

## Commandments

As mentioned in the beginning of this book, the precepts and teachings of Islam are divided into three parts: beliefs, ethics, and commandments. After knowing Allah, we must perform actions such as reciting *salat* and observing *sawm* which are the signs of the worship and obedience to Allah. Now, we would explain the precepts of *salat* which would be followed by the precepts of *sawm*.

### Reciting Salat

The Almighty Allah states:

***"What has brought you into Hell? They shall say: 'We were not of those who recited salat' (74:42-43)."***

The Holy Prophet (S) states: "Prayer is the pillar of faith. If it is accepted by Allah, the other worships will also be accepted and if it is not accepted, the other worships will not be accepted either." Just like a man who removes dirt and uncleanness from his body by washing himself five times a day in a river, he will also purify himself from sins by reciting *salat* five times a day.

Surely, it should be known that the one, who recites *salat* but attaches no significance to it, is like the one who does not recite *salat*.

The Almighty Allah states in the Holy Qur'an:

***"So woe to the ones who recite salat but unmindful of their salawat (107:4-5)."***

One day, the Holy Prophet (S) entered the mosque and saw that a man was reciting *salat* but without performing proper *ruku'* (a part of the *salat* in which one bows down, genuflection) and *sujud* (the acts of prostration in the *salat* or worship to Allah). The Holy Prophet (S) stated: "If this man dies in this condition, he will not die as a Muslim."

Thus a man should recite *salat* with humility and respect. He should realize to whom he is talking while reciting *salat*. He should perform *ruku'*, *sujud*, and all other actions correctly in order to be benefited by

best results of reciting *salat*.

The Almighty Allah states in the Holy Qur'an:

**"...Surely the *salat* keeps (one) away from indecency and evil... (29:45)."**

Surely, this is true, for the rules of reciting *salat* are such that, if observed, the person who recites *salat* will never be tempted to evil acts.

For example, one of the rules of reciting *salat* is that the place where one recites *salat* and the clothes with which one recites *salat* should not be usurped or unlawful. His *salat* is not accepted even if a single thread of his clothes is usurped. One, who shuns *haram* things to such an extent, will never use *haram* wealth and property at all and will never deny the rights of others.

Also the *salat* will be accepted provided that man keeps himself away from avarice, jealousy, and other indecent and bad qualities. It is certain that the source of all indecencies is these bad qualities. If one who recites *salat* keeps himself away from these qualities, he will definitely be free from all indecencies and evil acts.

If some people perform indecent deeds even though they recite *salat*, it is because they do not exactly follow the necessary rules of reciting *salat*. As a result, *salawat* are not accepted and they do not enjoy the excellent advantages of reciting *salat*.

The holy religion of Islam has attached such an importance to *salat* that it has made it *wajib* for every Muslim under all the circumstances, even at the point of death. If one cannot recite *Surat al-Hamd* and the other *surah*, and other *dhikr* (words for remembering Allah) of *salat*, he should pass these through his heart. If he is unable to recite *salat* in a standing posture, he should recite *salat* in a sitting position. If he is unable to recite *salat* even in sitting position, he should do so in lying down. In any case, under no circumstances a man is exempted from reciting *salat*.

If one who wants to recite *salat* cannot face the *Qiblah* (facing towards Ka'bah while reciting *salat*) in the state of war, for the fear of the enemy, or in emergency cases, he can recite *salat* without facing the *Qiblah* and he should recite *salat* in whatever condition or direction he is.

## **Wajib Salaat**

There are six *wajib salaat*:

- (i) *Al-salat al-yawmiyyah* (the daily prayers);
- (ii) *Salat al-ayat* (the prayer of the signs of Allah's creation);
- (iii) *Salat al-mayyit* (the prayer for the dead person);

(iv) *Salat* of *wajib tawaf* (the ritual prayer of circumambulation around the Ka'bah);

(v) *Qada'* (settling the salawat which had not been performed in time) *Salawat* of the father which become *wajib* on the eldest son upon the death of the father; and

(vi) *Salawat* which become *wajib* upon a person due to: *ijarah* (receipt of money by him for their recitation), *nadh'r* (vow), *qasam* (oath), and *'ahd* (promise).

## Prerequisites of Salat

Reciting salat, i.e. standing before Allah, expressing servitude to Him, and worshipping Him, requires certain prerequisites. *Salat* is not valid unless these prerequisites are met. These essential requirements are: (i) *taharah* (specified Islamic way of purification), (ii) time, (iii) dress, (iv) place, and (v) *Qiblah*.

These prerequisites have been explained in detail here.

### (1) Taharah

One who recites *salat* should be *tahir*; that is, he should recite *salat* as per the requirements, viz: by having *wudhu'* (statutory ablution according to Islamic *Shari'ah*) before *salat*, or by *wajib ghusl* (taking bath according to the Islamic *Shari'ah*) or by *tayammum* (statutory Islamic ablution with soil, sand, etc) and also his body and dress should not be polluted with *najasah*.

### Najis Substances

There are several substances which are *najis* (inherently impure). They are as follows:

First and Second: The urine and faeces (The outlet of urination must be made *tahir* only by water, but the outlet of faeces can be washed with water or cleaned with three pieces of stone and the like provided the faeces have not exceeded the outlet of defecation; otherwise, it will not be cleaned by anything other than water.

It should be reminded that if faeces are not cleaned by three pieces of stone, more pieces of stone can be used to clean the outlet thoroughly) of animals whose meat is *haram* for eating and whose blood gushes out, meaning the animals whose blood will gush out if their blood vessels are cut, such as cats, foxes, rabbits, etc. If the flesh of chicken or birds or animals has become *haram* for eating due to their eating faeces, then the urine and faeces of such birds or animals are also *najis*.

Third: The carcass of an animal whose blood gushes out (if its blood vessels are cut) whether its flesh is *halal* or *haram* for eating. But some parts of the carcass, such as its wool, hair, and nails which are soulless, are *tahir*.

Fourth: The blood of an animal whose blood gushes out (if its blood vessels are cut) whether its meat is

*halal* or *haram* for eating.

Fifth and Sixth: All parts of the body of wild dogs and pigs, even their hair, are *najis*.

Seventh: Wine and anything which intoxicates a man and is basically in liquid form.

Eighth: Beer.

### Mutahhirat (Purifiers)

Anything which purifies (and makes *tahir*) *najis* substances is called *mutahhir* (purifier which purifies a *najis*). *Mutahhirat* are as follows:

(i) *Water* is a *mutahhir* which makes *tahir* all *najis* substances provided that the water is *mutlaq* (pure). Thus *mudaf* (mixed) water, such as the juice of watermelon and rose-water are not *mutahhirat* and do not make *tahir* the *najis*. *Wudhu'* and *ghusl* with *mudaf* water are not valid either (There are two kinds of water: *kurr* and *qail* (small quantity, i.e., less than *kurr*). *Kurr* water is a certain quantity of water which can make *tahir* any *najis* object as long as its colour, taste, and smell have not been altered.

It is 128 *manns* of Tabriz (*Mann* is a unit of weight of approximately 3 kg.) minus 20 *mithqal* (unit of weight of about 4.6 g) and is equal to 384 kg. *Kurr* water will not become *najis* if a *najis* object reaches it. *Qail* water, i.e., less than *kurr* is the water which becomes *najis* if a *najis* object reaches it. Its *taharah* is dependent upon its connection to the flowing water or rain or the addition of *kurr* water to it.).

(ii) *Ground*: It makes *tahir* the sole of the shoes and the sole of the feet.

(iii) *Sun*: The *najis* ground and strawmats will become *tahir* by the direct rays of the sun.

(iv) *Istihalah* (The transformation or a chemical change of the state of an object): In this chemical process, the very commodity of the *najis* object transforms and becomes *tahir*, for example, a dog that falls in a salt lake and transforms into salt.

(v) *Blood transfusion*: It means the transfusion of a man's blood or the blood of an animal whose blood gushes out, into the body of an animal whose blood does not gush out, such as the transfusion of man's blood into the body of a mosquito, fly, etc.

(vi) The removal of the very *najis* from the outer parts of an animal and the inner parts of a man, for example, if the back of an animal or the nostril of a man becomes *najis* with blood, it will be *tahir* after blood is removed, and there is no need for flowing water over it.

(vii) *Following*: It means that a *najis* becomes *tahir* as a result of becoming the *najis* the *tahir*, for example, if a *kafir* becomes Muslim, his child will also become *tahir* as a result of following him.

(viii) *Diminishment, i.e., loss of two-thirds of volume of grape-juice*: If the grape-juice is boiled, it

becomes *najis*. However, if it loses two-thirds of its volume as a result of boiling, the remainder becomes *tahir*.

## Wudhu' and Its Precepts

It is *mustahabb* for a man to brush his teeth and rinse his mouth with clean water before performing *wudhu'*. It is also *mustahabb* for a man to inhale *tahir* water up his nostrils.

## The Instructions For Wudhu'

In performing *wudhu'*, the face must be rinsed first by taking water in the hand and wiping it over the face beginning from the place of growing hair of head (forehead) downward to the chin. Next, the right elbow should be rinsed by taking water in the left hand and wiping it from the elbow downward to the fingertips.

This procedure should also be exactly performed for the left elbow using the right hand. Then for *mash* (anointing), the front portion of the head must be anointed. Then the right foot followed by the left foot must be anointed from the toe-tips to the upper part of both feet with the fingers. The following should be observed while performing *wudhu'*.

- (1) The parts of body related to *wudhu'* must be *tahir* while performing *wudu*,
- (2) The water for *wudhu'* must be *tahir*, *mutlaq* and *mubah* (permissible).
- (3) *Niyyah* (intention), i.e., *wudhu'* must be performed for the pleasure of Allah; and hence if someone performs *wudhu'* with an intention of cooling and comforting himself or for any other purpose, his *wudhu'* will not be right.
- (4) *Tartib* (the order as prescribed by Islamic *Shari'ah*), that is, *wudhu'* must be performed in the prescribed order. The face must be washed first, next the right hand which should be followed by washing of the left hand. The head and the feet should be anointed afterwards.
- (5) *Muwalat* (performing the parts of an Islamic act in succession without undue delay): It means that *wudhu'* must be performed in succession without undue delay. One should not allow a time gap while washing or anointing the subsequent part to the extent that the previous part gets dried up. However, if *wudhu'* is performed consecutively but the moisture gets dried up due to hot weather, the high temperature of the body, and the like, the *wudhu'* will be valid.

**Note:** While performing *mash*, it is not necessary to anoint the scalp; rather it is also correct to anoint the hair of the front portion of the head. But if the hair of other parts of the head gather in the front portion of the head, then these should be pushed back. If the hair in the front portion of the head is very long, i.e., if combed, these reach up to the face, then the root of the hair must be anointed or the hair should be parted and the scalp must be anointed.

## Mubtilat of the Wudhu'

The things or acts which make the *wudhu'* invalid are called the *mubtilat* (things or acts through which, the *salat*, the *sawm*, the *wudhu'*, etc become invalid). There are eight items which render the *wudhu'* invalid:

(i) Urination;

(ii) Defecation;

(iii) Wind or flatus (wind in the stomach or intestines) this is when flatus comes out from the usual outlet or from an outlet that is changed due to illness and surgery;

(iv) Unconsciousness;

(v) Drunkenness;

(vi) Falling asleep when the eyes cannot see and the ears cannot hear; however, if the eyes are unable to see, but the ears can hear, the *wudhu'* will not be *batil*(invalid);

(vii) Insanity; and

(viii) *Janabah* (major ritual impurity or *al-hadath al-akbar* caused by the sexual intercourse, or the like) resulting from sexual intercourse or by seminal ejaculation and other things for which one should perform ghusl. Also, *istihadah* (menstrual bleeding), whenever noticed by women, makes the *wudhu'* *batil*.

## The Ghusl

The *ghusl* can be performed in two ways: *ghusl tartibi* (performing *ghusl* by washing the body part by part as specified in Islamic *Shari'ah*) and *ghusl irtimasi* (performing *ghusl* by the immersion of the whole body in water).

The *ghusl tartibi* should be performed in the prescribed order, i.e., the head and the neck should be washed with water first, then the right side of the body, and finally the left side of the body.

For the *ghusl irtimasi*, one should completely immerse his body into the water at once.

There are two types of *ghusl*: *wajib* and *mustahabb*.

The *mustahabb ghusul* are numerous in Islamic *Shari'ah* but the *wajib ghusul* are seven:

(i) *Ghusl al-janabah*;

(ii) *Ghusl almayyit* (bathing the dead body);

(iii) *Ghusl mass al-mayyit* (performing *ghusl* due to touching of the dead body), i.e., if one touches a dead body after it has become cold and before its *ghusl al-mayyit*, he must perform *ghusl mass al-mayyit*.

(iv) Performing *ghusl* for the fulfilment of a *nadhr*, *'ahd*, or *qasam*;

(v) *Ghusl al-hayd*; (performing *ghusl* after menstruation);

(vi) *Ghusl al-nifas* (performing *ghusl* after puerperal period); and

(vii) *Ghusl al-istihadah*. The first four *ghusul* are *wajib* both for men and women and the last three are *wajib* for only women.

While one is in the state of *janabah*, the following acts are *haram* for him:

(i) Touching the writing of the Holy Qur'an, the name of Allah, and the names of the Prophet (S) and the infallible Imams (as);

(ii) Entering al-Masjid al-Haram and the Masjid al-Nabi in Madinah;

(iii) Staying in other mosques and leaving something in them; and

(iv) Reciting any one of the four *suwar* of the Holy Qur'an which require *wajib sajdah*, viz, *the suwar of al-Najm, Iqra' Alif-Lam-Mim Tanzil, and Ha-Mim Tanzil*.

For the other precepts on *janabah*, *hayd*, *nifas* and *istihadah* one should refer to *al-Risalah al-Amaliyyah*.

**Note:** Like in the case of *wudhu'*, *niyyah* is also required while performing *ghusl*. The body should be *tahir* before performing *ghusl* and there should be no obstacle for the water to reach the whole body.

## The Tayammum

If a person is unable to perform *wudhu'* or *ghusl* for reciting *salat* and the like due to the lack of time, illness, or non-availability of water and the like, he should perform *tayammum* (statutory Islamic ablution with soil, sand, etc).

## Procedures for Tayammum

There are four obligatory factors in doing *tayammum*:

(i) *Niyyah*;

(ii) Simultaneous striking both palms on soil or on something upon which *tayammum* is valid;

(iii) Drawing both palms on the whole forehead starting from the hairline to the eyebrows and the top of the nose. It is better to draw the hands over the eyebrows as well.

(iv) Then drawing the left palm on the entire back of the right hand (from wrist to fingertips). Next, drawing the right palm on the entire back of the left hand: This much is sufficient when *tayammum* is performed instead of *wudhu'* However, if the *tayammum* is being performed instead of *ghusl*, one should strike both palms on the soil, etc once again and draw the palms on the back of the hands, as mentioned above.

### The Precepts Pertaining to Tayammum

(i) The *tayammum* should be performed on *tahir* soil. If soil is not available, the *tayammum* may be performed on sand or pebbles. In the absence of pebbles, it can be performed on stones. In the case of the non-availability of all of these, the *tayammum* can be performed on dust accumulated at a place.

(ii) The *tayammum* is not valid on lime and other minerals.

(iii) If water is sold at a high price and in case one can afford to buy it, he is not permitted to perform *tayammum*, rather he must purchase the water and perform *wudhu'* and *ghusl*.

### (2) Time

The next prerequisite for reciting *salat* is the time. The *salawat* must be recited in a sequence. *Salat al-Zuhr* (noon prayer) and *Salat al-'Asr* (afternoon prayer) each has a specific and common time. The specific time for *Salat al-Zuhr* is from beginning of *zuhr* (If a piece of wood or a similar object is erected on a flat ground, its shadow is cast towards the west when the sun begins to shine in the morning. The more the sun rises up, the smaller this shadow becomes.

The shadow becomes the smallest at *zuhr* or noon. As the *zuhr* passes, the shadow changes its direction and tends towards the east. The more the sun moves towards the west, the longer the shadow gets.

Thus, when the shadow reaches the smallest length and begins to get longer again, it indicates the *zuhr*. But it should be remembered that in some cities, like Makkah, the shadow disappears entirely at noon. In cities like this the time at which the shadow reappears indicates the *zuhr*.) or noon until the time required to recite *Salat al-Zuhr*.

If a person recites the *Salat al-'Asr* even inadvertently at this time, it will be invalid. The specific time for the *Salat al-'Asr* is the time before the evening just enough to recite the *Salat al-'Asr*. If a person has not recited the *Salat al-Zuhr* until then, his *Salat al-Zuhr* has become *qada'*

And he should recite the *Salat al-'Asr*. Between the specific time of the *Salat al-Zuhr* and the specific time of the *Salat al-'Asr'* is the common time for reciting the both. If one inadvertently recites the *Salat*

*al-'Asr'* before the *Salat al-Zuhr* during this entire common time, his *salat* is valid. And he should recite the *Salat al-Zuhr* afterwards.

The *Salat al-Maghrib* (evening prayer) and *Salat al-'Isha'* (night prayer) each has a specific and common time. The specific time for *Salat al-Maghrib* (The *maghrib* is approximately 15 minutes after the sunset. It is signified by the disappearance of the redness which appears in the east after the sunset.) is from the evening until the time required for reciting the *Salat al-Maghrib*.

The specific time for *Salat al-'Isha'* is the time before the midnight (The midnight, from Islamic point of view, is eleven hours and fifteen minutes after *zuhr*.) just enough to recite the *Salat al-'Isha'*. If a person has not recited the *Salat al-Maghrib* up to this time, he should first recite the *Salat al-'Isha'* and then the *Salat al-Maghrib*.

Between the specific time of the *Salat al-Maghrib* and the specific time of the *Salat al-'Isha'* is the common time for reciting the both. If during this common time, one inadvertently recites the *Salat al-'Isha'* before the *Salat al-Maghrib*, his *salat* is valid and he should recite the *Salat al-Maghrib* afterwards.

The time for the *Salat al-Subh* (Morning Prayer) is from the beginning of true aurora or the first light of dawn (At dawn, whiteness in the sky moves upward from the east which is called the first or false aurora. When the whiteness is spread, it is the true aurora and the time for the *Adhan* (call) for the *Salat al-Subh*, and the beginning of the time of the *Salat al-Subh*.) Till just before sunrise.

### **(3) Dress**

The third prerequisite for reciting the *salat* is the dress of the person who recites *salat*. The dress should meet the following conditions:

- (i) The dress should be *mubah*. It should be owned by the person reciting the *salat*. If it does not belong to him, its owner should be willing to let him recite *salat* with it.
- (ii) It should not be *najis*.
- (iii) It should not be made of the skin of carcass, irrespective of the carcass belonging to the animals whose meat is *halal* or *haram* to eat.
- (iv) It should not be made of the wool, hair, and the fluff of an animal whose meat is *haram* to eat, but it is possible to recite *salat* with a fur dress.
- (v) The dress of a male person who recites *salat* should not be made of silk and gold threads. He must also not wear ornaments or dress made of gold or silk while reciting the *salat*. Putting on silken dress and using ornaments made of gold are *haram* for men even while not reciting the *salat*.

#### **(4) Place**

A few conditions apply to the place where one recites *salat*:

- (i) It must be *mubah.*, i.e., it should not be usurped.
- (ii) The place for reciting *salat* should be stationary. If one is compelled to recite *salat* in moving vehicles, such as automobiles or ships, he may do so provided he attempts to pray towards the *Qiblah*. If the direction of the vehicle changes during the *salat*, one must change his direction also accordingly so that he always faces the *Qiblah*.
- (iii) If the place where one recites the *salat* is *najis*, it should not be so wet that the moisture permeates to his dress and body. But if the place where one puts his forehead on is *najis*, the *salat* is *batil* even though the place may be dry.
- (iv) The place where one puts his forehead on should not be more than four closed fingers lower or higher than where one puts his knees and toes at the time of performing *sujud*.

#### **(5) Qiblah**

The Ka'bah, located in the holy city of Makkah, is the *Qiblah* of the Muslims and anyone who recites *salat* must always face the *Qiblah*. But if a person, who is far away from it, stands or sits in such a way that it is said he is reciting *salat* in the direction of *Qiblah*, his *salat* is valid. Similarly, other acts such as slaughtering of animals must be done while facing the *Qiblah*.

If it is not possible for a man to recite *salat* even in a sitting posture, he should lie down on his right side such that the front section of his body faces the *Qiblah*. If this is also not possible, he should lie down on his left side such that again the front section of his body faces the *Qiblah*. If this is not possible either, he should lie down on his back such that the soles of his feet face the *Qiblah*.

If one who wants to recite *salat* is unable to discover the direction of *Qiblah* after a thorough investigation, he must go by the opinion which he has from the altars of the Muslims, or their graves, or other means available to him.

### **Mandatory Acts While Reciting The Salat**

The following eleven acts are mandatory while one recites *salat*:

- (i) *Niyyah*; (ii) *Takbirat al-ihram* (the first *takbir*, i.e., *Allahu Akbar* –Allah is Great – said at the beginning of the *salat* just after the *niyyah*,); (iii) *qiyam* (the standing erect while reciting the *salat*; (iv) *qira'ah* (the recitation in the *salat*), (v) *ruku'* (vi) *sujud*; (vii) *tashahhud* (testifying for *Tawhid* of Allah and prophethood of Prophet Muhammad (S)); (viii) *salam*; (ix) *tartib*. i.e., recitation of *salat* in accordance with the

prescribed sequence without changing the order of performance; (x) *tuma'ninah*; i.e., recitation of *salat* with quietude and repose; and (xi) *muwalat*, i.e., reciting all parts of *salat* in succession without undue delay.

Five out of the eleven items mentioned above are called the *rukns* (basic parts) of the *salat*. Deliberate or inadvertent additions or deletions of the *rukns* will render the *salat* "*batil*" But the rest of the above-mentioned items are not *rukns*. It means that the addition or deletion of these items (other than *rukns*) will not render the *salat* "*batil*" unless they are done intentionally.

## The Rukns of The Salat

The *rukns* of the *salat* consist of the following: (1) *niyyah*, (ii) *takbirat al-ihram*, (iii) *qiyam*, i.e., standing erect while saying *takbirat al-ihram* and also the *qiyam* just before the *ruku'*, and (iv) *ruku'*, and (v) the two *sujud*.

(i) **Niyyah:** *Niyyah* means that the sole purpose of the person who recites *salat* is to seek *qurbah* (pleasure of Allah) to Allah and to comply with His commands. It is not necessary to pass the *niyyah* through the heart or, for example, to mention: "I recite four *raka'at* (sections of *salat*) of *Salat al-Zuhr* with the intention of seeking pleasure of Allah."

(ii) **Takbirat Al-Ihram:** The *salat* begins right after *Adhan* (the specified wordings called out at *salat* time) and *Iqamah* (the specified wordings, almost similar to the *Adhan* and recited after it, before commencing the *salat*), with *niyyah* and saying *Allahu Akbar*. Since at this point of time, several acts such as eating, drinking, laughing, and turning the back to *Qiblah* become *haram*, this *takbir* (saying "*Allahu Akbar*" i.e., Allah is Great) is called "*takbirat al-ihram*". It is *mustahabb* to raise both the hands while saying *takbirat al-ihram*. By this action, we take the Greatness of Allah into consideration and consider other than Allah insignificant and pay no attention to them.

(iii) **Qiyam:** The *qiyam* while saying *takbirat al-ihram* and also the *qiyam* just before the *ruku'* is one of the *rukns* of the *salat*; but the *qiyam* or standing erect while reciting the *Surat al-Hamd* and the other *surah* and the *qiyam* after *ruku'* are not the *rukns*. Thus, if one forgets to perform *ruku'* and remembers it before reaching ground for performing *sujud*, he should stand erect and then perform *ruku'*. If he performs *ruku'* in a bent position, his *salat* is *batil* because he did not have *qiyam* as is required just before performing *ruku'*.

(iv) **Ruku':** After the *qira'ah*, one should bend his body in such a way that his palms reach his knees. This action is called *ruku'*. While in *ruku'*, one who recites *salat*, must say once: "*Subhana Rabbiyal-'Azimi wa bihamdih* (all glory and praise is for my Lord, the Mighty)", or he must say thrice: "*Subhanallah* (all glory is due to Allah)". After the completion of *ruku'*, one must always stand erect before performing *sujud*.

(v) **Sujud:** Performing sujud means that one should lay his forehead, palms, knees, and the tips of his toes on the ground. He should then say once: "*Subhana Rabbiyal-A'la wa bihamdih* (all glory and praise is for my Lord, the Most High)<sup>1</sup>"; or he must say thrice: "*Subhanallah* (all glory is due to Allah)". After completing the first *sajdah*, he must sit before performing the second *sajdah* and repeating the previous recitation.

The forehead must be laid on the ground or on something growing from the ground. *Sujud* is not *ja'iz* (permissible) on foodstuffs, clothing materials, and minerals.

## Tashahhud and Salam

If the *salat* consists of two *raka'at* one should stand up after performing two *sujud* and should recite the *Surat al-Hamd* and the other *surah*. One must then perform *qunut* [After the recitation of the *Surat al-Hamd* and the other *surah* in the second *rak'ah* of the *salat*, one holds his palms before his face and recites any *dhikr* and supplication that he wishes.

For example, he may say: "*Rabbana atina fiddunya hasanah wa fil-Akhirati hasanah waqina 'adhabannar* (O our Lord grant us goodness in this world and the Hereafter and save us from the torment of the Fire)."] and recite *tashahhud* [The following should be recited in *tashahhud*: "*Ashhadu an la ilaha illallah, wahdahu la sharika lah, wa ashhadu anna Muhammadan 'abduhu wa rasuluh, allahumma salli 'ala Muhammadin wa ali Muhammad* (I bear witness that there is no god except Allah; He is One, for Whom there is no partner; I bear witness that surely Muhammad (S) is His servant and His Prophet; O Allah shower Your blessings on Muhammad (S) and his progeny.)"]

And *salam* [The following should be said in *salam*: "*Assalamu 'alayka ayyuhan-Nabiyyu wa rahmatullahi wa barakatuh; assalamu 'alayna wa 'ala 'Ibadillahissalihin; assalamu 'alaykum wa rahmatullahi wa barakatuh* (May peace be upon you, O Prophet (S), and mercy and blessings of Allah. May peace be upon us and on all servants of Allah who guard against evil. May peace be upon you all together with mercy and blessings of Allah.)"]

After *ruku'* and both the *sujud*. If the *salat* is of three *raka'at*, one should stand up after reciting *tashahhud* and must recite the *Surat al-Hamd* only or must say: "*Subhanallahi walhamdu lillahi wa la ilaha illallahu wallahu akbar* (All glory and praise to Allah, and there is no god but Allah, and Allah is Great.)" three times, perform *ruku'* and two *sujud* and recite *tashahhud* and *salam*. If the *salat* consists of four *raka'at*, one must perform the fourth *rak'ah* like the third *rak'ah* and recite *tashahhud* and *salam*.

## Salat Al-Ayat

The *Salat al-Ayat* (the *salat* of Allah's creation or signs) becomes *wajib* under any one of the four following conditions: (i) solar eclipse; (ii) lunar eclipse, although it may be partially eclipsed and even though it may not create fear among the people; (iii) earthquake, although it may not create fear for

anyone: (iv) thunder, lightning. Red and black winds or storms, and the like which create 'fear among most people.

## The Procedure for Reciting The Salat Al-Ayat

The *Salatal-Ayat* consists of two *raka'at* There are five *ruku'* in each *rak'ah*. The procedure for reciting *Salat al-Ayat* is as follows. After *niyyah* and saying *takbirat alihram*, one should recite the *Surat al-Hamd* and another complete *surah*. He must then perform *ruku'*. Standing erect at this point, he should once again recite the *Surat al-Hamd* and another *surah* and perform *ruku'*. This procedure should be repeated five times. After the completion of the fifth *ruku'*, he should stand erect and then perform two *sujud*. At this point, the first *rak'ah* is completed. He should then stand erect and perform the second *rak'ah* exactly as the first one. The *Salat al-Ayat* is completed after the recitation of *tashahhud* and *salam*.

In the *Salat al-Ayat*, after the *niyyah*, *takbirat al-ihram*, and reciting the *Surat al-Hamd*, it is possible for the one who is reciting the *salat* to divide the *Ayahs* of a *surah* into five parts and read one *Ayah* or more before performing *ruku'*. He should then stand up and recite the second part of the partially read *surah* without reciting the *Surat al-Hammd*. Then he should perform *ruku'*. He should exactly follow this procedure until the fifth *ruku'* and he must complete the *surah* by then. Afterwards, he must perform *ruku'* and two *sujud*. The second *rak'ah* of the *salat* is performed exactly in the same manner as the first one.

## The Salat of A Traveller

A traveller must recite two *raka'at* instead of his four *rak'ah salawat* under the following six conditions:

(i) His journey must cover not less than eight *farsakhs* (each *farsakh* is of about 5.6 kilometres).

Alternatively, if his going covers four *farsakhs* and his returning equals to four *farsakhs*.

(ii) He must have the intention to travel eight *farsakhs* prior to the start of his journey.

(iii) He must not change his mind in the course of his travel.

(iv) His journey should not be undertaken with an intention of committing a sin.

(v) He must not be a traveller by profession. Thus, a person whose profession requires travelling (like a driver) must recite his *salat* completely. However, if he stays in his house for ten days, for his three journeys, he must recite his 4-*rak'ah salawat* as *qasr* (reciting two *raka'at* instead of 4-*rak'ah salawat*).

(vi) When he reaches the limit of the *tarakhkhus* (seeing off), i.e., he reaches a distance, from his hometown or from a place where he has intended to stay for ten days, from where he can neither see the walls of the city nor hear the *Adhan* of the city.

## Salat Al-Jama'ah (Congregational Prayer)

It is *mustahabb* for all Muslims to recite *al-salat alyawmiyyah* in the form of *salat al-jama'ah*. The *thawab* (Allah's reward) for *salat al-jama'ah* is several thousand times more than the *thawab* for the *salat* recited individually.

### Conditions Concerning Salat Al-Jama'ah

- (i) *Imam al-jama'ah* (the leader or *imam* of congregational *salat*) must be a *mukallaf* (the one who reached the age of maturity and thus became responsible for performing the Islamic duties) believer, just, and born legitimately. He must recite the *salat* correctly. If the *ma'mum* (the follower who follows the *imam* in *salat al-jama'ah*) is a man, the *imam* of the *salat al-jama'ah* must also be a man.
- (ii) There should be no curtain, barriers, or obstacles between the *imam* and his *ma'mum*, so that the *ma'mum* is unable to see the *imam*. But if the *ma'mum* is a woman, a curtain and the like are permissible.
- (iii) The place where the *imam* stands must not be higher than that of his *ma'mum*, but there is no objection if the place is slightly higher (about the height of four fingers or less) than that of the *ma'mum*.
- (iv) The *ma'mum* must stand behind the *imam* or in his row (most of the *'ulama'* prefer that *ma'mum* should stand behind the *imam*).

### The Precepts Concerning Salat Al-Jama'ah

- (i) The *Ma'mum* Must Recite All Parts Of The *Salat* Himself, Except The *Surat Al-Hamd* And Another *Surah* After It. But If His First And Second *Raka'at* correspond To The Third And Fourth *Raka'at* Of The *Imam's Salat*, He Must Recite The *Surat Al-Hamd* And Another *Surah* As Well. If As A Result Of Reading The Other *Surah*, He Feels That He Would Not Catch Up With The *Imam* In *Ruku'*, He Should Only Read The *Surat Al-Hamd* And Perform The *Ruku'* With The *Imam* Simultaneously. If He Fails To Do So, He Should Complete His *Salat* individually.
- (ii) The *ma'mum* must perform *ruku'*, *sujud*, and other parts of *salat* simultaneously with the *imam* or shortly after the *imam*, but he must certainly say *takbirat al-ihram* and recite *salam* only after the *imam* has done so.
- (iii) If one commences *iqtida'* or follows the *imam* while he is in the state of *ruku'* and catches up with the *imam* in *ruku'*, his *salat* is correct and is counted as one *rak'ah* of *salat*.

## The Sawm (Fasting)

The *sawm* is one of the *Furu' al-Din* (the duties to be performed according to Islamic *Shari'ah*) of the holy religion of Islam. It is *wajib* upon every *mukallaf* to have *sawm* in the month of Ramadhan. In order

to obey the command of Allah, from the time of *Salatal-Fajr* to the time of *Salat al-Maghrib* one must refrain from *muftirat* (certain acts which break or invalidate the *sawm*) which make the *sawm batil*.

In Islam, much importance has been attached to *sawm*. Islam maintains a great deal of value for this holy act. The reward and recompense of *sawm* is so vital in Islam that the Almighty Allah without His prior specifying the *thawab* and the recompense of *sawm*, ascribes its reward to Himself.

The Holy Prophet (S) said that Allah stated:

"The *sawm* is for Me and I will give reward for it."

With its specific characteristics, the *sawm* plays an exceptionally effective role in the liberation of man from the servitude of ambitions, carnal desires, voluptuousness as well as in the purification of the soul from involvement in sinful acts.

The Holy Prophet (S) told Jabir ibn 'Abdillah al-Ansari: "O Jabir, this is the month of Ramadhan and the one who has *sawm* during the day and stays awake at night to commune with Allah, abstains from eating *haram* food, and guards against evils and using abusive language, gets out of sins as he leaves the month of Ramadhan behind."

Jabir said: "O Prophet (S) of Allah, what a good news is it!" The Holy Prophet (S) stated: "O Jabir, how demanding and exacting are the conditions for the *sawm*!"

Al-Imam al-Sadiq (as) has stated: "The *sawm* serves as a strong shield against the fire of the Hell."

## Ramadhan, The Month of Allah

In Islamic *ahadith* many praiseworthy and interesting names such as "the auspicious month" and "the best period for the recital of Qur'an" have been mentioned for the month of Ramadhan. But the name "the month of Allah" is the most outstanding name and the most beautiful title which has been used for the month of Ramadhan.

In spite of the fact that every month is "Allah's month", this month is specifically called "the month of Allah" due to its great importance. Thus this name has in itself endowed this month with a special superiority and a specific spirituality. In this month, the greatest Divine Book (the Holy Qur'an) has been revealed.

With the advent of the holy month of Ramadhan, Allah bestows His servants with His blessings. A special enlightenment and serenity generate in the spirit of man. For the worshipping of Allah, the purification of the soul, and moral reformation, a special preparedness becomes manifest in those who have *sawm*.

On the last Friday of the month of *Sha'ban*, the Holy Prophet (S) stated the following concerning the

magnificence and value of "the month of Allah".

"O people, the month of Allah, along with its blessings and salvation, has revealed itself to you. It is a month which is regarded as the best of all the months by Allah. Its days, nights, and hours are the best of all. It is a month in which you are invited to be the guest of Allah and are entitled to His favour and generosity."

"In this month, your breathing will have the *thawab* of *tasbih* saying "*Subhanallah*" (Glory be to Allah) and *dhikr* and your sleeping will have the *thawab* of the worship of Allah."

"If you resort to Allah in this month and worship Him, Allah will grant your prayers. Therefore, with all your truthfulness and sincerity and with a pure heart pray to Allah to grant you His Divine dispensations for having *sawm* and reciting the Holy Qur'an, for one who remains deprived of the forgiveness and blessings of Allah in this bountiful and blessed month is indeed unfortunate."

### The Sawm Leads To Taqwa

The Almighty Allah states in the Holy Qur'an:

***"O you who believe! the sawm is prescribed for you, as it was prescribed for those before you, so that you may have taqwa (2: 183)."***

Islam enjoins its followers to have *sawm* for a complete month (during the month of Ramadhan). By having *sawm* for one month, Muslims prepare themselves for the state of *taqwa* in its entirety, because when a man refrains from satisfying his natural physical desires, he can very well abstain from satisfying his carnal desires.

In order to attain such a degree of perfection, Islam surely does not consider only abstaining from eating and drinking to be sufficient for the *sawm*, rather it orders a person who has *sawm* to abstain from whatever causes indulgence in evils and the commitment of sins or leads him to satanic temptations and indulgence in his unruly carnal desires.

### Muftirat Which Render the Sawm Batil

Several *muftirat* (certain acts which invalidate the *sawm*) render the *sawm batil*. These include the following:

- (i) Eating and drinking, although these things may not be usual drinks or eatables such as soil or the gum of trees.
- (ii) The sexual intercourse renders the *sawm batil*.
- (iii) Masturbation, that is, engagement in any sexual activity which leads to seminal ejaculation.

(iv) Ascribing a lie to Allah, the Holy Prophet (S), and the successors of the Holy Prophet (S).

(v) Allowing thick dust to reach one's throat.

(vi) Immersing the head entirely in water.

(vii) Remaining in the state of *janabah*, *hayd* and *nifas* up to the *Adhan* for *Salat al-Subh*.

(viii) Application of an enema with a liquid substance.

(ix) Vomiting, provided that it is done deliberately.

For further information, reference should be made to *al-risalat al-'amaliyyah* (Islamic treatises written by *mujtahidin* for use by their *muqallidin* for performing Islamic duties).

## The Bay' (Selling)

What is *bay'*? The *bay'* (selling) means the sale and exchange of a property with another property in a way that the owner, who is called "the seller" of the merchandise transfers the ownership of his property to the other party in exchange for money, and the other party called "the buyer" pays the money to the seller in exchange for the merchandise.

As is evident, the *bay'* is considered as one of the *'uqud* (contracts) and requires two parties (the seller and the buyer) for implementation. Thus those, who enter into the *'uqud*, must fulfil the general conditions of the *'uqud* such as maturity, wisdom, *niyyah*, and authority.

## The Irrevocability Of Bay'

The *bay'* is an irrevocable *'aqd*, i.e., it cannot be revoked by either of the contracting parties (seller or buyer) after the conclusion of the contract.

In view of the fact that sometimes the seller or the buyer is cheated due to his negligence or default and sustains a considerable loss and because in such instances the irrevocability of the contract is against the public interest, Islamic laws have enjoined the following two commands to take care of this sedition:

(i) *Faskh al-'aqd* (cancellation of contract): When one of the parties of the contract changes his decision and requests the revocation of the transaction, it is *mustahabb* for the other party to accept his request for the cancellation of the contract.

(ii) *Khiyar al-'aqd* (option for the contract). It is a special option or a right which the dealer can exercise to cancel the contract.

The important *khiyarat* (options) are as follows:

- (i) *Khiyar al-majlis* (option during the meeting): Both parties reserve the right to cancel the transaction before they disperse.
- (ii) *Khiyar al-ghabn* (option in the case of cheating): It means that when one of the parties to the contract is cheated and has suffered a loss in the transaction, for example, if the merchandise is sold at lower than its actual price or purchased at higher than its actual price, in this case the one who has been cheated has an option to cancel the contract.
- (iii) *Khiyar al-'ayb* (option in the case of defect): If after the completion of the transaction, the buyer finds out that the merchandise is defective, he can either cancel the transaction or demand the difference in price (difference in price of defect less and of defective merchandise).
- (iv) *Khiyar al-hayawan* (option in the case of animals): With respect to the option in the case of animals such as sheep and horses, the buyer has the option to cancel the contract within three days.
- (v) *Khiyar al-shart*: (option of condition): If the seller or the buyer or both have agreed upon certain terms and conditions in their transaction, they can revoke the transaction if the previously stipulated terms have been violated.

## The Bay' on Cash, On Credit, And On Advance Payment

The *bay'* is of four kinds depending on the payment of money and the delivery of the goods:

- (i) The *bay'* on cash: If the commodity and its price in money is exchanged right after the contract for transaction is finalized, it is called the *bay'* on cash.
- (ii) The *bay'* on credit: In the credit transaction, the commodity is delivered to the buyer at the time of transaction, but the payment of the price of the commodity is deferred by the buyer.
- (iii) The *bay'* on advance payment: In this type of transaction, unlike the second type, the money is paid in cash by the buyer, but the delivery of the commodity by the seller is postponed.
- (iv) The *bay'* on deferred payment and delivery. Unlike the *bay'* on cash, in this type of transaction, both the delivery of the commodity by the seller and the payment of money by the buyer are deferred to a later time.

The first three kinds of *bay'* are correct, but the fourth kind of *bay'* is *batil*.

## Confession

The importance of confession: The role of confession in re-establishing people's rights which are being trampled upon and are not being taken care of in a society is self-evident, because an action – which is taken by the judicial organizations after a great deal of efforts and pains, collecting evidence, calling the

people to witness as well as after depending on guess and conjectures – can be substituted by confession in the easiest and most clear way with only a few words.

In Islam, the confession has a great importance from a personal point of view as well, because it originates from an instinct which Islam has perfectly endeavored to revive and employ and that is the human instinct of admiring the right which is exactly the opposite of sensuality.

In His words, the Almighty Allah addresses those who believe in Islam:

***"O you who believe! be maintainers of justice, bearers of witness for Allah's sake, though it may be against your own selves or (your) parents or near relatives... (4: 135)."***

The Holy Prophet (S) states: "Tell the truth, though it may be against your own interests."

The meaning and conditions of confession: In Islamic terms, the confession is a statement that substantiates the rights of others on the confessor, for example, one who confesses might say: "I owe one thousand Rials to such and such a person."

The confessor must be mature and sane. He should confess out of his own free will. Thus the confessions of a child, an insane person, an intoxicated person, an unconscious person, a person who is asleep, and the one who is forced to confess are not correct and valid.

## Eatables and Drinkables

In the holy religion of Islam, anything which could be eaten and drunk is known as "*halal*" except a few of them, some of which are mentioned in the Holy Qur'an and some others in the *ahadith* of the Holy Prophet (S).

The exceptional cases of *haram* eatables and drinkables are limited to two types: animate or animals and inanimate or soulless.

### First Type: Animals

Animals are of three types: aquatic animals, land animals, and birds:

Aquatic animals: From among animals living in water only aquatic birds and fish with scales are *halal* to eat. The other aquatic animals such as eel, dogfish, tortoise, seal, porpoise, and the like are *haram* to eat.

Land animals: These animals are classified into two groups: domestic and wild.

The meat of domestic animals such as sheep, goat, cow, and camel is *halal* for eating. The meat of horses, mules, and donkeys is also *halal*, but eating their meat is *makruh*. A part from these, other

domestic animals' meat such as of dogs and cats is *haram*.

Among wild animals, cows, rams, wild goats, zebra, and deer are *halal*; however, the remaining wild animals that are beasts or that have talons such as lion, leopard, wolf, fox, jackal, and rabbits are *haram* to eat.

Birds: The meat of the birds that have maws and gizzards or that flap their wings while flying but do not have talons such as hens, pigeons or doves, turtledove, and francolin are *halal* to eat, but the meat of the rest of the birds is *haram* for eating. Some special species of locusts or grasshoppers are lawful (for further detail, one should refer to *al-risalat al-'amaliyyah*).

**Note:** The *halal* meat of the above-mentioned animals and birds depends upon their *tadhkiyah* (slaughtering animals according to Islamic *Shari'ah*), i.e., they should be slaughtered according to the Islamic method as explained in *al-risalat al-'amaliyyah*.

## Second Type: Inanimate Objects

There are two kinds of soulless or inanimate objects: solids and liquids.

### (1) Solids

(a) The carcass: The carcass of any animal, whether its meat is *halal* or *haram*, is *haram* for eating. Also *najis* objects such as the excreta of animals whose meat is *haram* to eat, as well as those eatables which have become *najis* through contact with *najis* objects, are *haram* to eat.

(b) Soil

(c) Fatal poisons

(d) Objects which are repugnant to man such as the excreta of animals whose meat is *halal* to eat, their nasal mucus, and anything found in their intestines are *haram*. Similarly, fifteen parts and organs of animals, whose meat is *halal* to eat, are *haram* for eating (for further details, one may refer to *al-risalat al-'amaliyyah*).

### (2) Liquids

(a) Any type of intoxicating drink is *haram* for drinking, even in a small quantity.

(b) The milk of animals, whose meats are *haram* to eat, such as of pigs, cats, and dogs is *haram* to drink.

(c) The blood of any animal whose blood gushes out (when its blood vessel is cut.).

(d) *Najis* liquids such as the urine and semen of any animal whose blood gushes out (when its blood

vessel is cut).

(e) Liquids in which one of the *najis* things is mixed.

**Note:** The *haram* eatables and drinkables are *haram* when there is *noidtirar* (emergency or compulsion). In cases of *idtirar* (such as the health conditions of a person who will die of hunger if he does not eat *haram* food, or one who is afraid of illness or its aggravation, or one who, due to the intensity of his weakness, would fall behind his fellow-travellers and would die), one is authorized to have *haram* eatables and drinkables only as much as is necessary to remove his *idtirar*. This does not hold good in the case of a person who leaves his country for the purpose of robbery or rebellion against the Islamic government and faces an *idtirar* in the course of his journey.

### Important Note

Personal hygiene is one of the primary duties of man. Every individual can easily realize its importance with his Allah-granted commonsense.

The effects of various kinds of eatables and drinkables in maintaining personal health are very clear and evident. Furthermore, these have noteworthy effects on the morale and ethics of man, as well as in his social associations. There is no doubt at all that the mental conditions of a drunken person are not like those of a sober one and that their social behaviours are not identical. Or for example, if someone becomes accustomed to eating and drinking disgusting things, he will naturally produce an effect on his personal and social life and this effect is intolerable for common men.

Therefore, with his Allah-granted nature, man realizes that he must observe certain limitations in eating food. He should not eat each eatable or drink each drinkable. The Almighty Allah Who, according to His explicit wording in the Holy Qur'an, has created everything that is on the earth for man, Who Himself is not in need of man and the means of his life, and Who is All-Knowing and All-Seeing than others concerning the good and the bad of His creatures has declared some of the eatables and drinkables *halal* and some others *haram* for the benefit and prosperity of man.

Al-'Imam 'Ali al-Ridha' (as) has stated: "Allah has not declared any eatable or drinkable *halal*, unless it is to the benefit and for the welfare of man, neither has He declared any *haram*, unless it is the source of man's detriment, death, and corruption."

The philosophy behind forbidding some of these *haram* eatables and drinkables is quite clear for those who have a pure understanding. The detriment caused by. Some of them and the reason for their being *haram* have been gradually revealed to us through scientific investigations. Regarding *haram* eatables and drinkables whose philosophy for being *haram* has not yet become available to us, it cannot be said that these philosophies will never become clear to us.

Even if their philosophies do not become clear to us, it cannot be said that they are actually devoid of

any wisdom and expediency. But since these policies originate from the Holy Presence of an Infinite Knowledge, it can positively be said that these contain the best and most effective wisdom and expediency, even though we may fall short of understanding them due to our narrowmindedness and the limitations of our scientific means and equipment.

## The Ghasb (Usurpation)

Taking the property of another person and owning it without any legitimate reason of possession and forcibly occupying the property of another person in order to benefit from its profits without the intention of legally claiming it as one's own property is called *ghasb* (usurpation) according to Islamic *Shari'ah*.

Thus, the *ghasb* means exercising control over the property of others without having any legitimate means of control such as *bay'*, rent, or permission.

It becomes quite clear that the *ghasb* is an indecent act which violates the very principle of ownership. Just as the principle of ownership plays an effective role in the establishment and survival of the society, the *ghasb* ruins and brings the society to a standstill.

Possession of a property and ownership will become invalid if the influential people of a society decide to gain control over the produce and output of the labor of the weak and the subordinates. Thus the idea of the transgression of the influential people over the personal rights of the helpless people would become predominant in the society. Consequently, in this situation, the subordinates and the weak will embark on any kind of submission, dishonor, and disrespect in order to benefit from the output of their efforts and endeavors. Thus the human society will be converted into a market in which the slaves are bought and sold and the laws and policies of the society will become entirely invalid and will be replaced by coercion and oppression.

This is why Islam has formulated strict policies for the usurper and considers usurpation a mortal sin.

According to the explicit wording of the Holy Qur'an and *ahadith*, any kind of sins other than *shirk* may be forgiven by Allah and any kind of sins including *shirk* may be forgiven after *tawbah* (repentance), but whoever has a record of usurpation and infringement upon the rights of the people, will never have any hope for salvation from being called to account by Allah and from the remuneration of his deed without being forgiven by the persons who possessed these properties and rights.

## Some of The Precepts Concerning Ghasb

(i) It is *wajib* for the usurper to immediately give back the usurped property to its original owner. If the owner is not alive, the usurper must deliver the usurped property to his heirs, even if doing so may be a heavy loss for the usurper. For instance, if one forcibly seizes the stones or pieces of iron belonging to someone else and uses them in the foundation of a building worth hundreds of thousand times more than the stones and the iron, he should excavate the foundation and pull out the usurped stones and

iron to give them back to the original owner, unless the owner agrees to accept the price of the commodity. As another example, if one usurps ten *manns* (each *mann* is of three kilograms) of wheat and mixes it with ten *kharvars* (each *kharvar* consists of one hundred *manns*) of barley, he should pick out all the wheat from the barley and return it to its original owner, unless he accepts to take the price of wheat.

(ii) If any defect develops in the usurped property, the usurper must not only return it to its owner exactly as it was on his usurpation, but he must also indemnify for its losses.

(iii) If the usurped property is lost, the usurper must pay its price to the rightful owner.

(iv) If the usurper squanders a part of the profits of the usurped property without using it himself, he will be responsible for the said profit. For instance, if a person who usurps the rental car of another person and puts it out of commission for a few days, he would be responsible for the loss incurred.

If the usurper gains profit from the usurped property, for example, if he nourishes a usurped sheep with good fodder, so that it becomes fat, he will have no rightful claims over the profit rendered by the sale of the sheep. If the benefits accruing from the usurped property are separable, for instance, cultivating a usurped land, one should give the usurped property along with its rent back to the original owner of the land, but the crop belongs to the usurper.

## The Shuf'ah (Preemption)

If two persons own a house or another landed property as a *musha'* (joint ownership) and one of the partners decides to sell his share to a third party, the other partner has the right to buy his partner's share by the same contract agreed upon and exactly at the same price set for the third party. This right is called the right of *shuf'ah* (preemption).

It is quite clear that the right of *shuf'ah* has been devised in Islam to adjust and to stabilize partnerships and to eliminate losses and other mischief resulting from partnership of properties, for in many cases, the possession of the property by the new partner inflicts losses on the partner having the right of *shuf'ah* or serves as the source of a series of conflicts and disagreements due to differences of opinion or it may be that freedom of ownership may have benefits for the one who has the right of *shuf'ah* without causing any loss for the partner who wants to sell his share. The right of *shuf'ah* holds good for lands, houses, gardens, and other immovable properties, but it does not apply to movable properties.

## Re-Cultivation of Barren Lands

The term applies to the cultivation of a land which is not used (Whether it has never been cultivated before or it has been cultivated at a time, or it has become demolished and entirely fruitless due to the departure of its inhabitants or it may have become a meadow or bamboo-field.). In any case, the re-

cultivation or development of barren lands is considered as one of the good deeds in Islam. In addition to serving as a means of ownership, the re-cultivation of barren lands will also lead to *thawab*.

It is related from the Holy Prophet (S): "He who cultivates a barren land is entitled to the ownership of that land." Al-Imam al-Sadiq (as) is quoted as saying: "Any group of people who develop and cultivate a land will have the preference and that land will belong to them."

In Islam, barren lands belong to Allah, the Prophet (S) and the Imams (as) (i.e., they belong to the Islamic government) and are considered *asanfal* (spoils).

Waste lands and barren lands can be cultivated and owned under the following specific conditions. From among the people who cultivate a land, whoever takes the lead will have the priority of ownership. The conditions are as follows:

- (i) Permission from the Imam (as) or his deputy.
  - (ii) The land must not have been fenced with stones, or demarcated, or the like by anyone else in advance.
  - (iii) The land must not be within the limits of the property of others, such as the borders of rivers, the soil under the wells, and the boundaries of plantations.
  - (iv) The land must not be a free land, such as demolished mosques and endowments, or it must not be designed for the use of all Muslims, such as streets and roads.
- Note:** The development and cultivation of lands is based on a general understanding. Thus if the general understanding admits that a certain person has developed such and such a land, then that person's ownership will be established. Certainly, the development of a land varies according to various objectives, for instance, in agriculture, the development of a land is made by ploughing and grooving it and in the case of construction, it is done by constructing walls around the land.
- (v) It is permissible for everybody to derive a benefit from the open mines – which require no excavation and exploitation – to the extent which meets their personal needs. If benefiting from such mines requires excavation, drilling, exploitation, and other technical operations that are required for the excavation of gold mines, copper mines, and the like, the person who has taken pains in embarking on the excavation and exploitation of the mine will have the right of ownership.
  - (vi) Large rivers are jointly owned by the Muslims. In the utilization of streams and the water of snowfalls and rain, pouring down from mountains, whoever is closer and nearer to them will have priority over others.

## Luqtah (Picked Up Article)

Any article which is found and whose owner is not known is called *luqtah* (picked up article).

(i) Any item which has been found and whose owner is not known and whose price is less than the price of one *mithqal* of silver, can be kept and possessed by the one who finds it. If the picked up item is worth more than one *mithqal* of silver in value, it should not be picked up. In case it is picked up, the finder should search for its owner through the normal channels for one year. If the owner is found, he should give the item to him but if the owner is not found, the finder should give the item to the poor on behalf of its owner as *sadaqah*.

(ii) If an item is found in ruined places having no inhabitants or if it is found in caves, or in barren lands having no owner, it will belong to the finder.

But if it is found in a landed property, the finder should make enquiries from the land's former owners. The found item should be given to the former owners upon their presentation of some sort of identification to indicate that they had hidden it there; otherwise, the item will belong to the finder.

(iii) If an animal is found whose owner is not known, it will be treated as *luqtah*.

(iv) If a baby is found whose guardian is not known, it would be *wajib kifa'l* (an obligatory duty of all Muslims but it suffices when performed by someone) for every Muslim to pick up and bring it up.

(v) If a stolen item is entrusted to a person, it will be considered as *luqtah* and it should be restored to its original owner, but it cannot be returned to the thief.

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