right hand or if the face, hands and/or head dries up before terminating the *wudu* of the feet, such a *wudu* becomes void. Imam Khumayni and others stipulate that the directly-preceding limb ought not to dry up before washing/wiping (i.e. commencing) the next limb of one's *wudu*. Note that the process of 'drying up' that nullifies one's *wudu* is tantamount to that 'drying up' that results from the lapse of time left between the limbs. Hence, if the dryness occurs as a result of another cause, such as hot weather etc., this is not nullifying with respect to the *wudu*. The criterion for *muwalat* in the latter cases is the average time required in normal, standard circumstances as determined and judged by *urf*.

4.5 Method of performing *wudu*

Transmissions

Imam Sadiq (peace be upon him) said: “don't you want me to give you an account of the Holy Messenger's *wudu*?” The companions replied affirmatively. The Imam then asked for a vessel with some water in it and placed it in front of himself. He then pulled his sleeves up, revealing his arms. He immersed his right hand into the water and said: “this is what must be done if your hand is *tahir*”. He then drew a quantity of water and poured it over his face and said '*bismillah*' and dispersed the water over his face, including the sides of the beard, and then passed his hand over his forehead and face, once, bathing it. He then immersed his left hand and drew a quantity of water and poured it over his right elbow and passed his (left) hand over his right elbow and forearm until the whole forearm, including the fingers, had been washed with water. He then drew some water with his right hand and poured it over

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his left elbow and, similarly, passed his hand over his left forearm covering the whole forearm, including the fingers. He then wiped the anterior part of the head and the feet's anterior surfaces by means of that water remaining on the right and left hands. (105)

Imam Sadiq (peace be upon him) said: **“Allah is One and He likes oneness. It is sufficient for you to use three handfuls (of water) during the wudu, one for the face and two for the forearms. Wipe the front of your heads with the water remaining on your right hand, wipe the anterior surface of your right foot with the remaining water on your right hand and wipe the anterior surface of your left foot with the remaining water present on your left hand”** (106)

40:14 reads: **“therefore call upon Allah, being sincere to Him in obedience...”** (107)

98:5 reads: **“and they were not enjoined anything except that they should serve Allah, being sincere to Him in obedience...”** (108)

Imam Baqir (peace be upon him) was asked about a man who does good and who becomes delighted when others observe his goodness. He said: **“its okay provided that he didn't do such an action for the sake of people (alone), otherwise everybody likes to exhibit their goodness to people”** (109)

Imam Baqir (peace be upon him) said: **“worshippers are not obliged to wash all areas covered by hair, rather it is sufficient just to pour water over such hair”** (110)

Imam Sadiq (peace be upon him) said: **“executing the wudu once is obligatory, twice is insignificant but thrice is innovative”** (111)

Imam Sadiq (peace be upon him) said: **“the wiping of the head occurs at the anterior part”** (112)

Imam Sadiq (peace be upon him) said: **“during wudu, it's not problematic to wipe (the head) either posterior-anteriorly or antero-posteriorly”** (113)

Imam Sadiq (peace be upon him) said: **“if you forget to wipe your head then wipe it, plus the feet, with the wetness acquired during the wudu (i.e. when washing the face and hands) and if no wetness is attained on your arms, then obtain some wetness from your beard and then wipe your head and feet; if this isn't possible then try to obtain some wetness from the eyebrows and the area surrounding the eye and then wipe your head and feet; and if this, too, isn't possible, then re-do your wudu anew”** (114)

Imam Sadiq (peace be upon him) was asked concerning wiping one's head with one finger alone. He said: **“yes, it is sufficient”** (115)

Inferences & Discussion

The above traditions mention the different obligations involved in the method of executing *wudu*. The *wudu* may not be realized, or even paid heed to, canonically without the accomplishment of these obligations. Numerous recommended actions

also exist but won't be mentioned, here, for reasons of brevity. These obligations include:

- the *niyyah* (intention): the *niyyah* is essentially the incentive and motive for doing something in order to attain Allah's satisfaction or to fulfill His command... The *niyyah* is obligatory because *wudu* is an *ibadah* and its necessary for all *ibadat* to be accompanied with a *niyyah* – just like fasting and executing *salat*. 107&108, as well as *ijma'*, dictate that no *ibadah* may be realized without the necessary *niyyah*. The *wudu* cannot be accepted or validated without the presence of sincerity in intention.

It's not necessary to express one's *niyyah* in words for verily incentives and sincerity are actions of the heart. Moreover, it's not necessary to intend the obligation/recommendation of *wudu* or its elimination of *hadath* or its legitimization with respect to entering *salat*. All that is required is the incentive to gain proximity to Allah or to execute His command.

Assuming one *wudues* for Allah's sake and that, during *wudu*, he enjoys being watched by others, such a *wudu* is valid – unanimously amongst the *fuqaha* – for doing good for the sake of goodness may occur in juxtaposition with action for the sake of Allah. However, as (109) demonstrates, executing one's *wudu* for the sake of people, alone, is different to being deemed virtuous before Allah and the people. The latter is acceptable.

Assuming one doubts whether or not one has intended one's *wudu*, if one was in the middle of performing *wudu* – at the time of doubt – then one must start anew; if however the doubt occurred after the *wudu*, then one need not pay attention to such a doubt.

- its obligatory to wash the face once i.e. to pour the water all over the face and wash, starting from the upper part of the forehead – where one's hairline commences – up to the end of the chin (not below it), length-wise, and wash the area covered between the thumb and middle fingers, breadth-wise. In short, from 'ear-to-ear', as some have put it, albeit inaccurately.

Most *fuqaha* decree that its obligatory to wash the face from the top downwards (supero-inferiorly) and that to start from the bottom or middle, upwards (infero-superiorly), is deemed incorrect. In their own words: "it's obligatory to wash from the top of the face to the chin; and it's not permissible to wash in the reverse direction". One may debate that the command to wash one's face, during *wudu*, has been decreed in absolute terms; in fact, no texts refer to the fact that its obligatory to start from the top, therefore the command will be enacted no matter which direction one washes one's face. That which may be ultimately understood from the Imams' commencing from the top, is that such an action is permissible and legitimate, not that it is obligatory and the sole determined method of action.

In any case, it is neither obligatory to wash the skin under the beard nor that hair that is lengthy to the extent that it reaches one's forehead (i.e. passes the anterior hairline) on straightening. It is also not obligatory to wash the skin

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under the eyebrows and moustache. The philosophy behind such rules i.e. the lack of obligation for water to reach the skin where the beard is thick, is probably because the skin, under such circumstances, shares the ruling of internal, not external, bodily parts. This may be reflected in (110). Such reasoning is not applicable when observing the method of *ghuslating*; in *ghusls*, even the skin under such hairs as the beard ought to be washed.

- it is obligatory to wash the two arms; the right arm, first, followed by the left arm. The extent – not direction – of the arm to be washed is from, and including, the tips of the fingers to the elbow, inclusive. Direction-wise, however, the Shi'ah deem it obligatory to wash one's arm starting from the elbow, downwards, to the tips of the fingers, inclusive. They regard the reverse as *batil*. All Sunnite scholars, however, deem it permissible to wash the arm in any direction i.e. they don't regard it obligatory to start from either the elbow or the fingers. One may question the Shi'ah as to how their method of wudu – notably the specific direction in which they wash their arms – may be extrapolated from 5:6.

Reply: one reply is that the preposition إلى (to) usually indicates an ending point when accompanied by the preposition من (from), which indicates a starting point; otherwise, if إلى occurs alone, it's meaning becomes tantamount to مع (with, including). Assuming one accepts that إلى, here, does in fact refer to an ending point – even in the absence of من – this ending limit may be attributed to the extent and measurement of the arm that is to be washed rather than behaving as a defining factor with respect to the direction of such a washing; otherwise, if إلى had been attributed to the washing *per se* (rather than the extent of the to-be-washed), then it would have been obligatory to start one's wudu from the fingers, upwards, whereas no-one – including the Sunnis – has declared such an obligation. So the question remains as to by what means do the Shi'ah declare it obligatory to wash the arms from the elbows, downwards, for as we have mentioned, 5:6 indicates – according to the Shi'ah – the defining limits of the to-be-washed limb i.e. the fingers up and including the elbow. Reply: by means of *ijma'* and holy traditions.

Note that the arms, as with the face, ought to be washed once as (111) illustrates. Washing them thrice with the intention that each wash constitutes part of the canonically prescribed wudu is nothing but an innovation and all innovations are deviating and, as the tradition terminates, all deviations result in Hell. However, if one washes the face and arms thrice without intending the second and/or third as part of the wudu, then one hasn't sinned. In either case though, one's wudu is nullified and one shouldn't wipe one's head and feet with the wetness acquired by means of one's third washing.

- concerning the obligatory wiping of the head, the *fuqaha* have claimed that any movement that may qualify as being a 'wipe' is sufficient for one's wudu (of the head), albeit *mustahabb* to wipe the head with three fingers, breadth-wise, and one finger's length, length-wise. The wiping of the head is confined to the anterior part of the head and it is obligatory to wipe the head by means

of the wetness acquired during the *wudu's* washings, not with any new water. Assuming the water on one's arms dry up, one must proceed towards one's beard, eyebrows, eye orbits in order to obtain wetness for wiping purposes; if no such water is found, then one ought to repeat one's wudu anew.

- one must wipe one's feet from the toes (i.e. the skin area inferior to the toenails) to the foot's dome-like bony protuberance situated in the middle of the foot's outer surface. It is recommended – or even obligatory according to some – to wipe as far as the ankle joint itself.

Note

The *fuqaha* deem it obligatory to wash from the top (of the face and arms) downwards but do not regard such a direction obligatory with respect to the wiping of the head and feet. Such a difference of approach may be extracted from the traditions and by means of *ijma'*. Recommendation, however, dictates that the wiping of the head be done postero-anteriorly and that one wipes the outer surface of the right foot with the palmar surface of the right hand's finger(s) and the outer surface of the left foot with the palmar surface of the left hand's finger(s). One is permitted to wipe both feet's outer surfaces simultaneously but is not permitted to wipe the left foot before that of the right.

4.6 Debating verse 5:6

There exists an exegetic debate between the Shi'ite and Sunnite schools with respect to 5:6. The difference of view concerns whether the feet ought to be wiped or washed. The expression *أَرْجُلِكُمْ* (your feet) has been recited both as *أَرْجُلِكُمْ* and *أَرْجُلِكُمْ* i.e. accusatively and genitively, respectively.

The Sunnite scholars claim it is obligatory to wash the feet for *أَرْجُلِكُمْ* lies in conjunction with *أَيْدِيكُمْ* (your hands) in accordance with both accusative and genitive recitations. Concerning the accusative recitation i.e. *أَرْجُلِكُمْ*, it is evident that it's conjoined to *أَيْدِيكُمْ* which is accusative both in letter and position. Concerning the genitive *أَرْجُلِكُمْ* recitation, its *kasrah* (lower case vowel) is due to its affinity i.e. its spatial proximity to the genitive *بِرُؤُوسِكُمْ*; in other words, *أَرْجُلِكُمْ* has copied *بِرُؤُوسِكُمْ*, vowel-wise, due to its 'affinity'. They add that such a phenomenon is attested amongst Arabs such as the statement: 'حَجْرٌ خَرِبٌ ضَبِّ'.¹ The term *خَرِبٌ* must theoretically be read *خَرِبٌ* due to the fact that its an adjective for *حَجْرٌ*; however, it has acquired a genitive nunation (*tanwin*) due to its spatial proximity to *ضَبِّ* which is annexed to *حَجْرٌ*.

The Shi'ah state that its obligatory to wipe the feet for *أَرْجُلِكُمْ* lies in conjunction with *رُؤُوسِكُمْ*. The genitive *أَرْجُلِكُمْ* is evidently conjoined to *رُؤُوسِكُمْ* by means of the particle 'باء'. However, the accusative *أَرْجُلِكُمْ* is deemed to be positionally in conjunction with *رُؤُوسِكُمْ* for verily all genitives-in-letter (by means of the *باء* particle) are accusative, positionally. They add that the term *أَرْجُلِكُمْ* may not lie in conjunction with *أَيْدِيكُمْ* for two reasons:

¹ Translated as 'The lizard's nest is destroyed'

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- bringing about a considerable gap between **أَرْجُلِكُمْ** and **أَيْدِيكُمْ** is contrary to the rules of Arabic rhetoric i.e. assuming both to be in conjunction with one another is deemed below standard
- assuming **أَرْجُلِكُمْ** to be in conjunction with **أَيْدِيكُمْ** , then the accusative and genitive recitations of **أَرْجُلِكُمْ** would acquire contradictory meanings because **أَرْجُلِكُمْ** would indicate the washing of the feet, whilst **أَرْجُلِكُمْ** would indicate wiping (as for the phenomenon of spatial proximity, it is weak to say the least). However, if **أَرْجُلِكُمْ** were to be in conjunction with **رُؤُوسِكُمْ**, then both **أَرْجُلِكُمْ** and **أَرْجُلِكُمْ** would indicate the wiping of the feet.

4.7 The Usulic Principles of Faragh (Disconnection) and Tajawuz (Transition)

Transmissions

Imam Sadiq (peace be upon him) said: “assuming you acquire doubt with respect to a component of wudu – after completing the wudu and becoming occupied with something else – don’t pay heed to such a doubt for doubts are only worth attention, with respect to an action, when you haven’t yet completed that certain action” (116)

Imam Sadiq (peace be upon him) was asked about a man who acquired doubt after executing *wudu*. He said: “he was more aware during wudu than after it” (117)

Imam Sadiq (peace be upon him) said: “if you are still occupied with your wudu, whilst not knowing whether or not you have washed your forearms, then you must repeat the wudu anew and this applies to all components that you doubt” (118)

Zurarah said: “I asked Imam Sadiq concerning one who doubts having recited the athan, whilst reciting the iqamah.

He said: ‘let him continue.’ I said: ‘what if one doubts having recited the athan and iqamah, whilst reciting the takbir?’ He said: ‘let him continue.’ I said: ‘what if one doubts having recited the takbir, whilst reciting the salat?’ He said: ‘let him continue.’ I said: ‘what if one doubts having recited the (first) unit (rak’ah), whilst in genuflection (ruku’)?’ He said: ‘let him continue.’ I said: ‘what if one doubts having executed the genuflection, whilst in prostration (sujud)?’ He said: ‘let him continue with his/her salat. O Zurarah! assuming one transits a certain componential action and then enters another component, doubts arising after such a transition are insignificant.’” (119)

Inferences & Discussion

In jurisprudence, there exist universal principles in which the *fuqaha* have extrapolated from the canonical texts, *usulic* semantics and rationality. From the above traditions, they have extrapolated two specific principles; one is the principle of disconnection and the other is the principle of transition. The subject-matter in both is doubt. In the principle of disconnection, doubt arises after the completion of a certain ritual or action; examples of instances include times when one acquires

doubt with respect to the validity of *wudu* after entering *salat*, or acquires doubt with respect to the validity of *salat* after exiting it, or acquires doubt with respect to fasting after a given day in the month of Ramadan terminates, or acquires doubt with respect to the validity of *Hajj* after having completed it or acquires doubt with respect to the contract of a transaction or hire, after the contract has been finalized. This principle is agreed upon by all *fuqaha* and is observed throughout different chapters, within *fiqh*, namely with respect to *wudu*, *ghusl* and *tayammum*.

However, concerning the principle of transition, the theme here is tantamount to *that* doubt which arises *during* one of the sections or components of a given multi-componential action and thus occurs before the action, as a whole, terminates e.g. if during *wudu*, one doubts – whilst wiping one’s head – whether or not one has washed his arms or if during *salat*, one doubts – during *sujud* – whether or not one has recited that unit’s *surah*-recitation. All *fuqaha* unanimously agree that the principle of transition is applicable in matters concerning *salat* due to Zurarah’s narration (119). Moreover, all *fuqaha* also agree that this principle may not be applied to matters concerning *wudu* due to (117) and (118). However, that which the *fuqaha* differ upon is whether or not the principle of transition may be applied to matters concerning *ghusl* and *tayammum*. One view is that such a principle may neither be applied to *ghusl* nor *tayammum* i.e. *just* like its non-application with respect to *wudu*. The other view dictates that the principle of transition may, in fact, *be* applied to *ghusl* and *tayammum*. *Wudu*’s exemption from such a principle is textually stipulated, contrary to that of *ghusl* and *tayammum* according to the latter perspective. The former perspective defends itself by (119); this tradition indicates that later doubts acquired with respect to components of an action or the validity of an action – in its entirety – are insignificant and the reason why *wudu* is exempted from such a general ruling is the presence of other traditions that specifically exempt it (*takhsees*).

4.8 Arising Doubts

Assuming one is certain one had *wudu* and after a period of time one doubts whether or not a *hadath* has arisen or not, both *ijma’* and traditions indicate that one must assume that one’s *wudu* is still intact. As Imam Sadiq (peace be upon him) said, one must never cancel one’s certainty by means of doubt (see 8). Now, if a *muhdith* doubts whether he/she has *wudued* or not, he/she must presume that this state of *hadath* and absence of *wudu* still prevails for the same reason as above i.e. *istishab*.

Assuming one doubts whether one has or hasn’t *wudued* and without executing *wudu*, one neglectfully executed *salat*; such a *salat* is *batil* for one is deemed, here, as one who hadn’t *wudued*. Verily, after doubting whether one had or hadn’t executed *wudu*, one’s duty was to execute it. Now, assuming one has no doubts with respect to having or not having *wudued* before *salat* and executes *salat* and after terminating one’s *salat*, he/she acquires doubt as to whether the terminated *salat* was executed with or without *wudu*. Such a *salat* is valid due to the principle of disconnection; however, one has the duty to execute *wudu* with respect to future *salats* due to the fact that after this latter doubt, *istishab* dictates that one remains in the state of *hadath*. One may question that how may the validity of *salat* (with

MINOR ABLUTION (WUDU)

respect to the previous *salat* be harmonized with the absence of *wudu* (with respect to later *salats*)? Isn't such a coupling essentially incompatible? For surely a *salat*'s validity indicates *taharah* whilst the absence of *wudu* indicates a *salat*'s potential nullification!

Reply: An incompatibility or conflict between two statements would only arise if the subject-matter of both are the same e.g. blackness and whiteness are only incompatible when scrutinized with respect to one object (i.e an object can either be white or black, not both at the same time). Here, however, there exist two subject-matters i.e. the doubt which arises with respect to the validity of the terminated *salat* is the subject-matter for the principle of disconnection whilst the doubt that arises with respect to the fulfillment of *wudu* is the subject-matter for the principle of *istishab*. Now the subject-matters are different, the incompatibilities may be solved. (Note, that one isn't decreeing that the validity of *salat* or the absence of *wudu*., above, are tantamount to reality; rather, the principles of *faragh* and *istishab* guide one to one's procedural duty, albeit in contradiction to one's real duty).

Assuming one knows, for certain, that one had executed *wudu* and had previously become *muhdith* but does not know whether he/she had executed the *wudu* after becoming *muhdith* (thus treating oneself as being in a state of *taharah*) or vice versa (thus being deemed a *muhdith* at present). What is one's duty?

Reply: Most *fuqaha* – especially the earlier ones – regard such a person as a *muhdith* and that he/she ought to execute *wudu* before *salat* due to the fact that – as the author of '*al-Madarik*' puts it¹ – verily Allah has ordered such a person to execute *wudu* for *salat* and, therefore, one is obliged to execute this order and acquire knowledge that one *does* have *wudu*, either by means of certainty or via *istishab* (of *wudu*) that is unopposed by the *hadath*'s *istishab*. Here, we have two certainties; one with respect to *wudu* and the other with respect to *hadath*. The *istishab* of each is in opposition with the other i.e. the *istishab* of *wudu* is in opposition to the *istishab* of *hadath* and, therefore, the two cancel each other out, both being annulled. Hence, if *wudu* is neither proved by certainty nor *istishab* – as is the case – one who doubts such, shares the same ruling as a *muhdith*.

4.8.1 Excessive Doubts

Transmission

Imam Sadiq (peace be upon him) was asked about a man who doubts a lot during his *salat*. He said: “verily the Satan is evil and will return to those who become accustomed (to such doubts). One must let go of these illusions” (120)

Inferences & Discussion

The Imam's response is inclusive with respect to doubts during *salat* and in matters other than *salat*. There exist numerous traditions that state that excessive doubts emanate from Satan. Note, that being affected by and afflicted with excessive doubts is both difficult and burdensome and there's no room for such burdens within the

¹ Al-Madarik, 1:254

Islamic canonical framework. Hence, a jurisprudential principle is extrapolated from these traditions i.e. 'no doubts may be attributed with respect to one who doubts excessively'. Therefore, if one doubts excessively with regards to a component of *wudu*, whilst performing *wudu*, there is no need to pay any attention to it and one *must* continue as if no doubt has occurred.



کتابخانه مجلس شورای اسلامی
Translation Movement

5.0 Jabirahs

Transmissions

Imam Sadiq (peace be upon him) was asked about the duty of one who breaks one's forearm, or breaks a limb that is part of the *wudu* process (and who is therefore unable to untie it for *wudu* purposes), thus hindering one from pouring over the broken area. He said: "if such a person wants to execute *wudu*, one must place a vessel, filled with water, in front of oneself and then place the affected area into the water until the water reaches the affected limb's skin. This much will suffice (and it saves him from untying)" (121)

Imam Sadiq (peace be upon him) was asked about a man who has an wound/ulcer, or something similar, on one of the limbs involved in *wudu* and who has tied a piece of cloth over the affected area and executes *wudu*, wiping water over the cloth. He said: "if water harms him, then he must wipe over the cloth; and if the water doesn't harm him, he must remove the piece of cloth and then wash the wound, too (as if it were normal skin)" Imam Sadiq (peace be upon him) was asked concerning wounds. He said: "wash the area surrounding the wounds" (122)

Inferences & Discussion

A *jabirah* literally refers to a bandage that holds a fractured bone in place. The *fuqaha* define it as that which is placed over a medically-afflicted limb, be it by means of a fracture or otherwise.

The permissibility to wipe over the *jabirah* depends on whether one fears that the water may or may not inflict harm. Assuming there exists no fear regarding the *jabirah's* removal, then it ought to be removed from the wound and the wound must either be washed (if located on the face or arms) or wiped (if located on the head and feet). However, assuming one fears the *jabirah's* removal due to any potential harm brought about by the water's contact, then it is obligatory to wipe over the *jabirah* – no matter where its located – provided that the *jabirah* does not exceed the wound area (save for reasons of keeping the limb intact) and then accordingly wash or wipe the remaining limb's area.

5.1 Miscellaneous Issues

- assuming a *jabirah* covers one's whole body or most of one's body or all the limbs involved in *wudu*, *tayammum* becomes obligatory in such cases due to (7) and due to the fact that the texts that indicate wiping over the *jabirah* are directed away from such *extraordinary* circumstances. Hence, assuming one's whole limb, alone, is covered – irrespective of whether the limb requires washing or wiping – wiping over the *jabirah*, here, is sufficient and *tayammum* is not obligatory.
- assuming a *jabirah* is placed around a limb that usually requires washing during the *wudu*, if its possible to convey water to the skin (under the *jabirah*) either by repetitive encounters over the *jabirah* or by immersing the limb

inside some water – without harming the wound or *najisating* the water – then it's obligatory to do so; otherwise, one is obliged to wipe one's hand over the *jabirah*.

- concerning open wounds, assuming contact with water harms such wounds, then one must place a piece of cloth – or something similar – over the wound and wipe over it during *wudu*.
- it is permissible for a *jabirah* to be made of silk or other materials that are not usually permissible for one to wear during *salat* – save usurped clothing – provided that its outer surface is *tahir* so that wiping over it with water becomes feasible. Sayyid Hakim writes:

“no limit has been specified for the *jabirah*”ⁱ (i.e. its stipulated in absolute terms)

- assuming a healthy hand has some irremovable *najasah* laid upon it, *tayammum* is obligatory in such cases, not *jabirah*, for the latter is specifically employed with respect to medically-afflicted limbs, not normal sound limbs. If the irremovable *najasah* was situated on a limb that is not necessary to be washed/wiped during *wudu* – thus being insignificant *wudu*-wise – then one's duty would be to *wudue*, not *tayammumate*
- assuming a *jabirah*-wearing person's justification for employing the *jabirah* terminates, it does not become obligatory for him/her to repeat one's previous *salats* – during the period of wearing the *jabirah* – even if time allows for such repetitions; this is especially the case when, after executing *salat*, one has no hope of becoming cured, and thus removing the *jabirah*, before the stipulated time for *salat* ends.
- assuming a *jabirah*-wearing person *wudues* and wipes one's *jabirah*, if after a while the wound is healed – thus ending one's justification in wearing the *jabirah* – and the person's *wudu* does not become *batil* by means of any *hadath*, would it be possible to enter *salat* with such a *wudu*, at hand, or not?

Reply: no it isn't! One must *wudue* anew for that which removes one from a state of *hadath* – preparing one for *salat* – is tantamount to the originally complete and canonically prescribed *wudu*, not a defective form of *wudu* that may only be carried out – albeit with the Canon's authorization – in emergency cases, thus permitting one to enter *salat* on the condition that such exceptional circumstances are present. Once one's excuse to execute the *wudu* of *jabirah* becomes defunctionalized, the effectiveness of the *wudu* of *jabirah* accordingly vanishes and ceases to be of use

- assuming a *jabirah*-wearing person is of the belief that water is harmful for him/her and thus *wudues* accordingly – wiping one's *jabirah* – if it later becomes evident that removing his/her *jabirah*, and washing/wiping his/her limb(s) wasn't harmful (whatsoever), is the former *wudu* valid or not? Secondly, assuming one believes that removing one's *jabirah* is *not* harmful,

ⁱ Al-Mustamsak, 2:549

for oneself, and that one may assign water over one's wound and thus *wudue* normally, if it later becomes evident that harm did in fact exist, is such a *wudu* valid or not?

Reply: some *fuqaha* claim that the *wudu* executed in both cases is *batil* for the criteria is tantamount to that which occurs in reality, not one's belief with respect to something. Others claim the reverse i.e. the criteria is one's belief rather than reality *per se*. Maghniyyah takes stance against the latter claim and supports the former. The available evidences support the view of those who regard both *wudus* as *batil* for verily canonical instructions have been brought in order to make us aware of that which ought to be in reality; therefore, restricting oneself to one's belief, or otherwise, requires proof and there exists none to point us in that direction. Rida Hamedani states in his '*Misbah al-Faqih*', that such a complex issue may not be evidently solved and that precaution is better not to be abandoned and that one should therefore re-wudue.ⁱ

5.2 Doubt with respect to an Obstruction

Assuming one doubts whether an obstruction of some sort exists on a limb that requires washing/wiping, thus preventing one to impart water to it, what is one's duty?

Reply: one must thoroughly investigate the issue until one becomes certain that water *does* in fact reach the required area during *wudu*. The reason being that having acknowledged the fact that one is occupied/engaged with a duty, such an acknowledgement necessitates one's certainty with respect to this duty's accomplishment. The *fuqaha* have a formula that states: 'an established engagement (with respect to a duty) demands an assured accomplishment/fulfillment'. This principle –which is applied throughout all divisions of *fiqh* – may be explained as follows: if one acknowledges that a given duty is lying upon one's shoulders and that one is dutybound with respect to it, a rational accountability emanates from such an acknowledgement in that one is responsible to get to know, with certitude, that one has actually fulfilled this duty i.e. not to cease to act until one is certain one's responsibility has been accomplished thus freeing one from liability. By way of example, assuming one knows that he owes Joe one pound and deems it probable or strongly conjectures that he has paid Joe back, such a conjecture or probability is of no avail to him i.e. one must get to know, with certitude, that he has paid such a sum back to Joe and as long as this certitude is not gained, he won't be free from liability.

5.3 The Urinary & Faecally Incontinent

Transmissions

Imam Sadiq (peace be upon him) was asked about a man who urinates without being able to control it. He said: "if he is not able to control it, then Allah is more aware

ⁱ Misbah al-Faqih, 3:96

of his excuse; he must firmly place a skin container – or something else – over his penis” (123)

Imam Sadiq (peace be upon him) was asked about a man – whose bowels were weak or injured or whose urinary tract was pressurized (leading to incontinence) – who is engaged in the first, second, third or fourth rak’ah of his obligatory *salat*. He said: “if urine or faeces are emitted and comes into contact with him, it’s okay to abandon one’s *salat* in such cases, wudue and then continue his *salat* from where he had left provided that his *salat* doesn’t become nullified by talking (or other nullifying factors)” (124)

Imam Baqir (peace be upon him) said: “concerning the *salat* of one who is usually faecally incontinent, one must wudue (on defecation) then return to one’s *salat* and complete it” (125)

Inferences & Discussion

The *maslus* is one who has urinary incontinence and thus cannot control one’s urination. The *mabtun* is one who is faecally incontinent i.e. cannot control one’s defecation. Assuming the *maslus* or *mabtun* comes across or knows of a period of time in which he/she will have enough time to execute *wudu* and *salat*, it is obligatory upon him/her not to let go of this time period and to make the most of it with respect to executing one’s *wudu* and *salat* as per normal. Assuming such a time isn’t feasible and one becomes compelled to become *muhdith* during *salat*, one must place some water besides oneself and then execute *salat* and once he/she becomes *muhdith* during *salat*, he/she should – if possible – abandon the *salat* and re-*wudue* whilst facing the *Qiblah* provided that (i) no burden is placed upon oneself and (ii) no act is committed that may nullify one’s *salat* – such as talking – and then complete the *salat*. Assuming such auxiliary actions aren’t possible due to difficulty or burden, then one must *wudue* for every *salat* and, thus, overlook any urine/faeces emitted during that *salat* for verily Allah is All-Aware of one’s status. Note, however, that it is not permissible to execute two *salats* e.g. *maghrib* and ‘*isha*, by means of a single *wudu* even if urine/faeces is emitted between – i.e. not during – the two *salats*. One may inquire as to why the *fuqaha* have declared such a *fatwah* i.e. having been ordered to overlook any emitted excrement during a given *salat*, why would it be prohibited to perform the ‘*isha salat* by means of the, albeit currently void, *wudu* employed for the *maghrib salat* (i.e. performing two *salats* by means of a single *wudu*)? After all, there exist no texts or proofs supporting such a *fatwah* amidst the *Ahl al-Bayt*’s traditions!

Reply: The pardon (overlooking) that has been stipulated within the texts includes arising *hadaths* during a specific *salat*; however, it doesn’t cover those *hadaths* that arise in between two *salats* i.e. after one *salat*’s (e.g. *maghrib*) completion and before the next *salat*’s (e.g. ‘*isha*) commencement.

6.0 Janabah Ghusl

The Islamic shariah consists of *wajib* and *mustahabb ghusls*. There exists six *wajib ghusls*:

- for *janabah* (main theme of this chapter)
- for *hayd*
- for *istihadah*
- for *nifas*
- for a *mayyit* (i.e. after the mayyit has lost its warmth and before the *ghusl*)
- for touching a *mayyit* (pre-*tahirization* and after losing its warmth)

Transmissions

5:5 reads: “and if you become *junub*, then *tahirize* yourselves...”

Imam Sadiq (peace be upon him) said: “the *janabah ghusl* is *wajib*; whoever intentionally abandons *ghuslating*, hasn’t, in effect, *tahirized* oneself from *janabah* and shall reside in Hell” (126)

In response to one who asked when *ghusls* become *wajib* upon men and women, Imam Sadiq (peace be upon him) said: “whenever intercourse is realized, the *ghusl*, dowry and stoning (to death) become executable by obligation (within their own framework’s circumstances)” (127)

Imam Rida (peace be upon him) said: “*ghusl* is *wajib* whenever the circumcized part of the penis (or more) enters the vagina” (128)

Imam Sadiq (peace be upon him) was asked whether foreplay necessitates *ghusl*. He said: “yes, provided that it leads to ejaculation” (129)

Imam Sadiq (peace be upon him) was asked about a woman who observes vaginal secretions. He said: “provided that she secretes, the *ghusl* becomes *wajib* upon her; otherwise, no *ghusl* is required” (130)

Imam Sadiq (peace be upon him) was asked about a man who dreams of emitting semen and who, on awakening, observes no liquid on his clothes or body. He said: “*ghusl* is not *wajib* here. Verily Imam Ali used to say: ‘the *ghusl* becomes *wajib* as a result of semen and if one dreams it, he hasn’t therefore actually observed it and so *ghusl* doesn’t become binding upon him” (131)

Imam Sadiq (peace be upon him) was asked concerning a man who *janabated*, then *ghuslated* before urinating and who, later, observed a discharged liquid. He said: “the *ghusl* must be repeated” The questioner continued and asked concerning a woman who observes something (similar) after *ghuslating*. He said: “she need not repeat it” The questioner then inquired with respect to the differences between the two rulings. The Imam said: “verily that which exits the female is that of secretions pertaining to the male” (132)

Imam Sadiq (peace be upon him) said: “assuming discharge is accompanied with lust, pressure (force) and fatigue, one is then obliged to ghuslate; however, if fatigue and lust aren’t present, then it’s okay” (133)

Inferences & Discussion & Miscellaneous Issues

There exist no differences between the *fuqaha* on the fact that *janabah* necessitates *ghusl* and that *janabah* is acquired by one of two manners: (i) entrance of at least the male glans penis (circumsized part) into the vagina and (ii) assuming one acknowledges that he/she has ejaculated or secreted, respectively – irrespective of whether the ejaculation/secretion is pulsatile or not, occurring during sleep or whilst awake (see glossary).

Issues

■ assuming one dreams of performing intercourse and, after waking up, observes no traces of intercourse on oneself, *ghusl* therefore doesn’t become binding upon one (see 131)

■ assuming semen is emitted and one accordingly executes the *janabah ghusl*, if one later observes a wetness and cannot acknowledge whether its semen or not, must one re-*ghuslate*?

Reply: assuming one had urinated post-seminal discharge before *ghuslating*, it isn’t *wajib* to *ghuslate*, otherwise one must repeat. This ruling concerns men alone; women, in such corresponding cases, need not re-*ghuslate* – irrespective of whether they urinate or not. (see132)

■ assuming a wetness is discharged from a man without performing any intercourse or sex; what is such a man’s duty were he not to know whether the liquid is sperm or not?

Reply: if the discharged liquid is accompanied by the following features, then *ghusl* becomes *wajib* for him; otherwise, its not *wajib*. They are (i) the sensation of lust, (ii) pulsatility of the discharged liquid and (iii) fatigue. (see133)

■ assuming semen is discharged from an abnormal orifice, *ghusl* remains binding upon one because the texts state ‘seminal discharge’ in absolute terms, not specifying or confining it to any location.

■ assuming one observes sperm on one’s clothing and then doubts whether the sperm is his or someone else’s, *istishab* dictates that *ghusl* is not incumbent upon him i.e. he has certainty that he wasn’t *muhdith* before and doubts whether he is *muhdith* or not at present.

■ assuming, after *ghuslating* from *janabah*, one observes traces of *janabah* on one’s clothes and doubts as to whether one has become *junub* again or if the observed is the original sperm from which one had *ghuslated*. In such a case, *ghusl* is not *wajib* for *istishab* nullifies both doubts until proven otherwise. Concerning the doubt whether one has become *junub* again, verily one had

previously beheld certainty with respect to the fact that one had *ghuslated* from the *janabah*; regarding the doubt as to whether the observed is the original sperm from which one had apparently *ghuslated*, note that the presence of the sperm is doubted after having *ghuslated* with surety. Both doubts are therefore rejected due to one's reliance upon previous certitudes.

- assuming a single piece of clothing is worn by two people (x and y) interchangeably and that it later became evident that sperm has *najisated* the clothing and that the sperm is confined, with certainty, to one of the above two. Supposing it is not known whose sperm it is, would *ghusl* be binding upon both x and y?

Reply: No! because both x and y may presume the continuity of *taharah*, separately, provided that their canonical duties are mutually exclusive from one another, otherwise such a presumption cannot be made due to the fact that the effects of *janabah* externalize if their duties share common ground; by way of example, the *fuqaha* do not permit x – assuming he's located in a mosque – to hire y to sweep the same mosque for in such a circumstance, certitude is attained with respect to the fact that a *haram* act (the presence of a *junub* within a mosque) is being committed i.e. by x [whose directly situated within the mosque or who has directly hired y to enter and sweep]. The *fuqaha* also do not permit either of the two to execute *salat*, in congregation, behind the other because certainty thus becomes attained with respect to the fact that a *haram* act is being carried out (executing *salat* in a state of *janabah*) either by the *Imam* [whereby the *ma'mums salat* becomes void] or by the *ma'mum* (note that executing *salat* individually wouldn't create such an obstacle due to the lack of common ground). Here, were the *Imam* to be *junub*, then both x and y's *salats* are void and were the *ma'mum* to be *junub*, then the latter's *salat* is void. Hence, in such cases, neither x nor y can decide to act as *ma'mum* due to the fact that a *haram* act will definitively result. However, if a clothing is shared by three people (x, y and z) and the doubted *janabah* is restricted to three people, one of the three may, in fact, act as *Imam* for the other two *ma'mums* – without leading to any obstacle – for there, now, exists a probability that the *junub* may be one of the two *ma'mums* and, hence, certainty with respect to the *salat's* nullification would not be acquired. In the latter case, assuming x is *Imam*, y (one of the two *ma'mums*) may deem it possible that z (the other *ma'mum*) is *junub* and z may deem it probable that y is *junub*. In either situation, the *salats* are all sound and valid.

6.1 Objectives for Ghuslating

Transmissions

9:108 reads: "...and Allah likes those who tahirize themselves" (134)

Imam Sadiq (peace be upon him) said: "Zoroastrians don't ghuslate from *janabah* whilst Arabs do. Ghusls are incorporated within the divine canon" (135)

Imam Sadiq (peace be upon him) was asked about a man who *janabates* and then desires to sleep. He said: **“if he prefers to wudue before sleeping, then so be it, but to ghuslate is more preferable”** (136)

Inferences & Discussion

These traditions – as well as others – demonstrate that *ghusl per se* is a *mustahabb* ritual and that a *junub* may opt to *ghuslate* solely for Allah’s sake whenever he/she wills, without beholding a specific purpose or objective in mind. *Ghuslating* for reasons of repentance, pilgrimage etc. are also *mustahabb*. *Wajib ghusls* are those that are executed with respect to *wajib* objectives such as the five daily *salats* and the *wajib tawafs*.

The *wudu* alluded to in (136) only beholds one function i.e. to remove the associated *karahah* were the *junub* to sleep (in the state of *janabah*) for verily if a *junub* *wudues* before eating or sleeping, no *karahah* becomes realized. However, to eat or sleep whilst in a state of *janabah* is *makruh*. Note that such *wudus*, however, do *not* legitimize *salat* or anything else.

6.2 Sawm & Janabah

Transmissions

Imam Sadiq (peace be upon him) was asked about a man who emits semen at night, or has intercourse at night, then sleeps – knowing that it is the month of Ramadan – until *fajr* (daybreak). He said: **“he must complete the fast and later execute its qada (compensation)”** (137)

On a similar occasion, he said: **“he must free a slave or fast for two consecutive months or feed sixty needy people”** (138)

Imam Sadiq (peace be upon him) was asked about a man – who aims to perform a compensatory Ramadan fast – who becomes *junub* early during the night and doesn’t *ghuslate* until *fajr*. He said: **“he shouldn’t fast that day and must rather fast, this qada, another day”** (139)

Imam Sadiq (peace be upon him) was asked about a man who *janabates* during the month of Ramadan and then forgets to *ghuslate*, realizing his error only after the holy month ends. He said: **“he must execute his qada salats and fasts”** (140)

Someone asked Imam Sadiq (peace be upon him): “May you inform me about *mustahabb* fasts and concerning the three days that lie ahead of us; were I to become *junub* early during the night and, being aware that I’m *junub*, intentionally sleep until *fajr*, ought I fast that day or not?” He said: **“you may fast”** (141)

Inferences & Discussion

The *fuqaha* infer, from the above evidences, that one must *ghuslate* from *janabah* in order to fast during the month of Ramadan. Assuming one intentionally remains *junub* until *fajr* – during the holy month – one must execute the required *qada* fast – after the month – and also execute the necessary *kaffarah* (expiation) for verily such an intended action nullifies one’s *sawm*. However, concerning the forgetful and/or

ignorant, they have no duty laid upon them save that of the *qada* fast. However, if one aims to execute a *mustahabb* fast, then one may optionally remain *junub* even post-*fajr* (see 141), without any additional duty being bound upon him/her.

6.3 Prohibitive Actions with respect to the *Junub*

Transmissions

Imam Sadiq (peace be upon him) was asked whether a *junub* or *ha'id* may recite anything from the Qur'an. He said: "yes, they may recite however much they will save the verses of prostration; one may call upon Allah at all times" (142)

Imam Sadiq (peace be upon him) was asked whether a *nafsa'*, *ha'id* or *junub* may recite the Qur'an. He said: "they may recite however much they want" There exist other traditions where the Imam replies: "they may recite up to seven verses" and "they may recite up to seventy verses" (143)

Imam Sadiq (peace be upon him) said: "the *junub* ought not touch that dirham or dinar that has Allah's name inscribed upon it" (144)

Imam Sadiq (peace be upon him) said: "the *junub* mustn't halt in mosques (be it via sitting/standing); he may pass by (entering one door and exiting another) but even passing by is prohibited with respect to Masjid al-Haram and Masjid al-Nabi" (145)

Imam Sadiq (peace be upon him) said: "the *junub* or *ha'id* may pick up something from a mosque whilst passing by (without halting) but they are not allowed to place anything inside a mosque" (146)

Inferences & Discussion

The *fuqaha* have unanimously issued *fatwahas* based on the content of the above traditions, thus giving their stamp of approval. They all agree that a *junub* is not permitted to touch (a) the script of the Quran – be it Allah's name or other than Allah's name – and (b) the name of Allah and His attributes e.g. al-Rahman, be it in the Quran or inscribed on other than the Quran, such as coins etc. The *junub* is also prohibited from reciting a single word from either of the four surahs (chapters) of prostration – surahs that contain a verse that obliges one to prostrate on reading/hearing it. Other than the restriction imposed upon these four chapters, it is *makruh* to recite other verses (one to seven verses in number) of the Quran during the state of *janabah* according to some *fuqaha*, whilst others don't deem it as being *makruh*. The former *fuqaha* regard the recitation of eight to seventy verses as more *makruh* and anything above seventy as severely *makruh*. The latter regards reciting one to seven verses as not being *makruh*, eight to seventy verses as being *makruh* and over seventy verses as being more *makruh*. Hence, in either case, one observes an increase along the '*karahah* spectrum' as one reads more verses whilst in a state of *janabah*. The *junub* is not allowed to halt in a mosque; however, he/she may just pass by, entering the entrance and leaving via the mosque's exit. The mere act of passing by is, however, forbidden with regards to *Masjid al-Haram* and *Masjid al-Nabi*.

Assuming it is permissible for a *junub* to pick up something from a mosque, it follows that the *junub* may optionally enter a mosque and take some water in order to, by way of example, *ghuslate* from *janabah* later. However, since such a pick-up requires a brief halt, the *junub* must, therefore, *tayammumate* before entering and briefly halting inside the mosque due to the halt and *not* due to the mere act of entering/exiting the mosque. Now, once the *junub* collects the required water and exits the mosque, the effect or 'half-life' of the *tayammum* terminates due to the availability of water to *tahirize* oneself with. Note that this *tayammum* legitimizes nothing save the required, brief halt in the mosque; hence, one cannot touch the Quranic script, read the surahs of prostration...by means of such a *tayammum*, as is the case regarding the *tayammum* one executes, due to time-constriction, for *wuduing/ghuslating* with respect to one's *salat* i.e. this latter *tayammum* only legitimizes that particular *salat* and nothing else.

6.4 Method of Ghuslating

Transmissions

Imam Sadiq (peace be upon him) was asked about the *janabah ghusl*. He said: (its mustahabb to) wash your hands (first) then wipe over your left side with your right hand, then wash your genitalia and your arms upto the elbow; next, rinse your mouth with water and inhale water through the nose; its obligatory to wash, however, your body (with the aid of your hands) from head to toe. There's no need to wudue either before or after the *ghusl*. The water *tahirizes* whatever it encounters, during the *ghusl*. Moreover, assuming one immerses oneself wholly into a water – via one instantaneous manoeuvre – it will suffice, even if one doesn't wash one's body with one's hands" (147)

Imam Sadiq (peace be upon him) was asked, about a man, whether the *janabah ghusl* may be accomplished by standing under the rain and staying there until all one's head and body is washed – even if other types of water are available. He said: "assuming such a wash is possible, it will suffice" (148)

Imam Sadiq (peace be upon him) said: "verily Imam Ali didn't regard it problematic for one to wash one's head in the morning and leave the washing of the rest of the body till moments before *salat*" (149)

Imam Sadiq (peace be upon him) said: "assuming one *ghuslates* after *fajr*, one may *ghuslate* with respect to numerous purposes such as *janabah*, as a Friday ritual, as an Arafah ritual, for pilgrimage, slaughtering etc. If this is done solely for Allah's sake then one acquires one's due. Hence, the one *ghusl* will suffice for all these purposes...women, too, may *ghuslate* – once – for numerous purposes such as *janabah*, pilgrimage, hayd, eid and so forth" (150)

Inferences & Discussion

The *fugaha* have necessitated pure sincerity with respect to one's *niyyah* when *ghuslating* as well as the *niyyah*'s continuation up until the *ghusl* has ended (as was the case with *wudu*). The water employed in *ghusls* also – like *wudu* – have to be *mutlaq*, *tahir* and *mubah* (legitimate).

Two modes of action exist for executing the *ghusl*:

1. The Orderly Ghusl (tartibi)

The orderly *ghusl* starts by washing the head and neck, followed by the right half of the body – from the shoulders to the toes – and, then, followed by the left side of the body in a similar fashion. Many of the *fuqaha* have deemed it unnecessary to wash the body in a specific order, thus permitting one to wash one’s body as one wills – this view being wholly on par with that decreed by Sunnite scholars. After reciting a few traditions (similar to those above), the author of ‘*al-Madarik*’ writes:

“these traditions, narrated from the Ahl al-Bayt, may virtually be said to be explicitly alluding to the lack of necessity regarding the order one washes one’s two halves for they appear to portray the Imams as aiming to teach all that is necessary with respect to the laws surrounding *ghusl* and neglecting the issue of order – were it a prerequisite – would be inconceivable in such a case. So, even if *ghusl*ing the two halves without any specific order is acceptable, nevertheless the route adopted by most *fuqaha* – treating order as essential – is more closer to precaution.”ⁱ

Shaykh Hamedani states in his ‘*Misbah al-Faqih*’:

“claiming the lack of order between the right and left halves of the body does indeed behold a strong case; however, going against popular consensus is difficult”ⁱⁱ

Those who support the concept of order point to a traditionⁱⁱⁱ where Imam Sadiq (peace be upon him) ordered someone to wash a *mayyit*’s head, first, followed by its right half and finally wash its left half. Others have replied that such a method of extrapolation is tantamount to a false analogy for analogizing the living to the dead is like analogizing vegetation to the inanimate.

Those who regard order as essential do not, however, deem it *wajib* to wash the head and two halves of the body from top to bottom (supero-inferiorly) as was the case with the face and arms during *wudu*; rather, one may wash the *ghusl*’s bodily components from their inferior aspects, upwards. Almost all *fuqaha* reject consecutiveness and instantaneity as being *wajib* in *ghusls*. Hence, assuming one washes one’s head and, after the passing of some time, then washes his/her right side and washes his/her left side, even later, such a procedure is deemed valid by all (see 149).

2. The Immersing Ghusl (irtimasi)

Here, the *junub* immerses one’s whole body into *tahir* water to such an extent that the water covers all one’s body instantaneously, not gradually. Hence, if one places oneself under rain and intends such a *ghusl*, it would be deemed valid; however, its preferable to intend the *tartibi* option under rain, thus wiping one’s hands over one’s body – as required – during the *ghusl*.

ⁱ Al-Madarik, 1:295

ⁱⁱ Misbah al-Faqih, 3:369

ⁱⁱⁱ Wasa’il al-Shi’ah, 2: 484, section 2 on ‘*ghusl*ing the deceased’, hadith no. 10

6.5 Miscellaneous Issues

- assuming one urinates or passes wind whilst *ghuslating* and before terminating one's *ghusl*, what is one's duty? **Reply:** one must finish one's *ghusl* and then execute *wudu* for *salat* purposes. Entering the state of minor *hadath* does not oblige one to re-*ghuslate*, rather it necessitates *wudu*. There exists a tradition that indicates that one is obliged to *ghuslate*, in such cases, anew and then *wudue*.ⁱ The author of '*al-Madarik*' declares that he has not been successful in locating this tradition's sources of authorityⁱⁱ. Sayyid Hakim, however, confirms the above *fatwah* and opinion with respect to the alleged tradition.ⁱⁱⁱ
- *ijma'* and *nass* dictate that all *ghusls*, save the *janabah ghusl*, are followed by *wudu* (for *salat* purposes)
- one's whole body ought to be *tahir* either before *ghuslating* or during the *ghusl* i.e. before *ghuslating* a specific *najis* area, that area ought to be *tahirized* and then followed by the *niyyah* to *ghuslate*. *Tahirizing* before *ghuslating*, however, is preferable.
- Assuming one doubts the presence of an obstruction on one's body that prevents water from reaching the skin, one must investigate the matter until he/she acknowledges that water *does*, in fact, contact the skin. Acknowledging the fact that *ghuslating* is *wajib* demands one to fulfill such a duty as required by the Canon; otherwise, if certainty isn't acquired, the duty's burden remains upon one's shoulder.
- assuming one doubts whether one has *ghuslated* one's head for *janabah* purposes or not, if such a doubt occurs before one starts *ghuslating* the right half of one's body, then one ought to *ghuslate* the head for verily the doubt had occurred before one's transition to the next phase of the *ghusl*. Since the transition to the right half hadn't yet occurred, the principle of *tajawuz* doesn't become executed. However, if such a doubt had occurred on *ghuslating* the right body, the principle dictates one to neglect such a doubt and carry on with the *ghusl*. Neglect is also dictated if one were to doubt whether or not one had washed the right side, after commencing *ghuslating* the left. Assuming one doubts whether or not one had *ghuslated* the left side after completing the *ghusl*, here, the principle of *faragh*, also, dictates one to disregard such a doubt. Otherwise, were completion yet to be achieved, one would be obliged to *ghuslate* the left side
- assuming after completing one's *salat*, one doubts whether or not one had executed the *janabah ghusl* before the *salat*, what would one's duty be? **Reply:** one's *salat* is valid and there's no need to repeat it for verily the doubt occurred after the *salat* had ended and so the principle of disconnection

ⁱ Al-Mustadrak, 1:484.

ⁱⁱ Al-Madarik, 1:308.

ⁱⁱⁱ Al-Mustamsak, 3:127.

becomes applicable. However, *istishab* dictates that one must – post-*salat* – execute the *janabah ghusl* for future rituals. In short, one acknowledges that he was in a state of *janabah* and doubts at present whether one had performed the required *ghusl*; such a scenario demands the principle of *istishab*. Note that the fact that *faragh* dictates the *salat*'s validity and *istishab* dictates the necessity to *ghuslate* does not lead to any paradox because the subject-matter in both cases *differ*! Were the themes the same, a contradiction would result but not here where the subject-matter for the principle of *faragh* is tantamount to the *salat*'s validity and the subject-matter for the principle of *istishab* is that of *janabah*.

- (150) indicates that one may make *niyyah* with respect to numerous duties by means of executing a single *ghusl* – irrespective of whether these duties are all *wajib* or not, or whether they are all *mustahabb* or not, or if they are mixed or whether or not they include *janabah*.





دھرتی تحریک
Translation Movement

7.0 Hayd, Istihadah & Nifas

Transmissions

2:222 reads: “They ask you concerning (intercourse during) menses. Say: ‘It is hurtful’. So keep away from wives during the menses, and do not approach them till they become tahir. And when they become tahir, go into them as Allah has commanded you. Indeed Allah loves the penitent and He loves those who keep tahir”

Imam Sadiq (peace be upon him) said: “once women reach the age of fifty, they won’t observe hayd save Quraishite women” (151)

Imam Sadiq (peace be upon him) said: “once a female reaches the age of nine, hayd becomes possible” (152)

Imam Sadiq (peace be upon him) said: “the minimum period required for hayd to become realized is three days whilst it’s maximum is ten days” (153)

Imam Sadiq (peace be upon him) said: “the period commencing from purity until one next observes hayd may not be less than ten days” (154)

Imam Sadiq (peace be upon him) said: “hayd blood is usually pulsatile and tepid” (155)

Inferences & Discussion

The *fuqaha* have classified bloods observed by women into three parts i.e. *hayd* blood, *istihadah* blood and *nifas* blood. *Hayd* is defined as that blood that is discharged from the vagina without the presence of disease or *nifas*. Verily Allah has prescribed it for women in order to preserve Man’s lineage as well as indicating that the uterus is purified, free from blood. This blood originates within the uterus’ stroma and glands and accumulates during the pure (non-menses) state of the menstrual cycle; hence the reason why this non-menses period is termed accumulation (فرء). *Nifas* blood is that blood that exits the vagina during child-birth. As shall be seen, it shares the same rulings as *hayd*. *Istihadah* blood is that blood that is neither *hayd* nor *nifas*.

7.1 Hayd

Hayd may not be observed before the completion of nine lunar years; assuming blood is seen before nine years of age, it is decreed as blood resulting from disease, trauma....rather than that of *hayd*. Similarly, the discharged blood observed in Quraishite women, after the completion of sixty lunar years, is not deemed as being *hayd*. The same applies with non-Quraishite women who have reached the age of fifty; rather, in both cases, the blood is decreed as resulting from *istihadah*, disease, trauma etc.

Assuming one doubts whether she is a Quraishite or not, *istishab* dictates that she be ruled as a non-Quraishite; for verily, before birth she wasn’t a Quraishite and now,

post-birth, she acquires doubt. *Istishab* is also applied in cases where one doubts whether or not she has reached the age of nine or whether she has completed fifty/sixty lunar years or not. The minimum time period stipulated for *hayd* is three consecutive days; hence blood that is discharged for less than three consecutive days – even if it's a minute less – is not deemed as *hayd*. The maximum limit is ten consecutive days – anything more is not *hayd*. The minimum time period with respect to the state of accumulation i.e. the time separating two *hayds* (commencing from the completion of one *hayd* and terminating with the commencement of the next *hayd*) – which may validly be used when calculating a divorced women's 'iddah – that is tantamount to the observation of three *hayds* segregated by two states of accumulation – is that of ten days. Its maximum period is not canonically confined. As (155) indicates, *hayd* blood is usually tepid, viscous and black (dark red).

7.2 Question & Answer

Question: the *fuqaha* state that *hayd* is an indication of a girl's *puberty*; however, this does not comply with their decree that that blood observed before the age of nine is deemed as *not* being *hayd*. Why is this?

Response: there exists an important difference between one who knows that she is less than nine years of age from one who doesn't. Blood observed in the former case is categorically refused as being *hayd* (152); however, blood observed in the latter case is deemed *hayd* provided that it beholds the necessary attributes (159).

7.3 The Principle of Probability

This formula, assigned by the *fuqaha*, states that: 'any blood that *may* be canonically labeled as *hayd*, *is so*'. In other words, any blood that is vaginally discharged is deemed as being *hayd* until the contrary is known, namely on occasions where (i) blood is observed before nine years of age, (ii) a Quraishite completes sixty years of age, (iii) a non-Quraishite completes fifty years, (iv) ten days hasn't yet passed since the termination of one's last *hayd*, (v) more than ten consecutive days of bleeding has occurred, the blood observed after ten days being discounted as being *hayd*, (vi) blood has been discharged for less than three consecutive days and (vii) one acknowledges a certain blood as being a result of a wound or trauma etc. Assuming none of the above seven are proved or acknowledged, then *hayd* becomes probable and this mere probability is sufficient for one to confirm such a blood as being *hayd* – be the blood uniform in colour or not, as '*Allamah*' and the author of '*Sharayi*'ⁱⁱ have alluded to. Shaykh Hamedani states, in his '*Misbah al-Faqih*', that this principle may be considered as primary and self-evident due to the excessive number of traditions that dictate that any observed blood ought to be treated as *hayd*, excluding all other probabilities.ⁱⁱⁱ

ⁱ Al-Tathkirah, 1:257

ⁱⁱ Al-Sharayi', 1:21

ⁱⁱⁱ Misbah al-Faqih, 4:68

7.4 Classification of Hayd

Transmissions

Imam Sadiq (peace be upon him) was asked about the first few months of menstruation of a virgin servant, who observes blood for an irregular number of days each month. He said: “she ought to abandon her ‘ibadah, such as salat, as long as she observes the blood, provided that it doesn’t exceed ten days. However, whenever two consecutive months share the same number of days, menses-wise, she ought to assign that number of days as her menses” (156)

Imam Sadiq (peace be upon him) said: “assuming the bleeding of a menses is exactly equal to that of the previous menses, such that two – or even more – equal hayds occur, one may then acknowledge one’s precise period of menses and, therefore, not pay attention to anything supplementary to it” (157)

Imam Sadiq (peace be upon him) said: “whenever two consecutive hayds equal each other, quantitatively (no. of days), one’s period of menses is established; therefore, one must act in accordance with this period and not pay heed to anything else outside this set period” (158)

Imam Sadiq (peace be upon him) said: “abandon salat if the blood is tepid, pulsatile and black” (159)

Inferences & Discussion

The *fuqaha* have divided the different types of *ha'id* into five categories:

- (1) those whose periods are of equal duration and occur at the same time every month e.g. those who observe blood – twice or more – for precisely five days, commencing each time at the beginning of the month, to such an extent that she doesn’t observe blood for five days one month, for four days another month and for six days another etc.; moreover, she doesn’t start her menses at the beginning of one month, then her next menses during the middle of the next month and so forth. Such women ought to abandon executing *salat* on merely observing blood – irrespective of whether the blood beholds the attributes of *hayd* or not.
- (2) those whose periods are *not* of equal duration but *do* occur at the same time every month e.g. those who consecutively observe blood at the beginning of each month but the duration is three days one month, four days the next and so forth. This pattern is termed ‘orderly’ with respect to timing and ‘distressed’ with respect to duration. Such women, too, ought to abandon executing *salat* on merely observing blood – irrespective of whether the blood beholds the attributes of *hayd* or not.
- (3) those whose periods are of equal duration but *do not* occur at the same time every month e.g. those who observe a fixed number of days of bleeding but whose commencement differs month to month. This pattern is orderly, duration-wise, but distressed with respect to timing. Such women ought to abandon their *salat* on sighting such blood provided that – in accordance with

(159) – the blood beholds the attributes of *hayd*. However, if the blood does not behold the required characteristics, then one must abandon those actions prohibited for the *ha'id* – such as entering mosques etc. – and execute those actions bound upon the *mustahad*, namely *salat* and *sawm*.

- (4) those whose periods are neither equal, duration-wise, nor occur at the same time every month e.g. those who observe for five days at the beginning of a month, then seven days during the middle of the next month and so forth. Their pattern is wholly distressed. Their duty is similar with the *ha'id* in category (3) i.e. to abandon *salat* if the observed blood beholds the characteristics of *hayd*; otherwise, to observe precaution.
- (5) concerning those who are experiencing their period for the first time, their duty is similar to women in categories (3) and (4) since tradition (159) may be equally applied to such first-timers.

7.5 Surpassing the 10-day limit

Inferences & Discussion

Concerning one whose periods are of equal duration but *do not* occur at the same time every month, assuming the number of days, one month, exceeded the fixed norm and pattern, in such cases if the number of days doesn't surpass ten days, then the blood observed during this new, irregular number of days is deemed *hayd* e.g. assuming one usually bleeds for five days (every month), if she once irregularly bleeds for seven, eight or ten days (but not more than ten) then the blood observed during these seven, eight or ten days will, all, be decreed as *hayd* blood. However, if the number of days were to exceed ten e.g. eleven days, following the previous example, one would treat the first five of the eleven days as *hayd* blood and the rest – six days in this case – as *istihadah* blood.

7.6 Pregnancy and Hayd

Transmission

Imam Sadiq (peace be upon him) was asked about a pregnant woman who observes *hayd* blood, whether she should abandon her *salats*. He said: “Yes, she should for verily the expectant, too, can become polluted with hayd” (160)

Inference & Discussion

The *fuqaha* have therefore decreed that *hayd* may accompany pregnant women.

7.7 True until proven otherwise

Transmission

Imam Sadiq (peace be upon him) said: “when women declare their ‘iddah or hayd, it is to be regarded as authentic” (161)

Inference

No difference of opinion exists on this issue amongst the *fuqaha*.

7.8 Actions Prohibited for the Ha'id

Transmission

See 2:222

Imam Sadiq (peace be upon him) said: “he who performs intercourse with a ha'id must expiate by paying out a dinar if the act occurred during the initial third of the menses, half a dinar if during the mid-third of the menses and a quarter of a dinar if the act occurred during the final third of the menses. Assuming one is unable to expiate financially, he ought to repent before Allah and not repeat such an action again. Verily repentance is the expiation for those who cannot expiate by any other means” (162)

Inferences & Discussion

The *ha'id* is prohibited from carrying out all those actions that were forbidden for the *junub*. The *ha'id* is not allowed, however, to execute *salat* and *sawm* under any circumstances whereas the *junub*, who has no access to water, is allowed to perform these two acts of worship by means of *tayammum*. One is not permitted to divorce a woman during her menses –save in a few exceptional cases that will be covered under the chapter of ‘divorce’ – whilst it is permitted to divorce a woman who is *junub*. 2:222 explicitly disallows one from copulating with one's wife during her menses whilst it isn't forbidden to copulate with one's wife during her *janabah*. Man is permitted to derive pleasure from a woman by means other than her vaginal and anal orifices, albeit *makruh* to derive such pleasure by stimulating those other areas of her body situated between the navel and knees. (162) demonstrates the degrees of expiation that are bound upon a man whose excessive lust, for example, incites him to have intercourse with his *ha'id* wife.

7.9 The Ha'id's Ghusl

Transmission

Imam Sadiq (peace be upon him) said: “all ghusls are followed by wudu, for *salat* purposes, save that of *janabah*” (163)

Inferences & Discussion

The *ha'id* must *ghuslate*, after her menses ends, in order to execute *salat*, *sawm*, *tawaf* and other actions mentioned in chapter six. The manner of *ghusl* – be it orderly or immersing – is exactly the same as with *janabah ghusls*. Note that the *janabah ghusl* – as (163) dictates – requires no *wudu* and so one who becomes *janabated* may execute *salat* after *ghuslating*. However, the *ha'id* must perform *wudu*, in addition to *ghuslating*, in order to be able to execute *salat*. Some of the *fuqaha* claim that *ghusls* – be they *wajib* or not – do not require succeeding *wudus* for *salat* purposes. Sayyid Hakim writes:

“verily the law-giver has legitimized *taharah* by means of *wudu* and *ghusl*, assigning each of them as sufficient wherever legitimized; hence the lack of necessity in annexing one with the

other. Therefore, the Imam's tradition that: "all ghusls are followed by wudu, for salat purposes, save that of janabah" may be construed as implying the permissibility, not obligation, of wudu."ⁱ

7.10 Compensatory Salats and Sawms

Transmission & Inference

Imam Sadiq (peace be upon him) said: "The ha'id ought to compensate her sawms but not her salats" (164)

This is agreed upon by all *fuqaha*.

7.11 Istihadah

Transmissions

A woman once approached Imam Sadiq (peace be upon him) and told him that she doesn't know whether the blood she is constantly discharging is *hayd* or something other than *hayd*. He said: "verily *hayd* blood is tepid, viscous and black and beholds pulsatility whereas *istihadah* blood is cool and not black (lighter). Therefore, if a blood is tepid, pulsatile and black, then abandon salats" The woman then uttered, whilst departing, "he wouldn't have been more informed were he a woman!" (165)

Imam Sadiq (peace be upon him) said: "the *mustahad* must carefully scrutinize her period, neither executing salat nor performing intercourse during it; if she observes that the blood, which continues to bleed after her period, penetrates the piece of inserted cotton, she ought to ghuslate in preparation for the zuhr and 'asr salats, also ghuslate in preparation for the maghrib and 'isha salats and also ghuslate in preparation for the fajr salat. She must preserve her vagina by means of proper clothing and, if present within a mosque, she ought to avoid any spread of blood by pressing her thighs together. She shouldn't perform intercourse during the *istihadah* period (assuming she hasn't committed the necessary ghusls etc.). However, if no blood penetrates the inserted piece of cotton, then she should wudue before entering the mosque to execute salat. She may only perform intercourse once her period has ended and that her necessary ghusls have been committed" (166)

Imam Sadiq (peace be upon him) said: "Istihadah blood is essentially different to that of *hayd* blood" (167)

Inferences & Discussion

As has been mentioned, the vaginally discharged blood observed by women – excluding that of wounds and abscesses – is either that of *hayd*, *nifas* or *istihadah*. Hence, assuming *hayd* and *nifas* bloods are ruled out, the blood is automatically deemed as being that of *istihadah*. The principle of probability had stated that any vaginally-discharged blood is considered *hayd* until demonstrated otherwise; now, if one acknowledges that a certain blood is neither *hayd* nor related to child-birth nor associated with wounds or abscesses etc., *istihadah* blood is concluded. Blood that is

ⁱ Al-Mustamsak, 3:345-6

discharged for more than ten days, for less than three consecutive days, before nine years of age, post-menopause (i.e. fifty or sixty years of age) etc. may be categorically affirmed as not being *hayd*; therefore, if such a blood is observed on occasions other than child-birth, it must be recognized as *istihadah* blood. Hence we come up with a second principle i.e. 'any blood that cannot be theoretically regarded as being *hayd* or *nifas*, is tantamount to *istihadah* provided that its not brought about by wounds and abscesses'. *Istihadah* blood is usually cool and less viscous; its red colour is less 'black' (lighter) than that of *hayd*. Its pulsatility is relatively inert compared to the pulsatile nature of *hayd* blood. Note, however, that *hayd* blood may sometimes be light red in colour – i.e. if observed during one's menses – and *istihadah* blood may often be 'black' – i.e. if observed after or before one's menses.

7.12 Classification of the Mustahad

The *mustahad* has been divided, by *fuqaha*, into three categories: slight, moderate and excessive (bleeders). In order to differentiate one's category, the woman must carefully examine oneself by placing a piece of cotton over her vaginal orifice and leave it there, firmly in place, for a short while. On inspection, if the piece of cotton is merely stained on its external surface i.e. blood not having penetrated through the cotton, the *mustahad* is termed slight. Assuming the cotton is penetrated but the blood doesn't seep through the whole length of the cotton, the *mustahad* is termed moderate; and if the blood soaks through the cotton to such an extent that the other end of the cotton becomes moist and/or dripping with blood, the *mustahad* is termed excessive.

The duty of the slight *mustahad* is to cleanse her vagina, alter her cotton pad and *wudue*, not *ghuslate*, before every single *salat* – assuming she has become polluted, otherwise neither cleansing, re-padding nor *wudu* is necessary. The moderate *mustahad* must cleanse her vagina, alter her cotton pad, *ghuslate* once before the *fajr salat* (or, according to some, before the *salat* that immediately follows from the *istihadah*) and *wudue* before each *salat* assuming she becomes polluted in between the five *salats*. The *mustahad* who bleeds excessively ought to execute three *ghusls*: one before the *fajr salat*, one before the zuhr and 'asr *salats* (assuming the two are executed together, one after the other, otherwise separate *ghusls* would be required, were the two to be executed separately) and one before the *maghrib* and 'isha *salats*. She must also *wudue* for every *salat* – assuming she bleeds – after cleansing and re-padding her vagina.

Those *hadaths* that require *ghusls* are termed *hadath al-akbar*; therefore, the moderate and excessive *istihadahs* fit into this category of *hadaths*, just like *hayd*. Assuming one doesn't carry out her required duty, with respect to *istihadah* (i.e. the *ghusls* and *wudus* etc.), all those actions that were prohibited for the *ha'id* equally apply to the *mustahad*, such as entering mosques, touching the Quranic script, reciting the surahs of prostration, intercourse...*salat*, too, ought not to be executed; concerning her *sawms*, however, assuming the *mustahad* has not executed a necessary *ghusl*, her *sawm* becomes void, however if she hasn't executed a necessary *wudu*, the *sawm* will be sound for verily *wudu* is not a pre-requisite with respect to the *sawm*'s validity. If the *mustahad*, however, manages to fulfill her duty

she may execute *salat*, *sawm* and the *tawaf* as well as performing intercourse and all those actions permitted for the *tahir*. The *mustahad* who bleeds only slightly is regarded as being afflicted with *hadath al-asghar* – such as urine, faeces etc. – for she requires only *wudus* (no *ghusls*) to accomplish *taharah*. Her *sawm* is, therefore, valid and intercourse is not forbidden for verily intercourse and *sawm* do not depend on the execution of *wudu*. Her *salats* are valid assuming she *wudues* provided that she doesn't execute two *salats* with a single *wudu*, as has been alluded to (see beginning of 7.12's second paragraph). The *istihadah ghysl* is exactly the same as that of the *hayd* and *janabah ghusls*.

7.13 The *Nafsa'* (one discharging *nifas* blood)

Transmissions

Imam Sadiq (peace be upon him) said: “the number of days that a *nafsa* ought not to execute *salat* is equal to the number of days she abstains from *salat* during her menses; thereafter, she ought to *ghuslate* and then act as a *mustahad*” (168)

Imam Sadiq (peace be upon him) said: “the *nafsa* refrains (from worship), during *nifas*, the same number of days she refrains during *hayd*” (169)

Imam Baqir (peace be upon him) was asked about a *nafsa'*; he said: “she refrains for the same duration as she does so during *hayd*” (170)

Inferences & Discussion

Ijma' dictates that if no blood is observed during natural child-birth, no *nifas* results. The principle of exemption may not be employed to prove the non-realization of *nifas*. Assuming blood is observed during child-birth, then it is deemed as *nifas* blood, even if that which exits the uterus is an aborted foetus. The *fuqaha* unanimously agree upon the fact that there exists no minimal time-scale with respect to *nifas* for such a limit hasn't been explicitly laid down by the Canon. Hence, *nifas* is even realized on merely observing a single drop. There are differences of opinion, however, with respect to *nifas'* upper limit. Popular consensus dictates that it's tantamount to ten days, just like that of *hayd*, in accordance with (170). Assuming a child is delivered non-vaginally by means of surgery, such as the Caesarean Delivery, the woman would not be termed a *nafsa'* were any blood to be observed even though such an occasion would lead to the expiration of a divorced woman's *'iddah*.

The *nafsa'* shares all the rulings of the *ha'id* such as being prohibited from touching the Quranic script, reciting the surahs of prostration, stopping by in mosques, intercourse, being divorced, executing one's *salat* and *sawm* (having to compensate for the *sawms*, not *salats*) and so forth. The procedure of *ghuslating* from *nifas* is identical to that of *hayd*, *istihadah* and *janabah ghusls*.

8.0 The Mayyit (Deceased)

After one deceases, a set of obligatory instructions become spontaneously bound upon living Muslims – as a single entity – to undertake. Once these instructions are accomplished by one or some, the burden of responsibility becomes withdrawn from the rest. However, if Muslims abandon such instructions, they consequently become responsible and accountable for their deeds, *en masse*.

8.1 Al-Ihtidar (On the verge of dying)

Transmissions

Imam Sadiq (peace be upon him) said: “when one of you is dying, place him in such a manner that he be facing the Qiblah” (171)

Imam Sadiq (peace be upon him) said: “assign the two soles of his feet in such a manner that they be facing the Qiblah” (172)

Inferences & Discussion

During the state of *ihtidar*, the dying ought to be laid on their backs, with their feet’s soles facing the *Qiblah*, in such a manner that were he/she to sit up, his/her face and anterior body would face the direction of the *Qiblah*. Most *fuqaha* have decreed such procedures as *wajib*.

8.2 Al-Mawt (Death)

Transmission

Imam Sadiq (peace be upon him) said: “one who dies at night, ought not be delayed (i.e. one’s burial) until the morning; and one who dies during the day, ought not be delayed until the night. Your deceased ought not be delayed until sunrise or sunset; take them to their graves with haste and may Allah bless you all!” (173)

Inferences & Discussion

On dying, it is *mustahabb* to shut the *mayyit*’s eyes, close his/her mandibles, stretch out his/her legs, place his/her arms besides his/her body, keep his/her joints supple, remove all his/her clothing, place him/her onto a bed or table and cover him/her with a sheet. The most important *mustahabb* act, however, is that of hastening with respect to the preparation of the deceased’s burial. The *mayyit*’s honour is on a par with its speedy burial as (173) portrays.

8.3 The Mayyit’s Ghusl

Transmissions

Imam Sadiq (peace be upon him) was asked whether it was obligatory to *ghuslate*, *lahadate* (make a receptacle for) and *kafanate* (enshroud) an aborted foetus that had completed four months of its (gestational) development. He said: “all these are obligatory assuming normal development” (174)

Imam Sadiq (peace be upon him) said: **“the mayyit ought to be washed thrice; once with lotus, once with camphor – small amounts mixed in water – and once with pure water; the mayyit may then be kafanated”** (175)

Imam Sadiq (peace be upon him) said: **“the ceremonial bathing of the deceased is obligatory for all those who declare that there exists no deity save Allah and that Muhammad is Allah’s Messenger, even if the deceased (a) were to have openly exhibited vice, corrupt behaviour, (b) was illegitimate and (c) is an aborted foetus, provided that it had completed four lunar months”** (176)

Imam Sadiq (peace be upon him) said: **“the ruling with regards to an unidentified human corpse in an Islamic country is similar to that of a Muslim, burial-wise”** (177)

Imam Sadiq (peace be upon him) said: **“It is not permissible to ceremonially bath the maghalis, nasibis and the kharijites”** (178)

Imam Sadiq (peace be upon him) said: **“carefully ghaslate his head...then lie him down with his right side facing you and wash half his head down to his two feet with water; then lie him up with his left side facing you and carry out the same procedure as for the right side”** (179)

Imam Sadiq (peace be upon him) was asked about a woman who had died whilst travelling and who was neither accompanied by close relatives (*maharim*) nor by women; he said: **“bury her as she is, with her clothes on”**. He was also asked about the duty with respect to a deceased male who wasn’t accompanied by any-one save *non-mahram* women; he said: **“bury him as he is with his clothes on”** (180)

Imam Sadiq (peace be upon him) was asked about a Muslim man who had died and there being neither Muslim men nor Muslim women, there, related to the deceased; only a Christian man and Muslim women unrelated to the deceased were present. He said: **“the Christian ought to ghuslate himself first and then ghuslate the Muslim man for this is an exceptional situation after all. Likewise, assuming a Muslim woman had died and that there were neither Muslim women nor Muslim men related to the deceased and that only a Christian woman and Muslim men unrelated to the deceased were present; here, the Christian woman ought to ghuslate herself first and then ghuslate the Muslim woman.”** (181)

Inferences & Discussion

It is obligatory to *ghuslate* one who bears testimony to the fact there exists no deity save Allah and that Muhammad is His Messenger, upon his/her demise, even (i) those who used to commit sins openly, (ii) those who were of illegitimate birth (offspring of an adulterous encounter) or (iii) with respect to an aborted foetus who has completed four lunar months of development; moreover, unidentifiable corpses found in an Islamic country are appended to the above Muslims. However, it is not permissible to *ghuslate maghalis, nasibis and kharijites*.

It is obligatory to *ghuslate* Muslims thrice: once with water mixed with small amounts of lotus, once with water mixed with small amounts of camphor – save on

occasions where the deceased has passed away in a state of *ihram* – and once with pure water alone. Note that the two earlier *ghusls* ought to be carried out with *mutlaq* water and so the amounts of added lotus and camphor ought not convert the *mutlaq* to *mudaf* water; otherwise, *mudaf* water does not behold the *mutlaq*'s purifying properties. The three *ghusls* must be executed in order i.e. lotus, camphor and, finally, pure water. Likewise, the bodily parts ought to be *ghuslated* in a specific order i.e. one starts with the head and neck, proceeds to the right half of the body and finally *ghuslates* the left half *just* like the sequence in *janabah*, *hayd*, *istahadah* and *nifas ghusls*. This order is more emphasized with respect to *mayyit ghusls*, than with others, due to the fact that the traditions stipulate the order with regards to the *mayyit ghusl*, alone, and not with regards to the other *ghusls*. Most *fuqaha* have analogically deduced the order of the non-*mayyit*'s *ghusls* by reference to the *mayyit*'s *ghusl*.

Ghuslating the deceased requires the intention to seek proximity to Allah for verily it is deemed as an act of worship. The employed water must be *mutlaq*, *tahir* and *mubah* (legitimate). Also required, is the removal and elimination of any *najasah* from the deceased's body - before the *ghusl* is effectuated - and the absence of anything that prevents water from reaching the deceased's skin. *Ghuslating* with hot water is *makruh*.

Men ought to *ghuslate* men and women ought to *ghuslate* women. Husbands and wives, however, may *ghuslate* one another; this also applies to revocable divorced women as long as their *'iddah* has not terminated. Children less than three years of age *may* be *ghuslated* by the opposite sex; however, even this is preferable solely in exceptional cases. Exceptional situations (e.g. where no-one of the same sex is found), too, do permit *maharim* relatives (of the opposite sex) – be they related by blood or milk - to *ghuslate* one another provided that the *ghusl* is carried out without the removal of the deceased's clothing. Assuming (i) no-one from the same sex and (ii) no family relatives of the opposite sex exist, then the obligation to *ghuslate* is removed as is extrapolated from (180). Most *fuqaha* decree that, assuming a Muslim passes away and that there's no Muslim of the same sex present but, rather there are Christians or Jews of the same sex as the deceased present, the *Ahl al-Kitab* ought to *ghuslate* themselves first and then proceed with *ghuslating* the deceased Muslim, based on (181). Hence, where (180) commands the man or woman to be buried without any *ghusl*, this arises in circumstances where absolutely no-one from the same sex is present, even women from the *Ahl al-Kitab*. It is worth noting that traditions that allude to the legislated *ghuslating* of Muslims, by the *Ahl al-Kitab*, in fact explicitly indicate the *taharah* of the *Ahl al-Kitab*. Therefore, the latter's *najasah* is accidental (e.g. by means of touching alcohol etc.) not intrinsic for verily if they were *najis* then surely exceptional circumstances *per se* does not and can not designate the intrinsically *najis* as *tahir*. In summary, when a Muslim passes away, priority to *ghuslate* initially lies with Muslims of the same sex, then with *mahram* Muslims of the opposite sex and then with the *Ahl al-Kitab* of the same sex.

8.4 The Martyr and the Stoned (*marjum*)

Transmissions

Imam Sadiq (peace be upon him) said: “if a man gets killed in the way of Allah, he is to be buried with his clothes on, just as he got killed, save where he isn’t deemed a martyr whereby he must be ghuslated, kafanated and prayed for.” (182)

Imam Sadiq (peace be upon him) said: “concerning the man or woman to be stoned, they ought to be, initially, ghuslated, embalmed and kafanated alive and then stoned (to death) and their salat ought to be executed; the same applies to the retaliated” (183)

Inferences & Discussion

Whoever is killed whilst defending Islam is deemed a martyr whose decree is that of being buried with his/her clothes/blood (without *ghuslating* or *kafanating* him/her) after his/her *salat* has been carried out; this decree, however, is enacted provided that the person either becomes a martyr (technically defined) i.e. dies at the battlefield, or dies external to the battlefield *per se* but before the war’s termination. Therefore, if, for example, the injured person dies after the war’s completion, then the *mayyit’s ghusl* becomes obligatory to execute.

Concerning one who ought to be killed either by stoning or due to retaliation, one must first *ghuslate* oneself, then locally embalm oneself, *kafanate* oneself and then be stoned or killed. The *mayyit’s salat* is executed next, followed by the burial.

8.5 Kafan : Enshrouding

Transmissions

Imam Sadiq (peace be upon him) said: “the *mayyit* ought to be kafanated with three pieces of clothing; verily the Messenger of Allah’s kafan comprised of three pieces i.e two Sahari pieces and one Habrah piece” (184)

Imam Sadiq (peace be upon him) said: “excluding the turban and *khirqah*-piece – the latter being wrapped round the centre area of the body over the three pieces in order to prevent anything from being disclosed – the *mayyit* ought to be kafanated with three pieces of clothing; the *khirqah*-piece and the turban are essential albeit not part of the kafan’s equipment” (185) (implying that their usage is emphatically recommended)

Inferences & Discussion

The process of the *mayyit’s* enshroudment with three pieces of clothing is obligatory, irrespective of whether the *mayyit* is a man or woman:

1. a loin cloth (*mi’zar*) that must be wrapped round the body from the navel to the knees; its preferable to be wrapped, however, from the chest to the feet
2. a tunic (*qamid*) that is worn from the shoulders to half way down the calves (or preferably down to the feet)

3. an *izar* which is a full cover, wrapped over the entire body

It's *mustahabb* for men to wear a turban around the head with each side of the turban descending to the inferior aspect of the chin. Also *mustahabb* is the tightening of a *khirqah*, centrally. For women, its *mustahabb* to wear a *maqna'ah* (head scarf) instead of the men's turban, together with the central *khirqah* and an additional *khirqah* wrapped round her two thighs. The *kafan's* materials ought to be *tahir*, *mubah*, neither containing gold nor silk (even for women) nor the skin of *haram-meat* animals. The ruling with respect to the aborted foetus is similar to that of humans provided that four lunar months of development has been completed; otherwise, it will suffice to wrap the foetus within a *khirqah* and then bury it. The married woman's *kafan* ought to be paid by her husband; the *kafan* for anyone else must be paid from one's untouched inheritance (i.e. before one's inheritance is spent to pay off debts and being allocated to one's inheritors).

8.6 Hunut : Embalment

Transmission

Imam Sadiq (peace be upon him) was asked concerning embalment. He said: “apply it onto one's (seven) bodily areas of prostration” (186)

Inferences & Discussion

The subject of *hunut* usually follows after the section on *kafan*, as prescribed in books of jurisprudence. However it would have been better, facilitation-wise, to allocate it after *ghusl*. Nevertheless, the *hunut* has been mentioned, in some traditions narrated by Imam Sadiq (peace be upon him), after the *kafan* procedure. Whatever the sequence is, the obligatory *hunut* involves applying camphor upon the seven areas of the body that contact the ground during prostration i.e. the forehead, hands' palms, knees and the anterior aspects of the feet's first toes. The aborted foetus must also be embalmed provided that it has completed four months of age. After claiming that the consensus of *fuqaha* regard the *hunut* to be necessarily carried out after *ghusl* and that there exists controversy with respect to whether the *hunut* ought to be executed before, after or during the *kafan*, MH Najafi writes:

“*aqwa* dictates the permissibility of all modes in accordance to *asalah al-jawaz* (presumption of permissibility) and the fact that numerous traditions refer to *hunut* in absolute terms without any specification; however, its recommended to execute the *hunut* before the *kafan*”ⁱ

It's worth adding that a deceased *muhrim* ought not be embalmed for pleasant-smelling scents are prohibited for the *muhrim*, be it due to camphor or otherwise.

8.7 The Mayyit's Salat

Transmissions

Imam Sadiq (peace be upon him) said: “When the Messenger of Allah used to perform the mayyit's salat, he would first recite takbir followed by reciting the tashahhud; after the second takbir he used to send blessings upon all Prophets

ⁱ Al-Jawahir, 4:176.

and then supplicate; next, he would recite the takbir (for a third time) and supplicate and pray for forgiveness on behalf of faithful Muslim men and women; he would then recite the takbir (fourth time round) and supplicate for the deceased; the salat would end after reciting the fifth takbir. However, after Allah commanded him to refrain from executing this salat for any deceased hypocrites, he would end such a salat after the recital of the fourth takbir and thus wouldn't supplicate for the deceased." (187)

9:84 reads: "and never supplicate over any of them when he dies..."

Imam Sadiq (peace be upon him) said: "The Messenger of Allah used to recite the takbir five times for certain people and four times for others; and whenever he recited the takbir four times, the deceased would have been accused of hypocrisy" (188)

Imam Sadiq (peace be upon him) said: "Allah has designated five obligatory salats; and for each salat, he has assigned a takbir for the deceased" (189)

Imam Sadiq (peace be upon him) said: "execute salat for Muslims when they pass away; their recompensation is with Allah" (190)

The Messenger of Allah said: "don't neglect to recite the salat of anyone from my Ummah" (191)

Inferences & Discussion

The *mayyit's salat* is obligatory upon Muslims – be they *just* or corrupt; this applies even if they were to commit suicide. This *salat* is also necessary, due to (191), with respect to martyrs who require neither *ghusl* nor *kafan*. Most *fuqaha* decree that it isn't obligatory to execute *salat*, for deceased Muslim children, save where they have completed six years of age.ⁱ Othersⁱⁱ claim that it isn't obligatory to perform this *salat* save for those upon whom the daily *salats* were binding.

8.7.1 The Method of the Mayyit's Salat

The deceased must be placed lying on it's back. The *musalli* must situate oneself, at not too far away a distance, behind (facing towards) the corpse, facing the *Qiblah* so that the *mayyit's* head is situated on the *musalli's* right. No barrier ought to segregate the *mayyit* from the *musalli*. The *musalli* must stand whilst praying unless he beholds a canonical excuse not to do so. After fulfilling one's intention, the *musalli* gradually recites the *takbir* five times – each *takbir* representing one of the five daily *salats*. Certain formulae may be recited after each of the first four *takbirs*; the actual *salat* terminates on reciting the fifth. After the first *takbir*, the *shahadatayn* is read; blessings upon the Prophet are recited after the second *takbir*; after the third, one supplicates for the faithful Muslim men and women and after the fourth the *mayyit* itself is supplicated for. Assuming the *mayyit* is of pre-pubescent age, supplications are realized for his/her parents.

ⁱ Wasa'il al-Shi'ah, 3:95, 98; sections 13&15 on 'the mayyit's salat'.

ⁱⁱ Including ibn Abi Aqil and al-Kashani (see al-Jawahir, 6:12)

Taharah is not a prerequisite with respect to this *salat* for verily this *salat* is, in reality, a supplication for the deceased hoping to assign the *mayyit* under Allah's mercy; and as is evident, supplications do not necessitate *taharah* from *khabaths* and *hadaths*. Verily there exists no *ruku'*-less and/or *sajdah*-less *salat*. This *salat* may be carried out individually or congregationally; however, concerning the latter, the leader does not represent, or act on behalf of, the followers (*ma'mumin*) as is the case during the daily *salats*. Hence, here, each person is responsible for reciting the formulae themselves. The *salat's* accomplishment before the burial procedure constitutes one of religion's fundamental rituals. However, if the *mayyit* is buried before *salat*, then this won't justify any disintering; rather, in such cases, the *salat* ought to be read with the *mayyit* inside the grave.

8.8 Burial

Transmissions

77:25-26 reads: "Have We not made the earth a receptacle; for the living and the dead" (192)

20:55 reads: "From it did We create you, into it shall We return you..." (193)

Imam Rida (peace be upon him) said: "verily the deceased are ordered to be buried so that people don't witness the decay of their bodies, its unpleasant sight, the alteration of its odour and so that their scent won't bother the living...and so that their bodies would be concealed from their friends (thus avoiding their grief) and enemies (thus preventing their joy)." (194)

Imam Sadiq (peace be upon him) said: "the grave's depth may be equal to the average man's height, up to the clavicle" (195)

The Holy Prophet (May Allah's peace and blessings be upon him) said: "your graves' depth ought not exceed three thiras in depth" (196)

Imam Kazim (peace be upon him) was asked concerning a man who had been eaten by wild animals and whose fleshless bones had remained. He said: "ghuslate, kafanate, perform their *salat* and then bury them" (197)

Imam Sadiq (peace be upon him) said: "Assuming the deceased's body is cut into two, pray in front of that half that contains the heart" (198)

Inferences & Discussion

It's obligatory to bury the deceased in such a manner as to protect them from wild animals and to prevent their odour from reaching the people. It's not permissible to position them onto the earth and then build something over them, even if the two aforementioned goals are achieved (i.e. protection from wild animals and safeguarding the people from their odour). It's *mustahabb* for the grave's depth to be equal to the deceased's height or up to the deceased's clavicle. It's *mustahabb* to place the deceased into a specifically-designated receptacle (*lahad*).

It's obligatory to bury any bodily parts that become detached from the *mayyit* (after death) including one's teeth, hair and nails. Assuming a part of the body – be it of a

live or deceased person – is detached from the body, if that part is boneless flesh then one ought to wrap some cloth around it and then bury it; and if the detached part comprises bones that do not contain the heart, then they must be *ghuslated*, wrapped up and then buried; however, if the bones are of the chest i.e. containing the heart – completely or partially so – then one ought to *ghuslate*, *kafanate*, pray and finally bury that part just as is done with respect to humans.

Assuming one passes away in a boat, the deceased must be placed into a vessel container that ought to be sealed tightly and then thrown into the sea. This ruling is extrapolated from authentic traditions narrated from Imam Sadiq (peace be upon him).ⁱ Other narrations indicate that the deceased ought to be tied to a heavy stone and then be thrown into the sea.ⁱⁱ The author of '*al-Madarik*' regards the latter traditions as weak.ⁱⁱⁱ Assuming one passes away in a well, if the body's extraction is not possible, then the well must be sealed off, thus acting as the deceased's grave.

It's obligatory to position the *mayyit* up upon his/her right side with its whole anterior surface facing the *Qiblah*, its head pointed towards the West and its legs towards the East. The author of '*al-Madarik*' claims that this law is deduced by means of reverting to the normative practice and conduct of the Prophet and Imams (May Allah's peace and blessings be upon them all).^{iv}

Women ought to be buried by their husbands or their *maharim* or by other women; assuming none of these are present, they ought to be buried by righteous men.

The deceased may neither be buried in usurped earth nor bequeathed earths that are not cemeteries. Disintering graves is prohibited save where (a) one knows that the deceased's body has wholly transformed into earth and (b) the best interests of the *mayyit* dictate such an action e.g. if a torrential storm is threatening to damage the grave, if the *mayyit* had been buried in usurped land, if the land's owner is no longer satisfied with the grave's presence, if the *mayyit* had been enshrouded with a prohibited *kafan* or if the *mayyit* had been buried with costly material – belonging either to the inheritors or others.

8.8.1 The Mayyit's Guardian/Heir

Transmissions

Imam Sadiq (peace be upon him) said: "the *mayyit*'s guardian must *ghuslate* the *mayyit*" (199)

Imam Sadiq (peace be upon him) said: "the guardian must execute the *mayyit*'s *salat* or authorize such a *salat* to be performed by another" (200)

Imam Sadiq (peace be upon him) said: "The husband has the most right to act as guardian for his wife with respect to organizing all the burial ceremony". The

ⁱ Wasa'il al-Shi'ah, 3:206, section 40 on 'burying', hadith no.1

ⁱⁱ Wasa'il al-Shi'ah, 3:206, section 40 on 'burying', hadith no.2

ⁱⁱⁱ Al-Madarik, 2:135

^{iv} Al-Madarik, 2:136

Imam was then asked whether the husband has more rights than the woman's father or children. He replied: "Yes he has" (201)

Inferences & Discussion

The *mayyit's* *ghusl* and *salat* ought to be executed with the guardian's authorization; if the *mayyit* is *ghuslated* or *kafanated* without such authorization, then the actions will be decreed void. Question: what exactly is the significance of the guardian's permission knowing that canonical duties e.g. fasting, *salat* etc. do not depend on another's authorization? Reply: The guardian's permission is not a prerequisite for the *ghusl's* or *salat's* obligation rather it's a prerequisite with respect to the *ghusl/salat's* validity – the obligation in any case remains in place e.g. a *wudu* is a prerequisite to a *salat's* validity but it bears no weight with respect to the *salat's* obligation.

There exists a descending order of priority concerning a *mayyit's* guardians; once one of the sequential members exist, the turn of those below, priority-wise, will be neglected. The arranged sequence of members, are as follows:

- (i) the **husband**: preceding father and sons
- (ii) the **father**: preceding mother and children
- (iii) the **mother**: assuming the *mayyit's* father isn't alive, preceding the male children
- (iv) **males** precede females in each individual category; **pubescent** persons precede the pre-pubescent
- (v) the **daughter**: precede the *mayyit's* grandchildren, grandparents and brothers
- (vi) the **grandchildren**: precede the grandparents
- (vii) the **grandparent**: precedes the *mayyit's* brother
- (viii) the **brother**: precedes the *mayyit's* sister
- (ix) the **sister**: precedes the *mayyit's* brother's children
- (x) the **paternal uncle**: precedes the maternal uncles
- (xi) the **maternal uncle**: precedes the religious authority
- (xii) the **religious authority**: precedes the **general Muslim population**

There are three categories of people who will be regarded as non-existent with respect to this order of guardianship i.e. infants, the insane and the absent (uncontactable). One who is linked to the *mayyit* via both father and mother precedes one who is related to the *mayyit* solely mother-wise or father-wise. One who is related to the *mayyit* father-wise precedes – in guardianship – one who is related to the *mayyit* mother-wise. Assuming any of the above categories involves a number of members e.g. grandchildren, paternal uncles etc., the guardianship ought to be equally shared by all of them for verily all members of a specific category will

equally qualify according to the tradition's stipulation e.g. 'grandchildren' implies all of them rather than the eldest etc.; there's no canonical proof implying that, for example, the eldest son has priority-in-guardianship over the other sons.

Assuming the *mayyit* specified a certain person (other than the guardian) to carry out his/her burial preparations, this will not cancel the guardian's authoritative right; therefore, both the guardian's permission ought to be attained – as ordered by the Canon – and the specified person in the *mayyit's* will ought to carry out the required arrangements e.g. the *ghusl*, *kafan*, *salat* etc.

8.8.2 Touching (skin-contact with) the *mayyit's* corpse

Transmissions

Imam Sadiq (peace be upon him) was asked whether it is obligatory to *ghuslate* after touching the *mayyit*. He replied: “there's no need assuming the *mayyit* is still warm; the *ghusl* is required once the *mayyit* turns cold” (202)

Imam Sadiq (peace be upon him) said: “Even kissing a *mayyit* – albeit cold – after its *ghusl* is okay” (203)

Imam Sadiq (peace be upon him) said: “Assuming a part of a person is cut off, it becomes regarded as a corpse; if the corpse contains bones, then touching such a corpse gives rise to the obligation to *ghuslate*; however, if the corpse contains no bones, there's no duty to *ghuslate*” (204)

Inferences & Discussion

Touching a *mayyit* whose body has turned cold and before it has been *ghuslated* requires one to *ghuslate* oneself. Assuming one touches the *mayyit* immediately after death i.e. before the body turns cold, there's no obligation to *ghuslate* oneself; similarly the duty to *ghuslate* is removed assuming one touches the warm/cold-bodied *mayyit* after its *ghusl* has been executed.

The above rules remain the same irrespective of whether the *mayyit* is a Muslim or non-Muslim, adult or child, aborted or not. Assuming one touches a detached part of a live or dead person's body, if the part contains bones *ghusl* is obligatory for such a person; otherwise, it isn't. The *ghusl* required for touching a *mayyit* is similar in method to that of the *janabah*, *hayd*, *istihadah* and *nifas ghusls*.

8.9 *Mustahabb Ghusls*

Mustahabb ghusls are numerous in number; some *fuqaha* have counted up to hundred due to the usulic principle of ‘tolerance with respect to *mustahabb* actions' proofs' that readily accepts the evidence without proper scrutiny of the transmissions and indications. However, those *mustahabb ghusls* that are popular amongst the *fuqaha* are twenty-seven according to the author of '*Sharayi*'.¹ These include:

¹ Al-Sharayi', 1:36

- the Friday *ghusl*: it ought to be performed between Friday dawn to noon; Imam Sadiq (peace be upon him) said: **“the Friday ghusl is assigned for men and women who aren’t travelling and for men, albeit travelling”** (205) Imam Sadiq (peace be upon him) said: **“each of you should adorn oneself on Fridays by ghuslating and wearing perfume”** (206)
- the first night of the month of Ramadan
- the fifteenth, seventeenth, nineteenth, twenty-first and twenty-third nights of the month of Ramadan
- the night of the first of Shawwal (night of *Eid al-Fitr*)
- the first day of Shawwal and the tenth day of *Zil Hajj* (the two Eids)
- the day of ‘Arafah
- the fifteenth night of the month of Rajab
- the twenty-seventh night of the month of Rajab
- the fifteenth night of the month of Sha’ban
- the day of Mubahilah (twenty-fourth of *Zil Hajj*)
- the *ghusl* for those willing to enter the state of *ihram*
- the *ghusl* for those willing to visit the Holy Messenger and his Holy Progeny
- the *ghusl* of repentance
- the *ghusl* for those willing to visit the Ka’bah

As mentioned in section 6.5, one may intend a number of *ghusls* within the execution of a single *ghusl*. The method of *mustahabb ghusls* is similar to *janabah ghusls*; moreover, the same prerequisites apply, such as the water’s *taharah*, *itlaq* and *ibahah*.

The *mustahabb ghusl per se* i.e. without executing either of the above purposes, is a desirable act before Allah, for verily He has said: **“...and He likes those who purify themselves”** (207) and Imam Sadiq (peace be upon him) said: **“if you are able to be in a state of *taharah* during the day and night, then do it”** (208).



دھرتی تحریک
Translation Movement

9.0 Tayammum

Transmissions

4:43 reads: “...but if you are sick or on a journey, or any of you has come from the toilet, or you have touched women, and you cannot find water, then tayammumate on clean earth” (209)

The Holy Prophet (May Allah's peace and blessings be upon him) said: “the earth has been assigned, for me, as an area of prostration and as a tahirizing agent” (210)

Imam Sadiq (peace be upon him) said: “assuming a traveller doesn't find any water, he/she must search for it as long as time permits; when one fears that his/her time may end, he/she must then tayammumate and then execute salat” (211)

Imam Sadiq (peace be upon him) was asked about a man who hadn't any water with him and that the nearest water was located at a distance of about two arrow flings. He said: “I won't command him to put himself into trouble such as encountering wild animals or thieves” (212)

Imam Sadiq (peace be upon him) was asked about a man who came across a well that had no barrel to extract water. He said: “he need not enter the well for verily the Lord of water is the Lord of the earth, therefore tayammumate” (213)

Imam Sadiq (peace be upon him) said: “verily Allah assigned the earth as a tahir just as He assigned water as a tahir” (214)

Imam Sadiq (peace be upon him) was asked about a man, with wounds and abscesses, who had become *junub*. He said: “It's okay to tayammumate and not to ghuslate” (215)

Imam Sadiq (peace be upon him) said: “whilst searching for water, the traveller must cover an arrows fling distance if the desert is uneven and two arrow flings' distance if its plane” (216)

Imam Sadiq (peace be upon him) was asked about a traveller who beheld some water and who had feared its low volume. He said: “he must tayammumate with earth and preserve the water; preserving water for reasons of (future) thirst leads to his tayammum and salat being valid” (217)

Inferences & Discussion

Taharah has been divided into two i.e. the optional water type and the emergency earthly type. The latter acts as a substitute for the former type when one of the factors that promote the execution of *tayammum* – either textually or rationally – arises. These include:

1. The lack of water

The texts and *ijma'* dictate that the lack of that amount of water that is necessary for the execution of *wudu* and *ghusls* – be it during travelling or not – stimulates the

obligation with respect to *tayammum*. Question: assuming one has no water with oneself, but regards it as possible (not unlikely) that he/she may encounter some water assuming he/she searches for it; is such a search *wajib* for him/her to such an extent that were he/she to *tayammumate* (without having undergone the search) such an action would be deemed void? Reply: assuming one had ample time (left for *salat*), such a search would be deemed necessary for verily the lack of water is a prerequisite with respect to the validity of *tayammum*; evidently, definitively acknowledging this prerequisite is necessary and such an acknowledgement can't be acquired save by a search that ultimately leads to despair (with respect to finding any water). As the *fuqaha* say, any doubt concerning the presence of water carries doubt concerning the legitimacy of the *tayammum*. Such a doubt, therefore, isn't rationally considered enough. Also see (211).

The area of exploitation for a traveller, who is searching for water in a desert, ought to be the area covered by an arrow's fling if the desert is uneven beholding many troughs or by two arrow flings if the desert is plane. The traveller must cover all four directions. However, this exploitation may only take place provided that (a) the traveller doesn't despair the presence of water before starting his search and (b) his life and capital won't be put in any danger. Maghniyyah believes that since these rulings were legislated at a time when people used to travel by feet or with camels and that today one has access to cars and planes, as a result, the subject-matter has essentially been removed thus deleting the ruling's legitimacy. The aforementioned obligatory search is a mere result of a rational principle that states that: 'whatever the validity of an obligatory act (e.g. *tayammum*) depends upon (acknowledging that no water is available), the latter becomes obligatory once the time of obligation (in this case of *salat*) is realized'. By means of this principle, it becomes clear why - assuming one (a) has a small quantity of water that is just sufficient to carry out a *wudu* or *ghusl* and (b) knows that one won't locate any water when the time for *salat* comes - one must preserve it for *salat* and ought not use it for other non-emergency purposes even if the time for *salat* has not yet arrived. One may enquire as to how the means may become obligatory before the ends' time of realization has occurred? This, however, is just playing with words for verily one knows that (a) the time for *salat* will definitely come and (b) *salat* won't be valid via *tayammum* whilst one is capable of executing *wudu* i.e. with the water one beholds at present, and since this latter possession is a reasonable option, the obligation to preserve such a water is effectuated just like the obligation to travel in order to execute pilgrimage, the obligation to become informed before committing a canonical ritual or the obligation to *ghuslate* before commencing a day's fast during the month of Ramadan etc.

2. Harm

Assuming the use of water harms one's health, this obliges one to *tayammumate*. The mere speculation of harm, either acquired by oneself or by a doctor, will suffice. Assuming a doctor informs you that the employment of water is harmful and you yourself are sure that it isn't and that the doctor is mistaken in his/her diagnosis, then one ought to act according to one's own knowledge. However, assuming one doesn't know whether the use of water does or doesn't lead to harm, if the doctor's

diagnosis leads to one's assurance or speculation that harm may arise then the doctor's advice ought to be taken not because of the doctor *per se* but rather due to the produced knowledge/speculation that arose from the doctor's words. Assuming one acquires nothing new from the doctor's words thus remaining in a state of doubt, the doctor's words may still be adhered in accordance with the principle that a single report constitutes proof with regards to particulars as well as general rulings. Not regarding 'particular' single reports as proof prohibits one, in this case, to adhere to the doctor's advice.

Supposing that the use of water does not harm one but rather places a burden – of an extraordinary nature - upon one due to its sheer coldness but after terminating one's *wudu* or *ghusl*, one accordingly returns to one's normal previous state without the least harm caused to one's health; is one, in such burdensome cases, obliged to *tahirize* oneself with water or is it necessary to *tayammumate* or is one free to choose either? Reply: One has the option either to *wudulghuslate* or to *tayammumate*; both acts will be counted as valid. However, if one uses water knowing that it is harmful, one's ritual will be deemed void. The difference underlying the harmful versus burdensome instances is as follows: the harmful situation is specifically prohibited as 2:195 reads: “**don't encounter harm by your own hands**” and prohibition, in acts of worship, indicates nullity; however, tolerating burden during rituals is not strictly prohibited; hence, if one *tahirizes* oneself and executes *salat*, both one's *taharah* and *salat* will be acceptable. In short, disassociating oneself with respect to burden is permissible whilst it is binding with respect to harm.

Enquiry: Executing the *wudulghusl*, albeit with burden, is neither prohibited but nor is it ordered; hence, it cannot be valid for verily a ritual's validity depends on the fact that it is done to seek proximity to Allah which, in other words, means to comply with that which is ordered to be done. Therefore, the consequence of such a *taharah* is equal to the *taharah* yielded by *wudulghusl* where the water is harmful i.e. prohibited. Response: Acts of worship *per se* are desirable and deemed proper by the Canon and so these acts (e.g. *wudulghusl*) suffice with respect to attaining proximity in that they are not prohibited; rather, Allah has gracefully alleviated the law by removing such acts during times of difficulty – according to one's will - and if one still decides to execute such, optional, acts during such periods, then there's nothing to stand in one's way; one would still be considered obedient before Allah. However, these acts of worship are specifically to be abandoned when the element of harm exists, there being no option in the matter for verily harm *per se* is prohibited and disliked by the Law-Giver, irrespective of whether its carried out in sin or obedience.

3. Limited Volume of Water

Assuming one beholds a limited quantity of water that one requires, at present or in the future, for more important purposes than *wudulghusl*, such as satiation, life-threatening conditions etc., (217) demonstrates the necessity to *tayammumate* in such circumstances. Assuming one executes *wudulghusl* – albeit fearing one's limited volume of water – one has indeed sinned; however, the executed *wudulghusl*

nevertheless remain valid for verily the order to *tayammumate* does not require the prohibition to execute *wudulghusl* for the latter's use of water does not *harm* the executor, rather the executor *fears* thirst alone. Fear is one category whilst harm is another. In summary, executing *wudulghusl* when fearing one's limited water supply is tantamount to executing *salat* when one is simultaneously in the process of drowning. Both executions are deemed sinful, albeit valid.

4. Limited Time

Assuming one's time for *salat* is limited to the extent that if one (a) *wudues/ghuslates* and then executes *salat*, some or all of one's *salat* will fall outside the stipulated time and (b) were to *tayammumate*, instead, and then perform one's *salat*, one's *salat* would then fall completely within the stipulated time limitations, such circumstances would bind one to *tayammumate*. *Wudu*ing/*ghuslating* in such situations would make one's *wudulghusl* and *salat* void and one ought to subsequently compensate that *salat*. The rationale behind such a law is as follows: the preservation and abidance by the time restriction is more significant, canonically, than the abidance with respect to *taharah* by water; therefore, the latter becomes cancelled by the former. Once the time limitation of an obligatory act, such as *salat*, terminates the essential binding execution of the act becomes eliminated; however, with *taharah* by water, assuming no water is to be found, there remains an alternative to *taharah* i.e. by earth. Emanating from the above argument, the following may be deducted:

- (i) as has been mentioned, the *wudu* in such circumstances (where time is limited) is not valid were it to be specifically intended in relation to the *salat* for verily that which is obligatory is *tayammum*; however, if one *wudues* for another purpose, albeit to attain general *taharah*, then such a *wudu* would be deemed valid for *wudu per se* is a desirable ritual and the order to execute an action does not prohibit the execution of other than that action. All that can be said is that the act of *wudu* involves sinning albeit valid *per se* e.g. executing *salat* in a mosque where one knows there exists a piece of *najasa* is valid albeit involving sinning.
- (ii) assuming one *wudues/ghuslates* ignorant of the fact that the remaining time is not sufficient for both *wudulghusl* and *salat*, if it becomes evident to one that the time is indeed limited, his/her *wudulghusl* will be valid if it is intended for purposes other than that *salat per se*
- (iii) the *tayammum* executed due to limited time bears benefit to that *salat* alone and not for other *salats* or other *taharah*-requiring actions due to the presence of water for the latter.

9.1 That upon which tayammum is permitted

Transmissions

Imam Sadiq (peace be upon him) was asked about the duty of a man, in a desert, who had no water but did have mud. He said: **“he ought to tayammumate for verily mud is earth”**. The questioner asked: “what if he were riding a horse, didn't have

wudu and couldn't descend for safety reasons?" He replied: "assuming he feared for his life due to animals or something else and had feared that his time for *salat* would terminate, then he must *tayammumate* by striking his hands upon the horse's wool or saddle and then perform *salat*" (218)

Imam Sadiq (peace be upon him) said: "assuming you are in a situation whereby you have nothing but mud, then *tayammumate* for verily Allah is most wary of your excuse; if you don't have any dry clothing or wool from which you can expel earth, then *tayammumate* with the mud" (219)

Imam Sadiq (peace be upon him) said: "assuming there's no water or soil in a moist ground, then search for the driest area and then *tayammumate*" (220)

Inferences & Discussion

Its obligatory to *tayammumate* with earth as demonstrated by (209). By earth, the outer surface of earth is implied, irrespective of whether it is soil, stone or sand; the earth however must be legitimate – not usurped – and *tahir*, not *najis*. *Tayammum* may not be performed upon mineral stones, crops or ashes.

Assuming one is unable to *tayammumate* upon that which is the norm, then one ought to attempt to expel any dust found in clothes etc. and perform *tayammum* upon that dust; if the latter dust is not separable then one may *tayammumate* upon the dust-containing material e.g. clothes, rug etc. If all these routes fail, then one may *tayammumate* upon mud as a last resort.

Question: assuming one is not able to *tayammumate* at all, i.e. none of the above being readily available, ought one execute one's *salat* without *wudultayammum* or ought one to not perform *salat* at all? Assuming the latter, will the *salat's* compensation (*qada*) become binding upon us or not? **Reply:** Most *fuqaha* decree that one is not obliged to execute such a *salat* in time – due to the tradition that '*salat isn't realized without a tahir*' but would be required to carry out its compensation. The author of '*al-Madarik*' infers that such a *salat* ought to be executed due to the tradition that states: '*whenever you recall having not executed a previous salat, then carry it out*'. The author adds that the reasons put forward by those who claim that the compensatory *salat* is not obliging due to the non-requirement of the standard time-restricted *salat* (and that the compensatory [*qada*] follows the course of the time-restricted [*ada*] *salat*) are devoid of proof; this void is further illustrated by the necessity of the forgetful's, sleeper's or menstruating women's compensatory *salat* even though their non-execution of the time-restricted *salat* was legitimate.¹

9.2 Method of Tayammum

Transmissions

4:43 reads: "then *tayammumate* on clean earth and wipe a part of your faces and your hands, indeed Allah is all excusing, all-forgiving" (221)

¹ Al-Madarik, 2:243-244.

Imam Sadiq (peace be upon him) said: “once Ammar became junub and rolled into a pile of earth...the Holy Prophet said ‘why are you rolling in earth...’ Those present asked the Imam what ought to have been done. The Imam struck the earth with his hands, then raised them towards his face, wiping his face and the dorsal aspects of his hands. (222)

Imam Sadiq (peace be upon him) was asked about *tayammum*. He strook the earth with his hands, blew off any remaining particles stuck to them, and then wiped his forehead and hands, once each. (223)

Inferences & Discussion

That which is intended by ‘face’ in 4:43 is part of it not the entire face; the preposition *ba’* in 4:43 implies partiality as is seen in 5:6 (85). Otherwise, the *ba’* ought to be regarded as superfluous for the verb ‘wipe’ itself is transitive. The boundaries delineated for the face’s wipe commences from the frontal hairline down to the lateral sides of the upper nose region, including the forehead and the lateral aspects of the forehead.

That which is intended by ‘hands’ is the distal region from the wrist down to the fingers, not the shoulders downwards or even the elbow downwards as is done with *wudu*. Hence, the Imam’s actions in (223) define and specifies the general law given in 4:43. Another point that provides support to the distal location is that Arabs often refer to this specific region when they say: ‘this is my hand’.

Therefore, the method of *tayammum* is as follows: striking of the palmar surfaces of the hands upon earth, then the wiping of the face from the frontal hairline down to the lateral sides of the nose’s ridge/upper region; this is followed by the distal wiping of the dorsal aspect of the right hand by the palmar surface of the left hand and finally the wiping of the dorsal aspect of the left hand by the palmar surface of the right hand.

There exists debate as to whether one strike upon the earth will suffice – irrespective of whether the *tayammum* is substituting a *wudu* or *ghusl* (of any genre) – or whether one is required in cases of *wudu*–substitutions and two is necessary with respect to *ghusls* (one strike before wiping the face and one strike before wiping the dorsal surfaces of the hands. Most *fuqaha* are of the latter opinion. Many scholars, however, have claimed that a single strike will suffice irrespective of the reason for the *tayammum*. They base their decree upon (222), claiming that the Imam had intended to educate the second person with regards to the reality of *tayammum* and that he would most certainly have gone into more detail were there to be any differences of procedure depending on the *tayammum*’s reason (i.e. acting either as a substitute to a *wudu* or *ghusl*). The mere lack of further detail indicates the *tayammum*’s universal nature.

In (222), the *janabah ghusl* is at issue; therefore, one may conclude that if such a *ghusl* is substituted by a one–strike *tayammum*, other *ghusls* as well as *wudus* may be substituted like-wise, without the need of a supplementary strike. R. Hamaedani writes in his '*Misbah al-Faqih*':

"*Aqwa* dictates that *tayammumating* with a single strike, as a substitute to the *ghusl*, is sufficient"ⁱ

This is in accordance with the numerous traditions that are likely to be on a *tawatur* scale; these traditions were narrated in response to how the method of *tayammum* ought to be executed in general. Due to this *tawatur*, those traditions that indicate two strikes may not be declared as conflicting in light of the aforementioned *tawatur* traditions. Hence, one must either discard the non-*tawatur* traditions or assign them as indicating *istihbab*; the latter indication is more on par with jurisprudential principles and precaution.

There's a third, albeit abandoned and weak, set of traditionsⁱⁱ that mention the necessity of three strikes: one for the face, one for the right hand and one for the left hand.

Laws and Conditions of Tayammum

- (1) The *tayammum* must be accompanied with the intention to seek proximity to Allah for verily it is regarded as an act of worship. It's not necessary to intend to execute *tayammum* for reasons of specifically gaining permission to enter a *salat*, substitute a *wudu*, eliminate a *hadath* etc.
- (2) It's obligatory to carry out the *tayammum* by oneself; 'imperatives' apparently indicate such an obligation. 'Do it' implies 'do it on you own without anothers' aid'. Another reason for this obligation is the principle of 'presumption of the lack of permission of proxy' in relation to acts of worship. Note that anothers' assistance is permitted, however, in cases of disability and urgency.
- (3) Instantaneity and order are essential in *tayammum* according to *ijma'*; hence, one must wipe the left dorsal hand surface immediately after wiping the right. This instantaneous order applies even if the *tayammum* is substituting *ghusls* in which instantaneity is not a prerequisite.
- (4) One shouldn't optionally place an impediment or barrier over the wiping hands or over the specific area of the face (involved in *tayammum*), otherwise that 'wipe' ordered by Allah in 4:43 wouldn't be externalized. Assuming a *jabirah* is placed at one of the 'wiping locations' of *tayammum*, merely wiping over the *jabirah* will suffice.
- (5) The limbs involved in the process of *tayammum* must be *tahir*.
- (6) *Ijma'* dictates that performing the *tayammum* before the *salat's* time of arrival is not valid; furthermore, it becomes binding when the remaining time for *salat* is restricted i.e. time is only available to execute the *tayammum* and *salat* alone. Assuming the time for *salat* has arrived and ample time persists before its limit ends, debate exists as to whether or not one may execute the *tayammum* and *salat* during this ample period with time even remaining thereafter. Maghniyyah answers in the affirmative and bases his answer on the tradition

ⁱ Misbah al-Faqih, 6:313

ⁱⁱ Wasa'il al-Shi'ah, 3:362, section 12 on 'tayammum', hadith no.5

whereby Imam Sadiq (peace be upon him) was asked about a man who *tayammumated* and executed *salat* and then encountered water whilst the time for *salat* hadn't terminated. He said: **“verily his salat has been accomplished”** (224). The *salat*'s validity and the lack of necessity to repeat the *salat*, during the stipulated time-period, in cases where water becomes available undoubtedly indicates the *salat*'s validity and lack of necessity to repeat it at times where water does not become available. It is not, therefore, necessary to wait towards the end of the *salat*'s time-period in order to *tayammumate* and perform *salat* even if one considers it possible that one's legitimate excuse in *tayammumating* will be eliminated. However, this anticipation would be necessary if one were to know, definitively, that one's legitimacy for executing *tayammum* is to cease before the *salat*'s time restriction.

- (7) One is permitted to execute several *salats* by means of a single *tayammum*. Imam Sadiq (peace be upon him) was asked whether one may execute a whole day and night's *salats* with a single *tayammum*. He said: **“Yes”** (225). The *fuqaha* have explicitly stated that the one who *tayammumates* becomes *tahir* after *tayammum* and is, thereafter, permitted to carry out all *taharah*-requiring deeds e.g. *salat*, *tawaf*, reciting the *aza'im* verses, touching the Quran's script etc. The Holy Messenger (May Allah's peace and blessings be upon him) said: **“earth will suffice for ten years”** (226). Imam Sadiq (peace be upon him) said: **“soil is one of the tahurs”** (227) and that **“soil is a tahur that may substitute water”** (228). The aforementioned legitimate *tayammum* bears one exception i.e. that *tayammum* that occurs as a result of time limitation with respect to executing *wudu/ghusl* for a specific *salat*; once this *salat* is completed, the scope and half-life of the *tayammum* ends and one is treated as one, who had no access to water, but has now gained access to water.
- (8) Concerning one who *tayammumates* due to lack of water and then finds water, three possibilities may arise:
- (i) Assuming one finds water after *tayammum* but before the time of *salat* had arrived, the *tayammum* simply becomes void not solely due to the excuse's elimination/lack of legitimacy but rather because *tayammum* becomes a means to an ends that hasn't been realized, yet, in order to accomplish.
 - (ii) Assuming one finds water after terminating one's *salat*, repeating the *salat* is not necessary even if there remains ample time before the stipulated time arrives – as is illustrated in (224); moreover, repetition is not necessary even if one finds water after completing a single unit (*rak'ah*).
 - (iii) Assuming one finds water during *salat*, the *fuqaha* have differentiated different phases to such cases i.e. if one finds water (a) before accomplishing the first genuflexion, then one must repeat one's *salat* by performing *wudu* first and then one's *salat* anew; (b) after the first genuflexion, then the *salat* is to be continued with no repetition required. Imam Sadiq (peace be upon him) was asked about a man who hadn't found any water and so *tayammumated* and started *salat*; his slave then entered claiming to have water. The Imam said: **“if he hadn't completed the**

genuflexion, he ought to exit his *salat*, then execute *wudu*; if however he had completed the genuflexion, he ought to continue with his *salat*" (229). It is worth noting that this law i.e. where the validity of a ritual by means of *tayammum* depends on the stage of the ritual where water is found is specific to *salat* alone and does not apply to other acts of worship where hydro-*taharah* is a prerequisite e.g. assuming one *tayammumates* and executes *tawaf* (due to the lack of water), if one finds water during *tawaf* – albeit during the seventh circumbulation – the *tawaf* automatically becomes void; one must then gain hydro-*taharah* and re-execute the *tawaf*. Likewise, assuming a *mayyit* is *tayammumated* (due to a lack of water) and its *salat* accomplished, if water is then found before the burial itself one becomes obliged to *ghuslate*, embalm and re-execute its *salat*. This exception is explicitly indicated by the texts and refers to *salat* alone and may not be applied to other acts of worship via analogical deduction.

- (9) Imam Kazim (peace be upon him) was asked about a situation where three people were travelling: a *junub*, *mayyit* and one without *wudu*; time for *salat* had arrived and they only had enough water for one. Who has priority with respect to the water? And what must the others do? He said: "the *junub* ought to *ghuslate* with the water; the *mayyit* must be *tayammumated* and the remaining person must *tayammumate* instead of executing *wudu*." (230) This tradition is popularly accepted by the *fuqaha* in contrast to weak traditionsⁱ that give priority to the *mayyit*. The author of '*al-Madarik*' adds that such weak traditions can't conflict with the former explicit traditions.ⁱⁱ

ⁱ Wasa'il al-Shi'ah, 3:386, section 18 on 'tayammum', hadith no.5

ⁱⁱ Al-Madarik, 2:252



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Translation Movement

References

1. Holy Quran, surah al-Furqan (25), verse 48
2. Wasa'il al-Shi'ah, 1: 133, section 1 on 'mutlaq water', hadith no. 2
3. Wasa'il al-Shi'ah, 1: 135, section 1 on 'mutlaq water', hadith no. 8
4. Holy Quran, surah al-Anfal (8), verse 11
5. Wasa'il al-Shi'ah, 1:134, section 1 on 'mutlaq water', hadith no. 6
6. Wasa'il al-Shi'ah, 1: 201, section 1 on 'mudaf water', hadith no. 1
7. Holy Quran, surah al-Ma'idah (5):6
8. Wasa'il al-Shi'ah, 1: 245, section 1 on 'things that nullify wudu', hadith no.1
9. Wasa'il al-Shi'ah, 1: 143, section 5 on 'mutlaq water', hadith no. 1
10. Wasa'il al-Shi'ah, 1: 135, section 1 on 'mutlaq water', hadith no. 9
11. Wasa'il al-Shi'ah, 1: 139, section 3 on 'mutlaq water', hadith no. 4
12. Wasa'il al-Shi'ah, 1: 141, section 3 on 'mutlaq water', hadith no. 12
13. Wasa'il al-Shi'ah, 1: 158, section 9 on 'mutlaq water'.
14. Wasa'il al-Shi'ah, 1: 146, section 6 on 'mutlaq water', hadith no. 5
15. Wasa'il al-Shi'ah, 1: 206, section 5 on 'mudaf water', hadith no. 1
16. Wasa'il al-Shi'ah, 1: 150, section 7 on 'mutlaq water', hadith no. 7
17. Wasa'il al-Shi'ah, 1: 134, section 1 on 'mutlaq water', hadith no. 5
18. Wasa'il al-Shi'ah, 1: 151, section 8 on 'mutlaq water', hadith no. 2
19. Wasa'il al-Shi'ah, 1: 209, section 8 on 'mudaf water', hadith no. 1
20. Wasa'il al-Shi'ah, 1: 210, section 8 on 'mudaf water', hadith no. 2
21. Wasa'il al-Shi'ah, 1: 148, section 7 on 'mutlaq water', hadith no. 2
22. Wasa'il al-Shi'ah, 1: 166, section 10 on 'mutlaq water', hadith no. 6
23. Wasa'il al-Shi'ah, 1: 167, section 11 on 'mutlaq water', hadith no. 1
24. Wasa'il al-Shi'ah, 3: 395, section 1 on 'najasat'.
25. Wasa'il al-Shi'ah, 3: 406, section 8 on 'najasat', hadith no. 6
26. Wasa'il al-Shi'ah, 3: 405, section 8 on 'najasat', hadith no. 2
27. Wasa'il al-Shi'ah, 3: 407, section 9 on 'najasat', hadith no. 4
28. Wasa'il al-Shi'ah, 3: 412, section 10 on 'najasat', hadith no. 1
29. Wasa'il al-Shi'ah, 3: 423, section 15 on 'najasat', hadith no. 1
30. Wasa'il al-Shi'ah, 24:170, section 30 on 'Haram foods', hadith no. 3
31. Wasa'il al-Shi'ah, 3: 425, section 16 on 'najasat', hadith no. 6
32. Wasa'il al-Shi'ah, 3: 427, section 17 on 'najasat', hadith no. 5
33. Wasa'il al-Shi'ah, 3: 476, section 40 on 'najasat', hadith no. 7
34. Wasa'il al-Shi'ah, 3: 436, section 23 on 'najasat', hadith no. 1
35. Wasa'il al-Shi'ah, 3: 528, section 82 on 'najasat', hadith no. 2
36. Wasa'il al-Shi'ah, 1: 195, section 22 on 'mutlaq water', hadith no. 1
37. Wasa'il al-Shi'ah, 1: 241, section 10 on 'liquid leftovers', hadith no. 1
38. Wasa'il al-Shi'ah, 1: 241, section 10 on 'liquid leftovers', hadith no. 2
39. Wasa'il al-Shi'ah, 3: 513, section 68 on 'najasat', hadith no. 1
40. Wasa'il al-Shi'ah, 24: 182, section 33 on 'Haram foods', hadith no. 10
41. Wasa'il al-Shi'ah, 4: 433, section 41 on 'the musalli's clothing', hadith no. 1
42. Wasa'il al-Shi'ah, 3: 490, section 50 on 'najasat', hadith no. 2
43. Wasa'il al-Shi'ah, 3: 490, section 50 on 'najasat', hadith no. 3
44. Wasa'il al-Shi'ah, 3: 435, section 22 on 'najasat', hadith no. 8
45. Wasa'il al-Shi'ah, 3: 488, section 48 on 'najasat', hadith no. 1
46. Wasa'il al-Shi'ah, 3: 415, section 12 on 'najasat', hadith no. 2
47. Wasa'il al-Shi'ah, 1: 225, section 1 on 'liquid leftovers', hadith no. 2
48. Wasa'il al-Shi'ah, 3: 469, section 38 on 'najasat', hadith no. 3
49. Wasa'il al-Shi'ah, 3: 469, section 38 on 'najasat', hadith no. 5
50. Wasa'il al-Shi'ah, 3: 497, section 54 on 'najasat', hadith no. 1
51. Wasa'il al-Shi'ah, 3: 517, section 72 on 'najasat', hadith no. 1

51. Wasa'il al-Shi'ah, 3: 498, section 54 on 'najasat', hadith no. 2
52. Wasa'il al-Shi'ah, 1: 226, section 1 on 'liquid leftovers', hadith no. 4
53. Wasa'il al-Shi'ah, 3: 467, section 37 on 'najasat', hadith no. 4
54. Wasa'il al-Shi'ah, 3: 467, section 37 on 'najasat', hadith no. 5
55. Wasa'il al-Shi'ah, 17:89, section 4 on 'transactions', hadith no. 4
56. Wasa'il al-Shi'ah, 3: 438, section 24 on 'najasat', hadith no. 4
57. Wasa'il al-Shi'ah, 3: 441, section 26 on 'najasat', hadith no. 1
58. Wasa'il al-Shi'ah, 3: 443, section 26 on 'najasat', hadith no. 8
59. Wasa'il al-Shi'ah, 3: 434, section 22 on 'najasat', hadith no. 4
60. Wasa'il al-Shi'ah, 3: 430, section 20 on 'najasat', hadith no. 4
61. Wasa'il al-Shi'ah, 3: 457, section 31 on 'najasat', hadith no. 5
62. Wasa'il al-Shi'ah, 5: 229, section 24 on 'Rulings of Mosques', hadith no. 2
63. Wasa'il al-Shi'ah, 1: 351, section 31 on 'Rulings in relation to Lavatories', hadith no. 5
64. Wasa'il al-Shi'ah, 1: 142, section 4 on 'mutlaq water', hadith no. 1
65. Wasa'il al-Shi'ah, 3: 487, section 47 on 'najasat', hadith no. 1
66. Wasa'il al-Shi'ah, 3: 476, section 40 on 'najasat', hadith no. 7
67. Wasa'il al-Shi'ah, 3: 485, section 45 on 'najasat', hadith no. 7
68. Wasa'il al-Shi'ah, 3: 484, section 45 on 'najasat', hadith no. 5
69. Wasa'il al-Shi'ah, 3: 505, section 64 on 'najasat', hadith no. 1
70. Wasa'il al-Shi'ah, 1: 225, section 1 on 'liquid leftovers', hadith no. 2
71. Wasa'il al-Shi'ah, 3: 497, section 53 on 'najasat', hadith no. 1
72. Wasa'il al-Shi'ah, 3: 516, section 70 on 'najasat', hadith no. 1 [the word 'twice' isn't observed]
73. Wasa'il al-Shi'ah, 3: 395, section 1 on 'najasat', hadith no. 3
74. Wasa'il al-Shi'ah, 3: 398, section 3 on 'najasat', hadith no. 2
75. Wasa'il al-Shi'ah, 3: 469, section 38 on 'najasat', hadith no. 3
76. Wasa'il al-Shi'ah, 3: 494, section 51 on 'najasat', hadith no. 1
77. Wasa'il al-Shi'ah, 1: 302, section 2 on 'Rulings in relation to Lavatories', hadith no. 5
78. Wasa'il al-Shi'ah, 1: 315, section 9 on 'Rulings in relation to Lavatories', hadith no. 1
79. Wasa'il al-Shi'ah, 1: 321, section 12 on 'Rulings in relation to Lavatories', hadith no. 1
80. Wasa'il al-Shi'ah, 1: 299, section 1 on 'Rulings in relation to Lavatories', hadith no. 2
81. Wasa'il al-Shi'ah, 3: 459, section 32 on 'najasat', hadith no. 9
82. Wasa'il al-Shi'ah, 3: 453, section 29 on 'najasat', hadith no. 6
83. Wasa'il al-Shi'ah, 3: 451, section 29 on 'najasat', hadith no. 1
84. Wasa'il al-Shi'ah, 25:370, section 31 on 'Haram Drinks', hadith no. 1
- Wasa'il al-Shi'ah, 25: 371, section 31 on 'Haram Drinks', hadith no. 5
85. Holy Quran, surah al-Ma'idah (5), verse 6.
86. Wasa'il al-Shi'ah, 1: 315, section 9 on 'Rulings in relation to Lavatories', hadith no. 1
87. Wasa'il al-Shi'ah, 1: 365, section 1 on 'wudu', hadith no. 2
88. Wasa'il al-Shi'ah, 1: 366, section 1 on 'wudu', hadith no. 4
89. Wasa'il al-Shi'ah, 1: 367, section 1 on 'wudu', hadith no. 9
90. Ibid.;
91. Wasa'il al-Shi'ah, 1: 245, section 1 on 'things that nullify wudu', hadith no. 2
92. Wasa'il al-Shi'ah, 1: 245, section 1 on 'things that nullify wudu', hadith no. 1
93. Wasa'il al-Shi'ah, 1: 249, section 2 on 'things that nullify wudu', hadith no. 2
94. Wasa'il al-Shi'ah, 1: 251, section 2 on 'things that nullify wudu', hadith no. 8
95. Wasa'il al-Shi'ah, 13: 376, section 38 on 'tawaf', hadith no. 6
96. Wasa'il al-Shi'ah, 13: 375, section 38 on 'tawaf', hadith no. 4
97. Wasa'il al-Shi'ah, 1: 384, section 12 on 'wudu', hadith no. 2
98. Wasa'il al-Shi'ah, 5: 392, section 9 on 'athan and iqamah', hadith no. 3
99. Wasa'il al-Shi'ah, 1: 383, section 11 on 'wudu', hadith no. 3
100. Wasa'il al-Shi'ah, 1: 382, section 11 on 'wudu', hadith no. 2
101. Wasa'il al-Shi'ah, 1: 381, section 10 on 'wudu', hadith no. 5
102. Wasa'il al-Shi'ah, 1: 366, section 1 on 'wudu', hadith no. 5
103. Wasa'il al-Shi'ah, 1: 483, section 51 on 'wudu', hadith no. 1
104. Wasa'il al-Shi'ah, 1: 169, section 13 on 'mutlaq water', hadith no. 1

105. Not specified in text
106. Wasa'il al-Shi'ah, 1: 387-8, section 15 on 'wudu', hadith no. 2
107. Holy Quran, surah Ghafir (40), verse 14
108. Holy Quran, surah al-Bayyanah (98), verse 5
109. Wasa'il al-Shi'ah, 1: 75, section 15 on 'the preliminaries of *'ibadat'*, hadith no. 1
110. Wasa'il al-Shi'ah, 1: 476, section 46 on 'wudu', hadith no. 3
111. Wasa'il al-Shi'ah, 1: 436, section 31 on 'wudu', hadith no. 3
112. Wasa'il al-Shi'ah, 1: 410, section 22 on 'wudu', hadith no. 1
113. Wasa'il al-Shi'ah, 1: 406, section 20 on 'wudu', hadith no. 1
114. Wasa'il al-Shi'ah, 1: 409, section 21 on 'wudu', hadith no. 8
115. Wasa'il al-Shi'ah, 1: 411, section 22 on 'wudu', hadith no. 4
116. Wasa'il al-Shi'ah, 1: 470, section 42 on 'wudu', hadith no. 2
117. Wasa'il al-Shi'ah, 1: 471, section 42 on 'wudu', hadith no. 7
118. Wasa'il al-Shi'ah, 8: 237, section 23 on 'defects occurring during salat', hadith no. 1
119. Wasa'il al-Shi'ah, 1: 469, section 42 on 'wudu', hadith no. 1
120. Wasa'il al-Shi'ah, 8: 228, section 16 on 'defects occurring during salat', hadith no. 2
121. Wasa'il al-Shi'ah, 1: 465, section 39 on 'wudu', hadith no. 7
122. Wasa'il al-Shi'ah, 1: 463-4, section 39 on 'wudu', hadith no. 2
123. Wasa'il al-Shi'ah, 1: 297, section 19 on 'things that nullify wudu', hadith no. 2
124. Wasa'il al-Shi'ah, 7: 237, section 1 on 'things that nullify salat', hadith no. 11
125. Wasa'il al-Shi'ah, 1: 298, section 19 on 'things that nullify wudu', hadith no. 4
126. Wasa'il al-Shi'ah, 2: 174-5, section 1 on 'janabah', hadith no. 3 and 5
127. Wasa'il al-Shi'ah, 2: 182, section 6 on 'janabah', hadith no. 1
128. Wasa'il al-Shi'ah, 2: 183, section 6 on 'janabah', hadith no. 2
129. Wasa'il al-Shi'ah, 2: 186, section 7 on 'janabah', hadith no. 1
130. Wasa'il al-Shi'ah, 2: 187, section 7 on 'janabah', hadith no. 5
131. Wasa'il al-Shi'ah, 2: 196, section 9 on 'janabah', hadith no. 1
132. Wasa'il al-Shi'ah, 2: 252, section 36 on 'janabah', hadith no. 10
133. Wasa'il al-Shi'ah, 2: 194, section 8 on 'janabah', hadith no. 1
134. Holy Quran, surah al-Tawbah (9), verse 108
135. Wasa'il al-Shi'ah, 2: 177, section 1 on 'janabah', hadith no. 14
136. Wasa'il al-Shi'ah, 2: 228, section 25 on 'janabah', hadith no. 6
137. Wasa'il al-Shi'ah, 10:63, section 16 on 'things refrained from by those who fast', hadith no. 1
138. Wasa'il al-Shi'ah, 10:63, section 16 on 'things refrained from by those who fast', hadith no. 2
139. Wasa'il al-Shi'ah, 10:67, section 19 on 'things refrained from by those who fast', hadith no. 1
140. Wasa'il al-Shi'ah, 10:238, section 30 on 'things that are valid during fasting', hadith no. 3
141. Wasa'il al-Shi'ah, 10:68, section 20 on 'things refrained from by those who fast', hadith no. 1
142. Wasa'il al-Shi'ah, 2: 216, section 19 on 'janabah', hadith no. 4
143. Wasa'il al-Shi'ah, 2: 217-8, section 19 on 'janabah', hadith no. 6, 9 & 10
144. Wasa'il al-Shi'ah, 2: 214, section 18 on 'janabah', hadith no. 1
145. Wasa'il al-Shi'ah, 2: 206, section 15 on 'janabah', hadith no. 5
146. Wasa'il al-Shi'ah, 2: 213, section 17 on 'janabah', hadith no. 1
147. Wasa'il al-Shi'ah, 2: 230, section 26 on 'janabah', hadith no. 5
148. Wasa'il al-Shi'ah, 2: 231, section 26 on 'janabah', hadith no. 10
149. Wasa'il al-Shi'ah, 2: 238, section 29 on 'janabah', hadith no. 3
150. Wasa'il al-Shi'ah, 2: 261, section 43 on 'janabah', hadith no. 1
151. Wasa'il al-Shi'ah, 2: 335, section 31 on 'hayd', hadith no. 2
152. Wasa'il al-Shi'ah, 19: 365, section 44 on 'Wills', hadith no. 12
153. Wasa'il al-Shi'ah, 2: 294, section 10 on 'hayd', hadith no. 1
154. Wasa'il al-Shi'ah, 2: 297, section 11 on 'hayd', hadith no. 1
155. Wasa'il al-Shi'ah, 2: 275, section 3 on 'hayd', hadith no. 2
156. Wasa'il al-Shi'ah, 2: 305, section 14 on 'hayd', hadith no. 1
157. Wasa'il al-Shi'ah, 2: 287, section 7 on 'hayd', hadith no. 2
158. Not specified in text
159. Wasa'il al-Shi'ah, 2: 275, section 3 on 'hayd', hadith no. 2

160. Wasa'il al-Shi'ah, 2: 330, section 30 on 'hayd', hadith no. 1
161. Wasa'il al-Shi'ah, 2: 358, section 47 on 'hayd', hadith no. 1
162. Wasa'il al-Shi'ah, 2: 327, section 28 on 'hayd', hadith no. 1
163. Wasa'il al-Shi'ah, 2: 493, section 6 on 'ghuslating the deceased', hadith no. 5
164. Wasa'il al-Shi'ah, 2: 347, section 41 on 'hayd', hadith no. 1
165. Wasa'il al-Shi'ah, 2: 275, section 3 on 'hayd', hadith no. 2
166. Wasa'il al-Shi'ah, 2: 371, section 1 on 'istihadah', hadith no. 1
167. Wasa'il al-Shi'ah, 2: 276, section 3 on 'hayd', hadith no. 3
168. Wasa'il al-Shi'ah, 2: 382, section 3 on 'hayd', hadith no. 1
169. Wasa'il al-Shi'ah, 2: 384, section 3 on 'hayd', hadith no. 5
170. Wasa'il al-Shi'ah, 2: 383, section 3 on 'hayd', hadith no. 2
171. Wasa'il al-Shi'ah, 2: 452, section 35 on 'ihtidar', hadith no. 2
172. Wasa'il al-Shi'ah, 2: 453, section 35 on 'ihtidar', hadith no. 4
173. Wasa'il al-Shi'ah, 2: 472, section 47 on 'ihtidar', hadith no. 1
174. Wasa'il al-Shi'ah, 2: 502, section 12 on 'ghuslating the deceased', hadith no. 1
175. Wasa'il al-Shi'ah, 2: 481, section 2 on 'ghuslating the deceased', hadith no. 4
176. Not specified in text
177. Not specified in text
178. Not specified in text
179. Wasa'il al-Shi'ah, 2: 480, section 2 on 'ghuslating the deceased', hadith no. 3
180. Wasa'il al-Shi'ah, 2: 520, section 21 on 'ghuslating the deceased', hadith no. 1
181. Wasa'il al-Shi'ah, 2: 515, section 19 on 'ghuslating the deceased', hadith no. 1
182. Wasa'il al-Shi'ah, 2: 510, section 14 on 'ghuslating the deceased', hadith no. 9
183. Wasa'il al-Shi'ah, 2: 513, section 17 on 'ghuslating the deceased', hadith no. 1
184. Wasa'il al-Shi'ah, 3: 7-8, section 2 on 'kafanating', hadith no. 6
185. Wasa'il al-Shi'ah, 3: 9, section 2 on 'kafanating', hadith no. 12
186. Wasa'il al-Shi'ah, 3: 36, section 16 on 'kafanating', hadith no. 1
187. Wasa'il al-Shi'ah, 3: 60, section 2 on 'the mayyit's salat', hadith no. 1
188. Wasa'il al-Shi'ah, 3: 72, section 5 on 'the mayyit's salat', hadith no. 1
189. Wasa'il al-Shi'ah, 3: 73, section 5 on 'the mayyit's salat', hadith no. 3
190. Wasa'il al-Shi'ah, 3: 133, section 37 on 'the mayyit's salat', hadith no. 2
191. Wasa'il al-Shi'ah, 3: 133, section 37 on 'the mayyit's salat', hadith no. 3
192. Holy Quran, surah al-Mursalat (77), verses 25-26
193. Holy Quran, surah Taha (20), verse 55
194. Wasa'il al-Shi'ah, 3: 141, section 1 on 'burying', hadith no. 1
195. Wasa'il al-Shi'ah, 3: 165, section 14 on 'burying', hadith no. 2
196. Wasa'il al-Shi'ah, 3: 165, section 14 on 'burying', hadith no. 1
197. Wasa'il al-Shi'ah, 3: 135, section 38 on 'the mayyit's salat', hadith no. 1
198. Wasa'il al-Shi'ah, 3: 136, section 38 on 'the mayyit's salat', under hadith no. 5
199. Wasa'il al-Shi'ah, 2: 535, section 26 on 'ghuslating the deceased', hadith no. 1
200. Wasa'il al-Shi'ah, 3: 114, section 23 on 'the mayyit's salat', under hadith no. 1 & 2
201. Wasa'il al-Shi'ah, 3: 116, section 24 on 'the mayyit's salat', under hadith no. 3
Wasa'il al-Shi'ah, 3: 115, section 24 on 'the mayyit's salat', under hadith no. 1
202. Wasa'il al-Shi'ah, 3: 290, section 1 on 'ghuslating after touching the deceased', hadith no. 2
203. Wasa'il al-Shi'ah, 3: 295, section 3 on 'ghuslating after touching the deceased', hadith no. 1
204. Wasa'il al-Shi'ah, 3: 294, section 2 on 'ghuslating after touching the deceased', hadith no. 1
205. Wasa'il al-Shi'ah, 3: 312, section 6 on 'mustahabb ghusls', hadith no. 1
206. Wasa'il al-Shi'ah, 3: 312, section 6 on 'mustahabb ghusls', hadith no. 4
207. Holy Quran, surah al-Baqarah (2), verse 222
208. Wasa'il al-Shi'ah, 1: 383, section 11 on 'wudu', hadith no. 3
209. Holy Quran, surah al-Nisa' (4), verse 43
210. Wasa'il al-Shi'ah, 3: 350, section 7 on 'tayammum', hadith no. 2
211. Wasa'il al-Shi'ah, 3: 341, section 1 on 'tayammum', hadith no. 1
212. Wasa'il al-Shi'ah, 3: 342, section 2 on 'tayammum', hadith no. 2
213. Wasa'il al-Shi'ah, 3: 343, section 3 on 'tayammum', hadith no. 1

214. Wasa'il al-Shi'ah, 3: 386, section 23 on 'tayammum', hadith no. 6
Wasa'il al-Shi'ah, 3: 385, section 23 on 'tayammum', hadith no. 1
215. Wasa'il al-Shi'ah, 3: 348, section on 'tayammum', hadith no. 11
216. Wasa'il al-Shi'ah, 3: 341, section 1 on 'tayammum', hadith no. 2
217. Wasa'il al-Shi'ah, 3: 388, section 25 on 'tayammum', hadith no. 3
218. Wasa'il al-Shi'ah, 3: 354, section 9 on 'tayammum', hadith no. 5
219. Wasa'il al-Shi'ah, 3: 354, section 9 on 'tayammum', hadith no. 7
220. Wasa'il al-Shi'ah, 3: 354, section 9 on 'tayammum', hadith no. 4
221. Holy Quran, surah al-Nisa' (4), verse 43
222. Wasa'il al-Shi'ah, 3: 359, section 11 on 'tayammum', hadith no. 2 & 4
223. Wasa'il al-Shi'ah, 3: 359, section 11 on 'tayammum', hadith no. 3
224. Wasa'il al-Shi'ah, 3: 370, section 14 on 'tayammum', hadith no. 14
225. Wasa'il al-Shi'ah, 3: 378, section 20 on 'tayammum', hadith no. 1
226. Wasa'il al-Shi'ah, 3: 369, section 14 on 'tayammum', hadith no. 12
227. Wasa'il al-Shi'ah, 3: 386, section 23 on 'tayammum', hadith no. 5
228. Wasa'il al-Shi'ah, 3: 385, section 23 on 'tayammum', hadith no. 2
229. Wasa'il al-Shi'ah, 3: 381, section 21 on 'tayammum', hadith no. 2
230. Wasa'il al-Shi'ah, 3: 375, section 18 on 'tayammum', hadith no. 1





حرکت تراجم
Translation Movement

Glossary

A

absence : see *ghaybah*

ahl al-Bayt: (lit. family) the expression alludes to the family of the Holy Messenger of Islam; technically, according to the given exegeses surrounding 33:33, it includes the following members: Imam Ali ibn Abi Talib, the Immaculate Fatimah al-Zahra and their eleven infallible descendants from Imam Hasan al-Mujtaba upto his Eminency the Mahdi (may Allah hasten his Advent). The verse explicitly indicates that they are immune from sin and error, and pure from any hidden/concealed pollution.

ahl al- Kitab: referring commonly, according to the *fuqaha*, to the Jews and Christians and, less commonly, to the Magi (Zoroastrians).

al-ihhtidar: the state whereby one's death is imminent and one is lying on one's deathbed.

amir al-mu'minin: a title (lit. commander of those who have faith [Islam]) specifically attributed to the Holy Prophet's first legitimate successor, Imam Ali ibn Abi Talib. Applying this title to others – even to the other Imams/successors – is not permissible.

arafah: a flat desert plain, approximately 22km south-east of Mecca. It is here where all Hajj pilgrims ought to stay, from noon to sunset, on the 9th of Thi al-Hajjah. This period of *day-time* has been regarded as spiritually equivalent to the *Night of Destiny* in the month of Ramadan i.e. being the most important day of the Islamic calendar.

asalah al-ihhtiyat: a procedural principle (employed by mujtahids on occasions when one beholds doubt vis-à-vis the true ruling [on a given issue] or one's real duty *per se*) indicating the presumption of precaution which assists the duty-bound to be released in relation to one's canonical responsibility e.g. in section 2.6, assuming a mujtahid is not sure whether the traditions attribute the *najasah* to detached bodily segments from living animals or entire corpses, *asalah al-ihhtiyat* dictates that the duty-bound ought to regard either possibility as *najis* and thus *tahirize* oneself on contact with either.

asalah al-jawaz: a procedural principle, extracted from traditions, which presumes all actions as permissible save those which are canonically acknowledged as being impermissible.

asalah al-taharah: a procedural principle indicating the presumption of purity; the principle deems a given thing as *tahir* on the condition that (i) one beholds no previous knowledge in relation to its state of purity (i.e. whether it was previously *najis* or not) and (ii) the given thing isn't explicitly stipulated (by the Canon) as being *najis* (such as blood, dogs, pigs...and things polluted by them). Furthermore, this presumption is made only when one has doubt with respect to something's previous state of purity (otherwise, *istishab* will qualify).

athan: a specific set of formulae – signalling the arrival of a *salat*'s stipulated time e.g. dawn in relation to the *fajr salat* etc. – revealed to the Holy Prophet of Islam. All in all, the *athan* beholds 18 sentences in the following order: *Allahu akbar* (4 times), *ash-hadu an laa ilaaha illallah* (2 times), *ash-hadu anna Muhammadan rasu-lullah* (2 times), *hayya alas-salaah* (2 times), *hayya alal-falaah* (2 times), *hayya ala khay-ril amal* (2 times), *Allahu akbar* (2 times) and *laa ilaaha illallah* (2 times). The popular verdict amongst *fuqaha* dictates that the phrase *ash-hadu anna Aliyyan waliy-yullah* is not part of the *athan*, albeit desirable to recite it (as well as reciting the testimony to the *wilayah* of the other successors) after *ash-hadu anna Muhammadan rasu-lullah*. The *athan* may be classified into (i) an *athan* of declaration, whereby the reciter's aim is to inform others that the time of *salat* has arrived, and (ii) an *athan* for *salat*, which is recited before the *salat*'s actual execution. The latter *athan* may be further divided into individual and congregational *athans*.

atheist: see *kafir*

awrah: genitalia. In the male, the *awrah* includes the penis, scrotum and the anal orifice; with females, it includes the vagina, the urinary orifice and the anal orifice. One's *awrah* may not be viewed by anyone (including one's *maharim*) except for one's spouse.

B

batil: void, null

bayyanah: a testimony provided by two, just male persons; a valid form of canonical evidence which is applicable to all subject-matters – according to most *fuqaha* – throughout *fiqh*.

bismillah: a formula meaning 'in the name of Allah' or, more technically, 'I start with the name of Allah'.

bulugh: canonical puberty; its occurrence has been canonically assigned as starting whenever (i) one's pubic hair commences in growth, irrespective of age, or (ii) one's first ejaculation occurs (be it during sleep

or wakefulness, with or without copulation). Assuming one's ejaculation or pubic hair growth is delayed, for some reason, puberty for men ought to commence at (the completion of) fifteen lunar years no matter what. Concerning women, puberty is stipulated at the completion of nine lunar years. One becomes duty-bound at puberty. Nine lunar years is equal to nine solar years minus 96 days and 18 hours. Fifteen lunar years is equal to fifteen solar years minus 161 days and 6 hours. One lunar year is equal to 354 days and 6 hours i.e. 10 days and 18 hours less than a solar year.

C

camphor: a white substance which is mixed, in very small amounts, with water to ceremonially wash (*ghuslate*) the deceased.

circulating blood: that animal blood which beholds pulsatility (a pulsatile circulation) and thus spurts out on dissection of a given part of the body, namely the blood vessels of the neck.

compensatory: see qada

consecutiveness: see muwalat.

D

daruriyyat: fundamentals of religion, be it a matter of doctrine (*aqa'id*) or *fiqh*. Examples of doctrinal fundamentals include the belief of Allah's Unity, Prophethood of Prophet Muhammad (and all previous Prophets), the Day of Resurrection etc. Examples of *fiqhi* fundamentals include believing in the obligation, imposed by the Canon, to execute one's *salat*, wear hijab etc. In short, fundamentals are those matters unanimously agreed upon by *all* Islamic schools of thought.

dinar: golden coins used for daily transactions during the era of the Holy Prophet and Imams.

dirham: silver coins used for daily transactions during the era of the Holy Prophet and Imams.

disconnection, principle of: see *faragh*

distressed: an adjective used to classify the *ha'id's* periods i.e. two or more periods which neither share the same duration nor do they occur at the same time every month.

divorce: separation of the husband and wife from one another, realised by fulfilling a set of conditions associated with the divorce contract and the two parties. Divorce is divided into two types: (i) a revocable divorce where the man may make up with the woman during the latter's *'iddah*

period i.e. assuming they decide to re-marry, executing a new marriage contract won't be necessary; consent alone will suffice; and (ii) an irrevocable divorce whereby the two parties may not re-unite, during *'iddah*, after being divorced. Each of the two forms of divorce beholds several conditions and stipulations attached to them.

dowry: a present (in the form of money, property, Hajj trip etc.) that is offered by the man to the woman after their marriage contract is realised. Stipulating the dowry isn't a prerequisite in permanent marriage contracts; however, it must be stipulated in temporary marriage contracts.

E

earth: a general term which includes soil (top layer of the earth in which vegetation grow), mud (soft and wet earth), clay (heavy and sticky earth) and the ground (natural layers of stone or solid mineral substances e.g. marble, natural chalk etc.). The process of *tayammum* may be executed upon such earths.

eid: religious celebration or festival.

eid al-Fitr: a religious festival held on the 1st Shawwal, every year, after the completion of one month of fasting (during Ramadan month, which precedes Shawwal)

ejaculation: the ejecting or emission of semen – be one male/female, awake/asleep or be it via masturbation, a legitimate or illegitimate encounter. Ejaculation is one of the causes of the state of *janabah* as well as a sign of puberty. Note that female semen implies those secretions associated with, and accompanying, a woman's climax – by whatever means.

embalm: see *hunut*

F

fajr: dawn; a *salat* which ought to be executed every day within a stipulated time period i.e. from daybreak to sunrise.

faragh: a principle which dictates to the duty-bound, who acquires doubt with respect to an action's validity after having completed it, to neglect such a doubt and assume that one has in fact accomplished it validly. In short, after having been disassociated (or disconnected) from an action, any later doubts with respect to its validity ought to be put aside.

fatwah: verdict decreed by *fuqaha*

fiqh: Jurisprudence

fitrah: man's divinely-incorporated innate nature which leads Man instinctively to acquire a number of attributes, such as longing for justice, searching for truth, being kind, wanting to survive, doing good, desiring happiness...

foetus: in *fiqh*, the foetus signifies the developing human being from conception to birth.

fuqaha: jurists (sing. *faqih*); scholars who are specialists in the science of jurisprudence and, thus, able to independently extrapolate the law via the relevant sources; the term is synonymous to a mujtahid.

fuqqa': barley water which possesses a degree of intoxicating properties, albeit weak; beer.

G

ghasl: the mere act of washing something, with water, with or without the intention to *tahirize* it. The Canon sometimes asks the duty-bound to merely wash something once, twice or thrice; sometimes it obliges the duty-bound to wash something with *mutlaq* water, such as clothes, but in a prescribed manner, namely by wringing them out.

ghaslate: to carry out a washing (*ghasl*)

ghaybah: absence; this concept constitutes one of the many *mutahhirs* classified by the *fuqaha*. Assuming a Muslim's belongings (e.g. clothes, utensils, carpet or even body) becomes *najis*, the latter object may be deemed *tahir*, by a second person, via *ghaybah* (absence i.e. the former Muslim's absence from the second person) on the condition that the latter believes that the Muslim, in question, is of a character who would have *tahirized* the object (i.e. who isn't indifferent to such canonical matters).

ghuluw: followers of denominations – essentially outside the realms of Islam – whose beliefs vis-à-vis the *Ahl al-Bayt* (namely their attributes) were, unacceptably, grossly exaggerated.

ghusalah: a water (employed for *wudu/ghusl* purposes) which usually pours – either spontaneously or by force – from something which is being washed with it. In other words, the used water of one's *wudu* or *ghusl*.

ghusl: a canonically-ordained ceremonial washing of the human body's external surfaces. It is indicated at stipulated times and occasions (see chapter 6).

ghuslate: to execute a *ghusl*

H

habrah: an Arabic traditional piece of clothing encouraged to be employed for *kafan* purposes

hadath: abstract causes of ritual impurity (see *najasah*)

al-hadath al-akbar: major *hadath*; (see *najasah*)

al-hadath al-asghar: minor *hadath*; (see *najasah*)

hadith: tradition narrated by the Holy Prophet or Imams

ha'id: a menstruating woman i.e. during her periods

hajj: an act of worship whereby one intends to make pilgrimage to the Holy Ka'bah in order to execute the stipulated rites ordained by the Canon.

halal: permissible (to commit or consume); lawful.

halal-meat animals: animals whose meat is permissible to consume, assuming they have been slaughtered in accordance to the Canon e.g. sheep, cows...

half-life: the period whereby a given *tayammum*'s functional efficacy lasts (see section 6.3)

haram: forbidden (to commit or consume); prohibited by the Canon.

haram-meat animals: animals whose meat is impermissible to consume irrespective of whether they have been slaughtered in accordance to the Canon or not e.g. rabbits, elephants...

hayd: menstruation

hilliyah: permission (see *halal*)

hissi: sensible i.e. colour, odour and taste sensed *by* the eyes, nose and tongue, repectively.

hunut: the process of applying camphor to the seven bodily areas which have contact with the ground during prostration, namely the forehead, palms, knees and anterior aspects of the big toes

hurmah: prohibition (see *haram*)

hydro-taharah: that *taharah* whose realization is dependent upon water (not earth) i.e. wudus or ghusls

I

‘ibadah (pl. ‘ibadat): acts of worship or total submission which require one’s intention to gain proximity to Allah. Some *ibadat* require such an intention as a prerequisite to their validity e.g. *salat*, *sawm*, Hajj, *zakat* and *khums*, whilst in others the intention is not essential to its validity – such as helping others, working one’s occupation, making transactions etc. – albeit essential to one’s attainment of spiritual perfection.

‘iddah: a specific and canonically-determined period – after divorce or the death of a woman’s husband – whereby she ought to wait the full period before being permitted to re-marry.

ihram: a ritual state required to be maintained during episodes of the Hajj pilgrimage; the ihram state (i) must be acquired before executing a number of essential deeds e.g. specific tawafs, salats... and (ii) obliges one to refrain from a number of actions during these stipulated episodes e.g. sexual intercourse, applying perfumes, ornamentation etc.

ihtiyat: precaution; where a duty-bound acts in such a manner as to ensure (100%) that he/she has fulfilled his/her particular duty even though its contrary may be legitimately derived via canonical principles e.g. assuming there is a given water previously known to be tahir and that one intends to wudue with it, if one acquires doubt vis-à-vis the water’s najasah one may legitimately apply istishab and therefore wudue with the water. Practising precaution, here, is tantamount to leaving the water aside and wuduing with another water.

ijma’: a consensus of opinion, amongst all the fuqaha, in relation to a canonical ruling. It can be employed as a source of extrapolating Islamic law as long as it reveals and unveils an Infallible’s tradition, with certitude.

Imam: leader; either in relation to salat i.e. congregational leader or in relation to the Holy Prophet’s Successorship.

Imam Rida: the eighth leader and successor to the Holy Prophet of Islam as specified in Sunnite and Shi’ah sources.

Imam Sadiq: the sixth leader and successor to the Holy Prophet of Islam as specified in Sunnite and Shi’ah sources.

immersing ghusl: see *irtimasi*

imtizaj: the blending or mixing together of two waters

innovation: legislating actions and beliefs as *wajib*, *haram* etc. – when they aren't – without any (or with incorrect) reference to the sources of the Canon.

instantaneity: see *muwalat*

iqamah: a specific set of formulae, revealed to the Holy Prophet of Islam, to be recited (albeit *mustahabb* to do so) immediately before executing one's *salat*. All in all, the *iqamah* beholds 17 sentences in the following order: *Allahu akbar* (2 times), *ash-hadu an laa ilaaha illallah* (2 times), *ash-hadu anna Muhammadan rasu-lullah* (2 times), *hayya alas-salaah* (2 times), *hayya alal-falaah* (2 times), *hayya ala khay-ril amal* (2 times), *qad qaamatis-salah* (2 times), *Allahu akbar* (2 times) and *laa ilaaha illallah* (1 time). The popular verdict amongst fuqaha dictates that the phrase *ash-hadu anna Aliyyan waliy-yullah* is not part of the *iqamah*, albeit *mustahabb* to recite it (as well as reciting the testimony to the *wilayah* of the other successors) after *ash-hadu anna Muhammadan rasu-lullah*.

irtimasi: a method of executing one's *ghusl* whereby one immerses one's whole body into *tahir* water to such an extent that the water covers all one's body instantaneously, not gradually.

'isha: a *salat* which ought to be executed every day within a stipulated time period i.e. from after completing one's *maghrib salat* until the canonical midnight.

islamically-slaughtered: slaughtering of halal-meat animals in accordance with the Canon

istinja: the processes of *tahirizing* the urinary and anal orifices after urinating and defecating, respectively.

istihbab: being *mustahabb*

itlaq: state of being *mutlaq*

izar: a full cover, wrapped over the entire body of the deceased

J

jabirah: a bandage (patch, cloth etc.) which is placed over a medically-afflicted limb, be it by means of a fracture or otherwise.

jallal: adjective describing previously halal-meat animals whose nutrition mostly comprises human faeces and who develop – meat-wise – in proportion to that eaten.

janabah: the state of being *junub*

janabating: one who actively brings about *janabah*.

jari: a water which is connected to a source even if it has no flow for it always beholds the capacity/potential to have flow.

junub: a duty-bound person upon whom the state of major *hadath* has occurred as a result of ejaculation and/or coitus (intercourse). Note that female ejaculation is on a par with those secretions secreted during her climax and not those secreted during foreplay or before climax. Male ejaculation involves the emission of sperm. Both male and female ejaculation may occur whilst awake or asleep, via masturbation or coitus. Coitus, too, leads to the man/woman's *janabah* even if no ejaculation, in either, arises. Coitus *per se* (partial entrance of the male glans penis suffices) leads to a man/woman becoming *junub* – irrespective if the coitus occurs vaginally or anally, between man and woman or between two homosexual men.

jurisprudence: see *fiqh*

just: one who refrains from committing a major sin; and assuming a just person does commit such a sin, his attribute justice will be nullified before a given *mukallaf* until the latter attains assurance that the just person has indeed repented. Repeating minor sins, without repenting in between, also nullifies one in relation to beholding justice.

K

kafan: shroud

kafanating: the process of enshrouding the deceased as required by the Canon

kaffarah: atonement; making amends for having carried out an impermissible action, vis-à-vis the Canon, intentionally or, sometimes, unintentionally. The nature of the amends depends on the given action; they may be financial (e.g. feeding a number of indigent people), involve fasting for a number of days or both.

kafir: athiest; however, canonically, it refers to one who (i) believes in a religion other than Islam or (ii) is qualified as a Muslim but denies one of Islam's *daruriyyat* – whilst knowing that it is fundamental – in such a manner that such a denial were to lead to (a) one's denial of Prophethood, (b) one attributing lies to the Holy Prophet or (c) one regarding the Prophet's Canon as deficient. Canonical athiests – not literal athiests – may be divided into the *Ahl al-Kitab*, polytheists and apostates.

karahah: see *makruh*

khabath: substances/bodies which are *najis per se* or which have become *najis* as a result of contact with intrinsically *najis* substances.

Kharijites: applies to those who rebel and wage war against the just Imam e.g. those who fought against Imam Ali in the battle of Jamal are termed Kharijites.

khirqah: an extra piece of cloth wrapped round the centre area of the body over the three pieces of *kafan* in order to prevent anything from being disclosed

kurr: a canonically-defined volume of water

kurrization: the process of becoming *kurr*

L

lahad: a receptacle-like niche formed by part of the grave being built farther laterally in order to provide a nook-like environment for the deceased

lahadate: to build a *lahad*

leftovers: the water/liquid left over after an animal drinks it from any given vessel

life: those bodily parts of animals which contain red blood are termed 'alive' or 'with life' whilst those which don't are regarded life-less e.g. bones, nails and hair.

lotus: powder extracted from the lotus flower, employed during the *ghuslating* of the deceased

lunar years: see *bulugh*

M

mabtun: faecally incontinent

maghrib: a *salat* which ought to be executed every day within a stipulated time period i.e. from the disappearance of the redness of the eastern horizon until a few minutes preceding the canonical midnight (where one has the time to execute one's *isha' salat*).

mahram (pl. maharim): those relatives whom (a) one is forbidden to marry and /or (b) one is permitted to see without hijab. The *maharim* may be classified into three divisions: *mahrms* by consanguinity, marriage and breastfeeding. *Non-mahrms*, therefore, aren't *mahram* to one another by either of the above three routes.

makruh: disliked; discouraged by the Canon. In acts of worship such as *salat* and *sawm*, *makruh* deeds implies that the given deeds behold less reward on completion (i.e. they *aren't* intrinsically bad acts); executing them however bears no punishment whatsoever. In actions other than rituals of worship, such as transactions, *makruh* deeds *per se* behold an element of badness, albeit not forbidden by the Canon.

ma'mum (pl. ma'mumin): one who prays in congregation behind the leader (imam).

mantuq: a directly explicit statement

maqna'ah: head scarf

Masjid al-Haram: (lit. Mosque of Consecration); Mosque of Mecca where the Ka'bah is situated.

Masjid al-Nabi: the Holy Prophet's Mosque, situated in Medinah

maslus: suffering from urinary incontinence

martyr: one who dies during a jihad, either (i) at the battlefield or (ii) outside the battlefield but before the war has terminated. Such people need not be *ghuslated* or *kafanated*.

mathy: a whitish semi-viscous liquid which is secreted during foreplay or after deliberating on intercourse etc. Man often does not sense that such a liquid has been excreted (i.e. its not felt/sensed as is the ejaculation of sperm).

mawrud: an adjective describing the static status of a *najis* water upon which a given source of water falls upon.

mayyit: the deceased

meetah: carcass; corpse

menses: see *hayd*

minor hadath: see *najasah*

mi'zar: a loin cloth wrapped round the body from the navel to the knees when *kafanating* the deceased.

mubah: legitimate; permissible

mudaf: (c.f. *mutlaq*) any liquid which isn't *mutlaq* water irrespective of whether it is mixed with something else or extracted from something

mughal: one who practises *ghuluw*

muhdith: one who is in a state of *hadath*

muhrim: one who has entered the state of *ihram*

mukallaf: the duty-bound; a person who has reached the age of puberty and must, therefore, execute one's duties as required by the Canon.

musalli: one who is executing *salat*

Muslim 'hands': when something e.g. meat is in Muslim hands (bazaars, shopping precincts etc.), in Islamic countries, one ought to presume that the given meat has been treated in accordance with the Canon.

mustahabb: preferable; encouraged by the Canon. In acts of worship such as *salat* and *sawm*, *mustahabb* deeds implies that the given deeds behold more reward on completion; not executing them however bears no punishment whatsoever. In actions other than rituals of worship, such as transactions, *mustahabb* deeds *per se* behold propriety and decency; they are good *per se*.

mustahad: a woman experiencing *istihadah* blood (see chapter 7).

mutahhir: a purifier (see *tahirizing*; see chapter 3)

mutanajjis: see *najasah*

mutawatir: a term attributed to holy traditions that are repeatedly transmitted through excessive uninterrupted chains (of transmissions) via successive authentic narrators to such an extent that the probability of such a tradition being inauthentic is virtually zero.

mutlaq: absolute; pure; it alludes to water *per se* i.e. that which the common layman labels 'water'. 'Absolute' because it signifies water in absolute terms; 'pure' because no additional artificial elements or properties are added to it. In short, a given water is deemed *mutlaq* whenever the common layman calls it 'water'.

muwalat: carrying out the *wudu's* sequence of actions (a) consecutively (one after the other) and (b) instantaneously (without leaving gaps of time in between the separate actions)

N

nabi': describing a water which beholds a subterranean source

nabith: an alcoholic drink made from the juice of raisins left to ferment

nafsa': one who discharges *nifas* blood

najasah: a state of ritual impurity caused by (a) contact with concrete *najis* substances *per se* and (b) contact with objects/subjects polluted by concrete *najises* (i.e. *mutanajjis*) and (c) abstract causes.

Concrete *najises* are substances which are impure *per se* and may, under certain circumstances, pollute other things. There are eleven concrete *najises* in all i.e. urine, faeces, semen, carcass/corpse, blood, dogs, pigs, athiests, intoxicating drinks, *fuqqa'* and the sweat of *jallal* animals.

Mutanajjises (*najisated* bodies/objects) are previously pure but acquire *najasah* as a result of contact with concrete *najises* (via a wet medium).

Abstract *najasah* is that ritual impurity which arises as a result of abstract (non-concrete) causes. These causes are termed *hadath* and may be divided into minor and major divisions. Minor *hadaths* include: passing wind, urinating, defecating, being intoxicated, sleeping, being comatosed and minor *istihadah*. Minor *hadaths* may be removed by means of executing wudu and thus preparing oneself for *salat*. Major *hadaths* – which may be removed by means of *ghuslating* – include ejaculation, intercourse, touching corpses, menstruation and intermediary/major *istihadahs*

najis: impure (see *najasah*)

najisate: to make something *najis*

naql: canonical sources which have been transmitted by Allah either by revelation (Qur'an) or via the Holy Prophet and Imams (traditions)

nasibis: a Muslim denomination which expresses hostility towards the Holy Messenger's *Ahl al-Bayt*

nass: texts from the Qur'an or fully authentic traditions of the Holy Prophet and Imams

nifas: that blood which exits the vagina during child-birth

niyyah: intention; to make *niyyah* is to intend an action with the aim to either execute one's duty as ordained by Allah or to seek proximity to one's Lord

O

orderly ghusl: see *tartibi*

P

polytheist: a believer in more than one god

pre-pubescent: the age preceding one's puberty

problematic: if a food's/clothing's *taharah* is deemed problematic, obligatory precaution dictates that one refrain from eating or wearing it for *salat* purposes, respectively. Assuming an action's execution is

deemed problematic, obligatory precaution dictates one to refrain from performing that action

puberty: see *bulugh*

Q

qada: compensatory; obligatory *salats/sawms* which aren't performed on time (within the stipulated period) ought to be compensated for outside the stipulated time

qalil: a volume of water less than *kurr*

Qiblah: the direction that all Muslims pray towards five times a day i.e. towards the Holy Ka'bah

qiyas: analogy; two types exist i.e. true and false analogies. Analogical deduction entails the process of extending a given ruling (extrapolated from the Qur'an and/or traditions) to a new case due to the presence of an effective cause common to both the new and original cases. Assuming such a cause's presence is weakly/highly probable, such an analogy is deemed void; however, if the cause is found to be definitive (a *ratio legis*) and common to both instances, a valid analogy would result

Quraishite: attributed to the tribe of Quraish

R

rakid: stationary

Ramadan: ninth month of the Islamic Calendar, succeeding and preceding the holy months of Sha'ban and Shawwal, respectively.

ratl: one Iraqi ritl is approximately equal to 130 dirhams in weight

revocable: see divorce

ruku': genuflexion

S

Sahari: an Arabic traditional piece of clothing encouraged to be employed for *kafan* purposes

sajdah: prostration, an element of *salat* whereby seven parts of the body make contact with earth

salat: a ritual prayer and act of worship in contrast to supplication (*dua'*). The *salat* involves the execution of particular acts (carrying out and reading repetitive postures and formulae) in a state of *taharah* at

stipulated times of the day as well as stipulated events (both conventional and natural) during the year.

sawm: fasting; an act of worship which involves the duty-bound Muslim(ah) to refrain from several actions – 8-9 in all, such as eating/drinking, committing blasphemy against the Lord, the Holy Prophet... - from dawn until dusk, during the month of Ramadan.

semen: sperm

shakk-ul badawi: a primordial doubt; acquired when one has no knowledge of something's previous state of *taharah*, *itlaq* etc. (see text, 1.3.1)

shar'i: canonical; pertaining to the shariah (Islamic Canon). Note that canonical sources, in Islam, may be divided into the transmitted (which includes the Holy Qur'an and traditions of the Infallible Prophet/Imams) and the rational which involves the use of rationality. Hence, rationality is a branch of *shar'i* reasoning and not contrary to it.

shariah: the Islamic Canon; see *shar'i*.

shibr: a measure of length roughly equal to the length from the tip of the thumb to the tip of the small finger when one's hand is spread out i.e. one's fingers being fully distanced from one another. Some religious authorities, such as Sayyid al-Sistani, have stated that one shibr is approximately equal to 22 cm.

T

taba'iyah: the relationship and dependence of one thing (*taabi'*) upon another (*matbu'*) e.g. assuming one washes *najis* clothes in a basin, once the clothes (*matbu'*) become purified, the once *najis* basin (*taabi'*) automatically becomes purified too; another example is if a glass is *najis* due to its containing wine, assuming the wine is transformed into vinegar – over time – the glass is automatically deemed *tahir*.

taharah: purity;

tahir: pure; an adjective describing something/one's state of purity

tahirization: the process of becoming purified

tahirizing: purifying; enabling (a) one to attain ritual purity or (b) an impure (*najis*) body/object to become pure (*tahir*)

tahur: a term used for water and earth which have the capacity to *tahirize* somebody/thing.

tajawuz: a principle which dictates to the duty-bound who acquires doubt with respect to the execution of an action's section, part or component after having passed on to the succeeding component of that action (but not having terminated the whole action *per se*), to neglect such a doubt and assume that one has in fact accomplished it. In short, after having transcended from an action's component, any later doubts with respect to that components accomplishment ought to be put aside.

takbir: saying "Allahu Akbar"

takhalli: the act of urinating and/or defecating

takhsees: the process of expelling a number of individuals from a general, comprehensive ruling such that were the *takhsees* absent, the aforementioned individuals would have remained incorporated within the general ruling e.g. the statement 'do not pay respect to a corrupt scholar' excludes some individuals from the general statement 'pay respect to scholars'.

tannery: making animal skin into leather via chemical treatment

taqdiri: concealed; where a colour, odour or taste is not sensed by the eyes, nose or tongue (cf. *hissi*)

tartibi: orderly *ghusl*; a sequential manner of executing one's *ghusl*

taslim: the end component of *salats*, consisting of three phrases. One's *salat* terminates on reciting the *taslim*.

tawaf: the process of circumambulating the Holy Ka'bah seven times in a state of *taharah*. It is an act of worship and an essential part of the Hajj pilgrimage.

tayammum: a specific manner of acquiring *taharah* for *salat* purposes – like *wudu* and *ghusls* – by means of earth. This method may be employed in specific circumstances.

tayammumate: to execute *tayammum*

thira: a measurement of approximately 50cm, the length of an average forearm.

transformation: the process whereby a *najis* liquid completely alters into another, *tahir*, liquid.

transition, principle of: see *tajawuz*

transmissions: see *naql*

transmutation: the process whereby a *najis* substance undergoes an essential state-to-state alteration into a non-*najis* substance; porcine bone elements to gelatine may be considered one such example.

traveller: a canonically-defined term which obliges the travelling duty-bound to shorten one's *salat*

U

unrelated: see *mahram*

urf: laity; the common layman (Joe Bloggs)

urine-means-mutanajjis: a previously *tahir* object/subject that/who becomes *najis* by means of contact with urine.

usul: legal theory; principles of Islamic Jurisprudence.

W

wady: an opaque and semi-viscous liquid; it's often excreted after urination or during episodes of infection.

wajib: obligatory, as ordained by the Canon

warid: (lit. falling over, entering upon) an adjective describing the dynamics of a *najis* water when contacting a given source of water.

wudu: a canonically-ordained ceremonial washing of particular parts of the human body with water. It is indicated at stipulated times and occasions.

wudue: to execute *wudu*

Z

zann: speculation or conjecture; beholding zann with respect to a matter (e.g. direction of the Qiblah, *najasah* of clothes etc.), may be weak (1-49% sure), doubtful (50% sure) or strong (51-95% sure).



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Bibliography

1. The Holy Quran
2. Amili, M.H. (d. 1104 AH) *Wasa'il al-Shi'ah ila Tahsil Masa'il al-Shar'iyyah* (Qum: Mu'assisah Aal al-Bayt li Ihya' al-Turath Publications)
3. Amili, M.M. (d. 1009 AH) *Madarik al-Ahkam* (Qum: Mu'assisah Aal al-Bayt li Ihya' al-Turath Publications)
4. Ghazvini, H.M. (d. 275 AH) *Sunan ibn Majah* (Beirut: Dar al-Fikr Publications)
5. Hakim, M. T. (d. 1390 AH) *Mustamsak al-Urwah al-Wuthqa* (Qum: Dar al-Tafsir Publications)
6. Hamedani, R. (d. 1322 AH) *Misbah al-Faqih* (Qum: Mu'assisah al-Nashr al-Islami Publications)
7. Hilli, J.H. (d. 726 AH) *Tathkirah al-Fuqaha* (Qum: Mu'assisah Aal al-Bayt li Ihya' al-Turath Publications)
8. Hilli, J.H. (d. 726 AH) *Mukhtalaf al-Shi'ah fi Ahkam al-Shari'ah* (Qum: Mu'assisah al-Nashr al-Islami Publications)
9. Hilli, N.J. (d. 672 AH) *Sharayi' al-Islam fi Masa'il al-Halal wa al-Haram* (Qum: Dar al-Tafsir Publications)
10. Khui, A. (d. 1413 AH) *Al-Tanqih fi Sharh al-Urwah al-Wuthqa* (Qum: Mu'assisah Ihya' Aathar al-Imam al-Khui Publications)
11. Majlisi, M.B. (d. 1111 AH) *Bihar al-Anwar* (Beirut: Dar Ihya' al-Turath al-'Arabi Publications)
12. Najafi, M.H. (d. 1266 AH) *Jawahir al-Kalam fi Sharayi' al-Islam* (Tehran: Dar al-Kitab al-Islamiyyah Publications)
13. Sabzawari, M.B. (1090 AH) *Thakhirah al-Ma'ad* (Qum: Mu'assisah Aal al-Bayt li Ihya' al-Turath Publications)
14. Tabarsi, H.N. (d.1320 AH) *Mustadrak al-Wasa'il* (Qum: Mu'assisah Aal al-Bayt li Ihya' al-Turath Publications)
15. Tabataba'i, M.K. (d. 1338 AH) *Al-Urwah al-Wuthqa* (Qum: Mu'assisah al-Nashr al-Islami Publications)