



**A Code of Practice For
Muslims in the West**

Author

The Grand Ayatollah
Sayyid Sistani

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Editor's Note



This book is the second in its league. It is yet another contribution of the author, as-Sayyid Abdul Hadi al-Hakim, after the publication of the translation of his book *alfatawal muyessarah - Jurisprudence Made Easy*, to the effort of making the body of fiqh (jurisprudence) easier for the layman to come to grips with.

Translating such work is a challenging task. Yet the translator, as-Sayyid Mohammad Rizvi, has done a great job. However, where I saw the reader's interest is better served, I have made some changes. The title of the book now reads, *A Code of Practice for Muslims in the West*. To avoid repetition, I decided to collate the translator's footnotes, dealing with clarifying the meanings of the Arabic terms, as well as some other "Frequently Used Terms" under one title, i.e. "Glossary".

I must stress, though, that throughout the process of making these changes, and others for that matter, I was in close consultation with both the author and the publishers, Imam Ali Foundation, UK, London.

I pray to Allah, the Exalted to forgive any inadvertent mistake or error of judgement I may have made in the course of editing the book. I also implore Him to make this work of mine a step towards attaining His approval, that He accepts it favourably and make it of use.

Najim al-Khafaji, BA

Translator's Preface

In the name of Allah, the Beneficent, the Merciful.

May Allah send His blessings upon Muhammad and his progeny.

Writing the manuals of Islamic laws for use by Muslims is an evolutionary process, reflecting the change in lifestyles and the relevance (or the lack of it) of certain problems and issues that vary from time to time and place to place. The spirit and the purpose remain constant but the style and the format change.

In the present century we first saw the widely used *Tawdihu 'l-Masa'il* in Persian (also known as *risala-e 'amaliyya*), and then came the *Minhaju 's-Salihiyn* in Arabic by the late Ayatullah al-Hakim (which was later expanded by the late Ayatullah al-Khû'i and even further improved by Ayatullah

as-Sistani). In mid seventies, the late Ayatullah Sayyid Muhammad Baqir as-Sadr brought about a completely new style in his al-Fatawa al-Wadiha.

The present book, al-Fiqh lil Mughtaribin by Hujjatul Islam Sayyid 'Abdul Hadi al-Hakim, is a further development in the same line of change and continuity. Sayyid 'Abdul Hadi's distinction is that he has focused on the problems and issues faced by the Muslims in the West, formulated those questions, and compiled their answers without going into details that can be easily obtained from other commonly used sources of Islamic laws. And so it was indeed a great pleasure when I was asked to undertake the translation of this book into English.

A Note on Translation: I have been quite liberal while translating the author's Introduction but had to strictly abide by the wording and expressions as they appeared in the original in the latter and the major part of the book. This was done to ensure the accuracy in conveying the views of the Grand Ayatullah as-Sistani.

This translation is based on the first Arabic edition of 1998 but with quite a few changes and amendments done by the Fatwa Committee of the Office of Ayatullah as-Sistani in Qum. And so those who would compare this translation with the first Arabic edition should keep this fact in mind. The changes were of various length and nature: in some instances, words, phrases and sentences were changed or added to further explain the problem; [1] in some cases, the rulings have changed; [2] and in three cases, the items were deleted completely. [3]

Moreover, in some instances I had asked for further elaboration that was kindly provided by the Committee. [4] I have also taken the liberty of changing the placement of certain rulings so that similar issues are found in the same section. For the same reason, in Part Two, I have switched the sequence of two chapters: Chapter 8 ("Youths' Issues") and Chapter 9 ("Women's Issues") since women's issues are much closer to issues of Chapter 7 on "Marriage". Interestingly this is the order that the author himself has listed pages 31 and 136 of the Arabic but has somehow changed it in the final printing. I have written some footnotes to clarify the meaning and have also added a short list of "Frequently Used Terms" at the beginning of each chapter.

I pray to Almighty Allah to accept this work as a humble attempt in simplifying His laws for the Muslims in non-Muslim societies, and may He reward the author and grant long life to the Ayatullah as-Sistani on whose expert opinion this book is based.

Toronto
Sayyid Muhammad Rizvi
Shawwal 1419 / February 1999

Notes:

[1] See for example items 16m 20, 23, 29-30 on p. 37-39; item 11, p. 56; item 96, p. 100; item 178, p. 149; item 301, p. 203; item 383, p. 251. All page numbers in this note refer to the first Arabic edition.

Answer: The criterion is the satisfaction of the individual himself [1] about the actual sighting [of the new moon] or [2] the proof of sighting without any counter claim.

In the case mentioned above, satisfaction is not normally achieved concerning the appearance of the new moon on the horizon in such a way that it could have been sighted by the naked eye. On the contrary, one is satisfied that it was not sighted and that the testimony [of sightings in the Eastern cities] is based on illusion and error in sight. And Alla~h knows the best.

Introduction : Hajj: The Pilgrimage to Mecca

The pilgrimage to Mecca (hajj) is one of the fundamental obligations in Islamic laws. The holy Qur'a~n has clearly mentioned this obligation. Almighty Alla~h says in His holy Book: "And it is for the sake of Alla~h [a duty] upon the people to do the pilgrimage of the House—whosoever has the ability [to travel] to it. And whosoever is ungrateful, then surely Alla~h is free from need of the universe." (2:196) The Almighty has compared the negligence of hajj to ingratitude because of its importance.

[2] See, for example, item 114 on p. 110 on sighting of the new moon.

[3] See item 218 (p. 168), item 285 (p. 191), and item 269 (p. 187) in the first edition.

[4] See item 115 in this translation on the criterion of following the moon sighted in a city west of your own city.

Author's Preface

In the name of Allah, the Beneficent, the Merciful.

It is a pleasure for me to present to the respected readers my book, al-Fiqh lil Mughtaribin,

Presented by <http://www.alhassanain.com> & <http://www.islamicblessings.com>

according to the views: of his eminence Grand Ayatullah as-Sayyid 'Ali al-Hussaini as-Seestani (May Allah prolong his blessed presence among us).

This book is the first attempt at writing Islamic laws For Muslims who have settled in non-Muslim Countries. Muslims who were compelled to leave their countries, and the places where they grew up, and had to migrate to non-Muslim countries in which they now live under different laws and systems, dissimilar values and rules, and unfamiliar customs and habits.

The modes of conduct and manners of the host societies are greatly at variance with what the guests were used to; there is a wide gulf between their own upbringing and the values of the host countries. Consequently, new problems have emerged and a number of questions arose that called for answers - answers that would clarify the ambiguous, enlighten the obscure, guide the stray, and brighten the darkness.

From this came the need for writing a book that would deal with the various practical problems of immigrant Muslims, and provide answers and present solutions for them.

It was against this background that al-Fiqh lil Mughtaribin was written with a detailed introduction, followed by two parts with each part branching out into various chapters which contain new questions, issues that had not been charted before, and problems that have not been discussed in most Manuals of Islamic Laws and other commonly used books of Islamic Jurisprudence. Hopefully these parts and chapters will act as a stimulus for further questions that the learned reader may raise; and I will be greatly pleased to receive those queries so that they may be included with their answers in future editions, insha Allah.

Islamic Laws for Muslims in non-Muslim Countries is the third attempt following two other books "al-Fatawa al-Muyassara" (Jurisprudence Made Easy) and "al-Muntakhab mina 'I-Masa'ili 'I-Muntakhabah" (Current Legal Issues) through which I hope to have contributed to the process of making Islamic laws accessible, and endear them, to lay people. If I have succeeded in my aim, all praise is due to Allah; and if I have not, it is sufficient that I have tried "and my success is not but from Allah, and in Him I place my trust and to Him I turn."

I had the privilege of reading some chapters of this book to my respected father (may Allah prolong his life) during his stay with me in London when he came for treatment. His guidance has indeed enriched this book.

I pray to the Almighty Allah that He may accept this work with a good acceptance I am grateful to those who helped me in completing this book. I would like to especially thank His Eminence the Grand Ayatullah as-Sayyid 'Ali al-Hussaini as-Seestani (may Allah prolong his blessed presence) who took upon himself the trouble to provide the answers to the questions. I am also grateful to

the offices of the Grand Ayatullah in Najaf [Iraq], Qum [Iran], and London for helping me in ensuring the accuracy of what I have written and in ensuring that it is in accordance with the views of the Ayatullah.

“Our Lord! Do not punish us if we forget or make a mistake. Our Lord! Do not lay on us a burden as Thou did lay on those before us. Our Lord! Do not impose upon us that which we have not the strength to bear; and pardon us and grant us protection and have mercy on us. Thou are our Master, so help us against the unbelieving people.”

'Abdul Hadi as-Sayyid Muhammad Taqi al-Hakim
27 Ramadhan 1418 / 26 January 1998

Chapter 1 : Introduction

On the morning of a sunny day in winter of Rajab 1416 A.H. (January 1995), the aircraft took off with me on board towards London, the capital of Britain.

When the aircraft moved from the east to the west, from the land of sunshine to the capital of fog, I could feel the warmth of the sun from the plane's windows, the warmth that I bade farewell to as I left my homeland.

When the plane levelled off at the centre of the sky and its flight become smooth and calm, as if it were firmly fixed on a central poll, I decided to use the time by reciting some chapters of the pocket-size holy Qur'an that was with me. This has been my habit from my childhood since I set my eyes on my grandfather in our vast home in Najaf and heard him recite the Qur'an every morning, afternoon, and at night, during his travels and at other times.

And I also have retained in my memory the fact that my father used to carry a copy of the Holy Qur'an in his pocket so that he is not far removed from it at home as well as away from home.

I opened the Holy Book and started reciting in a lowered voice the verses so as to purify my soul, to perfume my mouth from the dirt of matter and its temptation, and to seek the Almighty Allah's help in protecting this flying object from the calamities of time.

It was midday, the time for noon prayer came close. I got up from my seat, went to the toilet, renewed my wudhu (minor ablution), and then I took out a comb from my pocket and combed my hair after the wudhu. Then I took out a small perfume bottle that I always carry in my pocket so that I may use it, for it is related that it is mustahab to use perfume, in that the Prophet Muhammad (s.a.w.) used to love it, and that a salat with perfume is equal to seventy salats.

After the wudhu, combing, and perfuming, I returned to my seat while I was still reciting some Qur'anic verses that I had memorized from childhood. Then I started thinking: Where will I say the salat? How will I know the direction of the qiblah? Is it obligatory to say the salat in a standing position or can I do so while I am seated?

When these thoughts were going through my mind, I reclined on my religious knowledge and remembered that Islamic Jurists say: it is obligatory to say the salat in a standing position as long as I can do so; if I am unable to perform it thus, I should pray in a sitting position. The format of prayer would move from one level to a lesser level based on my ability and the given circumstances; but the obligation of salat would not be waived from a Muslim under any circumstance.

So when I reached this conclusion, I looked around the plane to find a place in which I could say the salat in a standing position. My eyes settled on a small area in one part of the plane that was sufficient for saying the salat. I said to myself that the problem of the place has been resolved but now I have to find the direction of the qiblah as long as the plane is flying in one direction. I decided to seek the help of the airline crew to determine the direction of qiblah.

An air steward passed for gathering the tea cups from the tables, I seized the opportunity and asked him in broken English as follows: Can I ask you a question?

“Yes, go ahead.”

Can you help me in showing me the direction of the qiblah?

“I am sorry, I didn't understand your question.”

The direction of qiblah...the direction towards Holy Mecca?

“Are you a Muslim?”

Yes, and I would like to say my noon prayer.

“Let me ask in the cockpit and I will be back.”

I realized that I should also have asked for something to put on the floor of the aircraft to pray on it.

When he came back with the answer on the qiblah, I requested him to bring me something like a blanket or a newspaper that I could place on the floor of the aircraft.

He brought a blanket which I spread on the floor and prayed noon and afternoon salat, two (rak'at) each as qasr, facing the qiblah. Then I recited the tasbih of az-Zahra' (a.s.) by saying “Allahu abkar” 34 times, “al-hamdu lil lah” 33 times, and “subhan Allah” 33 times. After the tasbih, I thanked Allah and returned to my seat while I was in a different and more content state of mind because I was afraid that saying the salat in the plane would be difficult and I might be drawing unnecessary attention from the other passengers. But my fears were unfounded. It became clear to me that the salat earned me a special respect and added esteem for me in the eyes of the non-Muslims, including the steward, who were on board the plane.

My thoughts were interrupted by the announcement that food will be served soon. The airhostesses started asking the passengers about their preference from the menu. One of them asked me if I would prefer fish or chicken. I asked for the fish not because fish is preferable to me than chicken but because I was not allowed to eat that chicken since I was not sure that it has been slaughtered in accordance with Islamic laws. This is a problem that I have faced many times in foreign countries.

Since I was born and brought up in a Muslim country, I have no lingering doubts regarding chicken, or fish bought in a Muslim market. But in a Western country, the situation is completely different. And that is because I am not allowed to eat any meat until I am sure that it was slaughtered according to the laws of Islam. This normally creates hardship.

The meal was served to us and the tray that was placed in front of me contained the following: fish fried in sunflower oil garnished with fried potatoes, a little bit of rice, salad, a couple of green olives, grapes, black fig, dessert, water in a small container, and small packets of salt, sugar, pepper, two pieces of bread, a fork, two spoons, a knife, and a napkin.

I was really hungry.

I thanked Allah first, then picked the fork and knife, and cut the fish into small pieces that could be eaten easily. Then, I stopped and the following thought passed through my mind: It is true that if the fish is of the type that has scales, and that it has come out of the water alive or died after

being caught in the net, then it is permissible for me to eat it irrespective of the fact that the fisherman is a Muslim or a non-Muslim, and no matter whether the name of Allah was invoked on it or not. This is correct. But the problem may be in the oil in which the fish was fried. Was that oil ritually pure (tahir). And was the cook a Muslim?

These were the disturbing thoughts passing through my mind at that moment. So I stopped eating that fried piece of the fish, despite the fact that I was hungry! I put down the fork on the side of the plate and tried to recall the rules of these issues that I had read about in the Manual of Islamic Laws of my marja' when I was getting ready for the journey.

First I asked myself about the sunflower oil: is it ritually pure? I immediately responded positively because the religious law says, "everything is pure for you until you come to know about its impurity." And since I did not know about the impurity of the sunflower oil, I assumed it was pure. Now since the oil used in frying the fish was pure, the whole fish is pure, and thus I am allowed to eat it.

As for the cook who prepared the fish, was he a Muslim or from the Ahlul Kitab (so he would be considered as tahir) or was he a non-Muslim from the non-Ahlul Kitab? This question is not important as long as I do not know that the person who fried it has touched it with his hand. And again the general rule of the shari'a, "everything is pure for you until you come to know that it is impure", gave me a clear decision: the fish is pure, and I am allowed to eat it.

When I reached this conclusion, I breathed a sigh of relief. Then I picked up the fork and ate the fish. I looked at the fries for the same reasons and concluded that they were pure and ate them.

I did the same with the bread, salad, fruit and the dessert. I ate them all since they were pure. Then I drank the water and also the tea because they are also pure. This is what the religious laws tell me.

The plane was flying at 30,000 feet from sea level, and we still had two and a half hours before we reach London Heathrow International airport . Inside the plane, some passengers were busy reading the morning papers, while others were in deep sleep. I stretched my arm and picked up a paper and started browsing through it.

My memory went back to the question that kept lingering in my mind for the last few days: "How will I preserve my religious identity from being destroyed in the foreign country?"

This has worried me for a long time since I thought of travelling to Europe, and it intensified the day I made that decision; at times I think about it and at other times it comes without thinking, leaving me only when I go to sleep at night. I decided to meet a friend of mine who had been to

London. My friend pointed out certain issues to me, and also took me to the bookstore and showed me a book that contained various issues that gave me a general idea of what I should do.

Both, the friend and the book, pointed out that I should place great importance on the following issue: "The negative elements of migration are not limited to the fact that it would not be possible to fulfill the Islamic laws by the immigrants or that they will not study the religion. The reality is even worse than that in the sense that migration would significantly affect the outlook of the Muslim, his habits, traditions, and also the state of his intellectual, moral and social aspects of life." [5]

The author of that book continues, "It is necessary for the Muslim who is compelled to migrate to a non-Muslim country to create by himself the religious climate that does not exist in those countries. Of course, he will not be able to create the general Islamic environment but he surely can bring about that atmosphere in a certain measure so that he may be able to arm himself with the religious spirit that is suitable for him.

"Creating a suitable Islamic atmosphere is to some extent like inoculating against a disease from whose clutches one cannot escape-so he tries to deal with its danger by building a safety net around himself.

"Although we do not claim that this task is easy by any means, at the same time we cannot underestimate the great danger faced by a Muslim in his commitment to the religion which is the main foundation of his identity. So it is important to safeguard it even at the cost of loss in other aspects of life. Just as we emphasize the significance of these pitfalls, we must also emphasize safeguarding and protecting the Muslims from falling into them.

"A Muslim who struggles in those countries to secure his worldly future -in education or finance or other aspects- he is not supposed to lose his future in the Hereafter for the sake of this world. Just as a merchant is not allowed to lose his honour or life for the sake of material wealth, irrespective of its quantity, because it is worthless compared to his life and honour. Similarly, the sick person patiently bears the bitterness of medicine or the pain inflicted by the scalpel so that the disease may not spread and lead to death.

"So it is obligatory on a Muslim who resides in alien societies to protect himself against their adverse effects and dangers; and he must create an appropriate religious environment for himself that will compensate the loss of the environment that he had in his own country." [6] In this way, he, his wife and children, and even his brethren will be following the words of the Almighty: "O you who believe! Save yourselves and your families from a fire whose fuel is men and stones;

over it are angels stern and strong, they do not disobey Allah in what He commands them, and do

as they are commanded.” (66:6) They would also be acting in accordance with the statement of the Most Praised Lord “And the believing men and the believing women, they are helpers of one another: they enjoin the good and forbid the evil.” (9:71) And also in accordance with what the Prophet (s.a.w.) said, “All of you are 'shepherds' and all of you are answerable in regard to your 'flock'.”

Thus would also be implementing the requirement of enjoining good and forbidding evil. The spiritual immunization mentioned above can be achieved by the following:

1. By committing to recitation of some chapters or noble verses of the Holy Qur'an on a daily basis or listening to its recitation with humility, reflection and contemplation because in them are “clear proofs from your Lord, a guidance and a mercy for a people who believe; and when the Qur'an is recited, then listen to it and remain silent so that mercy may be shown to you.” (7:203-204).

In the words of Imam 'Ali (a.s.), “No one will sit besides the Qur'an but that when he rises he will achieve an increase or a diminution: an increase in his guidance or elimination of his (spiritual) blindness. You should also know that no one will need any thing after (guidance from) the Qur'an and no one will be free from want before (guidance from) the Qur'an. Therefore, seek it as cure for your ailments and seek its assistance in your distresses. It contains a cure for the biggest diseases, namely unbelief, hypocrisy, revolt and misguidance. Pray to Allah through it and turn to Allah with its love. Do not ask the people through it. There is nothing like it through which the people could turn to Allah, the Sublime. Know that it is an interceder and its intercession will be accepted.

For whoever the Qur'an intercedes on the Day of Judgement, its intercession for him would be accepted...” [7] It has also been said, “Whosoever recites the Qur'an at a tender age, the Qur'an will intertwine with his flesh and blood, and the Almighty Allah shall place him among the respected and virtuous messengers; and the Qur'an will be his protector on the Day of Judgement.” [8]

There are certain copies of the Holy Qur'an which contain brief commentaries that can be easily carried, and it will greatly benefit the Muslims in foreign countries.

2. Commitment to say the daily obligatory prayers on time, rather, even the recommended ones as much as possible. [9] It has been narrated that the Prophet Muhammad (s.a.w.) said to 'Abdullah bin Rawaha in an advice to him when the latter was leaving for the Battle of Mu'ta: “You are going to the city in which there are few prostrations; therefore increase the prostrations.”

Zayd ash-Shahham narrates from Imam as-Sadiq (a.s.): “The most beloved of deeds with the Almighty Allah is salat; and that is the last advice of the prophets.” [10]

Imam 'Ali has also advised us concerning the salat: "Pledge yourself with prayer as much as possible and seek nearness (of Allah) through it, because it is upon the believers a timed ordinance [4:103]. Have you not heard the reply of the people of Hell when they were asked, 'What has brought you into Hell?' They shall say, 'We were not of those who offered the regular prayers.' [74:42-43] Certainly, prayer sheds sins like the dropping of leaves (of trees), and removes them as ropes are removed from the necks of cattle. The Messenger of Allah (peace and blessing of Allah be with him and his progeny) likened it to a hot bath situated at the door of a person who bathes in it five times a day. Will then any dirt remain on him?" [11]

3. Reciting whatever is possible of supplication (du'a), wishpered prayers (munajat) and remembrance of Allah, since they remind us of the sins, warn us to refrain from evil deeds, and encourage us to do good deeds. For example, the supplications in as-Sahifah as-Sajjadiyya of Imam Zaynu 'l-'Abideen (a.s.), du'a of Kumayl bin Ziyad, and the du'as of the month of Ramadhan like the du'a of Abu Hamzah ath-Thumali and the du'a of dawn, and the du'as of the weekdays, etc. [12] This purification is needed for every Muslim, especially if he is in a non-Muslim country.

4. Frequently visiting the Islamic centers and organizations that observe the Eids, religious occasions, the birth anniversaries and death commemorations, as well as other religious programs like lectures and counselling - in the month of Ramadhan or Muharram or Safar or during other months, days, and times.

In cities that do not yet have any dedicated center and organization, Muslims should observe the religious occasions in their homes. [Actually this is how early immigrants started to gather, and gradually formed a communities that later on rented or purchased a centre for their religious programs.]

5. Attending and participating in the Islamic seminars and conferences that are held in foreign lands.

6. Reading Islamic books, magazines, and newspapers for they contain both useful as well as entertaining materials.

7. Listening to the various cassettes that contain Islamic talks that have been painstakingly prepared by the respected scholars and great speakers. In them you will find advice and counsel [for betterment of your faith].

8. Keeping away from the centers of entertainment and immorality including the viewing of immoral television programs and special channels that present movies which are not compitable with our beliefs, our religion, our values, our customs, our traditions, and our Islamic intellectual

and civil heritage.

Establishing friendships with those who are good people for the sake of Allah: you guide them and they guide you, you strengthen them and they strengthen you so that you may spend your free time with them in a useful manner.

In this way, you will stay away from those who are immoral in their behaviour, and also protect yourself from loneliness and its negative consequences. Imam as-Sadiq (a.s.) narrates through his forefathers that the Prophet (a.s.) said, "No Muslim person has gained a benefit after Islam [itself] better than a brother from whom he derives benefit for the sake of Allah." [13]

Maysarah narrates that Imam al-Baqir (a.s.) said to him, "Do you have your own gatherings, talking and saying to one another whatever you like [i.e., without fear of government spies]?" I said, "Yes, by Allah, we indeed get together, and talk and say whatever we want." He said, "I surely love your fragrance and your souls; you all are on the religion of Allah and that of His angels. So help one another by piety and hardwork." [14]

1. A Muslim should evaluate his deeds on a daily or weekly basis; if there is good in it, then thank Allah and add onto it; and if there is evil in it, then ask for forgiveness, repent, and make a commitment of not repeating it. Our noble Prophet Muhammad (s.a.w.) advised Abu Dharr saying, "O Abu Dharr, evaluate yourself before you will be evaluated, this will be easier for your appraisal tomorrow [on the Day of Judgement]; weigh yourself before you will be weighed; prepare for the great Judgement, the day when you will be judged. No secret is hidden from Allah...

O Abu Dharr, no person can be counted among the pious ones unless he be more critical of himself than a business partner can evaluate his partner so that he may know the source of his drink and dress: has it been secured from a permissible or from a forbidden [source]." [15] Imam al-Kadhim (a.s.) said, "A person who does not evaluate himself every day is not one of us. If he has done good, he should ask Allah to increase that; and if he has done an evil act, then he should ask Allah's forgiveness and repent for it." [16]

2. Attaching importance to the Arabic language, the language of the Holy Qur'an and the language of numerous sources of Islamic laws and ethics. For those immigrants who come from Arabic speaking countries, Arabic is also the language of their ancestors: so they should encourage their children to speak it. Since the students in these countries learn more than one foreign language, it is better that they learn the language of the Qur'an so that they do not lose touch with their religion, heritage, values, history and civilization.

3. Attaching due importance to the up-and-coming generation by bringing them -both males as

well as females- up on the love for the Book of Allah and its recitation by way of competitions and other encouraging activities. They should be trained to perform the devotional prayers and acquire good morals like truthfulness, courage, fulfilment of promise, and love for others. One should accompany them to the Islamic centers and organizations so that they get used to visiting those places.

They should be made aware of the enemies of Islam, and the concept of Islamic brotherhood should be strengthened in them. They should be encouraged to participate in the observance of various Islamic occasions and celebrations. In short, everything should be done to help them in better understanding of Islam and adopting the best manner of conduct according to its values and principles in this life.

The thought of how I should behave in the foreign country and preserve my individuality without being absorbed into another culture, and also without isolating myself and adopting the “seashell” attitude, kept haunting me. Then I asked myself: How will the others (among whom I shall soon be living) judge me?

My hometown [Najaf] which is filled with pilgrims and visitors the year round had conditioned me to judge the behaviour of a society by the behaviour of its members, or to judge a religion by the actions of its followers. If a visitor from a city would demonstrate good attitude, I would say that the inhabitants of that city are good people; and if a visitor demonstrates negative attitude, I would say that the inhabitant of that city are not good people, etc.

So, it is natural that the people of the non-Muslim country where I shall reside will judge Islam through my behaviour as a Muslim and then generalize their judgement on all Muslims. So, if I am truthful in my words and deeds, fulfill the promise, honour the trust, abide by the general laws, help the needy, deal with my neighbours kindly, and follow the Prophet Muhammad (s.a.w.) example and respect his teachings, in that he has emphasized that “the religion [of Islam] is positive interaction [with people]” - if I do all this, then a non-Muslim who interacts with me will say: “Islam is the religion of the higher moral ground.”

But if I lie, not fulfill my promise, be abrasive with others, disobey the law of the land, harass my neighbour, cheat in my dealings, violate the trust, etc, then those who deal with me will say: “Islam is a religion that does not teach its followers high morals.” The pilot interrupted my thoughts and announced that we are flying over Germany. I opened my briefcase and took out a book that I had acquired to help me [in the foreign land]. Five ahadith from Imam as-Sadiq (a.s.) in that book attracted my attention.

In the first one, addressing his followers, he said, “Be a source of pride for us, do not be disgrace to us. Make people love us and do not make them hate us [because of your behaviour].”

In the second hadith, he quotes his father, Imam al-Baqir (a.s.), “Be among those who are foremost in doing good; be thornless leaves. Those who have passed before you were as the example of thornless leaves, and I fear that you would become thorns with no leaves. Be those who call people to their Lord, bring them into the fold of Islam and do not make them abandon it. Those who were before you were recruiting others into Islam and were not making them abandon it.”

In the third hadith, after conveying his greeting to the faithful among his followers, Imam as-Sadiq (a.s.) says, “I enjoin you to fear Almighty Allah, be pious, work hard for the sake of Allah, be truthful in speech, trustworthy in handling trusts, prolong the prostration (sajda) and be good neighbours. This is what Muhammad (s.a.w.) came with. Return things trusted to your custody, whether they belong to a pious person or a sinner because the Messenger of Allah (s.a.w.) used to enjoin the returning of even [small items like] a thread and a needle. Maintain relationship with your kinfolk, participate in their funerals, visit their sick, and fulfill their rights.

“If a person from among you is pious, truthful in speech, honours the trust, behaves well with the people, it will then be said that 'This person is a Ja'fari,' that pleases me and delights my heart because it would be said, 'This is the character of Ja'far.' “But if a person is otherwise, then his bad behaviour and disgrace is attributed to me and it is said, 'This is the character of Ja'far.'

“By Allah, my father (a.s.) has narrated that if there is a Shi'a of 'Ali in a tribe, then he should be its pride: he should be the most trustworthy, the most diligent in upholding the rights, the most truthful in speech, and should be one to whom people entrust their wills and trusts. When people inquire about him from his tribe, they would say, 'Who can be like him? He is the most trustworthy, and the most truthful of us in speech.’”

In the fourth hadith, he says, “I call upon you to say the prayer in the mosques, to have good neighbourly attitude towards the people, to be willing to testify [for the sake of truth], and to participate in funerals - because you need the people; no one's life is independent of the people; people need one another.”

In the fifth hadith, the Imam (a.s.) answers the question of Mu'awiya bin Wahab who had asked, “What should be our attitude between ourselves and our fellow tribesmen and acquaintances from the people who are not of our persuasion (madhhab)?” He said, “You should look towards your Imams whom you follow and do what they used to do. By Allah, they used to visit their sick, participate in their funerals, testify for and against them, and honour the trusts.”[17]

Once I finished reading these ahadith, a sense of relief overwhelmed me since they chartered for me the way I should act and outlined for me the code of conduct. At that moment, I made a

resolution to compile in my notebook the most important problems that I shall face in the non-Muslim country and seek help from the books of jurisprudence that were in my briefcase.

If I come across new problems that I cannot solve in the sources that are with me, then I shall write to the mujtahid so that he can answer my questions. With this I shall have solved my problems -related to ethics and jurisprudence- as well as those of the other immigrants.

This is how I started noting down my religious problems, one by one, and sought the expert opinion of the mujtahid on issues to which I have no answers in his Manual of Islamic Laws. Gradually this book came to existence.

This book is divided into two parts: Part One deals with Acts of Worship; and Part Two with Laws on the Mundane Aspects of Life. It also has three appendices.

Part One on the Acts of Worship consists of seven chapters that I think are more important to the immigrant Muslim than others. These chapters are as follows: Migration to non-Muslim Countries; Taqlid: Following a Jurist; Ritual Purity and Impurity; Salat: the Ritual Prayer; Sawm: Fasting; Hajj: the Pilgrimage to Mecca; and Death Related Issues. Each of these chapters begins with an introduction on the topic, followed by some rules that are relevant in non-Muslim countries, and ends with the most important question-answer [from the mujtahid] on that subject.

Part Two on Laws on the Mundane Aspects of Life consists of eleven chapters as follows: Eating and Drinking; Dress and Clothing; Dealing with Laws in Non-Muslim Countries; Work and Investment; Interaction in Social Life; Marriage; Women's Issues; Youths' Issues; Music, Singing and Dancing; and Miscelleneous. Again each of these chapters begins with an introduction on the topic, followed by some rules that are relevant in non-Muslim countries, and ends with the most important question-answer on that subject.

The book also contains three appendices. Appendix I contains a sample of questions sent to the Ayatullah as-Sistani and his answers to them. Appendix II contains a list of main ingredients that are used in food items and which are forbidden to the Muslims. This is followed by Appendix III which has the names and pictures of the fish that have scales and are permissible for consumption. At the end of the book, I have listed the references and a detailed table of contents.

Notes:

[5] Dalilu 'l-Muslim fi Biladi 'l-Ghurba, p. 27.

[6] Ibid, p. 36-37.

[7] Nahju 'l-Balagha (ed. Subhi Salih) p. 252 [sermon 176].

[8] Al-Kulayni, al-Usûl mina 'l-Kafi, vol. 2, p. 603.

[9] See al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. 4, p. 105.

[10] Ibid, vol. 4, p. 38.

[11] Nahju 'l-Balagha (ed. Subhi Salih) p. 317 [sermon 199].

[12] Translator's Note: English translations of all these du'as are easily available in most centres in Europe and North America.

[13] Wasa'ilu 'sh-Shi'a, vol. 12, p. 233.

[14] Al-Kulayni, al-Usûl mina 'l-Kafi, vol. 2, p. 187; and also see the chapters on “visiting the brethren” (vol. 2, p. 175) and “remembering the brethren” (vol. 2, p. 186).

[15] At-Tusi, Amali, vol. 2, section 19.

[16] An-Naraqî, Jami'u 's-Sa'adat, vol. 3, p. 94.

[17] Al-Hurr al-'Amili, Wasa'ilu 'sh-Shi'a, vol. 12, p. 6ff. Also see al-Kulayni, al-Usûl mina 'l-Kafi, vol. 2, p. 636.

Chapter 2 : Migration to Non-Muslim Countries

Introduction

A Muslim who is born and raised in a Muslim country where he consciously and subconsciously absorbs the laws, values and teachings of Islam, grows up into a young person who is aware of the customs of his religion, following its path and is led by its guidance. On the other hand, a Muslim who is born, and brought up in a non-Muslim country demonstrates the influence of that environment very clearly in his thoughts, ideas, behaviour, values, and etiquette unless his Lord

helps him. This un-Islamic influence is seen more in the second generation of those who have migrated to non-Muslim countries.

This was the reason for Islam's view on at-ta'arrub ba'd al-hijra as reflected in many ahadith. At-ta'arrub ba'd al-hijra literally means "becoming shorn of one's precepts of faith after migrating [to city]," and technically, it means leaving an environment where you could follow Islam and moving to a place where you maybe prone to not following Islam. Such a migration is counted as one of the major sins.

Abu Basir says that he heard Imam as-Sadiq (a.s.) saying: "The major sins are seven: killing a person intentionally; associating someone or something with the Almighty Allah (shirk); wrongfully accusing a married woman of adultery; Knowingly dealing in usury; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra; causing distress to one's parents [by encroaching on their rights]; and wrongfully acquiring the property of the orphan." Then he said, "At-ta'arrub and shirk are one and the same [in severity]." [18]

Ibn Mahbûb narrates that some of our companions wrote through me a letter to Imam al-Hasan al-'Askari (a.s.) asking him concerning the major sins. He (a.s.) wrote: "The major sins are the ones for which Allah has threatened with the Hell-Fire; the one who refrains from them, He will forgive his sins if he is a believer. Those seven which cause [one to burn in Hell Fire] are: killing an innocent person; causing distress to one's parents [by not upholding their rights]; dabbling in usury; at-ta'arrub ba'd al-hijra; wrongfully accusing a married woman of adultery; unlawfully confiscating the property of the orphan; and running away from the battle-field in jihad." [19]

Muhammad bin Muslim narrates from Imam as-Sadiq (a.s.): "The major sins are seven; intentionally killing a believer; wrongfully accusing a married woman of adultery; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra; unlawfully confiscating the property of the orphan; dabbling in usury; and every act for which [the punishment of] the Fire has been promised"?[20]

'Ubaydullah bin Zurarah narrates that he asked Imam as-Sadiq (a.s.) about the major sins. The Imam said, "In the book of [Imam] 'Ali, they are seven: disbelieving in Allah; killing a person; causing distress to one's parents; dabbling in usury; unlawfully confiscating the property of the orphan; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra." Then he asked, "So these are the most major of sins?" The Imam replied, "Yes." [21]

Imam ar-Rida (a.s.) explained the prohibition of at-ta'arrub ba'd al-hijra as follows: "Since there is the danger that because of at-ta'arrub, he [the immigrant] might abandon [Islamic] knowledge, get involved with the ignorant people, and drift away" [22]

This, however, does not mean that entering non-Muslim countries is always forbidden. Other ahadith had described for us the reward of one who visits non-Muslim lands, the reward that every Muslim longs for. Hammad al-Sindi narrates that he asked Imam as-Sadiq (a.s.), "I visit the cities of polytheism [i.e., of the polytheists];

and there are some among us who say that 'if you die over there, you will be raised [in the Hereafter] along with them.'" The Imam asked me, "O Hammad, when you are over there do you talk about our affair [i.e., our truth] and call [people] to it?" I replied, "Yes." The Imam asked me, "When you are in these cities, the cities of Islam, do you talk about our affair and call [people] to it?" I replied, "No." The Imam said, "If you die over there [in the land of the non-Muslims], you will be raised as an ummah by yourself, and there will be light in front of you!" [23]

General Rules

Based on these and other similar ahadith, and other religious proofs, the jurists (mujtahidin) have issued the following rulings:

1. It is recommended for a believer to travel to non-Muslim countries for the purpose of spreading the religion [of Islam] and its teaching, provided that he can safeguard himself and his young children against the dangers of loss of the faith. The Prophet said to Imam 'Ali, "If Allah guides a person from among His servants through you, then that is better than everything between the east and the west on which the sun shines." [24] When asked by a person for a counsel,

he said, "I advise you not to associate anything with Allah...and to call the people to Islam. You should know that [the reward] for you for each person who answers [your call] is [equal to] emancipating a slave from the children of [Prophet] Ya'qûb." 11 (See the question-answer section below.)

2. A believer is allowed to travel to non-Muslim countries provided that he is sure or has confidence that the journey would not have a negative impact on his faith and the faith of those who are related to him.

3. Similarly, a believer is allowed to reside in non-Muslim countries provided that his residing there does not become a hurdle in the of fulfilling his religious obligations towards himself and his family presently as well as in future. (See the question-answer section below.)

4. It is haram to travel to non-Muslim countries in the East or the West if that journey causes loss

of the faith of a Muslim, no matter whether the purpose of that journey is tourism, business, education, or residence of a temporary or permanent nature, etc. (See the question-answer section below.)

5. If the wife strongly feels or is sure that her travelling with the husband [to a non-Muslim country] will result in loss of faith, it is haram for her to travel with him.

If the baligh [25] boys or girls strongly feel that their journey [to the non-Muslim country] with their father or mother or friends will cause loss of faith, it is haram for them to travel with the those people.

1. What do the jurists mean when they speak of, “loss of faith”? It means either committing a forbidden act by indulging in minor or major sins like drinking intoxicant, adultery, eating forbidden meat, or drinking najis (impure) drinks, etc. It also means abandoning the fulfillment of a compulsory act like neglecting salat, fasting, hajj and other obligations.

2. If circumstances force a Muslim to migrate to a non-Muslim country with the knowledge that the migration will cause loss of faith (e.g., a person seeks political asylum in a non-Muslim country in order to save his life), it is permissible for him to make that journey to the extent that it saves his life, and not more than that. (See the question-answer section below.)

3. If an immigrant Muslim, residing in a non-Muslim country, knows that his stay in that country will lead to loss of faith or of that of his children, it is wajib on him to return to one of the Muslim countries. (See the questions at the end of this section.) As mentioned above, this loss of faith is realized by neglecting the obligatory acts or by committing sins.

The obligation to return to a Muslim country applies only if it does not lead to death [for example, for a political opponent who has fled his own country], or to putting him in untenable situation or, to an emergency situation where religious obligations are suspended (e.g., the necessity of preserving life which allows a person to eat haram meat in order to prevent his own death from starvation).

4. If the journey is haram for a person, then his journey will be considered “a journey of sin;” and, in such cases, he loses the benefit of the concession of praying (qasr) in four -rak'at salat and also the benefit of not fasting during the month of Ramadhan. As long as his journey maintains the status of “sin,” he cannot benefit from such concessions provided by the shari'a for travellers.

5. A son is not allowed to disobey his parents when they forbid him from travelling, if their refusal to give permission is out of their concern for the son, or if his journey will cause distress to them because of his separation from them - provided that he does not suffer loss by not travelling.

6. It is permissible to approach the competent authorities [like police and the justice system in a non-Muslim country] for various important issues -like prevention of harm befalling the person, the honour and the property of a Muslim- provided that it is the only way for exacting one's right and preventing injustice.

Questions and Answers

1. Question: What is the meaning of at-ta'arrub ba'd al-hijra which is one of the major sins?

Answer: Some jurists have said that during our time, it applies to residing in countries that may cause the loss of faith. It means the migration of a person from a country -where it is possible for him to learn the obligatory religious teachings and laws, and where it is possible for him to fulfill his obligations and refrain from what is forbidden- to a country where this possibility does not exist fully or partially.

2. Question: A believer residing in Europe, America and other similar countries feels estranged from the religious environment in which he was born and raised. Neither does he hear the voice of the Qur'an [recited from mosques] nor the sound of the adhan* coming [from the minarets]; and there are no holy shrines, and their spiritual atmosphere, that he can visit. Is leaving such an Islamic environment of his country and its positive aspects considered "loss of faith"?

Answer: This is not the loss of faith that would make residing in a non-Muslim country haram for that person. However, staying away from such a religious environment may, with the passage of time, weaken the religious resolve of the immigrant to an extent that he may consider negligence of wajib deeds and committing of sins as insignificant. If a person has this fear that he might lose the faith in this manner, then it is not permissible for him to take residence in that country.

3. Question: Sometimes a Muslim residing in Europe and America (and other similar places) indulges in haram activities that he would not have done, if he remained in his Muslim country. The manifestations of temptation in non-Muslim societies may attract a Muslim to committing haram deeds even if he is not inclined towards them. Does this come under the banner of "loss of faith" that makes it haram for him to stay in that country? Answer: Yes; unless the sins he sometimes indulges in, and without insisting upon them, they are of the minor category.

4. Question: At-ta'arrub ba'd al-hijra has been described as "migrating to a country in which the religious knowledge of the immigrant will decrease, thus becoming more alienated from his faith." Does this mean that a Muslim in such countries is duty bound to be extra vigilant lest he should become alienated from his faith?

Answer: The extra care becomes wajib when not being mindful leads to loss of faith as described earlier.

5. Question: If a religious preacher who is mindful of his faith starts facing more situations where he commits haram deeds because of the social environment (e.g., nudity and indecent exposures), is it haram for him to stay in those countries; that is, should he stop propagation (tabligh) and return to his own country?

Answer: If he indulges in some minor sins occasionally, then it is not haram for him to stay in that country, provided that he is confident that he would not be tempted to commit more serious sins.

6. Question: If an immigrant fears the loss of faith for his children, is it haram for him to stay in that non-Muslim country?

Answer: Yes, the same rule applies to himself also.

7. Question: Is it wajib on the immigrants in Europe and America (and other similar countries) to strive for teaching their children Arabic, and that ignorance of Arabic may lead in the future to ignorance of the main Islamic body of knowledge, and that will naturally lead to less familiarity with religious teachings and loss of faith?

Answer: To teach them Arabic is wajib only to the extent which is necessary for performing their religious duties that have to be done in Arabic

Notes:

[18] Muhammad bin Ya'qûb al-Kulayni, al-Usûl min al-Kafi, vol. 2, p. 281.

[19] Ibid, p. 277.

[20] Ibid.

[21] Ibid, p. 278.

[22] Al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. 15, p. 100.

[23] Ibid, vol. 16, p. 188.

[24] Al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. 16, p. 188.

[25] Translator's Note: Baligh means the legal age in Islamic laws which for boys starts at fifteen lunar years and for girls at nine lunar years. Growth of pubic hair or sexual discharge is also a sign of attaining the age of maturity.

Chapter 3 : Taqlid: Following a Jurist

Introduction

Taqlid means acting according to the opinion of the jurist (mujtahid) who has all the necessary qualification to be emulated. So you do what the mujtahid's expert opinion says you should do, and refrain from what his expert opinion says you should refrain from without any research [in Islamic sources] on your part. It is as though you have placed the responsibility of your deeds squarely on his shoulders.

Among the conditions which must be found in a jurist (mujtahid) who can be followed is that he must be the most learned (al-a'lam) jurist of his time and the most capable in deriving the religious laws from the appropriate sources.

General Rules

Now it is appropriate to clarify the following issues:

1. A person who does not have the ability to extract and derive the religious laws must take up taqlid of the most learned mujtahid. The deeds of such a person without taqlid or ihtiyat are null and void.
2. The most learned mujtahid (al-a'lam) is the most capable in deriving the religious laws from their sources.
3. In order to determine who is the most learned mujtahid, one must refer to the ahlul khibra (those who are sufficiently knowledgeable in Islamic jurisprudence). It is not permissible in this matter to refer to a person who has no expertise in this subject.

4. You can know the opinion (fatwa) of your marja' by one of the following methods:
- a. By hearing the ruling from the mujtahid himself.
 - b. By being informed about the mujtahid's fatwa by two just men or by a reliable person.
 - c. By referring to the Manual of Islamic Laws (risala) of the marja' or other books of that category.
1. When the most erudite mujtahid has no fatwa on an issue or if it is not possible for the layman to find the opinion of his marja' when he needs it, he can then refer to another mujtahid who is the second best in the line of hierarchy of being a'lam.

Questions and Answers

1. Question: The jurists tell us that it is wajib to emulate the most learned (a'lam) mujtahid, and when we ask the religious scholars in our area, "Who is the a'lam?" we do not get a clear-cut answer so that we may follow his fatwa. When we ask them about their answer, they say that they are not ahlul khibra and they also say that: "we have asked ahlul khibra [26] and have been informed that identifying the a'lam mujtahid requires the study of the books of the mujtahids and that obviously is a time consuming and difficult task; so go and ask the others."

If the problem of identifying the a'lam mujtahid is so difficult in religious circles, obviously the problem would be even more difficult in other countries like Europe and America. After a lot of difficulty when we convince the youths of these countries that it is necessary to abide by the shari'a laws, we reach to the question of who is the a'lam, and find ourselves lost for words. Is there a solution to this problem?

Answer: If there are some ahlul khibra who refuse to identify the a'lam for one reason or another, there are other ahlul khibra who readily identify him. It is possible to contact those ahlul khibra through the religious scholars and others who are reliable and have contacts with religious seminaries and with the scholars in other countries. So, although identifying the a'lam is not without difficulty, yet it is not a serious problem.

2. Question: How do we know who ahlul khibra are so that we may ask them about the a'lam mujtahid? How do we reach them since we are far away from religious seminaries? Is there a way that can simplify for us the process of determining whom we should follow in taqlid?

Answer: The ahlul khibra are the mujtahids and those next in line in religious sciences, and they know quite well that one person in a limited group of mujtahids is the a'lam. And they have to consider the following three things to identify that a'lam:

a. First: His knowledge concerning the methods for providing the authenticity of the hadith, and that involves 'ilmu 'r-rijal (the science of narrators of hadith) and 'ilmu 'l-hadith (the science of hadith). On this subject, issues like familiarity with the books [of hadith] and the ahadith that have been tampered with; knowledge of causes for fabrication [of ahadith]; variance in the manuscripts and distinguishing the most correct one; and being aware of confusion which sometimes occurs between the text of a hadith and the explanation of the compilers, are of utmost importance.

b. Second: His ability to understand the meaning of the text by considering the general rules of speech, especially the style used by the Imams of Ahlul Bayt (a.s.) in describing the laws. The science of 'usûlu 'l-fiqh (Principles of Jurisprudence), Arabic grammar and literature, as well as familiarity with the views of the Sunni jurists who were contemporaries of the Imams play an important role in the understanding of the hadith texts.

c. Third: Soundness of his view in deriving the rules from the sources. And the method of getting acquainted with those in whom the status of a'lam is confined to having scholarly discussions with them or to referring to their books or to the transcripts of their lectures on Jurisprudence and the Principles of Jurisprudence.

If a person cannot know the ahlul khibra by himself, he can come to know them through the religious scholars and others whom he trusts. The geographical distance should not be a barrier to establishing communication with them in this era where many fast means of communication are easily available.

1. Question: Sometimes the heart feels at ease in regard to a particular mujtahid. Is this feeling sufficient to do his taqlid if the ahlul khibra have difference of opinion in determining the a'lam?

Answer: If the ahlul khibra have difference of opinion in determining the a'lam, one must follow the view of those who are more qualified and capable among the ahlul khibra. This is the norm in dealing with all cases where the experts have difference of opinion.

2. Question: If the ahlul khibra have difference of opinion in determining the a'lam mujtahid or just say that following any one from the given number of mujtahids is sufficient, can a person apply the fatwa of one mujtahid in one issue and another mujtahid in another until it becomes clear for him who is the a'lam?

Answer: This question has three parts:

. First: That some ahlul khibra announce that "it is sufficient to follow one specific mujtahid or of a group of mujtahids." This has no religious value at all.

a. Second: That the ahlul khibra announce that two or more mujtahids are equal in knowledge and piety (in the sense of being careful in deriving the laws [from their sources]), then a lay person has the option of acting according to the views of any one of the mujtahids in all the issues.

However, as a matter of precaution (ihtiyat) in some issues, if possible, one could act in such a manner as to fulfill the requirements of both views; for example, in the case of praying concessionary qasr and full (tamam) prayers. [That is, praying the same prayer in qasr as well as in tamam forms.]

b. Third: That some ahlul khibra announce that mujtahid 'a' is the a'lam whereas others among the ahlul khibra announce that mujtahid 'b' is the a'lam. This can have two situations:

i. A person knows that one of the two mujtahids is the a'lam but he does not know which one specifically. This is a very unusual situation and it has been discussed in detail in Minhaju 's-Saliheen, question No. 9.

ii. A person does not know which of the two is the a'lam in the sense that he thinks both are equal in knowledge. This refers back to the second of the three parts mentioned above, provided that the person is unable to identify the more Godfearing of the two mujtahids. If he is able to identify the more Godfearing of the two mujtahids, he must follow the fatwa of that mujtahid.

1. Question: If a person does not know the view of his marja', in a certain problem, is it necessary for him to find out about it even if it involves expensive telephone calls? Or is it sufficient to act on the known view of any other mujtahid until he finds out the view of his own marja'? And in such a case what will be the verdict on the past acts [done according to the view of the other mujtahid] if it differs from the view of his own marja'?

Answer: It is necessary for him to find out the view of his a'lam marja' even through telephone contact as long as it does not cause him harm [physically or financially]. If it is not possible for him to find out the view [of his own marja'], it is permissible for him to refer in that particular case to the other mujtahids, taking into account the hierarchy of the al-a'lam and the next a'lam in line. The deeds performed according to the view of the second mujtahid would be valid even if the worshipper later on finds out that it was not in accordance with the view of his own marja'.

Notes:

[26] Translator's Note: See rule no. 26 for meaning of ahlul khibra.

Chapter 4 : Taharat & Najasat: Ritual Purity & Impurity

Introduction

A Muslim tries to maintain the ritual purity of his body, clothes and everyday commodities by avoiding contact with impure things because such contacts would render the other items impure and would, therefore necessitate the process of purification.

Residing in a non-Muslim country makes the process of maintaining purity difficult for some Muslims as they deal with its non-Muslim citizens in various situations of their day-to-day life: in restaurants, cafes, barber's shops, laundrettes, and, in public baths and utilities, etc. Therefore, it is appropriate for me to clarify for the respected readers the religious rules concerning taharat (ritual purity) and najasat (ritual impurity).

General Rules

1. A well known religious law says: "Everything is ritually pure for you unless you come to know that it is ritually impure." This law declares everything to be pure unless one becomes sure a particular item has become impure. And as long as you are not sure that it has become ritually impure (najis), it is to be considered pure and you can apply all the rules of purity to it without any hesitation or doubt.
2. The Ahlul Kitab (that is, the Jews, the Christians and the Zoroastrians) are ritually pure (tahir) as long as you do not know that they have become ritually impure (najis) by coming into contact with an impure object. You can follow this ruling when dealing with them.
3. The impurity transfers from one item to another through flowing wetness [that is, there is so much wetness in the impure item that it permeates to another item and makes it impure]. The impurity is neither transferred when it is dry, nor is transferred by non-flowing wetness. So, if you place your hand on a dry najis item, your hand will not become impure.
4. You can assume the ritual purity (taharat) of any person that you meet and shake hands with (even if that person's hand is wet) as long as you do not know his faith and religion - in such cases you can assume that he might be a Muslim or one of the Ahlul Kitab. Moreover, it is not obligatory

for you to ask him in order to ascertain his religion; that is, even if doing so does not put you or him in any inconvenience. (See the question-answer section below).

5. Any water drops or other liquids that fall upon your body or dress are to be considered pure as long as you do not know that they are najis.

6. All kinds of alcohol (whether extracted from wood or other sources) is pure, not najis. So, the medicines, the perfumes, and the food containing alcohol are pure and can be used. It is also permissible to eat such food if the amount of alcohol is very minute, e.g., 2%.

7. No matter who was the previous user, the everyday commodities and utensils can be used without the need for purifying them as long as you do not know that they had become najis previously. (See the question-answer section below.)

8. If the carpet and the mattress become najis by the elements that do not have a mass (i.e., do not leave any marks or stains on the carpet or the mattress), it can be purified by sprinkling water over it from a kettle or a jug once until the pure water covers the impure area, and then wipe the water away by using a piece of cloth or a vacuum cleaner, etc. The carpet or the mattress will now be considered pure; and the water removed from it will be considered, on the basis of obligatory precaution, as najis.

The same rule will apply in purifying the cloth if it becomes najis by impure sources other than urine. Things becoming najis by urine will be discussed later on.

9. If one wants to purify the carpet or the mattress by using pure water connected to the kurr source [e.g., by using a hose pipe instead of pouring water from a jug], there is no need to wipe the water off using a piece of cloth or a vacuum cleaner, etc. As soon as the kurr water covers the najis area, it will become pure [and the water will also be considered as pure].

10. It is possible to purify the carpet or the mattress which has become najis by the elements that do have a mass (i.e., do leave marks or stains like blood or semen) by the same method as mentioned in No. 39 provided that the impure element is removed while washing or prior to washing. The only difference is that if it is purified by the qalil water [e.g., from a jug or a glass], then the water removed from the carpet will be considered najis as a confirmed opinion and not as an obligatory precaution.

11. If a carpet or a mattress becomes najis by urine of an infant child that mostly gets nutrition by breast-feeding, then it can be purified by sprinkling water - even if it is little - on it until it covers the najis area. In this case, there is no need to remove the water by using a piece of cloth or vacuum cleaner, etc.

12. If clothes become najis by urine, they can be purified by sprinkling little water on them from a kettle or a jug, etc., until it covers the najis area; then the water should be wiped off by using a piece of cloth, etc. You have to do this twice so that the clothes restore their taharah.

The water that has been wiped off from the clothes (while purifying it two times) will be considered najis on the basis of obligatory precaution, if there is no urine in them. Conversely the water will be considered najis as a confirmed opinion.

13. If one wants to purify such a clothes with pure water which is connected to a kurr source [e.g., under the water tap or by using a hose pipe], even then it is necessary to wash them twice. Similarly, it is necessary to wash the body twice -even when washed in kurr water- while purifying if it has become najis because of urine.

14. If the hand and the clothes become impure because of an intoxicating drink, a single wash can purify them. However, in case of purifying the same with little water, it is necessary to rinse the cloth after washing.

15. Utensils and cups that have become impure because of intoxicating drink should be washed three times if purified with little water. If they are purified with pure water connected to a kurr source, even then it should be washed three times, as a matter of obligatory precaution.

16. A single wash can purify the hand and the clothes that have become impure by licking of a dog. Such a clothes, need to be rinsed if it is purified by little water. (See the question-answer section below.)

17. Utensils and cups that have become impure by licking of a dog or by the dog drinking from them can be purified as follows: first they should be cleaned by using earth or dust, and then by washing them twice with water.

Questions and Answers

1. Question: The earth is one of the purifying agents. Following the example of a shoe's sole that can be purified by walking on the earth, would the same rule apply to car tires?

Answer: The earth cannot purify the tires.

2. Question: Where does the domino effect of mutanajjis items stop when it is no longer wet? [27]

Answer: The first mutanajjis item would make the item that comes into contact with it impure; similarly, the second mutanajjis would make the item that comes into contact with it impure; but the third mutanajjis can no longer make other items impure, irrespective of whether it is wet or dry.

3. Question: If a dog licks my body or clothes, how should I purify it?

Answer: It is sufficient to wash it once. However, if the water is little, it is necessary to rid it of the water by wringing.

4. Question: Are the Sikhs considered to be among the followers of the past revealed religions like the Jews and the Christians?

Answer: They are not counted among the People of the (Revealed) Books (the Ahlul Kitab).

5. Question: Are the Bhuddhists among the Ahlul Kitab?

Answer: They are not from them.

6. Question: Can Muslim, who rents a fully furnished house in the West, consider everything in it to be ritually pure as long as he does not find any trace of impure things in it, even if the previous occupant was from Ahlul Kitab, i.e., a Christian or a Jew? What if the previous occupant was a Bhuddhist or an atheist who does not believe in God and the prophets?

Answer: Yes, he can consider everything in the house ritually pure as long as he does not know that it has become impure. Just conjecture or doubt about impurity is of no value.

7. Question: The floor of most houses in the West is covered with carpet which is glued to the floor in such a way that it is difficult to lift it off. How can such a carpet be rendered pure (tahir), if it becomes impure with urine or blood? The water used to purify in both the cases could be qalil or kathir. Please explain the ruling in both cases.

Answer: If it is possible to wipe the water off the carpet by using a piece of cloth or a vacuum cleaner, it can be purified with qalil water, provided that the water is wiped off the carpet, in the process. Conversely, it must be purified by kathir water [i.e., by using a hose pipe connected to the tap].

8. Question: In the West, there are many public laundry places in which Muslims and non-Muslims wash their clothes. Is it permissible for us to pray in the clothes washed in such facilities, especially when we have no knowledge whether or not the washing machines are connected to

the kurr water [28] at some stages of the washing, and whether or not it purifies the clothes in the process of washing?

Answer: There is no problem in praying in those clothes that were pure before washing them [in such facilities] as long as you are not aware that they have become impure. [In other words, what goes in the public washing machine as pure comes out as pure unless you are sure that it has become impure.]

Similarly, [you can pray in] the impure clothes [that were washed in the public laundry machines] provided that you are reassured:

- a. that the impure element, if any, has been washed away;
- b. that the pure water covered the entire impure area twice (if it had become impure by urine and even if the water was connected to kurr source as an obligatory precaution) or just once (if it had become impure by other elements);
- c. and that the water was removed from the clothes by wringing or other similar method [i.e., spinning of the machine] if it was qalil. However, if you are not sure and just have conjecture that the garment has been purified as per religious requirement, the previously impure garment will still be considered impure and praying in it would not be valid.

1. Question: Can the clothes washed with liquid detergent in laundry facilities owned by a non-Muslim be considered tahir while knowing that Muslims as well as non-Muslims wash their clothes there?

Answer: If you do not know that the clothes have come into contact with a source of najasah, you can consider them tahir (pure).

2. Question: Some soaps contain pigs' fat or other animals not slaughtered Islamically. Furthermore, we do not know whether or not chemical change has taken place in the manufacturing process. Can such soaps be considered tahir? [Chemical change is a purifying agent in the sense that it purifies a najis item.]

Answer: If it is proven to contain those [impure] elements, it should be considered impure, except if the occurrence of chemical change is proven. Such a change is not proven in manufacturing of soaps.

3. Question: A toothbrush that contains bristles from the hair of a pig: is it permissible to buy, sell and use it? Does the mouth become impure by using such a toothbrush?

Answer: It is permissible to buy, sell and use it; however, the mouth will become impure by using it; and the mouth will become pure by taking that toothbrush out and getting rid of the remaining toothpaste from the mouth.

4. Question: If blood is seen in the yolk or the white part of the egg, does it make the egg impure and haram for us? Is there a solution for it?

Answer: The clot of blood inside the egg is pure, but it is haram [for consumption]. Therefore, the egg can be eaten by removing the blood from it, provided it not very minute and been absorbed in it. [In the latter case, is not removable, then the egg becomes haram.]

5. Question: Are alcoholic beverages pure? Is beer pure?

Answer: There is no doubt about the impurity of alcoholic drinks. As far as beer (fuqa') is concerned, it is impure on the basis of precaution; however, there is no doubt in it being haram.

6. Question: The people residing in Europe are of different faiths, nationalities and religions; and when we buy moist or wet food items, the shopkeeper may touch it with his hands. Since we do not know his religion, can we consider that food as pure?

Answer: As long as it is not known that the hands of the shopkeeper were najis, the food is to be considered tahir.

7. Question: What about the leather products made in a European country, if we are unaware of the source of that leather? It is said that some European countries import cheap leather from Muslim countries and then use it for manufacturing various products. Can we consider such leather pure? Are we allowed to say salat in them? Can such a weak probability [about it originating from a Muslim country] be given any credence?

Answer: If the probability of the leather originating from a zabiha (an animal slaughtered Islamically) source is so weak that people would not normally give any credence (for example, the probability of 2%), it is to be considered impure and this cannot be used in salat. But if the probability is not so weak, it can be considered pure and using it in salat would be permissible.

Notes:

[27] Translator's Note: An item which is impure by itself is known as 'ayn najis or simply najis; the item that becomes impure by coming into wet contact with an 'ayn najis is known as "mutanajjis," that is impure by secondary reason.

[28] Translator's Note: All laundry machines are connected to kurr source because it comes from the main reservoir supplying the water to the city.

Chapter 5 : Salat: The Ritual Prayer

Introduction

The salat has been described in some ahadith as “the pillar of religion.” Imam 'Ali (a.s.), after receiving the fatal injury by Ibn Muljim (may Allah curse him), in a part of his advice to his sons, al-Hasan and al-Husayn (a.s.) said, “[Fear] Farewell Allah, and keep Allah in view with regardst salat, for it is the pillar of your religion. [Fear] Allah, and keep Allah in the matter of the house of your Lord (i.e., mosque): do not leave it empty as long as you live.” [29]

As-Sukuni narrates from Imam as-Sadiq (a.s.), “The Messenger of Allah (s.a.w.) said, 'Satan is frightened from a believer as long as he keeps up salat on time; but when he starts neglecting them, Satan becomes emboldened and tempts him to commit major (sins).’” [30] Yazid bin Khalifa said that he heard Imam as-Sadiq (a.s.) say, “When a person stands for salat, mercy descends upon him from the heaven to the earth and the angels engulf him, and an angel calls out: 'if this person knew what is [the reward] for the salat, he would never stop.’”[31]

From these [few selected ahadith] we can understand the clear and obvious importance of salat in Islam. And since salat is like having audience with the Almighty Allah (as the ahadith have it that a person standing for prayer is as if he is standing in audience of the Almighty), the worshiper should approach Allah through presence of heart by not thinking or occupying his mind with anything worldly and transitory. Almighty Allah says in the Holy Qur'an: “Indeed successful are the believers who are humble in their prayers.” (24:1)

When Imam 'Ali Zaynu 'l-'Abideen (a.s.) said his salat, he used to stand “firm and motionless like a tree: nothing moves on it except what is moved by the wind.” [32] When the Imams, al-Baqir and as-Sadiq (a.s.), stood for their salat, “their colour would change to red and then yellow as if they were talking to someone whom they could see.” [33]

General Rules

1. The mujtahids say that salat cannot be skipped under any circumstances. It means that it is not to be omitted whether one is travelling or at home; even if the time is running out, it is obligatory upon the Muslim, for example a traveller, to say his salat in a plane, ship, car, or a train whether stationary or moving; it could be performed any where: in the waiting room, in a public park, on the side of a road, or at the work-place, etc.

2. When it is not possible for the traveller to say the salat in a plane or a car or a train in a standing position, he should say it while he is seated.

If it is not possible for him to find the direction of the qiblah, he should face the direction that he most probably thinks to be the qiblah; if he is unable to prefer one direction to the other, he should pray in whatever direction he is facing. If it is not possible to face the qiblah except for takbiratul ihram (the opening "Allahu akbar"), he should at the least say the takbir facing the direction of qiblah. (See the question-answer section below.)

3. It is permissible to ask the airhostess about the direction of the qiblah so that she may ask the pilot about it. If you have confidence in their information, you can rely on it even if they are non-Muslims.

Similarly, it is permissible to rely on scientific instruments for determining the direction of the qiblah, for example the compass, if a Muslim is convinced about its correctness.

4. If a Muslim cannot do wudhu (minor ritual ablution) for the salat, then he should do tayammum instead.

5. The length of day and night differs from place to place. If the day and the night are clearly known by the rising of the sun and its setting, the Muslim should rely on the rising and the setting of the sun for determining the times for salat and fasting. This is so even if that means that the prayers have to be said more frequently shorter days or that fasting becomes lengthier shorter nights.

6. In some places the sun does not set or does not rise at all for a number of days or months. As a matter of precaution Muslims should rely on the timings of the closest city that has night and day in a twenty-four hour period. Thus, they will, pray five salats according to the times of that closest city with the intention of qurbat in general [i.e., without saying ada (prayer on time) or qadha (prayer outside its time)].

7. If it is not possible for a Muslim to determine the beginning of true dawn (fajr) or the midday or sunset for his prayers and fasting, and he has faith in the timings given by the observatories, he can rely on the same, even if the scientists running the observatories are non-Muslims-as long as

you have faith in their determining true dawn or noon or sunset times.

8. For a traveller, it is obligatory to say salat in qasr form; that is, he will recite the noon, afternoon and night prayers only two cycles (rak'at) [instead of the normal four rak'at] provided he travels for forty-four kilometers or more (in both ways), starting from the last houses of his city in normal cases. [34]

There are detailed and specific rules in the Manual of Islamic Laws explaining when to pray qasr and when not to pray qasr while travelling. (For some rules, see the questions-answers at the end of this section.)

9. Praying Friday salat with due attention to its required conditions is preferable to praying the noon salat, and is sufficient; that is, if a person says Friday prayer, he does not have to say noon prayer.

10. Praying in congregation (jama'at) is preferable to praying individually. Its preference is stronger in the dawn, sunset and night prayers. A noble hadith says: "A salat [in congregation] behind a learned scholar is like [praying] a thousand cycles; and behind a Qurayshi is like [praying] a hundred cycles." As the number of the worshippers increases, the preference [and the reward] also increases.

Questions and Answers

1. Question: A person used to make mistakes in the way he performed his wudhu (minor ablution) or ghusl (major ablution). After many years, he comes to realize his mistakes. When he inquires as how to solve his problem, he is told: "Repeat all your prayers and perform the pilgrimage again." Since saying all the prayers and doing the pilgrimage again is difficult,

is there a solution which would salvage his prayers and pilgrimage performed with wudhu and ghusl that he thought was correct? Is there such a solution as a concession to this person so that he does not become disheartened and rebellions against religious obligations in a society which encourages such kind of rebellion?

Answer: If he was ignorant out of innocence, and therefore made mistakes without causing harm (e.g., did not follow the proper sequence in washing the head and the other parts of the body in ghusl; or did the wiping of the head or feet [mash] with a new water), then his wudhu and ghusl will be considered correct; and, consequently, his past prayers and pilgrimage will also be considered correct.

But if he was ignorant out of negligence in learning the Islamic laws or did mistakes which do

invalidate the act in general (e.g., leaving out some parts of the body which must be washed in wudhu or ghusl), there is no way to validate his past prayers and pilgrimage. However, if there is the fear that he would totally rebel when asked to make up all the past prayers and pilgrimage, then it is not appropriate to ask him to do so. Maybe Allah will improve his situation in future.

Question: Some people pray for years and even perform pilgrimage, yet they do not pay khums. [35] Is it obligatory on them to repeat their prayers and pilgrimage?

Answer: Based on precaution, it is obligatory on them to repeat prayers and pilgrimage, if the particular dress that they used in prayers, in tawaf and in salat of tawaf was from items on which khums had become due.

However, if only the dress they used in salat of tawaf was from items on which khums had become due, and they were ignorant (even out of negligence) of the law or the status of the dress, their pilgrimage is valid, but they have to repeat salat of tawaf if they had no excuse for their ignorance. [In this case,] they have, as a matter of precaution to return to Mecca [to perform the salat of tawaf again], if it does not entail great difficulty; otherwise they can perform that salat wherever they are.

Similarly, they will have to do the pilgrimage again if the animal offered as a sacrifice was bought with money on which khums had become due. However, if they had bought it with money whose unspecific portion was liable for khums -as is the case normally - there is no problem in their pilgrimage, even if they used it from the money on which khums had become liable; of course, they will be responsible for that amount [for payment of khums].

All this is applicable, if they knew about the obligation of khums and the law forbidding them to utilize items on which khums has become wajib or if they were ignorant out of negligence. But, if they were ignorant out of innocence, their prayers and pilgrimage are valid.

1. Question: If a traveller leaves his home town immediately after the adhan of noon prayer, i.e. without saying that prayer, and reaches his destination after sunset, has he committed a sin? And is it obligatory on him to make up for noon prayer?

Answer: Yes, he has committed a sin by neglecting the obligatory prayer in its appropriate time, and he has to make it up.

2. Question: Is the ink that had dried [on our hands, for example] a barrier to perform wudhu or ghusl?

Answer: If it does not form a mass that would prevent water from reaching the skin, the wudhu

and ghusl is valid. However, if one has doubt whether it forms a mass or not, it must be removed.

3. Question: Is it permissible for a Muslim to involve in pleasure by continuing to watch an entertaining movie even, though salat time is due, and then he goes to say his prayers just before it becomes overdue (qadha)?

Answer: It is not appropriate for a Muslim to delay the saying of salat from its preferred time (i.e., at the beginning of its time span) except for an excuse; what has been mentioned in the question is not an acceptable excuse.

4. Question: Is cream a barrier to water reaching the skin, and if so should it be removed prior to wudhu and ghusl?

Answer: Apparently the effect left on the skin after it is applied is nothing but just moisture, and so it does not constitute a barrier to water reaching the skin.

5. Question: Some women let their nails grow longer than necessary for beauty. Sometimes a nail breaks up, requiring a cover that must be placed over the broken nail. Knowing that such a cover prevents water from reaching the nail in wudhu and ghusl, is it permissible to use it? How should wudhu and ghusl be performed with that cover?

Answer: Wudhu and ghusl with such a cover over the nail is not valid; therefore, it is necessary to remove it for ablutions. And the purpose mentioned above for the cover is not justifiable.

6. Question: When should one say his salat full (tamam) and when should one say it qasr (two rakat instead of four)? Is the general perception about a person being resident of a city sufficient for him to say his salat fully [in that city]?

Answer: The conditions for qasr in travelling have been mentioned in the Manual of Islamic Laws. When a person considers residing in a city for a long time, and in the general perception it is considered as such, he is not considered as a traveller (e.g., if he intends to reside in that city for year and a half, it will be considered as his home-town after one month). But if he intends to stay in that city for a short while only and is considered, in the general sense, as a visitor, he should pray qasr.

7. Question: How can we know the time of mid-night? Do 00.00 hours the point of mid-night as it is commonly held by some people?

Answer: Midnight is halfway between sunset and true dawn. So if the sun sets at 7 p.m. and the true dawn begins at 4 a.m., then midnight will be at 11:30 p.m. The criteria for determining

midnight are the timings of sunset and true dawn, which differ according to place and season.

8. Question: A person who believes that he will not be able to wake up for dawn prayer if he goes to sleep, is it obligatory on him to stay awake till the time of prayer? Is he committing a sin if he sleeps and does not wake up for dawn prayer?

Answer: It is possible for him to ask someone to wake him up for dawn prayer or use an alarm clock, etc, for this purpose. If these means of waking up are not possible, then he is not committing a sin by going to sleep unless it is considered, as is widely believed, an insult to, and neglect of, the salat.

9. Question: How can we say our obligatory prayers in an aircraft, especially if we do not know the direction of the qiblah taking into consideration the instability of the floor [because the plane is in motion]?

Answer: As for the qiblah, it is possible to identify its direction by asking the captain or the airhostesses because their answers usually carry validity and are a source of assurance. One should therefore act accordingly.

As for the stability of the floor where salat is to be performed, that condition will be waived when it is not possible to achieve it. However, other conditions of prayers should, wherever possible, be observed. Under no circumstance should the prayer be delayed beyond its appropriate time span.

10. Question: How should we say our salat in trains and cars? Is it necessary to do prostration (sajda) on something or is it not necessary, in that would bending of the neck be sufficient?

Answer: It is obligatory to say salat in the usual way where possible. So, one should face the qiblah in all stages of the salat; if not, at least while saying the opening takbir. Otherwise the condition of facing the qiblah will be dropped. Similarly, if it is possible to do the bowing (ruku') and prostration (sajdah) normally (e.g., in the aisle of the bus or the train), those parts of salat should be done normally.

But if it is not possible, then one should try to bow normally for ruku' and sajdah [for example, from a sitting position on the seat or the berth of the train]. For sajdah, one has to put the forehead on an item on which sajdah is valid, even if by lifting that item to the forehead. If bowing normally is not possible, one should just indicate by bending the neck [halfway for ruku and fully for sajdah].

11. Question: If the time for salat has come while the student is still on his way to the university. When he reaches the university, he realizes that the time of salat has ended. In this case, is it

permissible for him to say salat in the car although there are places in which he could pray, yet by going to those places he may risk becoming late [for his university]?

Answer: The delay in getting to the work place [or university] is not a good enough reason for praying in the car. This is because it involves non fulfillment of some of its conditions while it is possible to get down and pray normally on the earth with all the conditions fulfilled. However, if the delay is going to cause him considerable harm or put him in an untenable situation, it is permissible for him to pray in the car, (without being able to fulfill some of prayer's conditions).

12. Question: It happens that the time of salat sets in while the Muslim worker is at his work-place, - noting that finding work is not easy - thus, he finds it difficult to leave the work for salat. Sometimes he ends up losing his job because of his insistence on saying salat. Is he allowed to say his prayers as qadha? Or must he say them [on time], even if it leads to him losing his job?

Answer: If the need to work at that place reaches the level of necessity, then he should pray in time in whatever way possible: even just by indicating [by lowering the neck halfway for ruku' and fully for sajda]. However, such a situation would arise only exceptionally. So he should fear Almighty Allah and not accept a job which leads to neglecting the pillar of faith; thus, he should remember the words of the Almighty: "And whosoever fears Allah, He will make a way out for him [from difficulties] and provide for him from where he does not expect." (65:2)

13. Question: Many big companies and business in the West employ large numbers of employees who work in offices about whose ownership they have no idea. So what is the ruling on:

- a. Praying in those offices and using the water for wudhu?
- b. If praying there is problematic, what would become of past prayers said in those places?

Answer:

c. There is no problem in praying in those places nor in using the water for wudhu as long as it is not known to have been usurped.

d. If it becomes clear after saying the salat that the property was usurped, the past prayers are valid.

1. Question: If I pray with a leather belt or a wallet made from leather of a mayta and realize it during the salat or after finishing it but before the end of its time span or after the ending of its time span-what would become of that prayer?

Answer: The prayer with a wallet made from leather of a mayta is valid just as it is acceptable to pray with a belt made from such a leather, provided that the probability of it being from zabiha is not a very low probability that would be ignored by sensible people. In the second case [of very low probability], if he was ignorant [of this rule] and realized during salat, he should take it off immediately and his salat would be valid. The same rule would apply if he forgot [that he had the wallet or the belt on him] and remembered during salat, provided that his forgetfulness was not a result of carelessness and indifference. In other cases, he will have to repeat salat in time or qadha as a matter of obligatory precaution.

2. Question: One of the famous trousers these days is the one known as jeans. It is made in non-Muslim countries. It has a piece of leather used as a label. It is not known whether the leather is that of an animal slaughtered Islamically or non-Islamically-is it permissible to say salat with these trousers?

Answer: Yes, it is permissible.

3. Question: Is salat valid if the person uses cologne? Is cologne ritually pure?

Answer: Yes, it is pure.

4. Question: Is it alright to do sajdah on concrete or on mosaic?

Answer: Yes, it is alright.

5. Question: Some prayer-mats are made of synthetic material; is it permissible to do sajdah on them?

Answer: Sajdah on such items is not good enough.

6. Question: Is it permissible to do sajdah on writing paper and on paper tissues, especially, if is not known whether or not the raw material they are made of was from items on which sajdah is valid?

Answer: It is not permissible to do sajdah on paper tissues, only after ascertaining that they have been made from items on which sajdah is allowed; it is permissible to do sajdah on paper if it is made from material on which sajdah is allowed or from cotton or flax.

7. Question: A reciter of the Holy Qur'an recites a verse of wajib sajdah, on hearing it from a cassette player, is it obligatory on us to do sajdah in this case?

Answer: It is not obligatory.

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Notes:

[29] Tafsilu Wasa'ili 'sh-Shi'a, vol. 4, p. 35.

[30] Imam 'Ali, Nahju 'l-Balagha (ed. Subhi as-Salih), p. 422.

[31] Tafsilu Wasa'ili 'sh-Shi'a, vol. 4, p. 28.

[32] Sayyid Muhammad Hadi al-Milani, Qudatuna: Kayfa Na'rifuhum, vol. 6, p. 164 which has a special section on the prayers of Imam Zaynu 'l-'Abideen (a.s.).

[33] Sayyid as-Sistani, Minhaju 's-Saliheen, vol. 1, p. 193.

[34] "In normal cases" means other than the major metropolitan cities where going from one end to another is considered travelling.

[35] Translator's Note: Khums is an annual Islamic tax applied, among other things, on the savings. See the Manual of Islamic Laws or the present translator's, Khums: An Islamic Tax for details.

Chapter 6 : Sawm: Fasting

Introduction

The noble Prophet Muhammad (s.a.w.) gave an impressive sermon welcoming the month of Ramadhān. He said:

"O people! The month of Allāh with its blessings, mercy and forgiveness has come upon you. It is the most preferred of all the months with Allāh; its days are the best of days, its nights are the best of nights, and its hours are the best of hours. It is a month in which you have been invited as guests of Allāh and have been placed among those honoured by Allāh.

Your breathing in it is [like] an act of praising [Alla~h], your sleep an act of worship; your good deeds are accepted, and your prayers answered. Therefore, ask Alla~h with sincere intentions and pure hearts to help you in fasting and reciting His Book during this [month]. Indeed damned is he who is deprived of Alla~h's forgiveness during this august month.

"O people! The gates of Paradise are wide open during this month; therefore, ask your Lord not to close them in your face and the gates of Hell-Fire are locked; therefore, ask your Lord not to open them for you. Satans are chained; therefore, ask your Lord not to unfetter them upon you.

"O people! Whosoever among you improves his character during this month, he shall have the pass [to cross] over the Bridge (sira~t) on the day when [people's] feet shall slip. Whosoever is lenient with his slaves during this month, Alla~h will be lenient with him in the reckoning of his [deeds on the Day of Judgement]. Whosoever checks his evil deeds during this month, Alla~h shall withhold His anger from him on the day he meets Him. Whosoever honours an orphan during this month, Alla~h shall honour him on the day he meets Him.

Whosoever maintains, during this month, contact with his relations, Alla~h will maintain His mercy for him on the day he meets Him. Whosoever recites a verse from the Qur'a~n during this month, his reward will be like one who has completed the recitation of the Qur'a~n during the other months."

Imam 'Ali (a.s.) said, "There are some who fast but will gain nothing from their fasting except thirst; and there are some who pray but will gain nothing from their prayer except tiredness."

Imam as-Sa~diq (a.s.) said, "When you fast, your ears, eyes, hair, skin, and all your limbs should also fast." He also said, "Fasting is not only [abstaining] from food and drink alone. When you fast, protect your tongue from lying; lower your eye-glances from what Alla~h has forbidden [you to see]; do not fight with one another; do not be jealous of one another; do not backbite one another; do not abuse one another; and do not be unjust to one another.

Refrain from false accusation, lying, fighting, suspicion, backbiting, and slandering. Be those who look forward to the hereafter, and wait for your days, waiting for what Alla~h has promised for those who have prepared to meet Alla~h. You must have tranquility, sobriety, humility, servility, and submissiveness of a slave who fears his master; and be fearful [of Alla~h's chastisement] as well as hopeful [in His forgiveness]."*

* For these and other similar ahadith in the books of hadith and in Mafatihul 'I-Jinan of 'Abbas al-Qummi, p. 235-237.

General Rules

It is appropriate now to explain some rules of fasting, and append to them the specific questions and answers concerning this important Islamic ritual.

1. Among the acts that invalidate fasting is intentionally eating and drinking. So, if a person who is fasting eats or drinks by mistake (e.g., he forgot that he was fasting) and not intentionally, his fasting is in order and there is no penalty upon him.

2. Among the acts that invalidate fasting of Ramadhān is intentionally staying in a state of janãbat until the beginning of true dawn. So if such a person intentionally remains in that state without performing major ablution (ghusl) until the beginning of the true dawn in the month of Ramadhan, then it is obligatory upon him to refrain from the forbidden things for the remaining of the day.

(As a matter of obligatory precaution one should abstain with the intention of “ma fidh dhimma — what is expected of him”.) They should also make up this fast some other day [after Ramadhan] with the intention of “ma fidh dhimma” and also incur the penalty, based on obligatory precaution. If a person is sick and cannot perform ghusl because of his sickness, he should do tayammum before true dawn; thereafter, they will be considered to be in a state of ritual purity. Thus, they will be able to fast.

3. Among the acts that invalidate fasting in the month of Ramadhān is for a woman to remain until true dawn in a state of ritual impurity caused by menstruation (hayz) or post-natal bleeding (nifãs) after it had stopped and while it was possible for her to do major ablution (ghusl). So if she stays without ghusl till the beginning of true dawn, her situation will be the same as that of the person in janãbat as mentioned above. If performing ghusl was not possible for her, she should take to tayammum.

4. It is preferable for the fasting person not to swallow phlegm that has reached the mouth, although it is permissible for him to swallow it. Similarly, it is permissible for him to swallow the saliva that has gathered in the mouth, even in large quantities.

5. Discharge of semen during daytime does not invalidate the fast; and the person should perform ghusl for janãbat for his salãt. So discharge of semen [during daytime] does not invalidate fasting.

6. Washing the teeth with brush and toothpaste does not invalidate the fast as long as the person does not swallow the saliva that has mixed with the toothpaste. However, the lingering flavour or taste of the paste that mixes with the saliva does not affect the fasting.

7. If a Muslim lives in a city that has daylight for six months and night for six months [e.g., the northern part of Europe or Canada], it is obligatory for him to move during the month of Ramadhan to a city with 'normal' day and night so that he can start fasting, if not, he should move after that month to fast as qadha~ (making up the missed fast). However, if it is not possible for him to move, then he has to pay compensation (fidya) instead of fasting; that means giving 750 grams of food [rice or flour] to a poor person per day.

8. If a Muslim lives in a city where daylight in some seasons is for 23 hours and the night is only for one hour or vice versa, it is still obligatory on him to fast, if he has the ability to do so. But if he is not able to fast, the obligation is forfeited. If it is possible for him to do qadha~ later on [e.g., in other seasons or] by moving to another city, it is wa~jib for him to do the qadha~. If he is unable even to do the qadha~, it is obligatory on him to pay fidya in lieu of fasting.

Questions and Answers

1. Question: Some people come to a city with the intention of residing therein for some years for a specific purpose [e.g., education] During this time, they do not leave their own home-towns for good. When the specific purpose is accomplished, they leave that city and go to wherever they like. How should they do their sala~t and how should they fast [in that city]?

Answer: They shall pray fully; they can fast after having lived in that city for a month just as they do in their own home-towns.

2. Question: Is it permissible to rely on the European observatories [i.e., non-Muslim experts] for determining the timings of true dawn, sunrise, noon, and sunset for the whole year, including the month of Ramadhan, knowing well that it is scientific and very precise to the minutes and seconds?

Answer: If one is sure of the correctness of their timings, it is permissible to act upon it. However, one should know that there are some differences in determining the true dawn especially in some of the cities in [northern] Europe [and Canada]; therefore, it is necessary to ascertain that it is based on the proper view.

3. Question: In some cities, the sun does not rise at all for days or does not set at all for days or even more. How should we pray and fast?

Answer: As for sala~t, one should, as a matter of obligatory precaution, observe the closest place that has night and day in a twenty-four hour period, then say sala~t according to its timings with the intention of mutlaqa [i.e., just qurbatan ilal lah without specifying whether it is ada (on time) or qadha~ (after time)].

As for fasting, it is obligatory upon you to move during the month of Ramadhan to another city where you can observe fasting of this holy month, or move to that city after that month to perform it qadha~.

4. Question: Can a person who is fasting in the holy month of Ramadhan serve food to non-Muslims?

Answer: By looking at the issue on its own merit, there is no problem in it.

5. Question: Would use of a nozzle spray that facilitates breathing invalidate the fast?

Answer: If the spray that comes out of the nozzle enters the respiratory tract and not the passage of food and drink, it does not invalidate fast.

6. Question: Does the nutrition given, intravenously invalidate fast irrespective of whether or not it was absolutely necessary for the patient?

Answer: In both the cases, it does not invalidate the fasting.

7. Question: Does masturbating during daytime of Ramadhan invalidate the fast, regardless of whether or not it leads to ejaculation? What is the penalty that should be incurred by one who does so? What is the ruling for a woman who engages in masturbation during daytime of Ramadhan, irrespective of whether or not it leads to discharge?

Answer: If a person masturbates with the intention of ejaculating and actually ejaculates, his fast is rendered invalid and he must make it up by way of qadha~ as well as pay the penalty (kaffa~ra) which is fasting for two successive months or feeding sixty poor people. If he masturbates with the intention of ejaculating but does not ejaculate, he must complete the fast with the intention of pleasing the Almighty and then do it qadha~.

If he masturbates without the intention of ejaculating and he does not normally ejaculate, knowing that discharge is probable and it actually happens —he has to do qadha~ without the penalty. However, if such a person was confident that no discharge would take place and it actually happens — no qadha~ is required. In all these cases, there is no difference between a man and a woman.

8. Question: A believer fasts but does not know that intentionally getting into state of jana~bat invalidates fasting—what should he do [when he finds out]?

Answer: It is obligatory on him to make up those fasts; however, there is no penalty on him as long as he was [erroneously] convinced that being in a state of janaˆbat does not invalidate fast or was unaware of that ruling.

9. Question: According to some jurists, a person who intentionally invalidates his fast during the month of Ramadhāˆn by committing a sin has to pay all three kinds of penalty [that is, fasting for sixty days, feeding sixty poor people, and emancipating a slave]. What should a person therefore do during our time when emancipating a slave is impossible since there are virtually no slaves?

Answer: The penalty of emancipating a slave is waived when it is no more possible. It should, however, be clarified that in our view, it is not obligatory to pay all three kinds of penalty for invalidating a fast during Ramadhāˆn by committing a sin. And Allaˆh knows the best.

10. Question: If the new moon is sighted in the East, does it apply to us also in the West? And if it is sighted in America, does it apply to Europe also?

Answer: If the new moon is sighted in the East, it also applies to the West as long as the latitude of the two locations are not greatly further away from one another. If the new moon is sighted in the West, it does not apply to the East unless it is proven—even by the moon staying on the first [Western] horizon for the length of time that is longer than the difference between the sunset of the two locations. [For example, if the sunset in the Eastern city was half an hour before the Western city where the moon was sighted, and the moon stays on the horizon longer than half an hour—the Eastern city can follow the moon sighted in the Western city.]

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In Minhaˆju 's-Saˆliheen, it says: “The new moon is proven through the knowledge acquired by sighting or recurring reports etc., and through credible reports of its sighting, etc.” In ruling No. 1044, it says: “If the new moon is sighted in a city, it is sufficient for other cities, provided they share the same horizon, in the sense that the actual sighting in the first city would necessarily be followed with the sighting in the second city if there were no barriers like clouds, fog, mountains, etc.”

In the light of what has been quoted, the following questions arise:

1. Question: Would the sighting of the new moon in cities in the East like Iran, Ahsaˆ', Qati'f [both in Arabia], other countries in the Gulf, Iraq, Syria, and Lebanon necessarily be followed by its sighting in Western countries like England, France and Germany if there were no barriers like clouds and fog?

Answer: Yes, the sighting of the new moon in an area would necessarily be followed —provided there were no barriers— in places which are located to its west as long as they are not far apart on the latitude lines.

2. Question: If the answer to the previous question is positive, would the occurrence of the sighting of the new moon in the view of some religious scholars in Eastern countries be a sufficient evidence for one who is residing in Western countries even though the sighting of the new moon did not occur in those places for lack of clear skies?

Answer: It will not be a sufficient evidence for him or for others. However, if the occurrence of the sighting from the view point of those religious scholars attracts trustworthiness in that person that the moon was actually sighted or proof was established about the sighting without any counter proof —even in the form of a ruling— that person can act on what he believes is true.

3. Question: During certain months, it is declared that the sighting has been proven according to some religious scholars in some Eastern countries. This is based on the testimony of those who have sighted the new moon. Such declarations are usually coupled with the following facts:

a. The witnesses who sighted the moon and who number around thirty, for example, are scattered in various cities such as 2 in Isfahan, 3 in Qum, 2 in Yazd, 4 in Kuwait, 5 in Bahrain, 2 in Ahsa', and 6 in Syria, etc.

b. The sky was clear in a number of cities in the West, and the believers went out in the attempt to sight the moon; and there was nothing preventing the sighting.

c. The observatories in England announced that it was impossible to sight the new moon that evening in England except by using a telescope; and that its sighting with the naked eye would be possible only in the following night. So, what is the ruling in such a case? Please guide us, may Alla~h reward you.