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IMAM SADIQ'S JURISPRUDENCE:

VOLUME 1 RITUAL PURITY (TAHARAH)

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Cultural Affairs Department

The Ahl al-Bayt World Assembly



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(Imam Sadiqs Jurisprudence Ritual Purity (Taharah

:Writer

Allamah Muhammad Jawad Maghniyyah

:Published in print

Affairs Department Ahl – al – Bayt (a) World
Assembly

:Digital Publisher

Ghaemiyeh center of computerized researches

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Book ID

بسم الله الرحمن الرحيم

IN THE NAME OF ALLAH, The All-Beneficent, The All-Merciful

نام کتاب: ققه الامام جعفر الصادق (ع) ج ۱ (طهارت)

نویسنده:

محمد جواد مغنیه

مترجم: فرخ سکالشفیر

زبان ترجمه: انگلیسی

Imam Sadiq's Jurisprudence: Part ۱ Ritual Purity

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Project supervisor: Translation Unit, Cultural Affairs Department/ The Ahl al-Bayt (a)
(World Assembly (ABWA

Publisher: ABWA Publishing and Printing Center

First Printing: ۲۰۰۹

Printed by: Neinaṽā Press

Copies: ۵,۰۰۰

(The Ahl al-Bayt (a) World Assembly (ABWA ©

www.ahl-ul-bayt.org

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ISBN: 978-994-529-436-4

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Point

قَالَ اللَّهُ تَعَالَى:

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 ٣٣:٣٣)

The most authoritative books on Hadīth and Tafsīr (Quranic exegesis), amongst both Sunni and Shi'ah sources, cite Prophetic traditions that confirm verse ٣٣:٣٣ as being exclusively revealed in relation to the five who were 'covered by the Cloak'; namely Muhammad, 'Alī, Fātimah, al- Hasan, and al- Husayn, (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

Ahmad ibn Hanbal (d. ٢٤١ AH), al-Musnad, ١:٣٣١; ٤:١٠٧; ٦:٢٩٢, ٣٠٤. (٢) Sahīh Muslim (d. (١) ٢٤١ AH), ٧:١٣٠. (٣) Al-Tirmidhī (d. ٢٧٩ AH), Sunan, ٥:٣٤١ et al. (٤) Al-Dulabī (d. ٣١٠ AH), al-Dhurriyyah at-Tāhīrah an-Nabawiyyah, p. ١٠٨. (٥) An-Nassa'i (d. ٣٠٣ AH), al-Sunan al-Kubrā' ٥:p١٠٨, ١١٣. (٦) al- Hakīm al-Nayshābūrī (d. ٤٠٥ AH), al-Mustadrak 'alā as-Sa hīhayn, ٢:٤١٤, ٣:١٣٣, ١٤٤, ١٤٧. (٧) al-Zarkāshī (d. ٧٩٤ AH), al-Burhān, pp. ١٩٧. (٨) Ibn Hājar al-Asqalānī (d. ٨٥٢), Fath al-Barī Sharhh Sahīh al-Bukhārī, ٧:١٠٤. (٩) Al-Kulaynī (d. ٣٢٨ AH), Usūl al-Kāfī, ١:٢٨٧. (١٠) Ibn Bābaūyah (d. ٣٢٩ AH), al-Imāmah wa'l-Tabsirah, pp. ٤٧, H. ٢٩. (١١) Al-Maghribī (d. ٣٤٣ AH), Da'aa'im al-Islām, pp. ٣٥, ٣٧. (١٢) As-Sadūq (d. ٣٨١ AH), al-Khisāl, pp. ٤٠٣, ٥٥٠. (١٣) At-Tūsī (d. ٤٦٠ AH), al-Amaalī, H. ٤٣٨, ٤٨٢, ٧٨٣

For more details, refer to the exegesis of the holy verse involved in the following reference books of tafsīr: (١) At-Tabarī (d. ٣١٠ AH), book of Tafsīr. (٢) Al-Jassās (d. ٣٧٠ AH), Ahkām al-Qur'an. (٣) Al-Wahīdī (d. ٤٤٨ AH), Asbāb an-Nuzūl. (٤) Ibn al-Jawzī (d. ٥٩٧ AH), Zād al-Masīr. (٥) Al-Qurtubī (d. ٦٧١ AH), al-Jāmī' li-ahkām al-Qur'an. (٦) Ibn Kathīr (d. ٧٧٤ AH), Book of Tafsīr. (٧) At-Tha'albī (d. ٨٢٥ AH), Book of Tafsīr. (٨) As-Suyūtibī (d. ٩١١ AH), ad-Durr al-Manthūr. (٩) Ash-Shawkanī (d. ١٢٥٠ AH), Fath al-Qadīr. (١٠) Al-'Ayyāshī (d. ٣٢٠ AH), Book of Tafsīr. (١١) Al-Qummī (d. ٣٢٩ AH), Book of Tafsīr. (١٢) Furt al-Kūfī (d. ٣٥٢ AH), Book of Tafsīr; in the margin of the exegesis of verse ٤:٥٩. (١٣) Al-Tabrīzī (d. ٥٦٠ AH), Majma'al-Bayān

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قَالَ رَسُولُ اللَّهِ ﷺ:

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

:The Messenger of Allah (s) 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 [hawṣ] (of Kawthar

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

AlĤākīm anNayshaburi, AlMustadrak ‘ala al-Ṣaḥīḥayn (Beirut), vol. ۳, pp. ۱۰۹-۱۱۰, ۱۴۸, ۵۳۳.

.Muslim, As-Sahih, (English translation), book ۳۱, hadiths ۵۹۲۰-۳

.AtTirmidhi, As-Sahih, vol. ۵, pp. ۶۲۱-۲, hadiths ۳۷۸۶, ۳۷۸۸; vol. ۲, p. ۲۱۹

.An-Nassa’i, Khasa’is ‘Ali ibn Abi Talib, hadith ۷۹

Ahmad ibn hanbal, Al-Musnad, vol. ۳, pp. ۱۴, ۱۷, ۲۶; vol. ۳, pp. ۲۶, ۵۹; vol. ۴, p. ۳۷۱; vol. ۵, pp. ۱۸۱-۱۸۲, ۱۸۹-۱۹۰.

.Ibn alAthir, Jami ‘alUsul, vol. ۱, p. ۲۷۷

.Ibn Kathir, AlBidayah wa’nNihayah, vol. ۵, p. ۲۰۹

.Ibn Kathir, Tafsir al-Qur’an al-‘A’im, vol. ۶, p. ۱۹۹

Nasir ad-Din al-Albani, Silsilat al-Ahadith as-Sahihah (Kuwait: Ad-Dār as-Salafiyyah), vol. ۴, pp. ۳۵۵-۳۵۸

:Imam Sadiq's Jurisprudence

Volume ۱

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:Author

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p: ۵

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Printed by: Neinaavā Press

Copies: ٥,٠٠٠

(The Ahl al-Bayt (‘a) World Assembly (ABWA ©

www.ahl-ul-bayt.org

info@ahl-ul-bayt.org

ISBN: ٩٧٨-٩٦٤-٥٢٩-٤٣٦-٤

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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 Muhammad (S

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

Cultural Affairs Department

The Ahl al-Bayt (‘a) World Assembly

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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 jurisprudent 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 ijtiḥād practiced by the fuqāḥa 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 ۲۰۰۸

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Types of Waters ۱.۰

Mutlaq (absolute) Water ۱.۱

Transmissions

(reads: "... and We sent down a tahirizing (purifying) water from the sky." (۱ ۲۵:۴۸

Imam Sadiq (peace be upon him) said : "All waters are tahir (pure) save those that you
(know to be najis (impure)" (۲

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'" (۳

Inferences and 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

(Tahir and Mutahhir (Purifiers ۱.۲

Transmissions

(reads: "...and He sent down water from the sky to tahirize you with it..." (۴۸:۱۱)

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)" (۵

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 najisated 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 khabath (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 khabath 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

Two differences between the khabath and hadath ۱.۲.۱

Firstly, qalil water (see glossary) loses its taharah once it comes into contact with khabath 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 khabath 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

Mudaf Water ۱.۳

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.” ﴿

(reads: “...if you don’t find water, then tayammumate...” ﴿٧٥﴾

Inferences and 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 (۲) but it does not tahirize. Allah has declared tayammum wajib (۷) on occasions where one encounters an absence of mutlaq water. Mutlaq water is implied in ۵:۶ 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.(۱) 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 (۱,۴,۵,۶) 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

Enquiry ۱.۳.۱

Assuming one encounters a given water and doesn’t know whether it is mutlaq (being able to eliminate khabath and remove hadath), or mudaf (which is neither capable of eliminating khabath 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 (mutlaq-ness), one is justified in neglecting such a doubt and presume that the water has remained in its .previously-known, original state i.e. mutlaq

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

p: ١٩

.This first proof has been cited by the author of 'Al-Madarik', ١:١١٠ -١

(the contrary has not yet been proved” (1)

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” (2)

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 khabath

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

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” (۹

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

p: ۲۰

Basing istishab solely on rational grounds may not always be applicable, even – ۱ 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) (1)

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

Water–Najis Contact 1.5

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 and Discussion

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

if a najis contacts nabi' water and the latter's colour, taste or odour does not alter, (١) 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

if, however, a water's colour, taste or odour alters after contact with a najis, then (٢) 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

p: ٢١

Al-Madarik, ١:٢٨ –١

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 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) traditions (1) (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 qalil/kurr nabi' water i.e. it doesn't become najis on contact with a najis unless an alteration occurs. This is clearly demonstrated by (۱۳) that is regarded as mutawatir

Doubt arising between nabi' and non-nabi' qalil waters ۱.۵.۱

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

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

p: ۲۲

.?See Wasa'il al-Shi'ah, ۱:۱۵۰, section ۸ on 'mutlaq water -۱

Transmission

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

((14)

Inferences and 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 1.

Contact between a najis and mudaf water 1.7

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 and 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

Tahirization of Najis Waters 1.A

Transmissions

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

(See (2) and (14)

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

Inferences and 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

p: ۲۴

.Al-Mustamsak, ۱:۱۱۴ –۱

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

Doubts 1.8.1

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 (۲) and (c) due to (۱۷) 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

A Najis amongst Tahirs 1.9

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” (۱۸

Inferences and 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 (١٨) and (٧), for salat purposes

Kurrization (the becoming kurr) of qalil water ١.١٠

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. (١٣) 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

(The Ghusalah (used water from wudus and/or ghusls ۱.۱)

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” (۱۹

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” (۲۰

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” (۲۱

Inferences and 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 khabath and hadath. However, concerning the ghusalah of wajib ghusls, whilst unanimously agreeing upon the fact that it may be used to eliminate khabath, the popular opinion with respect to hadath is that the latter may also be eliminated by .such ghusalah

(See ۱۳)

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” (۲۲)

Imam Sadiq (peace be upon him) said: “that kurr which nothing may najisate is equal (to one thousand and two hundred ritls (in weight)” (۲۳)

p: ۲۶

is uttered explicitly (thus termed mantuq); that which may be implicitly derived (١٣) 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 (١٣) 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 mafhums do not imply generalities.](#)

Note that when it is said that kurr water doesn't become najis (١٣), 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? (٢٢) relates to kurr by means of volume whilst (٢٣) 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

Arising Doubts ١.١٢.١

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

p: ۲۷

;Al- Mukhtalaf, ۱: ۲۳۰ -۱

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 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

”reads: “and tahirize your cloak ۷۴:۴

”reads: “...verily Allah likes those who repent and likes those who are tahir ۲:۲۲۲

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 circumbulation (tawaf), amongst other rituals and actions. They comprise the following

Urine and Faeces ۲.۱

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” (۲۴

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” (۲۵

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.” (۲۶

Inferences and Discussion

Urine and faeces are unanimously agreed upon, by the fuqaha, as being concrete najises. However, the urine and faeces all fuqaha 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.”[\(1\)](#)

Birds ۲.۲

Transmission

Imam Sadiq (peace be upon him) said: “the faeces and urine of all animals that fly are (unproblematic [taharah-wise]” (۲۷

p: ۲۹

.Misbah al-Faqih, ۷:۹ –۱

therefore indicates that the urine and faeces of both halal and haram–meat (۲۷) 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

Najasah–consuming and humanly–defiled animals ۲.۳

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” (۲۸

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?’” (۲۹

Inferences and Discussion

indicates that jallal animals are najis. Halal–meat animals may be divided into (۲۸)

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

Sperm ۲.۴

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.” (۳۰

Imam Sadiq (peace be upon him) was asked concerning mathy that comes into (contact with clothes; he replied: “it’s unproblematic” (۳۱

Inferences and 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 urination(۱). Both liquids are tahir

Blood ۲.۵

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.” (۳۲

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” (۳۳

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” (۳۴

p: ۳۱

.Or during episodes of infection –۱

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 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 najasah/taharah 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 (۳۴). Since the blood in (۳۴) 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 (۳۴), but rather intended to focus on that water contacted by blood .((which was assumed najis

Concerning the Slaughtered ۲.۵.۱

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

(Meetah (dead body of an animal ۲.۶

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” (۳۵

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” (۳۶

Imam Sadiq (peace be upon him) said: “no creature najisates water save the dead
(creature that bears a pulsating circulation” (۳۷

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” (۳۸

Inferences and 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 najasah such as dogs and pigs. In (۳۸), 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 (۱۷) 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 ihtiyat, 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.” (۱

The Abomasums and the Musk Pouch ۲.۶.۱

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”. (۳۹

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”. (۴۰

Inferences and 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 (٣٩) and (٤٠), 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

'In Muslim 'Hands ٢.٧

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" (٤١)

p: ٣٣

Al-Madarik, ٢:٢٨٢ -١

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.” (۴۲

Inferences and 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. (1

Pus and Vomit ۲.۸

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” (۴۳

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” (۴۴

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

Dogs and Pigs ۲.۹

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” (۴۵

p: ۳۴

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” (۴۶

Inferences and 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

(Grape-)Wine (Khamr) ۲.۱.۰

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.” (۴۷

Inferences and 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 traditions (1

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.^(۲) 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’.^(۳)

Boiling Grape Juice ۲.۱۰.۱

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

p: ۳۵

Wasa'il al-Shi'ah, ۲۵:۳۴۲, section ۹ on 'Haram Drinks', hadith no.s ۱ and ۲ – ۱

Al-Tanqih fi Sharh al-Urwah al-Wuthqa, ۳:۸۸-۹۴ – ۲

Al-Madarik, ۴:۹۵ – ۳

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.⁽¹⁾ Such rulings are based upon asalah al-taharah which is free from 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

(Beer (Fuqqa 2.11

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 and 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.⁽²⁾

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

Inferences and 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.⁽³⁾

:’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 [\(their other books.\)](#)^(۴)

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

p: ۳۶

Ibid., ۲:۲۹۲-۳ -۱

Ibid., ۲:۲۹۲ -۲

Ibid., ۲:۲۹۹ -۳

Al-Mustamsak, ۱:۴۳۵ -۴

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” (٤٩

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.’” (٥٠

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” (٥١

Inferences and 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’ (١

... (Sabzavari (٢

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

p: ۳۷

Al-Madarik, ۲:۲۹۸ –۱

.Al-Thakhirah, ۱۵۱ –۲

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

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. (1)

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

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

p: ۳۸

Once Sayyid Khui said “The Ahl al-Kitab are tahir in theory, najis in practice”. – ۱
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 Wasa'il al-Shi'ah ۲۴:۲۱۱), section ۵۴ on ‘Haram Foods’, hadith no.۴, where Isma'il ibn – ۲ Jabir narrates that the Imam says “verily their dishes and vessels have been .”contaminated with pig's meat and khamr

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”.⁽¹⁾ The apparent meaning of the tradition alludes to the fact that the Ahl al-Kitab are najis for the Holy Prophet had ordered the 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.

Denying the Fundamentals of Religion ۲.۱۴

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.^(۲) MJ Maghniyyah accepts this view provided that one bears witness to the shahadatayn and doesn’t intentionally deny or refute the Holy Messenger

Offspring of Atheists ۲.۱۵

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.^(۳) 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 ۲.۱۴, one is left with asalah al-taharah

p: ۳۹

Sunan ibn Majah, ۲:۱۰۶۹, hadith no. ۳۲۰۷ –۱

Al-Tanqih fi Sharh al-Urwah al-Wuthqa, ۳:۵۳-۵۹ –۲

Al-Madarik, ۲:۲۹۸ –۳

Those who attribute ghuluw (gross exaggeration that leads to blasphemy) with respect to Allah's creation ۲.۱۶

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

Nasibis ۲.۱۷

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

Leftovers ۲.۱۸

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?" (۵۲

Inference and 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

A Few Issues On Doubt ۲.۱۹

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" (۵۳

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" (۵۴

Inferences and 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 (۵۳) and (۵۴

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

Rules of Najasah ۲.۲۰

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.” (۵۵

Inferences and 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 ۹۰% sure) that x is najis and that it has a ۱۰% probability of being tahir, this ۱۰% predominates the ۹۰% and therefore x is ruled tahir unless the probability of it being najis becomes either ۱۰۰% 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 bayyanah (testimony of two just people). These proofs are observed and applied throughout all matters of jurisprudence

?May najasah be proved by means of one person's testimony ٢.٢٠.١

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” (1

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

Owner of Something ۲.۲۰.۲

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

Najis and Mutanajjis ۲.۲۱

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” (۵۶

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” (۵۷

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” (٥٨

Inferences and Discussion

A najis or concrete najasah is essentially najis and may never become tahirized per se i.e. it may never exit it's 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

p: ٤٢

means to executing another obligation that, in turn, is an ends in itself, such as salat .and tawaf

Najis cases that are excused during salat ٢.٢١.١

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” (٥٩

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” (٤٠

Inferences and 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

Things that aren’t sufficient for salat ٢.٢١.٢

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 najasah e.g. caps, belts,
(socks, shoes and so forth" (٤١)

Inference and 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

Tahirizing Mosques ٢.٢١.٣

Transmission

(Imam Sadiq (peace be upon him) said: "protect your mosques from najasah" (٤٢

Inference and Discussion

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

?Do Mutanajjis things najisate ۲.۲۱.۴

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” (۶۳

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” (۶۴

Inferences and 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 najasah 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 *

((٤٤

: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-najisation 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”](#) [\(1](#)

p: ٤٤

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?’ (1

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

Tahirization of the body and clothes in preparation for salat ٢.٢١.٥

We have previously mentioned the traditions that indicate the obligation to remove najasah before salat. The author of ‘al-Madarik’ writes

one must eliminate najasah 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 najasah is haram; not eliminating najasah in mustahabb salats is not haram, even 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.” (2

Executing salat whilst being, unknowingly, accompanied with najasah ٢.٢١.٦

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...) (٤٥)

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” (٤٦)

Inferences and 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

p: ٤٥

;Ibid –١

Al-Madarik, ٢:٣٠٣-٤ –٢

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 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

The Compelled ٢.٢١.٧

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" (٤٧

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” (٤٨

Inferences and 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 (٤٧). 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 (٤٨). Scholars agreeing with the latter ruling include the author of ‘Urwah al-Wuthqa’ (١)

(Sayyid Hakim (٢) and Sayyid Khui (٣)

Doubting between a tahir and a najis ٢.٢١.٨

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" (٤٩

Inferences and 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

?Must one eliminate the najasah or execute wudu ٢.٢١.٩

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

p: ۴۷

Al-Urwah al-Wuthqa, ۱:۷۶, issue no.۴ -۱

Al-Mustamsak, ۱:۵۴۶ -۲

Al-Tanqih fi Sharh al-Urwah al-Wuthqa, ۳:۳۶۴ -۳

Point

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

Water ۳.۱

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 urfi 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 urfi

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

Tahirizing things najisated by dogs, pigs, desert rats and urine ۳.۱.۱

Transmissions

Imam Sadiq (peace be upon him) was asked concerning a vessel from which a pig (drinks. He said: "wash it seven times" (۷)

Imam Sadiq (peace be upon him) said: "wash those vessels that have come into (contact with desert rats, seven times" (۷)

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” (٧٢

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” (٧٣

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” (٧٤

Inferences and Discussion

The fuqaha have all issued fatwahas based on traditions (٧٠) to (٧٣). Concerning (٧٤), 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

Tahirization of Vessels, Clothes and the Body ٣.١.٢

Transmissions

Imam Sadiq (peace be upon him) said: “if your clothes have come into contact with (khamr or nabith, then wash them” (٧٥)

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” (٧٦)

Inferences and Discussion

Note that (٧٥) and (٧٦) 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.”](#)

Ghusalah ۳.۱.۳

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

p: ۵۰

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 Qiblah, rather one should face and have one’s back towards the East and West”

((۷۷

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” (۷۸

Imam Sadiq (peace be upon him) said: “The Messenger of Allah has prohibited one (from tahirizing one’s orifices with one’s right hand” (۷۹

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” (۸۰

Inferences and 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

Earth: a mutahhir ۳.۳

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” (۸۱)

Inferences and 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

Sun: a mutahhir ۳.۴

Transmissions

(Imam Baqir (peace be upon him) said: “whatever the sun shines upon, is tahir” (۸۲)

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” (۸۳)

Inferences and 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

Inqilab (Transformation): a mutahhir process ۳.۵

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” (۸۴

Istihalah (Transmutation): a mutahhir process ۳.۶

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

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." (۱)

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

Tannery ۳.۸

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 realized (۲). 'Taba'iyah', 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

Al-Mustamsak, ٢:١٣٠ -١
Al-Urwah al-Wuthqa, ١:١١٢ -٢

(Minor Ablution (Wudu ۴.۰

Point

Transmissions

reads: “O you who believe! When you rise up to salat, wash your faces and your ۵:۶
(hands including the elbows and wipe your heads and your feet to the ankles...” (۸۵

Imam Baqir (peace be upon him) said: “salat may not be realized unless accompanied
(with taharah” (۸۶

(Imam Baqir (peace be upon him) said: “wudu is an obligation” (۸۷

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’” (۸۸

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” (۸۹

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” (۹۰

Inferences and Discussion

The obligation of wudu is indisputably demonstrated by the above traditions making it
one of religion’s fundamental rituals. (۹۰) demonstrates that the mayyit’s salat isn’t
.strictly a salat; rather, it’s a form of supplication

Factors obliging one to wudue ۴.۱

Transmissions

Imam Sadiq (peace be upon him) said: “only faeces, urine and wind – that is audible, or

(detected by smell – oblige one to wudue” (٩١)

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” (٩٢)

Imam Sadiq (peace be upon him) said: “wudu is made void by defecation, urination, (passing wind, ejaculating sperm and sleeping that inactivates the mind” (٩٣)

Imam Sadiq (peace be upon him) said: “the wudu is made void by sleep and the (hadath states” (٩٤)

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" (1)

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. (2)

An Arising Doubt ۴.۱.۱

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 (3), cannot void one's previous certainty; the latter may only be cancelled by another certainty

Objectives of Wudu ۴.۲

(Imam Sadiq (peace be upon him) said: “Tawaf in Allah’s House is a salat” (٩٥

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” (٩٦

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” (٩٧

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” (٩٨

p: ٥٦

Wasa’il al-Shi’ah, ١:٢٥٧, section ٤ on ‘things that nullify wudu’, under hadith no.١ –١

See al-Urwah al-Wuthqa, ١:١٤٠, issue no.١٥ –٢

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

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 (۸۵ and ۸۶) and ijma’.

wudu is also obligatory with respect to tawaf; this is demonstrated by explicit * traditions (۹۵ and ۹۶) and ijma’.

Touching the Quran’s script also necessitates having wudu (see ۹۷). 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

Recommendations for executing wudu ۴.۳

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” (۹۹

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)" (١٠٠

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'" (١٠١

(Imam Sadiq (peace be upon him) said: "wudu is on par with half of faith" (١٠٢

Inferences and 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” (۱)

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

Prerequisites of Wudu ۲.۴

Transmissions

Imam Sadiq (peace be upon him) said: “Allah has necessitated wudu to be executed
(by means of tahir water” (۱.۳

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!” (۱.۴

Inferences and Discussion

We have previously mentioned the tradition (see ۱۸) 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 *

p: ٥٩

Wasa'il al-Shi'ah, ١:٣٧٧, section ٨ on 'wudu', hadith no.٧ –١

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

Method of performing wudu ۴.۵

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 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.

((1.5

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” (1.6

(reads: “therefore call upon Allah, being sincere to Him in obedience...” (1.7 40:14

reads: “and they were not enjoined anything except that they should serve Allah, 98:5 (being sincere to Him in obedience...” (1.8

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” (1.9

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” (1.10

Imam Sadiq (peace be upon him) said: “executing the wudu once is obligatory, twice is (insignificant but thrice is innovative” (۱۱۱)

Imam Sadiq (peace be upon him) said: “the wiping of the head occurs at the anterior (part” (۱۱۲)

Imam Sadiq (peace be upon him) said: “during wudu, it’s not problematic to wipe (the (head) either posterior–anteriorly or antero–posteriorly” (۱۱۳)

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”

((١١٤

Imam Sadiq (peace be upon him) was asked concerning wiping one’s head with one (finger alone. He said: “yes, it is sufficient” (١١٥

Inferences and 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. ١٠٧ and ١٠٨, 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 (۱۰۹) 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 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 (۱۱۰). 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 ۵:۶

to) usually indicates an ending point when) إلى Reply: one reply is that the preposition from), which indicates a starting point; otherwise,) من accompanied by the preposition with, including). Assuming) مع occurs alone, it's meaning becomes tantamount to إلى if here, does in fact refer to an ending point – even in the absence , إلى one accepts that this ending limit may be attributed to the extent and measurement of the arm – من of that is to be washed rather than behaving as a defining factor with respect to the had been attributed to the washing per إلى direction of such a washing; otherwise, if 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, ٥:٩ 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 (١١١) 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

Debating verse ٥:٦ ٢.٦

There exists an exegetic debate between the Shi’ite and Sunnite schools with respect to ٥:٦. The difference of view concerns whether the feet ought to be wiped or washed. i.e. (أَرْجُلِكُمْ and أَرْجُلِكُمْ your feet) has been recited both as (أَرْجُلِكُمْ The expression accusatively and genitively, respectively

lies in conjunction (أَرْجُلِكُمْ The Sunnite scholars claim it is obligatory to wash the feet for your hands) in accordance with both accusative and genitive recitations.) (أَيْدِيكُمْ with it is evident that it’s (أَرْجُلِكُمْ). Concerning the accusative recitation i.e

which is accusative both in letter and position. Concerning the **أَيْدِيكُمْ** conjoined to recitation, its kasrah (lower case vowel) is due to its affinity i.e. its **أَرْجُلِكُمْ** genitive, **بِرُّؤُوسِكُمْ** has copied **أَرْجُلِكُمْ**, in other words; **بِرُّؤُوسِكُمْ** spatial proximity to the genitive vowel-wise, due to its ‘affinity’. They add that such a phenomenon is attested must **خَرِبٌ** The term **حَجْرٌ خَرِبٌ ضَبٌّ** (1). amongst Arabs such as the statement however, it has **حَجْرٌ**; due to the fact that its an adjective for **خَرِبٌ** theoretically be read which is **ضَبٌّ** acquired a genitive nunation (tanwin) due to its spatial proximity to **حَجْرٌ** annexed to

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

is contrary to the rules **أَيْدِيكُمْ** and **أَرْجُلِكُمْ** bringing about a considerable gap between * of Arabic rhetoric i.e. assuming both to be in conjunction with one another is deemed below standard

then the accusative and genitive, **أَيْدِيكُمْ** to be in conjunction with **أَرْجُلِكُمْ** assuming * would **أَرْجُلِكُمْ** would acquire contradictory meanings because **أَرْجُلِكُمْ** recitations of would indicate wiping (as for the **أَرْجُلِكُمْ** indicate the washing of the feet, whilst were **أَرْجُلِكُمْ** phenomenon of spatial proximity, it is weak to say the least). However, if would indicate the wiping of **أَرْجُلِكُمْ** and **أَرْجُلِكُمْ** then both, **رُؤُوسٌ** to be in conjunction with the feet

(The Usulic Principles of Faragh (Disconnection) and Tajawuz (Transition ٤.٧

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" (۱۱۶

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" (۱۱۷

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" (۱۱۸

p: ۶۵

'Translated as 'The lizard's nest is destroyed -۱

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 genuflexion (ruku’)?’ He said: ‘let him continue.’ I said: ‘what if one doubts having executed the genuflexion, 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.’” (۱۱۹)

Inferences and 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 (۱۱۹). Moreover, all fuqaha also agree that this principle may not be applied to matters concerning wudu due to (۱۱۷) and (۱۱۸). 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 (۱۱۹); 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).

Arising Doubts ¶.Λ

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 Λ). 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 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

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

Excessive Doubts ۴.۸.۱

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” (۱۲۰

Inferences and 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 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

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)" (۱۲۱)

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" (۱۲۲)

Inferences and 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

Miscellaneous Issues ۵.۱

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 (۷) 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" [\(1\)](#)(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

p: ٧٠

Al-Mustamsak, ٢:٥٤٩ –١

,Secondly, assuming one believes that removing one's jabirah is not harmful 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.1)

Doubt with respect to an Obstruction ۵.۲

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

p: ٧١

Misbah al-Faqih, ٣:٩٦ -١

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

((۱۲۳

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)”

((۱۲۴

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)” (۱۲۵

Inferences and 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

Point

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

”...reads: “and if you become junub, then tahirize yourselves ۵:۵

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” (۱۲۶

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)” (۱۲۷

Imam Rida (peace be upon him) said: “ghusl is wajib whenever the circumsize part of (the penis (or more) enters the vagina” (۱۲۸

Imam Sadiq (peace be upon him) was asked whether foreplay necessitates ghusl. He (said: “yes, provided that it leads to ejaculation” (۱۲۹

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” (۱۳۰

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” (۱۳۱

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” (۱۳۲

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” (۱۳۳

Inferences and Discussion and 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 ۱۳۱

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. (see ۱۳۲

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

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. (see ۱۳۳

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

Objectives for Ghuslating ۶.۱

Transmissions

(reads: "...and Allah likes those who tahirize themselves" (۱۳۴ ۹:۱۰۸

p: ۷۷

Imam Sadiq (peace be upon him) said: “Zoroastrians don’t ghuslate from janabah (whilst Arabs do. Ghusls are incorporated within the divine canon” (۱۳۵

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” (۱۳۶

Inferences and 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 (۱۳۶) 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

Sawm and Janabah ۶.۲

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)” (۱۳۷

On a similar occasion, he said: “he must free a slave or fast for two consecutive (months or feed sixty needy people” (۱۳۸

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" (۱۳۹

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" (۱۴۰

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" (۱۴۱

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 ١٤١), without any additional duty being bound upon him/her

Prohibitive Actions with respect to the Junub ٩.٣

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" (١٤٢

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" (١٤٣

Imam Sadiq (peace be upon him) said: "the junub ought not touch that dirham or dinar (that has Allah's name inscribed upon it" (١٤٤

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" (١٤٥

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" (١٤٦

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.

Method of Ghuslating ۶.۴

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" (۱۴۷

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” (۱۴۸

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” (۱۴۹

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" (۱۵۰

Inferences and Discussion

The fuqaha 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

(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 ghuslating 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.”(۱

: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”(۲

Those who support the concept of order point to a tradition(۳) 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

p: ۸۱

Al-Madarik, ۱:۲۹۵ -۱

Misbah al-Faqih, ۳:۳۶۹ -۲

Wasa'il al-Shi'ah, ۲: ۴۸۴, section ۲ on 'ghuslating the deceased', hadith no. ۱۰ -۳

and washes his/her left side, even later, such a procedure is deemed valid by all (see (۱۴۹).

(The Immersing Ghusl (irtimasi ۲

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

Miscellaneous Issues ۶.۵

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. (۱

The author of 'al-Madarik' declares that he has not been successful in locating this (tradition's sources of authority (۲

Sayyid Hakim, however, confirms the above fatwah and opinion with respect to the (alleged tradition. (۳

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

p: ٨٢

.Al-Mustadrak, ١:٤٨٤ -١

.Al-Madarik, ١:٣٠٨ -٢

.Al-Mustamsak, ٣:١٢٧ -٣

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 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

indicates that one may make niyyah with respect to numerous duties by means (١٥٠) * 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

Transmissions

reads: “They ask you concerning (intercourse during) menses. Say: ‘It is hurtful’. ۲:۲۲۲
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” (۱۵۱)

Imam Sadiq (peace be upon him) said: “once a female reaches the age of nine, hayd
(becomes possible” (۱۵۲)

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” (۱۵۳)

Imam Sadiq (peace be upon him) said: “the period commencing from purity until one
(next observes hayd may not be less than ten days” (۱۵۴)

(Imam Sadiq (peace be upon him) said: “hayd blood is usually pulsatile and tepid” (۱۵۵)

Inferences and 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 Nifas blood is (قُرء) the reason why this non-menses period is termed accumulation 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

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 ((١٥٥)) indicates, hayd blood is usually tepid, viscous and black (dark red

Question and Answer ٧.٢

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 (١٥٢); however, blood observed in the latter .(case is deemed hayd provided that it beholds the necessary attributes (١٥٩

The Principle of Probability ٧.٣

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’](#)

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

p: ۸۶

Al-Tathkirah, ۱:۲۵۷ –۱

Al-Sharayi’, ۱:۲۱ –۲

number of traditions that dictate that any observed blood ought to be treated as hayd, excluding all other probabilities. (1)

Classification of Hayd ۷.۶

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” (۱۵۶)

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” (۱۵۷)

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” (۱۵۸)

Imam Sadiq (peace be upon him) said: “abandon salat if the blood is tepid, pulsatile (and black” (۱۵۹)

Inferences and Discussion

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

those whose periods are of equal duration and occur at the same time every (۱) 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

those whose periods are not of equal duration but do occur at the same time every (۲) 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

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Misbah al-Faqih, ۴:۶۸ – ۱

executing salat on merely observing blood – irrespective of whether the blood beholds the attributes of hayd or not

those whose periods are of equal duration but do not occur at the same time every (۳) 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 (۱۵۹) – 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

those whose periods are neither equal, duration-wise, nor occur at the same time (۴) 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 (۳) i.e. to abandon salat if the observed blood beholds the characteristics of hayd; otherwise, to observe precaution concerning those who are experiencing their period for the first time, their duty is (۵) similar to women in categories (۳) and (۴) since tradition (۱۵۹) may be equally applied to such first-timers

Surpassing the ۱۰-day limit ۷.۵

Inferences and 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

Pregnancy and Hayd ۷.۶

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” (۱۶۰

Inference and Discussion

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

True until proven otherwise ۷.۷

Transmission

Imam Sadiq (peace be upon him) said: “when women declare their ‘iddah or hayd, it is (to be regarded as authentic” (۱۶۱)

Inference

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

Actions Prohibited for the Ha'id ۷.۸

Transmission

See ۲:۲۲۲

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” (۱۶۲)

Inferences and 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. ۲:۲۲۲ 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. (١٤٢) 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

The Ha'id's Ghusl ٧.٩

Transmission

Imam Sadiq (peace be upon him) said: "all ghusls are followed by wudu, for salat (purposes, save that of janabah" (١٤٣

Inferences and 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 (١٦٣) 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.”(١)

Compensatory Salats and Sawms ٧.١٠

Transmission and Inference

Imam Sadiq (peace be upon him) said: “The ha'id ought to compensate her sawms but (not her salats” (١٦٤

.This is agreed upon by all fuqaha

Istihadah ٧.١١

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!” (١٦٥

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” (١٤٤

p: ٩٠

Al-Mustamsak, ٣:٣٤٥-٦ -١

Imam Sadiq (peace be upon him) said: “Istihadah blood is essentially different to that
(of hayd blood” (١٤٧

Inferences and 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 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

Classification of the Mustahad ٧.١٢

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 steep 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 v.12's second paragraph). The istihadah ghusl is exactly the same as that
of the hayd and janabah ghusls

(The Nafsa' (one discharging nifas blood ۷.۱۳

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” (۱۶۸

Imam Sadiq (peace be upon him) said: “the nafsa refrains (from worship), during nifas, (the same number of days she refrains during hayd” (۱۶۹

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" (۱۷۰

Inferences and 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 (۱۷۰). Assuming a

child is delivered non-vaginallly 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

(The Mayyit (Deceased) ٨.٠

Point

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

(Al-Ihtidar (On the verge of dying) ٨.١

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” (١٧١)

Imam Sadiq (peace be upon him) said: “assign the two soles of his feet in such a (manner that they be facing the Qiblah” (١٧٢)

Inferences and 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

(Al-Mawt (Death) ٨.٢

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!” (١٧٣)

Inferences and 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 (۱۷۳) portrays

The Mayyit's Ghusl ۸.۳

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.” (۱۸۱)

Inferences and 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 the mayyit ghusl, alone, and not with regards to the other ghusls. Most fuqaha have analogically deducted 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 (١٨٠). 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 (١٨١). Hence, where (١٨٠) 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

(The Martyr and the Stoned (marjum ٨.٢

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.” (١٨٢

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”

((١٨٣

Inferences and 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

Kafan : Enshrouding ٨.٥

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" (۱۸۴

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" (۱۸۵) (implying that their usage is emphatically
(recommended

Inferences and 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

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
a tunic (qamid) that is worn from the shoulders to half way down the calves (or preferably down to the feet
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

Hunut : Embalment ۸.۶

Transmission

Imam Sadiq (peace be upon him) was asked concerning embalment. He said: "apply it (onto one's (seven) bodily areas of prostration" (۱۸۶

Inferences and 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”⁽¹⁾

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

p: ٩٩

.Al-Jawahir, ٤:١٧٤ –١

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 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.” (۱۸۷

”...reads: “and never supplicate over any of them when he dies ۹:۸۴

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” ((۱۸۸

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” (۱۸۹

Imam Sadiq (peace be upon him) said: “execute salat for Muslims when they pass (away; their recompensation is with Allah” (۱۹۰

The Messenger of Allah said: “don’t neglect to recite the salat of anyone from my (Ummah” (۱۹۱

Inferences and 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 (۱۹۱), 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.^(۱) Others^(۲) claim that it isn't obligatory to perform this .salat save for those upon whom the daily salats were binding

The Method of the Mayyit's Salat ۸.۲.۱

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

p: ۱۰۰

^۱Wasa'il al-Shi'ah, ۳:۹۵, ۹۸; sections ۱۳ and ۱۵ on 'the mayyit's salat –
(Including ibn Abi Aqil and al-Kashani (see al-Jawahir, ۶:۱۲ –۲

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

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

Burial ۞۞

Transmissions

reads: "Have We not made the earth a receptacle; for the living and the dead" ۷۷:۲۵-۲۶

((۱۹۲

(reads: "From it did We create you, into it shall We return you..." (۱۹۳ ۲۰:۵۵

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).” (۱۹۴

Imam Sadiq (peace be upon him) said: “the grave’s depth may be equal to the
(average man’s height, up to the clavicle” (۱۹۵

The Holy Prophet (May Allah's peace and blessings be upon him) said: “your graves’
(depth ought not exceed three thiras in depth” (۱۹۶

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” (۱۹۷

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” (۱۹۸

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).⁽¹⁾ Other narrations indicate that the deceased ought to be tied to a heavy stone and then be thrown into the sea.⁽²⁾ The author of 'al-Madarik' regards the latter traditions as weak.⁽³⁾ 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 deducted 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)).⁽⁴⁾

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 bequested 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

p: ١٠٢

Wasa'il al-Shi'ah, ٣:٢٠٦, section ٤٠ on 'burying', hadith no.١ –١

Wasa'il al-Shi'ah, ٣:٢٠٦, section ٤٠ on 'burying', hadith no.٢ –٢

Al-Madarik, ٢:١٣٥ –٣

Al-Madarik, ٢:١٣٦ –٤

Transmissions

Imam Sadiq (peace be upon him) said: “the mayyit’s guardian must ghuslate the
(mayyit” (١٩٩

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” (٢٠٠

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 Imam
was then asked whether the husband has more rights than the woman’s father or
(children. He replied: “Yes he has” (٢٠١

Inferences and 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

Touching (skin-contact with) the mayyit's corpse ٨.٨.٢

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" (٢٠٢

Imam Sadiq (peace be upon him) said: "Even kissing a mayyit – albeit cold – after its (ghusl is okay" (٢٠٣

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" (۲۰۴)

Inferences and 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

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’.^(۱) These include

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” (۲۰۵) Imam Sadiq (peace be upon him) said: “each of you should adorn oneself on Fridays by ghuslating and wearing (perfume” (۲۰۶

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 ٤.٥, 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" (٢٠٧) 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" (٢٠٨

p: ١٠٥

Al-Sharayi², ١:٣٤-١

Transmissions

reads: "...but if you are sick or on a journey, or any of you has come from the ۴:۴۳ toilet, or you have touched women, and you cannot find water, then tayammumate (on clean earth" (۲۰۹

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" (۲۱۰

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" (۲۱۱

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" (۲۱۲

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" (۲۱۳

Imam Sadiq (peace be upon him) said: "verily Allah assigned the earth as a tahir just (as He assigned water as a tahir" (۲۱۴

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" (۲۱۵

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" (۲۱۶

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” (۲۱۷

Inferences and 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

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 (۲۱۱)

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

Harm .۲

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

p: ۱۰۸

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 wudu/ghuslate 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 ۲:۱۹۵ 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 wudu/ghusl, 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 wudu/ghusl 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. wudu/ghusl) 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

Assuming one beholds a limited quantity of water that one requires, at present or in the future, for more important purposes than wudu/ghusl, such as satiation, life-threatening conditions etc., (۲۱۷) demonstrates the necessity to tayammumate in such circumstances. Assuming one executes wudu/ghusl – albeit fearing one’s limited volume of water – one has indeed sinned; however, the executed wudu/ghusl nevertheless remain valid for verily the order to tayammumate does not require the prohibition to execute wudu/ghusl 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 wudu/ghusl 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

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. Wuduing/ghuslating in such situations would make one’s wudu/ghusl 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 najasah is valid albeit involving sinning

ii) assuming one wudues/ghuslates ignorant of the fact that the remaining time is not sufficient for both wudu/ghusl and salat, if it becomes evident to one that the time is indeed limited, his/her wudu/ghusl 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

That upon which tayammum is permitted ٩.١

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” (٢١٨

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 ” (٢١٩

Imam Sadiq (peace be upon him) said: “assuming theres no water or soil in a moist (ground, then search for the driest area and then tayammumate” (٢٢٠

Inferences and Discussion

Its obligatory to tayammumate with earth as demonstrated by (٢٠٩). 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 wudu/tayammum 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 tahur' 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)

Method of Tayammum ٩.٢

Transmissions

reads: "then tayammumate on clean earth and wipe a part of your faces and your ٤:٤٣
(hands, indeed Allah is all excusing, all-forgiving" (٢٢١)

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. (٢٢٢)

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. (٢٢٣)

Inferences and Discussion

That which is intended by 'face' in ٤:٤٣ is part of it not the entire face; the preposition ba' in ٤:٤٣ implies partiality as is seen in ٥:٦ (٨٥). 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 (٢٢٣) define and specifies the general law given in ٤:٤٣. 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

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the tayammum. They base their decree upon (۲۲۲), 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 (۲۲۲), 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" (۱)

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 traditions(۲) 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

The tayammum must be accompanied with the intention to seek proximity to Allah (۱) 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

It's obligatory to carry out the tayammum by oneself; 'imperatives' apparently (۲)

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

Instantaneity and order are essential in tayammum according to ijma’; hence, one (۳) 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

One shouldn't optionally place an impediment or barrier over the wiping hands or (۴) over the specific area of the face (involved in tayammum), otherwise that 'wipe' ordered by Allah in ۴:۴۳ wouldn't be externalized. Assuming a jabirah is

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Misbah al-Faqih, ۶:۳۱۳ –۱

Wasa'il al-Shi'ah, ۳:۳۶۲, section ۱۲ on ‘tayammum’, hadith no.۵ –۲

placed at one of the 'wiping locations' of tayammum, merely wiping over the jabirah
.will suffice

.The limbs involved in the process of tayammum must be tahir (Δ)

Ijma' dictates that performing the tayammum before the salat's time of arrival is (ϕ) 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 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" (۲۲۴). 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

One is permitted to execute several salats by means of a single tayammum. Imam (۷) 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" (۲۲۵). 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" (۲۲۶). Imam Sadiq (peace be upon him) said: "soil is one of the tahurs" (۲۲۷) and that "soil is a tahir that may substitute water" (۲۲۸). 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

Concerning one who tayammumates due to lack of water and then finds water, (أ) :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 (۲۲۴); 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" (۲۲۹). 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

Imam Kazim (peace be upon him) was asked about a situation where three people (۹) 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." (۲۳۰) This tradition is popularly accepted by the fuqaha in

contrast to weak traditions(۱) that give priority to the mayyit. The author of ‘al-Madarik’ adds that such weak traditions can't conflict with the former explicit (traditions.(۲

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Wasa'il al-Shi'ah, ۳:۳۸۶, section ۱۸ on 'tayammum', hadith no.۵ -۱

Al-Madarik, ۲:۲۵۲ -۲

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Holy Quran, surah al-Furqan (۲۵), verse ۴۸ (۱)

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Holy Quran, surah al-Anfal (۸), verse ۱۱ (۴)

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Holy Quran, surah al-Ma'idah (۵):۶ (۷)

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[observed

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Not specified in text (١٠٥)

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Wasa'il al-Shi'ah, ١: ٤٣٤, section ٣١ on 'wudu', hadith no. ٣ (١١١)

Wasa'il al-Shi'ah, ١: ٤١٠, section ٢٢ on 'wudu', hadith no. ١ (١١٢)

Wasa'il al-Shi'ah, ١: ٤٠٤, section ٢٠ on 'wudu', hadith no. ١ (١١٣)

Wasa'il al-Shi'ah, ١: ٤٠٩, section ٢١ on 'wudu', hadith no. ٨ (١١٤)

Wasa'il al-Shi'ah, ١: ٤١١, section ٢٢ on 'wudu', hadith no. ٤ (١١٥)

Wasa'il al-Shi'ah, ١: ٤٧٠, section ٤٢ on 'wudu', hadith no. ٢ (١١٦)

Wasa'il al-Shi'ah, ١: ٤٧١, section ٤٢ on 'wudu', hadith no. ٧ (١١٧)

Wasa'il al-Shi'ah, ٨: ٢٣٧, section ٢٣ on 'defects occurring during salat', hadith no. ١ (١١٨)

Wasa'il al-Shi'ah, ١: ٤٤٩, section ٤٢ on 'wudu', hadith no. ١ (١١٩)

Wasa'il al-Shi'ah, ٨: ٢٢٨, section ١٦ on 'defects occurring during salat', hadith no. ٢ (١٢٠)

Wasa'il al-Shi'ah, ١: ٤٤٥, section ٣٩ on 'wudu', hadith no. ٧ (١٢١)

Wasa'il al-Shi'ah, ١: ٤٤٣-٤, section ٣٩ on 'wudu', hadith no. ٢ (١٢٢)

Wasa'il al-Shi'ah, ١: ٢٩٧, section ١٩ on 'things that nullify wudu', hadith no. ٢ (١٢٣)

Wasa'il al-Shi'ah, ٧: ٢٣٧, section ١ on 'things that nullify salat', hadith no. ١١ (١٢٤)

Wasa'il al-Shi'ah, 1: 298, section 19 on 'things that nullify wudu', hadith no. 4 (125)

Wasa'il al-Shi'ah, 2: 174-5, section 1 on 'janabah', hadith no. 3 and 5 (126)

Wasa'il al-Shi'ah, 2: 182, section 6 on 'janabah', hadith no. 1 (127)

Wasa'il al-Shi'ah, 2: 183, section 6 on 'janabah', hadith no. 2 (128)

Wasa'il al-Shi'ah, 2: 186, section 7 on 'janabah', hadith no. 1 (129)

Wasa'il al-Shi'ah, 2: 187, section 7 on 'janabah', hadith no. 5 (130)

Wasa'il al-Shi'ah, 2: 196, section 9 on 'janabah', hadith no. 1 (131)

Wasa'il al-Shi'ah, 2: 252, section 36 on 'janabah', hadith no. 10 (132)

Wasa'il al-Shi'ah, 2: 194, section 8 on 'janabah', hadith no. 1 (133)

Holy Quran, surah al-Tawbah (9), verse 108 (134)

Wasa'il al-Shi'ah, 2: 177, section 1 on 'janabah', hadith no. 14 (135)

Wasa'il al-Shi'ah, 2: 228, section 25 on 'janabah', hadith no. 6 (136)

Wasa'il al-Shi'ah, 10: 63, section 16 on 'things refrained from by those who fast', (137)
hadith no. 1

Wasa'il al-Shi'ah, 10: 63, section 16 on 'things refrained from by those who fast', (138)
hadith no. 2

Wasa'il al-Shi'ah, 10: 67, section 19 on 'things refrained from by those who fast', (139)
hadith no. 1

Wasa'il al-Shi'ah, 10: 238, section 30 on 'things that are valid during fasting', hadith (140)
no. 3

Wasa'il al-Shi'ah, 10: 68, section 20 on 'things refrained from by those who fast', (141)
hadith no. 1

Wasa'il al-Shi'ah, ۲: ۲۱۶, section ۱۹ on 'janabah', hadith no. ۴ (۱۴۲)

Wasa'il al-Shi'ah, ۲: ۲۱۷-۸, section ۱۹ on 'janabah', hadith no. ۶, ۹ and ۱۰ (۱۴۳)

Wasa'il al-Shi'ah, ۲: ۲۱۴, section ۱۸ on 'janabah', hadith no. ۱ (۱۴۴)

Wasa'il al-Shi'ah, ۲: ۲۰۶, section ۱۵ on 'janabah', hadith no. ۵ (۱۴۵)

Wasa'il al-Shi'ah, ۲: ۲۱۳, section ۱۷ on 'janabah', hadith no. ۱ (۱۴۶)

Wasa'il al-Shi'ah, ۲: ۲۳۰, section ۲۶ on 'janabah', hadith no. ۵ (۱۴۷)

Wasa'il al-Shi'ah, ۲: ۲۳۱, section ۲۶ on 'janabah', hadith no. ۱۰ (۱۴۸)

Wasa'il al-Shi'ah, ۲: ۲۳۸, section ۲۹ on 'janabah', hadith no. ۳ (۱۴۹)

Wasa'il al-Shi'ah, ۲: ۲۶۱, section ۴۳ on 'janabah', hadith no. ۱ (۱۵۰)

Wasa'il al-Shi'ah, ۲: ۳۳۵, section ۳۱ on 'hayd', hadith no. ۲ (۱۵۱)

Wasa'il al-Shi'ah, ۱۹: ۳۶۵, section ۴۴ on 'Wills', hadith no. ۱۲ (۱۵۲)

Wasa'il al-Shi'ah, ۲: ۲۹۴, section ۱۰ on 'hayd', hadith no. ۱ (۱۵۳)

Wasa'il al-Shi'ah, ۲: ۲۹۷, section ۱۱ on 'hayd', hadith no. ۱ (۱۵۴)

Wasa'il al-Shi'ah, ۲: ۲۷۵, section ۳ on 'hayd', hadith no. ۲ (۱۵۵)

Wasa'il al-Shi'ah, ۲: ۳۰۵, section ۱۴ on 'hayd', hadith no. ۱ (۱۵۶)

Wasa'il al-Shi'ah, ۲: ۲۸۷, section ۷ on 'hayd', hadith no. ۲ (۱۵۷)

Not specified in text (۱۵۸)

Wasa'il al-Shi'ah, ۲: ۲۷۵, section ۳ on 'hayd', hadith no. ۲ (۱۵۹)

- Wasa'il al-Shi'ah, ۲: ۳۳۰, section ۳۰ on 'hayd', hadith no. ۱ (۱۶۰)
- Wasa'il al-Shi'ah, ۲: ۳۵۸, section ۴۷ on 'hayd', hadith no. ۱ (۱۶۱)
- Wasa'il al-Shi'ah, ۲: ۳۲۷, section ۲۸ on 'hayd', hadith no. ۱ (۱۶۲)
- Wasa'il al-Shi'ah, ۲: ۴۹۳, section ۶ on 'ghuslating the deceased', hadith no. ۵ (۱۶۳)
- Wasa'il al-Shi'ah, ۲: ۳۴۷, section ۴۱ on 'hayd', hadith no. ۱ (۱۶۴)
- Wasa'il al-Shi'ah, ۲: ۲۷۵, section ۳ on 'hayd', hadith no. ۲ (۱۶۵)
- Wasa'il al-Shi'ah, ۲: ۳۷۱, section ۱ on 'istihadah', hadith no. ۱ (۱۶۶)
- Wasa'il al-Shi'ah, ۲: ۲۷۶, section ۳ on 'hayd', hadith no. ۳ (۱۶۷)
- Wasa'il al-Shi'ah, ۲: ۳۸۲, section ۳ on 'hayd', hadith no. ۱ (۱۶۸)
- Wasa'il al-Shi'ah, ۲: ۳۸۴, section ۳ on 'hayd', hadith no. ۵ (۱۶۹)
- Wasa'il al-Shi'ah, ۲: ۳۸۳, section ۳ on 'hayd', hadith no. ۲ (۱۷۰)
- Wasa'il al-Shi'ah, ۲: ۴۵۲, section ۳۵ on 'ihtidar', hadith no. ۲ (۱۷۱)
- Wasa'il al-Shi'ah, ۲: ۴۵۳, section ۳۵ on 'ihtidar', hadith no. ۴ (۱۷۲)
- Wasa'il al-Shi'ah, ۲: ۴۷۲, section ۴۷ on 'ihtidar', hadith no. ۱ (۱۷۳)
- Wasa'il al-Shi'ah, ۲: ۵۰۲, section ۱۲ on 'ghuslating the deceased', hadith no. ۱ (۱۷۴)
- Wasa'il al-Shi'ah, ۲: ۴۸۱, section ۲ on 'ghuslating the deceased', hadith no. ۴ (۱۷۵)
- Not specified in text (۱۷۶)
- Not specified in text (۱۷۷)
- Not specified in text (۱۷۸)
- Wasa'il al-Shi'ah, ۲: ۴۸۰, section ۲ on 'ghuslating the deceased', hadith no. ۳ (۱۷۹)

Wasa'il al-Shi'ah, ۲: ۵۲۰, section ۲۱ on 'ghuslating the deceased', hadith no. ۱ (۱۸۰)

Wasa'il al-Shi'ah, ۲: ۵۱۵, section ۱۹ on 'ghuslating the deceased', hadith no. ۱ (۱۸۱)

Wasa'il al-Shi'ah, ۲: ۵۱۰, section ۱۴ on 'ghuslating the deceased', hadith no. ۹ (۱۸۲)

Wasa'il al-Shi'ah, ۲: ۵۱۳, section ۱۷ on 'ghuslating the deceased', hadith no. ۱ (۱۸۳)

Wasa'il al-Shi'ah, ۳: ۷-۸, section ۲ on 'kafanating', hadith no. ۶ (۱۸۴)

Wasa'il al-Shi'ah, ۳: ۹, section ۲ on 'kafanating', hadith no. ۱۲ (۱۸۵)

Wasa'il al-Shi'ah, ۳: ۳۶, section ۱۶ on 'kafanating', hadith no. ۱ (۱۸۶)

Wasa'il al-Shi'ah, ۳: ۶۰, section ۲ on 'the mayyit's salat', hadith no. ۱ (۱۸۷)

Wasa'il al-Shi'ah, ۳: ۷۲, section ۵ on 'the mayyit's salat', hadith no. ۱ (۱۸۸)

Wasa'il al-Shi'ah, ۳: ۷۳, section ۵ on 'the mayyit's salat', hadith no. ۳ (۱۸۹)

Wasa'il al-Shi'ah, ۳: ۱۳۳, section ۳۷ on 'the mayyit's salat', hadith no. ۲ (۱۹۰)

Wasa'il al-Shi'ah, ۳: ۱۳۳, section ۳۷ on 'the mayyit's salat', hadith no. ۳ (۱۹۱)

Holy Quran, surah al-Mursalat (۷۷), verses ۲۵-۲۶ (۱۹۲)

Holy Quran, surah Taha (۲۰), verse ۵۵ (۱۹۳)

Wasa'il al-Shi'ah, ۳: ۱۴۱, section ۱ on 'burying', hadith no. ۱ (۱۹۴)

Wasa'il al-Shi'ah, ۳: ۱۶۵, section ۱۴ on 'burying', hadith no. ۲ (۱۹۵)

Wasa'il al-Shi'ah, ۳: ۱۶۵, section ۱۴ on 'burying', hadith no. ۱ (۱۹۶)

Wasa'il al-Shi'ah, ۳: ۱۳۵, section ۳۸ on 'the mayyit's salat', hadith no. ۱ (۱۹۷)

Wasa'il al-Shi'ah, ۳: ۱۳۶, section ۳۸ on 'the mayyit's salat', under hadith no. ۵ (۱۹۸)

Wasa'il al-Shi'ah, ۲: ۵۳۵, section ۲۶ on 'ghuslating the deceased', hadith no. ۱ (۱۹۹)

- Wasa'il al-Shi'ah, ۳: ۱۱۴, section ۲۳ on 'the mayyit's salat', under hadith no. ۱ and ۲ (۲۰۰)
- Wasa'il al-Shi'ah, ۳: ۱۱۶, section ۲۴ on 'the mayyit's salat', under hadith no. ۳ (۲۰۱)
- Wasa'il al-Shi'ah, ۳: ۱۱۵, section ۲۴ on 'the mayyit's salat', under hadith no. ۱
- Wasa'il al-Shi'ah, ۳: ۲۹۰, section ۱ on 'ghuslating after touching the deceased', (۲۰۲)
hadith no. ۲
- Wasa'il al-Shi'ah, ۳: ۲۹۵, section ۳ on 'ghuslating after touching the deceased', (۲۰۳)
hadith no. ۱
- Wasa'il al-Shi'ah, ۳: ۲۹۴, section ۲ on 'ghuslating after touching the deceased', (۲۰۴)
hadith no. ۱
- Wasa'il al-Shi'ah, ۳: ۳۱۲, section ۶ on 'mustahabb ghusls', hadith no. ۱ (۲۰۵)
- Wasa'il al-Shi'ah, ۳: ۳۱۲, section ۶ on 'mustahabb ghusls', hadith no. ۴ (۲۰۶)
- Holy Quran, surah al-Baqarah (۲), verse ۲۲۲ (۲۰۷)
- Wasa'il al-Shi'ah, ۱: ۳۸۳, section ۱۱ on 'wudu', hadith no. ۳ (۲۰۸)
- Holy Quran, surah al-Nisa' (۴), verse ۴۳ (۲۰۹)
- Wasa'il al-Shi'ah, ۳: ۳۵۰, section ۷ on 'tayammum', hadith no. ۲ (۲۱۰)
- Wasa'il al-Shi'ah, ۳: ۳۴۱, section ۱ on 'tayammum', hadith no. ۱ (۲۱۱)
- Wasa'il al-Shi'ah, ۳: ۳۴۲, section ۲ on 'tayammum', hadith no. ۲ (۲۱۲)
- Wasa'il al-Shi'ah, ۳: ۳۴۳, section ۳ on 'tayammum', hadith no. ۱ (۲۱۳)

Wasa'il al-Shi'ah, ۳: ۳۸۶, section ۲۳ on 'tayammum', hadith no. ۶ (۲۱۴)

Wasa'il al-Shi'ah, ۳: ۳۸۵, section ۲۳ on 'tayammum', hadith no. ۱

Wasa'il al-Shi'ah, ۳: ۳۴۸, section on 'tayammum', hadith no. ۱۱ (۲۱۵)

Wasa'il al-Shi'ah, ۳: ۳۴۱, section ۱ on 'tayammum', hadith no. ۲ (۲۱۶)

Wasa'il al-Shi'ah, ۳: ۳۸۸, section ۲۵ on 'tayammum', hadith no. ۳ (۲۱۷)

Wasa'il al-Shi'ah, ۳: ۳۵۴, section ۹ on 'tayammum', hadith no. ۵ (۲۱۸)

Wasa'il al-Shi'ah, ۳: ۳۵۴, section ۹ on 'tayammum', hadith no. ۷ (۲۱۹)

Wasa'il al-Shi'ah, ۳: ۳۵۴, section ۹ on 'tayammum', hadith no. ۴ (۲۲۰)

Holy Quran, surah al-Nisa' (۴), verse ۴۳ (۲۲۱)

Wasa'il al-Shi'ah, ۳: ۳۵۹, section ۱۱ on 'tayammum', hadith no. ۲ and ۴ (۲۲۲)

Wasa'il al-Shi'ah, ۳: ۳۵۹, section ۱۱ on 'tayammum', hadith no. ۳ (۲۲۳)

Wasa'il al-Shi'ah, ۳: ۳۷۰, section ۱۴ on 'tayammum', hadith no. ۱۴ (۲۲۴)

Wasa'il al-Shi'ah, ۳: ۳۷۸, section ۲۰ on 'tayammum', hadith no. ۱ (۲۲۵)

Wasa'il al-Shi'ah, ۳: ۳۶۹, section ۱۴ on 'tayammum', hadith no. ۱۲ (۲۲۶)

Wasa'il al-Shi'ah, ۳: ۳۸۶, section ۲۳ on 'tayammum', hadith no. ۵ (۲۲۷)

Wasa'il al-Shi'ah, ۳: ۳۸۵, section ۲۳ on 'tayammum', hadith no. ۲ (۲۲۸)

Wasa'il al-Shi'ah, ۳: ۳۸۱, section ۲۱ on 'tayammum', hadith no. ۲ (۲۲۹)

Wasa'il al-Shi'ah, ۳: ۳۷۵, section ۱۸ on 'tayammum', hadith no. ۱ (۲۳۰)

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 ٣٣:٣٣, 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-ihtidar: 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 ٢٢km south-east of Mecca. It is here where all Hajj pilgrims ought to stay, from noon to sunset, on the ٩th 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-ihtiyat: 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 ٢.٩, assuming a mujtahid is not sure whether the traditions attribute the najasah to detached bodily segments from living animals or entire corpses, asalah al-ihtiyat 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

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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 ١٨ sentences in the following order: Allahu akbar (٤ times), ash-hadu an laa ilaaha illallah (٢ times), ash-hadu anna Muhammadan rasu-lullah (٢ times), hayya alas-salaah (٢ times), hayya alal-falaah (٢ times), hayya ala khay-ril amal (٢ times), Allahu akbar (٢ times) and laa ilaaha illallah (٢ 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

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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

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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 ۶

ghuslate: to execute a ghusl

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 ٦.٣

.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

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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 (١٠٠٪) 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

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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 ١٧ sentences in the following order: Allahu akbar (٢ times), ash-hadu an laa ilaaha illallah (٢ times), ash-hadu anna Muhammadan rasu-lullah (٢ times), hayya alas-salaah (٢ times), hayya alal-falaah (٢ times), hayya ala khay-ril amal (٢ times), qad qaamatis-salah (٢ times), Allahu akbar (٢ times) and laa ilaaha illallah (١ 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

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

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khathab: 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')

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: mahrams by consanguinity, marriage and breastfeeding. Non-mahrams, 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 v

(mutahhir: a purifier (see tahirizing; see chapter ۳

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

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

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

p: ۱۳۵

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 ١٣٠ dirhams in weight

revocable: see divorce

ruku': genuflexion

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 – ﻻ-ﺃ 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, ١.٣.١

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 ٢٢ cm

T

taba'iyyah: 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

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

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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 ۵۰ cm, 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

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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 (١-٤٩% sure), doubtful

.(50% sure) or strong (51-95% sure

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About center

In the name of Allah

هَلْيسَتْوَإِلَّذِيَتَعْلَمُونَوَإِلَّذِيَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ٩

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ٢٠٠٧, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t- encouraging the populace particularly the youth in investigating the religious issues- replacing useful contents with useless ones in the cellphones, tablets and computers- providing services for seminary and university researchers- spreading culture study in the public-

paving the way for the publications and authors to digitize their works–

:Policies

acting according to the legal licenses–

relationship with similar centers–

avoiding parallel working–

merely presenting scientific contents–

mentioning the sources–

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

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Producing virtual, three dimensional exhibitions, panoramas of religious and tourism–
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:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable
.friends who contributed their help and data to us to reach the holy goal we follow

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