

# Fiqh Summary of the School of the Maliki Masters

(Muhammad al-'Arabi al-Qarawi)

## The Pure and the Impure

### **1. How many pure substances are there and what are they?**

There are 30 pure substances which will be mentioned in the course of this chapter.

### **2. What is the ruling on components of the earth and the ruling on living creatures, their sweat, tears, mucous, spit, and eggs and what emerges after death?**

Things are fundamentally pure. All components of the earth and what is produced from it are pure, and any impurity is incidental. These following substances are pure:

1. A living creature, even if it is a dog or pig.
2. Its sweat.
3. Its tears.
4. Its mucous.
5. Its spit.
6. Its eggs, except for those which have become rotten or become blue or turned to blood: they are impure. As for those whose white has become mixed up with its yolk without being rotten, they are pure.
7. Those substances mentioned above which emerge from a living creature after it has been legally slaughtered.
8. That which emerges from a living creature after it dies when it is an animal which is pure when it dies without being slaughtered, like fish and locusts. As for what emerges from a living creature after death when it is an animal which is impure when it dies by itself, like cattle after they die, that is impure.

### **3. What is the ruling on phlegm, bile, that which falls out of the brain, the human corpse, that which does not have blood, aquatic animals, that which is slaughtered, hair and down?**

All those mentioned are pure and are as follows:

9. Phlegm, which is what comes congealed from the chest, like snot.
10. That which emerges from the brain of a human being or other creature.

11. Bile, which is a thick yellow fluid which is secreted by the stomach like a saffron dye. That is because we consider the stomach to be pure and so what emerges from it is pure as long as it has not been subject to decomposition, like vomit which is no longer food.

12. A human corpse, even an unbeliever.

13. That which is dead and has no blood. This includes all the insects and vermin of the earth like scorpions, beetles and fleas, but not lice, which are impure when dead.

14. Dead aquatic animals: fish and others, even if they live a long time on land.

15. All that is slaughtered, whether by cutting its throat, or by *nahr* (a spear in the throat), or shooting if it is an animal which is lawful to eat. As for animals which meat is forbidden, such as pigs, the dead animal is impure, even if slaughtered.\* As for those who say that their meat is disliked, then the process of slaughter is carried out on those animals and their dead are pure.

\*As for dogs, donkeys, As for dogs, donkeys, mules and horses, there is a difference of opinion regarding their meat and whether it is unlawful or disliked. In the view of those who consider their meat unlawful, the dead animal is impure.

[Note. Some even say that horsemeat is permitted without being disliked.]

16. Hair, even from pigs. This includes camel hair and wool.

17. Down from feathers. It is that which connects to the quill on both sides.

#### **4. What is the ruling on inanimates, human milk, excrement of permitted animals, their gall, undigested food, vomit, musk, wine, the ashes and smoke of impure things, and blood which has not been shed?**

These following categories are also pure with certain preconditions attached to some of them.

18. Inanimates, which are substances which have no life and have not been separated from anything living. This includes all the varieties of plants and parts of the earth, and liquids, like water and oil. Milk, ghee and honey are not included as they are not inanimate because they came from something living, like eggs.

An exception is made for a liquid intoxicant derived from something inanimate, such as wine which comes from the juice of grapes, or the alcohol from the infusion of raisins and dates and the like. They are all impure and someone who drinks them receives a *hadd* punishment. This is not the case with hashish, opium, henbane and the like. They are pure because they are from something inanimate. It is, however, *haram* to use them because they remove good sense. It is not *haram* to use them for medical treatment on the outside of the body.

19. Human milk, even from an unbeliever.

20. The milk of what is not forbidden to eat, even if it is disliked, such as cats and beasts of prey. The milk of animals it is forbidden to eat, like pigs, is impure.

21. The excretion of permitted animals: the droppings and dung, urine, and the waste of chickens and all birds which do not consume impurity. If they consume impurity in food or drink, then their droppings are impure. A mouse is an animal whose meat is permitted and its droppings have the same ruling, even though it normally consumes impure things, like chickens. Their droppings are only deemed to be impure if they are proven or believed to have consumed impurities.

22. The gall of animals not *haram* to eat, whether permitted or disliked. It is a yellow liquid which exists in a known place in the animal.

23. Undigested food, which is the liquid which the stomach casts up when it is full.

24. Vomit when it has not changed from the state of food by turning sour. If it has changed, it becomes impure.

25. Musk and the animal which it comes from, and civet, which is similar.

26. When wine is turned into vinegar or turned to a solid by some process it become pure, especially when it becomes vinegar or solid on its own.

27. The ashes of impure things, like impure rubbish and dung. The purity of the ash of impurity is restricted to that which is consumed by fire so that the parts of the impurity are eradicated, but not something whose ashes retain a solid form. They remain impure.

28. Impure fuel, which becomes pure when burned.

29. The smoke of impurity.

30. Blood other than that which is shed and flows from the slaughtered animal and remains in the veins of the animal or its heart or what leaks from the meat. That which remains in the place of slaughter is considered to be shed blood, which is impure, as is that which is found in the abdomen of the slaughtered animal after skinning.

## **5. How many impure substances are there and what are they?**

There are fifteen impure substances which will be mentioned below in sections 6 to 8.

## **6. What is the ruling on the dead body, what issues from it, what is separated from it, and what is separated from something alive? What is the ruling on skins?**

Those are impure substances:

1. The dead bodies of all land animals with a circulatory system: sheep, cattle, and donkeys, even lice. A small amount in the case of lice is overlooked due to the difficulty in removing it. Human corpses are pure, as already stated.

2. All that emerges from that corpse after death including urine, tears, mucous, and eggs.

3. All of what is separated from it which had been penetrated by life like flesh, bones, sinews, horns and hooves and teeth. Feather quills from birds alive or dead, which is that which is covered by down, are also impure. It has already been mentioned that down and hair are pure since life does not penetrate them. The skins of living or carrion animals are impure, even if tanned, and cannot be prayed in or on. Most of the imams believe that they become pure when tanned. Imam Malik, however, hesitated about the purity of the *kaymakht*, which is a tanned skin of a donkey, horse or mule. Some later scholars preferred that it be considered pure and used to carry liquids like ghee and honey, and that prayer is permitted on it. According to the well-known view that tanned skin is impure, it is permitted to use it for non-liquids, like grains, flour and unmoistened bread, and for water in general because water is purifying and is not made impure by it until its colour, taste or smell is changed. As for other liquids, like ghee, honey, olive oil and other oils, and water altered by pure things, like rose water, they may not be placed within the tanned skin and if placed in it, become impure.

\* Elephant tusks, the source of ivory, are also considered impure, although some give more weight to the opinion that it is heavily disliked (*makruh tanzih*).

### **7. What is the ruling of shed blood, black bile, human excreta and excreta of animals not permitted to be eaten and animals which consume impurity?**

These are impure substances:

4. Shed blood, which is blood after slaughter, or from cupping or a wound, etc..

5. Black bile, which is what emerges from the stomach like pure blood.

6. Human excreta: urine and faeces.

7. Excreta of animals which it is not permitted to eat. These are animals whose meat is forbidden, like donkeys, or disliked, like beasts of prey.

8. The excreta of birds which consume impurities, like chickens and other birds, whether they eat or drink that.

### **8. What is the ruling on vomit, sperm, wady, pus, purulence, and what flows from the body?**

These are impure substances:

9. Vomit, which is food expelled by the stomach when its nature has changed. It is impure when it has changed from the state of food in taste, colour or smell. If it is not been changed, it remains pure, as already stated.

10. Sperm.

11. Madhy, which is the thin liquid which emerges from the penis or vagina when thinking about intercourse or other sexual activities.

12. Wady: which is a thick liquid which emerges from the penis without pleasure. It emerges due to illness or a dry nature or the like, usually after urination.

13. Pus, which is the the thick substance which comes from a boil.

14. Purpulence, which is a thin liquid mixed with blood.

15. All that flows from the body from blisters, pimples, pustules, scabs, itch and the like.

### **9. What is the ruling on something liquid or solid when an impurity falls into them?**

When impurity falls into a liquid, like oil, honey, milk, rose water and the like, it becomes impure, even if there is a lot of liquid and a little impurity, like a drop of urine in gallons of these liquids. This is the well-known position, although there is another one which states that a little impurity does not harm a lot of food. Similarly, when an impurity falls into solid food or a mouse or a similar animal whose dead is impure dies in it, the food also becomes impure when the impurity is believed to have pervaded it when it has been left for a long time. If he does not think that it has spread through all of it, then only the area which he thinks that the impurity has spread to it is impure. This ruling varies according to the circumstances: the liquidity or solidity of the impurity, and the length of time. So he removes from the food that amount through which it is thought that the impurity has spread and uses the rest. If he is less than 50% certain that the impurity has spread, then it is not discarded or the food is not thrown out on account of doubt.

All of this is when the impurity is liquid or a solid which is loose or crumbly. As for an impurity which is solid and hard, like a bone or tooth, the food does not become impure when it falls into it. Included in this category is ivory which women wear and which often makes contact with dough and the like.

### **10. Can what is made impure be purified?**

When liquids have an impurity fall into them, they become impure and cannot be purified. Meat which is cooked an impure substance cannot be purified, nor oil which is salted with it, eggs which are boiled in it, or clay which becomes impure by something penetrating all parts of the clay when the impurity is liquid, like urine, impure water, and blood. This occurs when it remains in the clay for a long time and it is thought to have permeated it. The same ruling which applies to clay applies to wooden vessels into which the impurity can penetrate.

The impurity of clay vessels is limited by two conditions:

1. That the impurity which is in it is not wine which is meant to become solid or turn into vinegar. As for wine which becomes solid or vinegar, its vessel is purified by that process.
2. That the clay has not been baked. If it has been baked, it is pure.

Clay can be purified when solid impurity is put into it, as things other than clay can be purified: like brass, glass, and iron which is heated and then extinguished in impure water. It does not penetrate it because it is repelled by the heat.

### **11. Is it permitted to use impurity or something impure?**

It is not permitted to use impure things at all except in four cases:

1. Tanned skins, in the ways we mentioned in section 6.
2. The meat of carrion, when someone is compelled to use it in case of dire necessity.
3. Wine for someone who is choking. It is not permitted to use it as a medicine, even if prescribed. There is disagreement about other impurities when they are prescribed for treatment. It is not permitted to drink wine to assuage thirst because it actually increases thirst. The Hanafis and Shafi'is permit its drinking to avert death due to lack of moisture, but not for thirst itself.
4. Impurity placed on crops for their benefit, like nourishing melons by impure substances, but it is mandatory to make that clear when selling the fruit.

It is permitted to throw carrion to dogs, as it is permitted to burn its bones in a brick oven or stone oven.

As for an impure thing, it is forbidden to use it in two specific cases:

1. A human being may not eat or drink it, and it is disliked to use it to oil his body. It must be removed for the prayer, *tawaf* and entering the mosque.
2. The mosque. Nothing impure may be used in it. Its lamps may not be lit with impure oil since the lamps are inside the building. If the lamp is outside of the mosque but illuminates the inside, it is permitted to use impure fuel.

In other than these two cases, it is permitted to use impure things. Impure food may be given to animals and animals and crops are watered with impure water. Calves and the like may be oiled with impure oil, and soap and other things may be made from it. It is not permitted to sell something intrinsically impure because it is not possible to purify it. Ibn Wahb, however, says that it is permitted to sell it. If it something which can be purified, like garments, then it is permitted provided that the seller makes clear that an impurity has occurred to it.

### **12. Is it permitted to use silk?**

It is prohibited (*haram*) for a sane adult male to use pure silk as clothing, bedding and covering. As for *khazz*, which is a cloth whose warp is made from silk and woof is made from cotton or linen (i.e. a mixture of the two), it is disliked, and because it is a doubtful matter, it is more scrupulous to leave it. If someone abandons doubtful matters, he keeps his *deen* and honour free of blame. An exception to this prohibition is the use of a silk curtain when the legally responsible person does not lie on it, and the banner used for jihad.

### **13. Is it permitted to wear jewellery made of the two metals of currency, gold and silver?**

It is prohibited (*haram*) for a sane adult male to use jewellery made of gold or silver or clothing woven with them or embroidered with them, or with buttons made from them. Jewellery itself is even more haram, like goblets and belts, even fighting implements like knives, daggers and spears. There are five exceptions to the prohibition, and their ruling is *mubah* (allowed):

1. Swords. It is permitted to decorate them with gold or silver, whether on the hilt or the sheath. The scholar al-'Adawi stipulated that a precondition for allowing the decorating of the sword was that it be used for jihad in the Way of Allah. If it is for bearing it in the land of Islam, it is not permitted to adorn it.
2. Copies of the Qur'an. It is permitted to adorn them to honour them, but it is disliked to write its tenths and juz's with it because it distracts the reader from reflecting on the meaning. As for copying down knowledge and hadith, it is not permitted to adorn them with gold or silver. Al-Barzali permitted adorning the inkwell for writing the Qur'an and adorning the *ijaza* (certificate allowing teaching).
3. Teeth, whether one or several. What is meant is the molar. When it becomes loose, it is permitted to fix it with a cap made of either gold or silver. It is the same for a cap which puts the tooth back when it falls out. It is permitted to put it back because what is dead of a human being is pure. It is also permitted to put something in its place if that is pure. As for using something which is derived from a dead animal (such as ivory), there are two views about that: one that it is permissible and one that is forbidden. Based on the view that it is forbidden, it would be mandatory to remove it for every prayer as long as that does not become an impossible burden.
4. An artificial nose which can be made from one of them
5. A ring, which can only be made from silver, with two stipulations.
  - a. Its weight is that of two legal dirhams or less.
  - b. There is one ring and not several.If the combined weight of several rings is two dirhams or less, that is still forbidden, as it is also forbidden if the ring is made of gold or partly of gold unless the gold is less than the silver. In such a case, it is disliked, even if it is distinguishable from the silver. The same ruling applies if the ring is gold plated.  
If the two stipulations are observed, then it is recommended to wear a ring, as it is recommended to wear it on the left hand and to have the bezel facing the palm because that entails less pride. It is permitted to engrave rings. They may be engraved with the names of their owners and the name of Allah Almighty. That is the view of Malik, may Allah be pleased with him. It is disliked to wear rings made of iron, copper and the like.

#### **14. Is it permitted to own vessels made from gold or silver or to have vessels covered by one of them, repaired or plated using one of them?**

It is prohibited (*haram*) for the legally responsible person, male or female, to keep vessels of gold or silver, even if they are not actually used. It is not permitted to use them for storage or for fear of poverty or to rent them out, or as ornaments on shelves and the like. This is, however, not the case with jewellery which a man keeps out of fear of poverty. That is permitted because women are allowed to use jewellery but neither men nor women are permitted to use such vessels.

As it is unlawful to use gold and silver vessels when they are covered with copper, lead or tin, and it is forbidden to mend vessels made of wood or clay, or china with gold and silver. This is when a split is filled with gold or silver to mend it. As for copper or iron vessels, including stirrups, it is permitted to coat them with gold and silver, according to the well-known position.

#### **15. Is it permitted to use gems? What use may women make of silk, gold and silver?**

The owning of gems such as rubies, emeralds, pearls and crystal, is not forbidden nor is it forbidden to use them in vessels. It is permitted for a woman to wear silk, gold and silver and adorn herself with them, even on sandals or slippers because they are part of dress. Similar items such as covers, pillows, buttons and hair grips fall into this category. Make-up sticks, beds and vessels of gold or silver are not permitted to her as they are not worn and have no connection to what is worn. She is not permitted to decorate brushes, kohl sticks and daggers with gold or silver nor to decorate a sword if she has one. It is forbidden for her to adorn a sword because it is a male ornament.

### **Purification (*Tahara*)**

#### **16. What is its reality? What are its categories?**

"Purification" is the removal of an impediment affecting all the limbs, which is the major purification called *ghusl*, or only affecting some of the limbs, which is the minor purification called *wudu'*.

What is meant by an 'impediment' is a state which does not allow a man to perform his worship, such as, for instance, his state when one of the things which breaks *wudu'* (such as urinating) overcomes him and prevents him from performing the prayer.

There are two categories of purification:

- 1) Purification from ritual impurity.
- 2) Purification from actual filth.

#### **17. What is *hadath* (ritual impurity)? How many categories does it have?**



It is an impediment affecting all the limbs, which is the major impurity and obliges *ghusl*, or an impediment affecting some of the limbs, which is lesser impurity and obliges *wudu'*.

### **18. What is the purification of filth? What is used for it?**

It is the removal of impurity from the garment, body and place of someone who prays. It can be done with any type of water since what is under consideration is the removal of the impurity itself and cleaning of its location.

### **19. Are there different categories of purification from ritual impurity? What is used to achieve it?**

There are two types of purification:

- 1) that done with water, which is *wudu'* and *ghusl*
- 2) that done with earth, which is *tayammum*.

Only pure water may be used.

### **20. What is pure water?**

It has two preconditions:

1. That it remains on its basic nature in that nothing is mixed with it, such as sea water, well water, water collected from dew and water which has melted after having been frozen and ice.
2. That neither its colour or smell or taste has been altered by something which is normally separate from it, whether that substance be pure or impure.

### **21. What is the ruling on changed water?**

- 1) Water which has been changed by the addition of an impurity, such as blood, corpses or wine. This type of changed water may not be used for general use or for worship.
- 2) Water which has been changed by the addition of something pure which is separate from it, such as milk, ghee and honey. This type of water may be used for general use (such as cooking) but not for worship.
- 3) Water which has been altered by something pure that is inseparable from it, like red clay, salt, sulphur and earth, or has been altered by that which falls or is thrown into it but is part of the earth around it, such as dry mud, even if it is thrown in intentionally. This type of water may be used for both worship and everyday uses. This ruling is also true for water whose state is altered by stagnation or by fish and moss growing and living in it, or by the leaves of surrounding trees falling into it, as this is impossible to avoid.

## **22. What water is it disliked to use for purification?**

It is disliked to use a small amount of water for *wudu'* or *ghusl* if that water has already been used to perform one of them, just as it is disliked to use water into which impurity has fallen, which is not sufficient to change its state, even if this water were only to be used for the purification of actual filth (*khathath*). It is also disliked to use water which has been lapped by a dog.

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### **[Wudu'](#)**

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## **Fiqh Summary of the School of the Maliki Masters**

**(Muhammad al-'Arabi al-Qarawi)**

### **Wudu'**

#### **Its obligatory Elements**

#### **23. How many obligatory elements of wudu' are there and what are they?**

There are seven obligatory elements. They are:

- 1) intention
- 2) consecutiveness
- 3) rubbing
- 4) washing the face
- 5) washing the arms to the elbows
- 6) wiping the head
- 7) washing the feet

#### **24. When is the intention made? What should someone performing wudu' intend?**

The intention should be made at the beginning of the wudu'.\* The intention is made by intending one of these three things in the heart:

[\*NOTE: The intention must be made before the first obligatory element of wudu', which is the washing of the face. It is recommended that it be made at the very beginning, before washing the hands.]

1. Removing minor ritual impurity
2. Allowing what minor ritual impurity prevents
3. Performing the obligation of wudu'

It is better to not actually articulate the intention with the tongue. Also the intention must be clear, with no doubt entering into it. It is not enough to say, "If I am in a state of impurity, then this wudu' is for that minor ritual impurity."

### **25. Does forgetting the intention after having it impair the wudu'?**

When someone makes his intention at the beginning of the wudu' and then fails to continue to remember it, that does not impair his wudu'. However if he says, "My wudu' is invalid," or words to that effect while performing his wudu', then his wudu' is invalidated and he must start it again. If says this (that his wudu' is invalid) after his wudu' is over, then his wudu' is unimpaired and he may still pray with it.

### **26. What is rubbing? What things are disliked in it?**

Rubbing is the passing of the palm of the hand over the limb\*. It is recommended that each area is rubbed only once, as it is disliked to go to excess in rubbing or do it with force. The obligation of rubbing is not met by rubbing with the back of the hand, although that is sufficient in the case of *ghusl*. The palm of the hand must be used.

[\* NOTE: what is meant by limb here is the face, arms and feet.]

### **27. What is consecutiveness? Is it absolutely mandatory?**

Consecutiveness is that wudu' be carried out in one go, without a break between its different elements. Consecutiveness is obligatory when one remembers and is able to do it.

### **28. What is the ruling on someone who forgets, who is unable to do it, and someone who deliberately introduces delays between the washing of his limbs (ie. Someone washes his face while doing wudu', then leaves his wudu' to have a cup of tea, then returns to his wudu' and washing his arms)?**

1) Someone who forgets: If someone introduces delays between the washing of his limbs in wudu' due to forgetfulness, then he must build on what he has done, whether a long time has passed or only a short time. He must renew his intention.

2) Someone who is unable: If someone introduces delays in the washing of his limbs due to a lack of ability, without himself being the cause of that inability, such as when he fills a container with a sufficient amount of water and then someone pours it out or takes it from him, or it is unintentionally spilled while he is carrying out his wudu', or an impediment arises preventing him finishing his wudu', then his ruling is the same as someone who forgets in that he builds on what he has already done. He does not, however, need to renew his intention.

If someone introduces delays between the washing of his limbs due to a lack of ability, when he is the cause of that lack of ability, such as not being sure that the amount of water he has prepared is adequate, or knowing it to not be adequate, then he builds on what he has done if only a short time has passed. If a long time has passed then he must repeat the entire wudu' with a new intention.

3) If someone introduces delays between the washing of his limbs on purpose, then his ruling is the same as someone who is unable to perform his wudu', being himself the cause of that inability. If a short time has passed, he builds on what he has done. If a long time has passed, he repeats his wudu'.

These rulings are for the one who deliberately introduces delays between his limbs in his wudu' without nullifying his intention. If he does abandon his intention, he must make it again and begin a completely new wudu', whether a long time has passed or only a short time.

### **29. What is meant by a long time?**

A "long time" is the time it takes for the last limb (that was washed in the wudu) to dry in an average time of the year in which there is no excessive heat, cold or strong winds in an average locality. By 'limb', an average-sized limb in a healthy body is meant, not for example the limb of an old man or a child (or a giant or someone with a fever or cold). By 'average locality' we mean a place which has a moderate climate, not hot like the Hijaz or cold like (Scandinavia).

### **30. Washing the face. What are its limits?**

In length, the face extends from where the normal roots of the hair on the head begin to the tip of the chin. If the man has a beard he must wash to the end of his beard.

In width, the face extends from the soft bits in front of the right ear to the soft bits in front of the left ear. These fronts of the ears are not considered part of the face nor is the white area above them or the hair of the temples. The white area underneath them is however part of the face. One washes the septum between the nostrils, wrinkles on the forehead (or anywhere else), the outside of the lips and what is difficult to reach or hidden such as eyelids or any wounds or scars on the face.

### **31. What is the ruling for someone bald and someone who is hirsute?**

It is not mandatory for a bald man to reach the point where the roots of his hair begin. He stops his washing at the point where the roots of the hair would normally start. The hirsute man (the

one whose hair grows on his forehead), when washing his face, must wash the hair which is below where the normal roots of the hair begin.

### **32. Must the water penetrate to the roots of facial hair?**

If the hair is thin and the skin can be seen from underneath it, then the water must penetrate to the skin. By penetration we mean that the skin must be rubbed with the water, as the rest of the face, not just that the water touches the skin.

If the hair is thick and the skin can not be seen from underneath it, then it is not mandatory that the water penetrate it. However the water must enter the outside of the hair, even if it does not reach the skin.

### **33. Washing the arms. What is the ruling of washing between the fingers and the ruling on removing a ring?**

It is mandatory to wash the arms up to and including the elbows. Washing between the fingers is only obligatory as is making sure the water gets to all the cracks and lines of the fingers and hands.

It is not mandatory to remove or move a ring which is allowed by the Shari'a, even if it is so tight that the water is unable to go under it. This is true for both men and women who wear rings. As for rings which are forbidden, such as gold rings for men, they must be removed if they are tight. If they are loose, and the water is able to go under them, then it is enough to move them.

The ring which is permitted for men in the Shari'a is that which is made of silver and weighs two dirhams or less.

### **34. Wiping the head. What should be included in the wiping? What is the ruling on plaited hair?**

It is mandatory to wipe the whole of the head from where the normal roots of the hair begin (adjoining the face) to the nape of the neck. The hair of the temples just above the cheekbone must also be included, as well as the patches of bare skin above the front of the ears (adjoining the temple). It is mandatory to wipe any hair which hangs down (below the nape), even if it is very long.

It is not necessary to undo the plaids, even if they are tightly plaited unless there are a lot of threads, in which case they must be undone. This applies to men and women. Two threads or less may be ignored as may a barrier such as henna.

### **35. Washing the feet. What is the ruling on washing between the toes?**

It is mandatory to wash the feet, up to and including the ankles. You must make sure to wash those parts that the water doesn't readily or are difficult to rub, such as the Achilles tendon, the

heel and the bottom of the foot. It is recommended to wash between the toes and to use the left hand to wipe with.

## **The Sunan of Wudu'**

### **36. How many sunnas of wudu' are there? What are they?**

There are eight sunnas of wudu':

- 1) washing the hands to the wrists
- 2) rinsing the mouth
- 3) inhaling water up the nose
- 4) blowing the water out of the nose
- 5) the second wiping of the head (from the back to the front)
- 6) wiping the ears
- 7) renewing the water for the wiping of the ears
- 8) Carrying out the obligations of wudu' in their proper order.

### **37. Washing the hands to the wrists.**

It is sunna to wash the hands to the wrists before putting them in the vessel being used to perform wudu'. Placing the hands in the vessel itself to wash them goes against the sunna, if the following three conditions are met:

1. That there is a small amount of water, like that in a vessel used for making wudu' or ghusl.
2. That is possible to pour from the vessel, like a platter.
3. That the water is not free-flowing.

If these conditions are not met in that there is a lot of water or it is free-flowing, or it cannot be poured out (such as with a wash basin or fountain) then he may put his hands directly into the water without it being disliked. It is recommended that the hands are washed three times.

### **38. Rinsing the mouth, inhaling water up the nose and blowing it out**

Rinsing the mouth is putting water in the mouth, (gargling) it around and then spitting it out.

Sniffing water up the nose is bringing water to the nose (with the hand) and breathing it up.

It is recommended to do each of these acts three times with three separate handfuls of water, by rinsing the mouth three times and then sniffing up water three times. The one who is not fasting should exaggerate in his rinsing and sniffing. What is meant by this is that the water should reach the throat when he is rinsing his mouth and should reach the nasal cavity when sniffing. However the one who is fasting should not do this for fear of breaking his fast. For if he does so and water does reach his throat, then he has to make up his fast.

(Just as water should be sniffed up the nose it should be blown out). This is done by blowing out of the nose while holding the nose with the thumb and index finger of the left hand. The process is similar to that of blowing the nose.

### **39. What elements are mandatory in the carrying out of these four sunnas, namely washing the hands to the wrists, rinsing out the mouth, sniffing water up the nose and blowing it out?**

The intention is a mandatory element in these four sunnas. He must pretend to perform the sunan of the wudu, or intend the performance of the whole wudu' when washing his hands. If he washes his hands in order to cool down or to remove dirt from them and then intends wudu', he must repeat it in order that the sunan are encompassed by his intention.

### **40. Wiping the ears, renewing the water for them, and bringing the hands back over the head.**

The outside of the ears should be wiped with the thumbs and the inside with the index fingers. Then the index fingers should be inserted in the holes of the ears. The folds and crevices of the ears should not be followed (as wiping is required not washing). Renewing the water to wipe the ears is also a sunna.

As for bringing the hands back to the front of the head when wiping them, this is only a sunna if there is still moisture left on them after the initial wiping of the head. This return wipe is no longer considered a sunna if the hands have dried. This sunna of bringing the hands back to the front of the head applies whether the hair is long or short, as opposed to those who make a distinction between them - they make the return wipe obligatory for long hair and sunna for short hair.

### **41. What is the ruling on the proper order for the obligatory elements of wudu?**

The proper order of the four obligatory elements is a sunna. These elements are washing the face, washing the arms, wiping the head and washing the feet. The face comes before the arms, the arms before the wiping of the head and the wiping of the head before the washing of the feet. This is referred to as the order of the obligations on their own (ie. without mentioning the sunnas). As for washing the right arm or foot before the left one, that is a recommended act, and will be mentioned in the section on the recommended acts of wudu.

### **42. What is the ruling when this order is reversed and one or more of the elements is performed out of sequence?**

If the order is reversed and one of the obligatory elements is performed out of sequence, such as when the arms are washed before the face, or the head is wiped before the arms or face, then the ruling varies according to whether it is done deliberately or out of ignorance or forgetfulness. It also varies according to whether a long or short time has passed (what is meant by a long time is covered in section 29).

If a long time has not elapsed, then the person doing wudu' washes that element which was brought forward from its prescribed place in the order and the obligatory elements that come after it in the proper sequence. He only washes it and the elements after once, rather than the three times that are recommended when performing wudu'. In this instance there is no difference between someone who does it deliberately, ignorantly or out of forgetfulness.

If a long time has elapsed, then it is recommended for the one who inverted the order deliberately or out of ignorance to re-perform the wudu'. If he did it out of forgetfulness, then he should only wash the limb that was not in its proper place, without doing the obligatory elements that came after it again.

An example of this is that the one performing wudu' first washes his arms and then his face and his head and then his feet. If he remembers before a long time has passed, he does his arms again and then wipes the head and washes his feet, whether he did it. He washes each once only. If he remembers after a long time has passed, it is recommended that he rewash his arms again, if he inverted the order out of forgetfulness. If he did it deliberately or out of ignorance it is recommended for him to redo his wudu'.

## **The Recommended things of Wudu'**

### **43. What are the recommended elements of wudu'?**

There are 12 recommended elements of wudu':

1. Performing wudu' in a clean place, which is always regarded as being pure. It is therefore disliked to do it in a lavatory, even before it is used.
2. Facing the qibla.
3. Saying "*Bismillah*." when washing the hands (at the commencement of wudu). There is disagreement about adding "*ar-Rahmani-r-Rahim*."
4. Using a small amount of water for washing the limbs during wudu'. This 'small amount' is undefined as the amount needed varies from person to person. Some people have large limbs and some small.
5. Washing the right arm or foot before the left.
6. Placing open vessels such as bowls on the right hand side, and narrow-necked vessels such as jugs on the left hand side. When using a jug the left hand pours water onto the right.



7. Starting with the top of the limb. With the face this means beginning with the hairline and continuing down to the chin or tip of the beard. When washing the arms one starts with the tips of the fingers and continues up to and including the elbows. In wiping the head, this means beginning at the hairline and continuing back to the nape of the neck. When washing the feet one starts with the toes and goes back to the heel and ankles.

8. Washing the limbs a second time. This applies to both the obligatory and sunna elements, including rinsing the mouth and sniffing water up the nose, but not including wiping the head or wiping over leather socks. Wiping over these a second time is disliked.

9. The third washing of the limbs. Both the second and third washings are recommended in their own right.

10. Putting the sunna elements of wudu' in their correct order. In other words washing the hands before rinsing the mouth; rinsing the mouth before sniffing water up the nose; sniffing water up the nose before blowing it out; blowing water out of the nose before bringing back the hands when wiping the head; bringing back the hands when wiping the head before renewing the water for wiping the ears; and renewing the water for wiping the ears before wiping them.

11. Putting the sunna elements in their correct order in relation to the obligatory elements. Such as putting the washing of the hands, the rinsing of the mouth, the sniffing of water up the nose and blowing it out before the washing of the face.

12. Using the siwak before rinsing the mouth. The best siwak to use is that made of arak. If there is no siwak available it is sufficient to use the finger in its stead. According to some of the scholars it is permissible to use the finger even if a siwak is available. It is recommended to use the right hand to do siwak, beginning with the right side when cleaning the teeth and with the tip when cleaning the tongue.

## **The disliked elements of wudu'**

### **44. What are the disliked elements of wudu'?**

There are nine disliked elements of wudu':

1. Performing wudu' in an unclean place.

2. Using an excessive amount of water when washing the limbs.

3. Superfluous speech when making wudu'. This includes all speech other than mentioning Allah Almighty and calling on Him. It is related that the Prophet, may Allah bless him and grant him peace, used to say when performing wudu, "*Allahumma-ghfir li dhanbi wa wassi' li fi dari wa barik li fi rizqi wa qannini bima razaqtani wa la taftini bima zawayta 'anni* (O Allah, forgive me my wrong actions, and expand for me in my house and bless me in my provision. Make me content with what You have provided for me and do not try me by what You have kept away from me)."

4. Washing more than three times and wiping more than once.
5. Beginning with the bottom of the limbs.
6. Exposing the private parts during wudu'. This applies when one is alone or with one's spouse. Otherwise it is haram to expose them.
7. Wiping the neck.
8. Going a long way beyond what is obligatory when washing or wiping the limbs. For example it is disliked to wash a lot of the upper arm when washing the forearms or to wash your shins when washing your feet and so forth.
9. Omitting one of the sunna elements of wudu' deliberately. The prayer is not invalidated by its omission, but it is sunna for the one who omits it to perform that omitted element for future prayers, whether it was omitted deliberately or inadvertently. Any prayer prayed with that wudu' is not repeated, regardless of whether the omission was deliberate or inadvertent, and regardless of whether the time of that prayer still remains or has ended. The sunna elements which are made up if they are omitted are three: rinsing the mouth, sniffing water up the nose and wiping the ears. The other sunna elements are not made up; these are: washing the hands, bringing the hands back when wiping the head, renewing the water for the ears and blowing water out of the nose.

## **Recommended types of Wudu'**

### **45. When is it recommended to do wudu'?**

Wudu' is recommended in ten cases.

1. When visiting a righteous man like a scholar, shaykh, or ascetic, living or dead. This is especially true when visiting a Prophet.
2. When visiting a ruler or coming into the presence of a sultan. For wudu' is the weapon of the believer and the shield that protects you from the sultan.
3. When reciting Qur'an.
4. When reading hadith.
5. When studying knowledge of the Shari'a.
6. When doing dhikr
7. When going to sleep.
8. When entering the marketplace, because it is a place of diversion and the matters of this world and a place of false oaths.

9. It is recommended to remain in wudu' at all times as wudu' is a form of light.
10. Renewing wudu after performing a prayer, whether obligatory or voluntary, or performing tawaf of the Ka'ba if you want to perform another prayer or another tawaf. As for touching a copy of the Qur'an, after performing the prayer, it is not recommended to renew wudu'.

## **Preconditions of Wudu'**

### **46. What are the different categories into which the preconditions of wudu are divided?**

The preconditions of wudu' are divided into three categories:

1. Preconditions of soundness. Wudu' is not valid until these preconditions are met.
2. The preconditions of obligation. Wudu is not obligatory until these preconditions are met.
3. The preconditions concerned with both soundness and obligation. Wudu' is neither obligatory nor valid until these preconditions are met.

### **47. What are the preconditions that are concerned with the soundness of wudu and how many are there?**

There are three:

1. Islam. If wudu' is performed by an unbeliever it is not valid. This precondition is not particular to wudu', but is rather a precondition for all acts of worship: acts of purification, prayer, zakat, fasting and hajj.
2. That there is no barrier which prevents the water from reaching the skin, such as a layer of wax or thick oil on the limb. Mucous from the eye, ink on the hand of the writer and other types of actual dirt on the body are also considered to be barriers.
3. Lack of anything which negates wudu'. If wudu' is performed while something impure, such as urine, is actually emerging from the body or while someone is touching his penis or other similar situations, then that wudu' is invalid.

### **48. What are the preconditions that are concerned with the obligation of wudu' and how many are there?**

There are four:

1. The arrival of the time of the prayer. Wudu' is not mandatory before the arrival of the time of the prayer.
2. Puberty. Wudu' is not obligatory for a child.

3. The ability to perform wudu'. Wudu' is not obligatory for someone who is unable to perform it, like someone who is ill, or someone who has no water, or is harmed by it.

4. Having done something which breaks wudu'. Wudu' is not obligatory for someone who is in a state of wudu' and has not broken it.

#### **49. What are the preconditions that are concerned with both the soundness and obligation of wudu' and how many are there?**

There are four:

1. Sanity. Wudu' is not obligatory on or valid for a person suffering a bout of insanity or having a fit.

2. Being free of the blood of menstruation and lochia. This condition only applies to women. Wudu' is not obligatory on or valid for a woman while she is menstruating or bleeding after childbirth.

3. That there is sufficient pure water available. Wudu' is not obligatory on or valid for someone who has an insufficient amount of water to perform it. It is not considered to be a valid wudu' if he only washes part of his limbs with the water he has.

4. Not being in a state of sleep or heedlessness. Wudu' is not obligatory on someone who is asleep or heedless nor is it valid from them due to the lack of an intention. Wudu' becomes obligatory when the person wakes up or remembers.

#### **The Nawaqid of Wudu' (The Things which break wudu')**

##### **50. What is a naqid?**

It is what breaks wudu' in itself (such as urine) or that which leads to the breaking of wudu' (like deep sleep).

##### **51. What are the different categories of things which break wudu'?**

There are seventeen things which break wudu'. They are divided into three categories.

1) Ritual impurities, of which there are eight:

1. Breaking wind

2. Faeces

3. Urine

4. *Madhy*

5. *Wady*

6. Semen (when it emerges with unexpected pleasure, as explained in section 54)

7. *Hadi*

8. Bleeding from false menstruation

The first six are general to both men and women and the last two are specific to women. All these ritual impurities emerge from the urethra except for wind and faeces which emerge from the anus.

2) *Asbab*, which are those things which are considered to lead to the emergence of ritual impurities. There are seven:

9. Sleep

10. Intoxication

11. Unconsciousness

12. Insanity

13. Touching a person of the opposite sex

14. Kissing

15. Touching the penis

(NOTE: Some scholars add an eighth *sabab*, which is inserting the fingers into the vagina.)

3) Those things which do not fall into either of the above-mentioned categories of which there are two:

16. Doubt

17. Apostasy. May Allah protect us from it!

## **52. What is meant by a ritual impurity?**

It is that thing which normally emerges from the anus or the urethra when one is healthy and one's bodily functions are working properly. Thus wudu' is not broken if:

a) Something enters one of these orifices, such as a stick, a hypodermic needle or a finger.

b) Blood, pus, pebbles or worms are emitted, as these do not normally emerge from the anus or urethra, rather they emerge because of illness.

c) Something comes out of the mouth or other orifices in the body (with certain exceptions, which are dealt with in section 56).

d) Wind emerges from the urethra or urine from the anus, because this is not the orifice they normally emerge from.

### **53. What is *madhy*, *wady*, *hadi* and the blood of false menstruation?**

***Madhy*** is a thin white liquid which emerges during sexual arousal and foreplay or after thinking about sexual matters. It is known as pre-seminal fluid in men and vaginal-lubrication fluid in women. If this liquid emitted by a man he must wash his entire penis with an intention, as this washing is considered an act of worship, like wudu' and ghusl. He should intend that he is washing his penis on account of madhy.

***Wady*** is a thick white liquid which emerges immediately after urination. It is known as post-urinal fluid. If it emerges, its ruling is the same as that for urine (i.e. the impurity must be washed off. No intention is needed.)

***Hadi*** is a white liquid which emerges from the pregnant woman at the moment of giving birth. It is considered to be like urine.

**Blood of false menstruation (chronic bleeding)** is the blood which emerges from the vagina because of illness or imbalance and emerges after the maximum period for menstruation or the maximum term for post-natal bleeding (lochia) has come to an end (Menstruation and lochia will be discussed more fully in chapter 7).

### **54. When does the ejaculation of semen only require wudu' and not ghusl? Give examples of the circumstances in which this could happen.**

Ghusl is made obligatory by the emergence of semen with orgasm (sexual gratification). However if it emerges without accompanying pleasure, only wudu' is made obligatory. This may happen under the following circumstances:

- 1) When scratching scabs and sores caused by scabies.
- 2) After being stung by a scorpion.
- 3) When getting into a tub of hot water.
- 4) The rubbing and jolting caused by riding a horse.

If the person in these cases starts to experience sexual pleasure with the emergence of the semen, then he must immediately desist from that action which caused the semen to emerge (such as

riding his horse or scratching his scabs). If he experiences pleasure with the emergence of the semen and deliberately continues in that action regardless, then he must perform ghusl.

### **55. What is incontinence (*salas*) and what is its legal ruling?**

*Salas* is the ritual impurity that emerges from the urethra or anus due to illness and outside one's physical control. It is the medical condition known as incontinence and may happen with urine, faeces, wind, semen, *madhy*, *wady* or the blood of false menstruation. Its legal ruling varies according to the form it takes:

If a person is afflicted by this condition the whole time (for example urine is constantly dripping from his body), then it does not break his wudu' and it is not recommended for him that he perform wudu'.

(NOTE: The emergence of other ritual impurities which he has control over do still break his wudu', however).

If a person is incontinent for most of the time or for half of the time, it does not break his wudu', but it is recommended for him that he perform it for each prayer.

If the incontinence lasts less than half of the time, then it does break his wudu' and it is obligatory on him to perform wudu' if he desires to perform the prayer.

What is meant by 'time' here is from midday to sunrise of the following day, for this is the time in which all the obligatory prayers fall (midday to sunset is the time for Dhuhr and 'Asr, sunset to dawn is the time for Maghrib and 'Isha and dawn to sunrise is the time for Subh).

The rulings mentioned above only apply if the afflicted person cannot accurately pinpoint the times of day in which the incontinence afflicts him and cannot treat it.

If he can pinpoint the times of day he will be afflicted, then he must perform his prayers in the times he knows he will be free of the condition (for example if he knows that he will be free of incontinence in the time of Dhuhr, but will be afflicted by it throughout the time of 'Asr, then he must bring his 'Asr prayer forward).

If he is able to treat it, then he must do so. He is only excused from doing wudu' during the days of his treatment. However, an exception is made in the incontinence of *madhy* if it is caused by cold weather or illness. The one who suffers from this condition does not have to treat it, even if he is able.

(NOTE: If the incontinence of *madhy* is caused by prolonged bachelorhood, however then he must treat it; by fasting, getting married or by medication.)

### **56. What is the ruling of what emerges from a perforation?**

When a ritual impurity (such as urine or faeces) emerges from a perforation under the intestines and both the anus and urethra are blocked, then it does break wudu'. If the anus and urethra are not blocked then the emergence of a ritual impurity from that perforation does not break wudu'. As for when only one of them is blocked it is said that it does not break wudu'.

A ritual impurity that emerges from a perforation above the navel does not break wudu' regardless of whether the anus and urethra are blocked or not.

### **57. Is wudu' broken by the emergence of sperm from the vagina of a woman after she has performed a ghusl?**

If semen entered the vagina of a woman through intercourse, and then emerged from her vagina after she had performed ghusl, then it is obligatory for her to perform wudu'. If the male semen entered into her vagina by means other than intercourse (such as being injected into it by a needle or some such thing), then its emergence is not considered to break purity.

### **58. What is a *sabab*?**

A *sabab* is that which leads to the emergence of a ritual impurity (*hadath*) (For example sleep leads to the emergence of wind, touching and kissing lead to the emergence of *madhy* etc.).

### **59. What are the rulings regarding sleep?**

There are four types of sleep:

- 1) Deep and long. This breaks wudu'.
- 2) Deep and short. This also breaks wudu'.
- 3) Light and long. This does not break wudu', but wudu' is recommended after it.
- 4) Light and short. This does not break wudu', nor is wudu' even recommended after it.

"A deep sleep" is defined as that sleep in which a person is not aware of the voices around him or does not notice when something falls from his hand.

"A light sleep" is defined as when a person awakens when his name is called and notices when something falls from his hand.

### **60. What is the ruling on intoxication, unconsciousness and insanity?**

Intoxication breaks wudu', even if that drunkenness came about in a lawful manner (such as unknowingly drinking milk which had become alcoholic). What is meant by 'intoxicant' is that which removes the ability to reason and gives a sense of light-headed euphoria. It does not need to go as far as befuddling the senses and affecting co-ordination.



Unconsciousness also breaks wudu', regardless of whether the person is unconscious for a long time or just a moment.

Bouts of insanity break wudu'. What caused them is not taken into account. It does not matter if the cause was epilepsy, mental illness or possession by a jinni.

### **61. What is touching (*lams*) and when does it break wudu'?**

Lams is the direct touching of the body with the hand. If an adult physically touches someone of the opposite sex, whom it is normal to desire (i.e. not a sister or brother or aunt etc. or a very young girl or boy), then his wudu' is broken or not according to his intention and the outcome:

- 1) If s/he intends and experiences pleasure, his wudu' is broken.
- 2) If s/he intends pleasure but does not experience it, his wudu' is broken.
- 3) If s/he experiences pleasure without intending it, his wudu' is broken.
- 4) If s/he does not intend pleasure and does not experience it, his wudu' is NOT broken.

Wudu' is also not broken by touching someone whom it is not normal to have sexual desires for, such as a young girl or boy or a member of your immediate family (excepting your wife or husband). The same applies to touching an animal or a member of the same sex.

Wudu' is broken by touching the nail, hair or a thin barrier through which the moistness of the skin may be felt. As for touching through a thick barrier, that does not break wudu'. As for actually gripping part of the body, this breaks wudu' regardless of whether the barrier is thick or thin.

The same ruling applies equally to the one who is touched and the one who touches, if the same preconditions are met (i.e. that the he is touched by an adult of the opposite sex etc.).

### **62. What is the ruling on kissing?**

When a kiss is on other than the mouth, then its ruling is the same as that for touching (mentioned in section 61).

If the kiss is on the mouth, it always breaks wudu', even if it is forced or done absentmindedly. Both the wudu' of the one who is doing the kissing and the wudu' one who is being kissed are broken. The exception to this is when the kiss is merely to say farewell or out of mercy (such as when one's wife is very ill), in which case it does not break wudu' (unless pleasure is experienced).

### **63. Is wudu' broken by looking and thinking accompanied by an erection?**

Wudu' is not broken by looking at a beautiful form or thinking about sexual matters, even if that looking or thinking causes an erection.

#### **64. What is the ruling on touching the penis?**

Touching the penis directly, without a barrier breaks wudu' regardless of whether it is the top, of the penis which is touched or the bottom or the middle, even if it is touched accidentally. It matters not whether pleasure was experienced by that touch or not. What is meant by touching here is touching with the palm or side of the hand or the inside or side of the fingers, not with the back of the hand. If a person has a sixth finger, it is treated as the same as the others if there is feeling in it. If that extra finger is dead then touching with it does not break wudu'.

This ruling applies to adult males. As for a child touching his penis that does not break wudu'.

If the penis is touched through a barrier which is very thin, then wudu' is broken. However if the barrier is thicker than that, touching through it does not break wudu'.

As for touching the anus and even inserting ones fingers into it, it does not break wudu', even if that touch causes pleasure. The same is true if a woman touches her vagina, even if she inserts a finger or two between her labia.

(NOTE: As there is a difference of opinion regarding whether a women inserting her fingers into her vagina breaks wudu', it is safer to take the position that it does break wudu')

#### **65. What are the rulings regarding apostasy and doubt?**

**Apostasy:** There is a disagreement about what the ruling on apostasy is. Apostasy is leaving Islam. There are two predominant positions on what is obligatory for the person who leaves Islam and then returns to it. One is that ghusl is obligatory for him and the other is that only wudu' is obliged. The more reliable position is that only wudu' is made obligatory.

**Doubt:** Doubt breaks wudu' because man only discharges his liability by certainty. There are three different ways in which doubt can occur:

- 1) He remembers performing wudu', but is unsure as to whether he has broken his wudu' since then.
- 2) He remembers breaking wudu', but is unsure as to whether he has performed wudu' since then.
- 3) He remembers performing wudu' and breaking wudu', but is unsure as to which happened first.

All of these render wudu' obligatory.

If these three types of doubt occur during the prayer, there are additional details attached:

1) If he entered into the prayer believing himself to be in a state of wudu' and then doubt occurs to him about whether he has broken it or not, then it is obligatory for him to continue his prayer. If the doubt leaves after he has finished the prayer and becomes clear to him that he was pure then he does not repeat the prayer. If the doubt persists then he must renew his wudu' and repeat the prayer.

2) If he entered into the prayer believing himself to be in a state of wudu' and then he remembers breaking wudu' and doubt occurs to him about whether he did wudu' after he broke it or not, then he must immediately break his prayer and renew his wudu'.

3) If he entered into the prayer believing himself to be in a state of wudu' and then, having remembered performing wudu' and breaking it, doubt occurs to him about which one occurred first, then he must break his prayer and renew his wudu'. This ruling is the same as that for case (2).

(NOTE: These rulings on doubt do not apply to the person who experiences these sorts every single day, even if that doubt only happens once a day)

### **The Things Prevented by Minor Ritual Impurity (*Hadath*)**

#### **66. What are the things that are prevented by minor ritual impurity?**

There are five things prevented by minor ritual impurity:

- 1) To perform the prayer (wudu' is obligatory for all prayers, whether obligatory or sunna).
- 2) To make *tawaf* of (circumambulate) the Ka'ba.
- 3) To touch a Qur'an, or even only a part of it (even a single verse). It is even forbidden to touch it through a covering or with a stick.
- 4) To write out the Qur'an, even a single verse.
- 5) To carry a Qur'an, even if it is held by a strap or carried on a cushion or chair or piece of cloth.

As for teachers and students of the Qur'an, they are permitted to touch the Qur'an, and write it out on the tablet (*lawha*) while in a state of minor ritual impurity, even if there are menstruating women amongst them. If, however, they are in a state of major ritual impurity (*janaba*), then they may not touch the Qur'an until they have performed *ghusl* or *tayammum* (see Chapter 4 for the rulings on when it is permissible to do *tayammum* for major ritual impurity). Someone who is memorising or reviewing from a copy of the Qur'an is included in the category of student (but not if he is reciting it with the intention of worship).

Similarly, it is permitted for someone in a state of minor ritual impurity, even someone in a state of major ritual impurity (*janaba*) or a menstruating woman, to carry an amulet which contains Qur'an inside if that Qur'an is fully covered and dirt may not reach it

(NOTE: There is a difference of opinion about whether it is permitted to carry the entire Qur'an in an amulet. It is safer to take the position it is not permitted. The ruling for amulets also include things like coins which have Qur'an written on them and other such things).

It is also permitted for the one in a state of major ritual impurity to carry a Qur'an in his luggage when on a journey, if he intends to carry his luggage and is not merely carrying it as something in which to carry the Qur'an (In other words he was going to carry the luggage anyway and is just using it as a place to store his Qur'an).

As for carrying, touching and reading *tafsir*, there is no prohibition in carrying, touching and reading it for someone in a state of minor ritual impurity or even for someone in a state of major ritual impurity (janaba), because it is not considered to be a copy of the Qur'an

(NOTE: If less than half the text in a book is Qur'an, then it is permissible to carry that book without wudu'.)

## **The Rulings on Omitted Elements in Wudu'**

### **67. What is the ruling on someone who omits one of the obligatory or sunna elements of wudu'?**

**Obligatory Elements:** If someone omits one of the obligatory elements of wudu' through forgetfulness and then remembers it after a short amount of time has passed, then he performs the element which he missed out and the obligatory elements after it, as it is sunna to perform the obligatory elements in their correct order. If, however, a long time has passed then he only makes up the omitted element. If he omitted the obligatory element deliberately, then, if only a short time has passed, then he does the same as the one who omitted the element out of forgetfulness (i.e. he makes up the element he missed out and those obligatory elements after it). If a long time has passed he must perform the entire wudu' again. If he prayed an obligatory prayer before remedying his wudu', then that prayer is invalid and he must make it up.

**Sunna Elements:** If someone omits one of the sunna elements of wudu' through forgetfulness, then he should make up that omitted element for future prayers. Any prayer which he performed before remedying his wudu' is valid and should not be prayed again. If he left it out deliberately, then it is recommended for him that he repeat any prayer he performed before remedying his wudu'. In the omission of a sunna element it makes no difference whether a long time has passed or merely a short time. What is meant by 'time' is explained fully in section 29.

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short time has passed, then he does the same as the one who omitted the element out of forgetfulness (i.e. he makes up the element he missed out and those obligatory elements after it). If a long time has passed he must perform the entire wudu' again. If he prayed an obligatory prayer before remedying his wudu', then that prayer is invalid and he must make it up.

**Sunna Elements:** If someone omits one of the sunna elements of wudu' through forgetfulness, then he should make up that omitted element for future prayers. Any prayer which he performed before remedying his wudu' is valid and should not be prayed again. If he left it out deliberately, then it is recommended for him that he repeat any prayer he performed before remedying his wudu'. In the omission of a sunna element it makes no difference whether a long time has passed or merely a short time. What is meant by 'time' is explained fully in section 29.

## **Making sure the penis is clean (*istibra'*)**

### **68. What is *istibra'*, *istinja'* and *istijmar'*?**

It is obligatory for the one who goes to lavatory to thoroughly clean and remove all filth from the anus and urethra. This is known as *istibra'*. There are two types of *istibra'*:

That done with water, which is known as *istinja'*.

That done with stones (or toilet paper), which is known as *istijmar'*.

### **69. What are the cases in which it is not enough to use stones and water has to be used?**

There are six cases in which water has to be used. It must be used to remove the traces of:

Semen

The blood of menstruation

The blood of lochia (i.e. post-natal bleeding)

Woman's urine

Faeces or urine which has spread over a large area (in the case of urine if it has spread beyond the head of the penis and faeces beyond the inner buttocks).

*Madhy*.

(NOTE: Water must also be used in the case of male semen emerging from a woman's vagina)

### **70. What are the requirements for things which may be used for *istijmar'*?**

There are five requirements for that which may be used to remove impurities (other than water):

1. That it is dry, like stones, wood, paper, cotton and the like. The use of something wet like mud is not permitted.
2. That it is pure. It is not permitted to remove impurities with something impure such as horse dung or the bones of animals which have not been slaughtered (in a *halal* fashion).
3. That it removes the impurity. It is not permitted to use something which is smooth, such as glass or marble (or plastic) as it does not remove the impurity.
4. That it is not harmful or dangerous to use. Therefore it is not permissible to use something such as a knife or sharp stone.
5. That it is not something that should be respected or honoured. It is not permissible therefore to use food, such as bread, or something which has been written on (even in non-Arabic) or gold, silver and gems, or someone else's property (even their plastered wall), to remove filth with as all these items have intrinsic value or are useful in themselves.

### **71. What is it recommended to do when going to the lavatory?**

It is recommended for someone intending to use the lavatory:

To ready what he will use to remove impurity, be it water, paper, stones or anything else.

To remove the impurity with an odd number of stones (or paper), if using them, up to a maximum of seven. Using more than that is no longer recommended.

To clean the urethra before the anus when using water.

To combine stones (or toilet paper) and water. The stones are used to remove the bulk of the impurity and then the traces and smell is removed by the water.

To use water if the one using the lavatory wants to confine himself to only one of the two methods of removing impurity. Water is better at removing impurity than stones and other things.

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To clean the urethra before the anus when using water.

To combine stones (or toilet paper) and water. The stones are used to remove the bulk of the impurity and then the traces and smell is removed by the water.

To use water if the one using the lavatory wants to confine himself to only one of the two methods of removing impurity. Water is better at removing impurity than stones and other things.

[NOTE: This list of recommended acts when using the lavatory is by no means exhaustive – there are many other things which are recommended such as; sitting when going to the lavatory, putting one's weight on one's left foot and raising the heel of the right foot (as this facilitates the ejection of faeces), using the left hand for *istinja'* and wetting it first, not being completely naked, not speaking except if you absolutely have to, entering with left foot and leaving with the right, not going to the lavatory in a public place (such as on the street) and saying the du'as which has come down from the Prophet, may Allah bless him and grant him peace, for entering and leaving the lavatory (Before entering one should say "*Bismillaahi, Allaahumma innee a'oodhu bika mina-l-khubuthi wa-l-khabaa'ith*", which translates as "In the name of Allah, O Allah, I seek refuge with you from wicked people (i.e. shaytans from both jinn and men) and from impure things." After leaving one should say "*Allaahumma ghufraanaka, Alhamdulillah-ladhee sawwaghaneehi tayyiban wa akhrajahu 'annee khabeethan. Alhamdulillah-ladhee adhaba 'annee-ladhaa wa 'aafaanee*" which translates as "O Allah, forgive me. Praise belongs to Allah, who entered it (i.e. food into my body) that which is wholesome and pure and made emerge that which impure. Praise belongs to Allah, who removed the impurities (or harm) from me and gave me well-being."

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## Fiqh Summary of the School of the Maliki Masters

(Muhammad al-'Arabi al-Qarawi)

### Ghusl

#### **72. What is ghusl?**

*Ghusl* is completely covering the surface of the body with water.

#### **73. What are the obligatory elements of ghusl?**

*Ghusl* has five obligatory elements:

1. Intention
2. Consecutiveness

3. Rubbing
4. Making water penetrate to the roots of the hair
5. Covering the entire body with water

#### **74. What should one intend when performing ghusl?**

The person performing *ghusl* should intend one of three things:

- 1) Performing the obligation of *ghusl*
- 2) Removing major ritual impurity
- 3) Permitting what major ritual impurity prevents

#### **75. What are the rulings concerning consecutiveness in ghusl?**

Consecutiveness in *ghusl* is obligatory, just as it is in *wudu'*. The rulings in section 28 (regarding the one who forgets consecutiveness in *wudu'*, the one who is unable to do it and the one who deliberately introduces delays) similarly apply in *ghusl*:

- 1) If someone introduces delays out of forgetfulness, then he must build on what he has done, whether a long time has passed or only a short time. However he must renew his intention.
- 2) If someone introduces delays due to a lack of ability, without being himself the cause of that inability, then the ruling is the same as for the one who forgets in that he builds on what he has already done. He does not, however, need to renew his intention.
- 3) If someone introduces delays due to a lack of ability, when he himself is the cause of that lack of ability, then he must build on what he has already done, if only a short time has passed. If a long time has passed then he must repeat the entire *ghusl* with a new intention.
- 4) If someone deliberately introduces delays, then the ruling is the same as for the one in the last instance (number 3). If a short time has passed, he builds on what he has done. If a long time has passed, he repeats his *ghusl*. This ruling is for the one who deliberately introduces delays in his *ghusl* without nullifying his intention.
- 5) If someone deliberately introduces delays and abandons his intention, then he must renew his intention and begin a completely new *ghusl*, whether a long time has passed or only a short time.

#### **76. What is the ruling on rubbing; is it obligatory that the one performing ghusl rubs at the same time as pouring the water? What is the ruling on the one who is unable to rub?**

Rubbing is the passing of a limb over the outside of the body whether that limb is a hand or a foot, so it is enough to wipe one foot with the other. It is also permitted to rub with the back of



the hand, the forearm, the upper arm or even with a cloth, even if the one performing *ghusl* is able to rub with the palm his hand.

[NOTE: If one is using a cloth or rope to rub his body, one holds its two ends and rubs oneself with the middle]

Rubbing does not have to accompany the pouring of the water. Provided that the body has not dried out, one may perform the rubbing after one has completed pouring the water over one's body. As for rubbing the body after it has dried, that does not fulfil the obligation of rubbing. If one immerses oneself in water (such as by getting into a bath) and then gets out of it and rubs his body, this fulfils the obligation of rubbing if his body is still wet.

If somebody is unable to rub his or her body then the obligation of rubbing is negated and he does not have to delegate somebody else to do it for him or use a cloth. It is enough for that person to cover his entire body with water.

[NOTE: Those who may be delegated to rub one's body in *ghusl* are limited to those who may see one's private parts, such as wife or husband or a slavegirl in the case of a man]

### **77. Making water penetrate to the roots of the hair.**

It is obligatory to make water penetrate to the roots of the hair, even if it is thick, regardless of whether that hair is on the head or on other parts of the body. The water must reach the skin under the hair. This is achieved by gathering one's hair in one's hands and rubbing it whilst pouring water on it. It is not obligatory to put one's fingers underneath the hair and rub the skin with them.

It is also not obligatory to undo plaited hair unless it is tightly plaited or plaited with a lot of strings which prevent the water from reaching the skin or the inside of the hair. If that is the case then the plaits must be undone, regardless of whether it is the hair of a woman or a man. This is the well-known position.\*

[\*Al-Bannani and others considered it permissible for the bride who has had her hair done to not have to wash her head in her *ghusl* since that entails destruction of property. It is enough for her to wipe over it. As-Sawi said, "Women with a lot of threads in their hair can make use of the ruling in the Hanafi *Madhhab* when they are performing *ghusl*, because their view is that, in the case of women, it is only obligatory for the water to reach the roots of the hair, not for it to cover all of it or to reach the inside of individual strands.]

It is also obligatory to make sure water gets in between the fingers and toes and inside wrinkles and other hard-to-get-to areas in the body. It is not necessary to remove or move a ring which it is permitted to wear, even if it is tight. If the ring is of a type which it is forbidden to wear (such as a gold ring for a man), then the ruling depends on how tight the ring is. If it is tight then it must be removed; if it is loose then it is enough to move it.

### **78. Covering the entire surface of the body with water.**

It is obligatory to cover the entire body with water either by immersing oneself in it or by pouring it over the body. It is obligatory for the one performing *ghusl* to make sure that the water reaches all hard-to-get-to parts of the body, such as wrinkles, the navel, the inner thighs, the armpits and so forth. He should try to rub all these areas, but if he is unable to do so then it is enough for him to pour water over them.

### **79. What is the ruling on a person who experiences doubt as to whether a part of his body has been washed or not?**

If he is someone who experiences this sort of doubt a lot (i.e. once a day or more), then he does nothing. However if he is not somebody who normally experiences this sort of doubt and he is unsure about whether water has reached a part of his body or not, then he must wash that place by pouring water on it and rubbing it.

### **The Sunna elements of *Ghusl***

#### **80. How many *sunna* elements of *ghusl* are there and what are they?**

*Ghusl* has five *sunna* elements:

1) Washing the hands before putting them in the vessel, provided that there is only a small amount of water, that it is possible to pour from the vessel and that the water is not flowing. If there is a lot of water, or it is not possible to pour from the vessel (such as a bath tub which is fixed to the ground) or it is flowing, then he may put his hands in it.

2) Rinsing the mouth.

3) Sniffing water up the nose.

4) Blowing water out of the nose.

5) Wiping the ear holes. The one performing *ghusl* should not go too deep or be too forceful when wiping, because it might harm his hearing. As for the outside and inside surfaces of the ears, it is obligatory to wash them because they are part of the outside of the body, which it is obligatory to wash.

### **The recommended elements of *Ghusl***

#### **81. What are the recommended elements of *ghusl*?**

The recommended elements of *wudu'* are also recommended elements in *ghusl*. *Ghusl*, however, has four additional recommended elements:

1) Removing impurities (such as semen) from the body first, whether the genitals or elsewhere. This is done after washing the hands.

[NOTE: It is not necessary or even recommended to wash the hands again (as part of the *wudu'* element of the recommended way of performing *ghusl*) after washing the genitals].

- 2) Washing the genitals (and backside) after removing the impurity.
- 3) Inserting the fingers under the hair and rubbing the skin underneath it, when washing it.
- 4) Washing the head three times, covering the entire head each time.

## **82. What is the recommended way of performing *ghusl*?**

The recommended way of performing *ghusl* is the manner in which the Prophet, may Allah bless him and grant him peace, performed it. This *ghusl* contains all the obligatory elements, *sunna* elements and recommended elements and is thus the most complete way of performing it:

The one performing *ghusl* begins by washing his hands three times, as in *wudu'*, intending by that the *sunna* of beginning with the hands. Then he washes any impurities from his body and makes his intention to perform the obligation of *ghusl*.

After making his intention he begins by washing his genitals, inner thighs (which are next to his genitals), anus and between the buttocks once. Then he rinses out his mouth, sniffs water up his nose and blows it out. Then he washes his face and completes his *wudu'* washing each limb once only.

Then he pours water onto his head and, using his hands, making sure the water penetrates to the roots of the hair and covers his entire head. He does this three times. Then he washes his neck, shoulders and upper arms to the elbows.

Then he washes the right side of his body down to the ankles, front first, and then does the same with his left side. He must make sure he rubs every inch of his body if he is able. If he is unsure about whether he has washed a part of his body, and is not someone who is regularly subject to doubt, then he must wash it as soon as he remembers it. Otherwise (if he is someone who is regularly subject to doubt) he may ignore that doubt and does not wash the place he has doubt about.

## **83. Does the recommended form of *ghusl* take the place of *wudu'*?**

A *ghusl* performed in the manner mentioned in section 82 or in any another way (provided that all areas of the body are washed) takes the place of *wudu'*, even if the one performing the *ghusl* does not intend to remove the state of minor ritual impurity. The intention of removing the state of major ritual impurity is enough, as removing the state of major ritual impurity entails the state of minor ritual impurity also being removed.

## **84. Does *ghusl* take the place of *wudu'* when the one performing *ghusl* realises that he is not in a state of major ritual impurity (*janaba*)?**

When the one performing *ghusl* makes the intention of removing the state of major ritual impurity, believing himself to be in a state of *janaba*, and then it becomes clear to him that he is not in a state of *janaba*, his *ghusl* still takes the place of *wudu'* and he can perform the prayer with it. Similarly, if he steps into a bath intending by that to remove the state of major ritual impurity, without calling to mind the state of minor ritual impurity, that is also sufficient.

**85. What is the ruling if the one performing *ghusl* loses his *wudu'* during the *ghusl*?**

If the one performing *ghusl* has not completed the *ghusl* and something happens to him which breaks his *wudu'* (such as breaking wind or touching his penis) after he has already completed washing the limbs of *wudu'* or after he has completed washing some of the limbs, then he repeats the *wudu'*, washing each limb only once. If he has already completed his *ghusl* when something happens to break his *wudu'*, he repeats his *wudu'*, but this time with a new intention and washing each limb three times (in other words he performs a normal *wudu'* as it is no longer part of the *ghusl*).

**86. What is the ruling on the one who performs *wudu'* with the intention of removing the state of minor ritual impurity and then completes the *ghusl* with the intention of removing the state of major ritual impurity?**

If someone does *wudu'* with the intention of removing the state of minor ritual impurity and then it becomes clear to him that he is in a state of major ritual impurity, he may complete his *ghusl* with the intention of removing the state of major ritual impurity. He does not have to re-wash the limbs of *wudu'* in his *ghusl*, even if he forgot that he was in a state of *janaba* while he was performing *wudu'*.

If the one performing *wudu'* remembers he is in a state of *janaba*, then he builds on his *wudu'* with a new intention (of removing the state of major ritual impurity), so long as he does this as soon as he remembers. If he remembers but does not build on his *wudu'* immediately and lets a long time pass before completing his *ghusl*, then that *ghusl* is not valid and he must perform a complete new *ghusl*. If, however, he does not even remember that he is in a state of *janaba* until a long time has passed, then he may still build on his *wudu'*, provided he builds on it as soon as he does remember. [In other words what is important is that there is no delay between time of remembering and the act of completing the *ghusl*.]

**87. Is it valid to combine the intention of an obligatory *ghusl* and the intention of a recommended *ghusl*? Is it valid to intend that the obligatory *ghusl* takes the place of the recommended one?**

If someone is in a state of *janaba* and performs his *ghusl* intending both the removal of the state of *janaba* and performing the recommended *ghusl*, that is valid and he obtains the reward for both the obligatory and the recommended *ghusls*. An example of this is like the one who intends, along with removing the state of *janaba*, to perform the *Jumu'a ghusl* (which is a *sunna*), or intends, along with removing the state of *janaba*, to perform the *ghusl* for the '*id* (which is recommended).

Intending that the *ghusl* for the removal of *janaba* takes the place of the recommended *ghusl* is similarly valid and fulfils both aims. However, intending for the recommended *ghusl* to take the place of the obligatory *ghusl* is not valid and neither aim is fulfilled. The one making such an intention remains in a state of *janaba* and has not fulfilled the conditions of the recommended *ghusl*.

### **88. Is the *wudu'* of someone in a state of *janaba* valid? What breaks it?**

It is recommended that if someone is in a state of *janaba* and wants to go to sleep, whether during the day or at night, that he should perform a full *wudu'* like that done for the prayer, just as it is recommended for anybody intending to go to sleep to perform *wudu'*. The *wudu'* performed by the one who is in a state of *janaba* is only invalidated by actual physical intercourse, as opposed to that *wudu'* performed by anybody else intending sleep. Their *wudu'* is broken by all those things listed in section 51. If the one who is in a state of *janaba* cannot find any water when he wants to go to sleep, then there is no recommendation for him to perform *tayammum*.

### **89. What is the ruling on omitting something in *ghusl*?**

The ruling on omitting something in *ghusl* is the same as that on omitting something in *wudu'* (see section 67), except in one case: If the one performing *ghusl* omits an inaccessible part of his body and then remembers it soon after, he must confine himself to only washing that part which was omitted, and does not wash those areas which come after it in the preferred way of performing *ghusl*.

## **The Things which Make *Ghusl* Obligatory**

### **90. What are the things which make *ghusl* obligatory?**

There are four things which make *ghusl* obligatory:

1. The emission of semen
2. The disappearance of the head of the penis into the vagina (or anus)
3. Menstruation
4. Lochia (post-natal bleeding)

### **91. Does the emission of semen always make *ghusl* obligatory?**

The emission of semen from the penis of a man, or ejaculatory fluid from the vagina of a woman may occur while that person is asleep or awake. If it occurs while he is asleep, then *ghusl* is always made obligatory, regardless of whether he feels pleasure or not, and regardless of whether he is aware of its emission or not. If someone wakes up and finds the traces of semen, but cannot remember ejaculating, he must still perform *ghusl*.

If the emission occurs while he is awake, then *ghusl* is only made obligatory when there is customary pleasure, resulting from looking or touching (or thinking). If it emerges after the experience of pleasure has gone, then *ghusl* is made obligatory. This is regardless of whether he performed a *ghusl* before the emission of semen or not. This is for when semen emerges without intercourse.

If the pleasure comes about through intercourse (by the disappearance of the head of the penis into the vagina) and there is no ejaculation, a *ghusl* is still made obligatory. If semen emerges (resulting from the pleasure experienced during intercourse) after he has performed a *ghusl*, he does not have to perform a new *ghusl*, and only *wudu'* is made obligatory. The difference between this case and the previous case (i.e. ejaculation resulting from looking etc.) is that the *ghusl* he performed was for the state of *janaba*. In the first case *ghusl* was not made obligatory until he actually ejaculated. The same ruling applies to a woman. If ejaculatory fluids emerge from her vagina after she has had a *ghusl* for state of *janaba* caused by intercourse, then she only has to perform *wudu'*.

If semen emerges without customary pleasure, then only *wudu'* is made obligatory. Examples of this include semen emerging when someone scratches scabies or gets into a hot bath. More details on this may be found in section 54. The same ruling also applies if semen emerges without any pleasure at all, such as when it is emitted because of illness.

### **92. What is the ruling on someone who is unsure about whether the discharge is semen or *madhy*?**

If someone wakes up from sleep and finds dampness on his garment or on his body and is unsure about whether it is semen or *madhy*, then he must perform a *ghusl* because being in a state of doubt affects the obligation of purification. However if he is more than 50% certain that is *madhy* then *ghusl* is not obligatory for him.

### **93. What is the ruling on the one who finds the traces of semen and does not know when it emerged?**

If someone finds actual semen or what he suspects is semen and does not know when it emerged, he performs a *ghusl* and repeats his prayers from the last time he slept, whether in the night or day. He does not repeat any prayers before that. The same applies to a woman when she sees menstrual blood on her garment and does not know when it happened. She performs a *ghusl* and repeats the prayers from the day she put it on because of the last uncertainty.

### **94. Does the disappearance of the head of the penis always make *ghusl* obligatory?**

When the whole head of the penis of the adult male (NOTE: If the head of his penis is cut off, then the disappearance of a similar amount of his headless penis takes the same ruling), disappears into the vagina or anus of someone able to have intercourse, regardless of whether that someone is male or female, adult or child (if that child is able to have sex), human or animal, alive or dead, then it is obligatory for him to perform a *ghusl*, even if he did not ejaculate. It is also obligatory for the one who was penetrated to perform a *ghusl*, provided that she is an adult.

If the penis is inserted into other than the vagina or the anus, such as between the breasts or buttocks, then *ghusl* is not made obligatory, just as it is not made obligatory if it is inserted into the vagina or anus of someone not capable of intercourse (such as a very young child).

The one who is not legally responsible (such as a madman or a child) does not have to perform a *ghusl*, even if he ejaculates.

### **95. What is the ruling on intercourse if it occurs between two children, or between a young boy and an adult woman, or between a young girl and an adult man?**

If a boy who has reached the age in which he is commanded to pray (ten years old or more) has intercourse with a girl capable of intercourse (in other words she is close to the age of puberty), then *ghusl* is recommended for him but not for her. The same ruling applies when a boy has intercourse with an adult woman, however she must have a *ghusl* if she experiences orgasm and ejaculates.

If an adult man has intercourse with a girl capable of it, then *ghusl* is obligatory for the man and recommended for the girl. If the boy who has reached the age in which he is commanded to do the prayer is in a state of *wudu'* and has intercourse and then prays, without first performing *ghusl*, then his prayer is valid. It is, however, disliked for him to do that. This is why they say that the intercourse of a child does not break *wudu'*.

### **96. Do menstruation and lochia (post-natal bleeding) always make *ghusl* obligatory?**

Both menstruation and lochia always make *ghusl* obligatory, even if the menstruation is only one gush of blood, and even if the child emerges in lochia without any blood at all. The *ghusl* for menstruation and lochia must take place immediately after the bleeding has stopped. It is not valid while the blood is still flowing. *Ghusl* is not made obligatory by the emergence of the blood of false menstruation, but it is recommended for it when it stops.

### **97. What are the preconditions of *ghusl*?**

The preconditions of *ghusl* are the same as the preconditions of *wudu'*. They are divided into the three categories: preconditions of obligation, preconditions of soundness, and preconditions concerned with both obligation and soundness.

There are four preconditions concerned with obligation:

1. The arrival of the time (of the prayer)
2. Adulthood
3. The ability to perform *ghusl*
4. The occurrence of one of the things which makes *ghusl* necessary.



There are three preconditions concerned with soundness:

1. Islam
2. The lack of a barrier (between your skin and the water)
3. The absence of something occurring which negates *ghusl*.

There are four preconditions concerned with both obligation and soundness:

Sanity

The absence of the blood of menstruation and lochia (for women)

The presence of enough pure water (to perform *ghusl*)

The lack of sleep or absentmindedness.

## **What is Prevented by Major Impurity**

### **98. What is prevented by major ritual impurity?**

The state of major ritual impurity, whether on account of intercourse, menstruation or lochia, prevents all the things that the state of minor ritual impurity prevents: prayer, *tawaf* and touching or carrying the Qur'an. The state of major ritual impurity resulting from intercourse or ejaculation also prevents the recitation of the Qur'an, even from memory and even for a teacher or student, as opposed to that resulting from menstruation or post-natal bleeding, which does not.

Even when someone is in a state of major ritual impurity resulting from intercourse or ejaculation, there are times and situations in which a small amount of recitation is allowed. These include: Seeking refuge when going to sleep or when one experiences fear, by reciting verses such as the *Ayat al-Kursi*, *Surat al-Ikhlās*, *Surat al-Falaq* and *Surat an-Nas*; or for the purpose of healing or as a charm for oneself or someone else from pain or the evil eye; or for providing the evidence for a ruling, by quoting a verse from the Qur'an such as "*Allah has made trade lawful and forbidden usury.*"

The state of *janaba* also prevents the entering of a mosque, whether congregational or otherwise, even if the one entering is only passing through, heading from one door to another. However it is permitted for the one in a state of *janaba* who must do *tayammum* to enter the mosque with his *tayammum* for the prayer and he can even spend the night in it if he has to. It is also permitted for a healthy person to enter the mosque when he is in a state of *janaba*, even if he is not a traveller, if he cannot find any water outside the mosque and knows there is water inside (i.e. in order to perform his *ghusl*).

The one in a state of major ritual impurity resulting from menstruation or lochia is also prevented from having intercourse.



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## **Fiqh Summary of the School of the Maliki Masters**

**(Muhammad al-'Arabi al-Qarawi)**

### **Tayammum**

#### **99. What, essentially, is *tayammum*?**

*Tayammum* is a method of purifying oneself utilising soil, whereby the one performing it wipes his face and hands with a specific intention.

#### **100. What sorts of people are permitted to perform *tayammum*?**

The one who is in a state of ritual impurity is permitted to perform *tayammum* instead of *wudu* (or *ghusl*) if he falls under one of the seven categories that follow:

1. Someone who lacks the requisite amount of water necessary for *wudu*' (or *ghusl*), regardless of whether he has no water at all or that the water he has got is not sufficient for the act of purification.
2. Someone who lacks the ability to use water - such as the one who is physically prevented from using water, or the one who is tied-up near water but cannot reach it, or the one who fears that, if he tries to get to the water, he will be set upon by wild animals or thieves.
3. Someone who fears that, if he uses water, he will fall ill (i.e. by catching a cold or fever or the like) or, if he is already ill, that it will delay his recovery or worsen his illness. However, this is not a matter of whim or caprice -there must be some substance in that person's fear, and this is obtained either through the recommendation of a knowledgeable doctor or through past experience.
4. Someone who fears that, by using the available water to perform *wudu* (or *ghusl*), a fellow living creature will go thirsty, even if that creature is not human (so long as that animal is held in respect by the Shari'a, even if that be a hunting dog or a guard dog. The sort of the animal which the Shari'a does not respect is like a pig or a dog). Again, when we say 'someone who fears', we are not referring to that sort of fear which has no substance, but rather to the one who is convinced, or at least considers it a strong probability, that the afore-said animal will become completely dehydrated and possibly die if it does not get water. If the animal is merely afflicted by a slight thirst, which will neither lead to injury or possible death, then that is not considered a valid excuse for performing *tayammum* (unless of course you despair of finding any more water in the foreseeable future - in such an instance you must preserve the water for drinking). Similarly to this, the person who needs water for his dough or for the purposes of cooking, puts

that need ahead of using that water for *wudu* (if he has no water except for that) and performs *tayammum*.

5. Someone who fears that, if he leaves to perform *wudu*, he will be robbed or looted of items whose value is greater than the price he would have to pay if he were to buy the water necessary for performing his act of purification. So, for example, if the value of the items he feared for was three dirhams and the price of the requisite amount of water is two dirhams, he may perform *tayammum* (as for if the price of the water is three dirhams and the value of the items is only two dirhams, he must leave to perform *wudu*, or buy the water and may not perform *tayammum*).

This ruling holds for the one who knows a place where he can find water or at least thinks it highly probable that there is water in that place. As for the one who is uncertain of whether there is water there or not, he performs *tayammum*, even if the property he fears for is of negligible value. Similar to this are those who are engaged in guarding crops or harvesting them, regardless of whether they are their own crops or whether they have been hired to look after other people's crops, as crops are considered to be a form of property.

6. Someone who fears that he will miss the time of the prayer, either by using water (to perform *wudu* or *ghusl*) when he has it with him, or by searching for it when he has not. Praying the prayer in its time (be that time *ikhtiyari* or *daruri*) takes precedence over the obligation of *wudu* and he does *tayammum* in its stead. However, if he thinks that there is sufficient time, if he performs just the obligatory parts of his *wudu* (or *ghusl*), wiping each limb one time only, and leaves the *sunna* and recommended elements, for him to still catch one rak'at of the prayer in its time, then he must do so and may not perform *tayammum* (in other words he restricts his *wudu* to washing his face once, his arms once, wiping his head and washing his feet once and doing all that quickly. This type of *wudu* should also be performed by the one who does not have the requisite water for the full *wudu*, but does have enough for the obligatory elements - he also does not do *tayammum*).

If, fearing that he will miss the prayer's time, he performs *tayammum* and then, after entering into the prayer, realises that he was mistaken and that there is still enough time remaining for him to have performed *wudu* (or equally if the time has already ended), he does not break off his prayer, nor does he have to repeat it, as he entered into it in a permitted manner. The ruling is the same if he realised his mistake after finishing his prayer or didn't realise it at all. As for if he realised that before the *takbir al-ihram* (i.e. before beginning his prayer), then he must perform *wudu*.\*

[\* The exception to this is the person who leaves his prayer to the end of its time deliberately in order to take advantage of this ruling, because he is too lazy to perform *wudu*. His ruling is the opposite of that which he intended by his action and he must still perform *wudu* (even if that means he misses the time). [Transmitted by As-Sawi]

7. Someone who is able to use the water, but either lacks someone to bring it to him (because he is bed-ridden for example) or lacks the means to extract the water from a source available to him (such as the one who has a well, but no rope or bucket to extract the water from it). This category is similar to number (2), but the difference is that the person in number (2) lacks the ability to use

the water in reality, whereas here the person lacks the ability to use water only in a legal sense. However the same ruling applies.

If we examine the seven categories above, we will see that, in actuality, we can boil them down to two types of people:

1. Someone who lacks the water itself, regardless of whether he really has no water or merely lacks it in a legal sense. This includes sections (1), (4), (5) and (6) mentioned above.

2. Someone who lacks the ability to use water, again regardless of whether he really lacks the ability or merely lacks it in a legal sense. This includes all the remaining sections (i.e. (2), (3) and (7)).

The seven people referred to in the above-mentioned categories may perform *tayammum* regardless of whether they are at home or travelling, whatever sort of travel that may be. It makes no difference if the journey is of an obligatory type (such as *hajj*), or of a permitted type (such as trade) or of a forbidden type (such as someone who goes out with the intention of robbing people): they may still perform *tayammum*.

### **101. Is it permissible for a person to perform *tayammum* for all forms of prayer, be they obligatory or voluntary?**

Anyone who has a valid excuse for performing *tayammum*, such as those mentioned above, may perform *tayammum* in order to pray a single obligatory prayer on its own (such as *'Asr*), or a single obligatory prayer and other voluntary acts of worship immediately after it (with that same *tayammum*), or in order to perform a voluntary act of worship in its own right, such as performing *tayammum* in order to pray the two *rak'ats* for greeting the mosque, or in order to pray the *Witr* prayer, which is a strong *sunna*. He may also do *tayammum* for the *Jumu'a* prayer and for funeral prayers, regardless of whether that prayer is incumbent on him or not (i.e. he is the one who has been asked to lead it by the deceased, for example).

However the person who is neither sick nor travelling, but merely lacks the water with which to perform *wudu*, may only perform *tayammum* in order to pray the obligatory prayers. The only voluntary prayers he may pray with *tayammum* are those which immediately follow the obligatory ones (such as the two rakats immediately following *Isha'*). He may **NOT** perform *tayammum* for the express purpose of praying a voluntary prayer, even if that prayer is a strong *sunna* such as the *witr* prayer (in such an instance he must pray his *witr* prayer immediately after praying *Isha'*). A short gap between the obligatory prayer and the voluntary prayers that follow is overlooked (such as the period of time needed to perform the recommended *dhikrs* and supplications that one does immediately on completing the prayer). As for the funeral prayer, he may only perform *tayammum* for it when it is specifically incumbent on him and there is no other person present, even if that person is travelling or ill, who is in a state of *wudu'* and can lead the prayer in his stead.

As for whether it is permissible for the person in this situation (i.e. healthy and not travelling, but lacking water) to perform *tayammum* in order to pray *Jumu'a*, that depends on the exact

circumstances of the situation. Someone who has no water at the time of *Jumu'a*, but knows that there will be water later, or someone who fears that, by performing *wudu* he will miss the *Jumu'a* is not permitted to perform *tayammum* for *Jumu'a*, according to the *mashhur* position, but must pray *Dhuhr* in its stead (even when he knows he will not get the water until after the time of *Dhuhr*, and therefore has to perform *tayammum* to pray *Dhuhr*. On the other hand, the one who lacks water at all times and does not know when he will be able to get a hold of any, may, and indeed should, perform *tayammum* for *Jumu'a* and there is no disagreement about that.

**102. Is it permissible for someone who has performed *tayammum* in order to pray an obligatory prayer or someone who has performed *tayammum* in order to pray a voluntary prayer to use that *tayammum* to perform another act of worship?**

There are four possible permutations here:

- 1) Someone who performs *tayammum* for an obligatory prayer and then wants to perform another voluntary act of worship (such as praying a voluntary prayer, praying the funeral prayer, touching a copy of the Quran, reciting Quran (for the one in a state of major ritual impurity), performing the *tawaf* of the Ka'ba or praying the two rakats of the *tawaf*) with that *tayammum* after praying his obligatory prayer. This is permissible so long as those acts of worship immediately follow the obligatory prayer (i.e. he may not leave and do something else after finishing his obligatory prayer and then come back and perform these other acts, they must be performed as if they were connected to the obligatory prayer.)
- 2) Someone who performs *tayammum* for a voluntary prayer (only permissible for the one who is travelling or sick or fears that using water will make him sick) and then wants to perform a separate voluntary act of worship of worship with that *tayammum* **AFTER** praying that voluntary prayer. Again this is permissible if the condition of connectedness is met (that there is no delay between the acts of worship and the prayer).
- 3) Someone who performs *tayammum* for a voluntary prayer (only permissible for the one who is travelling or sick or fears that using water will make him sick) and wants to perform a separate voluntary act of worship with that *tayammum* **BEFORE** praying that voluntary prayer. This is also permissible and again, as before, the condition of connectedness must be observed.
- 4) Someone who performs *tayammum* for an obligatory prayer and wants to perform a separate voluntary act of worship with that *tayammum* before embarking on his obligatory prayer. If he were to do this, all his acts of worship would be valid except for the obligatory prayer itself (so, for example, if a person were to perform *tayammum* for *Subh* and then pray *Fajr* (the two recommended *rak'ats* before *Subh*) with that *tayammum* before praying *Subh*, his *Fajr* would be valid and his *Subh* would be invalid). He must renew his *tayammum* in order to pray that obligatory prayer.\*

[\* The one who touches a copy of the Quran or recites it with his *tayammum* before embarking on his obligatory prayer is permitted to pray the prayer with that *tayammum* provided that the length of time he spent reciting was short and did not break the condition of connectedness (short means a couple of minutes or so). {Transmitted by As-Sawi]

### **103. How many obligatory prayers may one pray with a single *tayammum*?**

It is not permissible for a person to perform more than one obligatory prayer with a single *tayammum*, even if he included them all in his intention when he performed his *tayammum*. If he intended two obligatory prayers, the first one he prayed with that *tayammum* is valid, while the second one is invalid and must be repeated. This ruling applies under all circumstances, regardless of whether the second prayer shares its time with the first (such as 'Asr with *Dhuhr* or 'Isha' with *Maghrib*) or even if the person doing *tayammum* is very ill and finds it very hard to perform *tayammum* more than once./

### **104. Is it obligatory for the person who has no water and needs to perform *wudu* to buy it, if there is water for sale?**

It is an obligation upon the person upon whom the prayer is mandatory, in the event that he has no water of his own and needs to perform *wudu*, to buy it, so long as it is for sale at what is considered to be its usual price (if the price is extortionately high, above what is considered the norm, he does not have to buy it, even if he is very rich), even if he has to buy water on credit with a promise to pay at a later date (**NOTE: the date must be fixed. For example, the buyer says, "I will give the money after one month", or "on the 6th June" etc.**). However, when it comes to buying it on credit, there are two conditions which must be met before it is made an obligation on him:

1. That he is either a wealthy man, or at least has expectations of money (with which to pay for the water on the agreed date) from either a sale that he has made, but has yet to receive the money on, or a debt that is due to him or something similar.
2. That he will not need that money to defray other expenses and obligations due on him (such as rent or taxes and the like).

If either of these two conditions is lacking, he does not have to buy the water and may perform *tayammum*.

### **105. Is it obligatory for the person who has no water and needs to perform *wudu* to take water that is given or loaned to him?**

It is obligatory for the person who has no water and needs to perform *wudu* to accept a gift of water if it is has been given to him for the express purpose of purification, just as it is obligatory for him to try to borrow it, if he has high expectations of being able to repay the loan. As for if someone volunteers to lend him water without him first seeking to borrow it, he is obliged to accept that loan even if he does not think he will be able to repay the loan.

### **106. Is it always obligatory to search for water before resorting to *tayammum*?**

This depends on the circumstances. There are three possible permutations here:

1. If the person upon whom the prayer is mandatory and who needs to perform *wudu*, knows for certain or at least thinks it highly likely that there is no water in the area in which he planned to search, then it is not obligatory for him to search for water and it is valid for him to pray with *tayammum*. It makes no difference if the possible water is less than two miles (**NOTE: what is meant a mile here is generally considered to be 1750 metres**) away or not, or whether it is hard to reach or not, what is taken into account is the belief of the person that it is not there, not the reality of the situation.

2. If the person upon whom the prayer is mandatory and who needs to perform *wudu*, knows for certain that there is water in the place in which he planned to look, or at least suspected that there might be water there, then he must search for it if the following two conditions are met:

i. That the distance to the water is less than two miles.

ii. That there is no unnecessary hardship entailed in looking for it.

3. If the two conditions mentioned above are not met (in that the water is more than two miles away or there is significant hardship involved in reaching it), then the person upon whom the prayer is mandatory and who needs to perform *wudu*, is not obliged to search for it, even if he is one hundred percent certain it exists.

### **107. Should an obligatory prayer be performed with *tayammum* at the beginning of its time, in the middle of its time or at the end?**

This depends on how likely the one desiring to pray thinks it is that he will find water within the prayer's time. He falls into one of three categories: Someone who despairs of finding water; someone who is unsure about whether he will find it; and someone who has high hopes that he will find it.

) 1) Someone who despairs of finding water: This category includes both someone who is certain, or at least thinks it highly probable, that there is no water and someone who is certain, or at least thinks it highly probable, that he will be unable to reach the water in the time available, or that the impediment (such as wild animals or thieves) that prevents him from accessing it will be removed. It is recommended for the person who falls under this category to perform *tayammum* and pray at the beginning of the *ikhtiyari* time, as there is no point in delaying it. If he does this and then comes upon water within that prayer's time, he does not have to repeat his prayer (and indeed should not), even if the water he found was the self-same water he despaired of finding in the first place.

2) Someone who is unsure about whether he will find water or not: This category includes both someone who is unsure about whether there is any water and someone who is unsure about whether he will be able to reach that water in the available time or whether the impediment preventing him from accessing it will be removed. It is recommended for the person who falls under this category to perform *tayammum* in the middle of the *ikhtiyari* time. Also included under this category is the person who is ill and cannot find anyone to bring him water, the person



who is imprisoned and has no access to water (and does not know if his jailers will bring him any) and the one who fears that thieves or animals will set upon him if he goes to look for water.

3) Someone who has high hopes that he will find water: This category includes both someone who thinks it highly likely that there is water in a certain place and that he will reach that place in the available time or remove the impediment that prevents from accessing that water and someone who thinks it highly likely that water will come to him before the end of the time (like someone expecting a tanker of water to be delivered). It is recommended for the person who falls under this category to perform *tayammum* at the end of the *ikhhtiyari* time.

It is not permitted for any of the people mentioned in these three categories to delay their prayer to the *daruri* time if they know for certain there will be water available then. The rulings we have mentioned in these three categories, in terms of the division of the time to its beginning, middle and end, are only applicable if the following two conditions are met:

1. That the time referred to is the *ikhhtiyari* time. If the person has entered into the *daruri* time, then he prays immediately regardless of his expectations - there is no beginning, middle or end in such an instance.

2. That the prayer taken into consideration is not the *Maghrib* prayer. If it is the time of the *Maghrib* prayer, then there no division of time, because the *ikhhtiyari* time of *Maghrib* is immediately following the setting of the sun and does not extend long enough for it to be considered to have a meaningful beginning, middle and end.

### **108. In how many instances is it recommended for the person who prayed with *tayammum* to repeat his prayer?**

It is recommended for the following seven people to repeat the prayer they prayed with *tayammum* (provided that they are still within the *ikhhtiyari* time):

1. Someone who prays with *tayammum* and then finds the self-same water he had already searched for and not been able to find, provided that the water he had searched for was less than two miles away. If he finds the water, but it is more than two miles away, or finds a separate water source entirely then it is not recommended for him to repeat the prayer.

2 Someone who prays with *tayammum* and then finds the same water in his baggage that he had already searched for but not been able to find.

3. Someone who prays with *tayammum* because he was afraid of being set upon by thieves or wild animals if he tries to get to his water source, and then finds water, if the following four conditions are met:

a. That it turns out that he was mistaken in his fear, in that what he thought was a wild beast was only a bush for example.

b. That he knows for certain that there is actually water there (i.e. in the place he fears to go to).

c. That the water he finds is the same water he had feared to get to.

d. That there was real substance to his fear (i.e. he really thought or at least suspected that there thieves or wild beasts out there).

If any of the first three conditions is lacking, in that his fear is realised (he actually sees the thieves or animals in a way that removes all doubt), or that the situation remains unclear, or that he does not know for certain that the water exists, or that he finds a different source of water entirely, then it is not recommended for him to repeat his prayer. If there is no real substance to his fear, whereby he does not truly believe that there are thieves or wild animals, but prays with based on the possibility that there might be, then it is obligatory for him to repeat his prayer, even if its time has completely passed.

4. A sick person who, even though he is able to use water, prays with *tayammum* because he could not find anyone to bring him water, and then finds someone to bring it to him. This recommendation is qualified by the following condition - that people visit him on a regular basis. If it is rare for people to visit, then it is not recommended for him to repeat his prayer as he had no expectations that somebody would come. This is the *mashhur* position. Some other scholars say that it is not recommended for him repeat his prayer regardless of whether people visit him regularly or not.

5. Someone who prays with *tayammum* at the beginning of the time, even though he has high expectations of finding water in the time, and then finds that water (this is because the ruling for such a person is that he should wait to the end of the time before doing *tayammum*).

6. Someone who, being unsure about whether he will reach the water source or not, prays with *tayammum* in the middle of the time, and then reaches the water source within the prayer's time. As for the person who is unsure about whether there is any water there or not, there is no recommendation for him to repeat, even if he prayed with *tayammum* in the beginning of the time.

7. Someone who remembers that he has water with him after performing his prayer with *tayammum*. If he remembers during his prayer, then that prayer is invalidated.

The reason that these seven are recommended to repeat their prayer within the *ikhtiyari* time is that they are all guilty of some form of neglect. As for other than those mentioned above, it is forbidden for them to repeat their prayer (NOTE: except, of course, if they prayed individually and wanted to receive the reward of praying in a group).

### **109. In how many instances is it obligatory for the person who prayed with *tayammum* to repeat his prayer?**

It is obligatory on the following three people to repeat the prayer they prayed with *tayammum*, even if the prayer's time has completely passed:



1. Someone who prays with *tayammum* without first searching for water that he knew or suspected was close by (i.e. less than two miles) and easy to get to or even in his luggage, and then finds that water.

2. Someone who finds water after performing *tayammum*, but before embarking on his prayer, and yet still goes ahead with his prayer without doing *wudu*. The finding of water rendered the *tayammum* invalid and so he must repeat that prayer as he prayed it without being in a state of purity.

3. Someone who prays with *tayammum*, because he has a flight of fancy that there may be thieves or wild beasts out there to prevent him from getting to the water. This is different from 109:3 in that there his fear was real whereas here he merely acts on a whim. \*

[\*Ad-Dardir said, "Any one who has to (or is recommended to) repeat a prayer he prayed with *tayammum* must do so with *wudu*, except for the following:

1) Someone who prayed with a *tayammum* in which he only wiped his arms to the wrists (i.e. not to the elbows).

2) Someone who prayed with a *tayammum* he performed on earth which had been urinated on.

3) Someone who finds an impurity on his clothing or his body or the place in which prayed, after completing his prayer with *tayammum*.

4) Someone who remembers that he has not prayed the first of two prayers that share the same time after he has finished praying the second (such as *Dhuhr* and '*Asr* - he prays *Dhuhr* and then repeats '*Asr*).

5) Someone who prayed on his own and wants to repeat the prayer to gain the reward of praying in a group.

6) Someone who prays the current prayer before making up a small number of prayers (less than six) that he had remembered he had missed (NOTE: This is as it is obligatory on him to pray the prayers he has to make up first if there are only a small number of them. Therefore if he prayed the current prayer first he must repeat it after making up those other prayers).

Each of these six people may use *tayammum* when they make their prayer. Additionally they each make up the prayer even in the *daruri* time, except for the one who only wiped to his wrists - he only repeats his prayer in the *ikhtiyari* time."]

## **Obligatory Elements of *Tayammum***

### **110. What are the obligatory elements of *tayammum*?**

There are five obligatory elements of *tayammum*:

1. **The intention.** This should be made simultaneously with the first striking of the earth. One of two things should be intended:

i) Permitting the prayer or permitting that which his state of ritual impurity prevents. He must make sure that he takes the state of major ritual impurity into account in his attention if he is in such a state. If he forgets that he is in a state of major ritual impurity and only intends in his *tayammum* to permit that which the state of minor ritual impurity prevents, then he must repeat his *tayammum*.

ii) Performing the obligation of *tayammum*. If a person intends this then it does not matter if he is a state of minor ritual impurity or major ritual impurity, his *tayammum* is valid.

It is recommended to for a person in a state of major ritual impurity to intend both the permitting of what the state of major ritual impurity prevents and the permitting of what the state of minor ritual impurity prevents (for if someone does *ghusl* they also perform *wudu* as part of it), but if he only intends to permit that which the state of major ritual impurity prevents then that suffices him. Similarly, his *tayammum* is valid if he performed it with the intention of permitting that which the state of major ritual impurity prevents and then realised that he was only in a state of minor ritual impurity.

Unlike what is done in *wudu* or *ghusl*, the person performing *tayammum* may not intend by his *tayammum* the lifting of the state of minor or major ritual impurity, as *tayammum* does not remove the state of ritual impurity but merely postpones it for the period of that act of worship. Anyone who intends this (lifting the state of ritual impurity) should repeat his *tayammum*. It is also recommended for the person performing *tayammum* to specify the act of worship he wants to use it for in his intention.

2. **The first striking of the earth.** What is meant by this is the placing of the palms of the hands on the pure earth.

3. **Wiping the face and hands to the wrists thoroughly.** The person performing *tayammum* must wipe between his fingers and must remove any ring he is wearing, regardless of whether it is tight or loose. When he wipes between them he must do so with the inside of his palm or the inside of his fingers, not with sides of his fingers or hand, as they did not touch the pure earth whereas the insides did.

4. **Pure earth.** What is meant by earth (*sa'id*) here is not merely soil, but rather all types of earth, be that sand, rock, mineral or something like gypsum or clay, before they are baked or processed for building purposes. If they have been baked or processed (in such a way that alters them from their original form), then it is not permitted to do *tayammum* with them (such as when they have been made into concrete or clay pots or baked bricks). . The best thing to use for *tayammum* is soil.

*Tayammum* is permitted on metals and minerals, such as alum, salt, iron, lead, tin and antimony if they remain in the earth and have not been transported to another spot, undergone a production process or entered into people's possessions as property. *Tayammum* is also permitted on snow

and on marble (even after it has been made into pillars and used in building). As for gold and silver or precious stones such as emeralds, rubies and pearls, there is an exception made in their case and it is not permitted for you to do you *tayammum* on for a person to perform *tayammum* on them even if they remain in the natural form and in their original spot. It is not permitted to perform *tayammum* on wood or grass, even if there is nothing else around which the person could use.\*

\* [Al-Lakhmi said, "If there is nothing else available and he cannot uproot the grass or tree (to get to the soil below) and the time is short, then he may perform *tayammum* on them." Al-Bananni noted in terms of this position that al-Hattab viewed it as the stronger position and ar-Ramadi considered it to be the relied upon position in the *madhhab*. (Quoted from as-Sawi).]

5. **Consecutiveness**, both within the *tayammum* and between the *tayammum* and the act of worship that it is intended for: It is obligatory for the elements of *tayammum* to be performed one after the other without delay and for the act of worship intended by the *tayammum* to be performed immediately after it. If a long time were to pass between the wiping of the face and the wiping of the arms, for example, or between the *tayammum* and that act of worship intended by it, then the *tayammum* must be repeated. Unlike in *wudu'*, if a person performs an incomplete *tayammum* he may not build on the incomplete *tayammum* if a long time has passed, but must perform a new complete *tayammum* (thus, if a person only wiped his arms in his first *tayammum* and forgot his face and then a long time passed, it would not be permissible for him to just wipe his face to make that *tayammum* complete. It would be incumbent on him to perform the full *tayammum*.)

## The Sunna Elements of *Tayammum*

### 111. What are the sunna elements of *tayammum*?

There are four sunna elements of *tayammum*:

1. **Putting the actions of *tayammum* in their correct order.** The person performing *tayammum* should wipe his face first and then his arms. If he inverts the order then, provided that not a long time has passed and he has not yet prayed with that *tayammum*, he should repeat the arms. If a long time has passed or he has already prayed, then his prayer is valid, but he has missed out on one of the sunnas of *tayammum* (the correct order).
2. **The second striking of the earth**, in order to wipe the arms.
3. **Wiping the arms up to the elbows.**
4. **After touching the earth, not wiping the palms of the hands on anything else before wiping the face or arms.** [NOTE: What is meant by this is not covering your face in dust, as might be understood from the Arabic, for when a person performs *tayammum* on a stone there is no dust.]. If the person performing *tayammum* does wipe something else before wiping his face or arms then his *tayammum* is valid, but he has done something which is disliked.

## The Recommended Elements of *Tayammum*

## 112. What are the recommended elements of *tayammum*?

There are four recommended elements of *tayammum*:

1. The *basmala* (i.e. saying *bismillah* at the beginning of the *tayammum*).
2. Being silent while performing *tayammum*, except for *dhikr*.
3. Facing the *qibla*
4. Performing it in the recommended way which is to; begin by placing the palm of the left hand at the tip of the back of the right hand and then to wipe with it, starting with the outside of the fingers of the right hand and wiping the outside of the arm until he reaches the elbow. When he reaches the elbow of the right arm, he places the palm of his left hand on the inside of the bend of the elbow of the right arm and wipes the inside of the arm until he has reached the tips of the insides of the fingers of the right hand. He then repeats this motion with the left arm, by placing the palm of the right hand on the outside of the fingers of the left hand and wiping the outside of the arm as far as the elbow and then placing the palm of the right hand on the inside of the bend of the elbow of the left arm and wiping the inside of the arm until he reaches the tips of the insides of the fingers of the left hand. When he has finished wiping the arms he then wipes between his fingers (NOTE: The best way of doing this is to start with the little finger of the right hand and to wipe it with the thumb and forefinger of the left hand and to continue until he reaches the thumb and then to do the same with the left hand. The reason for this is that he has to wipe the sides of his fingers with the insides of the fingers of his other hand. If he wipes the sides of the fingers with the sides of the fingers of his other hand, he is wiping them with a part of his hand that never touched the soil).

## The Things which Invalidate *Tayammum* and the Things which are Disliked in *Tayammum*

### 113. What invalidates *tayammum*?

Everything that breaks *wudu'* also invalidates *tayammum*. *Tayammum* is also rendered invalid if a person who is able to use water, finds sufficient water (to perform *wudu* or *ghusl*) after performing his *tayammum* and before embarking upon his prayer, so long as there is enough time remaining for him to use the water and still catch the prayer in its *ikhtiyari* time. If he finds the water after entering into his prayer (or if it finds him, such as somebody arriving carrying water on his person), then his *tayammum* remains valid, and he completes his prayer. However if, during that prayer, he remembers water that he has with him but had forgotten that he possessed, his prayer is rendered invalid and he must break off and perform *wudu* (provided that there is enough left for him to do that and still catch the prayer in its time). Finally, *tayammum* is also made invalid by a long time passing between his performing it and his performing the prayer (or act of worship) that he intended by it.

### 114. What things are disliked in *tayammum*?

If a person who is in a state of ritual purity has no access to water and has no expectations of getting any, then it is disliked for him to do something that might break his *wudu*, unless, of course, the action of preserving his *wudu*, whether it be by holding in his urine or wind or whatever, might cause him harm. If he does fear harm then there is no dislike in substituting *tayammum* for *wudu*. Similarly, in the event that he has no water, it is disliked for a person to invalidate his *ghusl*, even if he is not in *wudu*. If, however, he fears that holding back from sexual intercourse will cause him harm then there is no dislike in substituting *tayammum* for *ghusl*.

### **115. Is it permitted to perform *tayammum* on a wall?**

It is permitted for both the person who is healthy, but lacks water and the person who is ill and cannot use water to perform *tayammum* on a wall, provided that that wall is built of sun-dried bricks or stone. [NOTE: If the wall is built with bricks that have been baked in a furnace or processed (such as concrete and cement), or if it has been painted or wallpapered, or if it is made of wood, metal or plastic (or any other artificial substance), then it is not permitted to perform *tayammum* on it].

### **116. What is the ruling on the person who neither has water nor anything with which he can perform *tayammum*?**

Someone who neither has water nor any pure earth with which to perform *tayammum*, or has them but is unable to use them (such as the person who is tied up or crucified or is physically prevented from using them by another), does not have to perform the prayer and does not have to make it up.\*

[\*This is the position attributed to Imam Malik, may Allah be pleased with him, himself. However in the *madhhab* we have four positions that cover all the possible permutations: the position mentioned above; praying without purity and then making that prayer up; praying without purity and not making the prayer up; and not praying then but making the prayer up later. If a person ever finds himself in such a position he should do what feels most comfortable for him, and Allah knows best.]

## **Preconditions of *Tayammum***

### **117. What are the preconditions of *tayammum*?**

The preconditions of *tayammum* are the same as the preconditions of *wudu'* and *ghusl*, the only differences being that water is replaced by earth and the arrival of the time of the prayer being a precondition of both obligation and soundness. As before, the preconditions are divided into three categories: preconditions of obligation, preconditions of obligation and preconditions concerned with both obligation and soundness.

There are three preconditions of obligation (if these are not met *tayammum* is not obligatory):

1. Adulthood

2. The ability to perform *tayammum*.
3. Having done something which makes *tayammum* necessary (i.e. losing one's *wudu*).

There are three preconditions of soundness (if these are not met *tayammum* is not valid):

1. Islam
2. The lack of a barrier (between the limb and the hand wiping it, such as a layer of wax or thick oil).
3. The absence of something occurring which negates *tayammum* (such as urinating while performing it or touching the penis and so forth).

There are five preconditions of both soundness and obligation (if these are not met *tayammum* is neither obligatory nor valid):

1. Sanity.
2. The absence of the blood of menstruation and lochia (for women).
3. The presence of that on which *tayammum* may be performed (i.e. pure earth).
4. The lack of sleep or absentmindedness.
5. The arrival of the time of the prayer (*Tayammum* is only performed for an obligatory prayer when its time has come in. Unlike *wudu*, it is not permitted to perform *tayammum* for a prayer before its time. As for a missed prayer, its time is the moment that the person remembers it).

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## **Wiping over Leather Socks**

**118. What is the ruling on wiping over the *khuff* (leather socks) and *jawrab* (socks)? Is there a time limit on how long a person can wear his *khuffs* and wipe over them instead of washing his feet?**

The ruling on wiping over *khuffs*, whilst performing one's *wudu'*, instead of fully washing the feet, is that it is a dispensation (*rukhsa*), which is permitted by the Shari'a (as opposed to a dispensation which is recommended or sunna, such as shortening the prayer while travelling). It is not a condition that the person wearing them is travelling, he may wipe over them regardless of whether he is at home or travelling, even if his journey is of a forbidden type (such as setting out to rob people). As for *jawrabs*, it is only permitted to wipe over them if they are covered on the outside by leather (NOTE: So basically what is meant by a *jawrab* is a *khuff* whose inside is cotton or wool to make it more comfortable). If they are not covered by leather, then it is not permissible to wipe over them and the person performing *wudu'* must remove them and wash his feet.

There is no time limit to how long a person can continue to wear his *khuffs* and so there is no time limit to how long he can continue to substitute wiping over them for washing his feet in *wudu'* - he may do so for a year if he so wishes. If he removes them in that period, however, he must perform a full *wudu'*, in which he washes his feet, before he is permitted to wipe over them again. (NOTE: The reason the issue of the time limit is mentioned is because, in some of the *madhhabs*, it is not permissible for a person to wear *khuffs* for longer than a day (or three days if the person wearing them is travelling), after which he has to perform a full *wudu'*, in which he washes his feet, before he is permitted to wipe over them again).

### **119. What are the preconditions for wiping over the *khuff* and *jawrab*?**

There are eleven preconditions which must be met before a person is permitted to wipe over his socks in *wudu'*; six preconditions relating to that which is wiped and five preconditions relating to the person who performs the wiping:

There are six preconditions relating to that which is wiped (in other words, the *khuff*. If any of these preconditions is lacking then it is not permitted to wipe over it):

1. That it is made from leather. If it is made from other than leather then it is not permitted to wipe over it.
2. That it is in itself pure. If it is made from the skin of an animal which died on its own or was not slaughtered properly then it is not valid to wipe over it, even if that skin has been tanned [NOTE: Just as the *khuff* must itself be pure, there must also not be anything impure (such as human urine or faeces) on it].
3. That it is put together with stitching. If the *khuff* is glued or cellotaped together, then it is not permitted to wipe over it.
4. That it covers the place which it is obligatory to wash when washing the feet in *wudu'*. In other words the *khuff* must completely cover the ankles. If the *khuff* stops short of the ankles or does not completely cover them, then it not permitted to wipe over it.
5. That it is possible to walk normally in it. If the *khuff* is so large that it will slip off when he walks with it (or so tight that it is impossible to walk whilst wearing it, or so thin that it will tear when he walks on it), then it is not permitted to wipe over it.
6. That there is no barrier between the water and the *khuff*, such as wax and the like.

There are five preconditions relating to the person who performs the wiping. (If any of these preconditions are lacking then it is not permitted for that person to wipe over the *khuff*):

1. That he put them on when he was in a state of ritual purity (i.e. he must be in *wudu'* before he puts them on). If he put them on when he was not in a state of ritual purity then he may not wipe over them and he must remove them when he wants to perform *wudu'*.



2. That his state of ritual purity was obtained using water, not earth (in other words, he may not perform *tayammum* in order to put on his *khuffs* and then still wipe over them, it must be *wudu'*).
3. That his state of ritual purity was complete before he put on the *khuffs*. This means that, if he were to put on his *khuffs* before completing his *wudu'* (or *ghusl*), such as by washing his feet, putting on his *khuffs* and then wiping his head (after putting on his *khuffs*), it would not be permitted for him to wipe over them [NOTE: His *wudu'* would be valid as the correct order is a *sunna* element of *wudu'*, not an obligatory element]. Similarly, if he were to wash his right foot (whilst performing *wudu'* or *ghusl*), put his right *khuff* on, and then wash his left foot and put his left *khuff* on, it would not be permitted for him to wipe over his *khuffs*, as he put one of them on before he was in a complete state of ritual purity.
4. That he put them on for a valid reason. Valid reasons for wearing them include: following the *sunna* of the Prophet, may Allah bless him and grant him peace; protecting oneself from the cold; protecting the feet from the ground when is very hot; protecting the feet from scorpions; or because it comes with the uniform (such as when worn by soldiers or judges, when that is the custom). If, however, a person were to wear the *khuffs* without valid reason, such as when he wears them to show off his importance and high station in society, or wears them to ensure that the henna he put on his feet (without a valid medical reason for doing so) is not washed in *wudu'*, or wears them just to sleep in, or wears them to protect his feet from fleas and the like (unless of course he is someone who is allergic to fleabites, in which case wearing *khuffs* becomes a necessity in order to safeguard his health), then he is not permitted to wipe over them.
5. That the act of wearing is not in itself an act of disobedience to Allah. It is not permitted for a man who is in a state of *ihram* during a *hajj* or *umra* to wipe over *khuffs* (as he is forbidden to wear any garment which is stitched), except if he is compelled to wear them (for health reasons and the like), in which case he may wipe over them. As for women, they are permitted to wear stitched garments in *ihram* and so are also permitted to wipe over *khuffs* if they are wearing them. Another category of person not permitted to wipe over *khuffs*, is the person who has forcibly taken (*ghasb*) those *khuffs* from another person without their consent.

## **120. What are the disliked elements of wiping over the *khuff*?**

There are three disliked elements of wiping over the *khuff*:

1. Washing the *khuff* instead of wiping it. This is excess in the *Deen* and doing so might damage the *khuffs*. If a person does this, however, then his *wudu'* is valid so long as he washed them with the intention of that being part of his *wudu'* or with the intention of lifting the state of ritual impurity. If his intention was merely to remove physical impurity (such as horse dung or urine) from the *khuff*, not his state of ritual impurity, then that washing does not take the place of wiping and his *wudu'* would not be valid.
2. Trying to wipe inside every crease and crevice of the *khuff*.
3. Wiping the *khuff* more than once.



## 121. What invalidates wiping over the *khuff*?

There are three things which invalidate wiping over the *khuff*:

1. Those things which make *ghusl* obligatory: That is to say, the insertion of the head of the penis into the vagina (or anus, which is forbidden), the emission of semen, the onset of menstruation and the onset of lochia (post-natal bleeding). If one is in a state of major ritual impurity then it is invalid to wipe over the *khuff* until such time as he has removed the state of major ritual impurity by performing a *ghusl*.
2. Rips or tears in the *khuff* amounting to a third the length of the foot or more, regardless of whether those tears have opened up to reveal the foot beneath or whether the two sides of the tears are still holding together in places (such as when the stitching has come apart, but parts of the leather are still stuck together). If the rips or tears amount to less than a third the length of the foot, then wiping over the *khuff* is valid, except when the rips have completely opened up to reveal the foot beneath. If the rips (that amount to less than a third) have only opened up a little, however, whereby the moisture of the hand does not reach the foot beneath during the wiping, then wiping is valid.
3. Removing most of one's foot from the *khuff* (according to the position of Shaykh Khalil in the *Mukhtasar*). If a person either completely takes off his *khuff* or partially takes it off so that most of his foot (not just the heel) is outside it, then wiping becomes invalidated. According to the other position, which is generally considered to be the stronger (this position is from the *Mudawwana*), removing most of the foot from the *khuff* does not invalidate wiping, it is only by completely removing it that it is invalidated.

## 122. What is the ruling when a person removes his *khuffs* whilst in a state of ritual purity? What is the ruling when a person removes his *khuffs* whilst he is in a state of ritual purity and he is wearing another pair of *khuffs* beneath them?

If a person performs a *wudu'* in which he wipes over his *khuffs* and then removes those *khuffs*, he must wash his feet immediately upon removing them. If he is wearing another pair of *khuffs* underneath the original *khuffs*, then he must wipe that second pair of *khuffs* straight away)\*. Similarly, if he were to remove only one *khuff*, it would become incumbent upon him to remove the other *khuff* and immediately wash his feet. If he were to delay washing his feet or wiping over the second pair of *khuffs* for a long time, then his *wudu'* would be rendered invalid. The reason for him having to wash his feet immediately is in order to preserve the consecutiveness of the *wudu'*. What is meant by 'a long time' here is the time it takes for an average-sized limb to dry in a moderate climate, as is explained more fully in section 29 in the chapter on *wudu'*.

\*[NOTE: If a person wants to wear more than one pair of *khuffs* and wipe over them, he must ensure that he put on all the *khuffs* when in a state of ritual purity. If he put on the first pair when he was in a state of ritual purity and then put on a second pair over the top of them when he was not (in a state of ritual purity), then he may not wipe over the second pair and must remove them and wipe over the first pair.]

### **123. What are the recommended elements of wiping over the *khuff*?**

There are two recommended elements of wiping over the *khuff*:

1. Removing the *khuffs* on every Jumu'a, even if he put them on on Thursday. If he does not remove them on Jumu'a, it is recommended for him to remove them on the same day on which he put them on (i.e. a week later. For example, if he put the *khuffs* on on Tuesday and did not remove them on Jumu'a, it is recommended that he remove them the following Tuesday).
2. Performing it in the recommended way, which is to: Place the palm of the right hand on top of the toes of the right foot and the palm of the left hand under the toes of the same foot and then, in a single motion, to pass the hands over the *khuff* until he reaches the top of the ankles (wiping the topside of the *khuff* with the right hand and the underside and heel of the *khuff* with the left hand). He then does the same thing with the left foot, but this time places the right hand on the underside and the left hand on the topside.

### **124. What is the ruling on wiping the topside and the underside of the *khuff*?**

It is obligatory to wipe the topside of the *khuff* (the side which faces the sky when a person is standing). If the person performing the wiping does not wipe the topside and then prays with that *wudu'*, his prayer is invalid. If he were to neglect to wipe the underside (the side facing the ground when a person is standing) of the *khuff*, however, and then pray with that *wudu'*, his prayer would be valid, as it sunna, not obligatory, to wipe the underside. It is recommended, however, for the person who omitted the underside to repeat his prayer in the *ikhtiyari* time.

The rulings mentioned above, concerning the omission of the topside or underside of the *khuff* in the wiping, are equally applicable to the one who only omits part of the topside or part of the underside. Thus, if a person left out part of the topside, any prayers he prayed with that *wudu'* would be invalid, and if a person left out part of the underside, it would be recommended for him to repeat, in the *ikhtiyari* time, any prayers he prayed with that *wudu'*.

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## **Wiping over Poultices, Splints and Bandages**

### **125. When is it permissible for the person on whom the prayer is mandatory to substitute wiping over a poultice, splint or bandage for washing (when performing *wudu'* or *ghusl*)? What are the preconditions for wiping over poultices, splints and bandages?**

If a person has cuts, burns or scabies and the like on parts of his body which he has to wash when performing *wudu'* (such as the arms or face) or *ghusl*, and fears that washing the injured parts of his body will either cause him great pain, make him ill, worsen his condition or delay the recovery of his wounds, then he should substitute wiping for washing. The ruling on this substitution (wiping instead of washing) varies according to the extent of his fears: if he fears that washing the injured area could result in death or severe harm, such as the loss of one of his five senses, then it is obligatory for him to wipe and forbidden for him to wash. If his fear is of a

lesser degree than this in that he does not fear any long-term damage or harm, then it is recommended for him to wipe instead of wash.

If it proves impossible for the person to wipe the limb directly, then he may wipe over a poultice (NOTE: The word poultice is being used here to cover that which is put on a sore or cut or scabies for healing purposes, whether that be a compress, poultice, plaster or even that which is put over the eye when it is severely inflamed or swollen) or splint (or plaster cast or the like). If he **IS** able to wipe the limb directly, but wipes over a poultice or splint instead, then his wudu or ghusl would be invalid.

If he is unable to wipe\* over the poultice or splint directly then he is permitted to wipe over the bandage or cloth that ties the poultice or splint in place. If he is unable to wipe over that bandage then he is permitted to wipe over a second layer of bandages tied on top of it and so on.

\*[NOTE: When we say wiping we are referring to the same type of wiping the person performing wudu does when he wipes his head. In other words the person wets his hands in pure water and then wipes over the splint or the like one time only.]

Similarly, the person who suffers from ophthalmia or severely and painfully swollen eye(s), in the event that he is unable to wipe over the eyes or brow directly, may wipe over a cloth (preferably translucent if it is both eyes that are affected so he is able to see during his prayer) or eye-patch which he has placed or tied on top of them; and the person who suffers from splitting headaches or migraines may wipe over a piece of paper (soaked in medicine of some kind) stuck on to his temple to ease the pain.

If a person has injuries on his head or fears damage to either his hair or head by directly wiping over it (or has flu or a cold and fears that washing his head (in *ghusl*) or wiping it (in *wudu'*) will make it worse), then he should wipe over his *taqiyya* (white skullcap traditionally worn under turbans or anything else worn under a turban, even if it is only a handkerchief placed on the head). If he is unable to do that, then he is permitted to wipe over a turban. If, however, he is able to wipe a part of his head, he should wipe over that and complete the wiping over his turban. Unlike the position in some of the other *madhhabs*, a person is not permitted to wipe over a turban just because it is difficult to take it off.

This wiping is permitted regardless of whether the person doing it is performing *wudu'* or *ghusl*, and regardless of whether he was in a state of complete ritual purity when he put them on. If, through the necessity of fixing them in place, the bandages cover an area larger than the injured area, then he is permitted to wipe over the whole bandage, even if part of what is underneath it is healthy (so, for example, if a person broke his wrist and it was **NECESSARY** for him to have a plaster cast fitted that covered most of his lower arm to help the wrist to heal, it would be permitted for him to wipe over the whole plaster cast, despite the fact that the only injured part of his arm was his wrist).

There is one precondition for the person wiping over splints and the like and that is that washing the healthy parts of the rest of his body (whilst performing *ghusl*) or washing or wiping the remaining healthy limbs which are obligatory in *wudu'* (whilst performing *wudu'*) will not

worsen the condition of the damaged limbs/parts of his body, or delay their recovery or bring about a new illness. If washing them (the healthy parts of the body) will cause any of those things mentioned (such as making him ill), then he may not wipe over his splints/bandages, but should perform *tayammum* instead. This precondition holds for both when the greater part of his body is healthy (or the majority of the limbs which are washed/wiped in *wudu'*), and when the greater part of his body is injured or damaged (or the majority of the limbs which are washed/wiped in *wudu'*). If, however, the whole body is injured except for an arm or a leg, then that person should perform *tayammum* (even if washing that arm or leg will not result in harm). Ophthalmia (an illness of the eyes) alone is not a valid reason to abandon *wudu'* in favour of *tayammum* and it is not permitted for a person suffering from this condition to do so. If he fears that wiping his eyes directly will cause him harm, then he should tie a (translucent) cloth over them and wipe over that cloth. He may not remove that cloth until after he has prayed, for removing that cloth would invalidate his *wudu'*.

[NOTE: If a person's hands are injured and heavily bandaged and he is thus unable to wash the healthy parts of his body himself, then he should find somebody else to do the washing for him. If he is unable to find anyone and is unable to perform *wudu'* or *tayammum*, then he is like the person who has no pure water or earth and the four different rulings mentioned in section 116 in the *Tayammum* chapter apply (i.e. he does not have to pray or make up; he does not pray, but makes up; he prays and makes up; or he prays and does not make up).]

### **126. What is the ruling if the poultice, splint or bandage falls off or is removed after it has been wiped over?**

If a person performs a *wudu'* or *ghusl* in which he wipes over a splint or bandage (or the like) and then he removes that splint or bandage or it falls off of its own accord, then he should put it back on straight away (If he neglects to replace it for a long period of time\* then his *wudu'* is invalid) and wipe over it again. If he delays wiping over it after putting it back on, then the rulings regarding consecutiveness in *wudu'* (or *ghusl*) come into play. If only a short period of time passes between him putting the splint/bandage back on and wiping over it, then his state of purity remains valid, regardless of whether he delayed deliberately or through forgetfulness or inability. If, however, a long time passes between him putting the splint/bandage back on and wiping over it, then the ruling depends on the reason for the delay. If he deliberately delays wiping it, then his state of ritual purity is rendered invalid (In other words, if he had performed a *wudu'* in which he wiped over that splint/bandage, then he returns to a state of minor ritual impurity and if he had performed a *ghusl* in which he wiped over that splint/bandage, then he returns to a state of major ritual impurity). If he delays wiping it through forgetfulness, then he should wipe it as soon as he remembers, but with a fresh intention. If he delays wiping over it because he is unable to do so, then he should wipe over it as soon as he is able without renewing his intention and his state of ritual purity remains valid.

\*What is meant, in this section, by a short time and a long time is the same as is explained in Question 29 in the section on *wudu'*.

### **127. What is the ruling if a splint, after it has been wiped over, falls off during the prayer?**

If a person performs a *wudu'* (or *ghusl*) in which he wipes over a splint (or any of the other things mentioned above such as poultices and bandages) and begins a prayer with that wudu, and then that splint falls off while he is praying then that prayer is invalid and he must leave it immediately. He must then replace the splint, wipe over it again and begin the prayer anew. If a splint or poultice falls out from beneath a bandage and the person had wiped over that bandage, not the poultice or splint directly, then his prayer remains valid so long as that bandage remains in place.

### **128. What is the ruling if the wound heals underneath the poultice?**

If the wound (or any of the other things that oblige a person to put on a splint, poultice, plaster or bandage) heals underneath a poultice (or the like) whilst a person is in the midst of his prayer, then that prayer is rendered invalid. He must cut off his prayer, immediately remove the poultice and wash (when it is an area of the body that it is required to wash such as an arm) the healed area that had previously been covered by it or wipe it (when it is an area of the body that it is required to wipe such as the head in *wudu'*). He may then re-enter his prayer.

If the wound (or any of the other things that oblige a person to put on a splint, poultice, plaster or bandage) heals underneath a poultice (or the like) when a person is NOT in a prayer, then he must follow the steps mentioned above if he wants to remain in a state of ritual purity. If he deliberately delays washing the healed limb for a long period of time, then his state of ritual purity is invalidated. If he delays washing the limb through forgetfulness, then he should wash it as soon as he remembers (making a fresh intention).

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## **Fiqh Summary of the School of the Maliki Masters**

**(Muhammad al-'Arabi al-Qarawi)**

### **Menstruation and Lochia**

#### **129. What is menstruation? What are the different types of menstrual fluid?**

Menstruation refers to the period in which blood (or the like) emerges, of its own accord, from the vagina of a woman who is of an age in which women are normally capable of becoming pregnant (in other words, not below the age of puberty or above the age of menopause. (This is usually considered to be between the ages of 9 and 70). There are three different types of menstrual fluid:

1. Blood, which is the basic form of menstruation.
2. A yellow fluid, (resembling yellowy pus).

3. A dirty brown fluid, (resembling muddy water).

Bleeding from the vagina that has an immediate cause - such as the blood that emerges as a result of the process of giving birth, or the blood that emerges after the hymen is ruptured (when a virgin is deflowered), or the blood that flows from a cut or wound (in the vagina), or the blood that emerges due to illness and imbalance in the body - is not considered to be menstruation. Similarly, bleeding from the vagina that occurs outside the normal menstruating period of a woman, even if it emerges of its own accord, is not considered to be menstruation and is known as the blood of *istihada*, or "false menstruation". Additionally, the blood that emerges from the anus of a woman (even during the time of the menstrual period), the blood that emerges from the vagina of a young girl under the age of nine, and the blood that emerges from the vagina of an old woman over the age of seventy, are all considered to be different from the blood of menstruation.

**130. What is the shortest length of time that the menstrual period can last, and what is the longest length of time that the menstrual period can last?**

For the purposes of *'ibada*, the shortest period of menstrual bleeding is considered to be the time it takes for a single gush of blood to emerge from the vagina (even if it lasts less than a minute). In other words, what is taken into account for the purposes of acts of worship are the times in which the blood is actually emerging and not the full length of the period, for some women bleed constantly during menstruation while others only bleed on one or two occasions during each day\*. It is obligatory for a woman to perform *ghusl* and perform the prayer if the bleeding stops after (only) a single gush of blood has emerged from her vagina, even if she knows that the bleeding will return to her later in the day or on the next day. (However, if she knows or thinks it highly likely that the bleeding will return within the same prayer time, then it is not obligatory for her to perform *ghusl*. So, if the bleeding stopped at the beginning of the time of *Dhuhr*, for example, and she knew from previous experience that it would start flowing again before the end of the time of *Dhuhr*, she is not obliged to purify herself.) If this single gush of menstrual blood emerges while she is fasting an obligatory fast, then her fast is rendered invalid and she must make that day up.

\*[NOTE: Because it is only the times in which the blood is actually emerging that are taken into account in terms of acts of worship, theoretically it is possible for a menstruating woman, if the bleeding only occurs at night and stops before *Fajr*, to not miss a single prayer or a single day of fasting during her menstrual period.]

For the purposes of *'idda* and *istibra'*\*, the full length of the menstrual period is taken into account, not only the times when the blood is emerging. A single gush of blood that only lasts a very short time is not considered to be sufficient to be termed a menstrual period (because a very short period of bleeding is not considered to be a strong enough indication that the woman is not pregnant). The minimum length of time that the blood must flow is determined by consulting the women of a particular locale who are familiar with that information. (The reason for this is because the minimum length of menstruation varies depending on the climate and diet of a particular country, along with other factors, and so it is impossible for there to be a single ruling on this issue. The people most likely to know about the shortest length of a menstrual period in a



particular country are the women of that country who are in the know, such as nurses and the like.)

\*[*Idda* here refers to the waiting-period a divorced woman must undergo before she can re-marry. *Istibra'* here refers to the period in which a person who has bought a slave-girl must wait before it becomes permissible for him to sleep with her; its purpose is to ascertain that she is not pregnant.]

As for the longest length of time that a period can last, the ruling varies depending on whether the woman is having her first menstrual period, has an established length of period or is pregnant.

**131. What is the longest length of time that a menstrual period can last for a woman on her first period, for a woman who has an established length of period and for a woman who is pregnant? What is the minimum period of purity?**

The maximum number of days that menstruation can last for the woman on her first period, if the bleeding does not stop, is fifteen days. If she continues bleeding after that, then that blood is considered to be the blood of *istihada* (false menstruation which comes about because of an illness or imbalance in the body). It does not carry the ruling of menstrual blood and she should discount it. She must make *ghusl*, perform the prayer and fast, and it is permitted for her husband to have sexual intercourse with her.

The minimum period of purity for all women is fifteen days. If blood emerges from a woman's vagina after the full fifteen days have passed, then that blood is considered to be the start of a new menstrual period. If blood emerges from her vagina before the full fifteen days have passed, then the ruling depends on whether she had completed all of the days of her previous menstrual period (along with the days of *istidhhar*\*) or not:

If she has completed the full number of days of her previous regular menstrual period (along with the days of *istidhhar*), then that blood is considered to be *istihada* and the woman ignores its emergence and continues to pray and fast, and may engage in sexual intercourse. It is not obligatory for her to perform *ghusl* in this instance. [So, for example, if a woman has a normal menstrual period of three days, and had bled for the full three days in her previous period and the three days of *istidhhar*, but then started bleeding again after, say, ten days had passed, then that new blood would be *istihada* (blood of false menstruation.)

If she had not completed the full number of days of her previous menstrual period, or had completed the full number of days of the period but not the days of *istidhhar*, then the new blood is considered to be menstruation and the days in which it emerges are added to the days of her previous menstrual period until the full complement of days is reached. [So, for example, if a woman has a normal menstrual period of three days, but had bled for only two days during her previous period, and then started bleeding again after, say, five days had passed, she would then add one day of the new bleeding in order to complete the total length of her normal period and then three more days to complete the three days of *istidhhar*. If the blood continues to flow after

that, it is *istihada*. As soon as she completes her full complement of days, it becomes incumbent upon her to perform *ghusl*, to pray and to fast.]

\*[What is meant by the "days of *istidhhar*" is the period within which a woman checks to see whether the bleeding is going to stop or not and whether she is going to become pure or not. The reason for adding the days of *istidhhar* on top of the normal days of her period is because it is possible that the extra days of bleeding are because her menstrual period has lengthened. It is not always the case that the extra days are because of illness or imbalance.]

The longest period of time that a menstrual period can last in the case of a woman who has an established length of period, is the usual length of her menstrual period plus three days of *istidhhar*, so long as, by adding the days of *istidhhar* on top of her normal period, she is not caused to exceed fifteen days. It is obligatory for a woman to observe the three days of *istidhhar*, even if she knows that the blood is not menstruation (in that its texture, colour or smell has changed). One occasion is sufficient to establish a normative length for the period. For the purposes of *istidhhar*, a woman should always build on the longest established period that she has had. So, for example, if the normal period length of a menstruating woman is both four days and five days, she should build on the five days, even if her period had only extended to five days on a single occasion. If the normal length of her period is thirteen days, then she only observes two days of *istidhhar*, as fifteen days is the maximum length of a menstrual period and she may not go over that. Similarly, if her period is fourteen days, she observes one day of *istidhhar* and if her period is fifteen days, she has no days of *istidhhar*. Any blood that continues to flow after those fifteen days is *istihada* and she discounts it. She prays, fasts and is permitted to engage in sexual intercourse.

The longest length of time that a menstrual period can last in the case of a pregnant woman depends on how much of the pregnancy has passed. If fewer than two months have passed, then the maximum length of her menstrual period is the same as it would have been if she had not been pregnant. If between two and six months have passed, then the greatest period of time that menstruation can last is twenty days. If more than six months have passed, then the maximum duration of a menstrual period is increased to thirty days. These rulings (regarding menstrual periods during pregnancy) are for that small minority of women who experience bleeding while they are pregnant. The norm for most women is that they do not menstruate while they are pregnant, as the blood of menstruation is normally a sign that the woman is not pregnant and that her womb is empty (of a foetus).

### **132. What is the ruling if the days of menstruation are interspersed by periods of purity and what is the ruling on patching days together?**

If the days of bleeding are not consecutive, but rather are interspersed by periods of purity - such as, for example, when a woman bleeds on the first day, then does not bleed on the second day, then bleeds on the third day, then does not bleed on the fourth day, then bleeds on the fifth day, and so forth - then that woman, in order to judge the length of her period, adds together the days in which she bled and ignores the days in which she did not bleed. If the bleeding stops for a period of fifteen consecutive days or more, then her period has come to an end and any bleeding which occurs after that is considered to be the start of a new period. So, in the example above,



the woman would add together the first, third and fifth days and would ignore the second and fourth days and the length of her period would be three days (if the fifth day was the last day of bleeding).

A woman on her first period and the woman who has a normal menstrual period length of half a month should patch together fifteen days\*, which is the longest length of time that a menstrual period may last. Thus a single period could take a full month to complete or longer. So, for example, a woman whose tendency is to bleed for one day and then be pure for the next three days; bleed on the fifth day, and then be pure for three more days; then bleed on the ninth day and so forth, would take approximately two months to complete her fifteen days (as only the days of bleeding, not the days of purity, are added together).

\*[NOTE: Even if a woman only bleeds once in the whole day or night, that day is considered to be a full day of bleeding when it comes to adding together the days of her period. So, for example, if she were to bleed for only one minute on the first day, one minute on the second day and one minute on the third day, that would be counted as three full days of bleeding.]

As for a woman whose normal period lasts for fewer than fifteen days, she should add together the number of days that her period normally lasts and, if the bleeding does not stop, the days of *istidhhar*. If no new blood emerges for a period of fifteen days or more, then the blood which flows after that is the beginning of a new menstrual period.

As for a pregnant woman, if the days of her menstruation are interspersed by days of purity, she patches together twenty days if her pregnancy is between two and six months old, and thirty days if it is more than six months old.

Any blood that emerges after any one of the women in these three categories (a woman on her first period, a woman who has had periods before and a pregnant woman) has completed her full complement of days, is considered to be *istihada*, i.e. not menstruation. Each of the women in this section must perform *ghusl* whenever the bleeding stops, and must pray (and fast) and may engage in sexual intercourse during the periods in which she is pure, even though her full menstrual period has not yet ended (for, as is mentioned earlier in this chapter, it is the times in which the blood is flowing that are taken into account in terms of acts of worship, and not the full length of the period).

### **133. What are the signs that indicate that the menstrual period has come to an end? Which sign is considered to be the stronger?**

There are two signs that indicate that menstruation has come to an end:

1. Dryness. What is meant by dryness is the dryness of the vagina from blood, not the customary moistness of the vagina. If a woman inserts a piece of cloth or the like into her vagina and it emerges free of any trace of blood, then that is a sign that menstruation has ended, even if that cloth is moist with the moisture of the vagina.
2. A form of discharge: This discharge is a white fluid that resembles semen or flour water.

Of the two signs, the discharge is the stronger indication that the womb is free of the blood of menstruation. Consequently, it is recommended for both the woman who normally sees both signs and the woman who normally only sees the discharge, if they see dryness first, to wait for the discharge until the end of the *ikhhtiyari* time (by the end of the *ikhhtiyari* time, what is meant is that there is enough time left in the *ikhhtiyari* time for her to make *ghusl* and perform at least one rak'at of the prayer before the time ends). If they see the discharge first, then they do not wait for dryness, but perform *ghusl* there and then. As for the woman who normally only sees dryness, either of the two signs suffice in making her pure and she does not wait for the other. Therefore she performs *ghusl* as soon as she sees dryness (if she sees dryness first), and she performs *ghusl* as soon as she sees the discharge (if she sees the discharge first). The woman on her first period takes the same ruling as the woman who normally only sees dryness. In other words, as soon as she sees one of the two signs, regardless of whether it is dryness or the discharge, she becomes pure and is required to perform *ghusl*.

[NOTE: A woman who is menstruating or experiencing post-natal bleeding should check for the signs of purity before going to sleep every night and at the end of every prayer time (when enough time remains for her to perform *ghusl* and pray if she discovers that she is pure). For if her period ends within a particular prayer's time, she is required to pray that prayer (if there is enough time remaining for her to perform *ghusl* and still catch a full *rak'at* of that prayer before its time ends).]

#### **134. What is the blood of lochia and what is the longest period of time that it can last? When is it considered to have ended?**

The blood of lochia, also known as post-natal bleeding, is the blood which emerges from a woman's vagina when she gives birth, regardless of whether it emerges with the birth or after it. As for blood which emerges before the birth, that blood is considered to be the blood of menstruation, not lochia. Blood which emerges from the woman's vagina after the birth of the first of twins and before the birth of the second is, however, considered to be the blood of lochia.

The longest period of time that lochia can last is sixty days.\* If the bleeding continues after those sixty days are up, then that bleeding is considered to be *istihada* (the blood of false menstruation). Like the woman who is menstruating, if the days of bleeding are interspersed by periods of purity, she should patch together the days of bleeding, and pray (and fast) in the days of purity. If, at any point during those sixty days, she remains pure for at least fifteen consecutive days, then her period of lochia has come to an end. Any blood which emerges after those fifteen days are complete is considered to be the blood of menstruation.

As with the blood of menstruation, there are two signs that the bleeding has come to an end, dryness and a white discharge. The stronger indication is the discharge.

\*[NOTE: There is no limit on the shortest length of time that lochia can last. In fact, it is possible for a woman to give birth without there being any post-natal bleeding. However, it is still obligatory for her to perform *ghusl*.]

#### **135. What things are prohibited by the onset of menstruation and lochia?**

There are eight things that are prohibited by the onset of menstruation or lochia:

1. *Tawaf* (circumambulation) of the Ka'aba. It is prohibited for a menstruating woman (or a woman bleeding after childbirth) to perform *tawaf* and any *tawaf* she performs is invalid. (Additionally, it is not permissible for her to be in the Masjid al-Haram while she is undergoing menstruation or lochia, as it is a mosque.)
2. *I'tikaf*, which is the act of spending at least a day and night in a mosque for the purposes of *dhikr* and worship. It is prohibited for a menstruating woman (or a woman bleeding after childbirth) to perform *i'tikaf* and any *i'tikaf* she performs is invalid.
3. The prayer. A menstruating woman (or a woman undergoing post-natal bleeding) may not perform the prayer (even a voluntary prayer) and any prayer she performs is invalid. Moreover, the prayer is not considered to be an obligation on her during the period of bleeding, so she does not have to make up any of the prayers that she missed.
4. Fasting. A menstruating woman (or a woman undergoing post-natal bleeding) may not fast (even a voluntary fast) and any fast she does is invalid. However, if she misses an obligatory fast (such as when a woman has her period during Ramadan), then she must make up all those days that she missed.
5. Divorce. It is forbidden for a man to divorce his wife while she is menstruating\* or bleeding after childbirth. If he does divorce her, and the divorce is revocable, then he is compelled to take her back.
6. Sexual intercourse. It is forbidden for a husband to have sexual intercourse with his wife while she is menstruating or bleeding after childbirth and it is forbidden for her to facilitate that or enable him to do so. It is agreed that it is permissible for her to masturbate him with her hand, breasts and calves and for them to kiss and engage in foreplay, so long as it does not involve what is between her knees and navel. When it comes to what is between the knees and navel, there is a difference of opinion. The commonly-accepted position today is that it is permitted for the man to look at and touch what is between the navel and knees, but that he may not insert his penis into that region (so it is forbidden for her to masturbate him with her thighs or buttocks or any other part of her body in that region). The prohibition on sexual intercourse continues until the woman performs *ghusl*, after the bleeding has stopped. If she cannot find any water and so performs *tayammum* as a substitute for *ghusl*, it is not permitted for him to have sexual intercourse with her, unless he fears that refraining from sexual intercourse will cause him great harm.
7. Entering the mosque. It is prohibited for a menstruating woman (or a woman bleeding after childbirth) to enter any mosque, even if it is not a mosque in which *Jumu'a* is performed. [NOTE: It is permitted for a menstruating woman to enter a mosque in an emergency, such as when she fears for her life or safety from something outside the mosque and enters for her protection.]

8. Touching a copy of the Qur'an. It is prohibited for a menstruating woman (or a woman bleeding after childbirth) to touch a copy of the Qur'an, except if she herself is a student or teacher of the Qur'an. As for reciting the Qur'an during the period of bleeding, it is permissible for her to do so, even if she is also in a state of *janaba*. As soon as the bleeding stops, it becomes impermissible for her to even recite Qur'an until she performs a *ghusl* (if she finds no water and is frightened that she will forget some of the Qur'an she has memorised, she is permitted to perform *tayammum* and recite.)

\*[NOTE: The reason it is forbidden for a man to divorce his wife during menstruation is because it prolongs her *'idda*. In the case of the divorce of a pregnant woman who is undergoing menstruation, and the divorce of a menstruating woman which occurs in a marriage that has not yet been consummated, there is no prolonging of the *'idda* and so divorce is permissible. This is because a divorced woman in a marriage that has not yet been consummated has no *'idda* and a pregnant woman's *'idda* is until she gives birth.]

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## **Fiqh Summary of the School of the Maliki Masters**

**(Muhammad al-'Arabi al-Qarawi)**

### **The Prayer**

**136. What, essentially, is the prayer? Which prayers are obligatory upon the individual and which prayers are obligatory in a *kifaya* sense\*?**

The prayer is an act of drawing near to Allah. It either consists of only an *ihram* and *salam* (the funeral prayer), or a prostration (the prostration for recitation) or all three (all the remaining prayers). There are five prayers which are individual obligations, namely, Dhuhr, 'Asr, Maghrib, 'Isha', and Subh. There is only one prayer which is a *kifaya* obligation and that is the funeral prayer.

\*[What is meant by a *kifaya* obligation is an act which is obligatory on the community as a whole. As soon as the act is undertaken by some members of the community, it ceases to be an obligation on the other members of the community].

### **Times of the Prayer**

**137. How many times are there for each prayer?**

Each obligatory prayer has two times:

**Its *Ikhtiyari* time:** This is the time in which everyone must perform the prayer (unless he has a valid excuse for delaying his prayer beyond this time). A person is permitted to pray whenever

he wishes within this time - he is free to pray at the beginning of the *ihkhtiyari* time or to delay his prayer to the end of the *ihkhtiyari* time, and incurs no sin in doing so.

**Its *Daruri* time:** It is not permitted for a person to delay his prayer to this time unless he has a valid excuse. If he has no excuse, then he incurs a sin by delaying his prayer to this time. Unlike the *ihkhtiyari* time, a person cannot choose which part of the *daruri* time he prays in - he must perform his prayer as soon the excuse preventing him from praying has gone (If, for example, his excuse was sleep, he must pray as soon as he wakes up and purifies himself).

### 138. What is the *ihkhtiyari* time for each prayer?

**Dhuhr:** The *ihkhtiyari* time of Dhuhr starts at the moment that the sun begins to decline from its zenith (in other words, as soon as the shadows begin to lengthen after midday), and finishes when the length of a person's shadow has increased (from the length that it had at midday) by a length equal to his height. A person's height is generally reckoned to be seven of his foot-lengths or four of his cubits (the length of his upper arm, from his elbow to the tips of his fingers). So, for example, if the length of a person's shadow was three of his foot-lengths at midday, then the end of the *ihkhtiyari* time of Dhuhr would be when the length of his shadow reached ten foot-lengths (three at midday plus seven for his height).

[NOTE: The length of shadow at midday varies according to the time of year and the distance a person is from the Equator. In the northern hemisphere, it tends to be longer in the winter months (such as December) and in the southern hemisphere, it tends to be longer in the summer months (such as June). Additionally, the further one gets from the Equator, the longer the shadows tend to be.]

**'Asr:** The *ihkhtiyari* time of 'Asr is from the time that a person's shadow is the same length as his height (plus the midday shadow) until the yellowing of the sun (this is the time when the rays of the sun paint the walls and ground of the Earth in a yellowy colour. This normally occurs between 40 minutes to an hour before sunset).

[NOTE: The *ihkhtiyari* times of Dhuhr and ♦ Asr coincide for the length of time it takes to pray four *rak'ats*. However, there is a difference of opinion as to whether their times coincide at the end of the time of Dhuhr (immediately before the *adhan* of 'Asr), or at the beginning of the time of 'Asr (immediately after the *adhan* of 'Asr). Therefore, according to the first position, if a person were to pray his 'Asr prayer at the end of the time of Dhuhr, his prayer would be valid, and according to the second position, it would not be valid as he prayed it before its time.]

**Maghrib:** The *ihkhtiyari* time of Maghrib begins when the entire orb of the sun disappears from the sky and goes below the horizon (i.e. sunset) and extends for the length of time that it takes for a person to satisfy the preconditions of the prayer (such as cleaning oneself from filth, purifying oneself from ritual impurity and covering one's '*awra*\*). According to the *mashhur* position, there is no extension for the *ihkhtiyari* time of Maghrib. However, it is permitted for the person who has already satisfied the preconditions of the prayer (i.e. he has already cleaned any filth off his body and clothes, obtained a state of ritual purity and covered his '*awra*) to delay Maghrib for the amount of time that it would normally take him to satisfy its preconditions (such

as a delay of fifteen to twenty minutes or so, because it is the time it takes to perform a *ghusl* that is taken into account).

[\**'Awra* normally refers to the part of the body that must be covered in the prayer, but, in this instance, includes those parts of the body that it is only recommended to cover for the prayer.]

**'Isha':** The *ikhtiyari* time of 'Isha' begins from the moment that the red twilight disappears from the sky and extends until the end of the first third of the night.

[NOTE: The night begins with Maghrib and ends with Subh. So, for example, if Maghrib was at 8.00 PM and Subh was at 5.00 AM, then the night would be nine hours long and a third of that would be three hours. Therefore, in this instance, the end of the *ikhtiyari* time of 'Isha' would be at 11.00 PM]. Unlike the position taken by the Hanafis, it is not necessary to wait until the white twilight has disappeared in order to pray 'Isha'. ]

**Subh:** The *ikhtiyari* time of Subh begins at the moment when true dawn\* breaks and extends until the time of *isfar*, which is the time in which a person can no longer see the stars and in which there is enough light for him to distinguish the faces of other people nearby (when is standing outside or in a place without a roof). It is also said that the *ikhtiyari* time of Subh extends right up until sunrise. Those who take this position consider Subh to have no *daruri* time.

[\* As opposed to the false dawn, which occurs before the true dawn, especially in the winter months. The difference is that the false dawn is when a strip of light appears in the middle of the sky surrounded on all sides by darkness, remains for a few minutes and then disappears again. As for the true dawn, that is when light appears at the edge of the horizon and gradually spreads out until it encompasses the whole sky.]

### **139. What is the *daruri* time for each prayer?**

**Dhuhr:** The *daruri* time of Dhuhr extends from the time that a person's shadow is the same length as his height (plus the midday shadow) until sunset.

**'Asr:** The *daruri* time of 'Asr extends from the time that the sun first starts to cast a yellow light on the walls and ground until sunset.\*

[\* NOTE: Dhuhr and 'Asr share a *daruri* time - the time from when the sun first starts to cast a yellow light over the ground until sunset.]

**Maghrib:** The *daruri* time of Maghrib starts as soon as its *ikhtiyari* time finishes and lasts until the true dawn (i.e. the time of Subh). In other words, the *daruri* time of Maghrib begins as soon as the time required for a person to fulfil the preconditions of the prayer (and pray it) has passed.

**'Isha':** The *daruri* time of 'Isha' lasts from the beginning of the second third of the night until the true dawn.\*

[\* NOTE: Maghrib and 'Isha' share a *daruri* time - the time from the start of the second third of the night until the true dawn (i.e. the start of the time of Subh).]

**Subh:** The *daruri* time of Subh is from the time of *isfar* until sunrise (according to the view that Subh has a *daruri* time).

#### **140. What does a person do when circumstances prevent him from being able to accurately determine the time of the prayer?**

If circumstances make it impossible for a person to accurately determine the time of the prayer using the signs mentioned above ♦ such as when the sun is obscured by clouds, or when it is dark and overcast, or when there are mountains between him and the setting sun ♦ then he must try to use other methods in order to establish the time. It is not enough for him to merely guess at the time ♦ he must be fairly confident that the time of the prayer has arrived before embarking on the prayer. A possible method for determining the time could be, for example, the descent of darkness, in the case of the person whose view of the setting sun is obscured by mountains; or the finishing of his *wird* in the case of the person whose norm it is to always finish his *wird* (consisting of *dhikr*, Quran or voluntary prayers) at the moment that Fajr comes in.

#### **141. Is it enough for a person merely to think it highly likely that the time of the prayer has come in? What is the ruling if it turns out that his estimation of the time was wrong?**

If a person thinks it highly probable that the time for a prayer has come in and prays based on that estimation, then his prayer is valid in two out of three cases. The two instances in which his prayer is valid are the instance in which he discovers that his estimation was correct, and the instance in which the rightness or wrongness of his estimation remains unknown. As for the instance in which it turns out that his estimation was wrong, his prayer is not valid and he must make it up.

If there remains an element of doubt in the person's mind as to whether the time of the prayer has entered, then he is not permitted to pray and has to make up any prayer he prays in that state, even if it turns out that his estimation of the time of the prayer was correct.

These rulings are for when conditions make it very difficult for a person to accurately determine the time of the prayer - such as when it is dark and overcast. If the sky is clear and conditions permit a person to see whether the time has come in or not, then he is not permitted to pray based upon an estimation of the time, even if he thinks it highly likely that his estimation is correct - he must be one hundred percent certain that the time has come in.

#### **142. When is the best time in which to pray each prayer?.**

As a general rule, the best time to pray is at the beginning of the *ikhtiyari* time. This is regardless of whether the person is praying on his own or in a group, and regardless of whether it is Dhuhr that is being prayed or any other prayer. There are, however, two sets of circumstances under



which it is recommended to delay Dhuhr from the start of its *ikhhtiyari* time to a slighter later time:

1. In the case of the one who expects a group of people will arrive if he delays the prayer ❖ or expects to be able to pray in a larger group ❖ it is recommended for him to delay his Dhuhr prayer until his shadow is a quarter the length of his height (plus the midday shadow).
2. When it is extremely hot. It is recommended to delay Dhuhr to a time in which the heat has abated somewhat (when there is a greater amount of shade). This is generally taken to be when a person's shadow has lengthened to half the length of his height (plus the midday shadow), although some say that it is recommended to delay the prayer to even later.

### **143. Is it permitted for someone praying alone to delay the prayer?**

It is permitted, and indeed recommended, for a person who would otherwise pray alone, to delay his prayer in order to pray in a group and so obtain the extra reward\*, if he expects or has high hopes that more people will come if he waits. It is also said that he should pray the prayer at the beginning of its time, even if he is on his own, and then repeat the prayer in a group in order to gain the extra reward. This is when the prayer is one that is permitted be repeated. As for Maghrib, he must pray it immediately because its time is very short, and he is not permitted to repeat it.

\*A person receives 27 times more reward for praying in a group than he does for praying individually.

### **144. How much of the prayer must a person perform in order to catch that prayer within its time?**

If a person prays a complete *rak'at* of a prayer with both of its prostrations\* within that prayer's time, then he has caught that prayer in its time, even if the other *rak'ats* of that prayer fall outside the time. This ruling applies to both the *ikhhtiyari* time and the *daruri* time. So, for example, if a person were to complete a single *rak'at* of Dhuhr, with its two prostrations, before the *adhan* of 'Asr and the rest of the prayer after the *adhan*, then he would have caught the prayer in its *ikhhtiyari* time, even though the majority of the prayer was performed outside it (based on the position that the shared *ikhhtiyari* time between Dhuhr and 'Asr is at the end of the time of Dhuhr, not the beginning of the time of 'Asr). Similarly, if a person were to complete a single *rak'at* of 'Asr, with its two prostrations, before the *adhan* of Maghrib, and then complete the rest of the prayer after the *adhan*, he would have caught the prayer in its *daruri* time.

A person incurs no sin, even if he has no excuse, for delaying his prayer until there is only enough time for him to pray a single *rak'at* of that prayer in the *ikhhtiyari* time. If he delays his prayer until there is only enough time left for him to pray a single rak❖at of that prayer in the *daruri* time, then he DOES incur a sin. However, he is still considered to be performing that prayer and not making it up, even though a large part of the prayer is performed outside the time.



[\*NOTE: It is obligatory, when the remaining time is very short, that the person performing the prayer only recites the *Fatiha* in the first *rak'at* and does not recite the *sura* in order to give himself a better chance of completing that *rak'at* within the time. He must not rush so much that he does not achieve stillness in each position. It is also obligatory on him to omit the *iqama*.]

### **145. What are the excuses with which a person may delay his prayer to the *daruri* time without sinning?**

There are ten excuses for delaying the prayer until the *daruri* time:

**1. Unbelief.** When an unbeliever becomes a Muslim during the *daruri* time, he incurs no sin by performing his prayer within that time.

**2. Childhood.** When a child reaches puberty during the *daruri* time, he incurs no sin by performing his prayer within that time.

[NOTE: Even if the child had already prayed the prayer during the *ikhtiyari* time before reaching puberty, it would be obligatory for him to pray it again if he reached puberty before that prayer's (*daruri*) time had ended. This is due to the fact that the prayer is not obligatory on a child, so his performance of an obligatory prayer is like his praying a voluntary prayer and this does not meet the obligation.]

**3. Insanity.** When a person recovers from a bout of insanity during the *daruri* time, he incurs no sin by performing his prayer within that time.

**4. Unconsciousness.** When a person regains consciousness or wakes up from a coma during the *daruri* time, he incurs no sin by performing his prayer within that time.

**5. Intoxication by something lawful.** When a person regains his senses during the *daruri* time after a bout of drunkenness brought about by drinking (or eating) something permitted to him - such as milk which had become alcoholised without his knowing - then he incurs no sin by performing his prayer within that time. If he had become intoxicated by drinking (or eating) something forbidden to him - such as wine - then he DOES incur a sin by delaying his prayer to the *daruri* time.

**6. Menstruation.** When a woman's menstrual period finishes during the *daruri* time, she incurs no sin by performing her prayer within that time.

**7. Lochia.** When a woman's period of post-natal bleeding finishes during the *daruri* time, she incurs no sin by performing her prayer within that time.

**8. A lack of that with which one may ritually purify oneself (i.e. pure water or pure earth).** If a person does not find a sufficient quantity of pure water with which to perform *wudu'* or the pure earth necessary for the performance of *tayammum* until after the *daruri* time has come in, then he incurs no sin by performing his prayer within that time.

**9. Sleep.** If a person wakes up in the *daruri* time, having slept through the *ikhtiyari* time, he incurs no sin by performing his prayer within that time. It is permitted for a person to go to sleep before the time of the prayer has come in, even if he knows that it is very unlikely that he will wake up during that prayer's time. After the prayer's time has come in, however, it is forbidden for him to go to sleep before praying that prayer, if he thinks that it is a possibility that he will not wake up until the end of the *daruri* time.

**10. Forgetfulness.** If a person forgets to pray and then remembers during the *daruri* time, then he incurs no sin by performing his prayer within that time.

#### **146. What is the ruling when the excuse preventing a person from praying departs and there is only enough time left to perform a single complete *rak'at*?**

If the excuse preventing a person from praying departs before SUNRISE and there is still enough time left for that person to complete a *rak'at* of that prayer with its two prostrations after satisfying the preconditions of the prayer [by performing *ghusl*, in the case of the woman whose period of menstrual or post-natal bleeding had come to an end, or by performing *wudu* in the case of the person recovering from a bout of madness or from unconsciousness. As for the unbeliever who enters Islam at the end of the *daruri* time, the length of time needed for satisfying the preconditions of the prayer is not taken into account in his case, because he is in control of his state (in that he can become Muslim at any time) while the others are not], then the Subh prayer remains obligatory on him.\*

[\*NOTE: For the majority of the excuses mentioned in the previous section, if the excuse remains until after the *daruri* time has passed, then the obligation of that prayer has passed, and the person does not have to make that prayer up. The same is true for all prayers that he missed while in that state. So, for example, if a person were unconscious for two whole days, he would not be obliged to make up those ten prayers as the prayer was not a obligation on him while he was in that state. The exceptions to this are sleep and forgetfulness (excuses 9 and 10) and becoming intoxicated by drinking something forbidden. In these three instances, the obligation of the prayer is not lifted and they must make up that prayer, even if that person slept for a whole week. It is also said that the person who has no purifying agents (excuse 8) should make up his prayer (this is discussed in greater detail in section 116 in the chapter on *tayammum*)]

In the same way, if the excuse preventing a person from praying departs before SUNSET and there is only enough time left for that person to complete a single *rak'at* (or two or three or four *rak'ats*, no more), then only 'Asr is obligatory on him, as the time of Dhuhr has passed.

Similarly, if the excuse preventing a person from praying departs before Fajr (true dawn) and there is only enough time left for that person to complete a single *rak'at* (or two or three *rak'ats*, no more), then only 'Isha' is obligatory on him, as the time of Maghrib has passed.\*

[\*The rule that the Maliki scholars act upon is that "If the time is so short that there is not enough time to pray both prayers, then the later of the two prayers that share the same time (i.e. Maghrib and 'Isha, and Dhuhr and 'Asr) takes precedence." So a person prays 'Asr or 'Isha and leaves Dhuhr or Maghrib.]

### **147. What is the ruling when there is enough time left for a person to perform five *rak'ats*?**

If the excuse preventing a person from praying departs before SUNSET and there is still enough time left for him to perform five *rak'ats* (after satisfying the preconditions of the prayer), then both Dhuhr and ♦ Asr remain obligatory on him. This is because there is enough time remaining for him to pray the four *rak'ats* of Dhuhr and still catch a single *rak'at* of 'Asr.

Similarly, if the excuse preventing a person from praying departs before Fajr and there is still enough time left for him to perform four rak ♦ ats, then both Maghrib and 'Isha' remain obligatory in him. This is because there is enough time remaining for him to pray the three *rak'ats* of Maghrib and still catch a single *rak'at* of 'Isha'.

### **148. What is the ruling on the person who, of his own free will and without a valid excuse, refuses to perform the prayer?**

If a person refuses to perform an obligatory prayer, without having a valid excuse, then his case is brought before the *qadi* or ruler, who repeatedly instructs him to pray, threatens him with execution and (beats him if he thinks that will help). He then has until enough time remains in the *daruri* time for him to perform a single *rak'at*\* with its two prostrations in which to comply if he only owes a single obligatory prayer (such as when he had prayed Dhuhr, but refused to pray 'Asr). If he still has both Dhuhr and 'Asr on his conscience, then he has until enough time remains in the *daruri* time for him to perform five complete *rak'ats* in which to comply. If he still refuses to perform the prayer after this time, then he is executed as a Muslim, not as an unbeliever. His head is chopped off with a sword as a *hadd* punishment.

[\*What is meant by "*rak'at*" in this instance is a *rak'at* in which there is no *Fatiha*, no straightening up (after *ruku'* or prostration) and no stillness on each position. This is to give the person who is being ordered to pray as much time as possible in which to comply.]

This ruling is in the case of the person who does not deny the obligatory nature of the prayer. As soon as a person denies that the prayer is obligatory (or even denies that one of its obligatory elements is obligatory), he has become an unbeliever and has left the fold of Islam. He is given three days in which to repent. If he repents, then he returns to the fold of Islam. If he does not repent, then he is executed as an unbeliever and his wealth is confiscated by the treasury of the Muslims as booty. The ruling is the same (i.e. he becomes an unbeliever) for the person who denies the obligatory nature of any of those things that are well-known to be obligatory in the *Deen*, such as fasting or *zakat*, or the forbidden nature of anything that is well-known to be forbidden in the *Deen*, such as fornication and *riba*.\*

[\*Some of the scholars make an exception in the case of a person who has recently become Muslim, as he may not know that *zakat*, for example, is obligatory, or that *riba* is forbidden.]

## **Forbidden and Disliked Voluntary Prayer**

*nafila*) prayers? During which times is it forbidden to perform these voluntary prayers?

*"Voluntary (nafila) prayers" is the term used to designate all prayers other than the five daily obligatory prayers. The term includes such prayers as the funeral prayer (which is a kifaya obligation), the Witr prayer (which is a strong sunna) and the prayers which a person has made a solemn oath to Allah to pray\*. There are seven times in which it is forbidden to pray these voluntary prayers:*

*1. During sunrise.*

*2. During sunset.*

*3. During the Jumu'a khutba. This is because it is obligatory to listen to the khutba and it is impossible for a person to do so while praying (because it is obligatory on him, while praying, to concentrate on his prayer). This prohibition is specific to the Jumu'a khutba and does not apply to the 'Id khutba.*

*4. After the imam has come out to give the Jumu'a khutba.*

*5. When there is only a short time remaining in the ikhtiyari time or daruri time of an obligatory prayer (and the person has still not performed that obligatory prayer).*

*6. If a person remembers an obligatory prayer that he had missed, then it is forbidden for him to pray any prayer (voluntary or otherwise) until he has made up that missed prayer, for by doing so he is delaying what it is unlawful to delay. It is obligatory for him to pray that obligatory prayer the moment he remembers it, even if he remembers it during sunrise or sunset, or during the khutba.*

*7. After the iqama has been called for a particular prayer. If the iqama for a prayer is called, then no prayer is allowed except for the prayer for which that iqama was given. This is to protect the imam and safeguard against fitna, for praying a separate prayer is tantamount to attacking the imam and declaring that you have no confidence in him.*

*[\*If a person makes a solemn oath to Allah that he will pray 100 prayers, for example, then it is obligatory on him to pray those prayers.]*

### ***150. During which times is it disliked to perform voluntary prayers?***

*There are two times during which it is disliked to perform voluntary prayers:*

*1. After the start of the time of Fajr (true dawn). It remains disliked to perform voluntary prayers until sunrise, and after sunrise until the time that the sun seems to the eye to have risen to the height of a spear (i.e. 12 hand-spans) above the horizon (approximately 20 minutes or so after sunrise).*

*2. After a person has prayed the 'Asr prayer. It remains disliked to perform voluntary prayers until after Maghrib has been prayed (i.e. in other words, the dislike is not removed by the adhan*

of Maghrib. Maghrib must be prayed before it becomes permitted to perform voluntary prayers again (without the element of dislike).

### **151. Which voluntary prayers are exempt from the times of dislike?**

There are six voluntary prayers which a person is permitted to pray within these disliked times without any element of dislike, and they are as follows:

**1.-2. Shaf' and Witr.** A person may perform these two prayers without dislike after the time of Fajr, regardless of whether it is before or after the time of isfar {NOTE: The ikhtiyari time of Shaf' and Witr is the entire night after the 'Isha' prayer has been prayed. This time (after the true dawn) is their daruri time.}. A person should pray them before praying his Subh prayer, even the time of isfar has come in (and even though, by doing so, he is delaying a prayer further in its daruri time). In fact, even if there only remains enough time to pray two rak'ats in the time of Subh, a person should pray his Witr first (as it is only one rak'at) and then pray his Subh prayer (praying one rak'at inside the time and one rak'at outside the time).\*

[\*NOTE: In this instance, a person does not pray the Shaf' prayer and makes up the Fajr prayer after sunrise; after it becomes permissible to pray again.]

**3. Fajr.** The ruling for Fajr is identical to that mentioned above for Shaf' and Witr. There is no dislike in a person praying the two rak'ats of Fajr after the start of the time of Fajr, even during the time of isfar. In fact, it is strongly recommended to pray these two rak'ats (raghiba).

**4. -5. The prostration for recitation and the funeral prayer.** There is no dislike in praying these two prayers during the time of Fajr, or after the time of 'Asr, except during the time of isfar and during the time of the yellowing of the sun (at the end of the time of 'Asr).

**6. A person's wurd.** These are the prayers that a person regularly performs, on his own, every night before the time of Fajr comes in (i.e. in the last third of the night). There are four preconditions that remove the element of dislike of a person praying these prayers after the start of the time of Fajr:

1. That he prays them before the time of isfar.
2. That the person's wurd is something that he is in the habit of performing at the end of the night, not something he performs infrequently.
3. That the reason that the person delayed his wurd to the time of Fajr was on account of sleep (i.e. he slept through his normal time of getting up).

[NOTE: There are two sub-conditions worth mentioning here: (a) That he did not sleep through his wurd on account of laziness (i.e. he woke up, but could not be bothered getting up and then fell asleep again). (b) That he had not stayed up so late at night that he did not go to sleep until shortly before the regular time of his wurd (making it very unlikely that he would be able to wake up for it)].

4. That the act of performing his wird does not cause him to miss praying the Subh prayer in a group. If he fears that performing his wird will cause him to miss the group prayer, then it is disliked if he is outside a mosque and forbidden if he is inside a mosque.

**152. What is the ruling on the person who begins a (voluntary) prayer during a time in which it is forbidden to pray them?**

If a person enters into a voluntary prayer during a time in which it is forbidden for him to pray, it is obligatory for him to break off from that prayer and not complete it, even if he has already completed a rak'at of that prayer. If the time is a disliked time, then it is merely recommended that he break off from his prayer. He is not obliged to make up any prayer that he broke off during these times, regardless of whether he had completed a rak'at or not, and regardless of whether he entered into that prayer deliberately or because of ignorance or forgetfulness.

There is one exception to this and that is in the case of the person who, out of ignorance or forgetfulness, enters into a voluntary prayer while the imam is delivering the khutba. If he entered into that voluntary prayer deliberately, knowing the ruling, then he should break off from that prayer and not complete it.

### **The Adhan**

**153. What, in reality, is the adhan? What is the legal ruling regarding the performance of the adhan?**

The adhan is a call that consists of a series of set phrases and, is the means by which the arrival of the time of the prayer is announced. It is a strongly-emphasised sunna that the adhan be called in each and every mosque and place of congregation, even if there happens to be another mosque conjoined to it which is also calling the adhan (and even if that mosque is directly above or below it).

**154. What preconditions must be satisfied in order for the adhan to be considered a strongly-emphasised sunna?**

The adhan is only considered to be a strongly-emphasised sunna if the following five preconditions are satisfied:

1. That it is called in order to establish a congregational/group prayer, regardless of whether that group is travelling or not.
2. That the group that is calling the adhan is doing so with the intention of bringing others to the prayer.

**NOTE:** For the purpose of this ruling a single person is considered to be a group if, by calling the adhan, he hopes to bring others to perform the prayer with him. Likewise, a self-contained group that is scattered over a largish area, such as a market-place, calls the adhan in order to alert every member of that group to the performance of the prayer.



3. That the prayer for which the adhan is called is an obligatory one, not a voluntary one such as the Eid prayer.

4. That the prayer for which the adhan is called has a "set" time, such as the five daily prayers. Prayers such as the funeral prayer and missed prayers, although obligatory, are not considered to have set times and so no adhan is called for them. In the case of the funeral prayer, its time is not known or defined until a person dies and in the case of missed prayers, their time is only defined when a person remembers them. He must then pray them immediately without delay.

5. That the time in which the adhan is called is the ikhtiyari time, not the daruri time. Included in this ruling is that prayer which is joined to another prayer in its ikhtiyari time, such as when 'Isha' is brought forward to the time of Maghrib on a rainy night, or when 'Asr is joined to Dhuhr during the Hajj at 'Arafat. In both these instances the adhan is called for both prayers.

**155. In what circumstances is the adhan recommended? When is it disliked to perform it and when is it obligatory?**

**RECOMMENDED ADHAN:** It is recommended for a single person or a self-contained group of people (i.e. a group that does not seek, by its adhan, to bring others to the performance of the prayer) to call the adhan for the prayers that they pray while they are travelling.

[NOTE: It is not a condition that the distance that the person travels on his journey reaches the distance at which it is permitted to shorten the prayer. Even if the journey is only a short excursion into the countryside, it is still recommended for him to call the adhan.]

**DISLIKED ADHAN:** There are six circumstances under which it is disliked for the adhan to be called:

1. When a person is on his own and not on a journey.
2. In the case of a self-contained group which does not seek, by its adhan, to bring others to the performance of the prayer. The students of a Quran madrasa, or the inhabitants of a private home, might fall under this category. (There is an exception to this ruling in the case of a self-contained group whose constituent elements are so scattered that an adhan is required to bring them all together. In such an instance the adhan becomes a sunna).
3. For the performance of a missed prayer (as that prayer must be prayed as soon as it is remembered without delay and the adhan constitutes a further delay).
4. For a prayer which has entered into its daruri time.
5. For a funeral prayer.
6. For voluntary prayers, such as the Eid prayer, the rain prayer and the eclipse prayers.

**OBLIGATORY ADHAN:** *The calling of the adhan is obligatory in a kifaya sense upon the people of a city. In other words, if one group of people in that city calls the adhan then the obligation is lifted from the remainder of its inhabitants. If the people of a city abandon the adhan en masse then they should be fought until the adhan is reinstated, for, by not performing the adhan, they have abandoned one of the greatest and most powerful outward signs that serve to indicate the presence of Islam in that place.*

**156. What are the phrases that constitute the adhan and in what order are they voiced?**

*The adhan is composed of a series of set phrases that are voiced in a particular order. The adhan is called in a raised voice and its outward form is as follows:*

*Allaahu akbar, (Allah is greater.)*

*Allaahu akbar, (Allah is greater).*

*Then the mu'adhdhin lowers his voice and says in a low but audible voice:*

*Ash-hadu an la ilaha illa'llah, (I testify that there is no god but Allah.)*

*Ash-hadu an la ilaha illa'llah, (I testify that there is no god but Allah.)*

*Ash-hadu anna Muhammadan rasulullah. (I testify that Muhammad is the Messenger of Allah.)*

*Ash-hadu anna Muhammadan rasulullah. (I testify that Muhammad is the Messenger of Allah.)*

*Then the mu'adhdhin raises his voice once more and says:*

*Ash-hadu an la ilaha illa'llah, (I testify that there is no god but Allah.)*

*Ash-hadu an la ilaha illa'llah, (I testify that there is no god but Allah.)*

*Ash-hadu anna Muhammadan rasulullah. (I testify that Muhammad is the Messenger of Allah.)*

*Ash-hadu anna Muhammadan rasulullah. (I testify that Muhammad is the Messenger of Allah.)*

*Hayya 'ala's-salah, (Come to the prayer)*

*Hayya 'ala's-salah, (Come to the prayer)*

*Hayya 'ala'l-falah, (Come to the prayer)*

*Hayya 'ala'l-falah, (Come to the prayer)*

*[As-salatu khayrun min'n-nawm], (Prayer is better than sleep)*



*[As-salatu khayrun min'n-nawm], (Prayer is better than sleep)*

*(The preceding pair of phrases is only voiced in the adhan for the Subh prayer.)*

*Allaahu akbar, (Allah is greater).*

*Allaahu akbar, (Allah is greater).*

*La ilaha illa'llah. (There is no god but Allah.)*

*As can be seen above, each phrase in the adhan is voiced twice except for the final phrase. For the purposes of calling the adhan, a person should not vowelise the end of the phrases as is done in the iqama. Therefore a person should say "Ash-hadu an la ilaha illa'llah" and not say "Ash-hadu an la ilaha illa'llahu"; and so on for all the phrases mentioned in the adhan. (The reason for this is to make it easier for the person calling the adhan to elongate the ends of the phrases and thus give the adhan a better chance of being heard).*

*[NOTE: It is disliked for a mu'adhdhin to overly embellish or sing the adhan.]*

### ***157. What is the ruling on gaps that occur between the phrases voiced in the adhan?***

*It is disliked for a mu'adhdhin to leave a gap between two consecutive phrases or break off from his adhan to do or say something else, even if he is merely returning somebody's salaam\*. If the gap is only a short one and does not impair or interrupt the flow of the adhan, then the adhan remains valid. If the gap is long, however, then he must start the adhan over. [What is meant by a long time here is that length of time whereby a person listening would assume he was no longer calling the adhan.]*

*\*NOTE: If a muslim greets you while you are performing the adhan (or iqama), then you should make no attempt to reply to his salaam while you are in the process of calling the adhan, but should wait until you have finished. Then it is obligatory for you to reply to his greeting, even if he has already left.*

### ***158. When is it forbidden to call the adhan?***

*It is forbidden to call the adhan before the time of a prayer has come in, except in the case of Subh. It is recommended to call the adhan for the Subh prayer at the beginning of the last sixth of the night and then to repeat the adhan when the time of Subh actually starts.*

*[NOTE: The night begins at sunset, so if Maghrib were at 6:00 pm and the time of Subh came in at 6:00 am, then the last sixth of the night would start at 4:00 am]*

### ***159. What are the preconditions that a person must satisfy before it is valid for him to call the adhan? What additional elements are recommended?***

*A person must fulfil the following four preconditions before it is permitted for him to be a mu'adhdhin:*

- 1. That he is a Muslim: It is not valid for a disbeliever to call the adhan.*
- 2. That he is male: It is not valid for a woman or a hermaphrodite to call the adhan.*
- 3. That he is clinically sane and cogent: It is not valid for a clinically insane person or a very drunk person to call the adhan.*
- 4. That he not call the adhan before the time of the prayer has come in: It is not valid for the adhan to be called for a prayer before its time has come in, except in the case of Subh (as is mentioned above in section 158).*

*Puberty is not necessarily a precondition as it is valid for a child to call the adhan if he relies on an upright, trustworthy person for finding out the time of that prayer.*

*Although not obligatory, the following are recommended for the person calling the adhan:*

- 1. That he be in a state of ritual purity: It is strongly disliked for someone in a state of major ritual impurity to call the adhan.*
- 2. That he have a strong, rhythmic and clear voice: It is disliked for the mu'adhdhin to have a rough voice whereby he is unable to clearly pronounce the phrases. It is also disliked for him to overly-embellish or sing the adhan.*
- 3. That he stand in an elevated area, such as on a wall or in a minaret. He should do this to make it easier for people to hear the adhan.*
- 4. That he be standing upright: It is disliked for the adhan to be called by a person when he is sitting, unless he has a valid excuse for doing so, such as an illness. A sitting person should only call the adhan when he is calling it for himself, not for others.*
- 5. That he be facing the qibla: It is best for a person to start his adhan facing the qibla. It is permitted for him to turn and face different directions during his qibla if he does so with the intention of making it easier for the people to hear the call to prayer. The best time for the mu'adhdhin to turn is when he comes to the "Come to..." phrases (Hayya 'ala's-salah, Hayya 'ala'l-falah.)*

### ***160. Is it recommended for a person who hears the adhan to repeat the phrases after the mu'adhdhin?***

*If a person\* hears the adhan being called then it is recommended for him to repeat some of the phrases after the mu'adhdhin, even if he is in the midst of a voluntary prayer. He should repeat to himself the initial takbirs and the initial shahadas (which are said by the mu'adhdhin in his lowered voice). If he does not hear the initial shahadas then he should repeat the second*

rendition of the shahadas (which the mu'adhdhin calls out in his raised voice). As for the phrases that follow, there is a difference of opinion amongst the scholars. The generally-acted upon position today is for the person listening to the adhan to replace the "Come to..." phrases with "La hawla wa la quwwata illa billah" and then to repeat the final takbirs and shahada. He should not repeat the "The prayer is better than sleep" phrases in the Subh prayer or replace them with anything.

*[NOTE: If the person calling the adhan is not from the Maliki madhhab and repeats the initial takbirs four times, the person listening should only repeat two of those takbirs to himself.]*

\*It is also recommended for the person who hears the adhan to make supplication during it, just as it is recommended for both him and the person calling the adhan to say the following prayer on the Prophet, may Allah bless him and grant him peace, upon the completion of the adhan: "Allahumma rabba hadhihi-d-da'wati-t-tammati wa-s-salati-l-qa'imati aati sayyidana Muhammadan-il-wasilata wa-l-fadilata wa-d-darajata-r-rafi'ata wa-b'athhu maqamman mahmudan-il-ladhi wa'adtah. Innaka la tukhlifu-l-mi'ad." This can be roughly translated as, "O Allah, Lord of this perfect call and this convened prayer, give our master Muhammad the wasila (an abode in the Garden), preferred status, elevated rank and praised station (the intercession) that You promised him. Indeed You never break Your promise."

## **The Iqama**

### **161. What is the iqama and what are the phrases that constitute it?**

The iqama is the set of phrases that attest to the fact that the prayer has been established. In other words the imam or person praying alone has stood up and resolved on performing the prayer. Then and only then is the iqama called as it should be immediately connected with the prayer: The phrases of the iqama are similar to the phrases of the adhan, except most of them are only repeated once. The form of the iqama is as follows:

Allaahu akbaru, (Allah is greater.)

Allaahu akbaru, (Allah is greater).

Ash-hadu an la ilaha illa'llahu, (I testify that there is no god but Allah.)

Ash-hadu anna Muhammadan rasulullahi. (I testify that Muhammad is the Messenger of Allah.)

Hayya 'ala's-salahi, (Come to the prayer)

Hayya 'ala'l-falahi, (Come to the prayer)

Qad qamati's-salatu, (The prayer has been established)

Allaahu akbaru, (Allah is greater.)

Allaahu akbaru, (Allah is greater).

La ilaha illa'llah. (There is no god but Allah.)

*It is recommended that the person calling the iqama vocalise the vowels at the end of the phrases and join all the phrases together.*

### **162. What is the legal ruling concerning the performance of the iqama?**

*The iqama is an individual sunna for an adult male when he is praying an obligatory prayer on his own, or praying with women and children. If he is praying in a group of other adult men, then the iqama becomes a kifaya sunna upon that group. If one of them calls the iqama then it ceases to be incumbent upon the remaining members of that group to call it. In fact, if any one of that group does call the iqama again to himself, he is going against the sunna.*

*[NOTE: The iqama should be called for missed prayers as well as prayers in their rightful time. It is disliked for a person to call the iqama for voluntary prayers or for the funeral prayer.]*

### **163. What are the recommended elements of the iqama?**

*It is recommended for the person calling the iqama:*

- 1. That he be the same person who called the adhan.*
- 2. That he be in a state of ritual purity.*
- 3. That he be standing.*
- 4. That he face the qibla.*

*It is recommended for both women and children to call the iqama when they are praying on their own, and it is recommended for them to do so quietly.*

*There is no particular recommendation in the Maliki madhhab as to when a person should stand up while the iqama is being called, unlike the Hanafi madhhab which says that he should stand when the person calling the iqama says, "Come to the Prayer." The person who hears the iqama is free to stand up at the beginning of it, at the end of it or even after its completion.*

*[NOTE: The imam should not enter the mihrab until the iqama has been completed. He should allow a short gap between the completion of the iqama and the commencement of the prayer in which he can ensure that the rows are straight and that people have enough time to make their short supplications before the prayer.]*

## **The Preconditions of the Prayer**

**164. How many preconditions does the prayer have? What are they?**

*There are twelve preconditions of the prayer . These are divided up into three categories: **preconditions of obligation; preconditions of soundness; and preconditions of both soundness and obligation.***

*There is only one precondition of obligation:*

*1. **Adulthood:** it is not obligatory for a child to perform the prayer. However, both boys and girls should be instructed to perform the prayer when they reach the age of six . If they refuse to perform the prayer after they reach the age of nine, then it is permissible for their guardian to beat them until they comply. This beating should be painful, but should not so severe that it causes physical damage to the child. It is important to note that the Shari'a only permits a guardian to beat a child when he thinks that the beating will have a positive effect upon the child and strengthen him in his prayer.*

*The lack of being forced to abandon the prayer is not a precondition of obligation.*

*There are five preconditions of soundness:*

*2. **Islam:** the prayer of an unbeliever is not valid, even though it is obligatory upon him to perform it.*

*3. **Being in a state of ritual purity:** the prayer is not valid if it is performed without ritual purity.*

*4. **Being free of impurity.***

*5. **Covering the 'awra** (private parts) .*

*6. **Facing the qibla.***

*There are six preconditions of both soundness and obligation:*

*7. **Having received the message of Islam.***

*8. **Sanity.***

*9. **The arrival of the time of the prayer.***

*10. **Possessing the ability to ritually purify oneself:** if a person either has no pure materials with which to ritually purify himself, or is unable to use those materials (such as someone who is imprisoned or tied up), then it is no longer obligatory for him to perform the prayer.*

*Furthermore, if he finds the means or ability to purify himself after the time of that prayer has come to an end, then he does not have to make that prayer up.*

*11. **Not being in a state of sleep or forgetfulness about the prayer.***

12. Being free of the blood of menstruation or post-natal bleeding.

**165. For the purpose of performing the prayer, what is the coarse 'awra and light 'awra of a man, and what is the coarse 'awra and light 'awra of a woman?**

*The coarse 'awra of a man is his private parts, namely: his penis, testicles and the area between his two buttocks (i.e. his anus). The light 'awra of a man is all the other parts of his body lying between his navel and knees (excluding the knees themselves), such as his pubic area, buttocks and upper legs.*

*The coarse 'awra of a free woman is all the parts of her body lying between her breasts and knees (excluding the breasts and knees themselves), including her belly, lower back, pubic area, buttocks and upper legs. Except her face and hands, all the remaining parts of her body, including her shoulders, breasts, upper back, arms, knees, lower legs, neck, head, hair and the tops of her feet, are considered part of her light 'awra. It is forbidden for a man who is not related to her to gaze upon either her light 'awra or her coarse 'awra.*

**166. What is the ruling on covering the 'awra when performing the prayer?**

*It is obligatory for a person to cover his coarse 'awra when performing the prayer if he has the ability to do so. Indeed, this act of covering is a precondition for the performance of the prayer. If a person is unable to find anything with which to cover himself, then he may pray with his 'awra exposed and his prayer is considered to be valid. As for covering the light 'awra during the prayer, it is only an obligation and not a precondition. Therefore, the prayer of a person who prays with his light 'awra exposed is valid, but he has sinned by doing so, and it is recommended for him to repeat that prayer.*

*As for the one who prays with his coarse 'awra exposed due to forgetfulness (i.e. he forgets that he has not properly clothed himself), the rajih (preferred) position within the Maliki madhhab is that it is obligatory for him to repeat the prayer, irrespective of how much time has passed since he first prayed that prayer.*

*If the person performing the prayer knows that there is somebody close by from whom he could borrow the necessary clothing with which to cover himself, but does not try to do so and prays naked, then his prayer is invalid. Similarly, even if the only clothing available to him is impure (such as a cloth with blood or urine on it) or forbidden (such as silk for a man), he must use it to cover his 'awra when performing his prayer. If he neglects to do so then his prayer is invalid. Forbidden clothing is preferable to impure clothing if they are the only two options available.*

**167. When is it recommended for the person who prayed with all or part of his 'awra exposed to make up the prayer?**

*There are five cases in which it is recommended for a person who prayed with all or part of his 'awra exposed to repeat that prayer within the daruri time:*

1. A man who prays with his pubic region or buttocks exposed (but not his penis or testicles). If a man prays with only his upper legs exposed, then he is not required to repeat the prayer because the prohibition against exposing them is much weaker.

2. A woman who prays with any part of her light 'awra exposed, even if it is only the tops of her feet. She does not, however, have to repeat the prayer if she prays with the bottoms of her feet exposed.

3. A young girl of nine years old or more who prays without fully covering herself up in the manner required of an adult woman.

4. A person who performs the prayer wearing an impure garment, or silk or gold (even if it is just a ring). The latter two only apply to men as women are permitted to wear both silk and gold.

5. A person who prays with his coarse 'awra exposed because he is unable to cover it, and then finds suitable clothing whilst he is still within the prayer's time.

The *daruri* time, in this case, extends to the time of the yellowing of the sun in the case of the two *Duhurs* (*Dhuhr* and *'Asr*), right up to the time of *Fajr* in the case of the two *'Isha's* (*Maghrib* and *'Isha'*) and until sunrise in the case of *Subh*.

### **168. When is it only recommended for a person to cover their 'awra?**

There are three cases in which it is merely recommended, not obligatory, for a person to cover their 'awra:

1. It is recommended for a person who is on his own to cover his coarse 'awra when he performs the prayer, even when he is surrounded by pitch-black darkness. This ruling applies to both men and women.

2. It is recommended for young girls over the age of nine to cover themselves in the same way as adult women when they perform the prayer: they should cover every part of their bodies except their faces and hands.

3. It is recommended for young boys over the age of nine to cover themselves in the same way as adult men when they perform the prayer: they should cover the area between their navels and knees, and should also cover the parts of the body which adult men are only recommended to cover, such as the upper torso and shoulders.

### **169. What is the ruling on facing the qibla?**

If the following two preconditions are satisfied, then it is obligatory for a person to face the qibla when he performs the prayer:



*1. **That he has the ability to do so:** a person who is physically incapacitated, such as somebody who is tied up or somebody who is so ill that he cannot turn his body, is not required to face the qibla and may pray in a different direction. The ruling governing a person who is so ill that he cannot turn his body towards the qibla is the same as the one governing a person performing tayammum: if he despairs of finding somebody to turn him towards the qibla, then he should pray at the beginning of the prayer's time in whichever direction he is able; if he is unsure about whether someone will come along and help him, then he should wait until the middle of the time before praying; and if he thinks it probable that somebody will come along within the time of the prayer, then he should wait until the end of the time before praying.*

*2. **That he is in a position of physical safety:** in other words, that he is not in a situation whereby turning towards the qibla might subject him to physical danger. Whenever a person is in a perilous situation, such as on the battlefield or in a lawless region plagued by bandits and wild animals, he should disregard the qibla and pray in the direction from which he expects the danger to come.*

*If someone fails to face the qibla out of forgetfulness, he always must repeat the prayer.*

***170. Is it obligatory for a person to actually physically face the structure of the Ka'ba, or is it enough for him to pray in its general direction?***

*It is obligatory for anyone who lives within eyesight of the Ka'ba, such as the inhabitants of Makka or those who live in the surrounding mountains, to physically face the structure of the Ka'ba with their entire bodies while praying: if even one of their limbs is not directly facing the structure of the Ka'ba then their prayer is invalid. Therefore a large group of people may not perform the prayer in a straight row if the width of that row is longer than the width of the Ka'ba, as the people at the ends of the rows would not be facing the body of the Ka'ba. In such a case, the people performing the prayer should stand in an arc, semi-circle or circle so that every one of them is facing the structure itself. Only when the group is small enough that the row formed by them is narrower than the width of the Ka'ba may they pray in a straight line.*

*[NOTE: If it is not possible for a person to see the Ka'ba because his line of sight is blocked by other buildings, for example, then he should use other landmarks to help ascertain the position of the Ka'ba, such as the Abu Qays mountain].*

*Although it is not obligatory for every inhabitant of Makka to pray in the Haram, it is obligatory for him to work out the qibla by actually sighting the Ka'ba, such as by going up onto the roof of his home. It is enough for him to establish the qibla in this manner once: then he may continue to perform all future prayers without re-sighting the Ka'ba. It is not permissible for a person to use calculations to work out the qibla when he is able to know its direction with certainty.*

*If a person is so far away from the Ka'ba that it is physically impossible for him to sight it, then he is permitted to pray in its general direction. This ruling applies even when he is in places which are fairly close such as Mina.*



**171. Is it acceptable to blindly follow the opinion of another when it comes to ascertaining the direction of the qibla?**

*If a person is a mujtahid - if he knows how to ascertain the direction using natural phenomena such as the light of the dawn, position of the sun, qualities of the wind, and location of different stars in the night sky - then it is forbidden for him to accept somebody else's word when it comes to the qibla, even if he subsequently becomes blind. If he does become blind, then he must ask others to describe the natural phenomena to him so that he can use his own knowledge to work out the qibla. The only time it is permitted for such a person to follow another's interpretation of the qibla is when he is living in a land in which a mihrab has been established. This is because a mihrab is only built when there is a consensus amongst the people of knowledge as to the direction of the qibla.*

*If a person is not a mujtahid, then he must either ask a trustworthy mujtahid to show him the direction of the qibla, or pray in the direction of the mihrab. If there is no mihrab and no one around to show him the direction of the qibla, then he should choose any one of the four directions and pray towards it. This same ruling applies in the case of the mujtahid who finds himself unable to work out the qibla due to extenuating circumstances, such as the sun being concealed by clouds.*

*Note: It is also said that, in both these cases, a person should perform the prayer four times, one towards each of the four directions.*

**172. What is the ruling on a mujtahid who calculates the qibla, but then ignores his calculations and prays in a different direction? Or a non-mujtahid who receives advice from a mujtahid regarding the direction of the qibla, but then ignores that advice and prays in a different direction?**

*The prayer of a mujtahid is invalid if he disregards his own calculations and prays in a direction other than that to which the evidence points. Similarly, the prayer of a non-mujtahid is invalid if he consults a trustworthy mujtahid but then ignores his advice and prays in a direction other than indicated to him. In both these cases, it is obligatory to repeat the prayer, even if the direction in which they did pray was actually the true qibla.*

**173. What is the ruling on a person who prays in a direction other than the qibla?**

*There are three factors which must be taken into account when formulating the ruling on a person who prays in a direction other than the qibla: whether that person is blind, how far removed the direction was from the qibla and when he realised his mistake. If he is sighted and realises during his prayer that the direction in which he is praying is more than 90 degrees removed from the qibla, then he should break off his prayer, face the qibla and start again. If the direction in which he is praying is less than 90 degrees removed from the qibla, then he should turn his body towards the qibla without breaking off his prayer. If he is blind then, even if his back is to the qibla, he does not break off his prayer. Rather, as soon as he realises his mistake, he simply turns his body towards the qibla and continues his prayer uninterrupted.*

*If a sighted person prayed in a direction more than 90 degrees removed from the qibla but did not realise is mistake until after the prayer, then he should repeat that prayer within its daruri time. He does not need to repeat the prayer if the direction in which he prayed was less than 90 degrees removed from the qibla. If a blind person realises his mistake after the prayer, he does not need to repeat the prayer regardless of how far removed the direction he prayed in was from the qibla.*

***174. What is the ruling on a person who prays in a direction other than the qibla on account of forgetfulness?***

*If a person forgets the qibla, prays in a different direction and then remembers the qibla after he has finished praying, he should repeat the prayer if he is still within its daruri time.*

*If a person forgets the fact that facing qibla is a precondition of the prayer and prays in a different direction, then his prayer is invalid and he must repeat it, even if the time of that prayer has already passed.*

*The repetition of the prayer mentioned here only applies to obligatory prayers. Voluntary prayers are never repeated.*

***175 (a): Is it is permissible for a person to pray voluntary prayers in a direction other than the qibla whilst travelling?***

*It is permissible for a traveller to perform voluntary prayers in the direction in which he is travelling, even if his back is towards the qibla. This ruling applies to all voluntary prayers, even strongly-emphasised sunnas like the Witr prayer. However, there are five preconditions:*

- 1. That the journey is long enough for it to be valid for him to shorten his obligatory prayers: in other words, he must be travelling at least 48 miles.*
- 2. That the journey is not one of disobedience.\**
- 3. That the traveller is mounted upon a riding-animal, either directly on its back or in a litter or howdah.*
- 4. That the riding-animal is a beast of burden, such as a donkey, mule, horse or camel.*
- 5. That the traveller is sitting on the riding-animal in a normal fashion: in other words, he should be facing forward and straddling the horse, not facing backwards or riding side-saddle.*

*[\*what is meant by a journey of disobedience is a journey for the purpose of doing something forbidden in the Shari'a, such as going out to commit highway robbery and the like.]*

***175 (b): If a person is praying whilst on horse-back, how should he perform the prayer?***

*If a person is sitting in a litter or howdah and it is wide enough for him to sit cross-legged, then he should perform the prayer from that position. He should perform his ruku' by leaning forward, and prostrate in the way that he normally would by placing his forehead and palms on the floor of the litter.*

*If a person is sitting directly on the back of a riding-animal then he should perform the prayer from the straddling position in which he is seated. He should perform the ruku' by leaning forward slightly, and should prostrate by gesturing with the palms of his hands towards the ground, \* not by placing his forehead on the bow of his saddle or the mane of his horse. He should also remove his turban if he is wearing one. It is permissible for him to actively ride his animal while praying: therefore, he may dig his heels into his mount's ribs, hold its reins or even whip it without invalidating his prayer. The only thing he is not allowed to do is utter words extraneous to the prayer.*

*If this person, in the course of his prayer and without truly needing to, deliberately turns aside from the direction in which he is travelling, then his prayer becomes invalid. Unless, of course, it is the qibla towards which he turns.*

*If a person is travelling by ship, then he must perform a complete prayer as if he were on dry land and must pray in the direction of qibla, not merely in the direction he is travelling. He should stand up, face the qibla, and perform a full ruku' by placing his hands upon his knees and a full prostration by placing his forehead and palms upon the deck of the ship. If the ship changes direction whilst he is praying, then he should turn so that he is always facing the qibla. If the ship is so narrow, however, that he does not have room to turn, then he may continue to pray in the same direction in which he started. This applies to both obligatory prayers and voluntary prayers.*

*[\*It does not matter if the ground is pure or not, as he himself is not in direct contact with the ground.]*

### **176. May obligatory prayers be performed on the back of a riding-animal?**

*There are only four instances in which it is valid\* to pray an obligatory prayer on the back of a riding-animal:*

- 1. When a person is actively engaged in fighting\*\* with the enemy at close quarters. If he is on the battlefield, he prays his obligatory prayers on horseback and performs the motions by inclining his head towards the qibla if he is able to do that without placing himself in unnecessary danger. He does not need to repeat the prayer even if the danger passes.*
- 2. When a person is in a dangerous region infested by carnivorous wild animals or bandits and fears that his life or health would be in danger if he were to dismount. A person in this situation should face his animal towards the qibla and perform the prayer on horseback. If the fear of attack passes and he feels himself to be safe, then he should repeat the prayer if it is still within its daruri time .*

3. When a person is travelling through a bog or other muddy treacherous terrain and is either unable to get off his animal or fears that his clothes will be ruined by dismounting and praying on the ground. If he thinks that he will still be in the swampy area at the end of ikhtiyari time, he should perform the prayer at the beginning of its time whilst seated upon his mount and facing the direction of qibla. If, however, he thinks that he will have left the swampy area behind before the end of the ikhtiyari time, he should delay his prayer to the end of its ikhtiyari time and pray it then.

4. When a person is so ill that he is either unable to dismount from his animal or knows that, even if he were to dismount, he would still only use gestures and inclinations of the head to perform the motions of the prayer. This person may perform the prayer mounted, but should stop his animal moving and face it in the direction of the qibla. If this person does, however, feel that he would be able to perform the prayer in a more complete fashion upon the ground, then it is obligatory for him to dismount and pray on the ground.

*[\*There are some who say that it is valid if the person performing the prayer is facing qibla and performs his ruku' and prostration in full, but it is safest to take the view that it is not permissible. .]*

*[\*\*The fighting must legally-sanctioned by the Shari'a. If the fighting is forbidden, such as fighting in the course of committing robbery, then this ruling does not apply.]*

### **177. What is the ruling on being free of impurity?**

*It is obligatory for a person to make sure that his body, clothes and the place in which he prays are all free of impurity. This obligation is contingent on a person being able to remove the impurity and remembering to do so: therefore, the prayer of a person who forgets or is unable to free himself from impurity is valid. It is recommended, however, that he repeat the prayer within its daruri time.*

### **Nosebleeds**

#### **178. What should a person do when he develops a nosebleed before or during the prayer?**

*If a person develops a nosebleed before the prayer and he thinks it will continue to bleed throughout the whole of the ikhtiyari time without stopping, he should pray that prayer at the beginning of its time whilst his nose is bleeding. Furthermore, he is not required to repeat the prayer if the bleeding does actually stop before the end of the time.*

*If he thinks that the bleeding will stop before the end of the ikhtiyari time, he must delay praying until either the bleeding stops or the ikhtiyari time nears its end. Because of his expectation that the bleeding in his nose will stop, it is not valid for him to pray at the beginning of the time. In both the aforementioned cases, the severity of the nosebleed is immaterial: it does not matter how much or how quickly the blood comes out, the ruling remains the same.*

*If a person develops a nosebleed during the prayer and he thinks it will continue to bleed throughout the whole of the ikhtiyari time without stopping, he is not permitted to break off his prayer but must complete it. The only exception to this is if he thinks that blood will drop from his nose on to the carpet of the mosque and soil it. If that is the case, then he must break off his prayer.*

*When a person performs the prayer with a nosebleed he should perform all of the motions of the prayer as he normally would, except if he fears that, by doing so, he will make the nosebleed worse or cause irreparable damage to his clothes by soiling them with his blood. In such circumstances, he should not perform ruku' and prostration in full, but should perform ruku' by partially bowing his body or inclining his head and perform prostration by gesturing with his hands towards the ground.*

*If a person develops a nosebleed during the prayer and he thinks it will stop bleeding before the end of the ikhtiyari time, or is unsure whether it will stop bleeding or not, then the ruling is dependent upon the severity of the nosebleed:*

*1) A mild nosebleed: if the blood is only leaking into his nostrils, not dripping or flowing out of his nose, then he does not break off the prayer but uses his left hand to find out how much blood has emerged. He does this by inserting the tip of one of the fingers of his left hand into his nostrils, moving it around inside and then taking it out. He then rubs the finger with his thumb until the blood has been spread around the whole top segment of that finger covering it completely. Then he repeats the action with each of the other fingers of his left hand. If the bleeding stops before all the top segments of the fingers of his left hand are covered, then he ignores the blood and completes his prayer. If it continues to bleed, then he should move to the middle segments of the fingers of his left hand. If the amount of blood on those middle segments exceeds a mule's dirham\* and enough time remains within the ikhtiyari time for him to repeat the prayer, then he should break off the prayer, clean himself up and start again. If there is not enough time remaining within the ikhtiyari time, then he must continue his prayer uninterrupted.*

*[The text just says 'dirham', but he is referring to a camel's dirham which is not a dirham at all.]*

*2) A severe nosebleed: if blood is actually dripping or flowing out of the nose of somebody performing the prayer, then the number of options open to him depend upon how much time remains within the ikhtiyari time. If plenty of time remains, he has two choices: breaking off the prayer, cleaning himself up and starting again; or building on the prayer. But if only a short amount of time remains such that were he to break off his prayer and start again he would miss the ikhtiyari time, then only one option is available to him: building on the prayer. A person suffering a severe nosebleed builds on his prayer in the following way: When his nose starts bleeding, he staunches the flow of blood by pinching his nostrils together with his left hand. Then he leaves the prayer, washes the blood from his nose, returns to the prayer and completes it with the imam. If he has missed any rak'ats in the process of doing this, then he must make them up after the imam finishes. So, for example, if he prayed one whole rak'at with the imam, then left the prayer during the second rak'at and returned in time to catch the fourth rak'at, he would have to make up the second and third rak'ats after the imam had completed the prayer. A person must fulfil the following six preconditions in order to build upon his prayer in this way:*

- i) *That no more than a mule's dirham worth of blood falls on to his clothes or body: if more blood than this falls on them, then he must break off his prayer.*
- ii) *That he uses the nearest possible source of pure water to wash off the blood: if he leaves one source of water in favour of one that is further away then his prayer becomes invalid.*
- iii) *That the water-source is actually close by : if it is far away then his prayer becomes invalid.*
- iv) *That he does not turn his back on the qibla whilst making his way towards the water except if he has a valid excuse for doing so: if he does turn away without a valid excuse then his prayer becomes invalid.*
- v) *That he does not step on any impurities whilst making his way towards the water: if he does step on any impurities, then his prayer becomes invalid.*
- vi) *That he does not speak whilst making his trip to clean away the blood: if he does speak, even inadvertently, then his prayer becomes invalid.*

### ***Places in which it is disliked to pray and places in which it is not disliked to pray***

#### ***179. In which places is it disliked for a person to perform the prayer?***

*There are two places in which it is disliked to pray:*

1. *The place in which camels kneel to drink\*: it is recommended that a person who prays there repeat his prayer within the daruri time.*
2. *A church,\*\* regardless of whether it is ruined or still in use. The element of dislike is removed if a person is not praying there out of choice but because he has been forced to by circumstance, such as when there is heavy rain outside or when he is hiding from the enemy. If a person does perform the prayer in a church then he should only repeat his prayer if the following three preconditions are fulfilled:*
  - i) *That the church is still in use: if it is in a state of ruin then he does not repeat his prayer.*
  - ii) *That he is praying there out of choice: if it is necessity which has forced him to pray there then he does not repeat his prayer.*
  - iii) *That he is unsure whether the place in which he performed the prayer is pure or not: if he knows for a fact or thinks it probable that the place in which he prayed was pure then he does not repeat the prayer.*

*[\*As for the place in which camels sleep, there is no dislike involved in praying there. ]*

*[\*\*Church is not being used in the narrow sense of a Christian place of worship - rather it means any place non-Muslims use to perform acts of worship, such as synagogues and temples.]*



***180. In which places is it not disliked to pray?***

*Contrary to popular belief, there is no dislike in praying in the following six places:*

*1. A cemetery, regardless of whether it is still being used or not, and regardless of whether it is Muslims who are buried there or unbelievers. It is even permissible for a person to pray directly on top of a grave, so long as he does not come into direct contact with the bones themselves.*

*2. A bathhouse.*

*3. A rubbish dump, or any other place in which people throw their garbage.*

*4. The middle of a main road or thoroughfare.*

*5. An abattoir.*

*If a person is performing the prayer in any of the five places mentioned above, then he must be fairly certain that there is no impurity in the spot upon which he is praying. If he is unsure about whether the place is impure or not, then it is recommended for him to repeat the prayer within its daruri time. If he knows for a fact or thinks it probable that the place is impure, then it is obligatory for him to repeat the prayer.*

*6. A sheep pen or cattle pen: the droppings of livestock are pure, so there is unlikely to be any impurity in these places.*

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