

Questions in Islamic Jurisprudence

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In the Name of God, the most Merciful, the most Kind

CHAPTER ONE

COMBINING THE TWO PRAYERS

There is no difference - between all the Islamic schools of thought among the *ahl al-qibla* (those who worship toward the Ka'ba) - in allowing the combination of the two obligatory prayers, *al-zuhr* and *al-'asr*, at 'Arafa at the time of the noon (*al-zuhr*) prayer. Technically, this is [called] *jam' al-taqdim* (the preceding combination). Similarly, there is no difference between them in allowing the combination of the two obligatory [prayers] - *al-maghrib* and *al-'isha* - at al-Muzdalifa at the time of the *'isha* [prayers]¹. Technically, this is called *jam' al-ta'khir* (the delayed combination).² There is no difference [among the scholars] in preferring these two combinations. Indeed, they are among the prophetic practices. However, they (the scholars) have differed as to the permissibility of combining the prayers in other instances.

The point of disagreement here is the permissibility of combining two obligatory prayers by performing them together at the time stipulated for one of them either by bringing it forward (*taqdiman*) as at 'Arafa or by delaying it (*ta'khiran*) like the combination in al-Muzdalifa.

The Imams from the family of Muhammad have declared that this is permissible at all times although it is better to separate them. Their followers (Shi'as) have followed them in this [ruling] at all times and places. Most of the time, they combine *al-zuhr* and *al-'asr* and [also] *al-maghrib* and *al-'isha*, whether they are traveling or at home,

whether they have an excuse [to combine] or without an excuse. *Jam' al-taqdim* and *jam' al-ta'khir* are equally valid for them [at all times].

As for the Hanafis, they have prohibited the combination [of prayers] absolutely except when combining [them] at 'Arafa and al-Muzdalifa. [This is] despite the presence of numerous clear *sahih* (authentic traditions) which allow the combination, especially when traveling. However, despite the clear [traditions] they interpreted them to refer to an unintentional combination (*al-jam' al-suri*). The invalidity of this [view] will become clear to you soon, God willing.

As for the Shafi'is, Malikis and Hanbalis, they have allowed it (the combination) when traveling although there are differences between them. Otherwise, they are not allowed to combine except for [genuine] excuses, for example, when there is rain, soil, sickness and fear. There are also differences between them on the conditions which constitute traveling which can be [termed] legal.³

Our proofs which we rely on between us and our God, the Almighty, on this and on other issues are the authentic [traditions] from our Imams, peace be upon them. We shall argue with the majority (*jumhur*) by referring to their authentic traditions since they clearly point to what we claim. For us, sufficient proofs are [provided by] what the two Shaykhs have reported in the *Sahihs*. We present to you what Muslim has narrated in his *Sahih* in the chapter on the combination of prayers when at home. He says:

“Yahya b. Yahya reported: ‘I read from Malik from b. Abu al-Zubayr from Sa‘id b. Jubayr from Ibn ‘Abbas [who] said: ‘The Prophet of God prayed the *zuhr* and ‘*asr* prayers together and [he also offered] the *maghrib* and ‘*isha* prayers together⁴ even though there was neither any fear nor was he traveling.’”

Muslim said: “And Abu Bakr b. Abi Shayba narrated to us that Sufyan b. ‘Uyayna reported from ‘Amr b. Dinar from Abu Sha‘sha' Jabir b. Zayd from Ibn ‘Abbas who said: ‘I prayed with the Prophet (P) the eight [cycles] (of prayer) together and the seven [cycles] together.’ ‘Amr b. Dinar said: ‘I said: ‘O Abu Sha‘sha' I think he delayed the *zuhr* and hastened [to pray] the ‘*asr* and he delayed the *maghrib* and hastened [to pray] the ‘*isha*.’ He (Abu Sha‘sha’) said: ‘I think so too.’”⁵ I (the author) say: “They only follow [their] conjectures, and the conjecture does not lead to the truth.”

Muslim said: “Abu al-Rabi‘i al-Zahrani said that Hammad b. Zayd reported from ‘Amr b. Dinar from Jabir b. Zayd from Ibn ‘Abbas: ‘Indeed the Prophet of God (P) prayed in Medina the seven and eight cycles, the *zuhr* and ‘*asr* and the *maghrib* and the ‘*isha* [together].’”⁶

He (Muslim) said: “And Abu al-Rabi‘i al-Zahrani told me that Hammad narrated to us from al-Zubayr b. al-Kharit from ‘Abd Allah b. Shaqiq who said: ‘One day Ibn ‘Abbas delivered a sermon to us after the ‘*asr* [prayer] until the sun had set and the stars had begun to appear. The people started to say: ‘The prayer! The prayer!.’ He said: ‘A man from the Banu Tamim, who was not smiling or inclined [in stature], came to him (Ibn ‘Abbas) and said: ‘The prayer! the prayer!.’ Ibn ‘Abbas said: ‘Do you teach me the *sunna* O one who has no mother?’ Then he said: ‘I saw the Prophet of God (P) combine the *zuhr* and ‘*asr* and the *maghrib* and ‘*isha*.’ ‘Abd Allah b. Shaqiq said: ‘Something about that bothered me, so I came to Abu Hurayra and I asked him about it and he verified his statement.’”⁷

Muslim said: “And Ibn Abi ‘Umar told us that Waqi’ reported that ‘Imran b. Hudayr reported from ‘Abd Allah b. Shaqiq al-‘Uqayli that a man said to Ibn ‘Abbas:

‘The prayer!’ , then he kept quiet. Then he said: ‘The prayer!’ then he kept quiet. Then he said: ‘The prayer!’ and he kept quiet. Ibn ‘Abbas said: ‘You have no mother! Do you teach us about the prayer, we used to combine the two prayers in the time of the Prophet of God.’”

I (the author) say: Al-Nasa’i narrated from ‘Amr b. Harm from Abu Sha‘sha’ that Ibn ‘Abbas prayed the *zuhr* and *‘asr* in Basra without any interval between them. He did that as he was busy, he reported it from the Prophet.⁸

Muslim said that Ahmad b. Yunus and ‘Awn b. Salaam both told us from Zuhayr. Ibn Yunus said that Zuhayr narrated that Abu al-Zubayr reported from Sa‘id b. Jubayr from Ibn ‘Abbas who said: “The Prophet of God prayed the *zuhr* and *‘asr* together in Medina when there was neither fear nor [was he] traveling.”⁹ Abu al-Zubayr said: “I asked Sa‘id: ‘Why did he do that?’ He replied: ‘I asked Ibn ‘Abbas just as you have asked me. He said: ‘He did not wish to impose any difficulty on anyone in his community.’”

Muslim said: “And Abu Bakr b. Abu Shayba and Abu Karib reported to us, they said: ‘Abu Mu‘awiya, Abu Karib and Abu Sa‘id al-Ashaj said (and the words are of Abu Karib) that they (Abu Karib and Abu Sa‘id) said that Waqi‘ and Abu Mu‘awiya said, both of them [reporting] from al-A‘mash from Habib b. Abu Thabit from Sa‘id b. Jubayr from Ibn ‘Abbas who said: ‘The Prophet of God combined the *zuhr* and *‘asr* and the *maghrib* and *‘isha* [prayers] in Medina even though there was neither fear nor rain.’”

He (Muslim) said: “In the tradition of Waqi‘i he said: ‘I asked Ibn ‘Abbas: ‘Why did he do that?’ He said: ‘So that he should not [impose a] burden on his community.’”

And, [according to] the *hadith* of Abu Mu‘awiya, Ibn ‘Abbas was asked: “What did he intend by that?” He said: “He did not wish to impose difficulty on his community.”

Muslim said: “Yahya b. Habib al-Harithi said that Khalid b. al-Hirth said that Qurra b. Khalid said that Abu al-Zubayr told us that Sa‘id b. Jubayr reported that Ibn ‘Abbas said: ‘Indeed the Prophet of God combined the prayers when on a journey he was undertaking in the battle of Tabuk, he combined the *zuhr* and *‘asr* and the *maghrib* and *‘isha*.’” Sa‘id said: ‘I asked Ibn ‘Abbas: ‘What made him do that?’ He replied: ‘He did not wish to burden his *umma*.’”

Muslim said: “Yahya b. Habib said that Khalid b. al-Hirth told us that Qurra b. Khalid narrated that Abu al-Zubayr said that ‘Amir b. Wa‘ila Abu al-Tufayl reported that Mu‘adh b. Jabal said: ‘In the battle of Tabuk, the Prophet of God combined the *zuhr* and *‘asr* and the *maghrib* and *‘isha* [prayers].’ He said: ‘I asked: ‘What made him do that?’ He (Mu‘adh) said: ‘He did not wish to burden his community.’”

I (the author) say: These authentic traditions are clear as to the reason for the legislation of combining [the prayers] - all [indicate] to give respite to the community, so as not to burden it with separating [the prayers], [thereby] having mercy on the diligent ones who [comprise] most of the people. The last two traditions - the *hadith* of Mu‘adh and the one before it - are not restricted to the specific situation - I mean traveling - since the reason for combining [the prayer] in them (the two traditions) is general. It is not the journey *per se*, nor for sickness, rain, soil and fear. Rather, it is a general [ruling] which can be applied in any specific case. So it is not restricted to it, rather, it is applicable to all occasions. Due to that you see that Imam Muslim did not mention the [last] two traditions in the chapter on “combining [the prayer] when traveling,” since they are not

restricted to it. Rather, he cited the traditions in the chapter on the “combination [of prayer] when at home” so that they can be a proof for the permissibility of combining [the prayers] at all times. This is [based upon] his understanding, knowledge and justice.

His (Muslim’s) *sahih hadiths* on this issue and those which you have heard and may not have heard are all according to the conditions stipulated by al-Bukhari. The transmitters in their *isnads* (chains of transmissions) have all been used by al-Bukhari in his *Sahih*, so I wonder what prevented him (al-Bukhari) from mentioning all of them (the traditions) in his *Sahih*? What led him to reduce them to a negligible portion? Why did he not append a chapter in his book on the combination [of prayer] when at home or when traveling? Given the abundant *sahih hadiths* - according to the conditions stipulated by him - which are available on the combination [of prayers] and given that, on the whole, most of the Imams do accept it (the combination), why did he select those traditions on combining which have the least [impact] in pointing to it (the combination of prayer)? Why did he insert them in a chapter which could alter its (intended) meaning? I consider al-Bukhari above and exclude him from being like those who alter words from their intended meanings, or like those who hide the truth even though they may know it.

I present to you what he has selected on this topic and has inserted at an improper place. He says in the chapter on the delaying of the *zuhr* prayer until the [time of] ‘*asr*’ in the book of the timings of prayers in his *Sahih*:¹⁰ “Abu Nu‘man narrated to us that Hammad b. Zayd told him from ‘Amr b. Dinar who reported from Jabir b. Zayd on the authority of Ibn ‘Abbas who said: ‘The Prophet prayed in Medina the seven and eight [cycles] of the *zuhr* and ‘*asr* and the *maghrib* and ‘*isha*.’ Ayyub said: ‘Perhaps it was a rainy night.’ He said: ‘Maybe.’” I (the author) say: they follow mere conjectures.

He (al-Bukhari) also reported in the chapter on the time of the *maghrib* from Adam: He said: “Shu‘ba told us: “Amr b. Dinar reported: ‘I heard Jabir b. Zayd reporting from Ibn ‘Abbas who said: ‘The Prophet prayed the seven [cycles] together and the eight [cycles] together.’”

And he reported with an incomplete chain of transmission (called *mursal*) in the chapter on remembering the ‘*isha*’ and darkness from Ibn ‘Umar, Abu Ayyub and Ibn ‘Abbas that the Prophet prayed the *maghrib* and ‘*isha* - that is he combined them at the time of one of them at the expense of the other.

This is a very small portion from a large number of authentic traditions on the combination [of prayers] which are sufficient to prove what we maintain, as is obvious. This is supported by what [is reported] from Ibn Mas‘ud when he said: “The Prophet combined the prayers - in Medina - the *zuhr* and ‘*asr* and the *maghrib* and ‘*isha* and this [fact] was mentioned to him. He (the Prophet) said: “I did this so that my *umma* should not be burdened.” Al-Tabrani has reported this.¹¹

It is reported from ‘Abd Allah b. ‘Umar when it was said to him: “Did you not see the Prophet combine the *zuhr* and ‘*asr* and the *maghrib* and ‘*isha* prayers while he was staying [in town], not traveling?” He replied saying: “He did that so as not to impose a burden on his community.”¹²

In short, there are, among all the ‘*ulama*’ (scholars) of the majority (Sunnis), those who say that it is permissible to combine and those who do not say it; they ratify the authenticity of these traditions and their apparent import. This is what we say, that it is allowed [to combine] in all cases. Refer, if you wish, to what they have appended to it so that it may be clear to you.¹³

Yes, they have interpreted the traditions in accordance with their schools of thought. They were bemused by their interpretation, like one who is in the total darkness of the night. It is sufficient to note what al-Nawawi has related from them in his comment on these traditions in his commentary on the *Sahih* of Muslim. He says, after considering the apparent meaning in [the traditions of] combining [the prayers] at home: “The ‘*ulama*’ have [differing] interpretations and views on this, some of them interpreted the combination [of prayer] due to rain”. (He said): “This is the famous [opinion] from the prominent erstwhile scholars (*al-kibar al-mutaqaddimun*).”¹⁴ (Al-Nawawi said): “It (the opinion of the ‘*ulama*’) is weak due to the second narration (*riwaya*) from Ibn ‘Abbas [which states the Prophet prayed together] without fear or rain.”¹⁵ (Al-Nawawi said): “Some of them have interpreted that it was due to cloudiness, and that he (the Prophet) prayed the *zuhr* then the clouds cleared and it became apparent to him that the time for the ‘*asr*’ prayer had set in so he offered it at that time.”¹⁶ (He said): “This is also not valid for [although] it may be remotely possible for the [prayers of] *zuhr* and ‘*asr*’, it is not possible [for it to have occurred] at the [time of] *maghrib* and ‘*isha*’.” (Al-Nawawi said): “Among them are those who have interpreted it as referring to the delaying of the first [prayer] to its latest time for offering it so he offered it at the last [possible] time and when he had finished it (*al-zuhr*) the time for *al-‘asr* had entered so he offered it at that time hence, the combination of the two prayers was not intended.”¹⁷ (He said): “This is a weak [argument] too or it is invalid as it is completely opposite to that which is apparent, it is not possible [to admit it].” (Al-Nawawi said): “The act of Ibn ‘Abbas when delivering a sermon and the fact that people called out to him ‘the prayer! the prayer!’ and his not paying heed to them, his deriving proof from a *hadith* to justify his act of

delaying the *maghrib* to the time of *'isha* and his combining them at the time of the second [prayer] (*'isha*) and Abu Hurayra's verification of him and his not disapproving it is clear in refuting this interpretation."

I say: Ibn 'Abd al-Barr and al-Khattabi and others have refuted him (Nawawi), saying that the combination is a dispensation (*rukhsa*). If it (the combination) is not intended then it would be most difficult to undertake every prayer at its [specified] time since the beginning and end of the [prayer] times are things which many specialists are not aware of, let alone the general majority. (They said): "Among the proofs that the combination is a dispensation is the saying of Ibn 'Abbas: 'He did not wish to impose a burden on his community.'" (They said): "Also, the clear reports on the combination of two mandatory [prayers] is only to undertake them together at the time [assigned] for one of them rather than the other, either by bringing forward (*al-taqdim*) the second one from its appointed time and offering it with the first one at its time or by delaying the first one from its appointed time to the time of the second one and offering them together at that time." (They said): "This is what immediately comes to mind by the general usage of the word combining (*al-jam'*) in all the *sunna*, and this is the point of dispute."

(Al-Nawawi said): "Among them are those who have interpreted [the traditions] claiming that the combination was due to an excuse like sickness or something like it in meaning." (He said): "This is the view of Ahmad b. Hanbal and the Qadi Husayn among our companions. Al-Khattabi, al-Mutawalli and al-Ruwyani from our companions have [also] chosen it and this is the chosen interpretation as it is the apparent [meaning] of the traditions."

I say: There is no apparent [meaning] in the traditions and no remote proof for it, it is an arbitrary judgment as al-Qastalani in his commentary on the *Sahih* of al-Bukhari has admitted.¹⁸

Some of the eminent scholars have followed it up by saying: “It has been stated that the combination [of prayers] was due to illness,” al-Nawawi has supported this view. However, there is an objection to it since if the [prayers] were combined for illness then only those who were ill would have prayed with him (the Prophet). It is apparent that he (P) combined [the prayers] with his companions, this is what Ibn ‘Abbas clearly announced in a tradition which has been established from him.¹⁹

I say: When the authentic traditions on combining [the prayers] do not have an interpretation which the ‘*ulama*’ [uniformly] accept, a group of the majority have reverted to a position which is close to our opinion on the issue though they did not [even] intend to do so. Al-Nawawi mentioned them after [citing their] false interpretations as you have read. He further states: “A group of the Imams have allowed the combining of prayers when at home for a need if one does not become habituated to it (the combination). This is the view of Ibn Sirrin and Ashhab among the companions of Malik. Al-Khattabi has reported it from al-Qaffal al-Shashi al-Kabir from the companions of al-Shafi‘i, and from Ibn Ishaq al-Maruzi and from a group of *hadith* transmitters. Ibn al-Munzir has [also] chosen this opinion.” Al-Nawawi [further] said: “This view is supported by the apparent [meaning] of Ibn ‘Abbas’ saying: ‘He did not wish to burden his community’, he was not afflicted by sickness or by anything else, and God knows this matter best.”²⁰ More than one of their prominent scholars has stated this.²¹ Perhaps in this era, their researchers are in agreement with our views, as more than

one of them has told me. However, they do not dare to openly declare that to the public. Perhaps caution prevents them [from doing that]. There is no difference of opinion on separating the prayer, it is better [to separate] as opposed to combining where there is a difference of opinion. However, it has escaped their notice that separating [the prayers] could lead to many busy people abandoning the prayer as we have sometimes seen whereas combining [the prayers] is the best [solution] to ensuring it is undertaken. Therefore, it is more prudent for the jurists to issue a juridical verdict to the people to combine [the prayers] and they should make things easy, not difficult - for Allah wishes ease not hardship for you - He has not made religion a burden for you. The proof that combining [the prayer] is permissible at all times is available, thanks be to God, it is a correct *sunna*, expressed as you have read. Rather, it is a clear, written and fixed prescription. Do not be inattentive, I will relate to you the clear [verses] so that it will become clear that the times of the obligatory prayers are only three: the time of the two obligatory prayers, *al-zuhr* and *al-'asr*, which are shared between them, and time of the two obligatory prayers *al-maghrib* and *al-'isha* which are also shared between them and the third is the obligatory morning prayer especially fixed; so hear it and be attentive. (Undertake the prayer at the time of the declining sun to the darkness of the night and the morning recitation; for indeed the morning recitation is witnessed 17:78).

Imam Razi has said about its interpretation in the chapter of *Isra'* (chapter 17) page 428 in the fifth volume of his *Tafsir al-Kabir*: "If we interpret the *ghasaq* (darkness) as being the time when darkness first appears then the [term] *ghasaq* refers to the beginning of *al-maghrib*.²² On this basis, three timings are mentioned in the verse: "the time of noon, the time of the beginning of *al-maghrib* and the time of *al-fajr*." (Al-Razi

said): “This requires that noon be the time of *al-zuhr* and *al-'asr*, this time is shared between these two prayers. The time of the beginning of *al-maghrib* is the time for *al-maghrib* and *al-'isha* so this time is also shared between these two prayers.” (He said): “This requires allowing the combining between *al-zuhr* and *al-'asr* and between *al-maghrib* and *al-'isha* at all times.”²³ (Al-Razi said): “However, there is proof to indicate that combining [the prayer] while at home without any excuse is not allowed. This leads [to the view] that the combining be allowed when traveling or [when there is] rain etc..”

I say: We have examined the discussion on what he has mentioned concerning the proofs that combining [the prayer] while home without any excuse is not allowed and we have not found - God is our witness - a trace or relic for it. Yes, the Prophet used to combine [the prayer] when he had an excuse just as he used to combine when there was no excuse so that his community would not be burdened. There is no dispute that the separation [of prayer] is better therefore the Prophet of God would prefer it except when there was an excuse as was his habit in all the recommended [practices], peace be upon him and his family.

CHAPTER TWO

IS THE *BASMALA* A QUR'ANIC VERSE?²⁴

IS IT TO BE RECITED IN THE PRAYER?

The opinions of the Muslims who emphasize personal reasoning (*ahl al-ra'y*) have differed on this. Malik and al-Awza'i have said that the verse is not a part of the Qur'an and have unanimously forbidden its recitation in the obligatory [prayers] whether it be at the beginning of *sura al-Hamd*²⁵ or the *sura* after it, or whether it (the prayer) is recited loudly or silently. Yes, they have allowed its recitation in the supererogatory prayers.²⁶

As for Abu Hanifa, al-Thawri and their followers, they recited it at the beginning of the mother of the Qur'an (*sura al-fatihah*) but they made it compulsory to recite it silently even when the prayers are recited loudly. This shows their agreement with Malik and al-Awza'i; maybe it proves it since we do not know the reason for reciting it silently in the prayers recited loudly except if it (the *basmala*) is not a part of the mother of the book.

But al-Shafi'i recited it (the *basmala*) loudly in the loud prayers and in the silent prayers he recited it silently. He counted it as a verse in the opening [chapter] of the book. This is [also] the opinion of Ahmad b. Hanbal, Abu Thawr and Abu 'Ubayd. Differing reports have been reported from al-Shafi'i as to whether it is a verse in every chapter except for *sura al-Bara'a* (chapter 9) or whether it is not a verse except for the mother of the book. Both reports have been transmitted from him. But the researchers

among his companions have agreed that the *basmala* is a part of all the chapters.²⁷ They have interpreted away the two sayings reported from their Imam, al-Shafi‘i.²⁸

As for us - the Imamis - we have agreed, in following the Imams of guidance of the family of the Prophethood - that it is a complete verse in the *sab' al-mathani* (the seven most repeated verses) and of every chapter in the great Qur’an except for [the chapter of] *al-Bara’a* (chapter 9) and that one who omits it intentionally in the prayer, his prayer becomes invalid whether it be an obligatory or recommended prayer. [We have also agreed that] it is essential to recite it loudly when the prayer is offered loudly and that it is recommended to recite it loudly in the silent prayers and that it is part of a verse of *sura al-Naml* (chapter 27).²⁹ The textual proofs of our Imams in all of this are overwhelming and its meanings have been successively transmitted. The contents are clear to refute their opposition to it (the *basmala*) like the saying of Imam Abu ‘Abd Allah al-Sadiq, peace be upon him, “What is it with them? They depend on the greatest verse in the book of God, the Almighty, the most Glorious, and they claim it is an innovation if they declare ‘In the name of God the most merciful the most beneficent’ openly.”³⁰

Our argument is based on the path of the majority and its authentic traditions which are many:

First: What has been established from Ibn Jurayj from his father from Sa‘id b. Jubayr from Ibn ‘Abbas on the saying of the most High: “We have given you the seven most repeated verses.” He said: “The opening [chapter] of the book, in the name of God most beneficent, most compassionate; Praise be to the Lord of the universe and he recited the chapter.” Ibn Jurayj said: “I said to my father: ‘Did Sa‘id tell you from Ibn ‘Abbas

that he said: ‘In the name of God most merciful, most beneficent’ is a verse?’ He replied: ‘Yes.’” This *hadith* has been reported by al-Hakim in his *al-Mustadrak* and al-Dhahabi in his *al-Talkhis*; they have both declared that its chain of transmission (*isnad*) is correct.³¹

Second: What has been correctly reported from Ibn ‘Abbas. He said: “When Gabriel used to come to the Prophet and would recite ‘In the name of God most merciful, most beneficent’ he would know that it was a chapter [to be revealed].”³²

Third: What has also been correctly reported from Ibn ‘Abbas who said: “The Prophet did not use to know the end of a chapter until ‘In the name of God most merciful, most beneficent’ was revealed.”³³

Fourth: What has also been correctly reported from him: “The Muslims did not know the end of a chapter until ‘In the name of God most merciful, most beneficent’ was revealed. When ‘In the name of God most merciful, most beneficent’ was revealed they realized that the chapter had ended.”³⁴

Fifth: What has been correctly reported from Umm Salama. She said: “The Prophet (P) used to recite ‘In the name of God most merciful, most beneficent, Praise be to God the Lord of the universe’ to the end of the chapter, he would recite it word by word.”³⁵ It is also reported from Umm Salama by another chain that she said: “Indeed the Prophet of God (P) would recite in the prayer ‘In the name of God most merciful, most beneficent’ and would count it as a verse. Praise be to God, the Lord of the universe [would be] two verses, the most beneficent, most merciful, three verses, the master of the day of judgment, the fourth, You alone do we worship and from You alone we seek help, and he gathered five fingers.”³⁶

Sixth: What has been correctly reported from Na'im al-Mijmar. He said: "I was [praying] behind Abu Hurayra and he recited 'In the name of God most merciful, most beneficent' then he recited the mother of the Qur'an until he reached 'and among those who have gone astray' and he said: '*amin*' and the people said: '*amin*'³⁷ When he recited the greetings (*salam*) he said: 'By Him in whose hand is my soul, I am portraying the prayer of the Prophet of God (P).'"³⁸

Also from Abu Hurayra who said: "The Prophet of God would recite 'In the name of God most merciful, most beneficent' loudly in the prayer."³⁹

Seven: What has been correctly reported from Anas b. Malik: He said: "Mu'awiya led the prayer in Medina, he recited it loudly and he recited in it 'In the name of God most merciful, most beneficent' at the beginning of the mother of the Qur'an but he did not recite 'In the name of God most merciful, most beneficent' for the *sura* after it until he completed that recitation. When he recited the *salam*, the Muhajirun and Ansar who had heard [the recitation] yelled from all sides: 'O Mu'awiya, did you steal [something] from the prayer or did you forget?' After that, whenever he prayed, he would recite 'In the name of God most merciful, most beneficent' in the *sura* after the mother of the Qur'an." This *hadith* has been reported by al-Hakim in his *al-Mustadrak* and has met the conditions stipulated by Muslim.⁴⁰ More than one author of the *Musnad* works have reported it like Imam al-Shafi'i in his *Musnad*.⁴¹ He added his comments to it which are interesting for us to cite. He said:⁴² "Mu'awiya was a ruler, of great power and might. If the loud recitation of the *tasmiya* (*basmala*) had not been established among all the Muhajirun and Ansar companions, they would not have been able to exhibit their disapproval when he omitted the *tasmiya*."

We have a comment on this tradition which every researcher should take note of: One who examines this *hadith* will find proofs in it for our rulings on reciting the *basmala* and on not allowing the division of the *sura* which is recited in the prayer after the mother of the Qur'an since there was no reason for their refuting it except based on our ruling on the two issues.

Eight: What has been correctly reported from Anas also from another chain. He said: "I heard the Prophet reciting in the prayer 'In the name of God most merciful, most beneficent' loudly."⁴³

Ninth: What has been correctly reported from Muhammad b. al-Sirri al-'Asqalani: He said: "I prayed behind al-Mu'tamir b. Sulayman the morning and evening prayers an amount which I cannot [even] count; he used to recite 'In the name of God most merciful, most beneficent' loudly before the opening [chapter] of the book and after it [at the opening] of the *sura*. I heard al-Mu'tamir saying: 'I will not desist from following the prayer of my father.' And my father said: 'I will not desist from following the prayer of Anas b. Malik.' And Anas said: 'I will not desist from following the prayer of the Prophet of God.'" ⁴⁴ I figure from this and other traditions that they used to recite, after the mother of the book, the complete *sura* [starting] with the *basmala* upto its end, as is our ruling, this is proven by many [other] traditions.⁴⁵

From al-Qatada: He said: "Anas b. Malik was asked: 'How was the recitation of the Prophet of God'? He replied: 'It was elongated, then he recited 'In the name of God most merciful, most beneficent' and he elongated the *rahman*, he [also] elongated the *rahim*.'" "

From Hamid al-Tawil from Anas b. Malik, he said: “I prayed behind the Prophet and behind Abu Bakr, ‘Umar, ‘Uthman and ‘Ali; and all of them would recite ‘In the name of God most merciful, most beneficent’ loudly.”

All these traditions and those before them have been reported by the leader of the *muhaddithun* (*hadith* reporters) Abu ‘Abd Allah Muhammad b. ‘Abd Allah al-Hakim al-Nisaburi in his *al-Mustadrak*. He says at the end [of these traditions] “I have cited this tradition as a testimony to what preceded it. These traditions, which we have cited, are opposed to the tradition of Qatada from whom our Imams report - and the words are from Anas - He said: “I prayed behind the Prophet and behind Abu Bakr, ‘Umar and ‘Uthman, and I did not hear any of them recite ‘In the name of God most merciful, most beneficent.”” Al-Hakim then said: “This chapter has [traditions] from the Commander of the faithful, ‘Uthman and ‘Ali, Talha, Ibn ‘Ubayd Allah, Jabir b. ‘Abd Allah, ‘Abd Allah b. ‘Umar, al-Hakam b. ‘Umayr al-Thamali, al-Nu‘man b. Bashir, Samura b. Jundab, Burayda al-Aslami and ‘A’isha, the daughter of the truthful one (may God be pleased with them) all of them are reports I have in a chapter which I have left out for the sake of brevity; I have abridged from them what is germane to this chapter. Similarly, I have mentioned [them] in the chapter on the companions, the successors and their followers (may God be pleased with them) who recite ‘In the name of God most merciful, most beneficent’ loudly.”⁴⁶

I say: Al-Razi mentions in his *Tafsir al-Kabir*⁴⁷ that al-Bayhaqi narrated [traditions] on reciting “In the name of God most merciful, most beneficent” loudly in his *Sunan* from ‘Umar b. al-Khattab, Ibn ‘Abbas, Ibn ‘Umar and Ibn al-Zubayr. Then al-Razi says in these words: “As for ‘Ali b. Abu Talib’s (may God be pleased with him) reciting

the *tasmiya* loudly, this has been established by *mutawatir* [traditions]⁴⁸, one who follows ‘Ali b. Abu Talib in his religion is properly guided.’ (Al-Razi said): “The proof of it is the saying of the Prophet of God ‘O God let the truth revolve where ‘Ali goes.’”

Sufficient for our contention that the *basmala* is a Qur’anic verse at the beginning of every chapter except for *al-Bara’a* is the fact that since the coming of the Qur’an to this day all the companions, the successors and all the followers and the followers of their followers in all the generations of this *umma* are agreed on this by a consensus which they implement by writing the *basmala* at the opening of every chapter except for *al-Bara’a*.

They wrote it (the *basmala*) just as they wrote all the other verses without any distinctive mark [distinguishing it] even though they all agreed that they would not write anything but the Qur’an in it. Otherwise [they would have] a clear distinctive mark [separating it from the Qur’an] thus ensuring that nothing which is not a part of it (the Qur’an) could be mixed with it. Do you not see how they separated from it (the Qur’an) the names of its chapters and the symbols of its thirtieth (*ajza’*) and sixtieth part and its quarters, fifths, tenth parts? They put these outside the chapters in such a way that it can be known that they are outside the Qur’an, thus preserving it and being cautious of it. Maybe you are aware that the *umma* is hardly united on an issue as completely as it is united on this. This in itself is a proof that “In the name of God most merciful, most beneficent” is an independent verse at the beginning of every chapter, the previous and later generation have written it at its beginning, thanks be to God for [showing] the correct [way].

Also, among the famous transmissions of the Prophet of God is his saying: “Every matter of importance which does not begin with ‘In the name of God most merciful, most beneficent’ will fail⁴⁹ and every important matter which does not begin with ‘In the name of God most merciful, most beneficent’ is incomplete or mutilated.”⁵⁰ It is well known that the Qur’an is the best that Allah has revealed to His Prophets and Messengers and that every chapter in it is important and great. Allah has challenged human beings in it but they failed to bring forth something like it. Is it then possible for the Qur’an to be incomplete? God is most High and His wise criterion (the Qur’an) is most great, His chapters are above all of that completely.

Prayer is [the path to] success, it is the best act as is recited from the highest minarets and pulpits, those in deserts and cities know this. Nothing can equal or compare with it (the prayer) after faith in God, the most High, and in His books and Messengers and the last day. Is it allowable for God, the most High, to legislate it incomplete and mutilated? No pious or corrupt person will dare say this but the pious Imams Malik and al-Awza‘i and Abu Hanifa, may God be pleased with them, were negligent of this obligation. Every one who strives to derive rulings from the *shari‘a* proofs is excused and rewarded whether he is right or he errs.

The argument of our opponents on the issue

They have argued in [several] ways: One: If the *basmala* was a verse of *al-fatihah* then it would mean the repetition of the [words] “most merciful, most compassionate” in the *fatihah* (since they also occur in the *fatihah*). Moreover, if it (the *basmala*) was a part of every chapter, this would mean it would be repeated in the Qur’an 113 times.

The answer: Circumstances may require that [repetition] due to the great importance of the issue and to stress and pay attention to it. There is a lot of this [type of repetition] in the wise book. It is sufficient for you [to note] the chapters of *al-Rahman* (55), *al-Mursalat* (77) and *al-Kafirun* (109). What is more important in this world and the hereafter and deserves more stress and consideration than the name of God most beneficent, most compassionate? Were the Prophets sent and angels descended and heavenly books revealed except by the name of God most beneficent, most compassionate? Guidance is by Him, the most High and Glorious. Were the heavens and earth and those who live in them established except by the name of God most beneficent, most compassionate?⁵¹ “O human beings, remember the blessings of God upon you, is there a creator apart from God, who sustains you from the heavens and earth, there is no god but Him, so how come you fabricate [things]?”

Second: What has been reported from Abu Hurayra with a *marfu‘u*⁵² tradition from the Prophet, who said: “God the most High says: ‘I apportioned the prayer between Me and My slave into two halves. When the slave says: ‘Praise be to the Lord of the Universe’, the most High says: ‘My slave has praised Me.’ And when he says: ‘The most merciful, beneficent’, God the most High says: ‘My slave has lauded me.’ And when he says: ‘The master of the day of judgement’, God the most High says: ‘My slave has glorified Me.’ And when he says: ‘I worship You alone and from You I seek help’, God the most High says: ‘This is between me and my slave.’” The reason for it being used as proof is that “In the name of God most merciful, most beneficent” is not mentioned among the verses of the *fatiha*. If it was a verse the tradition would have mentioned it.

The answer: This is contrary to the narration of Ibn ‘Abbas, also attributed, with an incomplete chain of transmission, to the Prophet in which it is stated: “I have apportioned the prayer between Me and My slave; when the slave says: ‘In the name of God most beneficent, most compassionate’ God the most High states: ‘My slave has invoked me.’”⁵³ The tradition is long but we see from it that it includes the *basmala* so the tradition of Abu Hurayra is refuted. Moreover, Abu Hurayra reported from the Prophet of God that he recited “In the name of God most merciful, most beneficent” loudly in the prayer. He (Abu Hurayra) would recite it loudly and would say: “I am showing you the prayer of the Prophet of God.” His two traditions on this have been presented to you.⁵⁴

Third: What has been reported from ‘A’isha: “The Prophet would start the prayer with the *takbir* (glorifying God) and the recitation of ‘Praise be to God, the Lord of the Universe.” There is no argument for them based on this [tradition] because ‘Praise be to God, the Lord of the Universe’ has been made to be the name of this chapter just as you would say: “I recited: ‘Say! He is the One Lord’” and so and so recited “We have given you a clear victory” etc. So the meaning of the *hadith* is that he would begin the prayer with the *takbir* and by the recitation of this *sura* the beginning of which is “In the name of God most merciful, most beneficent.”⁵⁵

Fourth: The tradition of Ibn Mughfil in which he states: “My father heard me when I was reciting ‘In the name of God most merciful, most beneficent’ and he said: ‘O my son, be careful of innovation, for I have prayed behind the Prophet of God, Abu Bakr, ‘Umar and ‘Uthman and I did not hear even one of them recite it.’”⁵⁶

The answer: The Imams of the [science of] wounding and authenticating (*al-jarh wa'l-ta'dil*) do not know of Ibn Mughfil nor is there any trace of his tradition among them. Ibn Rushd has mentioned him when discussing the *basmala* in his book *Bidaya al-Mujtahid*⁵⁷ but he omitted [to mention] what has been reported from Abu 'Umar b. 'Abd al-Barr in the text that Ibn Mughfil is an unknown person.

Fifth: The report of Shu'ba from Qatada from Anas b. Malik.⁵⁸ He said: "I prayed with the Prophet of God, Abu Bakr, 'Umar and 'Uthman and I did not hear anyone of them recite 'In the name of God most merciful, most beneficent.'" Similar to this is the *hadith* of Hamid al-Tawil also reported from Anas.⁵⁹ He said: "I stood behind Abu Bakr, 'Umar and 'Uthman and not one of them would recite 'In the name of God most merciful, most beneficent.'"

The answer: You have read our arguments on what has been correctly reported from Anas. It contradicts these two reports, so examine what we have mentioned before. Imam al-Razi has mentioned this report of Anas in the argument with his opponents. Then he says: "The answer to this is from several dimensions - First: Shaykh Abu Hamid al-Asfarayani says: Six reports have been reported from Anas on this topic. As for the Hanafis, they have reported three narrations from him one of which states: 'I prayed behind the Prophet of God and behind Abu Bakr, 'Umar and 'Uthman and they would start the prayer with 'Praise be to God, the Lord of the universe.' The second one states: 'They did not used to recite 'In the name of God most merciful, most beneficent' and the third one states 'I did not hear any one of them recite 'In the name of God most merciful, most beneficent.'" These three narrations are in agreement with the view of the Hanafis. He (al-Asfarayani) said: "Another three [reports] contradict these. The first one is his

(Anas') report that when Mu'awiya omitted 'In the name of God most merciful, most beneficent' in the prayer the Muhajirun and Ansar rebuked him and this shows that [reciting] the *basmala* loudly was like a common practice, well established among them." And he said: "The second of them (the report) is reported by Abu Qalaba from Anas that the Prophet of God, peace be upon him and his family, and Abu Bakr and 'Umar would recite 'In the name of God most merciful, most beneficent' loudly" ⁶⁰ and the third of them (the reports) that he (Anas) was asked about [reciting] "In the name of God most merciful, most beneficent" loudly and persisting in it and he said: "I do not know this issue." Al-Razi said: "It is clear that the reports from Anas on this issue are greatly confused and haphazard; they are contradictory, so it is essential to refer to all the other proofs." Imam al-Razi says: "Also, there is another accusation in this and this is that 'Ali, would recite the *tasmiya* in a loudly exaggerated form. When the Banu Umayya came to power they went to extreme lengths in prohibiting the loud recitation [of the *basmala*], striving to obliterate the memories of 'Ali."⁶¹ Al-Razi said: "Perhaps Anas was scared of them (the Umayyads) so for this reason his verdicts were confused." And he said: "Whenever we are uncertain of something, [one thing] we do not doubt is that when there is a contradiction between the likes of Anas and Ibn Mughfil and the verdict of 'Ali b. Abu Talib, peace be upon him, who remained [on the verdict] all his life, it is more appropriate to accept the saying of 'Ali." He said: "This is the decisive answer to the question." Then al-Razi said: "One who takes 'Ali as the Imam of his religion has surely clung firmly to his religion and his self."⁶² I say: Thanks be to God who has guided us to this, but for His guidance we would not have been guided.

Recitation [of the *fatihah*] in the Prayer

The jurists have differed on [the question of] the recitation [of the *fatihah*] in the prayer. Abu Bakr al-Asam, Isma'il b. 'Aliyya, Sufyan b. 'Uyayna and al-Hasan b. Salih have claimed that it is not obligatory in any prayer, it is merely recommended.

This is a rare verdict, it is contrary to the proofs and goes against the consensus of the community. They have argued based on what Abu Salama and Muhammad b. 'Ali have reported from 'Umar b. al-Khattab when he prayed the *maghrib* prayer without reciting [the *fatihah*] in it. He was asked about that and he said: "How was the bowing (*ruku'*) and the prostration?" They said: "It was fine." He said: "Then there is no problem."

The answer: If he ('Umar) did not attribute it [to the Prophet] then it was his opinion. Perhaps he was among those who believed that omitting the recitation unintentionally does not invalidate the prayer, and God knows best.

Al-Hasan al-Basri and others have stated that the recitation is obligatory in one cycle [of prayer]. Like the previous case, this is a rare verdict and goes against the consensus reached by the *umma*. They have argued based on his (Prophet's) statement: "There is no prayer except with the *fatihah* of the book" adhering [to the view] that an exception to a negative [statement] is a positive one, so they say that even if one *fatihah* is recited in the prayer it is essential to maintain that this is correct due to the rule based on [the concept of] exception.

The answer: According to the custom (*'urf*), this *hadith* is not applicable to the case of the prayer when it is offered with the [complete] *fatihah* neither is the *hadith* a specific rule which nullifies a general rule. It is by no means applicable in this case. The

tradition is applicable for the prayer which is devoid of the *fatihah* and in that case it (the prayer) is not a [valid] prayer. It is like his (Prophet's) saying: "There is no prayer except by purification." [This shows] his stressing the *fatihah* for it is a part of the prayer and [stressing] the purification for it is a condition for it (the prayer). There are many [examples] of this [kind of] speech. Don't you see, if it was said "there is no oxymel except with vinegar," for example, no one would understand that what is called vinegar, even if it be a drop or less than that, is sufficient or not sufficient [to make oxymel]. They merely understand that oxymel is composed [of things] and that vinegar is one of the most important parts of it. If the vinegar is removed then the oxymel is nonexistent.

If, as they claim, the proof they derive from this *hadith* is proper, then the proof could lead [to the view] that no act or speech in the prayer is obligatory as long as the *fatihah* is recited, as is clear to one who examines it.

Imam Abu Hanifa and his companions said: "It is not obligatory to recite the *fatihah* itself in any prayer, what is essential in the prayers is any [form] of recitation. Abu Hanifa saw it sufficient to recite any Qur'anic verse even if it be just one word like "*Madhamatani*" (two green gardens). But his two companions Abu Yusuf and Muhammad b. al-Hasan al-Shaybani deemed it sufficient [to recite] three short verses like "*thumma nazara*" then "*'abasa wa basara*" then "*adbara wa istakbara*" or [it was sufficient to recite] one verse which was equivalent to three short verses or more than them. The Hanafis have acted according to this.⁶³

Abu Hanifa also allowed the translation of what is recited in the prayer from the Qur'an in any foreign language even if one knows Arabic well.⁶⁴ He deemed it sufficient to recite "*do balk sabz*" the translation of *madhamatani* (two green gardens) in Persian

instead of the *fatiha* and the *sura*, but his two companions allowed the translation only for those unable [to recite] it in Arabic, not for those able to recite it in Arabic; the Hanafis have acted according to this.

The recitation [of *al-fatiha*] is obligatory for them in the first two cycles in every prayer of two cycles like the Friday and morning prayers or the *zuhr* and *'asr* and *'isha* for a traveler. As for the prayer of more than two cycles, like the *maghrib* and *'isha* for one praying at home and the *zuhr* and *'asr*, the recitation is obligatory for them in [any] unspecified two cycles. Thus, one praying can choose to recite it in the first two cycles or the last two or the first and the third cycles or the first and the fourth or the second and the third cycles or the second and the fourth. If he recites [*al-fatiha*] it in the first two cycles, for example, he can choose in the last two; if he wishes, he can recite [the *fatiha*] or he can glorify God or if he wishes he can remain silent spanning the time of the glorification, this is their school of thought which is common to their jurisprudence.

They have argued that any form of recitation is sufficient based on the *hadith* of Abu Hurayra which is present in the two *Sahihs*.⁶⁵ He said: “The Prophet of God entered the mosque, then a man entered and prayed. Then he came to greet the Prophet of God. After the Prophet of God returned his greetings, he said to him: ‘Go back and pray, for you have not prayed.’ The man went back and prayed the way he would [normally] pray then he came to the Prophet, he greeted him and the Prophet of God said: ‘And peace be unto you, go back and pray for you have not prayed’ and he did this three times. The man said: ‘I swear by the one who has sent you with the truth, this has not pleased me, so teach me.’ He said: ‘When you stand up to pray, first glorify God then recite what is easy for you from the Qur’an then bow down until you are at ease while bowing, then stand

straight and then prostrate until you are at ease in prostration, then sit up until you are at ease while sitting, then do all that in your whole prayer.”

The point from which they derive their proof is his saying: “Then recite what is easy for you from the Qur’an” as it apparently [supports] their claim.

The answer: Abu Hurayra is among those whose traditions we do not value as we have explained at length [elsewhere]. We have presented rational and scriptural indubitable proofs in a published book which we have devoted to him, so any one who is fond of researching the clear truths should refer to it.

It is not possible for the Prophet of God to have acted according to this tradition as it occurs in a situation in which it was essential [for him] to explicate the issue. We examined [the tradition] and we did not find a trace of explanation which is worthy of the Prophets, upon whom be peace, since it lacks much of what the *umma* have concurred of what is essential in prayer like the intention, and sitting when bearing the last testimony, and the essential parts of prayer following each other in proper sequence; similarly the last testimony and sending greetings to the Prophet and the greetings etc. Moreover, leaving him to offer an incorrect prayer three times is [something which] does not concur with the character of the Prophet, this [act] is not permissible for him.

Abu Dawud has reported this anecdote in his *Sunan* in the chapter on the prayers of one whose backbone cannot be straight in the bowing and prostration - with a chain of transmission to Rifa‘a b. Rafi⁶⁶ al-Ansari - he was among those present at Badr - that the Prophet said to the man whose prayer was not proper “When you stand up and face the *qibla* and glorify God then recite the mother of the Qur’an and recite what Allah wishes you to recite.”

This anecdote is also reported by Ahmad b. Hanbal and Ibn Hibban with a chain of transmission ending with Rifa‘a b. Rafi‘i. It states that the Prophet said to that man whose prayer was improper: “Then recite the mother of the book and then recite what you wish.”⁶⁷

It is well known that Abu Hurayra cannot be compared with Rifa‘a, neither is he equal to Rifa‘a in his speech or action. Without doubt, when the two are in conflict, Rifa‘a’s traditions are to be given preference over the traditions of Abu Hurayra. Therefore you see that in *Fath al-Bari*, al-Qastalani interprets what is reported in the *hadith* of Abu Hurayra to accord with what is reported in the *hadith* of Rifa‘a. One who studies the views of the past and later [scholars] on the *hadith* of Abu Hurayra and his saying: “Recite what is easy for you from the Qur’an” will find all of them (apart from the Hanafis) either refuting⁶⁸ or interpreting it.⁶⁹ If you wish, refer to their views on this *hadith* of Abu Hurayra in all the commentaries on the two *Sahihs*.⁷⁰

Moreover, Abu Hurayra himself contradicted this *hadith* of his by what has been correctly reported from him when he said: “I heard the Prophet say: ‘The prayer in which the opening [chapter] of the book is not recited is not complete.’”⁷¹ And he [also] said: “Indeed, the Prophet of God commanded me to go out and announce in Medina that there can be no prayer without the recitation of the Qur’an, even if it be with the opening [chapter] of the book or more [than that].”⁷² And he said: “I heard the Prophet of God say: ‘One who prays without reciting the *fatiha* of the book then it (the prayer) is incomplete, it is incomplete, it is incomplete’”⁷³

There is another outstanding issue which they ask about, I mean the reason why the Hanafi jurists accepted the apparent [meaning] in the *hadith* of Abu Hurayra: “Recite

what is easy for you from the Qur'an." [They did this] without [quoting] the clear text, that is, it is essential to be calm when standing, sitting, while bowing and in prostration. Moreover, what they accept is against the clear *sahih* traditions and opposed to [the views of] most of the Muslims. What they did not accept is supported by the *Sihah* and by the majority.

Perhaps the Hanafis can cite as proof for their view on this issue by [citing] the saying of Almighty Allah: "Recite what is easy for you in the Qur'an."

The answer: This verse is certainly not connected with what is being discussed concerning the recitation in the prayer. This is clear from the context in *sura al-muzammil* (chapter 73), whosoever so wishes let him refer to it and examine what the commentators have said about it so that the truth may become clear for him.

Furthermore, the Hanafis have argued for the permissibility of translating into foreign languages what is recited in the prayer from the Qur'an by several arguments:

1) That Ibn Mas'ud made some foreigners recite: "The tree of *Zaqqum* is a food for the sinners (*ta'am al-athim*)." A foreigner recited it as the food for the orphans (*ta'am al-yatim*). He (Ibn Mas'ud) said to him: "Say the food of the corrupt one (*ta'am al-fajir*)." Then he (Ibn Mas'ud) said to him: "It is not a mistake to recite in the Qur'an *al-hakim* instead of *al-alim*, to insert a verse of mercy in the place of a verse of chastisement."

Answer: This is not connected to what we are discussing, it doesn't prove anything to what the claimant is claiming. Even if it is correct, the view of Ibn Mas'ud is restricted to him, it does not prove anything.

Two: The saying of the Almighty: "It is in the previous books," similarly: "This is in the previous scriptures, the scriptures of Abraham and Moses."

The reason for deriving proofs by these verses is that the community is agreed that the recitation was not in Arabic letters in previous books, nor were the scriptures of Abraham and Moses in Arabic, rather, their meanings were in Hebrew or Aramaic.

Answer: This, like the previous case, does not constitute proof for the claimant, rather, it is more and more remote [from the truth].

Third: The Almighty said: “And He revealed this Qur’an to me so that I may warn you thereby.” The non-Arabs do not understand the Arabic letters unless the meaning is mentioned to them in their language so that they may be warned by it.

Answer: This would only be proper proof for allowing the commentary of the Qur’an in their language so that they may benefit from its wisdom, etiquettes, commands and prohibitions. This is one thing; [to talk] gibberish in the prayer in which one is commanded to recite the Qur’an is another. When the *fatiha* is recited, to what Arab or non-Arab do not the letters of the mother of the book, [which is] recorded in the scriptures, come into his mind? What person of taste would negate the enunciation of the recitation of the *fatiha* and the recitation of the Qur’an for gibberish in Persian or other foreign eastern or western languages?

Imam al-Razi has refuted these views - for he has transmitted them from the Hanafis - and has other views, so refer to them. I hold Imam Abu Hanifa above this, he failed completely in his derivation of proofs. I feel sorry for him that he fell to this low level. In deriving secondary *shar'i* rulings, he depended on analogy and seeking that which is good (*istihsan*). He arrived at the decision based on this. As if he deemed it to be in the interests of non-Arabs to translate for them the recitation in the prayer in their languages; he saw this to be the best [way] for their understanding it’s meaning and for

their humility in it (the prayer). It is as if he drew an analogy of the recitation [of the *fatiha*] of a non-Arab in his language with listening to an exhortation and his hearing academic lessons in his language. This is the theory of Ataturk regarding the prayer, he did not take it from Abu Hanifa, it is merely a personal thought. What helped Ataturk in holding the theory is that he did not respect *shar'ī* proofs,⁷⁴ he did not know or learn them in the reforms that appeared good for him to undertake. If there was in the *shar'ī* proofs something which would allow him to have recourse to *istihsan*,⁷⁵ there would have been some justification for his views; but how wrong he was!

Al-Shafi'ī, Malik, Ahmad b. Hanbal and others have made it compulsory to recite the *fatiha* in Arabic in all the cycles of the obligatory and supererogatory prayers. Their proof for that is the *hadith* of Abu Hurayra in the anecdote of an Arab whose prayer was not proper due to the statement of the Prophet of God whereby he taught him the prayer and instructed him to recite [the *fatiha*] and then told him: “Do that in every [cycle of] prayer.”⁷⁶ You already know our view on this tradition for we have said that we do not accord any value to it.

The Imamiyya, following the Imams of the purified family, maintain that the recitation of the *fatiha* in correct Arabic is obligatory in the first two cycles in every obligatory and recommended prayer,⁷⁷ whether the prayer [is offered] alone or with the Imam. As for one following [in congregational prayer], the Imam recites on his behalf.⁷⁸ As for the last two cycles, it is obligatory to recite either the *fatiha* or the *tasbih* (glorification), one can choose between the two. The Imam cannot recite the *fatiha* or *tasbih* on behalf of those following him.

Our proofs for all of this are based on the traditions of our Imams, they are the other half of the book. Moreover, the recitation [of the *fatiha*] by the Prophet in the first two cycles is proven in all the *Sihah* and *Masanid* works in the *hadith* of Abu Qatada al-Hirth b. Rab'i and others.

The rule is, what the Prophet used to do is obligatory⁷⁹ due to his saying: “Pray as you see me pray.” If it is proven from him that [he would recite] the *fatiha* in the last two cycles, it has also been proven from him that he would [also] recite the *dhikr* in them. The form [of the *dhikr*] “Glory be to Allah, praise be to Allah, there is no god but Allah, Allah is the greatest” has been transmitted from the Imams of his pure family. This is attested to by the *hadith* of Sa'd b. Abi al-Waqqas available in the *Sahih* of al-Bukhari and other *Sahih* and *Musnad* works. The people of Kufa complained of him to 'Umar to the point that they mentioned that he could not pray correctly. Sa'd said: “By God, I used to lead them in prayer the [way] of the Prophet of God, I did not distort it, I stand still and lengthen the standing by reciting the *fatiha* and the *sura* in the first two cycles. Then I would reduce it in the last two cycles.” That is, he hastened through them (the last two cycles) by shortening them to either the *tasbih* or the *fatiha* alone to [the exclusion of] everything else and the Almighty God knows [best].

Takbirat al-Ihram⁸⁰

Following [the footsteps of] the Imams of the purified family, the Imamiyya agree that the *takbirat al-ihram* is a pillar in every obligatory or recommended [prayer]. Without it, no prayer can be offered. It's form – God is the greatest- is special to it. So if one begins his prayer by glorifying God (*tasbih*) or by uttering there is no god but God or

by saying God is great (*Allahu kabir*) or only God is the greatest (*Allahu al-Akbar*) or God is most powerful etc., then the prayer is not valid. [Neither is] gibberish in any one of the foreign languages [allowed]. The proof that it is obligatory is adequately provided [by the fact] that the Prophet of God never started any of his prayers except by this form. You have read recently that the original [form] which he used to perform his prayer is the obligatory [way] as he said: “Pray the way you see me pray.”

Moreover, its incumbency is established in the book and the *sunna* and the consensus of the community. The Almighty Allah has said: “And Your Lord so glorify Him.” A consensus (*ijma'*) has been reached that this refers to the *takbirat al-ihram* since the command [of God] indicates incumbency. The *ijma'* also states that other than that is not compulsory. The Prophet has said: “The opening of the prayer [lies in] purification, its sacredness (*tahrim*) in the *takbirat* and its dissolution in the sending of greetings.” Abu Dawud has narrated this in his *Sunan*. The Hanafis have said that the *tahrim* is not a pillar of the prayer, rather, it is connected to the act of standing which, in fact, is the pillar. It is obligatory to face the *qibla*, to hide the private parts, and to be in the state of purity not due to it (the *takbirat al-ihram*) but because of its connection with the pillar. They have [also] said that Arabic language is not a stipulation in it. They have deemed that a translation in any language which the one who offers the prayer wishes would suffice, whether he is able to recite it in Arabic or not. For them, the prayer can [also] be offered by saying, for example: *Khuda buzurg* (God is greatest in Persian) instead of *Allahu Akbar*. They have [also] said that the *ihram* can be done by [reciting] the *tasbih* or *tahlil* (the utterance that there is no god but God) and by any name of the Almighty even without anything else being added to it like starting [the prayer] by “Allah” or “al-

Rahman” or [reciting] other such of His beautiful names by themselves, although this act is detested. This is their ruling, they do not disagree on this. Their proof is based on *istihsan* (doing that which is best) as you have read. The answer is the answer, and Allah is the guide to that which is correct.

CHAPTER THREE
THE *TAQSIR* OF THE TRAVELER AND HIS *IFTAR*
THE LEGISLATION OF THE *TAQSIR*⁸¹

The four cycles in a prayer are shortened to two when traveling whether [the one undertaking the journey] is in [a state of] fear or safety, as per the consensus of the Muslim community. The ruling is unanimous. The Almighty Allah says: “When you travel on earth there is no blame on you if you shorten your prayer if you are scared that those who disbelieve will trouble you” (4:101).

On the authority of Ya‘la b. Umayya: He said: “I said to ‘Umar b. al-Khattab: ‘There is no blame on you if you shorten the prayer if you fear that those who disbelieve will trouble you’, but the people are [now] safe.’ He said: ‘I was wondering about that just as you are wondering so I asked the Prophet of God about it. He said: ‘It is a charity which Allah has granted you so accept it.’” Muslim has reported [the *hadith*] in his *Sahih*.

From Ibn ‘Umar - this has also been reported by Muslim in his *Sahih* - He said: “I accompanied the Prophet of God on a journey. He did not pray more than two cycles until Allah took him away. And I accompanied Abu Bakr and he did not pray more than two cycles until Allah took him away. And I accompanied ‘Umar and he did not pray more than two cycles until Allah took him away. Then I accompanied ‘Uthman and he did not pray more than two cycles until Allah took him away.” The Almighty God has said: “Indeed, there is an exemplary model for you in the [figure] of the Prophet of God.” (33:21)

From Anas b. Malik - according to what the two Shaykhs have reported in their *Sahihs*: he said: “We traveled from Medina to Mecca with the Prophet. He used to offer two cycles until we returned to Medina.”

From Ibn ‘Abbas - according to what al-Bukhari has reported in his *Sahih* - he said: “The Prophet stayed in Mecca for 19 [days] and he used to shorten [the prayer].” I say: He used to shorten even though he stayed for 19 days as he had not made the intention to stay [for more than 10 days].

It has been proven from the Prophet of God that he used to lead the people of Mecca in prayer after the emigration. In the prayer of four cycles, he would offer the greetings after finishing the first two cycles. He would tell the people to complete their four cycle prayer [alone], he excused himself and those who had come with him since they were travelers.

Ibn Abi Shayba has narrated with a chain of authority from the Prophet of God that he said: “The best of my community are those who bear witness that there is no god but Allah and that Muhammad is the Prophet of God and those who, when good is done to them, they rejoice and when evil is done to them they forgive and when they travel they shorten [their prayers].”

From Anas: - according to what Muslim has reported from two sources in his *Sahih* - he said: “I prayed the *zuhr* in four cycles in Medina with the Prophet of God, then I prayed two cycles of the ‘*asr* with him at Dhu'l-Hulayfa as a traveler.” Many authentic traditions clearly indicate that Allah, the most Mighty and Glorious, has legislated the *taqsir* when traveling.

The legislation of *iftar* (breaking of the fast)

There is no dispute that Allah, the Almighty and Glorious, legislated the *iftar* in the month of *Ramadhan* for anyone who travels [a distance] for which he had to shorten the prayer. This much the Muslim community has agreed upon. The book and the *sunna* have established it clearly. The Almighty Allah says: “The month of *Ramadhan* is the one in which the Qur’an has been revealed as a guide for the people and an explanation of guidance and the *furqan* (criterion); whoever among you who witnesses it (at home) should observe the fast. One who is sick or on a journey then [he will fast] a number of other days, Allah wishes ease for you, he does not wish difficulty, so complete the prescribed days.” (2:185)

When the Prophet of God traveled in the month of *Ramadhan* he would break the fast and would tell the people of his *iftar*.⁸² He would deem observing the fast when traveling to be a sin. He emphasized this by saying: “It is not virtuous that you fast when you travel,” you will read all of that in his words.

It is reported in the *hadith* of Abu Qalaba - and this is in the *Sihah* - that the Prophet told a man from the Banu ‘Amir: “The Almighty Allah has lifted the [burden of] fasting from the traveler and [the difficulty of] separating the prayers.” One who studies the *Sunan* and the sayings of the Imams about the prayer and fast of a traveler will find documented sources, religious edicts and the consensus of the community [maintaining that], that the shortening of the prayer and *iftar* when traveling have been legislated by Allah, the Almighty, in the religion of Islam. When traveling, what is required to be performed for one of the two is necessarily required for the other, without doubt.

The Ruling of Shortening the Prayer (*Qasr*)

The Imams of the Muslim community have different views on the ruling of shortening the prayer when on a journey. Among them are those who see the *qasr* to be a fixed obligation on a traveler, this is the view of the Imamis in following their Imams. Abu Hanifa and his companions and all the Kufans have ruled likewise.⁸³ Among them are those who rule that the *qasr* and *itmam* (offering the full prayers) are both obligatory when on a journey although [the traveler] has a choice between the two like the choice in paying an obligatory expiation, this is the view of some of the companions of al-Shafi‘i. Among them are those who have said that the *qasr* is a highly recommended [act], this is the view of Malik according to the most famous reports from him. Among them are those who see the *qasr* as a *rukhsa* (dispensation) and that the complete [prayer] is better. This is what al-Shafi‘i ruled according to the most famous reports narrated from him. This is reflected in his companions. The Hanbalis have permitted the *qasr*, it is better than the *itmam* although offering the full prayers is not detested.

Our proofs

The Imamis have argued that the *qasr* is obligatory based on the *Sihah* (authentic traditions) which have been related by the majority and [based on] proven texts from the Imams of guidance from the *ahl al-bayt*, peace be upon them.

Among the *Sihah* of the majority is what Muslim has reported in his *Sahih* in the book of the prayer of the travelers and shortening it - from Ibn ‘Abbas from two chains of transmission. He said: “Allah has fixed the prayer through the tongue of your Prophet, [when] in town at four cycles and when traveling at two [cycles].” This clearly shows

that the traveler has been commanded to offer the *zuhr*, *'asr* and *'isha* at two cycles. Similarly, one who is in his home town has been commanded to offer them at four cycles. Therefore, it is not proper for a traveler that he should offer anything but two cycles according to what has been prescribed for him, just as it not proper for one living at his home town to offer anything but four cycles according to what has been fixed for him since the true [form of] worship is to follow what has been prescribed.

Similarly, it is reported in the *Sahih* of Muslim narrating from Musa b. Salama al-Hadhli. He said: "I asked Ibn 'Abbas: 'How do I pray in Mecca when traveling?'" He said: "Two cycles is the *sunna* of Abu'l-Qasim (the Prophet)."

He answered categorically that it was two cycles and that [it was] a *sunna* of Abu'l-Qasim, this is clear in fixing the mode of the *qasr*, it is evident for the majority.

Muslim has also narrated in his *Sahih* reporting from al-Zuhri from 'Urwa from 'A'isha: "The prayer was initially fixed at two cycles. The prayer of traveling remained [where it was], the prayer at home was fixed at *tamam*." Al-Zuhri said: "I said to 'Urwa: 'What has happened to 'A'isha that she offers the complete prayer when traveling?' He said: 'She interpreted it (the matter) as 'Uthman did.'"

Muslim has reported in his *Sahih* from 'A'isha from another chain of transmission. She said: "When Allah fixed the prayer He did so at two [cycles], then He prescribed the prayer at home at the complete rate (four cycles) whereas the prayer of traveling remained at the previous rate."

I say: It is clear that if this is true, then it is not correct for a traveler to offer the four [cycles] since the lawgiver (*al-Shari'*) has not commanded him to do so. From the beginning, He has told him to offer it at two [cycles], and Allah has fixed it at that. If a

traveler offers four cycles, he has innovated just as if he were to offer four cycles in the morning prayers or if one praying at home offers his four cycles at the rate of two a piece.

From the reports of the Imams of guidance, what has been correctly reported from Zurara b. A‘yan and Muhammad b. Muslim when they asked Imam Abu Ja‘far al-Baqir. They said: “What do you say regarding the prayer of a traveler? How is it offered, and how many cycles?” He said: “The Almighty Allah says: ‘When you travel on the earth there is no blame on you if you shorten your prayer ..’ so the *qasr* is obligatory when traveling just as the *tamam* is obligatory at home.” They said: “We said to him: ‘He (God) said: ‘There is no blame on you if you shorten the prayer’, He did not say ‘shorten the prayer’, so how can He make it compulsory just as He made the *tamam* compulsory?’” He said: ‘Did the Almighty not say regarding the *Safa* and *Marwa*, one who performs the pilgrimage or the ‘*umra* ‘there is no blame on him that he should walk between them,’ don't you see that walking between them is obligatory, legislated, because Allah the Almighty has mentioned it in His book and His Prophet performed it? Similarly, the shortening [of prayers] on a journey is something which the Prophet of God performed and Allah has mentioned it in the book.’” They said: “One who offers four cycles when traveling, does he repeat the prayer or not?” He said: “If the verse of *taqsir* has been recited and explained to him and he [still] offers four cycles then he repeats it. If it has not been recited to him and he does not know of it then he does not have to repeat the prayer.” (He said): “Every obligatory prayer on a journey is of two cycles except the *maghrib* for it has three cycles, there is no shortening of it, the Prophet left it at three cycles [whether] on a journey or at home.”

Imam al-Tabrisi says after he mentioned this report: “In this there is proof to show that the obligation of a traveler is different from one who is at home.” (He said): “The group has agreed on that, and has also agreed that there is no *qasr*. It has been reported from the Prophet that he said: ‘The obligation of a traveler is two cycles, not shortened.’”

In *al-Kashshaf*, on the verse of shortening the prayer, the author writes: “Abu Hanifa says that the *qasr* when traveling is fixed, it is not a dispensation, nothing apart from it is allowed.” (He said): From ‘Umar b. al-Khattab: “The prayer of a traveler is at two cycles, it is complete, not shortened, according to the words of your Prophet.”⁸⁴

The Argument of Shafi'i and Those who do not Impose the *Qasr*

They have argued by several ways; the first one being the apparent [meaning] of the Almighty's words: “There is no blame on you if you shorten the prayer.” In itself, blameworthiness (which is a sin) indicates permissibility, not an obligation [to perform the *qasr*].

You know the answer by the report of Imam Abu Ja'far al-Baqir. Apparently the people at the time [of the Prophet] were inclined towards [offering] the complete [prayer] and they were - as indicated by Imam al-Zamakhshari in his *al-Kashshaf* - expecting to pray full. It appeared to them that they were at fault by praying the *qasr*. The blame [for offering the *qasr*] was removed from them so that they could feel good about their [offering] the *qasr* and they could be contented by it.

Secondly: ‘Uthman and ‘A'isha used to complete the prayer when traveling:

The answer is that they wrongly interpreted the proofs for [performing] the *qasr*. Some of the scholars of majority have explained their interpretation - by claiming that ‘Uthman was the Commander of the faithful and that ‘A’isha was their (the faithfuls’) mother. Even in their journey they were continuously at home since wherever they were traveling they were with the people, at home and in their land. This thinking is strange; we see the reason for it being strange by seeing the Prophet of God’s absence from the world of the believers. Did they not see him perform the *qasr* while traveling? Similarly, on this basis Abu Bakr, ‘Umar and ‘Ali were all strangers to them.

Thirdly: Famous traditions clearly reported by Muslim in his *Sahih* that when the companions would travel with the Prophet of God some of them would perform the *qasr*, some would do the *tamam*, some would fast in the month of *Ramadhan* and others would not, they would not find fault with each other.

The answer is that these traditions do not prove anything based on our chain of transmission since they contradict our *sahih* traditions reported from our Imams who are the second half of the book; furthermore they contradict each other too, one who examines them knows it as you will read soon, God willing.

There is no doubt that the traditions of the trustees from the family of Muhammad are to be given preference when there is a contradiction, especially after they are supported by a group of the *Sihah* [traditions] of the majority.

The Ruling on Breaking the Fast (*Iftar*)

Muslim jurists have differed on the ruling of *iftar* while traveling. The majority [of them] have stated that it (fasting) is allowed and that if a traveler fasts then his fast is

valid and he will be rewarded. They have deemed it permissible basing their proofs on traditions which Muslim has reported in his *Sahih*.

Among them is what is reported from Abu Sa‘id al-Khudri who said: “We went on an expedition with the Prophet of God when sixteen days of the month of *Ramadhan* had elapsed. There were those among us who fasted, others who broke their fasts. Those who fasted did not taunt those who did not, nor did those who broke their fasts find fault with those who had fasted.”

On his authority from another chain, he said: “We used to travel with the Prophet of God in *Ramadhan*. The one who fasted would not be taunted for his fast nor was one who did the *iftar* [be blamed] for his *iftar*.”

The answer is that these traditions - assuming they are authentic - are abrogated without doubt by the *sahih* [traditions] reported by the majority, by other authentic traditions reported by our chains of authority from the Imams of the *ahl al-bayt*.

I present to you what has been authentically reported on this topic by others. Jabir b. ‘Abd Allah said - as stated in Muslim’s *Sahih* - that “the Prophet of God went in the year of the conquest to Mecca in *Ramadhan* and he fasted until he reached Kira’ al-Ghamim and the people [also] fasted. Then he asked for a glass of water and he raised it until the people saw it then he drank it. After that it was said to him: ‘Some of the people have fasted’; he said: ‘They are sinners, they are sinners.’”

It has also been reported from Jabir: He said: “The Prophet of God was on a journey and he saw the people had gathered around a man and had cast a shadow over him. He said: ‘What is the matter with him?’ They said: ‘He has fasted.’ He said: ‘It is not virtuous that you fast on a journey.’”

We said that these *sunna* abrogated those [reported before] as they were, by the admission of the majority, issued later. That is proven by what has been reported in the *Sahih* of Muslim and by others from ‘Ubayd Allah b. ‘Abd Allah b. ‘Utba from Ibn ‘Abbas that he informed him that the Prophet of God went out in the year of the conquest and he fasted until he reached al-Kadid then he broke his fast. He said: “The companions of the Prophet of God used to follow the most recent of his commands.”

On the authority of al-Zuhri - as reported in the *Sahih* of Muslim and other sources - by the same *isnad*: “The [ruling] of breaking the fast was the later of the [two] commands, the later commands of the Prophet of God are to be followed.”

A similar narration on the authority of Ibn Shihab - as reported in the *Sahih* of Muslim and in other sources with the same *isnad*. Ibn Shihab said: “They used to follow the latest of his commands and would see it as an abrogating and a fixed [command].” In short, if it is assumed that it was correct for some of the companions to fast when traveling with him, that was before the imposition of [the ruling of] breaking the fast and before his (Prophet’s) saying: “It is not virtuous that you fast when you are traveling,” and before his saying about those fasting: “They are sinners, they are sinners.”

As for the Imamis, they are agreed that *iftar* when traveling is compulsory, this is [also] the edict of Dawud b. ‘Ali al-Isfahani and his companions. Many companions like ‘Umar b. al-Khattab and his son ‘Abd Allah and ‘Abd Allah b. ‘Abbas, ‘Abd al-Rahman b. ‘Awf, Abu Hurayra and ‘Urwa b. al-Zubayr have followed [this ruling]. This has also been successively transmitted from the Imams of guidance, from the pure family. It has been narrated that ‘Umar b. al-Khattab commanded a man who had fasted when traveling to repeat his fast - just as is our ruling and the ruling of Dawud. Yusuf b. al-Hakam has

narrated saying: “I asked Ibn ‘Umar regarding fasting when traveling.” He said: “How would you feel if you give a person [something] in charity then he returned it to you, wouldn’t you be angry? This is a *sadaqa* from Allah which He has granted you, so do not reject it.” ‘Abd al-Rahman b. ‘Awf reported saying: “The Prophet of God said: ‘One who fasts on a journey is like one who has broken his fast when staying at his home town.’” On the authority of Ibn ‘Abbas [who said]: “*Iftar* when traveling is compulsory.” On the authority of Abu ‘Abd Allah al-Sadiq who said: “The one who fasts in the month of *Ramadhan* while traveling is like one who has broken his fast while at home.” And [it is reported] from him also: “If a man who is fasting on a journey dies then I would not pray over him.” And [it is reported] from him also: “One who travels must break his fast and shorten the prayers unless his journey is a sin against Allah the Almighty, the most Glorious.” Al-‘Ayyashi has reported with a chain of transmission connected to Muhammad b. Muslim from Abu ‘Abd Allah al-Sadiq who said: “This verse ‘Whoever of you is sick or on a journey’ was revealed at Kira’a al-Ghamim at the prayer [time] of the midday heat. The Prophet of God asked for a glass which contained water and he drank it and he commanded the people to break their fasts. The people said: ‘The noon [time] has passed, if only we were to complete this day’s [fast].’ The Prophet of God called them sinners and they were called sinners to the time when the Prophet of God passed away.”

Our argument for the obligation of breaking the fast when traveling is sufficiently proved by the saying of the Almighty, most Glorious: “Those of you who witness the month of *Ramadhan* (at home) should fast, those who are sick or on a journey should fast

a number of other days, God wishes ease for you, he does not wish difficulty.” The verse contains proofs for the obligation to break the fast due to several reasons:

1) The command to fast in the verse is directed at those at home, not at those traveling. The words are as you see them: “Those of you who witness the month - that is when they are at home in the month - let them fast.” Therefore, the traveler is not commanded, so his fast is [tantamount to] inserting in religion what is not a part of it, it is a burden and an innovation.

2) What is understood from the saying of the Almighty: “Those of you who witness the month of fasting should observe the fast” means that one who is not at home in the month it is not obligatory for him to fast. That which is [ordinarily] understood from a conditional statement is binding as has been established in *usul al-fiqh* (principles of jurisprudence). Therefore, the verse indicates that it is not obligatory to fast when traveling by the literal and implied meaning of the text.

3) The saying of the most Glorious, Almighty: “Those of you who are sick or traveling then [they should fast] a number of other days.” This implies they should fast a number of other days. This applies if you recite the verse with the words “a number” in the nominative case. If you recite it in the accusative then it would [also] mean let him fast a number of other days. In both cases, the verse indicates the obligation to fast on other days and this requires the obligation to break the fast when traveling since there is no one who says it is necessary to combine both the fast and then also repay the fast. Moreover combining [the two] refutes the ease indicated in the verse.

4) The saying of the most High: “Allah wishes ease for you, He does not wish hardship.” Ease here means *iftar* just as hardship here means nothing else but to fast.

Therefore the meaning of the verse is that God wishes you to break the fast, He does not wish you to fast.

The Amount of Traveling which Necessitates the Shortening of the Prayer and Breaking of the Fast

The Imams of the Muslims have differed regarding its (traveling) extent. Abu Hanifa and his Kufan companions have stated: “The minimum for which the prayers have to be shortened and the fast to be broken is the journey of three days, and that the *qasr* and *iftar* are only for those who travel from a horizon to [a different] horizon.”⁸⁵

Al-Shafi‘i, Malik and Ahmad and many other people have stated: “The prayer is shortened and the fast is broken in the month of *Ramadhan* by traveling a distance of 16 *farsakhs* while going [away from home] only.”⁸⁶

The people who base (their laws) on the apparent meaning of the Qur’an (*ahl al-zahir*) say: “The *qasr* and *iftar* are [obligatory] for every journey even if it be a short one.” Ibn Rushd said in “On the prayer of traveling from the beginning and the end”: “The reason for their differences is due to the difference between the meaning which is rationally understood from *al-taqsir* and *al-iftar* on a journey and the narrations [reported] on this topic. That is because what is [rationally] understood by the affects of a journey which necessitates the observation of *qasr* and *iftar* are the difficulties [involved] in it (the traveling).

If that is the matter, then they (*taqsir* and *iftar*) apply wherever there is any difficulty. For Abu Hanifa, there is no difficulty encountered except after having crossed three stations. For al-Shafi‘i, Malik and Ahmad, it will be after traveling 16 *farsakh*.” He

said: “As for those who pay attention to the letter [of the law] only like the *Zahiris*, they said: “The Prophet said that Allah has removed the fasting and separating the prayer from the traveler. For whoever can be called a traveler it is permissible for him to observe the *qasr* and *iftar*.” He (Ibn Rushd) said: “They are supported by what Muslim has narrated from ‘Umar b. al-Khattab that the Prophet would shorten the prayer when he reached about 17 miles.”

Based on this, the Imams of the four schools of law, when defining the distance, did not depend on what has been narrated from the Prophet or on his acts. They depended on a philosophy to which they applied the term “what is rationally understood.” That is not something which would please the Imams of the *ahl al-bayt*. Nor would the Imams be contented with it in the derivation of juridical principles.

The people of Mecca - in the times of the Prophet and Abu Bakr and ‘Umar - when they traveled from Mecca to ‘Arafa would shorten the prayer at ‘Arafa, al-Muzdalifa and Mina. This is proven without doubt.

The two Shaykhs have reported in their *Sahihs* that the Prophet, when he would leave Mecca to go to ‘Arafa, would shorten the prayer and that Abu Bakr and ‘Umar did likewise after him. [They also report] that ‘Uthman also shortened his prayer. Then he performed the complete prayer after six years had passed of his Caliphate. The people objected to it.⁸⁷ This is what Imam Malik depended upon in his ruling that the *taqsir* of the pilgrims in these places is highly recommended whether they are the people of Mecca or distant places, so refer to the Maliki jurisprudence.⁸⁸ This is what we depend on in shortening the prayer when traveling, the distance of 8 *farsakhs* whether it be prolonged in one direction or joined by four (*farsakh*) going and four coming back like the distance

between Mecca and 'Arafa. This is the minimum distance at which the Prophet of God would shorten the prayer, and this is the decisive proof, thanks be to God.

CHAPTER FOUR

THE MARRIAGE OF *MUT'A*

THE ESSENCE OF THIS MARRIAGE

The essence of this type of marriage is that a woman who is completely free, a Muslim or from the people of the book, marries you, provided there is no impediment of her marriage [to you] according to the religion of Islam, whether [this impediment be] due to kinship, relationship, through foster relationship or marriage. She should not be in her waiting period (*'idda*) nor have other religious obstacles like her being married to one of your fathers even if he has divorced her or he died before the consummation of marriage or her being your sister in law for example, etc..

This woman marries you with an agreed dowry for an agreed fixed time by performing an *'aqd* encompassing the conditions which make it proper according to the *shari'a*, [thus] it has no legal impediments as you have read. So she says to you after the mutual permission and agreement between the two of you: "I marry you or perform *mut'a* with you for a dowry whose amount shall be so much for one or two days or a month or two months or a year or two years" for example, or she mentions another precisely defined period and you say to her immediately: "I accept." Like other contracts, deputyship is also allowed in this type of marriage from both parties. When completed, she becomes your wife and you become her husband until the time period in the agreement expires. By its expiration, she becomes separated [from you] without a divorce. The husband has the right to separate from her before the expiration time by granting her the [remaining part] of the specified period, not by a divorce according to the special texts governing over it. If the marriage is consummated,⁸⁹ it is obligatory for

her to observe the *'idda*. She observes the *'idda* (waiting period) of two months if she menstruates after being granted the period or after its expiration. If she does not, then [the *'idda*] for forty five days, like a slave girl - according to the special proofs governing the case.

If he grants her [the remaining part] of the period or it expires before he touches her then, like one who is divorced before being touched, there is no *'idda* for her.⁹⁰ [As for] those who become pregnant in a temporary marriage, their *'idda* period, like that of divorced women, is upto when they give birth. As for the *'idda* of one whose husband dies in a temporary marriage it is always the same as the *'idda* of a woman whose husband dies in a permanent marriage.⁹¹

The child born in a *mut'a*, whether male or female, is joined to the father. He is claimed by him (the father) like other sons and daughters. He has the right to inherit as prescribed to us by Allah, the most Majestic, by His saying: "Allah prescribes for your children the male should get the portion of two females." There is no difference between two children of yours, one of whom is born out of temporary marriage and the other out of a permanent one. All the *shari'a* principles [of inheritance] applicable to the children, the fathers and the mothers are [also] applicable to the children, their fathers and mothers of a *mut'a* marriage. Similarly, the principles are applicable to brothers and sisters and their children and the maternal uncles and aunts and paternal uncles and aunts and their children (and the people of the wombs take preference over each other in the book of God) always.

Yes, the marriage of *mut'a* in itself does not lead to inheritance between the spouses, nor sharing the number of conjugal nights or expenditure for the wife. The

husband has the right to isolate himself from her according to the special proofs which are applicable to this matter of the rulings of wives.

This is the essence and truth of the marriage of *mut'a* with women and this is the point of dispute between us and the majority.

2: The Consensus of the Community on its Legislation

All the people of the *qibla* have reached a consensus, that the Almighty Allah legislated this type of marriage in the religion of Islam. There is no doubt about it among any of the scholars of the Islamic schools regardless of the differences in their inclinations, schools and views. Perhaps this is appended - for the scholars - to the essential teachings, according to what has been ascertained from the seal of the Prophets. None of the '*ulama*' of his community can deny it. What all the people of Islamic schools say in their ruling on this marriage (which has been established in their jurisprudence) is unfortunate. They know that they are all agreed on it being originally legislated, but they claim that it has been abrogated as you will realize soon, God willing.

3: Proof from the Book on its Legislation

It is sufficient for us to cite proof for its legislation the saying of the Almighty in chapter four: "And what you enjoy from them then give them their prescribed dowries (4:24)." The Imams from the *ahl al-bayt* and their devoted friends have agreed that this verse was revealed concerning the marriage of *mut'a*. Abu Ibn Ka'b, Ibn 'Abbas, Sa'id b. Jubayr and al-Sadi used to recite it as "whatever you enjoy of them to the agreed term."⁹² The companion [of the Prophet] 'Imran b. Husayn clearly stated that this verse was

revealed concerning the *mut'a* and that it was not abrogated until a man said according to his own views⁹³ what he wished.” Mujahid has also stated that the verse was revealed for the *mut'a* according to what al-Tabari has reported from him in his *Tafsir al-Kabir*⁹⁴.

This is also attested to by the fact that the Almighty Allah, at the beginning of the chapter, has clarified the ruling on the permanent marriage by His saying: “Marry what pleases you among the women, two, three or four” then Allah said: “Give the women their dowry as a gift (4:4).” If the verse [on *mut'a*] was also clarifying the permanent marriage, it would have meant repeating [the same ruling] in one chapter. But if it was to explain the *mut'a*, then it was explaining a new concept. The people of understanding who contemplate on the wise Qur'an know that the chapter on the women (chapter 4) includes the explanation of all [types of] Islamic marriages, so the permanent marriage and the possession of the right hand are explained by the saying of the Almighty: “And marry what pleases you of the women, two, three or four, and if you fear that you will not be able to deal justly with them, then one only, or whatever your right hand possesses.” The marriage of the slave girl is clarified by the saying of the Almighty: “And if it is not possible for any of you to marry the pure believing women, then marry the believing girls among those whom your right hand possesses (4:25),” until He said “then marry them with the permission of their families and give them their dowries according to what is proper.” The *mut'a* is explained by this verse “And what you enjoy from them then give them their dowries.”

4: Its Legislation According to the Text of the *Sunna*

On this issue, sufficient proof from the *sunna* is provided for us by the authentic *mutawatir* traditions reported from the Imams of the pure family. The two Shaykhs, al-Bukhari and Muslim, have reported many authentic traditions on the legislation of this type of marriage from Salma b. al-Aqwa, Jabir b. ‘Abd Allah, ‘Abd Allah b. Mas‘ud, Ibn ‘Abbas, Abu Dharr al-Ghaffari, ‘Imran b. Husayn, al-Aqwa b. ‘Abd Allah al-Aslami and Sabra b. Ma‘bad. The traditions of all of these people are reported by Ahmad b. Hanbal in his *Musnad*. He also reported the *hadith* of ‘Umar and of his son, ‘Abd Allah.

Muslim, in the chapter on the *mut'a* marriage, in the book of marriage, in the first volume of his *Sahih* has reported from Jabir b. ‘Abd Allah and Salma b. al-Aqwa, the two said: “The caller of the Prophet of God came to us and said: ‘The Prophet of God has permitted you to perform *mut'a*, that is the *mut'a* with women.’” The authentic traditions of this purport are more than can be examined in this treatise.

5: Those who Claim the Abrogation and their Proofs and a Discussion on It

The people of the four schools of thought and other jurists of the majority have claimed that this type of marriage has been abrogated and forbidden. They claim that there are traditions reported by the two Shaykhs in their *Sahih* books, so we examined them impartially and free from prejudices. In them, we found [so many] contradictions concerning the time of the issuance of the abrogation that we cannot have confidence in it (the abrogation). Indeed, some of them are clear that the abrogation was on the day of Khaybar, some claim that the abrogation was on the day of the conquest (of Mecca); some of them maintain that it occurred at the battle of Tabuk, while some claim that it

happened at the time of the final pilgrimage. Some of them maintain it happened at the time of the *'umra al-Qaza* while some of them say it happened in the year of Awtas (battle of Hunayn). Moreover, these are opposed by what you will read from the *Sihahs* of al-Bukhari and Muslim which prove that there was no abrogation and that the prohibition and interdiction were issued by the second Caliph due to an unforeseen act of 'Amr b. Harith which occurred in his time. Before it, the companions were performing *mut'a* at the time of the two Caliphs, just as they were performing the *mut'a* at the time of the Prophet of God. You will read the speech of 'Imran b. Husayn, 'Abd Allah b. Mas'ud, 'Abd Allah b. 'Umar, and 'Abd Allah b. 'Abbas and the Commander of the Faithful. You will see it clearly that the prohibition was not from the Almighty Allah, nor from His Prophet, peace be upon him; rather, it was from 'Umar. It is impossible that there would be an abrogation which [all] these people would be ignorant of. The status of their knowledge and position in front of Prophet of God, and their close attachment to him are known. If there was an abrogation, those who were aware of it would have informed them of it (the abrogation). However, since no one opposed them in their attributing the prohibition to 'Umar himself, we realize that they all acknowledged it and they accepted that there was no abrogation from God, the Almighty, nor from His Prophet.

Moreover, the second Caliph himself did not claim abrogation [of the verse on *mut'a*], as you will read from his clear speech in his attributing the prohibition and interdiction to himself. If there was an abrogating verse from the Almighty Lord, or from His Prophet, he would have attributed the prohibition to the Almighty Lord, or to the

Prophet, that is the most effective [way] of preventing [accusations] and most appropriate [thing] to mention.

I believe that those who came after the time of the companions forged the traditions of abrogation to justify the opinion of the Caliph, for he interpreted the proofs and he prohibited and forbade [*mut'a*] promising punishment, saying: "I am prohibiting the two *mut'as* which were at the time of the Prophet of God and will punish those who undertake them, the *mut'a* of *hajj* and *mut'a* of women."

Among the strange claims of some later scholars is that the marriage of *mut'a* has been abrogated by the saying of the Almighty: "As for those who guard their private parts except from their spouses or what their right hand possess (23:5)." They claim that the woman with whom you do the *mut'a* is not your spouse nor one whom your right hand possesses. They said: "As for their not being among whom your right hand possess, that [point] is certain; as for their not being your wives it is because there is no expenditure for them, nor do they inherit; moreover, one does not have to spend a night with them."

The answer: She is a legal wife contracted by a *shar'i* marriage as you have read; the fact that there is no maintenance nor inheritance nor night to be spent is due to the special proofs which have been mentioned in the rulings of wives as we have explained before. Furthermore, this is a Meccan verse which was revealed before the emigration as agreed by all, so it is not possible for it to abrogate the verse which allows and legislates the *mut'a* [revealed in] Medina after the emigration, as agreed by all.

A surprising thing from these who burden themselves is that they claim that the verse of believers abrogates the *mut'a* of women since they are not [considered to be]

wives nor those whom the right hand possess. We say to them: “Why does it [also] not abrogate the marriage of the slave girls to one who doesn’t own them since they [also] are not considered wives of the one marrying them nor are they owned by them? They say at this point that the chapter of believers (chapter 23) is Meccan and the marriage to the slave girls mentioned has been legislated by the saying of the Almighty in the chapter of women which is Medinan: “And if it is not possible for any of you to marry the pure believing women, then marry among the believing girls whom your right hand possesses,” so the Meccan *sura* cannot abrogate the Medinan as the abrogated verse must come before the abrogating. They say this and they forget that the *mut'a* was [also] legislated in Medina, and that its verse is in the chapter of women also. We have been afflicted with a community which does not contemplate; from God we come and to him we shall return.

Muslim has reported in the chapter of *mut'a* of *hajj* and *'umra* in his *Sahih*⁹⁵ with a chain of authority to Abu Nazra who said: “Ibn ‘Abbas used to order the *mut'a* and Ibn al-Zubayr used to forbid it.” This was mentioned to Jabir, he said: “In my hands the tradition revolved, we used to perform the *mut'a* with the Prophet of God (S.A.W) and when ‘Umar became the Caliph⁹⁶ he said: ‘Indeed, Allah used to make *halal* for his Prophet what he wished as he wished.’⁹⁷ Complete the *hajj* and *'umra*, and sever the marriage with these women; no man will come to me with a marriage to a woman for a specific period except that I will stone him.’”⁹⁸

This is what Ahmad b. Hanbal has reported about the tradition of ‘Umar in his *Musnad*.⁹⁹ Reporting also from Abu Nazra - the words he uses are as follows: “Abu Nazra said: ‘I said to Jabir that Ibn al-Zubayr forbade the *mut'a* while Ibn ‘Abbas used to

command it.' He said to me: 'The tradition has come from me, we used to perform the *mut'a* with the Prophet of God and with Abu Bakr. When 'Umar became the Caliph¹⁰⁰ he delivered a sermon to the people saying: 'The Qur'an is the Qur'an, and the Prophet of God is the Prophet, there were two *mut'as* at the time of the Prophet of God, one of them was the *mut'a* of *hajj* and the other was the *mut'a* of women.'"¹⁰¹

It is clear and evident that the prohibition came from him after his becoming Caliph. Similar to this is the tradition of 'Ata' reported by Muslim in the chapter of the *mut'a* marriage in his *Sahih*,¹⁰² he said: "Jabir b. 'Abd Allah went for pilgrimage of *mut'a* so we came to him at his house. A group of people asked him a few things, then they mentioned the *mut'a* to him. He said: 'Yes, we performed the *mut'a* at the time of the Prophet of God and Abu Bakr and 'Umar.'" According to the *hadith* of Abu al-Zubayr, as in the afore-mentioned chapter in the *Sahih* of Muslim, he said: "I heard Jabir b. 'Abd Allah saying: 'We used to perform the *mut'a*¹⁰³ with a handful of dates and flour (as dowries) at the time of the Prophet of God and Abu Bakr until 'Umar prohibited it because of the matter of 'Amr b. Harith.'" Also, in the aforementioned chapter of the *Sahih* of Muslim, he reported from Abu Nazra who said: "I was with Jabir and somebody came to him and he said: 'Ibn 'Abbas and Ibn al-Zubayr have differed regarding the two *mut'as*.' Jabir said: 'We used to perform them¹⁰⁴ at the time of the Prophet of God, and then 'Umar forbade them.'"

The statement of 'Umar while he was on the *minbar* spread (to the majority). "I am prohibiting the two *mut'as* which were [practiced] at the time of the Prophet of God and I will punish anyone who performs them,¹⁰⁵ the *mut'a* of *hajj* and the *mut'a* of

women.” Al-Razi has transmitted this saying from him (‘Umar) arguing by it on the prohibition of the *mut'a* of women, so refer to this verse in his *Tafsir al-Kabir*.

The Ash‘ari theologian and their Imam in what is rationally and traditionally reported “al-Qushji” says in the later parts of the discussion on the Imamate of his great book called “*Sharh al-Tajrid*” that 'Umar said while he was on the *minbar*: “O people, there were three things at the time of the Prophet of God, and I forbid them and make them *haram*. I will punish anyone who commits them, the *mut'a* of women, the *mut'a* of *hajj* and [the saying of] “*hayya 'ala khayril al-'amal*” (hasten to the best of acts).” He justified it claiming that this was his personal reasoning and interpretation. The traditions on this and others like it are many and could fill the pages.

Rabi‘a b. Ummaya b. Khalf al-Thaqafi, the brother of Safwan, performed the *mut'a* at the time of ‘Umar, according to what Malik has reported in the chapter of the marriage of *mut'a* in his *Muwatta’* from ‘Urwa al-Zubayr who said: “Indeed Khawla, the daughter of Hakim al-Silmiyya, entered to see ‘Umar and she said to him: ‘Rabi‘a b. Ummaya has performed the *mut'a* with a lady who has become pregnant,’ so ‘Umar went out pulling his robe, saying: ‘this *mut'a*, had I preceded it, I would have stoned for it,’” i.e., had I forbidden it and warned one who undertakes it with stoning before this time, I would have stoned Rabi‘a and the lady who performed the *mut'a*. This was his stand before prohibiting it, this has been documented by Ibn ‘Abd al-Barr according to what al-Ruzqani reports from him in his commentary on the *Muwatta’*.¹⁰⁶ There is no doubt that this speech shows that the disposal of the ruling on *mut'a* came from him, not from anybody else.

6: Those who Deny It

According to al-Tha‘labi and al-Tabari, ‘Ali, the Commander of the Faithful, repudiated him. When these two authors reached the verse of *mut'a* in their major *tafsir* works, they reported with a chain of transmission to him saying: “Had ‘Umar not prohibited the *mut'a*, nobody would have fornicated, apart from those on the verge [of death].”

Ibn ‘Abbas also repudiated him saying:¹⁰⁷ “The *mut'a* was nothing but a mercy which Allah showered on the *umma* of Muhammad, had he (‘Umar) not prohibited it, no one apart from those on the brink of death would have needed to fornicate,” that is, apart from a few people as explained by Ibn al-Athir [when discussing] the source of the word *shafi'i* in his *Nihaya*. Ibn ‘Abbas used to declare openly that it was permissible, and he had with Ibn al-Zubayr - even in the time of his rulership - many discussions, too lengthy to mention here.¹⁰⁸ Jabir also repudiated him (‘Umar) as you have read in his traditions.

Similarly, his own son ‘Abd Allah repudiated him as is proven from him. Imam Ahmad has reported on page 95 in the second volume of his *Musnad* from the tradition of ‘Abd Allah b. ‘Umar. He said he was asked on the *mut'a* of women: “By God, at the time of the Prophet of God, we did not used to fornicate or perform adultery.” Then he said: “I swear by God I heard the Prophet of God say there will be, before the day of Judgement, Jesus, the anti-Christ and thirty or more liars.” Then he was asked again about the *mut'a* of women and he said, according to the *Sahih* of al-Tirmidhi:¹⁰⁹ “It is allowed.” It was said to him that “your father prohibited it.” He said: “Don’t you see that if my father prohibited it while the Prophet performed it will you then leave the *sunna* and follow my father?”

‘Abd Allah b. Mas‘ud also repudiated him as is well known from him. The two Shaykhs have reported in their *Sahihs* - and the words are of Bukhari¹¹⁰ - from ‘Abd Allah b. Mas‘ud who said: “We were on an expedition with the Prophet of God, and we had nothing. So we said: ‘Shall we not castrate [ourselves]?’ He prohibited us from that, then he allowed us to perform the *mut'a* marriage to an appointed time. Then he read for us the verse: ‘O you who believe, do not prohibit the good things which Allah has allowed for you, and do not transgress for Allah does not love those who transgress (5:87).’” You know from the recitation of the verse of the severe repudiation of prohibiting it as has been clearly explained by the commentators of the two *Sahihs*.

According to what has been widely reported, ‘Imran b. Husayn repudiated him. Al-Razi¹¹¹ reported from him that he said: “Allah revealed a verse concerning the *mut'a* and He did not abrogate it by another verse. The Prophet of God commanded us to perform the *mut'a* and he did not prohibit us from it. Then a man said something according to his opinion as he wished.” Al-Razi said he meant ‘Umar.

Al-Bukhari has reported in his *Sahih* from ‘Imran b. Husayn who said: “The verse on the *mut'a* was revealed in the book of God and we performed it with the Prophet of God. No verse was revealed to prohibit it and he did not prohibit it until he died, then a man said according to his opinion what he wished.” Ahmad has reported in his *Musnad* from Abu Raja’ from ‘Imran b. Husayn who said: “The verse of *mut'a* was revealed in the book of God and we acted according to it with the Prophet of God; no verse was revealed to abrogate it and the Prophet did not prohibit it.”

During the time of his Caliphate, al-Ma‘mun ordered that it be proclaimed that the *mut'a* was allowed. Muhammad b. Mansur and Abu Ayna’ entered to see him and

they found him brushing [his teeth] and he was saying, according to what Ibn Khallikan has reported,¹¹² while he was in a furious state (quoting ‘Umar): “I have prohibited you from the two *mut’as* which were at the time at the Prophet of God and Abu Bakr.” He (al-Ma’mun) said: “Who are you, O dung beetle, that you prohibit what the Prophet of God and Abu Bakr used to do?” Muhammad b. Mansur wanted to talk to him (al-Ma’mun) but Abu Ayna’ signaled to him. He said: “The man is speaking against ‘Umar Ibn Khattab, shall we talk to him?” They did not talk to him and Yahya b. Aktham entered to see him. He (Yahya) talked to him (al-Ma’mun) confidentially and warned him of sedition. He mentioned to him (al-Ma’mun) that the people thought that he was introducing a major innovation in Islam by this proclamation which would affect all the majority since, for them, there was no difference between the call to permit the *mut’a* and the call to allow fornication. He was on that course until his resolution was dissolved as he had compassion on his kingdom and on himself.

Among those who rejected the prohibition of *mut’a* and allowed and practiced it was ‘Abd al-Malik b. ‘Abd al-‘Aziz b. Jurayh Abu Khaliq al-Makki. He was born in the year 80 and died in 149 A.H. He was among the foremost of the successors. Ibn Khallikan has profiled him in his *Wafayat* and Ibn Sa’d on p. 361 in the fifth volume of his *Tabaqat*. The people of the *Sihah* have used him in their arguments. In his book "*al-Jam' bayn rijal al-Sahihayn*," Ibn al-Qaysarani profiled him on p.314. Al-Dhahabi mentioned him in his *Mizan* and said that he married about ninety women by *mut’a* and he saw it admissible to do that. He said: “He was a jurist among the people of Mecca in his time.”

7: The view of the Imamis Regarding *Mut'a*._

The Imamis have agreed - following their twelve Imams - on its continued permissibility in accordance with the proofs, some of which you have read i.e., the consensus of the people of *qibla* that the Almighty Allah legislated it in His true religion and allowed its proclamation by a caller of His great Prophet and that no abrogation of it has been proven from Allah, the Almighty, nor from his Prophet until the revelation was severed by the Almighty by His taking His Prophet to the abode of His nobility. On the contrary, it has been proven that it was not abrogated by the texts of our authentic traditions successively transmitted from the Imams of the pure families so refer to its contents in the *Wasa'il-Shi'a ila ahkam al-Shari'a*.

Moreover, the *Sihah* of the *ahl al-sunna* and all their *Musnad* works are clear in documenting that it remained permitted and was practiced in the time of Abu Bakr and for a little while in the time of 'Umar until the prohibition against it was issued by him concerning the matter of 'Amr b. Harith. What we have mentioned in this quickly compiled report is sufficient for you. Indeed, in this is a reminder for those who have a consciousness or who lend an ear and witness it.

CHAPTER FIVE

THE WIPING OR WASHING OF THE FEET IN THE *WUDU*:

The scholars of Islam have differed on the type of purification of the feet [required] for the parts of the *wudu*. The jurists of the majority have stated (and among them are the four Imams), that it is obligatory to specifically wash [the feet]. Dawud b. ‘Ali and al-Nasir li’l-Haqq, who are among the Imams of the Zaydiyya, have stated it is obligatory to combine between the washing and the wiping,¹¹³ whereas some of them have said one can choose between the two.¹¹⁴ The Imamis (in following the Imams of the pure family) have said it is obligatory to wipe.¹¹⁵

The Proof of the Imamis

[The proof] is the saying of the Most High: “And wipe your heads and your feet up to the anklebones.”(5:6) For us, the reasoning as explained by Imam al-Razi is sufficient. When arguing based on this verse he stated in detail saying: “The proof of those who say it is obligatory to wipe is based on two famous readings in the [Qur’anic] statement ‘and your feet’ (verse 5:6). Ibn Kathir, Hamza, Abu ‘Amr and ‘Asim - based on the reports of Abu Bakr narrated from him - have recited it in the genitive case; Nafi‘, Ibn ‘Amir and ‘Asim have recited it, according to the tradition reported by Hafs from him, in the accusative case.” He (al-Razi) said: “So we say, as for the recitation in the genitive, it would necessitate the feet [in the verse] to being a conjunction with the head. Therefore, just as it is obligatory to wipe on the head, similarly [it is so] on the feet.” (Al-Razi said): “If it is said why is it not permissible to claim that the [word feet] ends in the genitive case due to the rule [stating] that the genitive case is inserted based on what

closest to it as it is in the saying ‘the hole of a lizard is destroyed’ and ‘the leaders of the people are wrapped up in a garment?’¹¹⁶

We say: This is invalid for several reasons: 1) The [rule of the] genitive case being inserted based on the word closest to it is considered to be a mistake which is tolerated due to the needs of a poem, whereas the speech of God is necessarily above that. 2) The above rule is only applied where the possibility of confusion is safeguarded against like the saying “the hole of a lizard is destroyed” for it is necessarily known that that destruction is not attributed to a lizard, rather, it is to a hole, whereas there are no safeguards against confusion in this verse. 3) The [rule of the] genitive case being inserted based on the word closest to it is applicable [only] when there is no conjunction; as for when there is a conjunction the Arabs do not use it.” And al-Razi [further] said: “As for the reading [of the feet in the verse] being in the accusative case, they have said that this also requires the wiping and that is because of His saying ‘and wipe your heads,’ the [word] head [in the sentence] is in an accusative position, due to the command ‘wipe’ - as it (the head) is the object [in the sentence], but it is [written] in the genitive case due to the preposition *ba*. So if ‘the feet’ are conjoined to ‘the head’ [in the sentence] then we are allowed to read ‘the feet’ in the accusative case, as it is conjoined to the position of the head [which is in the accusative case in the sentence]. We are [also] allowed to read it in the genitive case as a conjunction (to the apparent preposition).” He said: “If this is clear, then we say it is clear for us that it is permissible that the ‘*amil* (a word governing another in syntactical regimen) of the accusative in His saying ‘...and your feet....’ be His saying ‘wipe.’¹¹⁷ [However] it is permissible that [the ‘*amil*] be His saying ‘wash’¹¹⁸ but if the two ‘*amils* are combined on one word, then the closest one is the best [to use].”¹¹⁹

He said: “It is obligatory that the *'amil* of the accusative in His saying ‘and your feet’ be His command ‘wipe.’” (Al-Razi said): “So it is clear that the recitation of ‘and your feet’ in the accusative also leads to the wiping [of the feet].

Then they [objected] saying it is not permissible to defend it (the wiping) by traditions because all of them are in the form of singular traditions¹²⁰ and the abrogation of the Qur'an by a singular tradition is not allowed.” This is his speech word to word,¹²¹ nothing is left out, but he (al-Razi) further said: “There are many traditions reported on the obligation of washing. Washing [the feet] includes the wiping whereas the opposite is not the case. Therefore washing is closer to observing caution. So it is necessary to opt for it¹²² (washing). On this basis, it is necessary to be sure that the washing of the feet takes the place of the wiping” etc. I say, as for the traditions on washing, you will know the view of the Imams of the *ahl al-bayt* and their friends about it soon, God willing.

As for his saying that the washing includes the wiping, this is a clear mistake, rather, they are two [separate] entities linguistically, according to custom and the *shari'a*.¹²³ It is necessary to note that washing the feet cannot take the place of wiping them. Imam al-Razi stood between two opposites; the contradictions between the fixed Qur'anic verse and, in his view, the authentic traditions; he therefore confused himself by saying that the washing includes the wiping and that it is closer to the most cautious [course] and that it takes the place of the wiping. [In doing this] he thought thereby that he combined the verse and the traditions. One who examines this defense of his will find him in confusion. Had there not been a clear verse indicating the obligation of wiping on the feet, he would not have needed to make the washing take the place [of the wiping] so examine and contemplate carefully.

A group of the intelligent scholars of *fiqh* and Arabic trod this path, among them was the jurist and researcher Shaykh Ibrahim al-Halabi who studied the verse on the *wudu* in his book called “*Ghaniyah al-Mutamla fi sharh maniyya al-musalli ‘ala madhhab al-Hanafi.*”¹²⁴ He said: “It (the feet in the aforementioned verse) has been recited by the seven [reciters] in the accusative and the genitive cases; the famous opinion is [to recite] it in the accusative case, conjoined to ‘on your faces’ and the genitive case is inserted on that word which is closest to it”. He (al-Halabi) said: “And the correct view is that the feet are conjoined to the head in the two recitations, [it can be recited in] the accusative due to the position in the sentence (as it is the object in the sentence) and they (the feet in the statement) can be recited in the genitive case due to the preposition.” He continued: “That is because of the prohibition of the conjunction [of the feet] to ‘on your faces’ because of the separation between the conjunction (‘*atf*) and that which it is conjoined (*ma ‘tuf alayh*) to due to a foreign sentence (which is ‘wipe your heads’).” He said: “And the rule is that there should be no separation between the two (the conjunction and what it is conjoined to) by a word let alone by a sentence. We did not hear in pure Arabic that I hit Zayd and I passed by Bakr and ‘Amr with a conjunction of ‘Amr on Zayd. As for the genitive case being inserted based on the word which is closest to it, it can occur rarely in adjectives like the saying of some of them: "This hole of the lizard is destroyed.”¹²⁵

And among those who traveled this clear path is Abu'l-Hasan al-Imam Muhammad b. ‘Abd al-Hadi known as al-Sanadi in his commentary on the *Sunan* of Ibn Maja. He says (after being sure that the apparent meaning of the Qur'an requires wiping): “The wiping is the apparent meaning from the book because reciting it in the genitive

case is apparent in it; however, imposing the recitation in the accusative case by making it a conjunction to the position [in the sentence] is better than preferring the recitation in the genitive case over the accusative case as stated by the grammarians.” (He said): “Also, by doing this, we are free from the separation by a foreign (sentence) between the conjunction and what it is conjoined to. So the apparent meaning in the Qur'an is the wiping.” These are his words¹²⁶ but, like others, he deemed it necessary to interpret the Qur'an [according] to the traditions which explicitly talk of the washing.”

Concerning this verse, Imam al-Zamakhshari has philosophized it in his *al-Kashshaf* [saying]: “The feet are among the three parts which are to be washed by pouring water on them; they (the feet) are the place one expects the prohibited extravagance of water [to be practiced], hence it was conjoined to the third part of the *wudu* [which is] to be wiped; it was conjoined to it (the head) not for the sake of wiping but to indicate the necessity of moderation when pouring water on the feet.” He said: “And the verse states ‘to the anklebones’ as the final point [in washing] to remove any thoughts of those who might think that they (the feet) are to be wiped since no limits have been imposed on the wiping in the *shari‘a*.”

This is the reasoning offered for the conjunction of the feet on the head and for mentioning the limits [of wiping] on the feet. As you can see, nothing in it is derived from the *shari‘a* rulings from the fixed verse. Neither is there anything concerning it in the exegesis, nor is there any verse which proves it (his view). He is merely trying to interpret the verse according to his views rather than deriving his views from the proofs. He has exceeded the limits in his speculations, nobody pays heed to him except one who is convinced of washing the feet based on primary juristic rulings. As for it being a point

of contention, it is not to be paid heed to especially after their admission that the apparent meaning of the book indicates the obligation to wipe. Sufficient for us is the Arabic [grammatical] rule that the feet are conjoined to the wiped head, this is according to the agreement of the sources and juridical rulings.

A view on the traditions of washing the feet

The traditions on washing [the feet] are of two types, there are those which do not indicate it, like the tradition of ‘Abd Allah Ibn ‘Amr b. ‘As. He says - as reported in the two *Sahih*s that: “We lagged behind the Prophet on a journey we traveled with him. We caught up when the time for the ‘*asr* prayer had set in. So we started wiping on our feet and he said: “Woe to the heels from the fire of hell”.”¹²⁷

If this [tradition] is correct it would lead to the wiping since he (the Prophet) did not forbid it (the wiping) rather, he emphasized it for them as you see. He merely rebuked them for the filthiness of their heels, no wonder, among them were Arabs who were completely ignorant; they were urinating on their heels especially when traveling. He threatened them with the fire so that they would not pray with their impure heels.

Among these traditions are those which indicate the [obligation of] washing like the tradition of Humran, the client of ‘Uthman b. ‘Affan. He said: “I saw ‘Uthman pouring out [the water] on his hands from his vessel and he washed them three times. Then he put his right hand for the *wudu* (ablution) then he rinsed, inhaled then he went away.”¹²⁸ It has been reported in it that he then washed every foot three times and said: “I saw the Prophet performing the ablution just like my ablution.” Similar to this is the tradition of ‘Abd Allah b. Zayd b. ‘Asim al-Ansari. It was said to him: “Perform the

wudu for us like the *wudu* of the Prophet of God.” So he asked for a vessel and he turned it over his hand ¹²⁹ and, at the end of the tradition, it states: “then he washed his two feet up to the anklebones.” Then he said: “This was the *wudu* of the Prophet of God” and other traditions reported along these lines. There are objections for many reasons: 1) They are contrary to the book of God, the Almighty and Glorious, and [contrary] to what the Imams from the pure family have agreed on.¹³⁰ The book and the family are the two weighty things of the Prophet of God which will never separate and the community will not go astray if they stick to the two, so whatever contradicts them should be discarded.

What is reported from the savant of the *umma* and the receptacle of the book and the *sunna*, ‘Abd Allah b. ‘Abbas is sufficient to refute the [act of] washing and the weak traditions [on washing]. He was arguing for the wiping and would say¹³¹ “Allah has imposed two washings and two wipings, don’t you see that when He mentioned the *tayammum*, He imposed two wipings instead of the two washings and he left the two wipings of the *wudu* [as they were]?”

He used to say¹³² that the *wudu* consists of two washings and two wipings ¹³³ and when he learnt that al-Rabi‘, the daughter of Ma‘udh b. ‘Afra al-Ansariyya, claims that the Prophet used to do the *wudu* at her place and he would wash his feet, he came to her and asked her about it. When she related it to him he said - not verifying but repudiating and arguing - “the people refused [everything] but the washing whereas I do not find in the book of God anything but the wiping.”¹³⁴

Secondly, if this (obligation of washing in the ablution) was true, it would have been successively transmitted because the need to know about the purification of the feet in the *wudu* is a general need for the men and women of the community, for those who

are free and those who are slaves. It is a basic need for them every day and night. If [the command] “do not wipe” was understood by the ruling of the verse those who follow the *shari'a (mukallafun)* would have known it at the time of the Prophecy and after it. It would have been a clear thing between them; these traditions would have been successively transmitted from the Prophet at all times and in all cities and there would have been no opportunity to refute or doubt it. Since this is not so, the weakness of those invalid and baseless traditions becomes clear to us.

Thirdly, the traditions on the type of purification of the two feet are contradictory. Some of them require the washing like the traditions of Humran and Ibn 'Asim, and, as you have read, some of them indicate the wiping like the *hadith* which al-Bukhari reported in his *Sahih*. All of this has been reported by Ahmad, Ibn Abi Shayba, Ibn Abi 'Umar, al-Baghawi, al-Tabrani and al-Mawardi, all of them with a chain of reliable transmitters.¹³⁵ From Abu'l-Aswad and 'Ibad b. Tamim on the authority of his father who said: “I saw the Prophet of God performing the ablution and wiping on his feet.”

Similarly, Shaykh (Tusi) has reported an authenticated tradition from Zurara and Bukayr, the two sons of A'yan, from al-Baqir that he narrated the *wudu'* of the Prophet of God. He wiped his head and his feet to the anklebones with his palm and he did not take fresh water. It is reported from Ibn 'Abbas that he narrated the *wudu* of the Prophet of God and he wiped - as reported in *Majma' al-Bayan* - on his feet. When the traditions contradict each other, the source of reference is the book of God, the Almighty and Glorious, and we cannot deviate from it.

The view on their argument here based on *Istihsan*

Sometimes the majority argue for the washing of the feet, they see it as most suitable for the feet rather than wiping [the feet], just as wiping is more suitable for the head rather than the washing because mostly, the filth on the feet cannot be cleaned except by washing them as opposed to the head, it can be cleaned mainly by wiping.

They said that there is nothing to prevent the benefits, as understood by the intellect, to be causes for the prescribed worship. Thus the law looks at [an act] based on two meanings: the general benefit and the benefits derived from that [act of] worship. By the general benefit they mean the benefits that can be sensed [by the intellect] and by [the benefits] of worship they mean what refers to the purification of the soul.

I say: We believe that the lawgiver was lenient to His slaves in everything that He prohibited them from, unless where there was corruption for them. Despite that, He did not impose a single legal ruling on them nor did He command them to do anything unless it was to their benefit. He did not make these rulings dependent on the slaves' views of the benefits and corruption, rather, He imposed it on them with strong proofs which He prescribed for them. He (Allah) has not given an alternative to it to something equivalent to it. The first source of those rulings is the book of God, the most Mighty and Glorious, in which He has commanded the wiping of the head and the feet in the *wudu'*, so it is essential to abide by His ruling. As for the cleanliness of the foot from filth, it is necessary to guard against it before wiping on it acting in accordance to special proofs, which show that it is a prerequisite that the parts where *wudu'* is done must be pure before starting it.¹³⁶

Perhaps the washing of his feet by the Prophet of God, as reported in the traditions, was due to this reason. Maybe he did it to cool his feet or because he was intense in observing cleanliness after completing the *wudu* and God knows best.

Notice

Ibn Maja has reported concerning the washing of the feet in his *Sunan* from Abu Ishaq on the authority of Abu Hayya, he said: "I saw 'Ali doing the *wudu* and he washed his feet to the anklebones and then he said: 'I wanted to show you the purification of your Prophet.'" When he completed this citing tradition al-Sanadi said in his comments on the *Sunan*: "Since the washing has been narrated from 'Ali, this is a major refutation against the Shi'a who believe in the wiping of the feet." He further said: "Therefore the author has mentioned it on the authority of 'Ali, and has started the chapter with it. The author has done well and he excelled in reporting the *hadith* of 'Ali in this chapter, may God reward him for that." He said: "The apparent meaning from the Qur'an necessitates the wiping as has been reported from Ibn 'Abbas but it is obligatory to interpret it as referring to washing."¹³⁷ These are his words, may God forgive him, Imam Ibn Maja and all the scholars of the majority. They know that this tradition is invalid because its chain of transmission is invalid due to several reasons.

Firstly, Abu Hayya, the reporter of this tradition, is completely unknown. Al-Dhahabi mentioned him in the section of the patronymics (*al-kuna*) in his *Mizan* and has stated that he is not known. Then he cited Ibn Madini and Abu Walid al-Fardi saying that he (Abu Hayya) was an unknown person. Then he said: "Abu Zar'a said he is not mentioned." I say I have investigated Abu Hayya extensively and I have not found a

discussion except that it mentioned him as an unknown person; perhaps some fabricators of traditions have fabricated him, and God, the Almighty, knows best.

Secondly, this tradition is only reported by Abu Ishaq.¹³⁸ He grew old and he used to forget and confuse traditions so people abandoned him.¹³⁹ Nobody except Abu al-Ahwas and Zuhayr b. Mu'awiya al-Ju'fi narrated from him,¹⁴⁰ and so people found fault with him because of that.¹⁴¹ No wonder, if a traditionalist mixes up [traditions], all his traditions which are not known to have been transmitted before his becoming confused become invalid; [this is applicable] whether it is known that it has been reported after his confusion (like this tradition) or the date of the tradition being reported is not known. [This is] because general knowledge in doubtful specific circumstances necessitates keeping away from all the peripheral matters as has been established in *usul al-fiqh* (the science of deriving juridical principles).

Thirdly, this tradition contradicts established traditions from the Commander of the Faithful and from his sons, the *ahl al-bayt* of the Prophecy and the place where Prophecy was revealed and the frequenting place of the angels and where revelation was revealed; it also contradicts the book of God, the Almighty and Majestic; so let us discard it.

To the Two Anklebones

The two anklebones are mentioned in the verse of the *wudu*, they are the joints between the legs and the feet,¹⁴² according to the ruling of an authentic tradition reported by Zurara and Bukayr, the two children of A'yan. They asked Imam al-Baqir about it.¹⁴³

This is clear from al-Saduq, he has also reported from them.¹⁴⁴ The Imams of the languages have also stated that every joint of the bones is an anklebone.¹⁴⁵

The majority have stated that the anklebones here are the two bones which grow on the side of every leg. They have argued that if the anklebone is the joint between the foot and the leg, this would mean every leg has one anklebone so it would have been necessary for God to have said “and [wipe] your foot to the anklebones.” Just as it is clear that for every hand there is an elbow, He said “and your hands with the elbows.”

I say if He had stated with the two elbows then it would have been correct without any doubt and the meaning becomes “and wash your faces and your hands with the two elbows of all of you and wipe your heads and feet to the two anklebones of all of you.” Thus [using] the dual and plural of the two words in the verse are equivalently correct. Similar is the case if one is mentioned in the plural and the other in the dual. Perhaps that would be required for artistic expression.

This only applies if we talk of one anklebone in the foot, but if there are two anklebones in every foot then there is no point for them to dispute. Anatomists have agreed that there is a bone which is circular like the anklebone in the cattle and the sheep under the bone of the leg where the joint of the foot and the leg [is located], this is also called the anklebone.¹⁴⁶ Based on this, the wiping of every foot ends at the two anklebones and they are the joint itself, with a round anklebone under it. In [using] the dual for the anklebone in the verse and not using dual for the elbow is a subtle point and an indication; something which only anatomists knew, so Glory be to the one who Created, the One who is most Knowledgeable, and the most Wise.

The Wiping on the Slippers and Socks

The jurists of Islam have differed greatly on the [question of] wiping on slippers and socks, [differences] which can not be covered in this haste. In short, the discussion on this is connected with the question of its permissibility and non-permissibility and with limiting and defining its position. It [also] pertains to its characteristics, its timing, its prerequisites and [on what] destroys it.

As for it being permissible, there are three views:

- 1) Always allowed whether one is traveling or at home.
- 2) Permissible when traveling, not when at home.
- 3) Not allowed at all as it has not been regulated in religion. The three views are narrated from the first generation and from Malik.¹⁴⁷

As for defining its position, they have also differed on it. There are those who say that it is obligatory to wipe the upper part [of the slipper] and that the wiping on the lower part is recommended.¹⁴⁸ [Others] state that it is obligatory to wipe the outer and the inner parts.¹⁴⁹ The third view is that it is obligatory to wipe the outer rather than the inner part, for the wiping of the inner part is neither obligatory nor recommended.¹⁵⁰ There are those who say that one can choose between wiping the inner and the upper part, whichever you wipe becomes obligatory.¹⁵¹

As for the type of position, those who say [it is necessary] to wipe on the slippers have differed on the wiping on the socks, some have allowed it others have disallowed it.¹⁵²

As for the description of the slipper, they have differed on the [permissibility] of wiping on torn slippers. Some have allowed wiping on it as long as it can [still] be called

a slipper even if its tear is excessive.¹⁵³ Among them are those who have not allowed the front part of the slipper to be torn whereby the foot, however little, may be visible.¹⁵⁴ Some of them have allowed wiping on it provided the tear is little.¹⁵⁵

As for its timing, they have disagreed on it [too]. Some have said there is no time [fixed] for it and that the wearer of the slippers can wipe on them as long as he has not removed them or he has not become ritually impure.¹⁵⁶ Some have stated that there is a special time for that (the *mash*) for those at home, those traveling have a different time, they have also differed on the description of a journey and [definition] of the distance.¹⁵⁷

As for the conditions of wiping on the slippers, it is that when wearing the slippers the feet must be pure by performing the ritual ablution (*wudu*). This is a condition which most of them have imposed. However, it has been narrated from Malik that this is not a condition.¹⁵⁸ They have disagreed on the question of one who has washed his feet, worn his slippers and then completed his *wudu*; is his washing of the feet sufficient for him before he wears them or must he wipe them? They have two views on this.¹⁵⁹

As for different [things] breaking the [act of] wiping, one of them is the removal of the slippers. A group has stated that the purity remains if he removes the slippers until something which breaks the ablution occurs, he does not have to wash his feet.¹⁶⁰ Others have said that his purity is broken by his mere removal of the slippers.¹⁶¹ Others still have said that his purity remains if he washes his feet after removing his slippers. If he prays without washing them then he has to repeat the prayer after washing them.¹⁶² [They have] other differing views and contradictory verdicts on that which pertain to the wiping on the slippers, it is not our intention to discuss the details now.

As for the Imamis, following their predecessors - following the Imams of the pure family - [their view] is that they do not allow the wiping on the slippers, whether that be at home or on a journey. For our proof, the saying of the Almighty is sufficient. He said: "And wipe your heads and feet to the anklebones." This [verse] imposes the obligation of wiping on the feet themselves. Where did the wiping on the slippers come from? Has this verse been abrogated? Or is it ambiguous? Never, on the contrary - and this is unanimously agreed upon - it is among the unambiguous verses which are [part of] the mother of the book. The exegetes are agreed¹⁶³ that there is no abrogation in the chapter of *Ma'ida* (chapter 5) which includes the verse on the *wudu* except for one verse "O you who believe, do not violate the sanctity of the symbols of God (5:2)." Some of them have claimed that it, not other verses of the blessed chapter, have been abrogated.

As for the traditions which indicate the permissibility of wiping on the slippers, they do not prove anything according to our conditions. We have shown their weaknesses. Additionally there are [other] considerations:

1) They are opposed to the book of God, the Almighty and Glorious. It has been reported from the Prophet of God (P) that he said: "If a *hadith* is reported to you from me then compare it with the book of God. If it agrees to it then accept it, otherwise reject it."¹⁶⁴

2) They (the traditions) contradict themselves, therefore many differences have arisen among those authenticating them, acting on what they require, as you have noted. What we have indicated recently is that they have differed on their verdicts as they (the traditions) contradict themselves since they are the sources for their (the jurists') rulings.¹⁶⁵

3) The consensus of the Imams of the pure family (‘Ali and his sons, the legatees) on the ruling of not permitting the *mash* (wiping) on any obstacle whether it be [in the form of] slippers, socks and shoes or other types [of materials],¹⁶⁶ their traditions clearly contradict the traditions of the majority¹⁶⁷ which indicate the permissibility of doing so. The ruling that is established concerning contradictory traditions is to prefer what agrees with the book of God, the Almighty, Glorious. This applies if they are equal as regards to their *isnad* and proofs. How can the weighty [thing] from the Prophet of God, the other half of the book of God, the most High, the ships of salvation of the *umma* and the door of [reducing the] burden of it’s sins and its [the *umma*’s] safety from differences be equal [to these traditions]?

4) If this [wiping on the slippers] was true, then it would have been successively transmitted at all times and places. This is because the need to know the purity of the feet in the *wudu* is a general one - as we have said before - for the men and women of the *umma*. It is a basic need for them every day and night whether they are at home or on a journey. If the verse meant “not wiping” then those abiding by the *shari’a* would have known it at the time of prophecy and after it. It would have been an established thing among them in all generations especially as it is coming in devotional worship whose meaning is not rationally derived.¹⁶⁸ [The fact that] it is alien to the act of worship would necessitate it being well-known due to its strangeness. Since the matter is not so, the weakness of these invalid and baseless traditions becomes clear to us.

5) Assuming that this [wiping on the slippers] is correct, there should have been an abrogating [verse] to the verse of *al-Ma’ida*, since this is the last chapter that was revealed. By it, Allah perfected His religion and completed His blessings and He was

pleased with Islam as His religion. Its obligations are obligatory to the day of resurrection; its prohibitions are forbidden to the day of resurrection. Just as the mother of the faithful, ‘A’isha, said to Jubayr b. Nafir - when he performed the pilgrimage and visited her - “O Jubayr, do you recite the *Ma’ida*?” He said: “Yes.” She said: “It is the last chapter which has been revealed, what you find permitted in it then consider it as *halal*, what you find forbidden in it then prohibit it.”¹⁶⁹

The majority stubbornly cling to the ruling of *mash* on the slippers [even] after its revelation due to the *hadith* of Jarir: He urinated, then he performed the ablution and wiped on his slippers. It was said to him: “Do you do this?” He said: “Yes, I saw the Prophet of God urinating and then performing the ablution and wiping on his slippers.” Muslim reported it and he also reported that this *hadith* surprised them because the conversion of Jarir was after the revelation of the *Ma’ida*.¹⁷⁰

I say: On the contrary, his conversion was before the revelation of the *Ma’ida*. The proof of this is his presence at the farewell pilgrimage with the Prophet of God. He asked him on that day - as is in the biographical profiles of *al-Isaba*, reporting from the two *Sahihs* - that he should ask the people to hear [the sermon]. So his conversion must have occurred before that pilgrimage, and the revelation of the *Ma’ida* certainly did not occur before that.¹⁷¹

Furthermore, al-Tabrani reported from Jarir - as reported in the profile of *al-Isaba* - he said: “The Prophet of God said: ‘Your brother al-Najashi has died.’” The death of al-Najashi occurred before the revelation of *al-Ma’ida* for there is no doubt that he died before 10 A.H.

Al-Qastalani has another strange stubbornness: He says - about wiping on the slippers - the *mash* is not abrogated by the *hadith* of al-Mughira. The Prophet's wiping on his slippers is clear in the battle of Tabuk and it was his last battle and the *Ma'ida* was revealed before it during the expedition of al-Marisi'.

I say: The expedition of al-Marisi' was also the expedition of the Banu Mustaliq, they occurred on the second night of Sha'ban in the fifth year, some say in the fourth year as is [reported] in al-Bukhari from Ibn 'Uqba. Al-Nawawi also followed this in his *al-Rawda*. It has been said that it occurred in 6 A.H. After it, *sura al-Ma'ida* and many other chapters were revealed. The verse on *tayammum* was revealed during it (the expedition). This is the saying of the most High in *sura al-Nisa'* (chapter 4): "If you are sick or on a journey or if you go for a call of nature or if you have gone into your women and you do not find any water then perform the *tayammum* on pure earth and wipe on your faces and hands, God is most forgiving, kind (4:43)."

The report on this is established from 'A'isha, it is reported by al-Wahidi in his book [entitled] *Asbab al-Nuzul* (occasions of revelations), so refer to it so that you are convinced that al-Qastalani mistook the verse on ablution with the verse on *tayammum*. Moreover, we do not depend on al-Mughira and Jarir, soon you will know what we have discovered about al-Mughira. Jarir had behaved with the legatee (of the Prophet of God) in a manner which makes us doubt about him too.

6) The mother of the faithful 'A'isha - despite her status with the *sunna* and her astuteness and despite her location where revelation descended and was legislated - would strictly forbid the wiping on the slippers. Ibn 'Abbas - he was the scribe of the *umma* and the receptacle of the book and *sunna*, this cannot be denied - was also among

those who severely refuted it. Both of them refuted it to the utmost possible degree. Why don't you examine her statements with me?¹⁷² [She said] "Because cutting my feet is more beloved to me than wiping on the slippers." He (Ibn 'Abbas) said: "Wiping on the skin of a donkey is more beloved to me than wiping on the slippers."

Can you reconcile this form of rejection with those traditions? Never, given her status, they can never be reconciled. If these are the statements reported orally from her, by those who know the lean and fat [of traditions], how is it possible for us to rely on them given our remote distance from them (the traditions) over centuries and generations?

One who examines, without prejudices, the repudiation [of wiping] by those close to the Prophet of God like his wife and his cousin and all the guided leaders from his family, he would be compelled to doubt those traditions.

From this, you will know that the claim that they (the traditions on wiping on the slippers) have been successively transmitted is extravagant and [mere] speculation. Can they reach the level of *tawatur* (i.e. successively transmitted by many chains of authority) while these pious notables be ignorant? Or are they ignorant of the traditions? Glory be to you, this is a great accusation.

If they were successively transmitted, then 'Abd Allah b. 'Umar would not have refuted them¹⁷³ nor would Imam Malik in one of the two traditions reported from him,¹⁷⁴ nor would any other upright, upright believing predecessor refute it.

Those who have done complete injustice have said: "I fear unbelief for one who does not wipe on his slippers."¹⁷⁵ It has been seen that the wiping on the slippers is not a part of religion, nor is it among the essentials of it's derivatives nor is it something which

the book has imposed nor is it - by the consensus of the *umma* - what the *sunna* has made obligatory. Rather, it is merely a dispensation for a part of the Muslim community. Is there any blame for one who does not practice it [acting instead] in accordance with what the verse on *wudu* has imposed? The people of the *qibla* have agreed on the correctness of the acts which it (the verse) dictates and have agreed on the permissibility of the prayer by that. On the other hand, the correctness of the *wudu*, the removal of uncleanness and the permissibility of prayer by it (i.e. by wiping on the slippers) is a point of dispute between the Muslims. Can disbelief be feared from one who observes caution? What is your view of ‘A’isha, ‘Ali, Ibn ‘Abbas and all the *ahl al-bayt* since they did not observe the wiping on the slippers, O Muslims?

The Wiping on the Turban (*‘Imama*)

Our scholars have stated that wiping on the turban is not allowed. This is the view of al-Shafi‘i, Abu Hanifa and Malik. Imam Ahmad b. Hanbal, Abu Thawr, al-Qasim b. Salam, al-Awzai and al-Thawri¹⁷⁶ opposed this. The difference is reported from others too. They have stated that it is allowed by drawing an analogy with the [*mash* on] slippers and acting according to the *hadith* of al-Mughira b. Shu‘ba that the Prophet of God wiped on his forelock and on his turban. Other chains of transmission [state] that he had wiped on his turban, the forelock is not mentioned.

The book of God, the Almighty and Glorious, “and wipe on your heads” and the practice of His Prophet of wiping on his forelock are sufficient for us. This is certain, it does not require elucidation. The consensus on it has been formed both by it being

narrated and through direct investigation (*muhassal*), thanks be to God, the Lord of the Universe.

There is no proof for them in drawing an analogy with the slippers for the religion of God cannot be known by analogy. Moreover, the wiping on the slippers is forbidden, as you know.

As for the *hadith* of al-Mughira, which Muslim has reported, it is invalid. Concerning the *hadith*, Abu ‘Umar Ibn ‘Abd al-Barr has stated that it is a weak tradition.¹⁷⁷ I say: Perhaps Abu Hanifa, al-Shafi‘i and Malik did not attach importance to it as they deemed it to be weak too.

Al-Mughira had a habit of deception, misleading people, inconsistency and trickery. He was immersed in diseases, submersed in lust and [indulged in] outbursts of treachery and transgression of the limits [imposed] whenever he liked and disliked especially with those enemies of the family of Muhammad who follow them and those friends of God and His Prophet who had enmity towards them.

He became a Muslim to spare his life from the Banu Malik and that was because he came with a group of their notables to Ceaser when he was in Alexandria. The Malikis succeeded in getting a gift from the king whereas he did not. He was overcome with greed and jealousy towards them so he invited them for drinks and they agreed to accompany him. He made them drink until it affected their senses. He turned against them and killed all of them, and he appropriated their wealth. Since he did not feel safe from [the vengeance of] their families he joined Islam. He came to the Prophet of God when he was in Medina. He entered to see him and testified that there was no god but Allah and that Muhammad was the Prophet of God. As was his practice with the

believers and hypocrites, the Prophet accepted his Islam. When the property of the Banu Malik was presented to him, he refused it. It was proper for him to accept it since it was from those who had waged war and they had seized it unlawfully, [property] which Allah, the most High, did not forbid [him to take]. However, since that was taken by deceit, his sanctity did not allow him to accept it, so he made his (al-Mughira's) property copious for him.¹⁷⁸

This was his Islam, it gives you a picture of his principles and shrewdness. In a famous story of the events of the year 17 A.H., Abu Bakra - he was among the prominent companions - and his companions testified against him for acts which would require punishment.¹⁷⁹ How can we compare the wise Qur'an with his traditions, O people of understanding?

Is there a Limit to the Wiping on the Head?

Our scholars have ruled that there is no limit to the wiping on the head, not for what one is wiping with (extent of fingers) nor what is being wiped, rather, what is normally called a wiping is sufficient even if that means the minimum of touching according to the *'urf* (conventional usage of the term "wipe").¹⁸⁰ This is also the school of thought of the Shafi'is. The two Imams, Malik and Ahmad, and a group of others have maintained that it is obligatory to wipe on the whole head, whereas Imam Abu Hanifa has said it is obligatory to wipe a quarter of it with three fingers, if he wipes with less than that it is not sufficient for him.

Our proof is the saying of the most High: "And wipe on your heads," the meaning is [any form of] touching of the head. Just as this can be attained by embracing [the

whole head] and by a quarter of it, it can [also] be attained by a minimum of what is [normally] called wipe even if it be by a part of the finger passing on a part of the head. There is absolutely no proof for what they have specified (a specific portion of the head). If He intended embracing [the whole head], the most Glorious would have said: “and wipe on your whole heads” just as He said “wash your faces.” If His intention was a specific amount of wiping, He would have clarified it as He did with the washing of the hands when he said “with the elbows” and concerning the wiping of the feet He said “to the anklebones.”

CHAPTER SIX
THE WIPING OF THE EARS
AND THE SIX DIFFERENT DERIVATIVES

The Imamis are agreed - in following the Imams from the pure family - that the wiping of the ears is not a part of the *wudu*, for there is no proof for it in the book, the *sunna* or in any consensus. Rather, it is clear from the book that the *wudu* consists of the two washings - the face and the hands - and the two wipings - the head and the feet.

The Hanbalis have deemed it obligatory to wipe the ears with the auditory meatus. Ibn Rushd reported this view from Abu Hanifa and his companions.¹⁸¹ Al-Shafi‘i and Malik say that wiping them is recommended. They have differed regarding taking fresh water for them. A group has broken up from them and have stated they (the ears) are to be washed with the face. Others have said: “The inner [part] is to be wiped with the head, the outer is to be washed with the face.” Al-Shafi‘i says it is recommended to repeat [the act] just as he recommends [the repetition] when wiping on the head.

They have argued based on weak traditions, they do not prove anything for us. The two Shaykhs al-Bukhari and Muslim have not reported anything about it. Despite the weak traditions, those attaching importance to it have done so due to the force of it being widely practiced among them.

But the Imams of guidance, being the weighty thing from the Prophet of God, did not pay heed to it; they are the people of the house of prophecy. The people of the house are more knowledgeable regarding this, for us, the two weighty things are sufficient.

2: Is it Sufficient to Wash the Head instead of Wiping It?

The people of the four schools of thought have agreed that the washing of the head in the *wudu* is sufficient instead of wiping on it, however, they have differed as to whether it is an abominable act or not. The Hanafis and Hanbalis stated that it is abominable, arguing that it is contrary to what Allah has commanded. The Shafi‘is maintained: “It is not detestable but it is opposite to what is preferable to do.” The Hanbalis said: “The washing can replace the wiping provided the hand passes on the head.”

As for the Imamis, they are agreed that it is not acceptable as it is contrary to what Allah commanded. It is [also] contrary to what is proven from the Prophet of God’s wiping his blessed forelock rather than washing it. Therefore, legislating [something] in worship is invalid in itself and makes other [things] invalid. From what has been previously stated, you know that the washing and wiping are two separate entities, one cannot suffice for the other.

3: The Sequence (*Tartib*) in *Wudu*

The Imamis have agreed - in following the Imams of the pure family - in imposing the sequence of acts in the *wudu* in the manner which has been described in the noble verse.¹⁸²

The Malikis, Hanafis, Sufyan al-Thawri and Dawud have ruled that it is not a condition nor is it obligatory, they have considered it to be recommended. If it is opposed, the ablution is not invalidated. They say that if the one performing *wudu* was to

begin by washing his left foot and to end by washing his face, contrary to the verse in all his acts, then his *wudu* is [still] correct.

Our proofs are the book and the *sunna*. As for the book, the sequence is obvious from it even though the conjunction [of the acts] as described in the verse is by [the Arabic letter] *waw* (meaning and), not by then (*thumma*) or by *fa*. This is because *waw* is used frequently as a conjunction of sequential things, it is not used in a metaphorical sense. This is proven by a study of the speech of Arabs, there is no doubt in it for anyone. Therefore the Kufi grammarians have stated that it (*waw*) is proper especially for [describing acts of] sequence and succession even though [the conjunctions] *thumma* and *fa* are more clear than it.

As for the *sunna*, it is [according] to his saying in a famous authentic tradition: “The form of the ablution is the same whether it is for one of the five obligatory prayers or other obligatory or recommended acts.” During his lifetime, the Prophet would be in a pure state by performing the ritual ablution properly. Anytime it broke, he would renew the *wudu* properly. Sometimes he would say: “It is light upon light.” The *umma* has agreed that he never did *wudu* except that it was in sequence. If the sequence was not a condition and an obligation in *wudu*, he would have opposed it at least once or would have proclaimed that it’s opposite was [also] allowed, thus explaining the ruling as was his practice. Since he did not oppose the sequence and did not announce that its opposite is allowed, we know that it is not permissible. Moreover, the practical principles (*asl al-‘amali* - established in *usul al-fiqh*) require, with regards to doubtful acts, that we be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover,

the ritual impurity of a thing continues to exist as long as one is not sure that its opposite (removal of the impurity) has not occurred (called the principle of *istishab*).

4: *Muwalat* (Continuance of Acts)

Our scholars - in following their Imams - state that the continuance of the acts of *wudu* is a condition for it being correct. The condition is that the previous part should not become dry - given the same time, place and health of the one performing the ablution - before completing the following part.

The Shafi'is and Hanafis have stated that the *muwalat* is not prescribed; it is not a condition or obligatory, rather, it is a *sunna*. For them, it is detestable to separate between the parts if there is no excuse. If there is an excuse, then it is not abominable. Similarly, it is not abominable if he forgets [the *muwalat*] or the water prepared for his *wudu* runs out and he goes to get more water to complete his *wudu*.

The Malikis have stated that the *muwalat* is obligatory if one remembers and is able to do so. It is dropped if one forgets or has an excuse.

Our proof lies in the acts of the Prophet of God for he would follow continuation in his *wudu* just as he performed it in sequence. No laziness was seen of him in the acts of *wudu* at any time, just as they did not see him not observing the sequence. If the *muwalat* was not a condition, he would have omitted it even once or would have announced that it was permissible to omit it, explaining the *shari'a* ruling in accordance with his practice of legislating from Allah, the most High. Since he did not do this, we know that it is not allowed.

Moreover, there is no difference in the correctness of the *wudu* if it meets these conditions. If it does not meet them, then its correctness is a matter of dispute. [When there is no *muwalat*] the Imams of the *ahl al-bayt*, peace be upon them, do not see it as removing impurity nor does it allow one to pray, so be cautious in your religion. It is necessary to observe caution here because the practical principle (*al-asl al-'amali*) requires, with regards to doubtful acts, that we be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover, the ritual impurity of a thing continues to exist (*istishab*) as long as one is not sure that its opposite (removal of the impurity) has not occurred, as we have discussed.

5. Intention

The Imamis have agreed - in following the Imams of the two weighty things - on the necessity of having an intention of the *wudu* and ritual bath (*ghusl*) for them to be valid. For they are acts of worship which Allah has commanded: “They have not been commanded except that they worship Allah sincerely in religion.” This is the *madhab* of al-Shafi‘i, Malik, Ahmad, Dawud, Abu Thawr and many Imams of the majority.

The Hanafis said that the obligation to perform the *wudu* and *ghusl* by pure water is only for being in a physically pure state which is attained by the flow [of water] on the limbs whether it occurs with or without an intention. This purity may be attained accidentally, for example, by washing impure clothes because water, by its very nature, purifies [things]. They said if a man falls in water unintentionally or entered water for jest, or to cool or clean himself, or if he was imitating the acts of others or quenching his thirst and if the water covered the parts of his *wudu*, it is proper for him to pray with this

wudu. [This applies] even if he had entered the water as a non-believer and converted when he came out of it since being a Muslim is not a condition in the validity of the *wudu*.

Yes, they have seen intention to be necessary for the *tayammum* to be correct because the earth does not, by its nature, purify things. [The fact that] it is a purifying agent is due to *ta'abudi* (due to a pronouncement by the lawgiver) so it is essential to have an intention to perform the *tayammum* with it. Similar is the case of the *wudu* and *ghusl* with *nabidh* (intoxicating beverage extracted from dates, raisins or barley, etc.) of dates or the leftovers of a donkey or mule because, like the earth, *nabidh* or the leftovers are purifying agents by *ta'abudi* (following a pronouncement by the lawgiver).

In short, they have differentiated between the *wudu* and *ghusl* which is performed with the *nabidh* of dates or the left over of a donkey or a mule and that which is performed by pure water. They have deemed the first to be worship whose meaning is not rationally derived so, like the *tayammum*, they imposed the intention on it. They have considered the second to be the means necessary for physical cleanliness like purification from filth.

I do not know from where they knew that the intention of the lawgiver in the *wudu* and ritual bath is merely the physical purification which, due to the nature of water, is attained by it's flowing [on the limbs]? Every Muslim man and woman knows that the *wudu* and *ghusl* are to remove the effects of impurities so as to make the prayers - and other acts for which the *wudu* is a condition for removing the impurities - valid. This would have not been perceived nor understood had it not been for the devotion to the holy commands issued by the one who is all-wise. The true facts and details are hidden

from human beings, jinns, angels and the whole of creation. Yes, we believe, in compliance to divine commands, that the *wudu* is to remove the affects of the minor impurity and that the ritual bath (*ghusl*) is for removing the major impurity, just as we believe in the obligation of the prayer, fasting, the *zakat* and pilgrimage as to how [to do it], how much and when [to perform].

The attainment of physical cleanliness by the *wudu* and *ghusl* many times does not make them mere acts for [being] clean; just like reviving those deserving *zakat*; giving it to them does not exclude [the act of giving] from [also] being an act of worship, it does not become a [mere] physical act of welfare. The same applies to the *khumus*, expiations and all other alms and material forms of worship. If the aim of the *wudu* and *ghusl* was mere physical cleanliness then they would not have been obligatory to perform when one is impure and then becomes completely clean and pure.¹⁸³ This is against the *ijma'* of the Muslims, and contrary to what has been established from the leaders of the Prophets since he said: “Allah does not accept a prayer from impurity until [there is] a *wudu*.” And he said: “God does not accept a prayer without purity nor any alms [acquired] dishonestly.”

The prerequisite of the intention here can be proven from the book and the *sunna*. This is in addition to what the practical principle (*al-asl al-'amali*) requires, i.e., with regards to doubtful acts, we must be cautious when we are not sure the conditions [attached to the act] are fulfilled. Moreover, the principle of *istishab* states that one remains impure when one performs the *wudu* without an intention.

As for the book, the need for intention is derived by combining the verses from the [chapters] of *al-Ma'ida* and *al-Bayyina*. The verse of the *Ma'ida* is: “When you

undertake the prayer then wash your faces” (5:6). The minor premise is established in the form of an analogy, i.e., we have been commanded to perform the *wudu* and *ghusl*. As for the verse in *al-Bayyina*: “You have been commanded to worship only Allah with sincerity in religion.”(98:5) The major premise is established; i.e., everything that we are commanded to perform must have the sincere [intention] for Allah. However, there are objections and problems to this deduction.

As for the *sunna*, the *wudu* of the Prophet of God requires the sequence and intention based on the assumption that the validity of actions depends on the correct performance [of acts]. The Hanafis say: “The assumption is that an act becomes perfect based on the intention,” therefore there is no proof for what we claim. It can be said as a response to them: “The first assumption is better since the validity of an act is more necessary to get to the essence of an act than its perfect [performance].

We, the Imamis, in whatever service we pay to Allah, follow the Imams of the pure family and their rulings are conclusive proofs for us. [This is] proof in itself since they are the [other] half of the book of God and receptacles of the *sunna* of the Prophet of God and the ships of salvation of the *umma*. One who boards them is safe and one who abandons them drowns. They are the doors to reducing [burdens of sins]; one who enters them is granted safety. They are the firmest thing upon which one lays hold, to which there is no separation. They are the custodians of the community from differences and its refuge from punishment; they are the eggs of the Prophet of God through which his devoted friends and successors burst forth. They are the inheritors of his knowledge and wisdom; they are the best of people to him due to the legislation from Allah, the most High, as we have proved in its place in our Azharite “*Muraji’at*” and other publications.

The Ablution with *Nabidh*

The Imamis are agreed - following the Imams from the family of Muhammad - on the prerequisite of purity of the water [used] for *wudu* and *ghusl* whether a person is at home or on a journey. They also agree that if getting water is difficult, then the *mukallaf* is required to do the *tayammum* on pure earth. This is the view of al-Shafi'i, Malik, Ahmad and others.

Imam Abu Hanifa and Sufyan al-Thawri have allowed the *wudu* and *ghusl* with the *nabidh* of dates¹⁸⁴ when traveling, if there is no water.¹⁸⁵ Al-Hasan al-Basri, Abu 'Aliya and Rafi'i b. Mihran see it as an abominable act. 'Ata' b. Abu Ribah says: "The *tayammum* is more beloved to me than performing the *wudu* with milk and yogurt."¹⁸⁶ Al-Awza'i allowed the *wudu* and *ghusl* with all types of *nabidh*,¹⁸⁷ in fact with all forms of pure liquid.¹⁸⁸

The proof for the Imamis and one who agrees with them on this question , in addition to the practical principles (*al-usul al-'amaliyya*) - is the book of God, the Almighty and Glorious, and the *sunna* of His Prophet and the consensus of the *umma*.

As for the book of God, it is His saying: "If you do not find water then [use] the pure earth and wipe on your faces and hands." [This is a proof as] He commanded the *tayammum* when there is no water; He did not give any [other] alternative apart from it (the water) and the pure earth.

As for the *sunna*, his (Prophet's) saying "the pure earth is the *wudu* of a Muslim if he does not find water" is sufficient for us. Like the verse, the *hadith* is clear and there is no other alternative.

As for the consensus, the people of the *qibla*, all of them, are of one view. One who disagrees with it has rare views, goes against the *ijma'* of the Muslims, the rare views are not to be considered, it is like the rare view of one who says that the *wudu* with sea water is not permitted,¹⁸⁹ for example.

Abu Hanifa, al-Thawri and those who agreed with them argued based on what was reported from Ibn Mas‘ud from two chains of transmission:

1) On the authority of al-‘Abbas b. al-Walid b. Sabih al-Khallal al-Dimashqi from Marwan b. Muhammad al-Tatari al-Dimashqi from ‘Abd Allah b. Lahi'a from Qays b. al-Hajjaj from Hanash al-Sana'i from ‘Abd Allah b. ‘Abbas from Ibn Mas‘ud who said: “The Prophet of God said to him on the night of Jinn: ‘Do you have water?’ He replied: “No, only *nabidh* in the water vessel (*satiha*).”¹⁹⁰ The Prophet of God said: “The good date and pure water, pour it on me.” He said: ‘I poured it on him and he performed the *wudu* with that.”

Muhammad b. Yazid b. Maja al-Qazwini reported this *hadith* by this chain in the chapter of the *wudu* by *al-nabidh* in his *Sunan*. To the best of my knowledge, apart from him, none of the *Sunan* writers have reported by this chain because of the thick darkness enveloping it. Al-‘Abbas b. al-Walid was not considered to be reliable nor trustworthy. The scholars of the “wounding and authenticating” have not mentioned him until Abu Dawud was asked of him - as reported in *Mizan al-I'tidal* - and he said: “He was aware of the transmitters of traditions and the traditions [yet] nothing is reported from him.” You know that they omitted him because of his weakness. As for his teacher, Marwan b. Muhammad al-Tatari, he was among the Murji'ites gone astray. Al-‘Uqayli mentioned

him in his book [entitled] '*Weak Reporters*'. Ibn Hazm has clearly declared his weakness, you will know all of this in his biographical profile in the *Mizan al-I'tidal*.

Moreover, his teacher 'Abd Allah b. Lahi'a is one of those who has been considered weak by their Imams in the wounding and authentication. So refer to their views concerning his status in the collection of the biographical profiles like *Mizan al-I'tidal* and others. You will find that he has been considered weak by Ibn Mu'in and Ibn Sa'id and others. Apart from the three men of this path there are other shortcomings which we do not need to elucidate on.

As for the second path of the chains of *hadith*, it ends with Abu Zayd, the client of 'Amr b. Harith from 'Abd Allah b. Mas'ud: "The Prophet of God said to him on the night of Jinn: 'Do you have [anything] pure?' He said: 'No, except a little bit of *nabidh* in the pot.' He said: 'The pure date and pure water, so he performed the *wudu*.'"

Ibn Maja', al-Tirmidhi and Abu Dawud have reported this. The words "so he performed the *wudu*" are not in Abu Dawud's work. This *hadith* is invalid by this chain also; just as it is invalid by the first chain. It is sufficient for you to know that it is invalid [by the fact that] its revolves on Abu Zayd, the client of 'Amr b. Harith, who is not known to the people of *hadith*, as al-Tirmidhi and others have written. Al-Dhahabi has mentioned him in the section of *kuna* (patronymics) in his *Mizan* and has stated that he is not known, that he reported from Ibn Mas'ud and that his traditions are not correct. Al-Bukhari has mentioned him to be among the weak ones. The text of his *hadith* is: "The Prophet of God performed the *wudu* with *nabidh*." Al-Hakim said: "He is an unknown person. He does not have [any other] *hadith*, it is invalid."

In short, the past scholars have considered this *hadith* to be weak¹⁹¹ in both its chains. Moreover, it contradicts what has been reported by al-Tirmidhi in his *Sahih* and by Abu Dawud in his chapter of the *wudu* in his *Sunan*. All the Imams have verified it from ‘Alqama that he asked Ibn Mas‘ud: “Who among you was with the Prophet of God on the night of Jinn?” He said: “None of us was with him.”

Assuming it (the tradition) is correct and it did not contradict it, the verse on *tayammum* would abrogate it since the night of Jinn occurred in Mecca before the emigration. The verse on *tayammum* is Medinese without any dispute.¹⁹²

It is permissible to interpret the *hadith* - assuming it is correct - that, with the water, there was a little dry date in the pot. The water did not lose its purity nor did it lose its attribute [of being] water.

Al-Awza‘i and al-Asam and those who have agreed with them have argued that the *wudu* and *ghusl* can be performed with all pure liquids and that Allah, the Almighty, only ordered the washing and wiping. Just as they can be performed by pure water they can [also] be done by other pure liquids.

The answer: Allah, the Almighty and Glorious, has made the *tayammum* compulsory when water is not available. Allowing the *wudu* without it (water) would invalidate it (the *wudu*). This is what makes the *ghusl* commanded in the verse conditional upon [there being] water as is obvious, praise be to Allah for the understanding.

Perhaps the Hanafis allowed the *wudu* with yogurt mixed with water, as is reported from them,¹⁹³ by relying on what al-Awza‘i and al-Asam Hatim b. Unwan al-Balkhi relied upon.

This is what Allah has made easy for His slave and the son of His slaves, ‘Abd al-Husayn b. al-Sharif Yusuf b. al-Jawad b. Isma‘il b. Muhammad b. Muhammad b. Sharaf al-Din Ibrahim b. Zayn al-‘Abidin b. ‘Ali Nur al-Din b. Nur al-Din ‘Ali b. al-Husayn Al Abu’l-Hasan al-Musawi al-‘Amili, all praises be to Allah , the Lord of the Universe.

¹ The consensus (*ijma'*) of the *ahl al-qibla* in allowing the combination [of prayers] at ‘Arafa and al-Muzdalifa is restricted to the pilgrims. As for [the ruling for] non-pilgrims, there is some dispute [on the issue].

² This is because of the delaying of the prayer of *al-maghrib* from its stipulated time and combining it with *al-‘isha* at [the latter’s] stipulated time. Similarly, the combination [of prayers] at ‘Arafa is [called] *jam' al-taqdim* as the ‘*asr*’ prayer is brought forward from its [stipulated time] and is combined with the *zuhr* at its [stipulated] time.

³ This is because some of them have stipulated that the journey be for attaining closeness [to Allah] (*qurba*) like the pilgrimage or the lesser pilgrimage (*‘umra*) and expeditions etc., not otherwise. Among them are those who have stipulated that the journey be lawful (*mubah*), not one which is for a sinful purpose. Others have stipulated a specific distance of traveling, others have not stipulated anything. Therefore, combining the prayer is allowed for any type of journey and for any reason. The details are in their [works of] jurisprudence.

⁴ Perhaps you are aware that their term for combining the prayers means they are offered together at the time of one [of them] rather than at the other, whether it be *jam' al-taqdim* or *jam' al-takhir*. This was the meaning intended by their earlier and later scholars from the [time of the] companions until now. This is a point of dispute as you have seen.

⁵ This tradition has been cited by Ahmad b. Hanbal from a *hadith* (tradition) of Ibn ‘Abbas on page 221 in the first volume of his *Musnad*. On the same page, he also reported, by a different chain of authority, from Ibn ‘Abbas. He said: “The Prophet of God prayed, while staying in Medina, when he was not traveling, the seven and eight cycles together.”

⁶ Technically, this [way of expressing] is called unregulated folding and unfolding, it is not sequential. It is allowed. If he had said “he prayed the eight and seven” it would have been a regulated [form of expression].

⁷ The world cares little for Allah, the Almighty, and the family of Muhammad. For these people, something [coming] from Ibn ‘Abbas bothers them so they ask Abu Hurayra. If only they would act according to the *hadith* even after Abu Hurayra had verified it. This tradition has been cited by Ahmad b. Hanbal also from Ibn ‘Abbas on page 251 in the first volume of his *Musnad*.

⁸ As al-Zurqani has reported on the combination of the two prayers in the commentary on *al-Muwatta'* page 263, volume 1.

⁹ This tradition has been narrated by Malik in the chapter on the combining of prayer in the *Muwatta'* and by Imam Ahmad in his *Musnad* [on the authority] of Ibn ‘Abbas.

¹⁰ Shaykh al-Islam al-Ansari, when he reached this chapter in his commentary - [called] “*the gift of al-Bukhari*,” said: “That which is appropriate to the tradition [is to insert it under the] chapter: ‘The prayer of *al-zuhr* with *al-‘asr* and the *al-maghrib* with *al-‘isha*.’” He (al-Ansari) said: “The interpretation of that is he finished the first [prayer] and the time of the second one set in and he offered it after the first one, this is opposed to what is apparent [from the tradition]” p. 292, vol. 2 in his commentary. Al-Qastalani said on page 293, vol. 2, in his commentary called “*Irshad al-Sari*.” “His (al-Bukhari’s) interpretation [of the tradition] to mean a non-intended combination in that he delayed offering *al-zuhr* to its last time and hastened to offer *al-‘asr* at its first [possible]

time is weak as it is opposed to what is apparent [from the *hadith*].” This is what the majority of their scholars have stated, especially the commentators on the *Sahih* of al-Bukhari, as you will read from the original sources, God willing.

¹¹ As reported in the last [parts] of page 263, volume 1, in the commentary on *al-Muwatta'* by al-Zurqani, he said: “The wish to remove the burden is a rejection of the interpretation of *jam' al-suri* (accidental combination) since intending it (*jam' al-suri*) does not remove the burden.”

¹² You will find the *hadith* on page 242 in volume 4 of *Kanz al-'Ummal*, he inserted it on page 5078, relying on ‘Abd Allah’s narration.

¹³ It is sufficient to look at the comments of al-Nawawi in his commentary on the *Sahih* of Muslim and al-Zurqani in his commentary on the *Muwatta'* of Malik; al-'Asqalani, al-Qastalani and Zakariyya al-Ansari in their commentaries on the *Sahih* of al-Bukhari and all those who have commented on any book of the *Sunan* which include the tradition of Ibn ‘Abbas on the combining of the prayers. They have authenticated them in all the chains of transmissions through which we have narrated from the *Sahihs* of Muslim and al-Bukhari. They have derived from them (the traditions) that it is permissible to combine [prayers] when at home for the sole purpose of saving the *umma* from burden. I do not know, by God, what made them deviate from this, perhaps it is because they think that this is the view of the *ahl al-bayt*.

¹⁴ Like the two Imams Malik and al-Shafi‘i and a group of the people of Medina.

¹⁵ It is completely far from the words [uttered], there is no indication to it whatsoever.

¹⁶ This is a conjecture, a fabrication and [an act of] throwing stones in the dark.

¹⁷ Abu Hanifa and his companions interpreted the authentic traditions on combining [prayers] when at home and traveling as referring to *jam' al-suri*. They have prohibited the combination at all times. This is absolutely strange from them. For us, our debates and discussions with a number of their prominent scholars are sufficient [to prove our point]. You will read their views.

¹⁸ See his commentary called *Irshad al-Sari*, the chapter on delaying the *zuhr* to the [time of] the *‘asr*. You will find on page 293 in volume two the following: “He interpreted it, i.e., the *hadith* of Ibn ‘Abbas, to combining the prayer at home - some of them to combining when ill.” Al-Nawawi reinforced this and followed it by saying that this is contrary to what is apparent from the *hadith* and his restricting it (the combination of prayers) to it (when ill) is giving preponderance to a view without any justification.

¹⁹ Refer to page 263 in volume 1 of the commentary on Malik's *al-Muwatta'* by al-Zurqani in the chapter of combining the prayers.

²⁰ On page 455 in the 4th volume in his commentary on the published *Sahih* of Muslim and in the footnotes of *Irshad al-Sari* and *Tuhfa al-Bari*, the two commentaries on the *Sahih* of al-Bukhari. There is no doubt about al-Nawawi’s inclination towards this view at the end of his speech when he supported him by citing Ibn ‘Abbas’ statement. He commented on Ibn ‘Abbas’ statement: “He was not afflicted by sickness or anything else” the last part of his speech is defective due to his interpretation.

²¹ Like al-Zurqani in his commentary on *al-Muwatta'* and all those who commented on the *hadith* of Ibn ‘Abbas on the combination of two prayers among the commentators on the *Sihah* and *Sunan* like al-'Asqalani, al-Qastalani and others.

²² Concerning this verse, this meaning has been transmitted by al-Razi in his *Tafsir al-Kabir* from Ibn ‘Abbas and ‘Ata’ and al-Nazr b. Shamil. Imam al-Tabrisi has narrated it in his *Majma' al-Bayan* from Ibn ‘Abbas and Qatada.

²³ If we interpret *al-ghasaq* as the accumulation of darkness and its intensity [as referring] to the middle of the night - as is reported from al-Sadiq, - then the times of the four obligatory prayers - the *zuhr*, '*asr*', *maghrib* and '*isha*' extend from noon to the middle of the night. So the *zuhr* and '*asr*' share the time from noon to sunset except that the *zuhr* comes before the '*asr*'. The *maghrib* and '*isha*' share the time from sunset to the middle of the night except that the *maghrib* comes before the '*isha*'. As for the morning obligation, Allah has specified for it a commendable time saying: "And the morning recitation, for the morning recitation is witnessed."

²⁴ Translator's note: The *basmala* is to found in all but one chapter in the Qur'an. It refers to "In the name of God, the Most Merciful, most compassionate.

²⁵ Translator's note: This is the opening chapter in the Qur'an. It is also called the *fatiha* (the opening).

²⁶ Ibn Rushd has narrated all of this from Malik on page 96 in the first volume of his book "*Bidaya al-Mujtahid*." Al-Razi said concerning the *basmala* in his *Tafsir al-Kabir*, page 100 in volume 1: "Malik and al-Awza'i have stated that it is not a part of the Qur'an except in *sura al-Naml* (27). It is not to be recited in the prayer neither silently nor loudly except in the month of Ramadhan."

²⁷ This unanimous view and their interpretation of the views of their Imams about the *basmala* has been transmitted by a number of notables, one of them being al-Razi in his *Tafsir al-Kabir* page 104, volume 1.

²⁸ That is because they said there is no difference in the report from him on the original question. There is a difference in the report from him as to whether it is a complete verse in all the chapters or it is a part of the verse in every chapter.

²⁹ In his *Tafsir al-Kabir* Imam al-Razi has cited a number of proofs regarding the recitation of the *basmala* loudly. He has narrated in the third [volume] that 'Ali's view, was that *bismillahi rahmani rahim* has to be recited loudly in all the prayers. He said: "This is a strong proof for me, embedded in my thinking and will never vanish."

³⁰ This has been reported from him by Imam al-Tabrisi concerning the *basmala* in the first volume of *Majma' al-Bayan*.

³¹ See the commentary on *sura al-Fatiha* in the commentary book of *Mustadrak* of al-Hakim and in the *Talkhis* of al-Dhahabi page 257, volume 2. You will find the *hadith* authentically documented by both al-Hakim and al-Dhahabi.

³² Al-Hakim has reported it in the book of prayer in his *al-Mustadrak*, see page 231, volume 1. He said: "This tradition has a correct *isnad* but they did not report it."

³³ Al-Hakim has reported it in the book of prayer in his *al-Mustadrak* and al-Dhahabi has reported it in his *al-Talkhis* declaring that it is authentic by the standards [stipulated by] the two Shaykhs. See page 231, volume 1 in the *Mustadrak* and the *Talkhis* printed together.

³⁴ Al-Hakim reported it on page 232, volume 1 in the *Mustadrak*. He says: "This tradition is authentic according to the conditions [stipulated] by the two Shaykhs." Al-Dhahabi has also authenticated it according to their conditions as he has mentioned it in his *al-Talkhis*.

³⁵ Al-Hakim has reported it in his *al-Mustadrak* and al-Dhahabi has cited it in his *al-Talkhis* declaring it to be authentic according to the conditions stipulated by the two Shaykhs. See the *Mustadrak* and the *Talkhis* page 232, volume 1.

³⁶ Al-Hakim reported it from Umm Salama after her previous tradition, testifying to it.

³⁷ Pronouncing *amin* after the completion of the *fatiha* in the *salat* is not part of our school. Neither when [praying] alone nor for those following [in congregation] nor for the Imam as it is not a part of the prayer. Nor is it [mentioned] in the Qur'an, [as agreed] by a unanimous consensus. Nothing about it is reported [in the traditions] from our path nor has it been reported from any of our Imams, as opposed to the majority, for it is among their slogans. They have reported many authentic traditions on it according to their conditions. This tradition of Abu Hurayra is among them. For them, this is among the *sunna* in the prayer.

³⁸ Al-Hakim has reported it in his *al-Mustadrak* immediately after the two traditions of Umm Salama. Al-Dhahabi has mentioned a gist of it in his *al-Talkhis* declaring it's authenticity according to the conditions [stipulated by] the two Shaykhs.

³⁹ Al-Hakim has reported it after the previous tradition thus proving it, and al-Bayhaqi has reported it in his *Sunan al-Kabira* as on page 105 in volume 1 in the *Tafsir* of al-Razi.

⁴⁰ Al-Dhahabi has cited it in the *Talkhis al-Mustadrak* and has authenticated it according to the conditions [stipulated by] Muslim. Al-Hakim and al-Dhahabi made it to be a [source of] defect and blemish for the *hadith* of Qatada reported from Anas. He said: "I prayed behind the Prophet, Abu Bakr, 'Umar and 'Uthman and I did not hear any of them recite 'In the name of God, the most merciful and beneficent.'" This is not correct as we shall explain soon, God willing. Al-Hakim and others after him have declared it (the tradition) to be spurious and presented evidence for it being invalid.

⁴¹ See his *Musnad* page 13.

⁴² According to what al-Razi has reported from him in his fourth proof among the proofs for reciting the *basmala* loudly, page 105, volume 1, in *Tafsir al-Kabir*.

⁴³ Al-Hakim reported it and al-Dhahabi cited in the chapter on the loud [recitation of] "In the name of God the most merciful, most beneficent" in their books. They said: "The narrators of this *hadith* are completely trustworthy," they made it to be a [source of] defect and blemish for the *hadith* of Qatada reported from Anas.

⁴⁴ Al-Hakim has reported it in his *al-Mustadrak* and al-Dhahabi has mentioned it in his *al-Talkhis*. They state that all its reporters are trustworthy, they made it a to be a [source of] defect and blemish for the *hadith* of Qatada, reported from Anas. It (the *hadith* of Qatada) is invalid.

⁴⁵ From Ibn 'Umar that he would not recite "In the name of God the most merciful, most beneficent" when reciting the mother of the book and the chapter after it. Imam al-Shafi'i has reported it on page 13 in his *Musnad*.

⁴⁶ See page 234, volume one, in *al-Mustadrak*.

⁴⁷ During the fifth proof among the proofs cited for reciting the *basmala* loudly. See page 105, volume 1.

⁴⁸ Translator's note: a *mutawatir* tradition is a report which has been transmitted by so many transmitters in each generation that it would have been impossible for all the reporters to have concurred on reporting a falsehood.

⁴⁹ Al-Shaykh 'Abd al-Qadir al-Rahawi has reported these words in his "Forty [traditions]" with an *isnad* ending with Abu Hurayra. And al-Suyuti has reported it under the letter *Kaf* in his *Jami' al-Saghir*, page 91, in volume 2. Al-Muttaqi al-Hindi has mentioned it on page 193, volume 1, in *Kanz al-'Ummal*, tradition # 2497.

⁵⁰ Concerning the *basmala*, al-Imam al-Razi has transmitted it through an incomplete chain (*mursal*) by these exact words in the first volume of his *Tafsir*.

⁵¹ A believer commences all his acts with "In the name of God the most merciful, most beneficent." If he eats or drinks, stands or sits, enters or exits, takes or gives, reads or writes, dictates or delivers [a sermon] slaughters or

sacrifices he says: “In the name of God the most merciful, most beneficent.” When the midwife takes the child as it is born she says "In the name of God" and when he dies he says “In the name of God.” When it is lowered into the grave it is said over the body “In the name of God” and when a person leaves his grave he says “In the name of God.” When he reaches a station he says: “In the name of God,” is there a place of refuge or asylum apart from God? God has enforced us with an overpowering word in this and the next world.

⁵² Translator’s note: A *marfu’u* tradition is one in which the chain of transmission is incomplete, the *hadith* is attributed to someone else.

⁵³ Al-Muttaqi al-Hindi has narrated it concerning the *basmala* on page 320 in the first volume in *al-Kanz* from *Sha‘b al-Iman* of al-Bayhaqi.

⁵⁴ See the sixth *hadith* and our proofs after it.

⁵⁵ This is an abridgment of what Imam al-Shafi‘i has replied in answering their arguments based on this tradition.

⁵⁶ This is how Imam al-Razi mentioned the *hadith* of Ibn Mughfil in the proofs of his opposition to the question mentioned on page 106 in volume 1 of his *Tafsir*. Then he said: “Anas and Ibn Mughfil restricted the [act of] not mentioning “In the name of God the most merciful, most beneficent” to the three Caliphs. They did not mention ‘Ali and that proves that ‘Ali would recite the *basmala* loudly.

⁵⁷ Page 97, volume 1.

⁵⁸ Muslim has reported it in his *Sahih* by two paths from Shu‘ba from Anas in the chapter on the proof for one who said: “The *basmala* is not to be recited loudly.”

⁵⁹ According to what Malik has reported concerning the acts [undertaken] in the recitation in his *Muwatta’*.

⁶⁰ We have mentioned in our proofs the report of Hamid al-Tawil from Anas who said: “I prayed behind the Prophet, Abu Bakr, ‘Umar, ‘Uthman and ‘Ali and all of them would recite ‘In the name of God, the most merciful, most beneficent’ loudly”.

⁶¹ This was their behavior with the Commander of the faithful and his children regarding many laws of Allah, the most High, to the point that truth and falsehood were mixed up, there is no power nor strength except by Allah, the most High, most Great.

⁶² See page 106 and its end on page 107, volume 1 of his *Tafsir al-Kabir*.

⁶³ See their *fiqh* works, sufficient for you is "*Ghaniya al-Mutamla al-Kabir wa'l-Saghir*" which are published like the treatises of jurisprudential laws (*rasa'il ‘amaliya*).

⁶⁴ This is successively transmitted from him. Among those who have reported this is Fakhr al-Din al-Razi on page 108, volume 1 in his *Tafsir al-Kabir*. Then he said: “And know that the school of Abu Hanifa on this issue is very far (from the truth). For this reason, the jurist Abu al-Layth al-Samarqandi and the Qadi Abu Zayd al-Dabusi have declared [it is better] to abandon it.”

⁶⁵ They have also argued by what Muslim has reported in his *Sahih* on the *hadith* of Abu Hurayra. He said: “The Prophet of God, when he mentioned the recitation, said: ‘There is no prayer except by the recitation.’” This is what they claim. The answer is if this is true, it is necessary to interpret it according to his (Prophet’s) statement: “There is no prayer for one who does not recite the *fatiha* of the book,” no wonder, the general [statement] is overridden by what is specific by a unanimous consensus.

⁶⁶ He was present at Badr and Uhud and at all the battles with the Prophet of God. His brothers Khallad and Malik, the two sons of Rafi‘i, were present with him at Badr. This Rifa‘a was also with the Commander of the faithful (‘Ali) at Jamal and Siffin and was among his closest friends. He helped him by words and deeds. This is known from his profiles in the *Isaba* and other books on the status of the companions.

⁶⁷ You will find it in the course of his commentary on this *hadith* of Abu Hurayra at the end of the chapter on the incumbency of the recitation by the Imam and the followers in all the prayers page 441, volume 2 in the *Irshad al-Sari* on the commentary of the *Sahih* of al-Bukhari. He transmits this from Abu Dawud, Ahmad and Ibn Hibban.

⁶⁸ Like some of the Mu‘tazilis and Shi‘is.

⁶⁹ Like the non-Hanafi notables among the majority.

⁷⁰ Al-Imam al-Nawawi says concerning this *hadith* of Abu Hurayra in the chapter on the incumbency of the recitation of the *fatiha* in the commentary on the *Sahih* of Muslim: “As for his saying: “Recite what is easy for you in the Qur’an” this refers to the *fatiha* for it is easy [to recite] or [he meant recite] what is more than the *fatiha* or [it is applicable] for one who cannot recite the *fatiha*.” In his comments on the *Sahih* of al-Bukhari, Imam al-Sanadi says in his discussion on this tradition of Abu Hurayra (and these are his words): “His saying ‘recite what is easy for you’ it is as if he told him that based on the view that [recite what is easy] just as it is [easy to recite] the *fatiha*.” Moreover, it has been narrated in some reports that he specified for him [the recitation] of *al-fatiha*.

⁷¹ Abu Bakr b. Khuzayma has reported it in his *Sahih* by an authentic chain of transmission. Similarly, Abu Hatim b. Hibban narrated it and Imam al-Nawawi reported it from them declaring its authenticity in the chapter on the incumbency of the recitation of the *fatiha* in his commentary on the *Sahih* of Muslim.

⁷² Abu Dawud has reported it in the chapter on one who omits the recitation in his prayer in his *Sunan*. There is a report from Abu Hurayra also by another path. He said: “The Prophet of God told me to proclaim: ‘There is no prayer except with the recitation of the *fatiha* or what is more [than that].’”

⁷³ Abu Dawud has reported it in the aforementioned chapter and Muslim has reported it from Abu Hurayra from many paths in his *Sahih* in the chapter on the incumbency of the recitation of the *fatiha* in every cycle.

⁷⁴ Translator’s note: These refer to the proofs that have been established by Islamic jurisprudence.

⁷⁵ Translator’s note: *Istihsan* refers to choosing what is the most beneficial course in a given situation.

⁷⁶ In his commentary on the *Sahih* of Muslim, the Shafi‘i Imam al-Nawawi states in the chapter on the incumbency of the recitation of the *fatiha*: “The previous and later scholars of the majority have claimed the incumbency of [reciting] the *fatiha* in every cycle due to his (Prophet’s) saying to an Arab whose prayer was not proper: ‘Do that in all your prayer.’” I say: You know that al-Nawawi and al-Shafi‘i and others who deem it obligatory to recite the *fatiha* in every cycle do not give credence to the *hadith* of Abu Hurayra except by interpreting his saying in it: “Recite what is easy for you from the Qur’an” as referring especially to the *fatiha*.”

⁷⁷ It is mandatory for us, in the first two cycles of every one of the five obligatory prayers, to recite the complete chapter after the *fatiha* due to the proof established from the Prophet of God in the *hadith* of Abu Qatada. Al-Bukhari has reported it in his *Sahih* and others have [also] narrated it. We are allowed to omit the *sura* under certain circumstances. It could be obligatory to do so if there isn't enough time and other extenuating circumstances. As for the recommended prayer, only the *fatiha* is obligatory in it. The meaning of it being incumbent is that it (the recitation of *fatiha*) is necessary for it (the recommended prayer) to be valid.

⁷⁸ Due to his (the Prophet’s) statement: “For one who follows an Imam, the recitation of the Imam is [like] his recitation.” This *hadith* has been narrated for the majority from various sources. You will find it in the

discussions on the recitation of the *fatihah* in a book [entitled] “The Jurisprudence according to the four schools.” You will find a ruling on the prohibition of a follower to recite in prayer. This is related from the Commander of the faithful, those companions by the name of ‘Abd Allah and from eighty prominent companions. You will [even] find the view that the prayer of a follower who recites [the *fatihah*] while praying behind an Imam is invalid, this is reported from a number of other companions. The precautionary, but more strong view is for the follower to omit the recitation in the first two cycles of the silent prayer. The same applies in the first two cycles of the prayers recited loudly if he hears the voice of the Imam even if he is humming. This is in accordance to the saying of the most High: “When the Qur’an is recited then listen and be silent so that mercy may be showered on you.” If the follower cannot hear even the humming then he is permitted, rather recommended, to recite.

⁷⁹ As documented by Imam al-Sanadi in his comments on the *hadith* of Sa‘d [cited] in the *Sahih* of al-Bukhari which we have previously indicated.

⁸⁰ Translator’s note: *Takbirat al-Ihram* signifies the commencement of the prayer by the raising of the hands and stating *Allahu Akbar* (God is the greatest).

⁸¹ Translator’s note: *Taqsir* refers to the shortening of the prayers when traveling. Thus, prayers that are offered in four cycles are reduced to two cycles.

⁸² Translator’s note: i.e., breaking of the fast

⁸³ The Hanafis are agreed on the view that shortening the prayer is obligatory on the traveler, he is not allowed to offer the complete prayer. If he offers the complete [prayer], they consider him to be a sinner as he has delayed offering the greetings (*salam*) from the last prescribed sitting. In this case, it is [also] the first sitting (in the second cycle of prayer). Despite that, offering the last two cycles is recommended for them; it is obligatory to offer the first two cycles only. Hence they rule that the prayer is invalid if he omits the first sitting in this case as it is abandoning one of the essential parts of the prayer.

⁸⁴ If the prayer of traveling is of two cycles and it is completed by the two cycles, not by *qasr* and all that is from our Prophet according to the testimony of ‘Umar, then how can it be of four cycles? Is the worship valid if it is offered contrary to what has been prescribed by Allah, the most High and Majestic?

⁸⁵ Ibn Rushd has narrated this from them in his book *al-Bidaya wa'l-Nihaya*.

⁸⁶ This distance is equivalent to eighty kilometers and 640 meters. It is a journey of a day and night traveling by a camel laden with heavy goods at a normal pace. The reduction of the specified journey by a little distance like one or two miles does not matter for them.

⁸⁷ You will find all of that in the chapter on the prayer in Mina. It is one of the chapters of shortening and one of the chapters of pilgrimage in volume 1 in *Sahih* al-Bukhari. You will also find it in the chapter on the prayer of the traveler and its shortening in the *Sahih* of Muslim. And you will find on page 178 in the book of Dr. Taha Husayn called *al-Fitna al-Kubra* the following words: “The contemporary Muslims found fault with ‘Uthman due to his contravention of the well-known and widespread *sunna* of the Prophet and of the two Shaykhs and of ‘Uthman himself at the beginning of his Caliphate. That was when he began to offer the full prayer at Mina whereas the Prophet and the two Shaykhs had shortened it. ‘Uthman had also shortened it for a few years. The Muslims were truly alarmed when ‘Uthman offered the full prayers in Mina. Some of them discredited others; and some rebuked others. Then ‘Abd al-Rahman b. ‘Awf approached ‘Uthman and said to him: “Didn't you pray two cycles with the Prophet here?” ‘Uthman replied: “Yes.” ‘Abd al-Rahman said: “Didn't you offer two cycles here with Abu Bakr and ‘Umar?” ‘Uthman replied: “Yes.” ‘Abd al-Rahman said: “Didn't you lead the people in prayer here, offering two cycles?” ‘Uthman replied: “Yes.” ‘Abd al-Rahman said: “What is this innovation which you are creating?” ‘Uthman replied: “I have heard that the Arabs and the rough people from Yemen say that the prayer at home is of two cycles.” ‘Abd al-Rahman replied that your fear from the Arabs and the rough

ones is not proper for the Prophet offered two cycles and Islam had not yet spread, now Islam has spread to the neighboring areas so you should not fear.”

⁸⁸ Al-Nawawi has related it from Malik in his commentary on the *Sahih* of Muslim in the book of the prayer of the traveler and its shortening.

⁸⁹ And if she has not attained the legal age of menopause.

⁹⁰ Like one who is divorced (before consummation), there is no *'idda* on one who has attained the age of menopause .

⁹¹ Whether the marriage has been consummated or not and whether she is at a menopause stage or not or whether she is pregnant or barren. If her husband dies, the *'idda* of a pregnant woman (in both types of marriages) is the later of the two periods - i.e. date of giving birth and the elapsing of the normal [*'idda*] period which is four months and ten days after her [attaining] knowledge of the death of her husband.

⁹² Discussion on the verse is reported from them by more than one of the notables like Imam al-Tabari in the first parts of the fifth volume in his *Tafsir al-Kabir*. Al-Zamakhshari transmitted this reading without a complete chain of authority (*mursal*) in his *Kashshaf* from Ibn ‘Abbas. ‘Ayad narrated from al-Maziri as cited in the first chapter of the book of the marriage of *mut'a* in the commentary on the *Sahih* of Muslim of Imam al-Nawawi: that Ibn Mas‘ud recited it as “what you enjoy of them to an appointed term.” Al-Razi mentioned in the commentary of the verse that it has been reported from Abu b. Ka‘b that he would recite “what you enjoy of them to the appointed term so give them their dowry.” (He said) “This is also the recitation of Ibn ‘Abbas. The community did not refute them in this recitation.” He said: “This is the consensus of the community regarding the correctness of this recitation” etc., see page 201, volume 3, *Tafsir al-Kabir*.

⁹³ Or words to this effect.

⁹⁴ See page 9, volume 5.

⁹⁵ Page 467, volume 1 published in Egypt in 1306

⁹⁶ That is when ‘Umar undertook the Caliphate. This clearly shows that these events i.e. the prohibition, interdiction, and warning were not there before.

⁹⁷ If only I or someone else knew that these words carry weight which would lead to the prohibition of *mut'a*. He used to believe that these words were special to the Prophet. Never, I deem him to be above such thoughts.

⁹⁸ The stoning is one of the punishments of Allah, the most Glorious, Mighty which no one but the Prophet can legislate. One who believes in the *mut'a* can deduce that it is allowed from the book and the *sunna*. If he is right then he has taken it from them (book and *sunna*) and if he is wrong then it is an error committed for which there is no punishment if undertaken. The punishment is averted when in doubt.

⁹⁹ Page 52, volume 1.

¹⁰⁰ This clearly indicates that the prohibition of the *mut'a* which the Caliph praised in his sermon was not there before his governing the people.

¹⁰¹ There is no alternative to accepting his tradition for he said: “They were [practiced] in the time of the Prophet of God.” As for his prohibition of them, judge it by yourself then.

¹⁰² Volume 1, page 535

¹⁰³ It is evident in his saying: “We used to perform the *mut'a*” so the practice of the companions was continuous on that with the knowledge of the Prophet, Abu Bakr and ‘Umar before his prohibition.

¹⁰⁴ “We used to perform them” indicates that their practice was continuous like his previous statement “We used to perform the *mut'a*” and his saying “We performed the *mut'a*.”

¹⁰⁵ It is undoubtedly clear that the prohibition is from him not from Allah the most High nor from the Prophet of God.

¹⁰⁶ Where he comments on this *hadith* in the *Muwatta'*.

¹⁰⁷ According to what Ibn Jurayj and ‘Umar b. Dinar have narrated from him.

¹⁰⁸ I draw your attention to what is on page 489, volume 4 in the commentary of the *Nahj al-Balagha* of al-Hamidi Ahmadidi where he profiled Ibn al-Zubayr during his commentary on the statement of the Commander of the Faithful, peace be upon him: “Al-Zubayr remained among us, the *ahl al-bayt*, until his wretched son grew up.”

¹⁰⁹ ‘Allama in the *Nahj al-Sidq* and Shahid II in his discussion on the *mut'a* in his *Rawza* have transmitted it from al-Tirmidhi.

¹¹⁰ See page 2 or 3 in the book of marriage

¹¹¹ During the course of his discussion on the ruling of the *mut'a* with women when [examining] the verse in his *Tafsir al-Kabir*.

¹¹² In the profile of the judge Yahya b. Aktham.

¹¹³ Fakhr al-Din al-Razi reported from them concerning the verse of the *wudu* in his *Tafsir al-Kabir*. It is as if the two were bewildered, the matter became confusing to them due to the contradiction between the verse and traditions. They deemed it essential to combine them so as to undertake both of them.

¹¹⁴ Like al-Hasan al-Basri and Muhammad b. Jarir al-Tabari according to what al-Razi and others have narrated from them. Just as both the book and the *sunna* are on the truth, falsehood does not encroach upon them, they both said that the wiping and the washing are both correct and it is incumbent to undertake one of them though one can choose between them.

¹¹⁵ This is [also] the view of Ibn ‘Abbas and Anas b. Malik, Ikrima, Shu‘ba and Imam Abu Ja‘far al-Baqir according to what al-Razi has stated in his *Tafsir* narrating from *Tafsir al-Qufayl*. I say: And this is the view of all our Imams, peace be upon them.

¹¹⁶ Translator’s note: The word *bijad*, as used in this saying, refers to a striped garment called *kisa*’ worn by the Arabs of the desert.

¹¹⁷ Rather, this is necessary, for the ‘*amil* (a word governing another in syntactical regimen) cannot be “wash yourselves” as you will read.

¹¹⁸ That is most certainly prohibited as it leads to the conjunction of the feet on the faces. This is disallowed by the agreement of the experts of the languages as it is not allowed to separate between a conjunction and that which it is conjoined to by a word let alone by a new sentence.

¹¹⁹ There is only one ‘*amil* (regent) here which is “wipe yourselves” as we have explained.

¹²⁰ Rather, this is something which has not been proven to us at all.

¹²¹ Refer to page 370 in volume 3 in his *Tafsir al-Kabir* on the verse of the *wudu* in the chapter of *al-Ma'ida*.

¹²² The precaution is not attained except by combining between the wiping and the washing as they are two different realities.

¹²³ Because the washing is realized, in its proper understanding, by the flowing of water on the parts to be washed even though it be little whereas the wiping is realized, in its proper understanding, by it not flowing and by it being sufficient for the hand to pass over the parts that are to be wiped.

¹²⁴ Translator's note: The Qur'anic verse states: "...when you prepare for prayer, wash your faces and your hands with the elbows and wipe your heads and feet to the anklebones..." The argument is that if the feet are conjoined to the face, then, just like the face, they will have to be washed. If the feet are conjoined to the head, then they will have to be wiped. However, it is argued that grammatically, the feet cannot be conjoined to the faces as that would require a separation between the conjunction (feet) and what it is conjoined to (faces) by a new sentence (wipe your heads). This is not allowed in Arabic grammar.

¹²⁵ See page 16 in *Ghaniyya al-Mutamla* known as "*Halabi Kabir*." It is also available in the abridged form known as *Halabi Saghir* and both of them are published and famous.

¹²⁶ In his comment on what has been reported on the washing of the feet page 88, volume 1 in the commentary of the *sunna* of Ibn Maja. Many others have stated what al-Razi, al-Halabi and al-Sanadi have declared. We cannot examine them thoroughly. These three Imams are sufficient for us, may Allah have mercy on them.

¹²⁷ The words "woe to the heels from the fire of hell" are also present in the traditions from 'Amr, 'A'isha and Abu Hurayra. They are authentic [traditions] according to the conditions stipulated by the two Shaykhs.

¹²⁸ Al-Bukhari has reported it.

¹²⁹ Muslim has reported it

¹³⁰ They have agreed on the incumbency of wiping. Their reports are in the *Wasa'il al-Shi'a ila Ahkam al-Shari'a* and in all their *fiqh* and *hadith* compositions

¹³¹ As on page 103 of volume 5 in *Kanz al-'Ummal* tradition # 2213.

¹³² As on page 103 volume 5 in *al-Kanz* and this is tradition # 2211.

¹³³ Al-Imam al-Sharif Bahr al-'Ulum took from this in [composing] his *fiqh* poem (*Durra al-Najaf*) where he states:

The *wudu* is two washings for us and two wipings and the book is with us
The washing is on the face and two hands the wiping is on the head and the feet

¹³⁴ Ibn Maja has reported it in the washing of the feet in his *Sunan*. More than one of the authors of *al-Masanid* has also reported it.

¹³⁵ Ibn Hajar al-'Asqalani described them as all reliable when he mentioned this tradition in the profile of Tamim b. Zayd in the first section of the *Isaba* reporting from those companions of the *Masanid* whom we have mentioned.

¹³⁶ Therefore you see the barefoot Shi'as and workers like the harvesters and those like them who do not care about the ritual purification of their feet when the acts of worship which require purity are not being performed, when they wish to perform the ablution, they wash their legs then they perform the ablution and then they wipe on it cleaning the filth.

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- ¹³⁷ Interpreting the Qur'an according to his *madhab* as opposed to deriving his *madhab* from the Qur'an.
- ¹³⁸ As al-Dhahabi has reported when he mentioned Abu Hayya in the patronymics of his *Mizan*. He states: "Abu Ishaq was the only one [reporting] the ablution of 'Ali; he wiped his head and washed his legs to the anklebones three times."
- ¹³⁹ As is mentioned regarding his status. His name was 'Umar b. 'Abd Allah al-Sabi'i - from the biographical lexica like *Mizan al-I'tidal* and others.
- ¹⁴⁰ As al-Dhahabi has documented when he mentioned Abu Hayya; this tradition of his is in the *Mizan al-I'tidal*.
- ¹⁴¹ Even Imam Ahmad said when he mentioned Zuhayr b. Mu'awiya: "He is firm in what he reports from the teachers." (He said) concerning his *hadith* from Abu Ishaq: "He is vulnerable." And Abu Zar'a said: "Zuhayr b. Mu'awiya is reliable except that he heard from Abu Ishaq after [his becoming] confused." And al-Dhahabi said (after narrating from Ahmad and Abu Zar'a what you have read): "The traditions which he transmits from Abu Ishaq are weak due to Abu Ishaq not due to the reporter himself."
- ¹⁴² And it is said they are the dome of the feet, the first [view] is more cautious and stronger.
- ¹⁴³ In a tradition reported by Shaykh al-Tusi by a correct chain of transmission ending in the two of them. They had asked the Imam: "Where are the anklebones?" He said: "Right here, i.e. at the joint, not the leg."
- ¹⁴⁴ Al-Saduq reported from al-Baqir and he described the ablution of the Prophet of God. He said: "And he wiped the beginning of his head and the outer part of his feet, not the bones of the legs."
- ¹⁴⁵ See the dictionaries of the languages which declare that.
- ¹⁴⁶ Muhammad b. al-Hasan al-Shaybani and al-Asma'i have stated that the anklebone in the verse on the *wudu* is this bone under the leg. Al-Asma'i used to say: "The two bones growing on the side of the foot are called the two origins." Al-Razi thought that this is the view of the Imamis so he rebutted them stating that the circular bone located under the foot is a hidden thing only the anatomists would know where it is as opposed to those growing on the sides of every leg for they can be sensed." (He said) "What the general *mukallafun* (those abiding by the *shari'a*) are to do should be an apparent not hidden thing." The answer is that when al-Razi saw the Imamis wipe to the joint of the leg he thought they were of the same opinion as al-Shaybani and al-Asma'i. He did not know that for them, the anklebone is the joint itself which can be felt and known by everyone.
- ¹⁴⁷ This has been documented by the *usuli* philosopher and jurist al-Imam Ibn Rushd on page 14 of volume 1 in his book *Bidaya al-Mujtahid wa'l Nihaya al-Muqtasad*.
- ¹⁴⁸ This is the opinion of al-Shafi'i.
- ¹⁴⁹ This is the opinion of Ibn Nafi'i.
- ¹⁵⁰ This is the view of Abu Hanifa, Dawud, Sufyan and a group of others.
- ¹⁵¹ This is the view of Ashhab.
- ¹⁵² Sufyan al-Thawri, Abu Yusuf and Muhammad b. al-Hasan al-Shaybani have allowed it, whereas Abu Hanifa, al-Shafi'i and others have prohibited it.
- ¹⁵³ This is reported from Sufyan.
- ¹⁵⁴ This is one of the two opinions of al-Shafi'i on the issue.

¹⁵⁵ This is reported from Malik and his companions. Abu Hanifa imposed a limit on the size of the tear whereby he said it should be less than [the size of] three fingers.

¹⁵⁶ This is reported from Malik.

¹⁵⁷ This is the view of Abu Hanifa and al-Shafi'i

¹⁵⁸ This is mentioned by Ibn Lubana in *al-Muntakhab* and it has been reported from Ibn al-Qasim from Malik.

¹⁵⁹ Among those who have stated it is sufficient is Abu Hanifa; among those who have said it is not is al-Shafi'i.

¹⁶⁰ Among those who have stated this is Dawud and Ibn Abi Layla.

¹⁶¹ This is the view of al-Hasan b. Hayy.

¹⁶² Among those who have stated this is al-Shafi'i. Every one of these three views is expressed by a group of successors who were jurists.

¹⁶³ This consensus has been narrated by Fakhr al-Din al-Razi on page 371, volume 3 in *Tafsir al-Kabir*.

¹⁶⁴ You will find this tradition in the last part of page 371, volume 3 in *Tafsir al-Razi*.

¹⁶⁵ As Ibn Rushd has acknowledged in the first part of page 15, volume 1 in his *Bidaya* where he mentioned their differences in specifying the place to be wiped. He said: "The reason for their differences is due to the contradictory traditions on that." He acknowledged it also on page 16 where he cited their differences on the timing of the wiping and he states: "The reason for their differences is due to the different traditions on that. That is because three traditions have been reported on this." Then he quoted them *ad verbatim*. The first one clearly indicates the time fixed [for wiping] is three days and nights for a traveler and one day and night for one residing at home. The second [tradition] shows the permissibility to wipe on the slippers whenever the *mukallaf* wipes without [any restriction] on timing whether at home or on a journey. The third tradition is opposed to the first two. One who wishes to know the scope of the differences of the four Imams on this issue should consult the book entitled: "*Jurisprudence according to the four schools of thought*" which the Egyptian ministry of endowments has published at the request of King Fu'ad I.

¹⁶⁶ Their consensus on this has been reported by more than one of the notable Imamis, one of them being al-Imam al-Sayyid 'Ali al-Tabataba'i in his book *Burhan al-Qati'*. The notable Imamis also believe in God; they seek closeness to Him by acting according to the dictates of the school of the *ahl al-bayt* in the derivatives and the foundations since their (the Imams) times to this day, they are the most learned of people in their jurisprudence and traditions and their esoteric and exoteric meanings.

¹⁶⁷ Their reports are completely contrary to the reports of the majority on this issue. Imam al-Tabataba'i said in his *Burhan al-Qati'i* when he mentioned the traditions: "It is not impossible that they were successively transmitted (*tawatur*)."

¹⁶⁸ But Imam Abu Hanifa believes that the *wudu* is among the *wajibat al-tawassuli* (acts which are not obligatory in themselves but are necessary so that an obligatory act can be performed.). Like washing unclean clothes, its validity does not depend on the intention. This is the opinion on wiping on the slippers especially as you can see.

¹⁶⁹ Al-Hakim has reported it in the first part of his *Tafsir* in chapter 5, page 314 in volume 2 of *al-Mustadrak*. Then he reported a [tradition] like it from 'Abd Allah b. 'Amr b. al-'As. He said after mentioning both traditions: "This tradition is correct according to the conditions stipulated by the two Shaykhs but they did not

cite it.” Al-Dhahabi has mentioned it in his *Talkhis* indicating its authenticity according to the conditions stipulated by the two Shaykhs.

¹⁷⁰ Al-Nawawi says in his comments on this issue: “Its meaning is that Almighty God says in the chapter of *Ma'ida*: ‘Wash your faces and hands to the elbows and wipe your heads and feet to the anklebones.’ If Jarir’s conversion was before the revelation of the *Ma'ida* then it is possible his *hadith* on wiping on the slippers was abrogated by the verse of *al-Ma'ida*. Since his conversion was later we know that his tradition is to be acted upon.” I say: From where do we know of his conversion being later? Rather, we have shown that the [revelation of] *al-Ma'ida* was later.

¹⁷¹ It is sufficient for you to note what al-Bukhari has reported on the revelation of some of its verses to the Prophet of God on the day of ‘*Arafa* when he was on his female camel in the final pilgrimage.

¹⁷² You will find this view of hers in the first part of page 371, volume 3 in *Tafsir al-Razi* and there you will [also] find the words of Ibn ‘Abbas.

¹⁷³ ‘Ata’ said, as reported on page 372, volume 3 in the *Tafsir* of al-Razi: “Ibn ‘Umar used to oppose the people on the wiping on the slippers but he did not die except having agreed with them.” I say: His rebuking Sa‘d when he saw him wiping on his slippers is established in the *Sahih* of al-Bukhari.

¹⁷⁴ You will find two reports from him on page 372, volume 3 in the *Tafsir al-Razi* and in places where one expects to find them in the jurisprudential works.

¹⁷⁵ Among those who have said this is al-Karkhi. Al-Qastalani has narrated it from him on page 4 volume 2 in *Irshad al-Sari*.

¹⁷⁶ This difference has been reported by Ibn Rushd in his *Bidaya* from Ahmad, Abu Thawr and al-Qasim. Al-Razi has reported it in his *Tafsir* from al-Awza‘i, al-Thawri and Ahmad.

¹⁷⁷ Ibn Rushd has reported it from him on page 10 in volume 1 in his *Bidaya*.

¹⁷⁸ This story has been reported by Ibn Sa‘d in his profile of al-Mughira on page 25 in volume 4 of *Kitab al-Tabaqat* tracing the chain of narrators to al-Mughira himself. He said: “We were an Arab community who were committed to our religion and we were the custodians of al-Lat. Had our community accepted Islam, I would not have followed them but a group of the Banu Malik gathered a delegation and went to Ceaser and I agreed to leave with them.” You have read the gist of the tradition.

¹⁷⁹ You will find its details in the profile of Yazid b. Ziyad al-Humayri in the *Wafayat al-A‘yan* of Ibn Khallikan. The authors of the biographical works have indicated it when they profiled al-Mughira. The testimony against him are provided by: Abu Bakra and Shibl b. Ma‘bad, the two companions and Nafi’ b. al-Harith b. Kalda and Ziyad, the son of his father. It (the event) is not omitted in books which discuss the events of 17 A.H.

¹⁸⁰ The Prophet of God used to wipe on the front part of his head. They specified wiping on that part so that the minimum which is required is fulfilled.

¹⁸¹ Refer to his book *Bidaya al-Mujtahid* page 11, volume, 1, you will see that he narrates it from Abu Hanifa and his companions

¹⁸² They have made the sequence a requirement on the same parts and have made it obligatory to wash the top [parts] before the bottom, following their leaders and according to their reports, peace be upon them.

¹⁸³ Translator’s note: For example, after taking a bath, a person will be physically clean. Despite this, he will have to perform the ablution before praying.

¹⁸⁴ The *nabidh* is the water which is discarded from things such as dates, grapes so that the sweetness flows into the water. They are of two types, intoxicating and non-intoxicating. The point of dispute here is that which is not-intoxicant. As for the intoxicant, there is no dispute in not permitting the ablution with it, whether it is *nabidh* or not.

¹⁸⁵ This view has been successively transmitted from Abu Hanifa. Ibn Rushd in his *Bidaya al-Mujtahid* and Imam al-Razi have reported it concerning the verse of *al-tayammum* on page 375, volume 3 in his *Tafsir al-Kabir*. Al-Sanadi has mentioned it in the chapter of *wudu* by *nabidh* in his comments on the *Sunan* of Ibn Maja reporting from Abu Hanifa and al-Thawri.

¹⁸⁶ In his *Sahih*, al-Bukhari has narrated it in the first part of the chapter of the impermissibility of performing *wudu* by *nabidh* or [by any] other intoxicant. He reported from al-Hasan al-Basri, Abu 'Aliya and 'Ata' what we have previously reported from them.

¹⁸⁷ As al-Qastalani has documented on page 43 in volume 2 in *Irshad al-Sari*.

¹⁸⁸ As al-Imam al-Razi has narrated from him on page 375 in volume 3 in his *Tafsir*. He states: "Al-Awza'i and al-Asam permitted the ablution and the *ghusl* by all pure liquids."

¹⁸⁹ 'Abd Allah b. 'Amr b. al-'As did not allow the *wudu* by sea water as is well known from him. Al-Razi has narrated that from him in the verse of the *wudu* in *sura al-Ma'ida*..

¹⁹⁰ A *satiha* is a pot of water made of two leathers one of which is attached to the other, it can be big or small.

¹⁹¹ As al-Qastalani and al-Shaykh Zakariyya al-Ansari have narrated in their commentaries on al-Bukhari. See the chapter on the *wudu* is not allowed by *nabidh* nor by any intoxicant on page 43 and after it in volume 2 in both the commentaries printed together.

¹⁹² Before this, the *wudu* was a recommended practice; the *tayammum* was not legislated until the verse on it was revealed after the emigration.

¹⁹³ Among those who have reported it from them is al-Imam al-Qastalani in the chapter on the impermissibility of the *wudu* by *nabidh* or intoxicant on page 44, volume 2 in *Irshad al-Sari*. He said: "As for the pure milk, it is not allowed to perform the *wudu* with it as agreed by a consensus and, if it is mixed with water, then it is allowed by the Hanafis."