

The “SAHEEFA”

IN THE OBLIGATORY PORTION OF FIQH ACCORDING TO THE SCHOOL OF IMAM ABU HANIFA *(radiyallahu anhu)*

A summary of the obligatory portion of Fiqh according to the school of Imam Abu Hanifa, in the matters of Salat, Siyam, Zakat, Hajj, and others. This text is intended to provide the basic obligatory knowledge according the Hanafi school of Fiqh. For proofs and validity of extraction from the Qur'an and Sunnah, refer to Hanafi Fiqh references such as, Al-Hidaya, Rad-Al-Muhtar, and Al-Hashiya by Imam Ibn Abideen, Imam Sarkhasi compilations, and other Hanafi Scholars, may Allah have mercy on them all.

Prepared by the needy to Allah's mercy
Muhammad bin Yahya Ninowy
May Allah forgive him, his fathers and the believers

FIQH (*JURISPRUDENCE*)

Terminology and Definitions:

Shari`ah The doctrinal, practical and dispositional regulations which Allah has legislated through one of His Messengers.

Fiqh The science of presenting practical religious regulations based on their authentic sources in the Qur'an and Sunnah.

Usul Al-Fiqh The science of extraction of practical religious regulations from their detailed sources.

| SOURCES OF FIQH | |
|-----------------|----------------------------|
| Primary Sources | Secondary Sources |
| Qur'an | Consensus (<i>Ijma`</i>) |
| Sunnah | Analogy (<i>Qiyas</i>) |

Evolution of Fiqh

- 1) Fiqh at the time of the Prophet (sallallahu alayhi wa aalihi wa sallam).
- 2) Fiqh in the time of the Sahabah (Umar, Ali, Ibn Mas'ood, Ibn Abbas) R.A.

| FOUR (4) IMAMS AND THEIR SCHOOLS | |
|---|---------|
| Imam | A.H. |
| Abu Hanifa an-Nu`man ibn Thabit al-Kufi | 80-150 |
| Abu `Abdillah Malik ibn Anas al-Yahsubi | 93-179 |
| Abu `Abdillah Muhammad ibn Idris al-Shafi`i | 150-204 |
| Abu `Abdillah Ahmad ibn Muhammad ibn Hanbal al-Shaybani | 164-241 |

Categories of Individual's Actions (Hukum Taklifi):

Fard

It is what is required from us as individuals and/or groups (*beyond any doubt*), based on an Ayah or a Hadeeth Mutawater.

Fard `Ayn: It is the portion of knowledge, deeds, belief, utterance, etc. required from every accountable person (mukallaf).

Fard Kifayah: It is what is required from a group or community of muslims, as to if one in that group or community performs it/achieves, the rest are no longer accountable for that specific task. (i.e. Janazah).

Wajeb

It is what is required from us, yet the proof on its requirements is not as strong, i.e. may contain a doubt, usually based on a non-mutawater hadeeth (i.e. ahaad).

Fard and Wajeb is what we are rewarded for if we do it, and are punished for if we don't.

Sunnah

It is what accountable persons are encouraged to do, they are rewarded if they do, and are NOT punished if they don't.

Sunnah Mu`akkadah

Sunnah Mustahabb

Mubah

It is what Shari`ah did not issue a specific sentence on it, neither in reward nor punishment.

Makruh Tanzihi

It is what Shari`ah encouraged us to avoid. The proofs are not as strong to forbid it entirely, yet not as clear to permit it entirely.

Makruh Tahrimi

It is what is deemed forbidden for us to do, say, and believe, etc. based on a Sunnah that is NOT mutawater (i.e. hadeeth ahaad).

Haram

It is what is deemed forbidden (beyond any doubt), based on an Ayah, or a hadeeth mutawater.

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CHAPTER ONE

PURITY AND ABLUTION

1.1 PURIFICATION (TAHARAH)

Purification from hadath is necessary to perform prayer and some other acts of worship. Hadath is divided into two kinds. Hadath Akbar (big filth) and Hadath As'gar (small hadath). Hadath Akbar is what necessitates Ghusl. Hadath As'gar is what necessitates wudu`.

1.2 GENERAL CONDITIONS OF PURIFICATION

Following are the general conditions:

- 1) To be Muslim.
- 2) To remove anything which prevents water from reaching the part to be washed.
- 3) To let the water flow on the part to be washed.
- 4) To use purifying water.

CHAPTER TWO

WATER

2.1 SUITABLE WATER

Purity from hadath is permissible with the following water:

- 1) From the sky.
- 2) From the lakes.
- 3) From the valleys.
- 4) From the springs.
- 5) From the wells.
- 6) From the oceans.
- 7) Which has been admixed with something clean such that it changed one of its properties, such as floodwater; or water with which stalwart, soap or saffron has been mixed, as long as the water's fluidity and viscosity remains unchanged.

As for flowing water, if filth falls in it, wudu` is permissible with it, provided no trace of the filth is seen, because the filth does not remain stationary with the flowing of the water. For a large pond, of which one end does not move immediately with the movement of the other side, if filth falls in one end of it, wudu` is permissible from the other end, because the apparent impression is that the filth does not reach it.

The death in water of anything without flowing blood, such as bugs, flies, hornets or scorpions, does not render it filthy. The death of that which lives in water, such as fish, aquatic frogs and aquatic crabs, does not spoil it.

2.2 UNSUITABLE WATER

Purity from hadath is not permissible with the following:

- 1) Liquid squeezed out of trees or fruits.
- 2) If the water changes because of its mixing with something in such a way that it is not called water anymore such as drinks, rose-water, pea-water, gravy, infusion of safflower.
- 3) Used water i.e. the water with which hadath has been removed, or which has been used on the body by way of worship.
- 4) Wudu` is not permissible with any small quantity of still water in which filth has fallen, whether the filth is little or large.

2.3 LEFT-OVERS

The following apply about the leftovers:

- 1) The leftover of humans, and of those animals, whose meat may be eaten, is clean.
- 2) The leftover of dogs, pigs and carnivorous beasts is filthy.
- 3) The leftover of cats, free-roaming chickens, carnivorous birds, and domestic animals such as snakes and rats, is disliked.

2.4 GHUSL

2.4.1 The Obligatory (Fard) Parts of Ghusl

The following are the obligatory parts of ghusl:

- 1) Rinsing the mouth.
- 2) Inhaling water.
- 3) Washing the rest of the body.

2.4.2 The Necessitators of Ghusl

The following necessitates ghusl:

- 1) Emission of semen, accompanied by spurting and excitement, from a man or a woman.
- 2) Contact of the two sexual organ members, even without ejaculation.
- 3) Termination of menses (hayd).
- 4) Termination of postpartum bleeding (Nifas).

2.4.3 The Sunnah Actions of Ghusl

The following are the Sunnah actions of ghusl:

- 1) Begin with washing his hands and genitals.
- 2) Remove filth, if it is on the body.
- 3) Perform wudu`, like the wudu` for salah, except for the feet.
- 4) Pour water over the rest of the body thrice.
- 5) Step aside from the place where the above are performed and wash the feet.

Women are not obligated to undo her braids in ghusl if the water reaches the roots of the hair. There is no ghusl required for emission of prostatic fluid and wady, but wudu` is needed.

2.4.4 The Sunnah Ghusl

Performing the ghusl is Sunnah on Jumu`ah, the two Eids, and before putting on Ihram.

2.5 WUDU` (ABLUTION)

2.5.1 The Obligatory (Fard) Parts of Wudu`

The following are the obligatory parts of ghusl:

- 1) To wash the whole face, from the normal hairline to the chin and from one ear to the other including the hair and skin, but not the inner part of the man's beard when the hair therein is thick.
- 2) To wash the hands and the forearms up to and including the elbows and what is on them.
- 3) To wet wipe one-quarter ($\frac{1}{4}$) of the head.

- 4) To wash the feet with the ankles included, or else to wet wipe the footgear (khuff) when the conditions of the footgear are fulfilled.

2.5.2 The Sunnah Actions of Wudu`

The following are the Sunnah actions of wudu`:

- 1) To make an intention*.
 - * according to Imam Shafi'iy it is a Fard of wudu` and must accompany the water touching the face.
 - * according to Imam Malik, intention should be either at the beginning of wudu` or slightly before.
- 2) Washing the two hands.
- 3) Saying bismillah arrahman arrahim at the start of the wudu`.
- 4) Siwak.
- 5) Rinsing the mouth.
- 6) Inhaling water.
- 7) Wiping the ears.
- 8) Combing the beard.
- 9) Repeating the washing of each organ three (3) times.
- 10) Performing the wudu` in order (a fard according to Imam Shafi'iy).

2.5.3 The Invalidators of Wudu`

The following invalidates wudu`:

- 1) Anything which exits from the two pathways.
- 2) Blood, pus or serum when they exit from its location to a place which it is incumbent to purify.
- 3) Vomit, if it was a mouthful.
- 4) Touching the male and/or female genital organs or anus with the inside part of the bare hand.
- 5) Losing consciousness, which includes insanity, drunkenness, coma, and sleep, except if one is sleeping with his buttocks firmly seated.
- 6) Laughter in any prayer containing ruku` and sujud (i.e. salat al-janzah is not included, yet the prayer is invalidated and must be repeated).

2.6 TAYAMMUM (DRY PURIFICATION I.E. WITHOUT WATER)

According to Imam Abu Hanifa and Muhammad bin Al-Hasan (r.a.), tayammum is permissible with anything that is of the category of earth, such as soil, sand, stone, gypsum, lime, antimony and arsenic. Al-Qadi Abu Yusuf (r.a.) said: it is not permissible except with soil and sand specifically.

2.6.1 Excuses Permitting Tayammum

Tayammum may be performed in the following cases with pure and clean earth surface:

- 1) One who cannot find water while traveling.
- 2) One who is outside the developed land with approximately one mile or more between him and the water.
- 3) One who can find water, but is sick, and is afraid that if he uses the water, his sickness will be intensified.
- 4) If one in janabah and fears that if he makes ghusl with the water, the cold will kill him or make him ill.

It is recommended for one who does not find water, but is hopeful of finding it at the end of the prayer time, to delay the prayer to the last part of the time. Then, if he finds water, he performs wudu` with it and prays, otherwise he performs tayammum and prays.

If a traveler does not believe that there is water close to him then he is not obligated to search for it and can perform tayammum, however, if he believes that there is water close by, then he cannot perform tayammum until he searches for it.

2.6.2 How To Do Tayammum?

Tayammum is two strikes: one wipes one's face with one of them, and one's arms to the elbows with the other. Tayammum from hadath and janabah are the same. Intention is obligatory in tayammum, but recommended in wudu`.

2.6.3 Invalidators of Tayammum

The following invalidates tayammum:

- 1) By everything which invalidates wudu`.
- 2) By seeing water, if one is capable of using it.

One may pray with his tayammum whatever he wishes of obligatory and optional prayers.

CHAPTER THREE

MENSTRUATION

3.1 DEFINITION

The minimum menstrual bleeding is three days and nights, so anything which falls short of that is not menstrual blood (hayd) but chronic bleeding (istihadah). The maximum menstrual bleeding is ten days and nights, so anything which exceeds that is istihadah.

3.2 PROHIBITIONS OF HAYD AND NIFAS

The following apply for females with hayd:

- 1) Salat is waived, and need not be made up later.
- 2) Fasting is prohibited, however, it has to be made up later.
- 3) Entering a mosque is prohibited.
- 4) Circumambulating the House (i.e. the Ka`bah) is prohibited.
- 5) Her husband is prohibited from approaching her for intercourse.

A menstruating female and one in janabah:

- 1) May not recite the Qur'an.
- 2) They, as well as one with hadath, may not touch the Qur'an, unless they hold it with its case.

3.3 COMPLETION OF PURITY

The following conditions apply:

- 1) For menstrual bleeding ceasing in less than ten (10) days.

It is not permissible for her and her husband to have intercourse until:

- a) she performs ghusl.
 - b) the time of a salah enters with enough time for her to perform ghusl and salah (taharah hukmiyyah, because as of that time she is accountable for her salah).
- 2) For menstrual bleeding ceasing after ten (10) days.
- It is permissible but not recommended to have intercourse with her even before the ghusl, yet it is recommended that she do the ghusl first.
- 3) If purity interrupts two (2) bleedings within the period of menstruation.
- It is treated as a continuously flowing blood.

3.4 CHRONIC BLEEDING (ISTIHADAH)

The blood of istihadah is that which a female sees for less than three (3) days or more than ten (10) days in menstruation, or more than forty (40) days after childbirth. It includes the blood that a pregnant woman sees, and that which a woman sees during childbirth but before the emergence of the child.

Istihadah is viewed the same as perpetual nose bleeding; it does not prevent fasting, nor salah, nor the intercourse.

The female with istihadah, and anyone with a constant drip of urine, or a perpetual nose bleeding, or a wound which does not stop, performs wudu' for the time of each salah, and then they may perform with that wudu' whatever they wish of fard and nafl.

3.5 POSTPARTUM BLEEDING (NIFAS)

Nifas is the blood that exits following the childbirth. There is no limit for the minimum duration of Nifas, but its maximum time is forty (40) days. Whatever exceeds that, is istihadah.

CHAPTER FOUR

FILTH (NAJAS)

Purification of filth in the body, clothes, and place is obligatory for a salah to be valid. The Shari`ah considers alcohol, alcohol containing perfumes, etc. as filth.

4.1 MEANS OF CLEANSING

The following are permissible:

- 1) Cleansing of filth with water, and with any pure liquid with which it can be removed, such as vinegar and rose water.
- 2) Rubbing a filth contaminated khuff with the ground, if the filth has become dry.

Semen is unclean (differing from Imam Shafi'iy who considers it to be clean), and it is obligatory to wash it, but if it has dried on a garment it is sufficient to scrape it off.

If the ground is contaminated by filth, it may be considered pure if the sun dries it and if the trace of filth disappears, then, salah is permissible in that place, but tayammum is not.

4.2 REGULATIONS OF CLEANSING

Whoever is contaminated by severe filth, such as blood, urine, stool, or wine, to the extent of a dirham or less, salah is permissible with it, but if it is more than a Dirham it is not permissible. The size of dirham is estimated as the width of a palm (some scholars estimate the size as the kneecap). Imam Shafi'iy and Imam Zufar do not discriminate in filth whether little or large.

If one is contaminated with light filth, such as the urine of those animals whose flesh may be eaten, salah is permissible with it as long as it does not reach one quarter (1/4) of the garment.

4.3 CATEGORIES OF FILTH

The following are the main categories:

- 1) Filth that has a visible essence.

It is cleaned by removing its substance, unless some trace of it persists which is extremely hard to remove.

- 2) Filth that does not have a visible essence.

It is cleaned by washing it until the washer is satisfied that the filth has been cleansed.

Najasah Kalbiyyah (filth from a dog) should be washed three (3) times to be cleaned. Imam Shafi'iy recommends washing it seven (7) times one of which is mixed with pure soil.

CHAPTER FIVE

ISTINJA`

Istinja` is Sunnah.

Istinja` can be performed with stones, and that which take their place (things that are pure, not smooth surfaced, and not honorable). One wipes the area until it is clean, even if water is available. There is no specific recommended number of wipings (3 times, according to Imam Shafi'iy).

If the filth exceeds its orifice, water must be used.

One should not perform istinja` with a bone, nor with dung, nor with food, nor with the right hand.

CHAPTER SIX

SALAT (PRAYER)

6.1 TIMES FOR SALAT

The following are the times:

- 1) The noon prayer (Dhuhr) [four (4) rak'ahs].

Its time begins when the sun has declined westward from the middle of the sky and remains until the length of the shadow of an object becomes equal to that of the object per se, in addition to the length of the shadow of that object when the sun was at its zenith (mid-day) [according to Imams Muhammad and Abu Yusuf (r.a.)]. According to Imam Abu Hanifa, it is when the shadow of an object is twice its length in addition to the shadow of it at zenith.

- 2) The mid-afternoon prayer ('Asr) [four (4) rak'ahs].

Its time begins after Dhuhr ends, and remains until sunset.

- 3) The sunset prayer (Maghrib) [three (3) rak'ahs].

Its time begins after sunset and remains until the disappearance of the redness in the western horizon according to Imams Muhammad and Abu Yusuf, and the whiteness following the redness according to Imam Abu Hanifa.

- 4) The nightfall prayer (Isha') [four (4) rak'ahs].

Its time begins when Maghrib time ends and remains until the appearance of the true dawn (Fajr Sadiq).

- 5) The dawn prayer (Fajr) [two (2) rak'ahs].

Its time begins when the second dawn (fajr sadiq) rises (i.e. the lateral whiteness on the horizon) and remains until sunrise (Shuruq).

6.2 SALATUL-WITR

Witr is wajib according to Imam Abu Hanifa, and is a Sunnah prayer according to the two companions and Imam Shafi'iy (may Allah be pleased with them all). Witr consists of three rak'ahs uninterrupted (differing from Imam Shafi'iy) with a supplication (Qunoot) before the last ruku' with elevating the hands while doing takbeer for the qunoot. The time for Salat-ul-Witr is the same as that of the Isha'. Witr should not be performed with a group in other than the month of Ramadan.

6.3 DISLIKED AND PROHIBITED TIMES

The following apply:

- 1) Salat is not permissible at the rising of the sun, nor at its stationary point at midday, nor at its setting.
- 2) If the sun is setting, one does not perform Janazah prayer, nor make the sajdah of recitation, nor perform any other prayer except the 'Asr of that day.
- 3) It is disliked to perform voluntary prayers after Fajr Salat until the sun rises, and after 'Asr Salat until the sun sets. There is no harm in praying missed prayers during these two times, and similarly performing prostrations of recitation, and praying Janazah. One does not perform the two rak'ah of circumambulation (tawaf).
- 4) It is disliked to perform any optional prayers after dawn and before Fajr other than the two Sunnah rak'ah of Fajr.

6.4 ADHAN

Adhan is a Sunnah (and so is the iqama).

6.5 PREREQUISITES OF SALAT

The following are the prerequisites:

- 1) Purity from hadath (one who absolutely can not find any means to remove the filth, prays on his state, and is not obligated to repeat his prayer).
- 2) Purity from filth (one who absolutely has no means of purification from filth, prays on his state, and is not obligated to repeat his prayer).

3) To cover the nakedness:

- the nakedness of a man is that which is beneath the navel down to and including the knee.
- the body of a free woman is all nakedness, except for her face, her hands and her feet.

One, who absolutely has nothing to cover the nakedness with, prays on his naked state preferably sitting, but if he wants to stand it is permissible.

- 4) To intend the specific Salat into which one is entering, with an intention not separated from its Takbeer with any action.
- 5) To face the qiblah. If someone does not know where the qiblah is, and there is no one around him/her who knows, one exercises his/her best judgment and prays. Then, if someone finds out that he/she was mistaken, by being informed after he/she had prayed, one is not obligated to repeat. If someone finds that out while he/her is engaged in the Salat, one must turn to the qiblah direction and continue.
- 6) Conviction that the time has entered.

6.6 THE FARD (INTEGRALS) OF SALAT

The essentials of salat are six, as follows:

1) The takbeer (takbiratul-ihram).

If one says, instead of takbir, *Allahu ajall*, or *Allahu a`zam*, or *Ar-Rahman akbar*, it suffices him according to the Imam and Imam Muhammad. Al-Qadi said: wording of takbeer must be uttered.

2) Standing.

3) Recitation.

- the minimum recitation that suffices in Salat, according to the Imam, is at least one Ayah of the Qur'an. Abu Yusuf and Muhammad said: no less than three short verses or one long verse is sufficient.
- recitation is obligatory in the first two rak'ah of fard, but one has the choice in the last two. If one wishes, he can recite, if he wishes he can make tasbih, and if he wishes he can remain silent.
- recitation is obligatory in every rak'ah of nafl, and in all rak'ahs of witr.

- 4) Ruku`.
- 5) Ssujud.
 - if he restricted himself to one of the nose and forehead it is permissible according to the Imam. Imam Abu Yusuf and Muhammad said: it is not permissible to restrict oneself to the nose without a valid excuse.
 - if he prostrated on the winding of his turban or the end of a garment it is disliked. One should make sujud on his clear forehead and nose.
- 6) The final sitting, for the measure of the tashahhud.

6.7 THE WAJEB (OBLIGATIONS) OF SALAT

The following are the wajeb:

- 1) Recitation of al-Fatihah in every rak`ah.
- 2) Adding a Surah (or three verses) in the first two rak`ahs of fard, and in every rak`ah of witr and nafl.
- 3) Standing up after ruku`.
- 4) Making sujud on the forehead and nose.
- 5) Tranquility in each position (ruku`, standing after it, sujud, sitting between the two sajdah).
- 6) The middle sitting.
- 7) Recitation of the tashahhud in the every sitting.

The tashahhud is that one say, *At-tahiyyatu lillahi was-salawatu wat-tayyibatu. as-salamu `alayka ayyuhan-nabiyyu wa-rahmatullahi wa-barakatuh. as-salamu `alayna wa-`ala `ibadillahis-salihin. ash-hadu an la ilaha illallahu wa-ash-hadu anna muhammadan `abduhu wa-rasuluh.*
- 8) Standing up for the third rak`ah without delay after the tashahhud.
- 9) The words of salam.
- 10) Vocalizing the vocal rak`ahs for the Salat-leading imam, and subduing the subdued ones for all.
- 11) The qunut of witr.
- 12) The takbirs of the two Eids.
- 13) Maintaining the sequence.

Everything beyond the above is Sunnah.

*** General Rules**

- 1) Fards (integrals of Salat are compulsory for its validity).
- 2) Wajeb (obligations) of Salat are obligatory. If one leaves out one wajeb purposely, it is considered “Makruh Tahrimi” and he must repeat it and sujudu-assahu is not sufficient to make it up. If one simply forgot one of the wajeb of Salat without the intention of doing so, he may perform sujudu-assahu after the salam, and does not have to repeat it.

6.8 DISRUPTORS AND NULLIFIERS OF SALAT

The following apply:

- 1) One should not eat or drink, nor commit any other significant act.
- 2) If hadath overtakes him, he turns away, and if he was imam, he appoints a replacement.
- 3) If he slept and had an erotic dream, or became insane, or lost consciousness, or laughed out loud, he re-starts the wudu` and Salat.
- 4) If he spoke in his Salat, intentionally or by mistake, his Salat is nullified.
- 5) Exposure of the nakedness, or presence of filth greater than the excusable amount, for the duration of three (3) tasbih, nullifies the Salat.
- 6) If one who had performed tayammum saw water while in his Salat, his Salat is nullified.
- 7) If he had wiped on his khuffs and the time-limit for his wiping expired.
- 8) If he took off his khuffs with a gentle motion.
- 9) if he had been illiterate and then learned a Surah while in prayer.
- 10) If he had been naked, and then found a garment while in prayer.
- 11) If he had been gesturing, and then became capable or performing ruku` and sujud.
- 12) He remembered that there is a Salat due upon him before this Salat.
- 13) If he had been an excused person, and then his excuse ceased.

6.9 SITUATIONS WHICH NECESSITATE OR PERMIT BREAKING THE PRAYER

The following apply:

- 1) To save life.
- 2) To prevent injury to others.
- 3) It is permissible to break Salat upon the threat of theft or harm of his own or someone else's property.

6.10 SUJUD-ASSAHU (PROSTRATION OF INATTENTIVENESS)

- 1) The prostration of inattentiveness is wajib, for excess or deficiency, and it is preferred after salam. Then, he performs two sajdah, and then he sits, performs tashahhud and then performs salam.
- 2) Sujud Assahu is due if one added to the Salat an action which is of its manner but not part of it, or by abandoning a wajib, such as in abandoning the recitation of the Opening of the Book, or the qunoot, or the tashahhud, or the takbeers of the two Eids, or the imam's raising his voice in that which should be subdued, or subduing it in that which should be audible.
- 3) The inattentiveness of the imam makes the sujud obligatory on the follower, but if the imam does not make the sujud, the follower does not make the sujud either. If the follower commits an act of (sahu) inattentiveness, then sujud assahu is not due on the imam or on the follower.
- 4) Someone who inattentively omitted the first sitting, and then remembered while he was still closer to the sitting position, should sit down and recite the tashahhud. But, if he was closer to the standing position, he should not go back, but should prostrate for inattentiveness at the end.
- 5) Someone who inattentively missed the last sitting and thus stood up for a fifth rak'ah should return to the sitting as long as he has not performed sajdah (for the fifth). He cancels the fifth rak'ah and performs the prostrations of inattentiveness. If he bound the fifth rak'ah with a prostration, his fard is invalidated, and his salah turns into nafl, and he must add a sixth rak'ah to it.

- 6) If he sat in the fourth rak`ah for the measure of the tashahhud, and then stood up without performing salam, thinking it to be the first sitting, he goes back to sitting as long as he has not prostrated for the fifth rak`ah, and then he performs salam. If he bound the fifth with a sajdah, he adds another rak`ah to it, and his Salat has been performed. The two extra rak`ah are nafl for him. He should perform the Prostrations of Inattentiveness.
- 7) Someone who has a doubt in his Salat, such that he does not know whether he prayed three or four rak`ah, then:
 - if this is the first time it happened to him, he re-starts the Salat.
 - if he is in doubt often during Salat, then he builds upon his strong inclination if he has an inclination. If he does not have an idea, he builds upon certainty.

6.11 GROUP PRAYER (SALATUL-JAMA'AH)

Jama`ah is an emphasized Sunnah.

Regulations for the Follower

- 1) Entering a Salat as a follower needs two intentions: the intention of Salat and the intention of following.
- 2) The follower does not recite behind the imam (Imam Shafi'iy necessitates reciting the Fatiha).
- 3) Whoever followed an imam, and then came to know that the imam was not on the state of wudu`, repeats the prayer.

About the Imam of the Salat

- 1) The most worthy of people of leading Salat are the one who recites the Qur'an best (according to Abu Yusuf); if they are equal in that, then the most knowledgeable of the Sunnah; if they are equal in that then the one who appears to have more taqwa of them; if they are equal in that then the eldest; if they are equal in that then if one of them is a shareef (descendant of the Prophet), etc.
- 2) It is disliked to appoint an imam who is a slave, a transgressor, a blind man, and an illegitimate child, but if they took the lead, it is valid

- 3) The imam should not prolong the Salat.
- 4) It is permissible:
 - that one with tayammum leads people with wudu`.
 - that one who wiped on khuffs leads people who washed their feet.
 - a standing person may pray behind one sitting.

Miscellaneous Issues Regarding Salat and Imam

- 1) It is not permissible for men to follow a woman or a non-pubescent boy. A clean person should not pray behind one with a constant drip of urine, nor should a clean woman pray behind one with istihadah.
- 2) A reciter should not pray behind an unread.
- 3) A clothed person should not pray behind a naked.
- 4) One who performs ruku` and sujud should not pray behind one who is gesturing.
- 5) One who is performing fard should not pray behind one who is performing nafl, nor behind one who is performing another fard (differing from Imam Shafi'iy who sees it valid).
- 6) One performing nafl may pray behind one performing fard.

Arrangement of Rows (Sufoof in Salat)

- 1) Someone who prays with one follower makes him stand on his right. If they are two or more, then he steps ahead of them.
- 2) The men line up, and then behind them the boys, and then the women at the back.
- 3) If a woman stands beside the imam, the two of them taking part in one and the same Salat, his salah is spoiled if he intended leading the Salat, but if he did not intend to lead her in Salat, his Salat is valid and hers is spoiled.
- 4) It is disliked for women to pray in jama`ah on their own, but if they do then the imam stands in their midst.

6.12 OTHER KINDS OF PRAYERS

Missed Prayers

- 1) Whoever misses a prayer makes it up when he remembers it, and necessarily performs it before the prayer of the time, unless he fears missing the time of the current prayer, in which case he first performs the prayer of the time, and then makes up the missed prayer.
- 2) If he missed many prayers, he makes them up in sequence, as they were originally due, unless the missed prayers are equal to or exceed six (6) prayers, in which case the sequence is waived in them.

Prayer of the Traveler

Qualification:

- 1) Distance between him and his destination is three (3) days and night's journey, according to the progress of a camel or by foot.
- 2) The disobedient and the obedient on a journey are equal in the dispensation (differing from Imam Shafi'iy who considers a disobedient ineligible for this facilitation).

Number of Rak'ah:

- 1) The fard of the traveler is two (2) rak'ah in every four-rak'ah prayer (differing from Imam Shafi'iy). It is not permissible to add two more to them. But, if he prayed four rak'ah, and had sat in the second for the tashahhud, the first two rak'ah suffice him for his fard, and the last two are nafl for him. However, if he did not sit for the tashahhud in the first two rak'ah, his salah is invalidated.
- 2) One who intends to travel and sets out prays two rak'ah instead of four when he passes the developed area.
- 3) When a traveler leads residents in two rak'ah, he performs taslim, and then the local residents complete their salah. It is recommended for him, when he performs taslim, to say, 'Complete your salah, for we are journeying people'.

- 4) Whoever misses a prayer on a journey, makes it up as two rak`ah even if he makes it up back at his hometown. Whoever missed a prayer in residence makes it up as four rak`ah even if he makes it up on a journey.

Breaking the Journey:

- 1) He continues to apply the regulations of travel until he intends to remain in a city fifteen (15) days or more, at which point he is required to pray in full. If he intends to remain less than that, he does not pray in full.
- 2) Someone who enters a city, and does not intend to remain there fifteen (15) days, but rather says each day, ‘Tomorrow I will depart, or the day after I will depart’, until he remains in this way for years remains a traveler, and thus prays two rak`ah.
- 3) When an army enters the land of war, and then intend to remain there fifteen (15) days, they do not pray the Salat in full.
- 4) When the traveler enters his hometown, he prays the salah in full, even if he did not intend to remain there.

Jumu`ah Prayer

Conditions for Validity:

- 1) Jumu`ah is not valid except in a large town, or in the prayer ground of the large town. It is not permissible in villages.
- 2) It is not permissible to establish it except with the ruler, or one whom the ruler has appointed.
- 3) It is valid in the time of Zuhr, and it is not valid after it.
- 4) Among its conditions is the khutbah before the Salat.
- 5) Among its conditions is a group (jama`ah). Their minimum according to Abu Hanifa is three apart from the imam. Abu Yusuf and Muhammad said two apart from the imam and according to Imam Shafi`iy 40 accountable local male residents.
- 6) Jumu`ah is not obligatory on a traveler, nor a woman, nor a sick, nor a slave, nor a blind person. But, if they attend and pray with the people, it suffices them for the fard of the time.

Sunnah Aspects of the Khutbah:

- 1) When the imam comes emerges on the minbar on the day of Jumu'ah, people stop performing Salat, and stop talking until he has finished his khutbah.
- 2) When the imam ascends the minbar, he sits down, and the mu'adh-dhin calls the second adhan in front of the minbar.
- 3) The imam delivers two khutbahs, separating them with a sitting.
- 4) The imam delivers the khutbah standing, in a state of purity.
- 5) If he delivered the khutbah sitting, or not in a state of purity, it is valid, but disliked.
- 6) When he has finished from the khutbah, the mu'adh-dhin calls the iqamah for the Salat, and prays.

Prayers of the Two Eids

Eid al-Fitr:

- 1) It is recommended on the day of fast-breaking (fitr) for the person, before leaving for the prayer-ground:
 - to eat.
 - to perform ghusl.
 - to apply perfume (non-alcohol containing kind).
- 2) One sets out for the Salat-ground. According to Abu Hanifa, one does not say takbeer audibly on the way to the Salat-ground. According to the two companions and Imam Shafi'iy, one says takbeer audibly.

Eid al-Adha:

- 1) It is recommended on the day of sacrifice (adha) for the person, before leaving for the prayer-ground:
 - to delay eating until having finished from the Salat.
 - to perform ghusl.
 - to apply perfume (non-alcohol containing kind).
- 2) One sets out for the Salat-ground, pronouncing takbeer audibly.

Salat al-Eid:

- 1) One does not perform nafl salah in the Salat-ground before Salat al-Eid.
- 2) Salat becomes permissible when the sun ascends a spear's height after sunrise, and it remains until zenith (mid-day).
- 3) The imam leads the people in two rak'ah.
 - in the first rak'ah he says the opening takbeer, and three takbeers after it. then, he recites the Fatiha and a Surah with it. Then, he says takbeer, going into ruku' with it.
 - then, he starts the second rak'ah with recitation. When he has finished from the recitation, he says three takbeers. He says a fourth takbir, going into ruku' with it.
 - one raises one's hands in the takbeers of the two Eids.
- 4) Then, he delivers two khutbahs after the Salat teaching people about Sadaqat al-Fitr and its regulations on Eid al-Fitr. On Eid al-Adha he delivers two khutbahs after the salat teaching people about the sacrifice and the Takbeers of Tashriq.
- 5) Whoever misses Salat al-Eid with the imam does not make it up.

The Takbeers of Tashriq:

- 1) The first of the takbeers of tashriq is after Salat al-fajr on the day of 'Arafah. According to Abu Hanifa, the last of it is after Salat al-'asr on the first day of sacrifice. Abu Yusuf and Muhammad said: it lasts until Salat al-'Asr of the last of the days of Tashriq.
- 2) The takbir is after the fard prayers, and it is that one say: *Allahu Akbar Allahu Akbar, La ilaha illallahu Wallahu akbar, Allahu Akbar wa-Lillahil-Hamd.*

Salatul Janazah (Funeral Prayer)

Preparation of the Body:

- 1) When death approaches a man, he is turned towards the qiblah on his right side, and the Two Testifications are suggested to him.
- 2) Then, when he dies, they shut his jaws and close his eyes.
- 3) When they want to wash him, they place him on a ghusl-table, place a cloth over his nakedness and remove his clothes. They perform wudu' for him, but do not rinse his

- mouth, nor his nostrils unless he was in janabah. Then, they pour water over him. The ghusl-table is perfumed three times. Pure water may be used or better yet water can be boiled with lote-leaves, or with stalwart. His head and beard are washed with marsh mallow. Then, he is made to lie on his left side, and is then washed with water and lote-leaves until it is seen that the water has reached to that part of the body adjacent to the ghusl-table. Then, he is made to lie on his right side, and then washed with water and lote-leaves until it is seen that the water has reached to that part of the body adjacent to the ghusl-table. Then the washer makes him sit up, and to lean against him, and he wipes his stomach with a gentle stroke. Then, if anything emerges from him, he washes that area, but does not repeat his ghusl.
- 4) Then, he wipes him with a cloth and puts him in his shrouding garments. He puts hunut on his head and his beard, and camphor on the places of prostration.
 - 5) Any fetus that produces a sound after birth is prayed upon. If it did not produce a sound, it is wrapped in a cloth, and it is not prayed upon.

Shrouding:

- 1) The Sunnah is that a man be shrouded in three (3) shrouds: a waist-wrapper (*izar*), an upper garment (*qamis*) and a wrapper (*lifafah*), but it is permissible with just two shrouds. When they want to wrap the wrapper around him, they begin with the left side, putting the shroud over it, then the right side. If they fear the shroud may unfold from him, they tie it.
- 2) A woman is shrouded in five (5) garments: a waist-wrapper, an upper-garment, a scarf, a piece of cloth with which her breasts are tied, and a wrapper. It is permissible with just three (3) shrouds. The scarf should be on top of the upper-garment under the wrapper. Her hair is placed on her chest.
- 3) The deceased's hair is not combed, nor his beard, nor are his nails cut, nor is her hair braided.
- 4) The shrouds are perfumed with incense an odd number of times before he is inserted into them.
- 5) When they are done with this, they pray over him.

Salatul-Janazah:

- 1) The Caliph or whom he appointed should perform the prayer, or of course, the waliyy.
- 2) The prayer is:
 - that one says a takbeer, extolling Allah, the Exalted, after it.
 - then, one says a takbeer, and then sends salutations on the Prophet (sallallahu alayhi wa aalihi wa sallam).
 - then one says a takbeer, supplicating for himself, for the deceased and for the Muslims.
 - then one says a fourth takbeer and then taslim.
- 3) If he was buried without the prayer being performed upon him, it is performed over his grave.

Burial:

- 1) Then, when they carry him in his coffin, they hold its four 'legs', and walk with it swiftly without racing.
- 2) Then, when they reach his grave, it is disliked for people to sit before it is let down from the men's shoulders.
- 3) The grave is dug and an incision is made in the qiblah-side wall.
- 4) The deceased should be entered from the side adjacent to the qiblah. When he is placed in the incision, the one placing him says, *Bismillah wa-'ala millati Rasulillah*, and faces him to the qiblah. He unties the knot, and arranges unbaked bricks. It is disliked to use baked bricks and wood. There is no harm in using straw in addition.
- 5) Then, the soil is piled on. The grave is raised like a camel's hump, and not flattened.

The prayer of the Martyr

- 1) The martyr (shaheed) is someone whom the pagans killed, or who was found in the battlefield with the mark of wounding on him, or who was killed wrongfully by the Muslims and for whose death blood-money (diyya) did not become due initially.
 - One who is killed in a prescribed punishment, or retaliatory execution, is washed and prayed upon.

- Those rebels (plural is bughat) and highway robbers who are killed are not prayed on.
- 2) The martyr is shrouded and prayed upon, but he is not washed. Abu Hanifa says if the Shaheed was on Janabah when martyred, then he is washed. The martyr's blood is not washed off him, nor are his clothes removed, but furs, khuffs, padded garments and weapons are removed from him.
- 3) One who lingered in dying is washed. Lingered is:
- that he eat, or drink.
 - receive medical treatment.
 - remain alive until the time of one Salat passes over him while he is conscious.
 - that he be transported from the battle-field alive.

CHAPTER SEVEN

SIYAM (FASTING)

7.1 THE OBLIGATION

- 1) Fasting the month of Ramadan is obligatory upon every accountable person who is not excused (i.e. travel, menses, etc.).
- 2) Fasting is abstention from eating, drinking, and sexual intercourse during the fasting time of the day with the intention.
- 3) The time for fasting is from the rising of the second dawn (Fajr sadiq) until the setting of the sun.
- 4) If in Ramadan a child reached puberty, or an unbeliever accepted Islam, they immediately initiate their fasting and abstain from things that invalidate fasting for the remainder of that day, and fast that which comes thereafter. They don't have to make up what passed.
- 5) If a traveler arrives at his hometown, or a menstruating female attains purity with part of the day remaining, they abstain from those things that invalidate fasting for the rest of that day.

7.2 THE INTENTION

Fasting is of two types: Fard (obligatory) and Nafl (optional).

The obligatory fasting is of two types:

- 1) Fasting that is attached to a specific time, such as the fast of Ramadan, and a specified vow. The fasting of this category is valid with an intention from the night, but if one did not intend until the morning, he may intend fasting between dawn and zenith time

(according to Imam Shafi'iy, fasting is invalid unless intention is done after sunset and up until Fajr of that day).

- 2) The second type is that which becomes obligatory to fulfill, such as the make-up fasts of Ramadan, unrestricted vows, etc. These are not valid without an intention from the night.

All of the nafl is valid with an intention before zenith (mid-day).

7.3 ACTIONS OF THE FASTING PERSON

7.3.1 Actions that Do Not Break the Fast

- 1) If one ate, drank, or had sexual intercourse during his fast out of forgetfulness, his fast is not broken.
- 2) If he slept and then had an erotic dream, or looked at a woman and ejaculated, or oiled his head, or underwent Hijama, or used Kuhl (antimony) in his eyes, or kissed, his fast is not broken.
- 3) If one is overcome by vomiting, his fast is not broken.

7.3.2 Actions that are Disliked but Do Not Break the Fast

- 1) If someone tastes something with his mouth, his fast is not broken, but it is disliked for him to do that.
- 2) It is disliked for a woman to chew the food for her infant if she has other alternative.

7.3.3 Actions that Break the Fast and Require Makeup

- 1) If one kisses or touches his wife and that caused him spontaneous ejaculation, then make-up is due upon him. It is, however, disliked to kiss or touch if he does not feel safe.
- 2) If one deliberately made himself vomit a mouthful then makeup is due upon him, but no kaffara.
- 3) The fast of someone who swallows pebbles or iron is broken; makeup without any kaffara is warranted.

- 4) Whoever had an anal enema, or applied nose-drops, or eardrops, or treated a torn belly or a skull fracture with medicine such that it reached his body cavity or his brain, his fast is broken.
- 5) If someone had suhur (early morning meal) thinking that Fajr time did not enter yet, or broke his fast thinking the sun had set, and then it turned out that the dawn had risen, or that the sun had not set, makes up that day, but there is no Kaffara (expiation) due on him.
- 6) Someone who lost consciousness in Ramadan does not make up the day on which the loss of consciousness occurred, but he makes up that which came after it.
- 7) If an insane person regained sanity with part of Ramadan remaining, he makes up what passed of it.(differing from Imam Zufar and Imam Shafi'iy, radiyallahu anhum).
- 8) If a female enters menstruation, she stops fasting and makes up what she missed.

7.3.4 Actions that Break the Fast and Require Makeup and Kaffara (Expiation)

- 1) One who deliberately has sexual intercourse, eats or drinks something which provides nutrition, or is used for treatment.
- 2) The Kaffara is like the expiation of dhi-har (The kaffara of dhihar is to free a Muslim slave; if one is unable he fasts two consecutive lunar months; and if one is unable he feeds sixty poor Muslims. To feed sixty poor Muslims means to give every one of them a half sa' of wheat, or a sa' of dates or barley). A sa' consists of 4 amdad (singular; mudd), The mudd is the fill of two cupped, average-sized hands.
- 3) There is no kaffara for breaking a fast in other than Ramadan.

7.4 EXCUSES TO POSTPONE, BREAK, AND MAKEUP FASTING:

7.4.1 Those Who May Postpone Fasting

- 1) For the sick who fear that if he fasts his sickness will increase, breaks his fast and make it up later.
- 2) If one is traveling, then it is preferred that he fasts if no harm is done, but if he does not want to, it is permissible and he makes it up later.

- 3) For the pregnant or nursing woman, if they fear for their children, do not fast and make it up after Ramadan.

7.4.2 Making Up Missed Fasts

- 1) The makeup of Ramadan may be performed separately or consecutively.
- 2) If one delayed it until another Ramadan entered, he fasts the second Ramadan, and makes up the first after it. (it is highly recommended to makeup the days immediately).

7.4.3 Redemption (Fidyah)

- 1) The aged man who is not capable of fasting does not fast, and for every day he feeds a poor Muslim, just as one feeds in expiations.
- 2) Whoever died with makeup of Ramadan due upon him, and requests in his will (verbally or otherwise) his guardian to take care of it on his behalf, the executer feeds for every day to one poor Muslim (he must have ordered or willed for it, differing from Imam Shafi'iy who waives this condition).

CHAPTER EIGHT

HAJJ (PILGRIMAGE)

8.1 OBLIGATION OF HAJJ

- 1) Hajj is obligatory once in a lifetime on free, sane, healthy adults if:
 - one can afford to reach Makkah and return to his home town. This includes that one has in excess of his debts, appropriate lodging, transportation and food, and what he is obligated to spend on those whom he must support from his departure until his return, and the way for the roundtrip journey is safe.
 - for a woman, her having a mahram or husband to perform hajj with her, is considered. It is not permissible for her to perform hajj without these two if there is between her and Makkah a distance of three days' and nights' journey (Imam Shafi'iy sees the permissibility of her leaving if accompanied with trustworthy muslim females). If she has a mahram other than her husband, her husband does not have the right to prevent her from going to hajj (Imam Shafi'iy sees that her husband has the right).
- 2) If a youth attains maturity, or a slave is freed, after entering ihram, and they continue hence, it is not considered the Hajj of Islam.

8.2 FARD (OBLIGATORY) ACTS IN HAJJ

- 1) Ihram (with intention of Hajj and then Talbiyah).
- 2) Standing at `Arafah, for at least a moment, any time between the decline of the sun on the 9th of Dhu'l-Hijjah, and the dawn of the 10th.

- 3) Tawaf of Visiting (ifadah), after the Standing at `Arafah, with intention (most of it should be after the dawn of the 10th).
- 4) Maintaining the order between the fard acts (Ihram-Standing-Tawaf).

8.3 WAJEB ACTS IN HAJJ

- 1) Starting Ihram with intention and Talbiyah from Miqat, for each direction respectively.
- 2) Performing Sa`iy after a valid Tawaf.
- 3) Not delaying the Tawaf of Visiting beyond the Days of Immolation (slaughtering/nahr).
- 4) Sa`iy (Running between Safa and Marwah), on the feet (for those who can), and performing Sa`iy beginning at Safa.
- 5) Throwing (stoning) the Jamarat.
- 6) Prolonging the Standing at `Arafah until after sunset.
- 7) Standing at Muzdalifah, for at least a moment after dawn on the 10th of Dhu'l-Hijjah.
- 8) Cutting or shaving the hair of the head within the Haram (Holy Premises), within the Days of Immolation.
- 9) Keeping away from transgressions of the ihram (sexual intercourse after the Standing, wearing sewn garments, covering the head and/or face).
- 10) Delaying Maghrib and `Isha until Muzdalifah.
- 11) Beginning tawaf in circles beginning at the Black Stone and finishing at the Black stone (counter-clockwise), and around the hateem.
- 12) Purity while performing tawaf and walking (for those who are able to walk).
- 13) Covering the nakedness during tawaf and performing two rak`ah after tawaf.
- 14) Slaughtering a mature she-sheep, for one performing Tamattu` or Qiran.
- 15) Maintaining the order between throwing the stones, slaughtering and cutting hair.
- 16) Tawaf of Leaving, for other than menstruating women and the residents of Makkah.

Missing any of the wajeb of Hajj is a sin, however, it does not necessarily spoil the act of Hajj. If one has fulfilled the Fards (obligations) of Hajj, yet missed one of the wajeb, one has acquired a sin and need to give a Fidyah.

8.4 ENTERING IHRAM

When one desires to enter ihram, he:

- 1) Performs ghusl or wudu', but ghusl is better.
- 2) Wears two new or washed cloths: an izar (waist-wrapper) and a rida' (upper garment).
- 3) Applies perfume if he has some.
- 4) He prays two rak'ah.
- 5) Making intention and saying: Allahumma inni uridu'l-hajja fa-yassirhu li wa-taqabbalhu minni (O' Allah I am intending a Hajj, so make it easy for me and accept it from me).
- 6) Saying talbiyah after his salah. Talbiyah is saying: Labbayk-allahumma labbayk. Labbayk la sharika laka labbayk. Innal-hamda wan-ni'mata laka wal-mulk. La sharika lak.
 - if he is performing hajj alone (Ifrad), he intends hajj with his talbiyah.
 - it is not appropriate to leave out any of these words, but one may add something after it.

8.4.1 Forbidden Acts During Ihram

When one has intended and said talbiyah, he has entered ihram, and so he should refrain from the following, that may spoil his Hajj:

- 1) Rafath (sexual intercourse, or what leads to it).
- 2) Fusuq (sins).
- 3) Jidal (argument).
- 4) To not hunt an islamically edible wild animal, nor point it out, nor direct to it.
- 5) To not wear a shirt, nor pants, nor a turban, nor a cap, nor a gown.
- 6) To not cover his head, nor his face. For a woman, to not cover her face.
- 7) He should not apply perfume.
- 8) To not anoint the head or beard with oil, melted grease, or melted honey wax.
- 9) To not remove fingernails, toenails, and hair; (no hair or nail cutting).
- 10) To not wear clothes that are sewn, felted, or the like, to surround the body; or garments dyed with saffron or other fragrances.

8.4.2 Permissible Deeds During Ihram

- 1) Performing ghusl.
- 2) Entering a bath-house.
- 3) Taking shade under a house, or a canopy.
- 4) Tying a belt to carry money and documents around his waist.

8.4.3 Recommendations for Ihram

One should recite talbiyah abundantly, after salah, and whenever one mounts an elevated place, or descends into a valley, or meets riders, and in the last part of the night.

8.5 THE JOURNEY OF HAJJ

8.5.1 Components of Hajj (IFRAD)

The Tawaf of Arrival

The Tawaf of Arrival (tawaf al-qudum) is Sunnah, and is not obligatory. There is no Tawaf of Arrival due upon the people of Makkah. If the one in ihram did not enter Makkah, and instead went to `Arafat directly, and stood there and continued his manasek, the Tawaf of Arrival is waived for him, and he is not liable to do anything for having omitted it. The following are performed in the Tawaf of Arrival:

- 1) When one enters Makkah, he begins by going to the Sacred Mosque, and then when one sees the House, he starts with takbeer and tahleel.
- 2) Then, one starts at the Black Stone, faces it, and starts with takbeer, raises his hands and touches it, and kisses it if one is able to without harming any Muslim.
- 3) Then, he starts walking to his right, by the door of the Ka`bah.
- 4) Having wrapped around his rida' in the style of idtiba'.
- 5) One makes ones tawaf (circumambulation) around the Hateem.
- 6) One performs raml in the first three circuits, and walks calmly in the remaining four.
- 7) One touches the Stone whenever one passes by it, if one is able, and one ends the tawaf with touching it.

- 8) Then, one proceeds to the Maqam (Station of Prophet Abraham) and prays two rak'ah at it, or wherever he can in the Mosque.

The Sa'iy

- 1) After the Tawaf of Arrival, one sets out to Safa. One climbs onto it, faces the qiblah, and starts with takbeer and tahleel, invokes blessings on the Prophet (sallallahu alayhi wa aalihi wa sallam), and supplicates Allah for his needs.
- 2) Then, one comes down calmly towards the Marwah.
- 3) Then, when he reaches the inside of the valley, he runs between the two green posts.
- 4) He proceeds until Marwah, and then he ascends on it and does as he did at Safa. This is one round, and he performs seven rounds, such that he begins at Safa and ends at Marwah.
- 5) Then, if performing Ifrad one stays in Makkah in the state of ihram, performing tawaf whenever one desires.

Going out to Mina

- 1) Then, when it is one day before the Day of Tarwiyah, the imam delivers a sermon in which he teaches the people the details of going out to Mina, salah in `Arafat, the Standing, and the Ifadah.
- 2) Then, when one has prayed fajr on the Day of Tarwiyah in Makkah, one goes out to Mina and stays there until he prays Fajr on the Day of `Arafah.
- 3) Then, one sets out to `Arafat, and stays there.

Arafah

- 1) Then, when the sun declines on the Day of `Arafah, the imam leads people in Zuhr and `Asr, starting with a sermon in which he teaches people the details of the Standing at `Arafah and Muzdalifah, the throwing of the Jamarat, the Immolation and the Tawaf of the Visit (Ziyarah).
- 2) He leads the people in Zuhr and `Asr in the time of Zuhr, with one adhan and two iqamah.

- 3) Whoever prays in his camp alone prays each one of the prayers at its own time, according to Abu Hanifa. Abu Yusuf and Muhammad said: he doesn't have to.
- 4) Then, he goes to the Standing Place, and stands close to the mountain, although all of `Arafah is a standing place except for the valley of `Arafah. Whoever catches the Standing at `Arafah between the decline of the sun on the Day of `Arafah, until sunrise on the Day of Immolation, has caught the hajj. It is recommended to perform ghusl before Standing, and to make lots of supplication.
- 5) Then, when the sun sets, the imam, and the people with him, calmly moves towards Muzdalifah.

Muzdalifah

- 1) It is recommended to descend close to the mountain called Quzah.
- 2) The imam leads the people in Maghrib and `Isha' with an adhan and iqamah (Imam Zuhar said with one adhan and two iqamah). Whoever prays Maghrib on the way, it is not valid, according to Abu Hanifa and Muhammad (Abu Yusuf says it suffices him, but it is a misbehavior).
- 3) Then, when the sun rises, the imam leads the people in Fajr in the early and dark part of the time.
- 4) Then, he stands, and the people stand with him, and he supplicates. All of Muzdalifah is a standing place, except for the Valley of Muhassir.
- 5) Then, before sunrise, the imam and the people move until they come to Mina.

Throwing Jamrat al-`Aqabah

- 1) Then, one proceeds to Jamrat al-`Aqabah, and throws it:
 - from the inside of the valley.
 - with seven pebbles, like the stones of a slingshot.
 - saying takbeer (Allahu Akbar) with every pebble, and
 - one does not stand by it thereafter.
- 2) One ceases talbiyah with the throwing of the first pebble.
- 3) Then, he slaughters an animal if he likes because he is performing Ifrad.
- 4) Then, he shortens or shaves his hair, keeping in mind that shaving is preferred.

- 5) From this point on, everything is permissible for him except women.

The Tawaf of Ifadah or Visiting (Ziyarah)

- 1) Then, one comes to Makkah on that day, or the following day, or the following, and circumambulates the House performing the Tawaf al-Ziyarah, seven circuits.
- 2) If he had run between Safa and Marwah after the Tawaf of Arrival, he does not perform raml in this tawaf, nor is he obliged to run again. But, if he had not performed Sa'iy before, he performs raml in this tawaf and Sa'iy after it.
- 3) Now, women are permissible for him.
- 4) This tawaf is the obligatory (fard) one in hajj.
- 5) It is disliked to postpone it beyond these days. If one did postpone it beyond then, one sacrificial blood becomes incumbent on him, according to Abu Hanifa.

Stoning the Jamarat

- 1) Then, one returns to Mina and stays there.
- 2) When the sun has declined on the second day of immolation, one pelts the three Jamarat:
 - starting with the one next to the Khayf mosque of Mina.
 - throwing it with seven pebbles.
 - saying takbeer with every pebble.
 - one stands and supplicates by it.
- 3) Then, one throws the one next to it similarly, and stands by it.
- 4) Then, one throws Jamrat al-'Aqabah, and leaves.
- 5) The next day, he throws the three Jamarat after the decline of the sun similarly.
- 6) Then, if one is in a hurry, one departs to Makkah. But, if one wishes to remain, one throws the three Jamarat on the fourth day after the decline of the sun.
 - if, on this day, one performs the throwing before the decline of the sun, after sunrise, it is valid according to Abu Hanifa.
- 7) It is disliked for a person to send his belongings ahead to Makkah and to take up residence, until he has done the throwing.

The Tawaf of Farewell (Wida')

- 1) Then, when one departs to Makkah, one goes to at al-Muhassab.
- 2) Then, one performs tawaf of the House, seven circuits, not performing raml in them.
- 3) This is the Tawaf of Leaving, and it is wajeb, except for the residents of Makkah.
- 4) Then, one returns to his hometown.

Special Regulations for Women:

Women have the same regulations in all of the above except:

- 1) She does not uncover her head.
- 2) She uncovers her face.
- 3) She does not raise her voice in talbiyah.
- 4) She does not perform raml in tawaf.
- 5) She does not run between the two posts.
- 6) She does not shave her head, but she shortens her hair.
- 7) If a woman menstruates at the time of ihram, she performs ghusl and enters ihram. She does as the male does, except that she does not perform tawaf of the House until she becomes pure.
- 8) If she menstruates after the Standing and the Tawaf of Visiting, she can depart from Makkah, and there is no penalty upon her for abandonment of the Tawaf of Leaving.

8.5.2 Components of Hajj (QIRAN)

Qiran is better than both tamattu' and Ifrad (Ifrad is better according to Imam Shafi'iy and tamattu' is better according to Imam Malek). The manner of Qiran is as follows:

`Umrah Components

The actions of `umrah are as follows:

- 1) That one starts with talbiyah for `umrah and hajj from the miqat, uttering intention, saying after one's salah: Allahumma inni uridu'l-hajja wal-`umrata fa-yassirhuma li wa-taqabbalhum minni.

- 2) Then, when one enters Makkah, one proceeds to perform tawaf of the House, seven circuits, performing raml in the first three of them.
- 3) One performs Sa'iy after that, between Safa and Marwah.

If the one performing Qiran did not enter Makkah initially, and went directly instead to `Arafat, he has then abandoned his `umrah by performing the standing. The Sacrificial Blood of Qiran becomes useless for him, but a sacrificial blood is obligatory on him for his abandonment of his `umrah, and it is, however, obligatory on him to make it up.

Hajj Components

- 1) Then, one performs tawaf after the Sa'iy; the Tawaf of Arrival.
- 2) One runs between Safa and Marwah, as in Ifrad.

The other components of hajj are the same as in Ifrad, except for the Sacrificial Blood.

The Sacrificial Blood of Qiran

- 1) When one has pelted the Jamrah on the Day of Immolation, one slaughters a goat/sheep, or a cow, or a camel, or a seventh of a camel. This is the Sacrificial Blood of Qiran.
- 2) If one does not have anything to slaughter, one fasts three days in the hajj, the last of them being the Day of `Arafah.
 - if he has missed the fasting by the time the Day of Immolation arrives, nothing but the sacrificial blood suffices him.
 - then, one fasts seven days when he returns to his hometown, but if he fasts them in Makkah after he has completed the hajj, it is considered valid.

8.5.3 Components of Hajj (TAMATTU')

- 1) Tamattu' is better than Ifrad (best according to Malek, radiyallahu anhu).
- 2) There are two methods of tamattu' : tamattu' in which one sends a sacrificial animal, and tamattu' in which one does not send a sacrificial animal.
- 3) The residents of Makkah may not perform Tamattu', nor Qiran; they may only perform Ifrad.
- 4) Whoever entered ihram for 'umrah before the Months of Hajj, and performed less than four circuits for it, and then the Months of Hajj entered, such that he then completed it, and then entered ihram for hajj, is in the status of tamattu'. But, if he performed four circuits or more of the tawaf for his 'umrah before the Months of Hajj, and then performed hajj that same year, he is not in the status of tamattu'.

The method of tamattu' is as follows:

'Umrah Components

- 1) That one start at the miqat, and enter ihram for 'umrah.
- 2) One enters Makkah, and performs tawaf for 'umrah.
 - one ceases the talbiyah when one starts the tawaf.
- 3) One performs Sa'iy, then shaves or shortens his hair.
- 4) He has now come out of the ihram of his 'umrah.
 - he remains in Makkah, out of ihram.

Hajj Components

- 1) Then, when it is the Day or Tarwiyah, one enters ihram for hajj from the Mosque.
- 2) One does as the hajji of Ifrad does.

The Sacrificial Blood of Tamattu'

- 1) The Sacrificial Blood of Tamattu' is obligatory on him.
 - if he does not find the means to sacrifice then he fasts three days in the hajj and seven when he returns home.

- 2) If the one performing tamattu` desires to offer a sacrificial animal, he enters ihram and offers the sacrificial animal.
- 3) Then, when one enters Makkah, and performs tawaf and Sa'iy, but does not come out of ihram. One remains in ihram until he enters ihram for hajj on the Day of Tarwiyah, although if he entered ihram before that it is valid but then a sacrificial blood is obligatory on him.
- 4) Then, when he shaves his head on the Day of Immolation, he has thereby freed himself from both ihrams.
- 5) If the one performing tamattu` returned to his family after his completion of `umrah, and had not sent a sacrificial animal, his tamattu` is invalidated.

8.6 TRANSGRESSIONS IN HAJJ

8.6.1 Transgressions of the Ihram

- 1) If the one in ihram applied perfume, expiation (kaffara) is due upon him.
 - if he perfumed an entire limb or more then a sacrificial blood is due on him.
 - if he perfumed less than a limb then a charity is due upon him.
- 2) If he wore a sewn garment, or covered his head.
 - if it was for a complete day, then a sacrificial blood is due upon him, if less than that, then just a charity is due.
- 3) Shaving or cutting hair.
 - if he shaved one fourth or more of his head, then a sacrificial blood is due on him.
 - if he shaved less than one fourth then a charity is due on him.
- 4) Clipping the nails.
 - if he clipped the nails of both his hands and both his feet, or even from one hand or one foot, then a sacrificial blood is due on him.
 - if he clipped less than five nails, distributed between his hands and his feet, then a charity is due on him according to Abu Hanifa and Abu Yusuf. Muhammad said: a sacrificial blood is due on him.
- 5) If he applied perfume or shaved hair or wore sewn garments due to a valid excuse, then he has the choice.
 - if he wishes, he may slaughter a mature she-sheep, or

- if he wishes, he may give three sa' of food in charity to sixty needy muslims, or
- if he wishes, he may fast three days.

8.6.2 Sexual Transgressions

- 1) If one kissed, or touched with lust, then a sacrificial blood is due on him.
- 2) Whoever indulges in a sexual intercourse before the Standing at `Arafah.
 - his hajj is nullified, and
 - sacrifice of a mature she-sheep is due on him, and
 - he continues in the hajj in the same manner as one who has not nullified his hajj, and
 - a make-up of the hajj is due on him.
- 3) Whoever has intercourse after the Standing at `Arafah, his hajj is not nullified, but sacrifice of a she-camel is due on him.
- 4) If he had intercourse after shaving the head on the Day of Immolation then sacrifice of a mature she-sheep is due on him.
- 5) Whoever has intercourse in `umrah before performing four circuits of Tawaf.
 - has nullified it, and
 - continues in it, and
 - makes it up, and
 - sacrifice of a mature she-sheep is due on him.
- 6) If he had intercourse after performing four circuits of Tawaf.
 - sacrifice of a mature she-sheep is due on him, but
 - his `umrah is not nullified, and
 - he is not obliged to make it up.
- 7) One who had intercourse forgetfully is the same as one who has intercourse deliberately.

8.6.3 Transgressions in Tawaf

- 1) Whoever performed the Tawaf of Arrival with hadath, a charity is due on him.
 - if he performed this tawaf with janabah then sacrifice of a mature she-sheep is due on him.

- 2) Whoever performed the Tawaf of Visiting with hadath, sacrifice of a mature she-sheep is due on him.
 - if he performed this tawaf with janabah then sacrifice of a she-camel is due on him.
 - it is better for him to repeat the tawaf, as long as he is still in Makkah, and in that case there is no slaughter of a mature she-sheep due on him.
- 3) Whoever performed the Tawaf of Leaving with hadath, a charity is due on him.
 - if he performed this tawaf with janabah, then sacrifice of a mature she-sheep is due on him.
- 4) Whoever omitted three circuits or less from the Tawaf of Visiting, sacrifice of a mature she-sheep is due on him.
 - if he omitted four circuits or more he remains in the state of ihram indefinitely, until he performs them.
- 5) Whoever omitted three circuits of the Tawaf of Leaving, a charity is due upon him.
 - if he omitted the Tawaf of Leaving, or four circuits or more of it, then sacrifice of a mature she-sheep is due on him.
 - if he delayed the Tawaf of Visiting beyond the Days of Immolation, then a sacrificial blood is due on him according to Abu Hanifa (rahimahu Allah).

8.6.4 Other Transgressions

- 1) Whoever omitted the Sa'iy between Safa and Marwah, sacrifice of a mature she-sheep is due on him, but his hajj is complete.
- 2) Whoever omitted the Standing at Muzdalifah, a sacrificial blood is due on him.
- 3) Whoever omitted the throwing of the Jamarat on all the days or of a single day, then a sacrificial blood is due on him.
 - if he omitted the throwing of one of the three Jamarat, then a charity is due on him.
 - if he omitted the throwing of Jamrat al-'Aqabah on the Day of Immolation, then a sacrificial blood is due on him.

- 4) Whoever delayed the shaving or cutting of the hair until the Days of Immolation had passed, then a sacrificial blood is due on him according to Abu Hanifa (the two companions said he doesn't have to).

8.6.5 Transgressions in Hajj Qiran

For anything of that is mentioned, in which one sacrificial blood is due on someone performing ifrad, two sacrificial bloods are due on one performing Qiran: a blood for his hajj, and a blood for his `umrah, except if he passed the miqat without ihram, and then wrapped himself for ihram for `umrah and hajj, in which case he is only obliged for one sacrificial blood.

8.7 `UMRAH

- 1) `Umrah is valid throughout the year, except for five days in which performing it is disliked:
 - the Day of `Arafah.
 - the Day of Immolation, and
 - the Days of Tashriq.
- 2) `Umrah is Sunnah (fard according to Imam Shafi'iy).
- 3) `Umrah is made up of:
 - ihram.
 - tawaf.
 - sa`iy.
 - shaving or cutting the hair.

8.8 SACRIFICIAL ANIMAL

- 1) The minimum sacrificial animal is a mature she-sheep.
- 2) The permissible sacrificial animals are of three types: camel, cow and sheep.
- 3) The following are not permissible as sacrificial animals:
 - an animal with severed ears, or the major part severed.
 - an animal with a severed tail, arm or leg.

- an animal whose eyesight is gone.
 - a very thin/sick animal.
 - a severely crippled animal, such as cannot walk to the place of sacrifice.
- 4) A mature she-sheep is permissible for everything, except in following two cases when only a she-camel suffices:
- one who performed the Tawaf of Visiting with janabah, and
 - one who had sexual intercourse after the Standing at `Arafah.
- 5) A she-camel and cow each suffice for seven people, if each one of the partners intends devotion.

8.9 IMMOLATION (UDHIYAH/QURBANI)

8.9.1 Obligation

- 1) The immolation is wajeb on every free, resident, well-off Muslim, on the Day of Immolation, for himself and on behalf of his minor children.
- 2) He slaughters on behalf of each of them a mature she-sheep, or he slaughters a she-camel or a cow on behalf of seven.
- 3) There is no immolation due on the poor one, nor the traveler.
- 4) The time for immolation enters with the rise of dawn on the Day of Immolation. It is permissible on three days: the Day of Immolation, and two following days.

8.9.2 Slaughter

- 1) One does not sacrifice:
 - a blind animal.
 - a one-eyed animal.
 - a severely crippled animal such as cannot walk to the place of sacrifice.
 - a very thin/weak/sick animal.
- 2) The preferable slaughter is in the neck and upper chest.
- 3) The best is that one slaughter one's sacrifice with one's own hand, if one knows how to slaughter.
- 4) It is disliked for a Person of the Book to slaughter it.

- 5) If two men made a mistake, such that each of them slaughtered the sacrifice of the other, it is valid for both, and there is no liability on either of them.

8.9.3 Benefiting from the Sacrifice

- 1) One may eat from the meat of the sacrifice, and feed the rich and poor, and store.
- 2) It is recommended that the portion given in charity be more than one third.
- 3) One may give its skin to charity or keeps it.

CHAPTER NINE

ZAKAT (ALMS)

9.1 STATUS

9.1.1 Obligation

- 1) Zakat is obligatory on the free, adult sane Muslim when:
 - he possesses the nisab with complete possession.
 - a lunar year has passed over it.
- 2) Zakat is not obligatory on the following:
 - a child, nor an insane person, nor a mukatib.
 - anyone who has a due debt encompassing his money. But, if his money is more than the debt, he pays zakat on the excess if it reaches nisab.
- 3) If one advance-pays the zakat before the year has passed over it, and he possesses nisab, it is valid.
- 4) If wealth is destroyed after the obligation of zakat has become due, it is waived.
- 5) Zakat is due on the following:
 - gold.
 - silver.
 - cash.
 - trade-goods.
 - freely-grazing livestock kept for milk, breeding or fattening : camels, cows, sheep and goats.
 - produce (excluding firewood, reeds and grass).
 - buried treasures and metals.
- 6) Zakat is not due on the following:
 - residential homes.

- body clothes.
 - household furniture.
 - riding-animals.
 - slaves in service.
 - weapons of use.
- 7) Zakat is only valid if offered with an intention coinciding with the payment, or coinciding with the setting-aside of the obligatory portion.

9.1.2 Zakat on Silver

- 1) There is no charity obligatory on any silver less than 200 dirhams (200 dirhams corresponds to 19.69 troy oz and 612.36g).
- 2) Then, if it is 200 dirhams, and a lunar year passes over it, 5 dirhams are due for it.
- 3) There is nothing due on the excess until it reaches 40 dirhams, and then 1 dirham is due for it.
- 4) Similarly for every 40 dirhams, there is 1 dirham due.

9.1.3 Zakat on Gold

- 1) There is no zakat obligatory on any gold less than 20 mithqal (20 mithqal corresponds to 2.81 troy oz and 87.48g).
- 2) Then, if it is 20 mithqal, and a lunar year passes over it, then half a mithqal is due for it.
- 3) Then, for every 4 mithqal, 2 qirat are due. There is no charity obligatory on any gold less than 4 mithqal according to Abu Hanifa.
- 4) There is zakat due on raw gold and silver, as well as on jewelry and vessels made of them.

9.1.4 Zakat on Goods

- 1) Zakat is obligatory on trade goods, whatever they may be, if their value reaches the nisab of gold or silver; one assesses it based on whichever of the two is more beneficial for the poor and destitute.
- 2) If the nisab is complete at the two ends of the lunar year, then its dropping in between that does not waive the zakat.

- 3) The value of goods is added to gold and silver. Similarly, gold is added to silver in value in order to reach the nisab, according to Abu Hanifa.

9.2 CATEGORIES OF ZAKAT RECIPIENTS

9.2.1 Those Who May Receive Zakat

Allah, the Exalted, says, (which means), “Alms are only for the poor, the destitute, those who collect them, those whose hearts are to be reconciled, for [mukatib] slaves, debtors, and in the Path of Allah, and the wayfarer. An [ordained] obligation from Allah. And Allah is Knowing, Wise” [Qur’an, 9:60].

These, then, are eight categories:

- 1) **The Poor:** the one who has the least of things.
- 2) **The Destitute:** the one who has nothing.
- 3) **Al-Mu’allafa Quloobuhum:** those who are still not sure of Islam yet and this money is given to them to soften their hearts towards Islam and muslims.
- 4) **The [Zakat] Worker:** is paid by the imam in proportion to his work, if he worked.
- 5) **Slaves:** the mukatibun are assisted in freeing themselves.
- 6) **The Debtor:** the one on whom a debt is incumbent.
- 7) **In the Path of Allah:** are the stranded fighters.
- 8) **The Wayfarer:** the one who has money in his homeland, but is in a place in which he has nothing.

One may divide the Zakat to each category, or he may restrict himself to one.

9.2.2 Causes Not Eligible for Receipt of Zakat

- 1) It is not permissible for one to give zakat to a dhimmi.
- 2) Nor may a mosque be built with it.
- 3) Nor may a dead person be shrouded with it.
- 4) Nor may a slave be bought with it to free.
- 5) Nor may it be paid to a rich person.

- 6) Nor may it be paid to a shareef (descendants of the Prophet, sallallahu alahi wa aalihi).

9.2.3 Relationships Making One Ineligible to Receive Zakat

- 1) Nor may the payer of zakat pay it to his father, or his grandfather even if higher up in ascendancy.
- 2) Nor to his child, nor his child's child, even if lower down in descendancy.
- 3) Nor to his wife. A woman may not pay her zakat to her husband, according to Abu Hanifa. Abu Yusuf and Muhammad said: she may pay it to him.
- 4) One may not pay one's zakat to one's mukatib or slave, nor to the slave of a wealthy person, nor to the child of a wealthy person if he is a minor.
- 5) It may not be paid to Banu Hashim, and they are: the Household of `Ali, the Household of `Abbas, the Household of Ja`far, the Household of Harith ibn `Abd al-Muttalib; nor to their freed slaves.

9.2.4 Miscellaneous Regulations

Abu Hanifa and Muhammad said: If one pays zakat to a man whom one thinks to be poor, and then it transpires that he is rich, or Hashimi, or an unbeliever, or if one paid it in darkness to a poor person, and then it transpired that he was his father or his son, then repeating it is not obligatory on him.

Abu Yusuf said: Repetition is obligatory on him. If one paid it to a person, and then he learned that he is his slave or mukatib, it is not valid according to the verdict of them all.

It is not permissible to pay zakat to anyone who possesses the nisab of whatever type of wealth it may be. It is permissible to pay it to anyone who possesses less than that, even if he is healthy and earning.

It is disliked to transfer zakat from one land to another; rather the Zakat of each people should be distributed amongst them, unless a person transfers it to his relatives, or to a people who are more in need than the people of his land.

9.3 SADAQAT-AL FITR

9.3.1 Obligation

- 1) Sadaqat al-Fitr is wajib on the free Muslim, if he is in possession of the quantity of nisab in excess of his dwelling, clothing, furnishings, horse, weapons and service slaves.
- 2) He gives it out on behalf of himself, his minor children and his slaves.
 - he does not pay it on behalf of his wife, nor his adult children, even if they are in his household.
 - he does not give it out on behalf of his mukatib, nor his slaves who were acquired for trade.
 - there is no fitrah due on either of the two masters of a slave co-owned between two partners.
 - a Muslim master pays the fitrah on behalf of his unbelieving slave.
- 3) The obligation of the fitrah is attached to the rise of the dawn on the Day of Eid al-Fitr. So, whoever dies before that, his fitrah has not become wajib. Whoever accepts Islam, or is born, after the rise of the dawn, his fitrah has not become wajib.

9.3.2 Payment

The fitrah is as follows:

- 1) half a sa` of wheat, or
- 2) one sa` of dried dates or raisins or barley.

The sa` according to Abu Hanifa and Muhammad is 8 Iraqi ratl.

Abu Yusuf said: it is $5\frac{1}{3}$ ratl (1 sa` is a volume of 2.03 litres, and corresponds to approximately 3,149.28g. 1 sa` ~ 4 mudd; 1 mudd ~ 2 ratl; 1 ratl ~ 20 istar; 1 istar ~ $4\frac{1}{2}$ mithqal {Radd al-Muhtar}).

It is recommended for people to give out the fitrah on the Day of Fitr before going out to the prayer place. If they advance-pay it before the Day of Fitr, it is valid. But, if they delayed it beyond the Day of Fitr, it is not waived, and it is still an obligation on them to give it out.