

## Miscellaneous Problems

**2821.** If the roots of a tree belonging to a person's neighbor reach his property, he can stop them, and if he also sustains harm from them, he can ask the owner of the tree to compensate him for it.

**2822.** If a father gives dowry to his daughter and, for example, he makes it her property by means of compromise or gift, he cannot take it back from her. However, if he has not made it her property there is no harm in his taking it back.

**2823.** If a person dies, his adult heirs can spend money on his mourning ceremonies out of their own share, but nothing can be taken from the share of a minor.

**2824.** If a person backbites a Muslim he should seek forgiveness of that Muslim, provided that there is no danger of any disturbance being created by his doing so. In case, however, it is not possible for him to seek forgiveness of that person, he should pray to Allah for his salvation. And in case that Muslim has been insulted owing to his backbiting, he (i.e. the person who has spoken ill of the Muslim) should, if possible, make amends for the insult.

**2825.** If a person knows that someone has not paid Khums he cannot take Khums out of his property without the permission of the Religious Head and deliver it to him (Religious Head).

**2826.** The tune which is peculiar to the assemblies of amusement and pleasure is music, which is unlawful. It is also unlawful to recite the Holy Qur'an or mournful verses in commemoration of the martyrdom of Imam Husayn in a musical tone, but there is no harm if they are recited in a sweet tone which does not fall under the category of music.

**2827.** There is no harm in killing an animal which is harmful and does not belong to anyone.

**2828.** The prize which a bank gives to some of its account holders of its own accord to attract the clients, is lawful.

**2829.** If something is given to an artisan to mend, and its owner does not come to take it back, and the artisan makes a search for him and loses hope of finding him he should give it away as alms with the

intention that he is giving it on behalf of the owner. And it is better that he should obtain the permission of the Religious Head in this behalf

**2830.** There is no harm in beating one's breast in the streets and bazaars (i.e. as a sign of mourning) though the women may be passing from there. However, on the basis of precaution, the mourners should be wearing shirts. Furthermore, there is no harm if standard ('Alam) etc. are carried before the mourning party, but instruments of amusement should not be used.

**2831.** To have golden teeth set in one's mouth, or to get one's teeth plated with gold, is not prohibited, either or men or women, though it is for adornment.

**2832.** To masturbate or to cause the semen come out with oneself or by other means (except by intercourse with ones wife or slave girl which is permissible) is unlawful.

**2833.** Shaving one's beard or cutting it with a machine in such a way that it becomes like the shaved one is unlawful on the basis of obligatory precaution.

**2834.** On the basis of obligatory precaution the guardian should get his child circumcised before he attains puberty, and if he does not get him circumcised it becomes obligatory on the child himself when he reaches the age of puberty.

**2835.** If the parents of a person are indigent and cannot earn anything, their son should if it is possible for him to meet their expenses.

**2836.** If a person is indigent and cannot earn anything his father should bear his expenses. And if his father is not alone, or cannot bear his expenses, and he does not also have a son who may bear his expenses what is well known is that his paternal grandfather should bear his expenses. And if his paternal grandfather is not alive or he cannot meet his expenses, his mother should meet his expenses. And if his mother is not alive or she cannot meet his expenses, his paternal and mother and maternal and mother and maternal grandfather should meet his expenses jointly. And if some of them are not alive or cannot meet his expenses others should help him. And this commonly known verdict is according to precaution.

**2837.** If a wall is owned jointly by two persons none of them is entitled to rebuild it without the permission of the other or to place the beam or pillar of his building on that wall or to drive a nail in it. However, there is no harm in doing things about which it is known that the other owner is agreeable to them e.g. to lean on the wall or to spread clothes on it. However, if the other owner is not agreeable even to these things being done, it is not permissible to do them.

**2838.** Painting of the entire body of an animal or a human being is unlawful even though it is not a statue. However. there is no harm in producing pictures by means of photography.

**2839.** If the branches of a fruit bearing tree go beyond the garden wall and a person does not know

whether the owner of the garden is agreeable to its fruit being plucked, he cannot on the basis of precaution, pluck its fruit, and cannot also pick up the fruit which has fallen on the ground.

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