

SHIA SCHOLARS

The topic of the following discussion deals with the Shi'ite view of religious scholars. I will attempt to illuminate the differences and similarities between Sunni and Shia.

The Shia in matters of jurisprudence and legal effort to interpret new issues offer three alternatives to the believer:

First, IF the believer is competent and capable according to Islamic requirements to analyze the texts, then he can exert his own judicial effort to interpret the issue and abide by his own ruling.

Second, the concept of (Ihtiyat--Cautiousness) can be used. Ihtiyat really means that when in doubt, do that which is not doubtful. The Prophet (PBUH&HF) said: "Leave the one which makes you doubtful and prefer the alternative which does not cause you to be doubtful." For example, in performing Ihtiyat, the believer might be faced with a scenario where he is traveling and he is not sure whether to shorten the prayer or not. He performs Ihtiyat, and prays the prayer as usual without shortening it. Then he prays it shortened. This way, he has fulfilled the obligation no matter what the judicial opinion is. Keep in mind that Ihtiyat is only to be performed when you REALLY don't know what to do.

Third, the concept of (Taqleed--Imitating or Following) would be used. Taqleed is where a believer who is NOT qualified according to Islamic mandates to perform Ijtihad (the EFFORT by scholars to interpret new issues) will follow what a learned scholar issues as permissible or prohibited. For example, I am NOT qualified to render Islamic injunctions regarding issues that face every believer; moreover, I DO NOT possess a HIGH level of fluency in the Arabic language such that I can interpret the texts that deal with these issues. As such, I follow a scholar and adhere to all that he says. The Scholar that a believer follows is a matter of choice, not compulsion. He CANNOT be less than a Mujtahid, however. Also it is necessary to follow a Mujtahid who is the MOST knowledgeable among others and MUST be righteous in every aspect of the definition of righteousness, otherwise he should not be followed. These qualifications should be investigated by the follower personally, or he/she can the opinion of two just and trustworthy person in order to know which Mujtahid is the most knowledgeable (provided that he does not find two other just friends who tell him/her in the contrary of the first two). As a result people may follow different Mujtahids based on their investigations on the qualifications of Mujtahids.

Moreover, Mujtahid HAS to be alive when you decide to follow him. You CANNOT follow a dead scholar to BEGIN with. However, if you follow a scholar and he dies AFTER you have already decided to follow him, you MAY stay his follower with some conditions, but you MUST consult with the dead scholar's Wakeel --Agent. Every Mujtahid in Shi'a has several agents in MANY countries to address the questions of his followers. Some scholars, however, are in the opinion that one can not continue with a dead Mujtahid. Others say that one is allowed to continue to follow his previous Mujtahid if nothing new comes up or if he does not forget the fatwa of the dead Mujtahid. If you look carefully at this condition, you will see that people have to eventually choose a live Marja' since confusing and debating issues will come up sooner or later, and this is what Marja' for. It is important to understand that you CANNOT BEGIN your Islamic life by following a dead scholar, but you can remain a follower of that scholar if he dies and you were one of his followers before his death and meet the above conditions.

The Prophet (PBUH&HF) said:

"Whosoever Allah (SWT) wishes to grant him a favorable bounty, He (SWT) will teach him the Fiqh (Deep-Rooted Religious Knowledge) of religion."

As such, being a scholar in religion and reaching the level of Ijtihad, thereby earning the title of Mujtahid, is NOT an easy task, nor is it achievable by every individual.

Now, for the Sunnis, they also acknowledge the concept of Taqleed, but they understand it differently. For the Sunnis, Taqleed is following any ONE of the Four Schools of thought -- Shafeea'i, Hanbali, Maliki, and Hanafi. If you follow one of these Mujtahids, who died more than 10 centuries ago, then you must adhere to their mandates which vary significantly in many issues. Some Sunnis will shop around and take from here and there. The Sunnis also believe that the differences among the four schools of law are a mercy from Allah (SWT). Dr. Tijani narrates a story of a girl who loved a man, but her father refused to allow the marriage for some unknown reason. The girl, who was never married before and was 25 years of age, ran away with the man and got married. Her father, a Maliki Sunni, took her to court before a Qadi--Judge to arbitrate the matter. When the girl

appeared, she said: "My father wants to force me into a marriage which I do not desire; and it is my right under the Hanafite school to choose my husband even though I have never been married before." The Qadi agreed with the girl and granted her her request to marry the man of her choice. The Judge, a personal friend of Dr. Tijani, told Dr. Tijani that as the girl's father was leaving the court, he said: "That dog has become a Hanafite!!!" Moreover, the father has disowned his daughter as a result of that marriage.

Now, Dr. Tijani questions where is that mercy that the Sunnis claim when the Scholars are at different poles of an argument? We have seen, at least in the above true story, that due to the difference of opinion between Malik and Abu Haneefa, a daughter was disowned and insulted by her own father!

As we have seen, the difference between the Sunnis and Shia in relation to Taqleed is NOT that great. There are, however, a few differences: First, while the Sunnis will allow a believer to follow a dead scholar, ALEAST INITIALLY, the Shia will NOT. Second, the Mujtahid in the perspective of the Shia is also a legitimate ruler of the affairs of the Muslims. He is also a general agent of al-Mahdi. (As I mentioned before, there is no special agent from Imam Mahdi in this time. All Mujtahids are his general agent without being able to contact with him.) Mujtahid also receives the shares of Zakat (The Alms) and Khums (20% of EXCESS wealth--I have also addressed this topic in a previous article.) from the believers and is in charge of distributing it and doing what he feels is necessary for the Ummah's (Nation) best interest.

Given the above, it is most apparent that a Shi'ite scholar has far more power and influence than a regular Sunni scholar. The Sunnis have accused the Shia, on many occasions, of elevating these scholars to the level of spiritual leaders that have been appointed by Allah (SWT). Needless to say, these scholars ARE NOT sinless or infallible, they are simple human beings who have passed the tests of belief and have reached an elevated spiritual stage of belief and learning that entitles them to be scholars who should be followed and obeyed. It is a given fact that you will blindly follow, for example, an individual with a Ph.D. in Computer Science at your early stages of learning how to program a computer. Why? Because he is more learned and experienced than you are. Is he a spiritual leader? Of course NOT! He is simply a mentor and a person who is more qualified than you are at this stage. As such, you surrender to him in an effort to learn from his vast knowledge. Similarly, that's how the Shia view their scholars. We do NOT consider them infallibles. They may make mistakes every now and then, but surely less than us.

It should be noted that for the Shia there are TWO stages to the concept of Taqleed or Following a scholar. The First stage was during the lives of the Twelve Imams, which lasted for approximately 350 years after the death of the Prophet (PBUH&HF). During these years, the believers followed the Imams themselves. After those 350 years, there began the period of the occultation of the final Imam, al-Mahdi (AS). It is in this period that the Twelve Imams instructed the believers to follow the righteous scholars; that initiated the second stage of Taqleed.

As a final note, I would like to state my PERSONAL OPINION about the Wahabis.

The Wahabis, on the other hand, which are situated primarily in Saudi Arabia, Qatar, and a few other places, have rejected the four schools of thought and any Ijtihad. They claim that they follow al-Salaf al-Saleh-- (The Righteous First Group). By that they are alluding to the companions. Their reasoning is that the companions did not need a scholar, so they too don't need one either. However, their sect is full of shortcomings. For example, they might make the above claims, but they don't adhere to them. They are followers of Muhammad Ibn Abdul al-Wahab, a SO-CALLED scholar that propagated his beliefs about 200 years ago. His motives were primarily political, and he is NOT a scholar by ANY stretch of the imagination. Furthermore, all their teachings are based on Ibn Taymiyah's interpretations. Ibn Taymiyah, in turn, had based all his teachings on those of Ibn Hanbal. Indeed, the Wahabis identify themselves as Hanbalis, not Wahabis, among strangers (people who they don't trust yet.); but among themselves they admit to being Wahabis. As such, no matter how we look at it, the Wahabis are still FOLLOWERS of scholars, NOT the companions, as they claim. What's more, the companions did not need a scholar because they had the Prophet (PBUH&HF) himself as a teacher; why would they need a scholar to teach them the religion when they enjoyed the company of the Vehicle of the Message himself (PBUH&HF)?

In conclusion, you have now seen how the Shia view the reality of an ever-changing life: they adapt to it by maintaining an open-minded approach, and

by leaving the doors of Ijtihad (the EFFORT by scholars to interpret new issues) wide open to address new and perplexing issues that face the Ummah (Nation). And you have seen how the Sunnis are still stuck in the 10th century trying to implement laws and regulations that are both outdated and obsolete. If Ijtihad is forbidden, then why they allow it for their four Imams, but forbid it for the previous or later generations? Why just four schools?

It is this fact, among others, that should evoke a nerve of curiosity within you to question: Are the Shia really Kufar, given the above? Are they not the true followers of the Prophet Muhammad (PBUH&HF)? Does it not make sense to leave the door of Ijtihad open? Question and reflect, and remember that the Prophet (PBUH&HF) said: "Knowledge is a locked closet whose key is the Question!"
Wassalam.

The Rules of Modesty According to Five Islamic Schools of Law

By: 'Allamah Muhammad Jawad Maghniyyah

This issue is one of those from which numerous bylaws are derived, such as those specifying the parts of one's body that must be covered ('awrah) and the parts of another person's body which it is haram to look at, those relating to the difference between maharim (relatives through lineage or marriage with whom marriage is prohibited) and non-maharim persons in this regard, the difference in this regard due to sameness or difference of sex, the difference between looking and touching and similar rules which are discussed below.

1. Looking at One's Own Body: The schools differ concerning covering of one's 'awrah (private parts) from one's own view and whether it is haram for one to uncover one's 'awrah in privacy.

The Hanafis and the Hanbalis observe: In the same way that it is not permissible for a person to expose his 'awrah in the presence of anyone for whom it is not permissible to look at it, it is not permissible for him to expose it when alone without necessity, as arises at the time or bathing or answering the call of nature.

The Malikis and Shafi'is say: It is not unlawful but reprehensible (makruh) to be bare without necessity.

The Imamis, state: It is neither haram nor makruh when no one else is looking at.

2. Woman and Her Maharim: The schools differ concerning the parts of the body a woman must cover in the presence of her maharim (except the husband) and Muslim women.(6) In other words, what constitutes the 'awrah of a woman in the presence of Muslim women as well as her maharim, both through lineage and marriage?

The Hanafis and the Shafi'is say: It is wajib for her to cover the area between the navel and the knees in their presence.

The Malikis and the Hanbalis observe: She must cover the area between the navel and the knees in front of women, and in the presence of her maharim, her whole body except the head and the arms.

Most Imamis state: It is wajib for her to cover her rear and private parts in the presence of women and her maharim; to cover other parts as well is better though not wajib, except where there is a fear of sin.

3. Women and 'stranger': About the extent of the body to be covered by a woman in the presence of a 'stranger' (any male apart from the mahrim), the schools concur that it is wajib for her to cover her whole body except the face and hands (up to the wrists) in accordance with the verse 31 of Surat al-Nur:

...And reveal not their adornment save such as is outward; and let them cast their veils over their bosoms (24:31)

considering that 'outward adornment' (al-zeenah) implies the face and hands. The word 'al-khimar' (whose plural 'khumur' occurs in the verse) means the veil which covers the head, not the face, and the word 'al-jayb' (whose plural 'juyub' occurs in the verse) means the chest. The women have been commanded to put a covering on their heads and to lower it over their chests. As to verse 59 of Surat 'Ahzab:

'O Prophet, say to your wives and daughters and the believing women that they draw their veils close to them..., (33:59)

the word 'al-jilbab' (whose plural jalabib occurs in the verse) means a veil covering the head; rather it is a shirt or garment.

4. Man's 'Awhrah: The schools differ concerning the parts of man's body which it is haram for others to see and for him to expose. The hanafis and the Hanbalis state: It is wajib for a male to cover the area between the navel and the knees before all except his wife. It is permissible for others, irrespective of their being men or women maharim or strangers, to

look at the rest of his body when there is no fear of sin.

The Malikis and the Shafi'is say: There are two different situations for a male with respect to the extent he can expose his body: the first, in the presence of men or those women who are his maharim; the second, in the presence of women who are not his maharim. In the former instance he is only supposed to cover the area between the waist and the knees, while in the latter it is, haram for a woman stranger to look at any part of a man's body. Though the Malikis exclude the face and the arms if looked at without any sensual motive, the Shafi'is do not permit any exception (al-Fiqh 'ala al-madhahib al'arba'ah, vol. mabthath satr al-'awrah).

The Imamis differentiate between the parts of other person body which can be looked at and those parts of one's own body which ought to be covered. They observe: It is wajib for a male to cover only his rear and private parts, though it is wajib for women who are not his maharim to abstain from looking at any part of his body except his head and hands (up to the wrist). To summarize the Imami opinion, it is permissible for a male to view the body of other men and his female maharim except the rear and private parts provided no sensual motive is involved. Similarly, a woman can view the body of other woman and her male maharim excepting the rear and private parts provided no sensual motive is involved.

5. Children: Concerning the body of a child, the Hanbalis say: It is not prohibited to touch or look at the body of a child below seven years. It is not permissible to look at the rear and private parts of a male child between the age of 7 to 9 years, and for 'strangers' the whole body of a female child above the age of seven.

The Hanafis observe: No part of the body of a boy of four years and below is prohibited from being looked at. Above this age only his rear and private parts are prohibited from being looked at as long as sexual desire has not awakened in him. If he reaches the age of sexual desire, the rule applicable to adults will be applicable to him with respect to both the sexes.

The Malikis state: It is permissible for a woman to look at and touch the body of a boy below the age of eight years, and only look at it till the age of twelve. A boy above the age of twelve is considered similar to an adult. It is permissible for a man to look at and touch the body of girl below two years and eight months, and to look at, though not touch, till she reaches the age of four years.

According to the Shafi'is, the rules applicable to an adult apply to an adolescent male child. But if a child is below that age and is also incapable of describing what he sees, all parts of his body can be looked at. But if he can describe what he sees with a sexual interest, he will be considered similar to an adult. As to a girl below the age of adolescence, only if she has developed sexual appeal will she be considered similar to a full-grown woman, not otherwise, though it will be haram for anyone except someone who looks after her to look at her parts.

The Imamiyyah observe: It is wajib to cover one's 'awrah in front of a child of discriminating age, who can describe what he sees, though it is not wajib before the one who is incapable of doing so.

That was regarding the covering of the body in the presence of a child, but with respect to looking at a child's 'awrah, al-Shaykh Ja'far in his book *Kashf al-ghita'* states: It is not unwise to abstain from looking at the parts of a child below five years, though it is absolutely impermissible to look at them with a sexual interest.

From what I have been able to ascertain from the traditions of the Ahlul Bayt, the age limit for the permissibility of looking at the child's 'awrah is six years, not five.

6. Woman's Voice: All the schools concur that listening to the voice of a woman is not prohibited, except where pleasure is involved or when there is a fear of sin. The (Imami) author of *al-Jawahir*, at the beginning of the chapter on marriage, has mentioned as his proof the continuing practice of Muslims belonging to different periods and regions, the sermons of Fatimah (AS) and her daughters, the innumerable instances of conversations of the wives of the Prophet (PBUH) and the Imams, and also the holding of mourning and wedding ceremonies by women in the presence of men from early times, the conversations between opposite sexes while conducting transactions, as well as the Qur'anic verse (Be not complaisant (attractive) with your speech, 33:32), in which not speech itself but its complaisant manner has been prohibited.

8. The difference Between Looking and Touching: Every part that is permissible to touch, may be looked at, and every part that is haram to be looked at may not be touched. Here there is a general consent among the schools because touching involves greater pleasure than looking, and no leggiest of any school claims concomitance between the permissibility of

looking and the permissibility of touching. Hence though it is permissible for a man to look at a female stranger's face or hands, it is not permissible for him to touch her except in an emergency such as for medical treatment or for rescuing her from drowning. The following tradition has been narrated from al-'Imam al-Sadiq (AS) (Al-'Imam al-Sadiq [A] was asked:) "Can a man shake hands with a woman who is not his mahrim?" The Imam (A) replied: "No, unless there is cloth in between.."

The Hanafis exclude shaking hands with an old woman from prohibition. In the book of Ibn 'Abidin (v1, p284) it is stated: It is not permissible to touch the hands or face of a young woman even with the assurance of absence of any sexual motive. As to an old woman who has no sexual appeal, there is nothing wrong in shaking hands with her with the assurance of absence of a sexual motive.

The Imamis and the Hanafis allow touching the body mahrim provided no sexual motive or pleasure is involved.

The Shafi'is prohibit touching even those parts of a mahram's body which it is permissible to look at. It is even not permissible in their opinion for a person to touch the belly or back of his mother, pinch her ankles or beat or kiss her face. Similarly, it is not permissible for a person to ask his daughter or sister to press his legs.

9. The Difference Between Exposing and Looking at: The Imamis observe: There is no concomitance between the permissibility of exposing the body and the permissibility of looking at it. Hence it is permissible in their opinion for a man to expose the whole of his body except his rear and private parts, while it is not permissible for a non-mahram woman to look at it. I have not found anyone expressing this opinion in the numerous books of the four Sunni schools.

10. Old Women: God Almighty says in the Qur'an: "And such women as are past child-bearing and have no hope of marriage, it is no sin for them if they put off their clothes, so be it that they flaunt no ornament; but to abstain is better for them, and God is All-hearing, All-knowing." (24:60)

This noble verse indicates that it is permissible for old women who have no desire for marriage due to their old age "to expose their face and a part of their hair and arms, and such other parts which aged women usually keep exposed. The traditions of the Ahlul Bayt (AS) also point to the same, on condition that such exposure is not with the intent of display. Rather, it is to allow them to come out for fulfilling their needs, though it is better for them to keep themselves covered."(7)

This permission is with the assumption that it is not permissible to expose any of the above-mentioned parts of the body if there is fear of its leading to something haram, because a woman, regardless of her elderly age, may remain sexually attractive. Therefore, if there is any likelihood of that kind, the rule applicable to her will be the rule applicable to young women.

Islam is lenient with respect to elderly women and strict regarding young women. But in practice we observe the opposite of what the Qur'an has ordered. We see shamelessness and display of charms among some young women, while elderly women keep themselves covered and are reserved. So where God is strict, they are lenient, and where He is lenient, they are strict.

The Numbers that follow some of the words refer to notes that will be appended in the coming issues in shaa Allah.

Fasting, According to Five Islamic Schools of Law (Part I)

By: 'Allamah Muhammad Jawad Maghniyyah
Translated from the Arabic by Mujahid Husayn

Fasting in the month of Ramadan is one of the 'pillars' of the Islamic faith. No proof is required to establish its being obligatory (wajib) and one denying it goes out of the fold of Islam, because it is obvious like salat, and in respect of anything so evidently established both the learned and the unlettered, the elderly and the young, all stand on an equal footing.

It was declared an obligatory duty (fard) in the second year of the Hijrah upon each and every mukallaf (one capable of carrying out religious duties, i.e. a sane adult) and breaking it (iftar) is not permissible except for any of the following reasons:

1. Hayd and nifas: The schools concur that fasting is not valid for women during menstruation and puerperal bleeding.
2. Illness: The schools differ here. The Imamis observe: Fasting is not valid if it would cause illness or aggravate it, or intensify the pain, or delay recovery, because illness entails harm (darar) and causing harm is prohibited (muharram). Moreover, a prohibition concerning an

'ibadah (a rite of worship) invalidates it. Hence if a person fasts in such a condition, his fast is not valid (sahih). A predominant likelihood of its resulting in illness or its aggravation is sufficient for refraining from fasting. As to excessive weakness, it is not a justification for iftar as long as it is generally bearable. Hence the extenuating cause is illness, not weakness, emaciation or strain, because every duty involves hardship and discomfort.

The four Sunni schools state: If one who is fasting (sa'im) falls ill, or fears the aggravation of his illness, or delay in recovery, he has the option to fast or refrain. Iftar is not incumbent upon him; it is a relaxation and not an obligation in this situation. But where there is likelihood of death or loss of any of the senses, iftar is obligatory for him and his fasting is not valid.

3. A woman in the final stage of pregnancy and nursing mothers.

The four schools say: If a pregnant or nursing woman fears harm for her own health or that of her child, her fasting is valid though it is permissible for her to refrain from fasting. If she opts for iftar, the schools concur that she is bound to perform its qada' later. They differ regarding its substitute (fidyah) and atonement (kaffarah). In this regard the Hanafis observe: It is not at all wajib. The Malikis are of the opinion that it is wajib for a nursing woman, not for a pregnant one. The Hanbalis and the Shafi'is say: Fidyah is wajib upon a pregnant and a nursing woman only if they fear danger for the child; but if they fear harm for their own health as well as that of the child, they are bound to perform the qada' only without being required to give fidyah. the fidyah for each day is one mudd, which amounts to feeding one needy person (miskeen).¹

The Imamis state: If a pregnant woman nearing childbirth or the child of a nursing mother may suffer harm, both of them ought to break their fast and it is not valid for them to continue fasting due to the impermissibility of harm. They concur that both are to perform the qada' as well as give fidyah, equaling one mudd, if the harm is feared for the child. But if the harm is feared only for her own person, some among them observe: She is bound to perform qada' but not to give fidyah, others say: She is bound to perform qada' and give fidyah as well.

4. Travel, provided the conditions necessary for salat al-qasr, as mentioned earlier, are fulfilled as per the opinion of each school. The four Sunni schools add a further condition to these, which is that the journey should commence before dawn and the traveler should have reached the point from where salat becomes qasr before dawn. Hence if he commences the journey after the setting in of dawn, it is haram for him to break the fast, and if he breaks it, its qada' will be wajib upon him without a kaffarah. The Shafi'is add another condition, which is that the traveler should not be one who generally travels continuously, such as a driver. Thus if he travels habitually, he is not entitled to break the fast. In the opinion of the four Sunni schools, breaking the fast is optional and not compulsory. Therefore, a traveler who fulfills all the conditions has the option of fasting or iftar. This is despite the observation of the Hanafis that performing salat as qasr during journey is compulsory and not Optional.

The Imamis say: If the conditions required for praying qasr are fulfilled for a traveler, his fast is not acceptable. Therefore, if he fasts, he will have to perform the qada' without being liable to kaffarah. This is if he starts his journey before midday, but if he starts it at midday or later, he will keep his fast and in the event of his breaking it will be liable to the kaffarah of one who deliberately breaks his fast. And if a traveler reaches his hometown, or a place where he intends to stay for at least ten days, before midday without performing any act that breaks the fast, it is wajib upon him to continue fasting, and in the event of his breaking it he will be like one who deliberately breaks his fast.

5. There is consensus among all the schools that one suffering from a malady of acute thirst can break his fast, and if he can carry out its qada' later, it will be wajib upon him without any kaffarah, in the opinion of the four schools. In the opinion of the Imamis, he should give a mudd by way of kaffarah. The schools differ in regard to acute hunger, as to whether it is one of the causes permitting iftar, like thirst. The four schools say: Hunger and thirst are similar and both make iftar permissible. The Imamis state: Hunger is not a cause permitting iftar except where it is expected to cause illness.

6. Old people, men and women, in late years of life for whom fasting is harmful and difficult, can break their fast, but are required to give fidyah by feeding a miskeen for each fast day omitted: similarly a sick person who does not hope to recover during the whole year. The

schools concur upon this rule except the Hanbalis, who say: Fidyah is mustahabb and not wajib.

7. The Imamis state: Fasting is not wajib upon one in a swoon, even if it occurs only for a part of the day, unless where he has formed the niyyah of fasting before it and recovers subsequently, whereat he will continue his fast.

Disappearance of the Excuse:

If the excuse permitting iftar ceases such as on recovery of a sick person, maturing of a child, homecoming of a traveler, or termination of the menses --it is mustahabb in the view of the Imamis and the Shafi'is to refrain (imsak) from things that break the fast (muftirat) as a token of respect. The Hanbalis and the Hanafis consider imsak as wajib, but Malikis consider it neither wajib nor mustahabb.

Conditions (Shurut) of Fasting:

As mentioned earlier, fasting in the month of Ramadan is wajib for each and every mukallaf. Every sane adult (al-baligh al-'aqil) is considered mukallaf. Hence fasting is neither wajib upon an insane person in the state of insanity nor is it valid if he observes it. As to a child, it is not wajib upon him, though valid if observed by a mumayyiz. Also essential for the validity of the fast are Islam and niyyah (intention). Therefore, as per consensus, neither the fast of a non-Muslim nor the imsak of one who has not formed the niyyah is acceptable. This is apart from the afore-mentioned conditions of freedom from menses, puerperal bleeding, illness and travel.

As to a person in an intoxicated or unconscious state, the Shafi'is observe: His fast is not valid if he is not in his senses for the whole period of the fast. But if he is in his senses for a part of this period, his fast is valid, although the unconscious person is liable to its qada', whatever the circumstances, irrespective of whether his unconsciousness is self-induced or forced upon him. But the qada' is not wajib upon an intoxicated person unless he is personally responsible for his state. The Malikis state: The fast is not valid if the state of unconsciousness or intoxication persists for the whole or most of the day from dawn to sunset. But if it covers a half of the day or less and he was in possession of his senses at the time of making niyyah and did make it, becoming unconscious or intoxicated later, qada' is not wajib upon him. The time of making niyyah for the fast in their opinion extends from sunset to dawn.

According to the Hanafis, an unconscious person is exactly like an insane one in this respect, and their opinion regarding the latter is that if the insanity lasts through the whole month of Ramadan, qada' is not wajib upon him, and if it covers half of the month, he will fast for the remaining half and perform the qada' of the fasts missed due to insanity. The Hanbalis observe: Qada' is wajib upon a person in a state of unconsciousness as well as one in a state of intoxication, irrespective of whether these states are self-induced or forced upon them. In the opinion of the Imamis, qada' is only wajib upon a person in an intoxicated state, irrespective of its being self-induced or otherwise; it is not wajib upon an unconscious person even if his loss of consciousness is brief.

Muftirat:

The muftirat are those things from which it is obligatory to refrain during the fast, from dawn to sunset. They are:

1. Eating and drinking (shurb) deliberately. Both invalidate the fast and necessitate qada' in the opinion of all the schools, though they differ as to whether kaffarah is also wajib. The Hanafis and the Imamis require it, but not the Shafi'is and the Hanbalis. A person who eats and drinks by an oversight is neither liable to qada' nor kaffarah, except in the opinion of the Malikis, who only require its qada'. Included in shurb [drinking] is inhaling tobacco (smoking)
2. Sexual intercourse, when deliberate, invalidates the fast and makes one liable to qada' and kaffarah, in the opinion of all the schools. The kaffarah is the manumission of a slave, and if that is not possible, fasting for two consecutive months; if even that is not possible, feeding sixty poor persons. The Imamis and the Malikis allow an option between any one of these; i.e. a mukallaf may choose between freeing a slave, fasting or feeding the poor. The Shafi'is, Hanbalis and Hanafis impose kaffarah in the above-mentioned order; i.e. releasing a slave is specifically wajib, and in the event of incapacity fasting becomes wajib. If that too is not possible, giving food to the poor becomes wajib.

The Imamis state: All the three kaffarabs become wajib together if the act breaking the fast (muftir) is itself haram, such as eating anything usurped (maghsb), drinking wine, or fornicating. As to sexual intercourse by oversight, it does not invalidate the fast in the opinion of the Hanafis, Shafi'is and Imamis, but it does according to the Hanbalis

and the Malikis.

3. Seminal emission (masturbation; al-'istimna'): There is consensus that it invalidates the fast if caused deliberately. The Hanbalis say: If madhy is discharged due to repeated sensual glances and the like the fast will become invalid. The four schools say: Seminal emission will necessitate qada' without kaffarah. The Imamis observe: It requires both qada' and kaffarah.

4. Vomiting: It invalidates the fast if deliberate, and in the opinion of the Imamis, Shafi'is and Malikis, also necessitates qada'. The Hanafis state: Deliberate vomiting does not break the fast unless the quantity vomited fills the mouth. Two views have been narrated from Imam Ahmad. The schools concur that involuntary vomiting does not invalidate the fast.

5. Cupping (hijamah) is muftir only in the opinion of the Hanbalis, who observe: The cupper and his patient both break the fast.

6. Injection (of vitamins or other nutritions) invalidates the fast and requires qada' in the opinion of all the schools. Imami legists observe: It also requires kaffarah if taken without an emergency.

7. Inhaling a dense cloud of suspended dust invalidates the fast only in the opinion of the Imamis. They say: If a dense suspended dust, such as flour or something of the kind, enters the body the fast is rendered invalid, because it is something more substantial than an injection or tobacco smoke which are also invalidating.

8. Application of kohl invalidates the fast only in the opinion of the Malikis, provided it is applied during the day and its taste is felt in the throat.

9. The intention to discontinue the fast: If a person intends to discontinue his fast and then refrains from doing so, his fast is considered invalid in the opinion of the Imamis and Hanbalis; not so in the opinion of the other schools.

10. Most Imamis state: Fully submerging the head, alone or together with other parts of the body, under water invalidates the fast and necessitates both qada' and kaffarah. The other schools consider it inconsequential.

11. The Imamis observe: A person who deliberately remains in the state of janabah after the dawn during the month of Ramadan, his fast will be invalid and its qada' as well as kaffarah will be wajib upon him. The remaining schools state- His fast remains valid and he is not liable to anything.

12. The Imamis observe: A person who deliberately ascribes something falsely to God or the Messenger (S) (i.e. if he speaks or writes that God or the Messenger said so and so or ordered such and such a thing while he is aware that it is not true), his fast will be invalid and he will be liable to its qada' as well as a kaffarah. A group of Imami legists go further by requiring of such a fabricator the kaffarah of freeing a slave, fasting for two months, and feeding sixty poor persons. This shows the ignorance or malice of those who say that the Imamis consider it permissible to forge lies against God and His Messenger (S).

Fasting, According to Five Islamic Schools of Law (Part II)

By: 'Allamah Muhammad Jawad Maghniyyah

The Various Kinds of Fasts:

The legists of various schools classify fasts into four categories: Wajib, mustahabb (supererogatory), muharram (forbidden), and makruh (reprehensible).

Obligatory fasts:

All the schools concur that the wajib fasts are those of the month of Ramadan, their qada', the expiatory fasts performed as kaffarah, and those performed for fulfilling a vow. The Imamis add further two, related to the Hajj and i'tikaf. We have already dealt in some detail with the fast of Ramadan, its conditions and the things that invalidate it. Here we intend to discuss its qada' and the kaffarah to which one who breaks it becomes liable. Other types of obligatory fasts have been discussed under the related chapters.

Qada' of the Ramadan Fasts:

1. The schools concur that a person liable to the qada' of Ramadan fasts is bound to perform it during the same year in which the fasts were missed by him, i.e. the period between the past and the forth-coming Ramadan. He is free to choose the days he intends to fast, excepting those days on which fasting is prohibited (their discussion will soon follow). However it is wajib upon him to immediately begin their qada' if the days remaining for the next Ramadan are equal to the number of fasts missed in the earlier Ramadan.

2. If one capable of performing the qada' during the year neglects it until the next Ramadan, he should fast during the current Ramadan and then perform the qada' of the past year and also give a kaffarah of one mudd (1) for each day in the opinion of all the schools except the hanafi which requires him to perform only the qada' without any kaffarah. And if he is unable to perform the qada' such as when his illness continues throughout the period between the first and the second Ramadan -he is neither required to perform its qada' nor required to give kaffarah in the opinion of the four schools, while the Imamis say: He will not be liable to qada' but is bound to give a mudd as kaffarah for each fast day missed.

3. If one is capable of performing the qada' during the year but delays it with the intention of performing it just before the second Ramadan, so that the qada' fasts are immediately followed by the next Ramadan, and then a legitimate excuse prevents him from performing the qada' before the arrival of Ramadan, in such a situation he will be liable only to qada' not to kaffarah.

4. One who breaks a Ramadan fast due to an excuse, and is capable of later performing its qada' but fails to perform the qada' during his lifetime, the Imamis observe: It is wajib upon his eldest child to perform the qada' on his behalf. The Hanafis, Shafi'is, and Hanbalis state: A sadaqah of a mudd for each fast missed will be given on his behalf. According to the Malikis, his legal guardian (wali) will give sadaqah on his behalf if he has so provided in the will: in the absence of a will it is not wajib.

5. In the opinion of the four schools, a person performing the qada' of Ramadan can change his intention and break the fast both before and after midday without being liable to any kaffarah provided there is time for him to perform the qada' later.

The Imamis observe: It is permissible for him to break this fast before midday and not later, because continuation of the fast become compulsory after the passing of the major part of its duration and the time of altering the niyyah also expires. Hence if he acts contrarily and breaks the fast after midday, he is liable to kaffarah by giving food to ten poor persons; if he is incapable of doing that, he will fast for three days

Fasts of Atonement (kaffarah):

The fasts of atonement are of various kinds. Among them are atonement fasts for involuntary homicide, fasts for atonement of a broken oath or vow, and atonement fasts for zihar. These atonement fasts have their own rules which are discussed in the related chapters. Here we shall discuss the rules applicable to a person fasting by way of kaffarah for not having observed the fast of Ramadan. The Shafi'is, Malikis and Hanafis say: It is not permissible for a person upon whom fasting for two consecutive months has become wajib consequent to deliberately breaking a Ramadan fast to miss even a single fast during these two months, because that would break their continuity. Hence, on his missing a fast, with or without an excuse, he should fast anew for two months.

The Hanbalis observe: If he misses a fast due to a legitimate excuse, the continuity is not broken.

The Imamis state: It is sufficient for the materialization of continuity that he fast for a full month and then a day of the next month. After that he can skip days and then continue from where he had left. But if he misses a fast during the first month without any excuse, he is bound to start anew; but if it is due to a lawful excuse, such as illness or menstruation, the continuity is not broken and he/she will wait till the excuse is removed and then resume the fasts. The Imamis further observe: One who is unable to fast for two months, or release a slave or feed sixty poor persons, has the option either to fast for 18 days or give whatever he can as sadaqah. If even this is not possible, he may give alms or fast to any extent possible. If none of these are possible, he should seek forgiveness from God Almighty .

The Shafi'is, Malikis and Hanafis state: If a person is unable to offer any form of kaffarah, he will remain liable for it until he comes to possess the capacity to offer it, and this is what the rules of the Shari'ah require .

The Hanbalis are of the opinion that if he is unable to give kaffarah, his liability for the same disappears, and even in the event of his becoming capable of it later, he will not be liable to anything. The schools concur that the number of kaffarahs will be equal to the number of causes entailing it. Hence a person who breaks two fasts will have to give two kaffarahs. But if he eats, drinks or has sexual intercourse several times in a single day, the Hanafis, Malikis and Shafi'is observe: The number of kaffarahs will not increase if iftar occurs several times,

irrespective of its manner. The Hanbalis state: If in a single day there occur several violations entailing kaffarah, if the person gives kaffarah for the first violation of the fast before the perpetration of the second, he should offer kaffarah for the latter violation as well, but if he has not given kaffarah for the first violation before committing the second, a single kaffarah suffices. According to the Imamis, if sexual intercourse is repeated a number of times in a single day, the number of kaffarahs will also increase proportionately, but if a person eats or drinks a number of times in a single day, one kaffara will suffice.

Prohibited Fasts:

All the schools except the Hanafi concur that fasting on the days of 'Id al-Fitr and 'Id al-Adha is prohibited (haram). The Hanafis observe: Fasting on these two 'Ids is makruh to the extent of being haram. The Imamis say: Fasting on the days of Tashriq is prohibited only for those who are at Mina. The days of Tashriq are the eleventh, twelfth and thirteenth of Dhu al-Hijjah.

The Shafi'is are of the opinion that fasting is not valid on the days of Tashriq both for those performing Hajj as well as others. According to the Hanbalis, it is haram to fast on these days for those who do

not perform Hajj, not for those performing it. The Hanafis observe: Fasting on these days is makruh to the extent of being haram.

The Maliki state: It is haram to fast on the eleventh and the twelfth of Dhu al-Hujah for those who do not perform Hajj, not for those performing it.

All the schools excepting the Hanafi concur that it is not valid for a woman to observe a supererogatory fast without her husband's consent if her fast interferes with the fulfillment of any of his rights. The Hanafis observe: A woman's fasting without the permission of her husband is makruh, not haram.

The Doubtful Days:

There is consensus among the schools that imsak is obligatory upon one who does not fast on a "doubtful day" (yawm al-shakk) that later turns out to be a day of Ramadan, and he is liable to qada' later. Where one fasts on a doubtful day that is later known to have been a day of Ramadan, they differ as to whether it suffices without requiring qada'.

The Shafi'i, Maliki and Hanbali schools observe: This fast will not suffice and its qada' is wajib upon him. In the opinion of the Hanafis, it suffices and does not require qada'.

Most Imamis state: Its qada' is not wajib upon him, except when he had fasted with the niyyah of Ramadan.

Supererogatory Fasts:

Fasting is considered mustahabb on all the days of the year except those on which it has been prohibited. But there are days whose fast has been specifically stressed and they include three days of each month, preferably the 'moonlit' days (al-'ayyam al-bid), which are the thirteenth, fourteenth and fifteenth of each lunar month. Among them is the day of 'Arafah (9th of Dhu al-Hijjah) Also emphasized are the fasts of the months of Rajab and Sha'ban. Fasting on Mondays and Thursdays has also been emphasized. There are other days as well which have been mentioned in elaborate works. There is consensus among all the schools that fasting on these days is mustahab.

Reprehensible (Makruh) Fasts:

It is mentioned in al-Fiqh 'ala al-madhahib al-'arba'ah that it is makruh to single out Fridays and Saturdays for fasting. So is fasting on the day of Now Ruz (21st March) in the opinion of all the schools except the Shafi'i, and fasting on the day or the two days just before the month of Ramadan.

It has been stated in Imami books on fiqh that it is makruh for a guest to fast without the permission of his host, for a child to fast without the permission of its father, and when there is doubt regarding the new moon of Dhu al-Hijjah and the consequent possibility of the day being that of 'Id.

Evidence of the New Moon:

There is a general consensus among Muslims that a person who has seen the new moon is himself bound to act in accordance with his knowledge, whether it is the new moon of Ramadan or Shawwal. Hence it is wajib upon one who has seen the former to fast even if all other people don't (2), and to refrain from fasting on seeing the latter even if everyone

else on the earth is fasting, irrespective of whether the observer is 'adil or not, man or woman. The schools differ regarding the following issues:

1. The Hanbalis, Malikis and Hanafis state: If the sighting (ru'yah) of the new moon has been confirmed in a particular region, the people of all other regions are bound by it regardless of the distance between them; the difference of the horizon of the new moon is of no consequence.

The Imamis and the Shafi'is observe: If the people of a particular place see the new moon while those at another place don't, in the event of these two places being closeby with respect to the horizon, the latter's duty will be the same; but not if their horizons differ.

2. If the new moon is seen during day, either before or after mid-day, on 30th Sha'ban, will it be reckoned the last day of Sha'ban (in which case, fasting on it will not be wajib) or the first of Ramadan (in which case fasting is wajib)? Similarly, if the new moon is seen during the day on the 30th of Ramadan, will it be reckoned a day of Ramadan or that of Shawwal? In other words, will the day on which the new moon is observed be reckoned as belonging to the past or to the forthcoming month?

The Imamis, Shafi'is, Malikis and Hanafis observe: It belongs to the past month and not to the forthcoming one. Accordingly, it is wajib to fast on the next day if the new moon is seen at the end of Sha'ban, and to refrain from fasting the next day if it is seen at the end of Ramadan.

3. The schools concur that the new moon is confirmed if sighted, as observed in this tradition of the Prophet (S) ('Fast on seeing the new moon and stop fasting on seeing it'). They differ regarding the other methods of confirming it. The Imamis observe: It is confirmed for both Ramadan and Shawwal by tawatur (i.e. the testimony of a sufficiently large number of people whose conspiring over a false claim is impossible), and by the testimony of two just men, irrespective of whether the sky is clear or cloudy and regardless of whether they belong to the same or two different nearby towns, provided their descriptions of the new moon are not contradictory. The evidence of children, fasiq men and those of unknown character is not acceptable.

The Hanafis differentiate between the new moons of Ramadan and Shawwal; they state: The new moon of Ramadan is confirmed by the testimony of a single man and a single woman, provided they are Muslim, sane and 'adil (just). The Shawwal new moon is not confirmed except by the testimony of two men or a man and two women. This is when the sky is not clear. But if the sky is clear -and there is no difference in this respect between the new moon of Ramadan and Shawwal -it is not confirmed except by the testimony of a considerable number of persons whose reports result in certainty. In the opinion of the Shafi'is, the new moon of Ramadan and Shawwal is confirmed by the testimony of a single witness provided he is Muslim, sane, and 'adil. The sky's being clear or cloudy makes no difference in this regard.

According to the Malikis, the new moon of Ramadan and Shawwal is not confirmed except by the testimony of two 'adil men, irrespective of the sky's being cloudy or cloudless. The Hanbalis say: The new moon of Ramadan is confirmed by the testimony of an 'adil man or woman, while that of Shawwal is only confirmed by the testimony of two 'adil men.

4. There is consensus among the schools, excepting the Hanafi, that if no one claims to have seen the new moon of Ramadan, fasting will be wajib after the thirtieth day allowing thirty days for Sha'ban.

According to the Hanafis, fasting becomes wajib after the twenty-ninth day of Sha'ban.

This was with respect to the new moon of Ramadan. As to the new moon of Shawwal, the Hanafis and the Malikis observe: If the sky is cloudy, thirty days of Ramadan will be completed and iftar will be wajib on the following day. But if the sky is clear, it is wajib to fast on the day following the thirtieth day by rejecting the earlier testimony of witnesses confirming the first of Ramadan regardless of their number.

The Shafi'is consider iftar as wajib after thirty days even if the setting in of Ramadan was confirmed by the evidence of a single witness, irrespective of the sky's having been cloudy or clear.

According to the Hanbalis, if the setting in of Ramadan was confirmed by the testimony of two 'adil men, iftar following the thirtieth day is wajib, and if it was confirmed by the evidence of a single 'adil, it is wajib to fast on the thirty-first day as well. In the opinion of the Imamis, both Ramadan and Shawwal are confirmed after the completion of thirty days regardless of the sky's being cloudy or clear, provided their beginning was confirmed in a manner approved by the Shari'ah.

FOOTNOTES:

(1) Approximately 800 grams of wheat or something similar to it.

(2) But the Hanafis observe: If he testifies before a qadi who rejects his testimony, it is wajib upon him to perform its qada' without liability to

kaffarah (al-Fiqh 'ala al-madhahib al-'arba'ah).

Call for Prayer

According to Five Islamic Schools of Law

By: 'Allamah Muhammad Jawad Maghniyyah

Call for Prayer (Adhan):

Adhan literally means 'announcement', and in the Shari'ah it means the announcement made in specific words at the time of salat. It was introduced in the first year of the Hijrah at Madinah. The cause of its introduction, in the opinion of the Imamis, was that Gabriel came down with the adhan in a message from God to the Prophet (S). The Sunnis say that 'Abd Allah ibn Zayd saw a dream in which he was taught the adhan by someone. When he related his dream to the Prophet (S), he approved it.

Adhan is a Sunnah of Prophet(S):

The Hanafis, Shafi'is and Imamis say: Adhan is a sunnah which has been emphatically recommended (mu'akkadah).

The Hanbalis observe: It is a wajib kifa'i for non-traveling men in villages and towns to make the adhan for the five daily prayers.

The Malikis state: It is a wajib kifa'i in towns where the Friday prayer is held, and if the people of such a place abandon adhan they will be fought on that account. Adhan is invalid in Certain Cases.

The Hanbalis observe: It is not valid to make adhan for a funeral prayer (salatal-janazah) or for a supererogatory prayer (al-salat al nafilah) or for one performed to fulfill a vow (al-salat al-mandhurah).

The Malikis say: It is not valid for a supererogatory or funeral prayer or for an obligatory daily prayer performed after the lapsing of its time (al-salat al- fa'itah).

The Hanafis state: It is not valid for the prayers performed on the two celebrations ('idayn), for the prayer performed on the occurrence of an eclipse (salat al- kususuf), for prayers made for rain (istisqa'), and for tarawth and sunnah prayers.

The Shafi'is do not consider it valid for janazah, mandhurah and nawafil prayers.

The Imamis observe: The Shari'ah has introduced adhan only for the five daily salats, and it is mustahabb for them, whether performed as ada' or qada', with a group (jama'ah) or singly (furada), during journey or stay, both for men and women. It is not valid for any other salat, mustahabb or wajib, and the Performer (mu'adhdhin) will just call out "al-salat" three times on occasions of salat al-kususuf and 'Idayn.

The Conditions for Adhan:

The schools concur that the conditions for the validity of adhan are: maintaining continuity of its recital and the sequence of its different parts, and that the mu'adhdhin be a sane Muslim man. Adhan by a child of discerning age is valid. All the schools concur that Taharah is not required for adhan.

The schools differ regarding other aspects. The Hanafis and the Shafi'is say: Adhan is valid even without niyyah. The other schools require niyyah.

The Hanbalis consider making adhan in any language other than Arabic as being unconditionally valid.

The Malikis, Hanafis and Shafi'is state: It is not valid for an Arab to make adhan in any other language, though it is valid for a non Arab to make it in his own tongue, for himself and his co-linguals.

The Imamis observe: Adhan is not valid before the arrival of the time of salat except in the case of salat al-fajr. The Shafi'is, Malikis, Hanbalis and many Imamis permit the making of the adhan of announcement before the dawn. The Hanafis do not permit it, making no difference between salat al-fajr and other salats. This opinion is closer to caution.

The Form of Adhan:

The following is the form of adhan:

Allahu akbar -- four times according to all the schools and twice according to the Malikis.

Ashhadu an la ilaha illallah -- twice according to all the schools.

Ashhadu anna Muhammadan rasul Allah - twice according to all the schools.

[It is Mustahabb (recommended) to also say at this point:

Ashhadu anna Aliyyan wali Allah - twice according Imamis only.

It means I bear witness that Ali is protected by Allah (from any evil)]

Hayya 'ala al-salat -- twice according to all the schools.

Hayya'ala al- falah -- twice according to all the schools.

Hayyah 'ala khayril-'amal -- twice according to the Imamis only.

Allahu akbar twice according to all the schools.

La ilaha illallah -- once according to the four schools and twice according to the Imamis. The Malikis and Shafi'is permit repetition of the last line,

considering it sunnah; that is the adhan, according to them, is not invalid if it is recited only once, as the Imamis hold.

The author of al-Fiqh 'ala al- madhahib al-'arba'ah mentions a consensus among the four Sunni schools regarding 'al-tathwib' being mustahabb.

'Al-tathwib means reciting the words "al-salatu khayrun min al-nawm", ('Salat is better than sleep') twice after "hayya 'ala al-falah".

The Imamis prohibit it.(9)

Iqamah (A call immediately before prayer):

For both men and women it is mustahabb to recite iqamah before every daily obligatory salat, with the salat immediately following it. The rules applicable to adhan, such as continuity, sequence, its being in Arabic, etc., apply to iqamah as well. Its form is as follows: Allahu akbar-- twice according to all the schools except the Hanafis who require it four times. Ashhadu an la ilaha illallah -- once according to the Shafi'is, Malikis and Hanbalis and twice according to the Hanafis and Imamis. Ashhadu anna Muhammadan Rasulullah -- once in the opinion of the Shafi'is, Malikis and Hanbalis, and twice according to the Hanafis and Imamis. Hayya 'ala as-salat -- once in the opinion of the Shafi'is, Malikis and Hanbalis, and twice according to the Hanafis and Imamis. Hayya 'ala al-falah -- once in the opinion of the Shafi'is, Malikis and Hanbalis, and twice according to the Hanafis and Imamis. Hayya'ala khayr il-'amal -- twice only according to the Imamis. Qad qamat is-salat -- twice in the opinion of all schools, except The Malikis who recite it once. Allahu akbar -- twice in the opinion of all the schools. La ilaha illallah -- once in the opinion of all the schools. A group of Imami legists observe: It is valid for a 'traveler' and a person in a hurry to recite each sentence of the Adhan & Iqama only once.

Call for Prayer & Ablution

From: Abbas Khan (IN%"ACDA023@SAUPM00.BITNET")24-MAY-1993 07:05:35.56
you would do a great deal by enlightening us about your AZZAN (call for prayer)

Call for prayer that you are wondering about, is not a basic difference between Shia and Sunni. So even if I prove it for you that the way we call for prayer is the right one, it is not going to help you. Because the origin of differences is somewhere else, that is leadership. The details of call for prayer is not indicated in Quran, so we simply ask our leadership (Prophet and his 12 successors) to know how to call for prayer.

But let me ask you this Question: The detail of call for prayer is not written in Quran. But I am wondering why don't you accept the things that are explicitly explained in Quran? One of them is the way you make Wudu (Ablution). Quran, using WAW of ATF, clearly says that you should rub you feet, but you wash it. Am I right?

Allah says:

"Wash your faces and your hands..., rub your heads and your feet..."

(Quran 5:6)

Allah, exalted did not repeat the verb for "feet", and joined "heads" and "feet" together under one verb "Rub", using Waw of Atf. This is exactly what he did for "faces" and "hands" that came under one verb "Wash". Would you please let us know kindly why don't you accept the above verse of Holy Quran?

Wudu or Ablution

From: Wael IN%"haddara@mcmil.cis.mcmaster.CA" 28-MAY-1993 00:42:01.68

This is the issue of wudu'. The brother asks a question:

Allah said:

Wash your faces and hands...

Rub your heads and feet...

(Quran 5:6)

Allah, exalted did not repeat the verb for "feet", and joined "heads" and "feet" together under one verb "Rub", using Waw of Atf. This is exactly what he did for "faces" and "hands" that came under one verb "Wash".

waw al-'aTf requires that al-ma'Toof and al-ma'Toof 'alaih share the same status in i'rab ie if the ma'Toof (in this case heads) has a kasra, the ma'Toof 'alaih should also have a kasra. In this case, the ma'Toof has a kasra, but the word feet has a fatHa indicating that it is ma'Toofa 'ala the word wujuhakum and aydiyakum.

No! Dear brother if you are Arab then you should probably know that the reason that 'S' in 'ruusikum' has Kasrah is because of the 'B' at the beginning of the 'beruusikum', and nothing else.

Moreover, when Allah uses a new verb, the old verb is already knocked out, and you can not come back to it, because this is A NEW SENTENCE. There is no possible way to use the verb of a previous sentence, when that sentence has been already finished and a new sentence is started with a new verb.

I appreciate your consideration any way.

Joining Prayers and Other related Issues

One of the issues, among many others, that the Sunnis quarrel with the Shia about is the form, method, and time of the Prayer (Salat) prescribed on every male and female believer. Indeed, they make a mockery of the Shi'i prayer!

The Shia acknowledge FIVE daily PRAYERS. However, they are allowed to pray them in THREE distinct TIMES, not five; the five prayers are: Fajr (Morning), Zuhr (Noon), `Asr (Afternoon), Maghrib (Sunset), and Isha (Night).

The Fajr (morning) is prayed at the same time as the Sunnis do; however, the Shia usually wait 10 minutes before they consider it to be time for Fajr.

We are allowed to pray noon and afternoon prayer one after another (without a lot of delay between the two). Similarly we are allowed to pray sunset prayer and night prayer one after another. Actually it is better to pray in their own specific time (close to what Sunnis do), but it is not necessary. Thus instead of five separate times, we can pray all the five daily prayers only in three separate times.

(NOTE: The prayers in ALL cases are DISTINCT (separate), it's NOT that they (the Shia) pray eight Raka't (for Zuhr and `Asr) straight, or seven Raka't (for Maghrib and Isha) straight, as part of ONE prayer. It is the SAME regular form of prayer, but combined into one TIME, NOT one PRAYER.)

It should also be noted that the Sunnis agree to the combining of prayers in the case of Rain, Travel, Fear, or other emergencies. Two forms are allowed: Jam'a Taqdeem (Early Combination) or Jam'a Ta-ikheer (Late Combination). An example of Early combination is the combining of Zuhr and `Asr to be prayed in the time of Zuhr. An example of Late Combination is the combining of the Zuhr and `Asr to be prayed in the time of `Asr. The EXCEPTION among the Sunni schools are the Hanifites (Followers of Abu Hanifa): They contend that you CANNOT combine the prayers at any time, not even if you're traveling. This clearly violated the other Sunni schools of thought, but it was and still is tolerated. The Maliki's, Shafeei's, and Hanbali's all agree to the combining of prayers when one is traveling, but are in conflict on other times. The Shia said that one can combine the prayers ANYTIME without ANY cause of fear, rain, or whatever. Nonetheless, the Shia also contend that if you want to pray them separately, it is acceptable as well.

Now, let's question why the Shia perform the Prayers as described above, and who is more accurate in their Prayer, the Sunnis or the Shia? Here is what Allah (SWT) says in the Holy Quran:

"Establish regular prayers at the Sun's decline till the darkness of the night, and the recital of the Quran in the morning prayer; for the recital of the dawn is Witnessed. [17:78]"

How many prayer times are mentioned? THREE, NOT five. Count them: the "Sun's Decline, Darkness of the Night, and the Morning Prayer." That's THREE, not FIVE.

Now, what did the Prophet (PBUH&HF) do? Here's what Ibn Abbas, one of the most famous narrators, says according to the Musnad of Ibn Hanbal (One of the books of tradition):

"The Prophet (PBUH&HF) prayed in Madina, while residing there, NOT TRAVELING, seven and eight (this is an indication to the seven Raka't of Maghrib and Isha combined, and the eight Raka't of Zuhr and `Asr combined)."

Musnad al-Imam Ibn Hanbal, vol. 1, page 221.

Also, in the Muwatta' of Malik (Imam of Maliki sect), vol. 1, page 161, Ibn Abbas says:

"The Prophet (PBUH&HF) prayed Zuhr and `Asr in combination and Maghrib and Isha in combination WITHOUT a reason for fear or travel."

As for Sahih Muslim, see the following under the chapter of "Combination of prayers, when one is resident":

Ibn Abbas reported: The messenger of Allah(may peace be upon him) observed the noon and the afternoon prayers together, and the sunset and Isha prayers together without being in a state of fear or in a state of journey

Sahih Muslim, English version, Chapter CCL, Tradition #1515

Ibn Abbas reported that the messenger of Allah(may peace be upon him) combined the noon prayer with the afternoon prayer and the sunset prayer with the Isha prayer in Medina without being in a state of danger or rainfall. And in the hadith transmitted by Waki(the words are): "I said to Ibn Abbas: What prompted him to do that? He said: So that his(prophet's)Ummah should not be put to (unnecessary) hardship."

Sahih Muslim, English version, Chapter CCL, Tradition #1520

Abdullah b. Shaqiq reported: Ibn Abbas one day addressed us in the afternoon(after the afternoon prayer) till the sun disappeared, and

the stars appeared, and the people began to say: Prayer, prayer. A person from Banu Tamim came there. He neither slackened nor turned away, but (continued crying): Prayer, prayer. Ibn Abbas said: May you be deprived of your mother, do you teach me sunnah? And then he said: I saw the messenger of Allah(may peace be upon him) combining the noon and afternoon prayers and the sunset and Isha prayers. Abdullah b. Shaqiq said: Some doubt was created in my mind about it. So I came to Abu Huraira and asked him(about it) and he testified his assertion. Sahih Muslim, English version, Chapter CCL, Tradition #1523

Abdullah b. Shaqiq al-Uqaili reported: A person said to Ibn Abbas(as he delayed the prayer): Prayer. He kept silent. He again said: Prayer. He again kept silent, and he cried: Prayer. He again kept silent and said: May you be deprived of your mother, do you teach us about prayer? We used to combine two prayers during the lifetime of the messenger of Allah(may peace be upon him).

Sahih Muslim, English version, Chapter CCL, Tradition #1524

Ibn Abbas reported: The messenger of Allah(may peace be upon him) observed the noon and afternoon prayers together in Medina without being in a state of fear or in a state of journey. Abu Zubair said: I asked Sa'id[one of the narrators] why he did that. He said: I asked Ibn Abbas as you have asked me, and he replied that he[the Holy prophet] wanted that no one among his Ummah should be put to [unnecessary] hardship.

Sahih Muslim, English version, Chapter CCL, Tradition #1516

Ibn Abbas reported that the Messenger of Allah(may peace be upon him) observed in Medina seven (rakahs) and eight(rakahs), i.e., (he combined) the noon and afternoon prayers(eight rakahs) and the sunset and Isha prayers(seven Rakahs).

Sahih Muslim, English version, Chapter CCL, Tradition #1522

Now, who is it that follows the customs and tradition of the Prophet (PBUH&HF)??? The Shia who follow it to the letter, or the Sunnis who don't even acknowledge the traditions in their own books? This is a SIGN for those who reflect!

Furthermore, Allah (SWT) continually reminds us in the Quran that Islam was revealed to make your life easier, not more difficult. How then, can one work, eat, sleep, study, etc... with five prayers a day in five different times? You pray Maghrib, and an hour later, you pray Isha. Is this convenient, say for doctors in a surgery room? Believe me, if the Sunnis followed what the Prophet (PBUH&HF) did (five prayers in three TIMES a day), many people would be praying today. I witnessed this myself in this holy month of Ramadan. My Sunni friends pray Zuhr, then sleep. They then wake up about 30 minutes before Iftar (the time to break the fast), and pray `Asr. Many also miss the prayer! Is this really convenient??? Question and ask for the TRUTH, and if you are honest and sincere, Allah (SWT) will guide you.

There is another aspect which the Sunnis make a mockery of when they see a Shii praying: The Shia will only pray on natural rock (not cement), the ground (if it is NOT planted something that is either edible and/or something of which clothe can be made to be worn by humans), rugs made of Palm tree leaves, or rugs made of dry grasslike material (the same stuff as that used in building huts). The Shia will NOT pray on regular carpet. That's why, if you see a Shii praying, you will notice that he is praying on a piece of mud that is about the size of matchbox. The Sunnis mock the Shia and say that the Shia worship the rock!

It should also be noted that the piece of mud that the Shia pray on is from the mud of Karbala, the place in Iraq where al-Imam al-Hussein (AS) was slaughtered by Yazid's army. Nonetheless, this is NOT a mandatory requirement; the mud can be from ANY place on Earth as long as it is clean and, as I mentioned earlier, is not planted edible foods or materials which can be made into clothe that humans can wear.

Now, let's question why the Shia pray on the above materials only, and, again, who is wrong or right?

First, carpets are not allowed, nor is cement because the ingredients that they are made up of are not known. They may contain materials which are Haram (Islamically illegal) to prostrate one's head on (make sujud). Second, the prostration on the ground is more humble and modest when one is between the Hands of Allah (SWT). It is a form of eliminating pride, arrogance, and flamboyance.

Third, the Shia pray ON the rock, NOT FOR the rock. We DO NOT worship rocks.

NOTE: The Sunnis allow the prostration on anything that is clean, but they do FAVOR rugs made from Palm tree leaves.

But what did the Prophet (PBUH&HF) do?

Sahih Muslim, v1, p168, under the chapter of "A Menstruating Woman's

Eligibility to Wash Her Husband's Head" narrates that the Prophet (PBUH&HF) had a special rug made of Palm tree leaves that he (SAAS) used to pray on.

Sahih al-Bukhari, v2, p256, under the chapter of "Retreating to Prayer in the last ten days (of Ramadan)" narrates at the end of a long tradition that when the Prophet (PBUH&HF) raised his (SAAS) head from prayer, the companions saw the marks of mud and water on his (SAAS) forehead. This indicates that he (SAAS) prayed on the ground. Sahih al-Bukhari, v1, p86, under the chapter of "Tayamum" narrates that the Prophet (PBUH&HF) said: "The GROUND has been cleansed and made a masjid for me."

Do I need to comment? Who, now, is it that follows the custom of the Prophet (PBUH&HF)?

Some of the other differences between the Shia and Sunnis are: The Shia pray with their hands hanging down the sides (like the Sunni Malikis), not clasped above their navel. Also, the Shia don't say "Ameen" after the recitation of the first Surah (chapter) in prayer is completed. The reason is that there is no proof to support the notion that this kind of behavior was performed by the Prophet (PBUH&HF).

Again, there is a difference in the Azan (Call to Prayer) among the Shia and the Sunnis. The Shia add one line to the Azan, which they consider to be a MANDATORY component of the Azan. This line, repeated twice, is: "Haya `ala Khair al-'amal -- Rise Up For The Best of Works." It comes right after the line: "Haya `ala al-Falah -- Rise Up For Salvation." Another addition by the Shia, which is NOT a mandatory part of the Azan, is the affirmation: "Ash-hadoo Ana Ali-yan Walayo Allah -- I witness that Ali is the Vicegerent of Allah." This line is repeated twice and follows the line: "Ash-hadoo Ana Muhamadan Rasool Allah -- I witness that Muhammad is the Messenger of Allah." As I mentioned, the latter line is NOT considered mandatory, and ANY Shii individual that argues otherwise, has invalidated the Azan. The origin of this assertion and addition goes back to the days of the Umayyads and the political environment during those days. The Umayyads attempted wholeheartedly to eliminate the memory of al-Imam Ali (AS) from among his (AS) followers. This effort reached astronomical proportions, that during and after the days of Muawiyah's ruling, it became customary to curse al-Imam Ali (AS) whenever his (AS) name was mentioned (May Allah (SWT) forgive us). As such, the followers of al-Imam Ali (AS) chose to oppose the corrupt Umayyad government, and assert that Ali (AS) was truly the Vicegerent of Allah (SWT). That served as both an annoyance to the authorities, and a reminder to the posterity that al-Imam Ali (AS) was indeed the Agent and Vicegerent of Allah (SWT).

In conclusion, I simply appeal to all believing individuals to engage in a serious soul-searching effort to find the truth for themselves. May Allah (SWT) forgive us our sins, and guide us to that which pleases Him (SWT).

Prayer (Salat), According to Five Islamic Schools of Law (Part I)

By: 'Allamah Muhammad Jawad Maghniyyah
Translated from the Arabic by Mujahid Husayn

Salat (prayer) is either obligatory (wajib) or supererogatory (mandub). The most important of prayers are the obligatory prayers performed daily five times, and there is consensus among Muslims that a person who denies or doubts their wujub is not a Muslim, even if he recites the shahadah, for these prayers are among the 'pillars' (arkan) of Islam. They are the established necessity of the faith (al-Din) that doesn't need any ijtihad or study, taqlid.

The Daily Supererogatory Prayers (Rawatib):

Supererogatory prayers are of various kinds, and among them are those which are performed along with the obligatory daily prayers (fara'id). The schools differ regarding the number of their rak'ahs. The Shafi'is consider them to be eleven rak'ahs: two before the morning (subh) prayer, two before the noon (zuhr) prayer and two after it, two after the sunset (maghrib) prayer, two after the night ('isha') prayer and a single rak'ah called 'al-watirah'. The Hanbalis consider them to be ten rak'ahs; two rak'ahs before and after the noon prayer, two after the sunset and The night prayer, and two rak'ahs before The morning prayer.

According to the Malikis there is no fixed number for the supererogatory (nawafil) prayers performed with the obligatory salat, Though it is best to offer four rak'ahs before the zuhr and six after the maghrib prayer.

The Hanafis classify the nawafil performed along with the fara'id into 'masnunah' and 'mandubah'.(1) The 'masnunah' are five: two rak'ahs

before the subh; four before the zuhr, and two after it, except on Friday; two after the maghrib and two after the 'isha' prayer.

The 'mandubah' are four: four -or two- rak'ahs before the 'asr, six after the maghrib, and four before and after the 'isha' prayer.

The Imamis observe: The rawatib are 34 rak'ahs: eight before the zuhr, eight before the 'asr, four after the maghrib, two after the 'isha' (recited while sitting and counted as a single rak'ah; it is called 'al watirah'), eight rak'ahs of the midnight prayer (salat al-layl), two rak'ahs of al-shaf', a single of al-watr,(2) and two rak'ahs before the morning prayer, called 'salat al-fajr'.

The time of Zuhr and 'Asr Prayers:

The fuqaha' begin with salat al-zuhr, because it was the first salat to be declared obligatory, followed by the 'asr, the maghrib, the 'isha' and the subh prayer, in that order. All the five prayers were made obligatory on the night of Prophet's cosmic journey (al 'Isra'), nine years after the beginning of his mission (bi'thah). Those who hold this opinion cite as proof verse 78 of the Surat al-'Isra' which stipulates all the five prayers:

" Perform salat from the declining of the sun to the darkening of the night and the recital of the dawn; surely the recital of the dawn is witnessed." (17:78)

The schools concur that salat is not valid if performed before its appointed time and that the time of the zuhr prayer sets in when the sun passes the meridian. They differ concerning its duration.

The Imamis say: The specific period of the zuhr prayer extends from the moment the sun crosses the meridian up to a period required to perform it, and the specific period of the 'asr prayer is the duration required to perform it just before sunset. The time between these two specific periods is the common period for the two salats. This is the reason they consider it valid to perform both the prayers successively during their common period.(3) But if the time remaining for the end of the day is sufficient only for performing the zuhr prayer, the 'asr prayer will be offered first with the niyyah of ada' and later the zuhr prayer will be performed as qada'.

The four Sunni schools observe: The time of the zuhr prayer begins when the sun crosses the meridian and continues till the shadow of an object becomes as long as its height; and when the length of the shadow exceeds the height of the object, the time for the zuhr prayer comes to an end. Here the Shafi'is and the Malikis add: These limits are for an unconstrained person (mukhtar), and for one who is constrained (mudarr), the time for zuhr prayer extends even after an object's shadow equals its height. The Imamis consider the time when an object's shadow equals its height as the end of the time of fadilah (honor) for the zuhr, and when it equals twice the height of the object as the time of fadilah for the 'asr prayer.

The Hanafis and the Shafi'is state: The time of 'asr prayer begins when the length of an object's shadow exceeds its height and continues up to sunset.

The Malikis say: For the 'asr prayer there are two times, the first for ordinary circumstances and the second for exigencies. The former begins with an object's shadow exceeding its height and lasts until the sun turns pale. The latter begins from when the sun turns pale and continues until sunset.

The Hanbalis observe: One who delays offering the 'asr prayer till after an object's shadow exceeds twice its height, his salat will be considered ada' if performed before sunset, though he will have sinned because it is haram to delay it until this time. They are alone in all the schools in holding this opinion.

The Time of Maghrib and 'Isha' Prayers:

The Shafi'i and the Hanbali schools (in accordance with the view of their respective Imams) state: The time for the maghrib prayer begins when the sun sets and ends when there radish after glow on the western horizon vanishes.

The Malikis say: The duration for the maghrib prayer is narrow and confined to the time required after sunset to perform the maghrib prayer along with its preliminaries of taharah and adhan, and it is not permissible to delay it voluntarily. But in an emergency, the time for the maghrib prayer extends until dawn. The Malikis are alone in considering it impermissible to delay the maghrib prayer beyond its initial time.

The Imamis observe: The period specific to the maghrib prayer extends from sunset(4) for a duration required to perform it, and the specific period of the 'isha' prayer is the duration required to finish it before midnight. The time between these two specific periods is the common time for both maghrib and 'isha' prayers. Hence they allow the joint

performance of these two salats during this common time.

That was with respect to someone who is in a position to act out of free choice (mukhtar), but as to a person constrained by sleep or forgetfulness, the time for these two salats extend until dawn, with the period specific for the 'isha' prayer becoming the time required to perform it just before dawn and the specific period for the maghrib prayer becoming the time required to perform it just after midnight.

The Time of subh Prayer:

There is consensus among The schools, with the exception of the Maliki, that the time for the morning prayer begins at day-break (al fajr al-sadiq) and lasts until sunrise. The Malikis say: The subh prayer has two times: for one in a position to act out of free choice it begins with daybreak and lasts until there is enough twilight for faces to be recognized; for one in constrained circumstances it begins from the time when faces are recognizable and continues up to sunrise.

NOTE: THE NUMBERS FOLLOWING SOME TERMS ARE MARKS FOR FOOTNOTES THAT WILL

BE APPENDED IN SHAA ALLAH IN THE NEXT PART.

Prayer (Salat), According to Five Islamic Schools of Law (Part II)

By: 'Allamah Muhammad Jawad Maghniyyah

Ignorance of the Qiblah (direction):

It is wajib for a person ignorant of the qiblah to inquire and strive to determine its exact or approximate direction, and in case neither of the two is possible, the four Sunni schools and a group from among the Imamis say: He may perform salat in any direction; his salat will be valid and it will not be wajib for him to repeat it except in the opinion of the Shafi'is. Most Imamis observe: He will perform Salat in four directions to comply with the command for salat and to ascertain its proper performance. But if there isn't sufficient time for performing salat four times or if one is incapable of performing it in four directions, he may perform, salat in the directions that he can.

A Subsidiary Issue:

If a person prays not facing the qiblah and comes to know about his mistake, the Imamis state: If the error is known during the salat and the correct qiblah lies between his two hands, the part of the salat already performed will be valid and he will have to correct his direction for the remaining part of the salat. But if it is known that he has been praying facing the right or the left (90 degree off the direction) or his back towards the qiblah (180 degree off the direction), the salat will be invalid and he will perform it anew. If the error is known after performing the salat, it should be performed again if its time is still there, not otherwise. Some Imamis say: The salat will not be repeated if there is only a little deviation from the qiblah, irrespective of whether its time is still there or not. But if it has been performed facing the right or the left (90 degree off), it should be repeated if its time is there, not otherwise. If the salat is performed with one's back to the qiblah (180 degree off), it should be repeated regardless of whether its time is still there or has passed

The Hanafis and the Hanbalis observe: If after inquiring and striving to find the qiblah one is unable to ascertain its approximate direction and performs salat in a direction which turns out to be wrong, he must change his direction accordingly if the mistake is known during the salat, and if it is known afterwards his salat is valid and he has no further obligation.

The Shafi'is say: If it becomes certain that there has been a mistake in determining the qiblah, it is wajib to repeat the salat, but if there is only a likelihood of mistake, the salat is valid Irrespective of whether the probability arises during the salat or after it.

As to one who neither makes an inquiry nor an effort to determine the qiblah, but by chance performs the salat in the right direction, the Malikis and Hanbalis consider his salat to be invalid. The opinion of the Imamis and the Hanafis is that his salat is valid provided he has no doubts while praying and was sure about the direction of the qiblah at the time of starting the salat, because, as pointed out by the Imamis, in such a situation it is correct for him to make the niyyah of acquiring nearness (qurbah) to God.

The Numbers that follow some of the words refer to notes that will appended in the coming issues in shaa Allah.

Prayer (Salat), According to Five Islamic Schools of Law (Part III)

By: 'Allamah Muhammad Jawad Maghniyyah

Wajib Covering During Salat:

The schools concur that it is wajib (necessary) upon both men and women

to cover those parts of their bodies during salat which should ordinarily be kept covered before 'strangers'. Beyond that their positions differ. Is it wajib for a woman to cover, fully or partly, her face and hands during salat, although she is not required to do so outside salat? Is it wajib for a man to cover other parts of his body during salat apart from the area between the navel and the knees, though it is not wajib to do so outside salat?

The Hanafis observe: It is wajib upon a woman to cover the back of her hands and the soles of her feet as well, and upon a man to cover his knees in addition to the area between the navel and the knees.

The Shafi'is and Malikis say: It is permissible for a woman to keep her face and both the palms and the back of her hands uncovered during salat.

The Hanbalis state: It is not permissible for her to expose any part except the face.

The Imamis observe: It is wajib for both men and women to cover only those parts of their body during salat which they are supposed to cover ordinarily in the presence of a 'stranger'. Hence it is permissible for a woman to expose during salat that part of her face which is washed during wudu; her hands up to the wrists, and her feet up to the ankles both the back as well as the palms of hands and the soles of feet. For a man, it is wajib to cover the rear and the private parts, though better to cover the entire area between the navel and the knees.

The Material Used for Covering During Salat:

The covering should meet the following requirements where the ability and freedom to meet them exist:

1. Taharah: The purity of The covering and the body are necessary for the validity of salat in the opinion of all the schools, although each of them concedes certain exceptions in accordance with the following details:

The Imamis state: Blood from wounds and sores, irrespective of its quantity, is considered excusable on The dress as well as the body if its removal entails difficulty and harm (mashaqqah and haraj). A blood spot smaller than the size of a dirham coin, regardless of its being due to one's blood or that of someone else, is also excusable provided that: it is in a single place and not in different places; it is not the blood of hayd, nifas and istihadah; it is not the blood of anything intrinsically najis, such as dog and pig, or the blood of a dead body. Also excusable is the impurity of anything that does not constitute part of essential dress during salat, e.g. a sash, cap, socks, shoes, ring, anklet and that which one carries with oneself, e.g. knife or currency. The impurity of the dress of a woman rearing a child, irrespective of whether she is the mother or someone else, is exempted on condition that it be difficult for her to change it and that she washes it once every day. In other words, in their opinion every najasah on dress or body is exempted in conditions of emergency (idtitar).

The Malikis observe: Cases of uncontrolled discharge of urine or excrement, as well as piles, are excusable; so is any impurity on the body or clothes of a woman suckling an infant that may be soiled by the infant's urine or feces. So also are exempted the body and clothes of a butcher, surgeon and scavenger. Also exempted is: blood -even that of a pig- if it is less than the size of a dirham coin: the discharge from boils, the excrement of fleas, and other things which need not be mentioned because they occur rarely.

The Hanafis say: Najasah, blood or anything else, if less than the size of a dirham coin is exempted. Also exempted in emergencies is the urine and excrement of a cat and mouse. Tiny splashes- as small as the point of a needle- of urine, the blood that unavoidably stains a butcher, and the mud on roads- even if it is usually mixed with najasah and provided the najasah itself is not visible- are exempted. Consequently, they consider najasah in a small quantity as exempted, such as the urine of an animal eating which is halal, if it covers a fourth of the clothes and less than one-fourth of the body.

According to the Shafi'is, every najasah which is in such a small quantity that the eye cannot see it is exempted. So is the mud on roads which is mixed with a small quantity of najasah, worms present in fruits and cheese, najis liquids added in medicines and perfumes, excrements of birds, najis hair in small quantity if they do not belong to a dog or a pig, and other things as well which are mentioned in detailed works.

The Hanbalis say: Minute quantities of blood and pus are exempted, and so is the mud on roads whose najasah is certain, as well as

the najasah that enters the eyes and washing which is harmful.

2. **Wearing Silk:** There is consensus among the schools that wearing silk and gold is haram for men both during and outside salat, while it is permissible for women. This is in accordance with this statement of the Prophet (S):

Wearing silk and gold is unlawful for the men of my ummah, while it is lawful for its women.

Accordingly, the Imamis observe: A man's salat is not valid if he wears pure silk and any clothing embroidered with gold during it, regardless of whether it is a waistband, cap, socks, or even a gold ring. They allow wearing silk during salat in times of illness and during war.

The Shafi'is state: If a man performs salat while wearing silk or over something made of it, it will be considered a haram act, though his salat will be valid (al-Nawawi, Sharh al-Muhadhdhab, iii, 179). I have not found an express statement in the books of the remaining schools concerning the validity or invalidity of salat performed in silk, though the Hanafis as well as the Hanbalis (in accordance with one of two narrations) concur with the Shafi'is regarding the general rule that if there is any command prohibiting something which is not directly connected with salat such as the command prohibiting usurpation- the salat will be valid if it is not observed and The person will be considered as having performed a wajib and a haram act together. Accordingly the salat performed in a dress of silk is valid. The author of al-fiqh 'ala al-madhab al-'arba'ah reports a consensus for the Sunni schools that that it is valid for a man constrained to perform salat while wearing silk, and it is not wajib for him to repeat it.

3. **Lawfulness of the Clothing:** The Imamis consider it necessary that the clothing worn to be lawfully owned. Hence if a person performs salat in usurped clothes with the knowledge of their being so, his salat is invalid. This is also the opinion of Ibn Hanbal in one of the two statements narrated from him.

The other schools regard salat in usurped clothes as valid on the grounds that the prohibition does not directly relate to salat so as to invalidate it.

The Imamiyyah are very strict concerning usurpation, and some of them even observe: If a person performs salat in clothes in which a single thread is usurped, or carries with him an usurped knife, dirham, or any other thing, his salat will not be valid. But they also say: If one performs salat in usurped clothes out of ignorance or forgetfulness, his salat is valid.

4. **The Skin of Uneatable Animals:** The Imamis are alone in holding that it is invalid to perform salat while wearing the skin (even if tanned) of an animal whose flesh is not allowed to be eaten, as well as anything consisting its hair, wool, fur or feathers. The same is true of clothes bearing any secretion from its body- eg. sweat and saliva- as long as it is wet. Hence, even if a single hair of a cat or any such animal happens to be present on the dress of a person performing salat and if he performs it with the knowledge of its presence, his salat is invalid.

They exclude wax, honey, the blood of bugs; lice, fleas and other insects which have no flesh, as well as the hair, sweat and saliva of human beings.

They also consider salat invalid if any part of a dead animal (maytah) happens to be on the clothes irrespective of whether the animal is one used for food or not, whether its blood flows when cut or not, and its skin is tanned or not.

A Subsidiary Issue: If there is only a single clothing to cover the body and that too is najis to an extent that is not excusable, what should one do if he has no alternative other than either performing salat in the najis clothing or in the state of nature?

The Hanbalis say: He should perform salat in the najis clothing, but it is wajib upon him to repeat it later.

The Malikis and a large number of Imamis observe: He should perform salat in the najis clothing and its repetition is not wajib upon him.

The Hanafis and the Shafi'is state: He should perform salat naked and it is not valid for him to cover himself with the najis clothing.

The Place of Salat:

An Usurped Place: The Imamis consider salat performed in an usurped place and usurped clothing as invalid provided it is done voluntarily and with the knowledge of the usurpation. The other schools observe: The salat performed in an usurped place is valid, though the person performing it will have sinned, since the prohibition does not relate directly to salat; rather, it relates to dispensations (of property). Their position in this regard is the same as in the case of usurped clothing. Furthermore

in the opinion of the four schools the Salat of usurper himself is valid in usurped property.

The Imamis also consider as valid the salat of the true owner and anyone whom he permits, and regard as invalid the salat of the usurper and anyone whom the owner has not granted permission. The Imamis however permit salat in vast stretches of (owned) land which are either impossible or difficult for people to avoid, even if the permission of the owner has not been acquired.

Taharah (purity) of the Place: The four Sunni schools observe: The place should be free from both wet and dry najasah (impurity). The Shafi'is overdo by saying: The taharah of all that which touches and comes into contact with the body or clothes of the performer is wajib. Therefore, if he rubs himself against a najis wall or cloth or holds a najis object or a rope laying over najasah, his salat will be invalid. The Hanafis require only the location of the feet and the forehead to be tahir. The Imamis restrict it to the location of the forehead, i.e. the place of sajdah. As to the najasah of other locations, the salat will not be invalid unless the najasah is transmitted to the body or clothing of the performer (the person performing salat).

Salat Performed on a Mount: The Hanafis and the Imamis require the place to be stationary; hence it is not valid in their opinion to perform salat while riding an animal or something that swings back and forth, except out of necessity, because one who has no choice will perform salat in accordance with his capacity.

The Shafi'is, Malikis and Hanbalis observe: Salat performed on a mount is valid even during times of peace and despite the ability to perform it on the ground, provided it is performed completely and meets all the requirements.

Salat Inside the Ka'bah: The Imamis, Shafi'is and Hanafis state: It is valid to perform salat, faridah or nafilah, inside the Ka'bah.

The Malikis and the Hanbalis say: Only nafilah, not faridah, is valid therein.

A Woman's Prayer Beside a Man: A group of Imami legists observe: If a man and a woman perform salat in a single place so that she is either in front of him or beside him, and there is neither any screen between them nor does the distance between the two exceed 10 cubits, the salat of the one who starts earlier will not be invalid, and if both start simultaneously, the salat of both will be invalid.

The Hanafis say: If the woman is in front or beside a man, the salat will be invalid if performed in a single place with no screen at least

a cubit high between them, the woman has sex appeal, her shanks and ankles are adjacent to his, the salat is not a funeral prayer, and the salat is being jointly performed, i.e. either she is following him or both are following a single imam.

The Shafi'is, the Hanbalis and most Imamis are of the view that the salat is valid, though the manner of performance is makruh.

The Locale of Sujud: The schools concur that the place where the forehead is placed during prostration should be stationary and should not be inordinately higher than the location of the knees (during sajdah). They differ regarding that on which sajdah is valid.

The Imamis state: It is valid to perform sajdah only on earth and those things which grow on it which are not used for food or clothing.

Therefore, a person cannot perform sajdah on wool, cotton, minerals and that which grows on the surface of water, for water is not earth.

They permit sajdah on paper because it is made of a material which grows on earth. They argue their position by pointing out that sajdah is an 'ibadah (obedience) prescribed by the Shari'ah that depends for

its particulars on textual evidence (nass). The legists of all the schools concur regarding the validity of sajdah on earth and that which grows on it, thus Imamis restrict it to that because there is certainty. They offer as further evidence these traditions of the Prophet (S):

The salat of any of you will not be valid unless he performs wudu' as instructed by God and then performs sajdah by placing his forehead on the earth.

The earth has been created a masjid (a place for performing sajdah) and a purifier .

Khabbab says: "We complained to The Prophet (S) regarding the excessive heat of sun-baked ground on our foreheads, but he did not accept our complaint."

Had it been valid to perform sajdah on carpets, why would they have complained?! However Imamis permit sajdah on cotton and linen in the case of emergency.

The four schools observe: It is valid to perform sajdah on anything, including even a part of one's turban, provided it is tahir. Rather, the Hanafis permit sajdah on one's palm even without an emergency, though it is considered as makruh.

To be continued-insha'Allah

FOOTNOTES:

1. The Hanafis use two terms ('fard' and 'wajib') for something whose performance is obligatory and whose omission is impermissible. Hence they divide obligation into two kinds: fard and wajib. 'Fard' is a duty for which there is definite proof, such as Qur'anic text, mutawatir sunnah, and ijma' (consensus). 'Wajib' is a duty for which there is a Dhanni (non-definite) proof, such as qiyas (analogy) and khabar al-wahid (isolated tradition). That whose performance is preferable to its omission is also of two kinds: 'masnun' and 'mandub'. 'Masnun' is an act which the Prophet (S) and the 'Rashidun' caliphs performed regularly, and 'mandub' is an act ordered by the Prophet (S) though not performed regularly by him (S). That which it is wajib to avoid and whose performance is not permissible is 'muharram' if it is established by a definite proof. If based on a Dhanni proof, it is 'makruh', whose performance is forbidden.
 2. According to the Hanafis, the salat al-watr consists of three rak'ahs with a single salam. Its time extends from the disappearance of twilight after sunset to dawn. The Hanbalis and Shafi'is say: At minimum it is one rak'ah and at maximum eleven rak'ahs, and its time is after the 'isha' prayer. The Malikis observe: It has only one rak'ah.
 3. There are among 'ulama' of the Sunni schools those who agree with the Imamis on performing the two salats together even when one is not travelling. al-Shaykh Ahmad al-Siddiq al-Ghumari has written a book on this topic, *Izalat al khatar 'amman jama'a bayn al-salatayn fi al-hadar*.
 4. There is no difference regarding the definition of sunset between the Imamis and the other four schools. But the Imamis say that the setting of the sun is not ascertained simply by the vanishing of the sun from sight, but on the vanishing of the reddish afterglow from the eastern horizon, for the east overlooks the west and the eastern afterglow, which is a reflection of sun's light, pales away as the sun recedes. That which is rumored regarding Shi'is that they do not break their fast during Ramadan until the stars become visible, has no basis. In fact they denounce this opinion in their books on fiqh with the argument that the stars may be visible before sunset, at the time of sunset or after it, and declare that "one who delays the maghrib prayer till the stars appear is an accursed man (mal'un ibn mal'un)." They have said this in condemnation of the Khattabiyyah (an extremist sect which deviated from Shia), the followers of Abu al-Khattab, who held this belief. Thanks to God that they are now one of the extinct sects. Imam al-Sadiq (AS) was told that the people of Iraq delay the maghrib prayer until the stars become visible. He answered, "That is on account of Abu al-Khattab, enemy of Allah."
 - 5 The command to face Masjid al-Haram has come in verse 144 of Surat al-Baqarah (...So turn your face towards Masjid al-Haram), and the leave to turn in any direction in verse 115 : (To God belong the East and the West; where ever you turn there is the Face of God). Some scholars have held that the former verse abrogates the latter. Others disagree and point out that there is no abrogation involved here, nor is it a case of one being particular and the other general. The way to reconcile the two verses, they point out, is that the former verse applies to those who know the direction of the qiblah and commands them to turn towards it. The latter verse specifically applies to one who is at a loss regarding its direction and orders him to perform salat in any direction he wants. This opinion seems to be more credible.
 6. Verse 31 of Surat al-Nur mentions those before whom women can expose their adornment, and among them are Muslim women. Thus the verse prohibits a Muslim woman from exposing herself before a non-Muslim woman. The Shafi'is Malikis and Hanafis construe this prohibition as implying tahrir. Most Imamis and the Hanbalis say: There is no difference between Muslim and non-Muslim women. But according to the Imamis it is makruh for a Muslim woman to expose herself before a non-Muslim woman, because she may describe what she observes from that muslim woman to non-muslim man.
 7. al-Jawahir, at the beginning of bab al-zawaj.
- Prostrating on Mud
- For the Shia it is only acceptable to perform "Sujood" on a material that is not worn (used to make cloths) or eaten (i.e. foods for people) The best thing to make sujood on is earth (soil/clay) the second being Hasir (bamboo-nitted mat/rug). That's what the prophet used to do based on even Sunni refernces such as Sahih Bukhari, volume 1, section on prayer on the "Khumrah" (a formed clay, referred to as "turbah" today):

Sahih al-Bukhari Hadith: 1.376

Narrates 'Abdullah bin Shaddad:

Maimuna said, "Allah's Apostle was praying while I was in my menses, sitting beside him and sometimes his clothes would touch me during his prostration." Maimuna added, "He prayed on a Khumra (a small mat sufficient just for the forehead while prostrating during prayers).

Sahih al-Bukhari Hadith: 1.378

Narrated Maimuna:

Allah's Apostle used to pray on Khumra.

Sahih al-Bukhari Hadith: 1.331

Narrated Jabir bin 'Abdullah:

The Prophet said: "... The earth has been made for me (and for my followers) the place for prostrating and a mean to perform Tayammum, therefore anyone of my followers can pray wherever the time of a prayer is due."

Sahih al-Bukhari Hadith: 1.373

Narrated Abu Juhaifa:

I saw Allah's Apostle in a red leather tent and I saw Bilal taking the remaining water with which the Prophet had performed ablution. I saw the people taking the utilized water impatiently and whoever got some of it rubbed it on his body and those who could not get any took the moisture from the others' hands. Then I saw Bilal carrying an 'Anza (a spear-headed stick) which he planted in the ground. The Prophet came out tucking up his red cloak, and led the people in prayer and offered two Rakat (facing the Ka'ba) taking 'Anza as a Sutra for his prayer. I saw the people and animals passing in front of him beyond the 'Anza.

Sahih al-Bukhari Hadith: 7.752

Narrated 'Aisha:

The Prophet used to construct a loom with a Hasir (a wooden carpet) at night in order to pray therein, and during the day he used to spread it out and sit on it.

It is noteworthy that both Hasir (wooden carpet) and Khumra (formed clay) are natural made of earth, and are not eatable nor used for clothing. Thus they can be used for the place of Sajdah. Regural rugs (woollen or synthetic materials) are not natural made of earth.

Regards,

Prayer (Salat), According to Five Islamic Schools of Law (Part IV)

By: 'Allamah Muhammad Jawad Maghniyyah

The Essentials (arkan) of Salat:

The validity of the Salat is dependent upon purity (Tahara from both hadath and khabath), the time of performing it, facing the Qibla, and wearing sufficient clothing. The fulfilment of these conditions (Shurut) before starting the salat is necessary, and they have been discussed in details in the preceding sections. Salat also comprises certain essentials (arkan wa fara'id) which are performed as parts of salat.

They are many, and among them are the following:

1. Intention (Niyah):

The Schools -- or rather the legists of each school among themselves -- differ regarding the content of the niyyah (intention) required for salat, that is, whether it is necessary to specify the salat (such as its being zuhr or asr prayer), whether it is obligatory or supererogatory, complete (tamam) or shortened (qasr), in time (ada') or late (Qada'), and so on. . .

the essence of the niyyah, as mentioned in the chapter on ablution is the intention to perform an act with the motive of obedience to a command of Almighty God. Specification of a particular salat, whether it is obligatory or supererogatory, ada' or qada', is dependent upon the intention of the musalli. Thus if he intends to perform a supererogatory salat at the beginning and performs it with this intention, it will be supererogatory; if he intends to perform an obligatory salat, such as zuhr or asr prayers, it will be so. But if he does not intend anything it will be a waste of labour, though it is possible for one not to intend anything. Because any act performed by a sane person can not be without an intention regardless of whether he expresses it in specific words or not, and irrespective of whether he is attentive to his intention or not. Therefore, all the schools concur that expressing the niyyah in words is not necessary. Similarly, it is also ordinarily impossible for one who knows the difference involved to intend zuhr while performing asr and an obligatory salat while performing a supererogatory one.

However discussions regarding niyyah and its various forms were not in vague among the pioneering scholars of the shari'ah. It would be

good to quote here the observations of two great scholars, Ibn al-Qayyim from among the Sunni legists, and sayyid Muhammad, the author of al-Madarik, from the Imamiyyah.

The former observes in his "Zad al-Ma'ad" as quoted in the first volume of Ibn Qudamah's "al-Mughni": "The prophet (S) used to say 'Allahu Akbar' when he stood for prayer and did not say anything before it. He did not express the niyyah in words, such as saying: 'I perform such and such prayer in four rak'ahs facing the qibla as an imam or ma'mum. Neither did he mention whether it was ada' or qada' nor its time. These ten are later elaborations and no one has ever narrated them from him (S) in either sahih or da'if form. And neither the tabi'un nor the four imams have opted for them."

The latter, in Madarik al-Ahkam observes: "That which is inferable from the sources of the shari'ah is that niyyah is a simple matter and all that it involves is the intention to perform an act in obedience to God, the Exalted. This is something which no sane person can do without while turning to perform an act of worship (Ibadah)."

2. Takbirat al-Ihram:

Salat does not materialize without 'takbirat al-ihram.' Its name derives from the statement of the Prophet (S):

Purity (taharah) is the key to salat; its start (tahrir) is the takbirah (i.e., saying only one time Allahu Akbar); and its termination (tahlil) is taslim (i.e., saying Assalamu Alaykum).

It means that with takbirat al-ihram it becomes haram to speak and perform any act incompatible with salat, and by reciting taslim those acts which were prohibited after reciting the takbir become permissible again.

Its formula is "Allahu akbar", and according to the Imamis, Malikis and Hanbalis no other form is permissible. The Shafi'is observe: Both "Allahu akbar", and "Allahu al-akbar" (with the addition of alif and lam to "akbar") are permissible. The Hanafis state: Any other synonymous words such as 'Allahu al-a'zam' and 'Allahu al-ajal' will do it. All the schools, excepting the Hanafi, concur that it is wajib to recite it in Arabic, even if the performer is a non-Arab. If he cannot, it is obligatory for him to learn it; and if he cannot learn, he may translate it into his own tongue. The Hanafis observe: it is valid to recite it in any language even if one can recite it in Arabic.

There is consensus among the schools that at the time of reciting takbirat al-ihram all the conditions necessary for salat (such as purity, facing the qiblah, covering the body etc.) should be present, and that it should be recited-- when one has the ability to do so--while standing stationarily, and in a voice that he can hear. The word Allah' should precede 'akbar', and the reverse, 'akbar Allah', will not suffice for entry into qiyam.

3. Qiyam (standing):

The schools concur that qiyam is wajib in the obligatory salats from the beginning of takbirat al-ihram until going to ruku', and that standing uprightly, stationarily and independently are its requisites. Hence it is not valid to recline on any support when one is able to stand without it. If one cannot stand, he may perform salat sitting, and if this too is not possible, while laying down on the right side facing the qiblah (in the same position that a dead body is placed in the grave). This is the opinion of all the schools except the Hanafis, who state: A person who cannot sit will perform salat laying down on his back with his feet pointing towards the qiblah, so that his gestures in lieu of ruku' and sajdah are made towards the qiblah.

If it is not possible to perform salat while laying on the right side, the Imamis, Shafi'is and Hanbalis permit him to perform salat laying on his back by making gestures with his head. If gesturing with the head is not possible, he will gesture with the eyelids.

The Hanafis say: If his state is as bad as that, the duty of salat will no longer apply to him, though he will have to perform it qada' when his condition improves and the hindrance is removed.

According to the Malikis, a sick person such as this, is not required to perform salat and it is also not wajib for him to perform its qada'

The Imamis, Shafi'is and Hanbalis state: The duty of salat does not disappear in any situation; if he is unable to gesture by blinking his eyes he will pass the salat through his mind and move his tongue for reciting the qira'ah and dhikr. If he is unable to move the tongue he will imagine it in his mind as long as his mind works. To sum up, salat is wajib upon those who are fully capable and those who are not so capable. It may not be neglected in any situation, and every person must perform it in accordance with his ability. Hence it is performed while standing, then sitting, then laying down on one's side, then laying

down on one's back, then gesturing by blinking the eyes, and passing it through the mind, in that order. A fully capable person as well as one not capable will move from the previous state to the new situation which has come into existence. Hence if a fully capable person loses his ability during salat or one not capable regains it, either of them will perform the remaining part in accordance with his ability. Therefore, if he performs one rak'ah (unit) standing and is then unable to stand, he will complete it sitting, and if he performs the first rak'ah sitting and then regains the strength to stand, he will complete the remaining salat standing.

4. Qira'ah (reciting):

The schools differ whether the recitation of Surat al-Fatihah is wajib in every rak'ah (unit), or in the first two rak'ahs, or in all the rak'ahs without there being any other alternative. They give different answers to the following questions: Is the bismillah an essential part of al-Fatihah or is it valid to omit it? Is it wajib or mustahabb to recite aloud or in a low voice? Is it wajib to recite another surah after al-Fatihah in the first two rak'ahs? Can the tasbih replace the surah? Is takattuf (the folding of arms during salat) a sunnah or is it haram? And so on.

[tasbih' means: saying "subhanallah wal-hamdu lillah wala ilaha illallah wallahu akbar" which is usually recited three times in the third and the fourth rak'ahs (units).

Also 'qunut' means raising both hands toward the sky and holding them in front of the chest or face and then reciting a supplication, like asking for forgiveness. It could be some verses of Quran or not. However it should be in Arabic for obligatory prayers.]

The Hanafis observe: It is not compulsory to recite only Surat al-Fatihah in the daily obligatory salats, and anything recited from the Qur'an may take its place, because God the Exalted, says: 'Therefore recite of the Qur'an so much as is feasible' (73:20) (Bidayat al-mujahid, v1, p 122 and al-Shi'rani's , "bab sifat al-salat").

The recital from the Qur'an is wajib in the first two rak'ahs; but in the third rak'ah of the maghrib prayer and the last two rak'ahs of 'asr and 'isha' prayer there is an option between reciting from the Qur'an or saying the tasbih or keeping quiet (al-Nawawi, Sharh al-Muhadhdhab, v3, p361).

Moreover, the Hanafis say: It is valid to skip the bismillah because it is not a part of any surah. Neither reciting aloud nor in a low voice are mustahabb, and a performer praying alone is free to recite in a voice that he alone can hear or in a voice hearable to others. There is no qunut in salat with the exception of salat al-watr. As to takattuf, it is masnun (a sunnah) but it is not wajib, and its preferable form is for a man to place the palm of his right hand on the back of his left hand, and for a woman to place her hands on her chest.

The Shafi'is state: Surat al-Fatihah is wajib in every rak'ah, without there being any difference in this regard between the first two rak'ahs and the other rak'ahs and between wajib and mustahabb salats. The bismillah is a part of the surah and cannot be omitted in any circumstance. The recitation should be aloud in the morning prayer and the first two rak'ahs of maghrib and 'isha' prayers; the remaining recitals are to be in a low voice. The qunut is mustahabb only in the morning prayer, and is to be performed after rising from the ruku' of the second rak'ah. Similarly, it is mustahabb to recite another surah after al-Fatihah only in the first two rak'ahs. Takattuf is not wajib but a sunnah for both the sexes, and its preferable form is to place the right hand palm on the back of the left hand between the chest and the navel and towards the left side.

According to the Malikis, reciting Surat al-Fatihah is necessary in every rak'ah, without there being any difference in this regard between the earlier and later rak'ahs and between fard and mustahabb salats, as observed earlier by the Shafi'is. It is mustahabb to recite another surah after al-Fatihah in the first two rak'ahs. The bismillah is not a part of the surah and it is mustahabb to omit it altogether. Reciting aloud is mustahabb in the morning prayer and the first two rak'ahs of maghrib and 'isha' prayers. Qunut is to be recited only in the morning prayer. Takattuf is valid in their opinion, though it is mustahabb to keep the hands hanging freely in the fard prayers.

The Hanbalis consider al-Fatihah to be wajib in even rak'ah, and to recite a surah after it in the first two rak'ahs as mustahabb. The morning prayer and the first two rak'ahs of maghrib and 'isha' prayers are to be recited aloud. The bismillah is a part of surahs though it will be recited in a low voice and not aloud. Qunut is to be recited in Salat

al-watr and not in any other salat. Takattuf is a sunnah for both men and women and its preferable form is to place the right hand palm on the back of the left hand below the navel.

It is evident that takattuf, which the Sunni legists call it 'qabd' and the Shia legists call it 'takfir'--i.e. to conceal, is not wajib in the opinion of any of the four Sunni schools.

The Imamis state: Reciting Surat al-Fatihah is necessary in the first two rak'ahs of every salat and no other surah can replace it. But it is not wajib in the third rak'ah of maghrib and the last two rak'ahs of four-rak'ah prayers; rather, one has an option between it and tasbih, though even once is sufficient. It is wajib to recite another complete surah in the first two rak'ahs, and the bismillah is a part of the surahs which cannot be omitted in any circumstance. It is wajib to recite aloud only the surahs and not the other recitations in the morning prayer and the first two rak'ahs of maghrib and 'isha' prayers. except for the bismillah, the recitation in zuhr and asr prayers is to be done in a low voice in their first two rak'ahs and also in the third rak'ah of maghrib and the last two rak'ahs of 'isha' prayers. Qunut is mustahabb in the five daily prayers and its place is the second rak'ah after the recital of the surahs and before ruku'. The minimum level of voice considered 'Hud' is that a person nearby be able to hear it, and the minimum for 'low' voice is that the person himself be able to hear it. The schools concur that reciting aloud is not prescribed for women, nor is reciting in a voice lower than what can be heard by herself. If a performer voluntarily recites loudly something which is to be recited in a low voice and vice versa, his/her salat will be invalid, if this is not done due to ignorance or forgetfulness.

The Imamis also considers saying "Ammin" (Amen) during salat to be haram and doing so invalidates the salat, irrespective of whether one is praying individually or in group prayer as an imam or ma'mum, because it is something adopted by the people, and nothing adopted by people is capable of being included in the salat.

The four Sunni schools concur that it is mustahabb in accordance with the narration of Abu Huraira that the Prophet (S) said:

When the imam says, "ghayr il maghdubi 'alaymhim wa la-ddallin," then say: "Ammin"

The Imamis negate the authenticity of the above tradition.

Also most Imamis consider takattuf (putting hands over each other) renders the salat invalid (batil) because there is no explicit text (nass) in support of it. However, some of them say: Takattuf is haram and the one who does it has committed sin, though his salat is not invalid. A third group from among them observe: It is makruh (discouraged) and not haram. To be continued Ensha Allah...

This is written by a Sunni brother about Qunoot:

Qunoot:

Qunoot is an established practice of the prophet, and is accepted as such by all 4 Sunni schools. According to Malikis it is performed in the Fajr prayer before rukoo`. Hanafis have it in the witr prayer before rukoo`. Shafi'i has it in the fajr prayer after rukoo`, and in the witr prayer in the last half of ramadhan. Many sunni scholars have seen it as recommended to perform qunoot in times of trouble and affliction(nawaazil), especially in the fajr prayer, and also in the maghrib and eshaa prayer. According to the shafi'ee school it should be done in every prayer under such circumstances. It was reported that ABu Hurayra used to perform Qunoot even in the Afternoon prayer, and there was no mention of affliction. Ibn Abbas performed it before rukoo` in the fajr prayer. Abdullah ibn Mas'ood performed it before rukoo` in the 3rd rak'ah of witr.

I do not 'belong' to any school of thought as such - I belong to the Ummah of Islam. However, as far as practicing particulars, I follow for the most part the fiqh of Abdullah ibn Mas'ood and the other jurists who later moved to Kufa, notable among them being Imam Abu Haneefah

(incidentally a student of Imam Ja'far al-Sadiq), Imam Muhammad ibn al-Hasan al-Shaybaanee, and Imam Abu Yusuf al-Ansaree.

Wassalam

Prayer (Salat), According to Five Islamic Schools of Law (Part V)

By 'Allama M. J. Maghniyyah
Essentials of Salat (Continued)

5. Ruku'(bowing):

There is consensus among the schools that ruku' is obligatory (wajib) in salat but they differ regarding the extent to which it is wajib and the necessity of staying motionless in that position. The Hanafis observe: What is obligatory is to bend down in any possible manner, and staying

motionless is not obligatory. The remaining schools consider it obligatory to kneel down until the palms of the hands of the performer reach his knees and to stay motionless during bowing.

The Shafi'is, Hanafis and Malikis state: It is not obligatory to recite anything during ruku', though it is sunnah that the performer say: "Subhana Rabbi al-'azim." The Imamis and the Hanbalis consider tasbih to be obligatory during ruku' and its formula in the opinion of the Hanbalis is "Subhana Rabbi al-'azim", and according to the Imamis "Subhana Rabbi al-'azim wa bi hamdih" or just "SubhanAllah" thrice. It is encouraged (mustahabb) in the opinion of the Imamis to add after the tasbih, to ask for blessing of Allah on Mohammed (S) and his Family (Allahumma sali 'ala Muhammadin wa 'ali Mohammed).

The Hanafis say: It is not obligatory to return to the standing position after ruku', and it is sufficient, though makruh (discouraged), to perform sajdah (prostration) straight-away. The other schools consider it obligatory to return to the standing position and mustahabb to recite the tasmi', which is to say: "Sami 'allahu li man hamidah" (God hears one who praises Him). According to the Imamis, it is obligatory to stay motionless in this standing (qiyam) too.

6. Sujud (prostration):

There is consensus among the schools that sujud (prostration) is obligatory twice in each rak'ah. They differ regarding its details, as to whether it is obligatory to prostrate with all the seven parts of the body touching the ground while performing it or if it is sufficient to lay on the ground only some of them. These seven parts are; the forehead, the palms, the knees and the big toes. The Malikis, Shafi'is and Hanafis state: It is obligatory to lay only the forehead on the ground in sujud, and laying down the other parts is encouraged (mustahabb). The Imamis and the Hanbalis observe: It is obligatory to lay on the ground all the seven parts while performing sujud. It has been narrated from the Hanbalis that they add the nose to these seven, thus making them eight. The difference of opinion regarding reciting tasbih and being motionless during sujud is similar to the difference mentioned concerning ruku'. Those who consider them obligatory there, consider them here as well. The Hanafis do not consider it obligatory to sit between the sajdahs; the remaining schools consider it obligatory.

7. Tashahhud:

Tashahhud is at most recited twice in salat; the first, after the second rak'ah of zuhr, 'asr. maghrib and 'isha' prayers, which is not followed by taslim; the second in the last rak'ah of the two-, three-, and four- rak'ah prayers, which is followed by taslim. The Imamis and the Hanbalis state: The first tashahhud is obligatory. The remaining schools consider it mustahabb and not obligatory. The second tashahhud is considered obligatory by the Shafi'is, Imamis and Hanbalis, and mustahabb by the Malikis and Hanafis (Bidayat al-mujtahid, v1, p125).

The following are the forms of tashahhud observed by the different schools:

The Hanafis:

"attahiyyatu lillahi wassalawatu wattayyibatu wassalamu 'alayka ayyuha annabiyyu warahmatullahi wabarakatuhu, assalamu 'alayna wa 'ala 'abadillahi assaliheena, ash-hadu anna la ilaha illa Allah, waAsh-hadu anna Mohammedan 'abduhu warasuluhu."

The Malikis:

"Attahiyyatu lillah, azzakiyyatu lillah, attayyibatu assalawatu lillah. Assalamu alayka ayyuha annabiyyu warahmatu allahi wabarakatuhu, assalamu alayna wa 'ala 'abadi Allahi assaliheena, ash-hadu anna la ilaha illa Allah, wa ash-hadu anna muhammadan 'abduhu warasuluhu."

The Shafi'is:

"Attahiyyatu almubarakatu assalawatu attayyibatu lillah, assalamu 'alayka ayyuha annabiyyu warahmatu allahi wabarakatuhu, assalamu alayna wa 'ala 'abadi allahi assalaiheena. Ash-hadu anna la ilaha illa Allah, wa ash-hadu anna sayyidana muhammadan rasulu Allah."

The Hanbalis:

"Attahiyyatu lillahi wa-assalawatu wa-attayyibatu. assalamu 'alayka ayyuha annabiyyu warahmatu allahi wabarakatuhu, assalamu alayna wa 'ala 'abadi allahi assalaiheena. Ash-hadu anna la ilaha illa Allah, wahdahu la shareekalah, wa ash-hadu anna sayyidana muhammadan 'abduhu warasuluhu. Allahumma salli ala Muhammadin."

The Imamis:

"Ash-hadu anna la ilaha illa Allah, wahdahu la shareekalah, wa ash-hadu anna muhammadan 'abduhu warasuluhu. Allahumma salli ala Muhammadin wa 'ali Muhammed."

8. Tasleem (farewell)

The Shafi'is, Malikis, and Hanbalis observe: Tasleem is obligatory. The Hanafis do not consider it obligatory (Bidayat al-Mujtahid, v1, p126).

The Imamis differ among themselves, a group considers it obligatory, while others, including al-Mufid, al-Shaykh al-Tusi and al-'Allamah al-Hilli, regard it as mustahabb. Tasleem (farewell) has only one form in the opinion of the four Sunni schools, and it is "Assalamu alaikum warahmatu allah". The Hanbalis say: It is obligatory to recite it