

BASIC ISLAMIC PRINCIPLES

(İlmi Hâl)

ACCORDING TO THE FOUR SUNNI SCHOOLS

Prof. Dr. Hamdi Döndüren



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BASIC ISLAMIC PRINCIPLES

(‘ILMI HĀL)

CREED – ACTS OF WORSHIP – DAILY LIFE

According to the Four Sunni Schools
With Evidence from the Sources of Islamic Law

Prof. Dr. Hamdi Döndüren



FOREWORD

Our age is experiencing two facts simultaneously: On the one hand, all manners of information are affecting our societies via a structure of mass means. On the other hand, all Muslim countries with their conventional public and intellectuals are feeling a deep “deprivation of Islamic knowledge”. This means that if one is not able to nourish the people with Islam, someone else will come and fill their minds with their own products, be that packaged as knowledge, culture, behavioral models, or as a whole life. Today, Muslim societies are in such a vulnerable place due to television, the internet, social media, news media, books, educational institutions, and systems that impose a non-Islamic life. Such a structure produces a mind that is far-flung from the characteristics of Islam and which is continually moving even further and further away.

Colossal tools of communication are shaping every segment of society via information and behavioral models. It is as if Muslim societies are under attack. Just like when water drops continuously from above onto someone’s head, after a while the drops do feel like having the effect of a sledgehammer. Such a cultural and information assault is difficult to resist.

There is only one remedy against this: mobilization of information whereby Muslims turn to Islam’s own worlds as soon as possible for the solution. This would be a world of mobilization that will protect the society from the torrent of non-Islamic information and equip it with Islamic knowledge. To a world that has already accepted the edifice of the Islamic people as a basis.

The goal should be the construction of this type of world. However, the way to turn to this world also goes through being informed about this world. In order to live a proper Muslim life, it is necessary to know, at least, the fundamental provisions of Islam regarding faith, worship, and daily life. For there is no life without knowledge, and there is no Islam without life. Prof. Hayreddin Karaman says: “There is a common field where all Muslims’ situations in terms of religious knowledge and practice intersect and unite.” He further goes on to say that this common field is called “*‘ilmi hāl* (catechism or knowledge of the fundamental principles of Islam)”. So, *‘ilmi hāl* is a way of acquiring knowledge and being introduced to the way of life in Islam. The sensitivity towards an Islamic life can be reached by living within the framework of *‘ilmi hāl*.

However, what is required is not just any *‘ilmi hāl*, but a specific one. Again, in the words of Prof. Karaman, “the *‘ilmi hāl* that we need, in terms of method and content”, should have the features to meet the conditions of the modern age, “address the groups of various age and intellectual levels, and on the one hand provide information, and on the other hand, defend and prepare the person against possible assaults...”

Our publishing house plan was to continue to serve the way of life in Islam and knowledge by publishing a *'ilmi hāl*. We also desired it to be a special *'ilmi hāl*. With this intention, we asked Prof. Hamdi Döndüren from Uludag University Faculty of Theology, Department of Islamic Law to write a book on *'ilmi hāl*. We explained to him the framework that we thought was required for such a project. Prof. Döndüren also had his own plans that he shared with us. Mutual thoughts merged and we set out to make this project come to life. Prof. Döndüren demonstrated a great effort in writing this book. This work in your hand has emerged due to his already robust background in this field and the hard work that was supplemented by his scholarly accumulation.

No piece of work produced by the servants of God is ever perfect. There are undoubtedly flaws in this work as well. However, we feel confident enough to state that this work is the product of a sincere effort. Both in its scholarly work phase and in its technical design phase.

As the publishing house, our aim was to show the meticulous worthiness of Prof. Döndüren's valuable scholarly work. Insha'Allah, a work that is at least close to what is in our hearts and minds has emerged. Our wish is that the efforts spent for the production of this work reflect the beauties of Islam in the lives of the believers.

Erkam Publishing House will feel content if it can make a small contribution to the Islamization of our standards, and acquire its share from the invocations made in a believer's act of worship. May Allah's help, grace, and favor be with you and all the believers, Amīn.

Erkam Publishing House

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NOTES ON TRANSLITERATION

The following rules of transliteration are used:

Arabic Letter	Roman Letter	Arabic Letter	Roman Letter
ا	a	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	J	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	هـ	h
ش	sh	ي	y
ص	ṣ	ة	h
ض	ḍ	ء	’

ـَ	(<i>fatḥah</i>)	a	ا	(alif)	ā
ـِ	(<i>kasrah</i>)	i	ي	(yā’)	ī
ـُ	(<i>ḍammah</i>)	u	و	(wāw)	ū

PREFACE

Every Muslim must have sufficient knowledge to fulfill his religious duties and to distinguish between what is *ḥalāl* and what is *ḥarām*; what is right and what is wrong. The first command of Almighty Allah in the Qur'an was "read". "*Read in the name of your Lord who created.*"¹ This verse points out the importance of reading and learning. The Prophet (pbuh) also said: "Seeking knowledge is obligatory upon every Muslim man and woman."²

The aim of this work is to bring every Muslim face to face with the revelation and the Sunnah, especially regarding acts of worship and some important issues encountered in their daily life. The principles of Islam are based on two pillars. The Qur'an and the Sunnah of the Messenger of Allah. It is the job of qualified jurists (*mujtahid*) to deduct judgments from these two sources. However, it is the duty of every believer to learn the deducted rulings along with their sources in the revelation and the Sunnah and try to act accordingly. According to Muḥammad al-Shawkānī (d.1250/1832), those of the Companions (*ṣaḥāba*), Successors (*tabi'ūn*), and Successors of the Successors (*tābi'ū al-tābi'īn*) who could not reach the level of independent reasoning (*ijtihād*) did not imitate a particular *mujtahid*. They rather followed them after asking and learning from them the textual proofs of the rulings of their problems. This situation forced the scholars to learn the proofs and created an environment where they could discuss the merit of the strong and the weak proofs. The fact that the textual proofs are generally mentioned in the works of the early periods also demonstrates this fact.

The Prophet (pbuh) said in his farewell sermon: "*Let those who are here convey what I have said to those who are not; It is hoped that those to whom it is conveyed will understand it better than those who conveyed it.*"³

In this work, the proofs on which the rulings are based are presented in a general form, and their sources are disclosed in the footnotes. Although the Ḥanafī School was taken as the basis in the preparation of this work, contrasts offered by other jurisprudential schools are also presented.⁴ This is because the world today has truly shrunk and Muslims

1. Al-Alaḳ, 96: 1.

2. Ibn Maja, *Muqaddimah*, 17.

3. See al-Bukhari, 'Ilm, 30, 37, Zakat, 31, Ḥajj, 132, Hiba, 17; Muslim, Imān, 378, Imara, 26, 28, Fitan, 13; Ḥajj, 447.

4. This book is essentially the English translation of Prof. Hamdi Döndüren's book entitled '*Delilleriyle İslam İlmihali*'. Since majority of the Muslims in Türkiye are followers of the Hanafi school, the subjects are primarily examined from the Hanafi perspective even though the views of other schools have also been mentioned, especially where there is a significant disagreement. As the translator and editor of the English edition of this book, we have made some additions related to the views of the three schools when we deemed it necessary in order to understand the issue properly. (translator's note)

following the various schools of Islamic law frequently encounter each other through various events such as the major and minor pilgrimages, business trips, or simply due to tourism. The reasons for the emergence of differences within these schools, which are regarded as minor issues of acts of worship, are briefly mentioned within this book. The objective is that believers following different schools of law may act more tolerantly towards each other in matters that are not related to the essence of Islam.

In general, every deed that is pleasing to Almighty Allah and is based on faith and sincerity is an act of worship. The purpose of learning beneficial knowledge is so that one can act accordingly. Otherwise, one may become susceptible to the following caution of Allah Almighty: *"O you who believe! Why do you keep saying things that you do not do yourselves?"*⁵ The Prophet (pbuh) used to pray: *"O Allah, benefit me with that which You have taught me, and teach me that which will benefit me, and increase me in knowledge"*⁶ *"O Allah, I seek refuge in You ... from the knowledge that does not benefit."*⁷

This work consists of eight chapters.

In the first chapter, the basic subjects of Islam are elaborated on with the concept of religion, the creation of the human being, his origin, his position in the universe, and his responsibility.

In the second chapter; The basic issues of the creed are examined, and the matters of faith are explained as much is necessary for every believer.

In the third chapter; The subject of purification is spoken about and explained, specifically dealing with cleaning and ablution of the internal and exterior parts of the human being as well as keeping the surrounding environment clean.

In the fourth chapter; ritual prayer, its types, its various rulings, and supplications are assessed.

In the fifth chapter; fasting, its types, its rulings, and the wisdom behind it are explained.

In the sixth chapter; *zakāt* and *fitra* are explained in detail so that the reader can understand the rulings of *zakāt* that are applied to obscure and apparent wealth such as money, gold, and silver reserves, trade goods, animals, and agricultural products. Moreover, the text illustrates how this charity has a positive effect on social life.

In the seventh chapter; the topics of Hajj, Umrah, and Sacrifice are covered. In this chapter, the practical information concerning the acts of worship that need to be performed during the pilgrimage is conveyed as well as why such acts are necessary for the pilgrim.

5. Al-Saff, 61: 2.

6. Al-Tirmidhi, Da'awat, 128.

7. Al-Tirmidhi, Da'awat, 68.

In the eighth chapter, various issues related to daily life are discussed such as contemporary problems related to family life, commercial life, and economic life. Finally, in this chapter, solutions related to these discussions are sought.

Yet, it should not be presumed that all the provisions of Islam are included in this work. Since Islam regulates the relations related to both individual and social life from birth to death, such comprehensive provisions must be looked for in the extensive reference works.

If there is an obscure or missing aspect in this work, we humbly request our readers to inform the publishing house or the author about it. We pray that this humble and modest work will be compatible with the consent of our Almighty Lord.

The effort is from us, and the success is from Almighty Allah.

Prof. Dr. Hamdi DÖNDÜREN

30 July 1991 – Bursa

PREFACE FOR THE NEW EDITION

We have received many inquiries and questions about new issues from the readers regarding various subjects of this book whose first edition was published 12 years ago. Since then, this work has had to be reviewed and updated due to the fact that the subjects of this book have been constantly changing due to developing scientific studies and the fact that the interest of society has been focused on certain areas at certain times. Moreover, the topics discussed in this book have been continually re-examined based on the main sources, and their links with the Qur'an and Sunnah so that they could be further reinforced and strengthened.

For this reason, we have found it appropriate to revise and develop our book "Basic Islamic Principles (*Ilmi Hāl*)". Among other things, "*salafism*" which was not included in the previous edition, "*creedal sects considered bid'ah*", "*Sufism and its place in Islam*", "*some miracles given to previous prophets*", and many other new topics and improvements have been added to the book. Moreover, such topics as "*miracles proving the prophethood of Muhammad (pbuh)*", "*visiting graves*", "*sacred days and nights*", and a new arrangement for *zakāt* and pilgrimage according to daily needs have been included in this edition of the book.

The views that were accepted unanimously or by the majority and included in the final declaration in the "Contemporary Religious Issues" consultation meeting held by the Presidency of Religious Affairs on **15-18 May 2002** at the Istanbul Tarabya Hotel were also taken into account in this work.

Furthermore, in the last chapter, taking into account the needs of society, new questions regarding various topics such as *ḥalāl-ḥarām*, family, and commercial issues related to daily life have been added and updated to a large extent.

The verses and *aḥādīth* mentioned in the book have been reviewed and verified in the context of their sources. In addition, the book has been enriched with new additions, and wherever it was needed the book has been rewritten. The strong and weak pieces of evidence related to Islamic law have been clearly distinguished, and information on this subject is offered in either the main text or in the footnotes. While the preparation of the work was mainly based on the Hanafi school, the views of other schools of Islamic law have also been included. The aim of the book is to provide, by comparing the pieces of evidence, a lush horizon for the reader and the believers who will act in accordance with the knowledge presented.

Since Islam is the last message of Almighty Allah to humanity, it has a universal character and despite the obvious hardships of life itself, Islam has brought conveniences according to the abilities of the human being. In the Qur'an, it is stated, "**Allah has not**

laid upon you in religion any hardship.⁸ ***“..Allah desires for you ease; He desires not hardship for you.”***⁹ The Prophet said to two of his Companions whom he appointed to governorship, “...make it easy, do not make it difficult, give people good news, do not make them hate.”¹⁰ Considering this general principle of Islam, we tried to provide the concessions and conveniences related to the subjects, if any, as well as their original rulings. In other words, we aimed to combine *taqwā* and *fatwā*.

We believe that this work will be beneficial to university faculty members and the student community, as well as to our colleagues who work in the practical sphere of the society such as *mufītīs*, preachers, religious officers, instructors at Qur’anic schools, and teachers of religious knowledge. Moreover, this book will be advantageous for researchers and laypeople who want to learn basic information about Islam, issues related to worship, and important contemporary issues related to Islam.

I would like to thank M. Salih Kumas and our dear friends from Erkam Publishing House who encouraged us in this work.

The effort and work are from us, and success is from Almighty Allah. We tried to present some of the provisions of Islam in a pattern that we feel is the closest to His consent. We kindly ask for your counsel concerning any shortcomings or faults, and we ask forgiveness from Allah Almighty. Allah knows best.

Prof. Dr. Hamdi DÜNDÜREN

September 1, 2003- Bursa

8. Al-Hajj, 22: 78.

9. Al-Baqara, 2: 185.

10. Al-Bukhari, Adab, 80, Maghāzī, 60; Muslim, Jihad, 4, 5, Ashriba, 71; Abu Dawud, Adab, 17.

CHAPTER ONE

FUNDAMENTAL INFORMATION

- The Birth of Religion
- Characteristics of the Religion of Islam
- The Sources of the Religion of Islam
- The Creedal Sects
- The Schools of Islamic Law
- Sufism and Its Place in Islam
- Acts of the Competent Believer
- *Azimah and Rukhsah*

I. THE BIRTH OF RELIGION

A – DEFINITION AND SCOPE OF RELIGION

Dīn, which is an Arabic word, refers to various meanings such as “custom and tradition, punishment and reciprocity, reward, obedience, reckoning, submission, dominance and superiority, sultanate and property, decree and edict, nation, *sharī‘ah*”. The origin of the word “religion”, which is used as the equivalent of the word *dīn* in western languages today, is Latin, and it has the meaning of “the bond that binds man to God”, as well as the meaning of “taking something like a task, doing it again and again and reading”. It can be said that the common point of the terms chosen by every religious culture to express the concept of religion is that it refers to “a path, belief, custom, and servitude”.

If the word “*dayn*”, which comes from the same root as the word “*dīn*” and means “debt”, and its derivatives are left aside, the word *dīn* and its derivatives are mentioned in ninety-five places in the Qur’an. The main connotations of the word *dīn* as used in the Qur’an are as follows: Absolute obedience, submission, worship, the day of judgment and punishment, God’s religion, Islam, *tawhīd*, law, decree, and *sharī‘ah*.¹¹

In the verses revealed in Mecca, the word *dīn* is mostly used in the meanings of gathering people around the belief of the Unity of Allah, such as the judgment day, the straight religion, and the religion of Abraham.¹² In the verses that were revealed in the Medinan period, it transformed into a word leading the believers to become an Islamic society,¹³ and with the expression “true religion”, heralded that it was going to be superior to altered and false religions.¹⁴ This superiority is clearly emphasized in the following verses: “*Behold, the only [true] religion in the sight of Allah is Islam (man’s self-surrender unto Him)*”¹⁵ and “*If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost (All spiritual good).*”¹⁶

Even though the word *dīn* is used in the Qur’an to express the beliefs of not only Muslims but also others, it is stated that Islam and *dīn* are two synonymous words in a particular sense and that this religion is brought by all prophets is Islam.¹⁷

11. See Muḥammad Fuad ‘Abd al-Baqī, *Mu‘jam al-Mufaḥras li Alfāz al-Qur‘an al-Karīm*, “*Dyn*”; Beşir Eryaysoy, “Din”, *Şamil İslâm Ansiklopedisi*.

12. Al-Fatiḥa, 1: 14; al-Dhariyat, 51: 6; al-An‘ām, 6: 161.

13. See al-Ḥajj, 22: 78.

14. Al-Tawba, 9: 29, 33; al-Fath, 48: 28; al-Saff, 61: 9.

15. Āl ‘Imrān, 3: 19; al-Baqara, 2: 193.

16. Āl ‘Imrān, 3: 85.

17. See Āl ‘Imrān, 3: 85, 99; al-Nisā, 4: 125; al-Mā‘ida, 5: 3; al-Shūrā, 42: 13.

It is observed that the words derived from the root of “*dīn*” are mainly used in hadiths with the following meanings: 1. To bow down, obey, and worship; “*The wise person is the one who subdues his nafs and makes him worship (Allah).*”¹⁸ In this hadith, the verb “*dāna*” means “one who subdues, one who holds into account”. 2. To believe and worship; “*The Quraysh and those who believed and worshiped like them (dāna, dīnahum) would stay for ritual standing at Muzdalifah.*”¹⁹ 3. To perceive the reward for both good or evil acts; “*How you act, so you will receive in return.*”²⁰ 4. To force and to compel. Allah’s name “*Dayyān*” means the sovereign and the dominating.²¹

There are also words used synonymously with the word *dīn* in the Qur’an and sunnah. Such are the words *millah* and *sharī‘ah*. The word *millah* was also used in the meaning of *sharī‘ah*, as the prophets dictated the religion they brought to their ‘*ummah* and always followed the same path. As in the statement “disbelief is one nation,” it is also used about “false beliefs”. Rāghib al-Isfahānī said the following on this subject: “The term *millah* is similar to *dīn* in meaning, the difference between them is this: ‘The word *millah* is generally used together with the names of the prophets as in the following verse: “*And I follow the ways (millah) of my fathers, Abraham, Isaac, and Jacob.*”²² For example, one does not say “the *millah* of Allah, the *millah* of Zayd.” *Millah* is the name of the *sharī‘ah* that Allah sent through His prophets.”²³

Based on this general information, it is possible to define the true religion as follows: *Dīn* refers to the commands and decrees that Allah revealed through His Prophets in order to guide people to goodness and to prevent them from evil. It has also been defined as the following: *Dīn* is a divine law that leads rational people by their own choices to things that are beneficial personally. In this sense, *dīn* consists of both belief and practice. Just as it regulates the relations between the human being and his Supreme Lord, it also regulates the relations among people, as well as between a human being and things. By using his mind, every human being can comprehend that there is a Creator of this universe. The human being has been given this ability. His nature is pure and he has the power to find his Creator. As a matter of fact, when Abraham was a child, he observed the moon, the sun, and the stars and thought that they might be his Lord, but when he saw that they disappeared, he realized the truth by sensing that the Almighty Allah was behind them.²⁴

When the human mind contemplates about natural events, it accepts that they cannot come into existence haphazardly and that the delicate balance between the forces of nature cannot be established by themselves. Thus, the mind can grasp the hidden creative power existing behind the universe. It doesn’t require any prior knowledge either. Anyone who

18. Al-Tirmidhi, *Qiyama*, 25; Ibn Maja, *Zuhd*, 31.

19. Al-Bukhari, *Tafsir*, chapter 3, bab, 35; Muslim, *Ḥajj*, 151.

20. Al-Bukhari, *Tafsir*, chapter, 1, bab, 1.

21. Ibn al-Athīr, *al-Nihaya fī Ḥarīb al-Ḥadīth*, Beirut 1399/1979, II, 148, 149.

22. Yusuf, 12: 38.

23. Al-Isfahani, *Mufaḍḍāt*, Cairo 1381/1961, p. 471, 472; Abu al-Baqa, *Kulliyāt*, Amira, 1287, p. 327, 328.

24. See al-An‘ām, 6: 75-78

knows the concept of magnitude logically knows that the number two is greater than one, even if he has never talked about it before. Because this is in his nature, and his nature affirms and accepts it. It is in human nature to be aware of and know Allah.

The Qur'an refers to this logic as follows: ***"If you ask them, who it is that created the heavens and the earth. They will certainly say, 'Allah'."***²⁵ In another verse, it is stated that; ***"And so, set your face steadfastly towards the [one ever-true] faith, turning away from all that is false, in accordance with the natural disposition which Allah has instilled into the human being."***²⁶ One can see the same power of persuasion in the following verse that answers the question of 'Ās ibn Wa'il, one of the polytheists of Quraysh, who asked the Messenger of Allah, "Who could give life to bones that have crumbled to dust?" ***"Say: 'He who brought them into being in the first instance will give them life [once again], seeing that He has full knowledge of every act of creation.'"***²⁷ The difficult act is the first creation. Whoever creates something for the first time has the power to create it for a second time. Why shouldn't the power that brought the human into being, resurrect him on the Day of Judgment?

The purity existing in human beings' nature deteriorates as a result of the influence of a certain environment and Satan's indoctrination of evil. While the human heart is like a clean mirror open to divine images at the beginning, it transforms into a dirty and rusty one, where worldly greed, unrestrained lust, and sins prevail. The following is stated in one of the sayings of the Prophet (pbuh): *"Every child is born with a true faith (i.e. to worship none but Allah Alone) but his parents convert him to Judaism or to Christianity or to Magainism."*²⁸

On the other hand, it is not enough for a person through his mind to contemplate and approve of the existence of his Lord. He must know Him in His truth and qualities. This requires self-knowledge. That is why it is said, "He who knows his soul and his own truth knows his Lord". Allah Almighty says on this subject: ***"In time We shall make them fully understand Our messages [through what they perceive] in the utmost horizons [of the universe] and within themselves so that it will become clear unto them that this [revelation] is indeed the truth. [Still,] is it not enough [for them to know] that your Lord is witness unto everything?"***²⁹

The things that a person, who is devoid of religious feelings, knows about himself are limited to the knowledge about the things that he can see and that he has learned from the senses concerning even his internal organs. What he knows about his spiritual life is nothing more than the fact that he eats when he is hungry, attacks when he is angry, and approaches his spouse when his sexual desire increases. Such emotions also exist

25. Luqman, 31: 25

26. Al-Rūm, 30: 30

27. Ya Sin, 36: 78, 79

28. Al-Bukhari, Janaiz, 30, 80.

29. Fussilat, 41: 53

in other animals. That is why the human being has to search for his own truth. “What is the human being? Where did he come from? Where will he go? Why did he come to this world? Why was he created? What is the way to reach happiness in this world and beyond?” The human being, who is looking for answers to all these questions, can no longer find the answer to these within his own logic. “Religion” gives an answer to these. The owner and source of true religion is Allah Almighty Himself. However, since the human being does not have the ability to directly contact and speak with Allah, he cannot know what Allah has commanded and prohibited. Allah Almighty sent His prophets to act as ambassadors between people and Himself. The divine commands and decrees sent to people through the prophets are called “*dīn*”.

B – THE ORIGIN OF THE HUMAN BEING

The first humans on earth were Adam and Eve. Allah Almighty created Adam from the soil, and after completing his creation, He blew into him from His spirit. When Adam - upon him peace - came to life, all the angels made a prostration of respect to him by the order of Allah. However, Iblis, thinking that he was superior to Adam in terms of creation and talent, became proud and did not prostrate, so he was expelled from the divine mercy.³⁰

After Allah created Adam, He created Eve from Adam’s cartilage or, according to another narration, from his rib. In the Qur’an, it is stated, ***“It is He who has created you [all] out of one living entity, and out of it brought into being its mate, so that man might incline [with love] towards woman.”***³¹ The Prophet (pbuh) said: *“Treat women nicely, for woman is created from a rib, and the most curved portion of the rib is its upper part, so, if you should try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So, treat women nicely.”*³²

The supreme Creator forbade these first two people who were placed in heaven to eat the fruit of a tree. The envious devil found a way and approached them in a whisper and said: ***“Your Lord only forbade you this tree, lest you should become angels or such beings as live forever.”***³³ Thinking that Satan wanted to do them good, they ate from the forbidden tree and drew the wrath of Allah Almighty on them. Allah Almighty taught them the words of invocation. Two people made their first invocation to Almighty Allah as follows:

رَبَّنَا ظَلَمْنَا أَنْفُسَنَا وَإِنْ لَمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ.

30. See Sad, 38: 71-76; al-A’raf, 7: 12; al-Hijr, 15: 29; al-Sajdah, 32: 8-9

31. Al-A’raf, 7: 189; see al-Nisā, 4: 1

32. Al-Bukhari, Anbiya, 1

33. Al-A’raf, 7: 20.

“Our Lord! We have wronged our own souls: If You forgive us not and bestow not upon us Your Mercy, we shall certainly be lost.”³⁴

The prayer of Adam and Eve was accepted, but instead of the life in Paradise, they were sent down to the world to enter Paradise only after passing an ordeal in the world and a strict accounting in the Hereafter.³⁵ Thus, the human life that multiplied on earth with Adam and Eve and their descendants began. From that time onward, instead of creating man from the soil as in the first creation, reproduction continued with birth. In other living beings and plants, reproduction has been continued through division, grafting, and pollination besides birth.

In the Qur'an, the formation of a child in the mother's womb is explained as follows: ***“Man We did create from a quintessence (of clay); Then We placed him as (a drop of) sperm in a place of rest, firmly fixed; Then We made the sperm into a clot of congealed blood; then of that clot, We made a (fetus) lump; then we made out of that lump bones and clothed the bones with flesh; then we developed out of it another creature. So blessed be Allah, the best to create!”***³⁶

C – FIRST MAN

All divine religions and historical documents state that human beings are descended from Adam and Eve. The first human being is also Allah's vicegerent, prophet, and servant on earth.³⁷

Some of the representatives of the materialist philosophy, who only looks at the human being and the universe from a material point of view, claim that the human being is a creature that evolved from an ape.

This type of thought, called the theory of evolution, was first formulated by the English biologist Charles Darwin (1809-1882), and it is also known as “Darwinism”. Darwin argued that “cognate species show changes that can be attributed to various influences such as environment and diet. When the struggle to survive is added to these, as a result of continuous evolution, species develop by changing their shapes. As a result of this, he is of the opinion that there has been a transformation from the species of ape to human in a certain period”.

Darwin and the positivists who followed him did not see the things and living beings from a religious point of view, but only from the point of view of material experimentation and observation.

34. Al-A'raf, 7: 23

35. See Ta Ha, 20: 122-123; al-A'raf, 7: 24

36. Al-Muminun, 23: 12-14

37. Al-Baqara, 2: 65; See al-Mā'ida, 5: 60; al-A'raf, 7: 166, Elmalılı Hamdi Yazır, *Hak Dini Kur'an Dili*, 2. ed., Istanbul 1960, vol. I, 378, II, 1724

Today, three fossils are shown as evidence of transitional life forms between man and ape; "Java Man" is "Piltdown Man" and "Beijing Man" was found in England. Furthermore, there is the "Heidelberg Man", which consists of only a single jawbone fossil, which most anthropologists say belongs actually to a human. The first skulls are so incomplete and distorted that the shape of the hole in which the spinal cord enters the skull cannot be clearly determined. This is because it is not possible to understand whether the creature represented by the fossil stood upright or crooked. However, some positivists, who were influenced by the evolutionist view, mistook it for a bent, ape-like creature.³⁸

These fossils, found at the end of the 19th and at the beginning of the 20th century, were estimated to date back between 1.8 and 2.6 million years ago.

The following new findings have removed these fossils from evidence.

The fossil "Skull Man 1470" discovered in 1972 by Richard Leakey in the vicinity of Lake Rudolf, near the city of Turkana in Kenya, turned the theory of evolution upside down. This fossil consists of a skull and a leg bone presumed to belong to a skull. Its age is estimated at 2.8 million years. Richard Leakey asserted in regards to this fossil: "Either we toss out this skull or we toss out our theories of early man. It simply fits no previous models of human beginnings. The skull's surprisingly large braincase leaves in ruins the notion that all early fossils can be arranged in an orderly sequence of evolutionary change."³⁹

The fossil Leakey found is at least 200,000 years older and 300 cc. larger than the fossils, which are claimed to be the oldest ancestor of man (1.8-2.6 million years old) and with a brain volume of 500 ccs. In terms of skull appearance, it is also not distinguished from today's human skulls.

Archaeologist Dr. Glyn Isaac has unearthed 300 simple stone crushing and breaking tools from his excavations. These are proofs that a creature lived there 2.6 million years ago with a high level of intelligence and dexterity.⁴⁰

These new proofs and the answers given by the scientists to the works "On the Origin of Species" and "The Descent of Man",⁴¹ which are the basis of Darwin's theory of evolution, has revealed the following truth.

Humans did not evolve into what they are today, on the contrary, they appeared on the stage of life as they are today. It is natural for the people of the ancient period to be

38. John N. Moore - A.N. Field, *İlmi Gerçekler Işığında Darwinizm*, 2nd ed., İstanbul 1982, p. 155-171

39. Leakey, Richard E. *National Geographic*, vol. 143 no. 6. p. 819 (June 1973)

40. Leakey, *ibid*, vol. 143, p. 198 ff.

41. For more information see J. N. Moore - A.N. Field, *ibid*, Ali Gürbüz, *Darwin ve Tekâmül Nazariyesi* İst. 1980, İsmet Hasenekoğlu, *Evrin Teorileri ve Mutasyonlar*, İst. 1976; Abdullah Aymaz, *Yaratılış ve Darwinizm*, n.p. and n.d.; Şemseddin Akbulut, *Darwin ve Evrin Teorisi*, ist. 1980; Bilim Araştırma Grubu, *Yahudilik ve Masonluk*, İst. 1986; p. 397; Milli Eğitim Bak. *Summary of the Report on the Theory of Evolution* published by Milli E. Bsm. Ankara 1985.

larger in size due to their longevity, which may have exceeded a few centuries. Some hadiths related to Adam's body size support this argument.⁴²

Ibn Jarīr al-Ṭabarī (d.310/922) states in his *Tarikh* that Eve gave birth to forty twins, one male, and one female, at twenty births.⁴³

Allah describes the characteristics of some living animal species as follows: ***“And Allah has created every animal from water: of them, there are some that creep on their bellies; some that walk on two legs; and some that walk on four. Allah creates what He wills for verily Allah has power over all things.”***⁴⁴ By creating Adam without parents, and Jesus without a father, Allah Almighty preserved the human species.

The aim of Darwinism is to attribute the origin of the human being to another living thing and to sever his ties with the divine religions and the Supreme Creator. However, the mind-boggling order seen in the realm of beings refutes this theory. The view that everything came into being as a result of the blind force of nature and pure coincidence and that it is subject to evolution is unacceptable. In conclusion, the following can be said in this regard. Adam was sent down to this world equipped with certain knowledge, and the human generation that came after him was not left alone on earth and advanced their knowledge with new information through the prophets. On the other hand, human beings have continuously improved their knowledge by researching the world and their environment with their own experiments and experiences. As a result, it can be said that humans have evolved as a society without changing species and have continually established new civilizations. In the following section, we will focus on the reason for the creation and birth of the human being.

D – THE REASON FOR THE HUMAN BEING'S CREATION

Allah, who created the heavens and the earth out of nothing, did not create any living or inanimate being without a purpose. Every being in the universe has a place and value. The mind-boggling laws of motion, attraction, repulsion, and balance, seen in the creation of non-living beings, plants, and animals, and the submission of everything in the earth and sky to the service of the human being are some indications of the wisdom of creation.

Some inanimate creatures, plants, and animals first constitute support, food, and fodder for each other for development, reproduction, and survival. When they reach to a usable form, they become food and sustenance for the human body. A person's sustenance is what he eats, consumes, and wears throughout his life. Therefore, the material beings

42. See al-Bukhari, Anbiya 1; Abu Dawud, Sunna 16; al-Tirmidhi, Tafsir al-Sura 7, verses 2-4; al-Zabidi, *Tecrid-i Sarih Tercemesi*, 6th ed., Ank. 1981, IX, 76.

43. Al-Zabidi, *Tecrid-i Sarih Tercemesi*, IX, 77.

44. Al-Nur, 24: 45

in the world and its surroundings are instrumental beings introduced to the service of the human being. Their goal is to serve the people.⁴⁵

When this is the case with other beings, the human being must have been created for far superior purposes. In the Qur'an, it is stated that humans and jinn were created to serve Allah.⁴⁶ Humankind has come to earth to be tested for a certain period of time. This requires following a true prophet and a divine religion that is valid in a person's time. This religion is Islam for the last human nation on earth.

Almighty Allah creates both good and evil for the human being's will. However, He is content with what is good but not with what is evil. This power of creation and choice that was given to human beings is a natural result of being tested. For the reason that if the human will be forced then there would be no such thing as responsibility. The following verse ***"Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects evil and believes in Allah has grasped the most trustworthy hand-hold, that never breaks. And Allah hears and knows all things"***⁴⁷ indicates that this choice must be made with the free will of the human being.

However, some people think that the human being is created to eat, sleep, have sexual relations, and enjoy the pleasures of this world. They may have spent their entire lives in such an understanding of life. Others think that they were created to dominate other people. Both ways of thinking are the product of a materialist understanding. Because eating and drinking are needed to sustain life while having sexual relations is needed to satisfy the lust and to ensure reproduction. These all also exist in the animal kingdom. A camel eats more food than a human. Sparrows mate more often than humans. How then can a human being be superior to them? Invading countries and towns is done with anger. This trait has been given to predators in a more powerful way. As a result, humans have been given certain features which also exist in animals. In addition, they have also been given another degree of maturity by Almighty Allah. This is the intellect, and with it, they know Allah and understand His creatures. Thus, in consequence of training his inner self, the human being trains the traits that are common with the animals, and all those on earth come under his command due to his intellect. The following is stated in a verse: ***"And He has made subservient to you, [as a gift] from Himself, all that is in the heavens and on earth..."***⁴⁸

The reason for human beings' existence in this world is clearly stated in the following verse: ***"He who has created death as well as life, so that He might put you to a test [and thus show] which of you is best in conduct..."***⁴⁹

45. See Āl 'Imrān, 3: 191; al-Hashr, 59: 24; al-Isrā, 17: 44.

46. Al-Dharyat, 51: 56.

47. Al-Baqara, 2: 256.

48. Al-Jasiyah, 45: 13.

49. Al-Mulk, 67: 2.

E – GENERAL CLASSIFICATION OF RELIGIONS

Simultaneously with the scholarly research on religion, the various religions in human society have been classified according to a number of criteria. The criteria generally adopted in this regard are, for instance, based upon the concept of God, the socio-historical standpoint, or the geographical historical point of view.

Classification based on the concept of God: a) Monotheistic religions (religions with divine origin). b) Dualist religions (Zoroastrianism). c) Polytheistic religions (such as Ancient Greek, Roman, Hinduism, and Egyptian religions). d) Those whose concept of god is not clear (such as Buddhism and Shintoism).

Classification of religion from a sociological-historical point of view: a) Religions whose founders are known (such as Judaism, Christianity, Islam, and Buddhism). b) Traditional religions (such as religions whose founder is unknown, primitive religions, Ancient Greek, Hinduism, and Ancient Egyptian religions).

Another classification is as follows: a) Primitive religions and primitive tribal religions like Nuer, Dinka, and Ga religions. Some scholars consider beliefs such as animism (worship of spirits, especially ancestral spirits), naturism (accepting the forces of nature as sacred), totemism (belief in the sanctity of magic, plants, and animals), and fetishism (the worship of idols by primitive societies) as the first step in religious development. b) National religions are traditional religions that do not usually mention a founder but belong to only one nation. (Ancient Greek, Egyptian, and Roman religions are of this nature). c) World religions like Christianity and Islam.

From a geographical-historical point of view, religions can be classified as follows: a) Middle Eastern and Semitic religions (Judaism, Christianity, and Islam). b) Indian religions (such as Hinduism, Buddhism, and Jainism). c) Sino-Japanese religions (such as Confucianism, Taoism, and Shintoism). d) The African religions.

Commencing from the 16th century in the West, there was a growing interest in the life and religion of primitive tribes, and from the 18th century onward, apart from the data provided by the holy books, archaeological and anthropological findings were evaluated and some theses were put forward on the religions and beliefs of the past nations and even prehistoric societies. It has been argued by such studies that the first societies, under the influence of natural events, attributed sanctity to them (naturism), worshipped spirits and especially ancestral spirits (animism), believed in magic, the sanctity of plants and animals and that such beliefs formed the basis of later religions. As a result of the positivist and materialist propaganda that were effective in the West since the middle of the 19th century, claims and assumptions that contradicted the holy scriptures were spread by bringing the theory of evolution to the forefront. According to this theory, the source of religion was superstitions, false beliefs, and polytheism, and as a result of evolution, it is claimed, that humanity developed the idea of monotheism or the belief in one God.

However, besides the theory of evolution, there have also been researchers who have come to different conclusions by using the same anthropological scientific method. According to this theory, which is called primitive monotheism, the oldest belief of humankind was the belief in the one God. Taylor's student, Andrew Lang, who made the first serious objection to the theory of animism, disclosed that animism was not found in the primitive tribes of Southeast Australia, but disclosed that the concept of a supreme God residing in heaven who oversaw people's morality was present amongst them. A similar primitive monotheism was advocated by Wilhelm Schmidt. He demonstrated that there was evidence of belief in a supreme being in all primitive tribes. Contrary to the theory of evolution, the thesis that this belief in the one God, as a result of shifting historical-cultural realities such as the worship of spirits or the belief in polytheism, changed and deteriorated, was acknowledged widely in the scientific circles.

Obviously, religion is innate to humans. A person who has matured to the age of thinking and is able to meditate on his own environment observes that nothing exists by itself, but is brought into being by some other being (the Creator). Thinking of the chain of causes, the mind turns to the first human being, the beginning of animal and plant species, and then to the creation of earth, moon, planets, and stars. It necessarily accepts the existence of a supreme being, who neither begets nor is born, who has neither a beginning nor an end, and possesses infinite power. Those who have no knowledge of religions and have not learned anything about any religion can still reach Almighty Allah by using their own reason and logic. In Islam, it is accepted that people who have not been sent a prophet or who have not had any contact with the true religion and the prophet are considered members of the "interim period", and are obligated only to believe in Allah. The following is stated in the Qur'an: ***"Nor would We visit with Our Wrath until We had sent a Messenger (to give warning)."***⁵⁰

The true religion is the commands, prohibitions, and decrees that Allah Almighty announced to humankind through His prophets. As long as people abide by the provisions of this divine law, they will find the straight way and be on the right path. As a result, they will attain happiness in this world and in the hereafter.

F –MUSLIM SCHOLARS' CLASSIFICATION OF RELIGION

Religions are generally divided into three:

1) Real religions: These are the religions revealed to people by Allah through His prophets. These are called "divine religions", "true religions" or "heavenly religions".

Divine religions inculcated the belief in the Oneness of Allah (*tawhīd*), which started with Adam (*as*) and ended with Muhammad (*saw*). Believing in God, angels and the Last Day is a common feature of all monotheistic religions. It is natural that the religion

50. See al-Isrā, 17: 15.

of divine origin, which was revealed by a prophet, a book, or some pages, should be in accordance with the necessities of its own time and prophet for every nation. There have been differences between religions only in terms of some acts of worship, human relations, and transactions. This is closely related to the development of culture and civilization, population growth, and the increase in needs. Only when the divine message that had been sent to human beings until the time of Jesus was altered and its originals were lost, did Allah Almighty send Islam, the last and most perfect religion, to humanity through Muhammad (*saw*).

Today Islam is the only true religion on earth. The following is stated in the Qur'an: ***"The Religion before Allah is Islam (submission to His Will): Nor did the People of the Book dissent therefrom except through envy of each other, after knowledge had come to them. But if any deny the Signs of Allah, Allah is swift in calling to account."***⁵¹ ***"It is He Who has sent His Messenger with guidance and the Religion of Truth, to proclaim it over all religion, even though the Pagans may detest (it)."***⁵² ***"If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost (All spiritual good)."***⁵³

2) Religions whose original form has been altered: While these are true religions in terms of their origins, as stated above, they have subsequently been corrupted and the originals of the holy books on which they are based have disappeared. They are religions like Judaism and Christianity.

Although the Torah, Psalms, and Bible were texts celebrated as holy books in their own time, they have undergone changes through the historical process. "The Bible", which includes the Torah, Psalms, and the Gospels, which are in the hands of today's people of the book, as Muhammed Hamidullah said, is composed of books by authors who lived in different periods and had different literary styles. These include historical books, religious and political speeches, pure prayers, books of wisdom, stories of the prophets, philosophical dialogues, and texts of law. A text with religious elements that were written in later periods was signed by a wise person "Solomon", an inspired historian "Moses" and a prophetic person "Isaiah". Jesus' style was slightly different. He did not write down anything but gave sermons and talks throughout his mission. This is why the text of the New Testament that was written later on is a biography of Jesus. This biography contains information on what Jesus said or did and information that the Gospel writer learned from other sources. Accordingly, the Bible is similar neither to the Qur'an nor to the hadiths. It can be said that they are similar to the *Sirah* books, some of which belong to the Companions' period and some of which belong to even later periods. The Gospels are therefore similar to the biographies of Muhammad. There are many copies of the Gospels -about sixty-, of which the Gospels of Matthew, Mark, Luke, and John

51. Āl 'Imrān, 3: 19.

52. Al-Tawba, 9: 33; al-Fath, 48: 28; al-Saff, 61: 9.

53. Āl 'Imrān, 3: 85.

were generally accepted by the Christian denominations. The rest have been declared as fabrications, of which the Gospel of Barnabas is of particular interest.⁵⁴

The belief in the deity of these religions also shows a departure from the creed of *tawhīd*. The Torah, which has been added and subtracted to a large extent by its own clergy, has given Judaism a national character today, and the belief that Allah (Yahweh), the owner of the earth and sky, is only the God of the sons of Israel, and that other nations have been created to be subjects of them, is inculcated. It is possible to come across such indoctrinations in many parts of the Torah that we possess today.⁵⁵ In Christianity, accepting Jesus as God and the Son of God or as one of the three gods (trinity) is one of the points that lead them to polytheism and unbelief.⁵⁶

3) False religions: These are religions that have no link with the belief of *tawhīd* in terms of their origins. Their source is not revelation, but human. They are things that some societies have made up and introduced under the name of religion. Even though they consist of some provisions in accordance with reason, wisdom, and social benefit, they do not have sacredness because they are not based on Almighty Allah and a prophet sent by Him. Characteristics such as worshiping the moon, the sun, the stars, some animals that they consider sacred, idols that they made with their own hands, or some natural forces are their nature. Religions such as Hinduism, Buddhism, Zoroastrianism, and Shamanism as seen throughout history can be listed among such religions.⁵⁷

G – FEATURES OF THE TRUE RELIGION

We can summarize the common characteristics of Judaism, Christianity, and Islam, which are accepted today as religions based on divine origin, and the points where Islam differs from these are as follows:

1. Islam is the most perfect religion: Considering the development process of societies, the latest religion should be the most perfect compared to the previous ones. In this regard, the following is stated in a verse: ***“This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion.”***⁵⁸ Just as Islam is the last religion, its prophet is also the last prophet. In comparison to Islam, other religions are in the position of previous religions.

2. Belief in Allah: Islam is based on the belief in only one Allah and requires that He be worshiped. It informs us that the realm of beings has been created by Allah. Although Judaism insists on the unity of God, in various periods of history they attributed human

54. M. Hamidullah, *Aziz Kur'an*, Beyan Yayınevi, İstanbul, n.d., p. 22-23.

55. The Bible (Torah and the Gospels) İstanbul, 1958, see p.73 and other similar pages; Günay Tümer- Abdu-rrahman Küçük, *Dinler Tarihi*, Ankara, 1988, p. 114 ff.

56. See al-Mā'ida, 5: 72-73; Tümer-Küçük, *ibid*, p.142, 148 ff.

57. See Tümer-Küçük, *ibid*, p. 45, 64, 91 ff.

58. Al-Mā'ida, 5: 3.

qualities to Him, regarded Yahweh as a national God, and even claimed that Uzayr (pbuh) was the son of God. By calling Jesus God and the son of God, the Christians, on the other hand, deified Jesus.

3. Belief in angels: Islam requires believers to believe in graceful beings called angels. While the belief that angels are the sons and daughters of God penetrated into other religions of divine origin, Islam rejected such belief.

4. Believing in the holy books: According to the Islamic belief, since the time of Adam (pbuh), Almighty Allah sent His message to some prophets in the form of pages and to others, he sent in the form of books. He revealed the Psalms to David, the Torah to Moses, the Gospel to Jesus, and the Qur'an to Muhammad (peace be upon them). The Qur'an was revealed piecemeal in 23 years and has reached the present day without any changes. The other two holy books have been changed by various interventions and since their originals have disappeared, it is no longer possible to verify the copies of the Bible and the Torah from their original text. However, the Qur'an, which came after them, explained the main changes made by human beings in the Torah and the Bible. By following these changed places referred to by the Qur'an, the original message in these books can be discovered. Only then can we talk about a real dialogue among the members of the books of divine origin. This can be nothing but the message brought by Islam.

On the other hand, Jews and Christians do not accept each other's books, and also reject Islam's holy book, the Qur'an. In a way, Islam presents the essence and summary of the entire divine message from Adam (*as*) to the last prophet Muhammad (*saw*) and approves of them all. It has always kept the door of dialogue open to those who maintain their adherence to previous religions. Islam even regards them as the "people of the book" by keeping them separate from the other people of disbelief.

5. Belief in Prophethood: Islam accepts 28 prophets mentioned in the Qur'an and all the unnamed messengers of Allah as a whole. Judaism and Christianity, on the other hand, do not accept the prophet who came after them, making various claims and slander about the prophets, since their religions were altered afterward.

6. Belief in the Hereafter: This belief is common to all monotheistic religions. While more emphasis is placed on worldly life in Judaism, and the hereafter and spiritual life in Christianity, Islam has established a balance between the two. ***"But seek, with the (wealth) which Allah has bestowed on you, the Home of the Hereafter, nor forget your portion in this world."***⁵⁹

7. To impose obligations on everyone as much as they can bear: Islam has brought the most measured and easy rules in terms of this world and the hereafter; the material and the spiritual. Islam even abolished or mitigated some of the heavy provisions made in previous religions.

59. Al-Qaṣaṣ, 28: 77.

The following is stated in the Qur'an: ***"On no soul doth Allah Place a burden greater than it can bear."***⁶⁰ ***"Thus, have We made of you an Ummah justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves."***⁶¹ The Prophet also said: *"I was sent only with the religion of the ḥanīf and a religion which is easy."*⁶²



60. Al-Baqara, 2: 286.

61. Al-Baqara, 2: 143.

62. Aḥmad ibn Ḥanbal, V, 266; See al-Bukhari, Imān, 29.

II. FEATURES OF THE RELIGION OF ISLAM

1) The Religion of Islam is based on a revelation that is memorized and recorded by original manuscript documents.

As the verses were revealed, the Prophet personally dictated them to the revelation scribes. The scribes, it is reported, exceeded thirty in number. The Prophet also specified which chapter the verses would be written in, and then he verified the written text. These first documents, written on materials such as leather, wood, marble, or date palm, were not made into a single book when Muhammad was alive, but all or most of the chapters were memorized by dozens of companions. During the reign of Abu Bakr (d.13/634), over five hundred companions were martyred in the Battle of Yamama (12 AH/634 CE). So, Umar began to fear that the Qur'an would be lost. He discussed this issue with the Caliph Abu Bakr. As a result, a commission, which was convened under the chairmanship of Zayd Ibn Thabit (d. 45/665), collected all the written Qur'an documents and confirmed with at least two witnesses that they had been written and recited in the presence of the Prophet. In this way, a copy of the "*Mushaf al-Sharif*" was compiled for the first time.

Accordingly, the preservation of the written Qur'an was made with a "triple control mechanism": a) Written document, b) Two witnesses, and c) The memory of the Companions, who knew the whole Qur'an by heart. Based on this "Imam Copy", which was preserved by Abu Bakr, Umar, and then his daughter Hafsa (d.41/244), a second commission was established in the period of Uthman again under the chairmanship of Zayd Ibn Thabit to deal with the "reading differences", which can be seen in some letters or words, that emerged in some regions. These "spelling differences" were reflected in the six copies reproduced by a type of edition critical method. These copies were sent to Mecca, Kufa, Basra, Damascus, Yemen, and Bahrain, and, a teacher was assigned to these places for teaching according to these copies. It is known that some of these copies, or the manuscripts reproduced from these copies themselves, are today found in places such as the Istanbul Topkapı Palace Museum, the Istanbul Turkish-Islamic Art Museum, and the Tashkent, and in Cairo's al-Mashhad al-Ḥusaynī.⁶³

It is obvious that other divine books have not been preserved with such meticulousness and their originality could not be maintained in time.

2) Islam constitutes the last link of the chain of *tawḥīd* that has continued since the time of Adam. It calls all people on earth to believe in one Allah and invites people to gather around the last Prophet Muhammad (*saw*).⁶⁴

63. See Muhammed Hamidullah, *İslam Peygamberi*, II, 763; Zahid al-Kawthari, *Maqalāt*, p. 12-13; Şalāḥ al-Dīn al-Munajjid, *Dirasāt fī Tarīkh al-Ḥaṭṭ al-Arabi*, p. 50-55.

64. Al-Baqara, 2: 21; al-Anbiya, 21: 107.

3) It is a natural and universal religion. While other divine religions were sent according to the needs of certain regions or certain centuries, Islam was sent by taking into account the needs of all the people on earth until the Day of Judgment. It is also the most perfect religion as it is the last faith. Its principles are suitable for human nature and do not contradict the principles determined by positive sciences. Because Allah is the One Who created the world, the heavens, and everything in them. He is the One Who sent down the Quran. When the source is One, there can be no conflict between them.

4) The prophet Muhammad (saw) is the prophet of humans and jinns. Some superiorities that had not been given to other prophets or their followers were given to him and his ummah. Apart from the attributes given to all prophets, i.e. *ṣidq, fatanah, 'ismah*, and *tabligh*, five more attributes were given to Muhammad (saw). Among these are that he was sent as a mercy to the worlds, he was given the authority of intercession, he was allowed to declare the earth as a mosque for his ummah, he made the spoils of war *ḥalāl*, and he was made victorious through the intimidation of the enemy that was one month's journey distance away from him. The Messenger of Allah (saw) explained these attributes, which were given to him but not to the previous prophets to his Companions during the Battle of Tabuk as follows: *"I have been given five traits which were not given to any amongst the Prophets before me. These are 1. Allah made me victorious by awe (by frightening my enemies) for a distance of one month's journey. 2. The earth has been made for me (and for my followers) a place for praying and a thing to perform Tayammum. Therefore, my followers can pray wherever the time of a prayer is due. 3. The booty has been made ḥalāl (lawful) for me (and was not made so for anyone else). 4. Every Prophet used to be sent to his nation exclusively but I have been sent to all of mankind. 5. I have been given the right of intercession (on the Day of Resurrection)."*⁶⁵ However, despite these superiorities, the Prophet did not like to boast and be acclaimed.⁶⁶

5) Islam values all humans as human beings regardless of their race, color, language, and wealth, and states that superiority can only be due to faith, piety, and moral beauty. Therefore, the Arab has no superiority over the non-Arab, nor does the white person have superiority over the black person, except through having the *taqwā* of Allah. Everyone is descended from Adam and Adam was created from clay. Allah Almighty says in the Qur'an: ***"O humankind! We created you from a single (pair) of a male and a female and made you into nations and tribes, that you may know each other (not that you may despise (each other). Verily the most honored of you in the sight of Allah is (he who is) the most god-fearing of you."***⁶⁷

6) Islam forbids drinking, gambling, usury, adultery, lying, oppression, and injustice, and commands kindness, cooperation, justice, and taking care of the poor and the needy. The Messenger of Allah (saw) informed us that the one who wakes up full while his

65. Al-Bukhari, Salat, 56, publ. by Çağrı, I, 113.

66. See al-Tirmidhi, Tafsir Chapter, 17 verse 18; Ibn Maja, Zuhd, 37.

67. Al-Hujurat, 49: 13.

neighbor is hungry; and that one cannot be a true believer if he does not love and desire for his fellow believers what he loves and desires for himself.

7) Islam demands the cleansing of the body and the soul. Performing minor ablution (*wuḍūʾ*) five times a day, major ablution at least once a week, keeping clothes and places of worship clean, cleaning after going to the bathroom, washing hands before and after meals, and brushing one's teeth are examples of physical hygiene and cleanliness. Minor and major ablution are also ways of cleansing oneself spiritually.

It is stated in a ḥadīth that the cleanliness of one's body is half of faith and that a clean person's sustenance will expand and he will gain health. The Prophet also approved of and liked the cleanliness and he dressed in clean clothes, used perfume, combed his hair, and washed his hands before and after eating. One of the first commandments of Almighty Allah to him was ***"O you wrapped up (in the mantle)! Arise and deliver your warning! And your Lord do you magnify! And your garments keep free from stain!"***⁶⁸ According to a narration from Jabir Ibn Abdullah (r.a), the Prophet (saw) said: *"Were it not that I might over-burden the believers. I would have ordered them to use tooth stick at every time of prayer."*⁶⁹

The soul of the human being constitutes his essence and reality. The body functions only as a cover for the soul and as a carrier in this world, which is the realm of matter and physics. Worship, obedience, charity, good deeds, and other good deeds carried out with the assistance of the body in this world are for the training and exaltation of the soul. The purification and cleansing of the heart become only truly possible due to the worship of Allah, remembering Him, showing Him gratitude, praising Him, and glorifying Him. In this way, the heart is purified from the stains of pride, arrogance, envy, lies, hatred, heedlessness, and heresy. It is illuminated by divine light. When a person knows him/herself, s/he knows his/her Lord. The heart can find peace only with the remembrance of Almighty Allah. This is stated in the Qur'an as follows: ***"For without doubt in the remembrance of Allah do hearts find satisfaction."***⁷⁰

8) Islam regards learning knowledge and working for sustenance as a form of worship and orders us to strive for both worlds by establishing a balance between this world and the hereafter. In the first revealed verse of the Qur'an, it is commanded ***"Proclaim! (or read!) in the name of thy Lord and Cherisher, Who created."***⁷¹ The Messenger of Allah (saw) informs that it is obligatory for every Muslim to seek knowledge⁷² and that the person who does not leave behind this world for the sake of the hereafter and the hereafter for the sake of this world is the best person. Almighty Allah points out the measure of turning towards the world and the hereafter as follows: ***"But seek, with***

68. Al-Muddaththir, 74: 1-4.

69. Muslim, Ṭaḥārah, 15.

70. Al-Ra'd, 13: 28

71. Al-Alaq, 96: 1.

72. Ibn Maja, Muqaddimah, 17

the (wealth) which Allah has bestowed on you, the Home of the Hereafter, nor forget your portion in this world: but do you good, as Allah has been good to you, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief.⁷³

9) For deeds to be acceptable in Islam, they must be done with free will. There is no responsibility for the act committed under fear and threat. Even if this compulsion is about faith, the tortured person has the right to opt for certain concessions. As a matter of fact, after the first Islamic martyrs Yasir and Sumayya, who were killed by torture, the Meccan polytheists forced their son Ammar ibn Yasir to say words that meant leaving the religion of Islam. Unable to endure the torture, Ammar (r.a) complied with their demand. Then, when he came to the Muslim and informed them about the situation, the Prophet (saw) asked him, "*O Ammar! What was behind you?*" he replied, "there was evil; they did not let me go until I spoke evil of you and kindness about their gods." Prophet (saw) asked, "*How did you find your heart?*" When Ammar (ra) replied saying, "I found it filled with faith." Prophet (saw) told him, "*If they repeat what they did to you, you can repeat the same action.*"⁷⁴ The Qur'an, in the following verse, explains that a person who is forced in such a way does not have any responsibility for his/her words, "***Anyone who, after accepting faith in Allah, utters unbelief, except under compulsion, his heart remaining firm in Faith but such as open their breast to unbelief, on them is wrath from Allah, and theirs will be a dreadful penalty.***"⁷⁵

In like manner, the Meccan polytheists threatened two Muslims with death, killed one of them because he did not apostatize from Islam, and the other escaped death by accepting unbelief in appearance. When the situation was presented to the Messenger of Allah (saw), he said about the person who was killed, "*He is the best of martyrs and my friend in Paradise.*"⁷⁶

10) There is no coercion, pressure, intimidation, or torture in the method of inviting someone to Islam. It is essential that people set their hearts on Islam through love and persuasion. It is known that the Prophet was gentle, merciful, and kind even towards those who treated him harshly, rudely, and disrespectfully during his guidance. His good behavior is described in the Qur'an as follows: "***It is part of the Mercy of Allah that you do deal gently with them. Were you severe or harsh-hearted, they would have broken away from about you: so pass over (their faults), and ask for (Allah's) forgiveness for them...***"⁷⁷

The Messenger of Allah (saw) was received very badly in Taif, where he went to convey the message of Islam during the Meccan period, and although he was stoned on his return and his feet were covered in blood, he did not pray for their destruction but

73. Al-Qaṣaṣ, 28: 77.

74. Al-Sarakhsī, *Mabsut*, Cairo 1324/1331, XXIV, 43

75. Al-Naḥl, 16: 106.

76. Al-Bukhari, *Kashf al-Aṣṣār 'alā 'Uṣūl al-Pazdawī*, Istanbul 1308, II, 636, 637; al-Sarakhsī, *ibid*, XXIV, 44.

77. Āl 'Imrān, 3: 159.

instead said to the angel, *"I came not to destroy people, but I came as a mercy to them. They do not know the truth. Maybe their descendants will come to worship Allah."*⁷⁸

In the Qur'an, the method of invitation to Islam is established as follows: ***"Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious..."***⁷⁹ It is clearly stated in the following verse that the invitation to Islam should not be made by force or pressure, but by appealing to people's minds: ***"Let there be no compulsion in religion: Truth stands out clear from error: whoever rejects evil and believes in Allah has grasped the most trustworthy hand-hold, that never breaks. And Allah hears and knows all things."***⁸⁰

11) Islam has brought the principle of "commanding the right and forbidding the wrong" in order to ensure that the society has a healthy structure and that this situation continues. In an Islamic society, a Muslim is always on the side of good, beautiful, and auspicious works. He is naturally against the bad, ugly, and harmful works. Thus, goodness in the Islamic society finds its own strength and spreads. Evil, on the other hand, cannot find the opportunity to become stronger. The following is stated in the Qur'an: ***"...Help you one another in righteousness and piety, but help you not one another in sin and rancor..."***⁸¹ ***"The Believers, men, and women are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise."***⁸² ***"You are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah..."***⁸³ In another verse, it is stated that the Children of Israel in their history were cursed because they did not try to discourage each other from the evil they were committing in addition to their rebellion, and their persistence in extremes.⁸⁴

The Prophet (saw) established the way to prevent evil as follows: *"He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should (abhor it) from his heart, and that is the least of faith."*⁸⁵

12) In an Islamic country, all Muslims and non-Muslims have equal rights before the court of law. Non-Muslim citizens who are considered to be *dhimmi*s also benefit from the rights provided by their own religion. Their marriages, divorces, and acts of worship continue according to their own religion.

78. Kamil Miras, *Tecrid-i Sarih Tercümesi*, IV, 314.

79. Al-Nahl, 16: 125.

80. Al-Baqara, 2: 256.

81. Al-Mā'idā, 5: 2.

82. Al-Tawba, 9: 71.

83. Āl 'Imrān, 3: 110.

84. Al-Mā'idā, 5: 78, 79.

85. Muslim, Imān, 20.

13) Islam wants to stay true to the truth even if it is not beneficial to ourselves. The Prophet (saw) never made any distinction among people in applying the decrees of Allah. As a matter of fact, Aswad's daughter Fatima, who was a member of a noble family, committed the crime of stealing. Quraysh thought the punishment for her crime was heavy and they sent Uthama ibn Zayd, whom the Messenger of Allah loved very much, so that he may forgive her. Offended by this act, the Messenger of Allah said, "*O people, those who have gone before you were destroyed, because if anyone of high rank committed theft amongst them, they spared him; and if anyone of low rank committed theft, they inflicted the prescribed punishment upon him. By Allah, if Fatima, daughter of Muhammad, were to steal, I would have her hand cut off.*"⁸⁶

On the day he was elected as the first caliph, Abu Bakr (ra) addressed the believers as follows, "The weak amongst you shall be strong with me until I have secured his rights. The strong amongst you shall be weak in my sight until I have wrested from him the rights of others."⁸⁷

14) Islam has declared all believers brothers. The following verse clearly states this, "***The Believers are but a single Brotherhood: So, make peace and reconciliation between your two (contending) brothers; and fear Allah, that ye may receive Mercy.***"⁸⁸ As a matter of fact, local Muslims of Medina who opened their doors to immigrants from Mecca shared their wealth with them and manifested examples of great assistance to people who were not related to them by blood. If the brotherhood of genealogy does not unite with the brotherhood of faith, the paths of the two blood brothers diverge. As they cannot be friends in this world, they will be alone with their own troubles in the hereafter. The following Qur'anic verse speaks of it with the following words, "***That Day shall a man flee from his own brother, and from his mother and his father, and from his wife and his children.***"⁸⁹

Brotherhood in faith, on the other hand, is based on heartfelt love and leads to friendship. It teaches to love and be loved for Allah's sake. In the hereafter, the person will be with the one whom he loves.⁹⁰ Here, the Companions were interlocked like the bricks of a building in their love for each other and their gathering around the Messenger of Allah. Strength emerged from this unity and brotherhood, and they defeated the enemy many times superior to them. This is because they were an elite group that held on to the rope of Allah and received the help of Allah.

These general lines, of which we have pointed out a few, show that Islam is a universal religion. The principles in **the Universal Declaration of Human Rights** and

86. Al-Bukhari, Faḍā'il, 18; Muslim, Ḥudūd, 2, Hadith No: 8.

87. See Ibn Ṣa'd, *Ṭabaqāt*, III, 178 ff.; Ibn al-Athir, *al-Kamil*, Beirut 1400/1980, 220 ff.; al-Shiblī, *Aṣr al-Sa'āda*, IV, 33-40.

88. Al-Hujurat, 49: 10.

89. Abasa, 80: 34-36.

90. Al-Bukhari, Adab, 96; Muslim, Birr, 165; al-Tirmidhi, Zuhd, 50; Da'āwāt, 98.

many similar principles were introduced by Islam as early as the seventh century CE. Islam has successfully realized the principle that people should not be condemned and treated differently because of differences such as race, color, language, and religion, which humanity has not been able to reach even today. People of black color with white color, Arab with non-Arab, rich with poor, an employee with an employer, side by side and shoulder to shoulder in their five daily prayers and Friday prayers, and the Muslims coming to Mecca once a year for pilgrimage from various countries of the world realizes this fusion in a more universal way. They are manifestations of brotherhood that transcend borders.



III. THE SOURCES OF THE RELIGION OF ISLAM

All knowledge and rulings pertaining to the religion of Islam, regarding this world and the hereafter, are obtained from four sources. These are the Book, the Sunnah, the *Ijmā'* (consensus), and *Qiyās* (analogy), respectively. These are also called “*adilla al-ar-ba'a*” meaning four proofs or “*adilla al-shar'iyya*” meaning the proofs of the Shari'ah. Moreover, these four sources are also called “**primary proofs**”. Apart from these, there are some other sources called “secondary proofs”: *Maṣlaḥa* (benefit of the society), *istiḥsān* (judicial preference), custom, shari'ahs of earlier religions, the legal views of the Companions, and *istiḥāb* (assumption of continuity). We will briefly examine these sources below. In this way, basic information will be attained on the sources on which the provisions of belief, worship, and other current important issues are based.

A – PRIMARY SOURCES

1) The Book (*al-Kitāb*)

The book is the Holy Qur'an, which Allah revealed to His Messenger Muhammad in Arabic, written in the many *muṣḥaf* and transmitted to us through *tawātur*, starting with the chapter of *al-Fatiha* and ending with the chapter of *al-Nas*. According to the preferred view, it is an infinitive form of the verb “*qara'a*” and its root meaning is “to read, to collect, to gather together.” The Qur'an is not only a book of belief, worship, and morality, but also a book that organizes both belief and worship, and social and economic relations between people as general principles.

The following is stated in the Qur'anic verses, “*We have sent down to you the Book explaining all things, a Guide, a Mercy, and a glad tidings unto all who have surrendered themselves to Allah.*”⁹¹, and “*No single thing have We neglected in the Book.*”⁹²

In 610 CE during the night of Qadr in the month of Ramadan, the Holy Quran commenced to be revealed by Jibril (a.s) to the Prophet Muhammad (*saw*) in the cave of Hira, where he used to go for contemplation and worship, and the revelation was completed in 22 years, 2 months and 22 days.

The first revealed verses were, “*Proclaim! (or read!) in the name of your Lord and Cherisher, Who created man, out of a (mere) clot of congealed blood. Proclaim! And your Lord is Most Bountiful, He Who taught (the use of) the pen, Taught man that which he knew not.*”⁹³ The last verse was revealed during the Farewell Pilgrimage,

91. Al-Naḥl, 16: 89.

92. Al-An'ām, 6: 38. In this verse, the “book” is interpreted as “*lawḥ al-mahfūz*”. See al-An'ām, 6: 59; al-Naml, 27: 75; Saba, 34: 3; Ya Sin, 36: 12

93. Al-'Alaq, 96: 1-5.

on the ninth day of Dhu'l-Hijja. This verse is as follows, ***"...This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion..."***⁹⁴ According to Abdullah Ibn Abbas (r.anhuma), the following verse was revealed later: ***"And fear the Day when ye shall be brought back to Allah. Then shall every soul be paid what it earned, and none shall be dealt with unjustly."***⁹⁵

The verses that were revealed during the thirteen-year-long Meccan period contain mostly information about the hereafter. After people got used to Islam, verses about *ḥalāl* and *ḥarām* were sent down. Most of the verses that were revealed were based on either a question or an incident. This is called "*asbāb al-nuzūl* (reasons for revelation)". As the Qur'an was revealed, the Messenger of Allah (*saw*) dictated the revealed verses to the scribes of the revelation and told them which verse should be written wherein the Qur'an. There is a consensus that the order of the verses is based on revelation and there is a strong opinion that the order of the chapters is also based on revelation.

2) Sunnah

Sunnah means the sayings, actions, and tacit approvals of the Prophet (*saw*). An example of a verbal Sunnah is, ***"If a person sleeps or forgets to pray, let him perform it when he remembers."***⁹⁶, and an example of an actual Sunnah in practice is, ***"Perform the prayer as I do it."***⁹⁷ As for the Sunnah based on tacit approval of the Prophet (*saw*), that means the Prophet's acknowledgment and acceptance of something that he saw or heard. For instance, once a Companion prayed with *tayammum* for he could not find water during a journey, and he did not re-perform the prayer even though he found water after the prayer. The Prophet (*saw*) tacitly approved of his action by not saying anything or plainly disapproving of it.

In Islamic law, there is a consensus that the Sunnah is the second source after the Qur'an. The fact that the Sunnah is proof in religious matters is confirmed by various verses. Some of them are:

"So, take what the Messenger assigns to you, and deny yourselves that which he withholds from you."⁹⁸ ***"But no, by the Lord, they can have no (real) Faith, until they make you judge in all disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest conviction."***⁹⁹ ***"He who obeys the Prophet obeys Allah."***¹⁰⁰

94. Al-Mā'idā, 5: 3.

95. Al-Baqara, 2: 281.

96. Abu Dawud, Salat 11; al-Darimī, Salat, 26

97. Al-Bukhari, Adhan, 18, Adab, 27.

98. Al-Hashr, 59: 7.

99. Al-Nisā, 4: 65.

100. Al-Nisā, 4: 80.

The Sunnah consists of conveying the mission of the Prophet (*saw*), which he received from his Lord.¹⁰¹ The Holy Qur'an states that the Prophet spoke from revelation. ***"Nor does he say (aught) of (his own) Desire. It is no less than inspiration sent down to him"***¹⁰²

Sunnah has four functions in terms of the Qur'an. a) Explains the ambiguous and concise verses. b) It specifies the general provisions of the Qur'an. c) Informs about the abrogating (*nāsikh*) and abrogated (*mansūkh*) verses. d) It establishes new provisions that are not found in the Qur'an. For example; The way how the ritual prayer and *zakāt* are implemented is determined by the Sunnah, and the prohibition of eating the meat of domestic donkeys and birds of prey was also introduced by the Sunnah.¹⁰³

According to the number of the narrators of hadith, it is divided into three types, *mutawātir*, *mashhūr*, and *aḥad*. The *aḥad* hadith is also divided into the sub-sections of *ṣaḥīḥ*, *ḥasan*, and *ḍa'if*.

Mutawātir hadith refers to the hadiths transmitted by a group of narrators that cannot be united on the issue of lying. For instance, more than a hundred Companions reported the hadith, *"Whoever tells a lie against me (intentionally) then (surely) let him occupy his seat in Hellfire"*¹⁰⁴ and twelve Companions reported the following hadith, *"Woe to the heels that left dry in ablution!"*¹⁰⁵ Among the practical Sunnahs, there are many categorized as *mutawātir*. Like how to perform the ablution, the ritual prayer, and the pilgrimage. The validity of a *mutawātir* hadith is certain and it is obligatory to act in accordance with it. The *mutawātir* hadith can assist to specify the general verses of the Qur'an, and limit the absolute ones.

The *mashhūr* Sunnahs are the ones that were narrated by a few people from the Messenger of Allah (*saw*) and then later were transmitted at the level of *tawātur* during the second and third centuries of Hijrah. For example, the hadith *"Actions are by intentions."* was first narrated only by Umar (*ra*), and then it was narrated by a group that reached the level of *tawatur*. *Mashhūr* Sunnah provides information close to certain knowledge. Just like *mutawātir* Sunnah, it can also specify the general verses and limit the absolute ones. As a matter of fact, the general meaning of the word "children" mentioned in the verse ***"Allah (thus) directs you as regards your children's (inheritance)..."***¹⁰⁶ is limited by the *mashhur* hadith *"The person who kills the inheritor cannot inherit it."*¹⁰⁷ In the same

101. See Al-Mā'idā, 5: 67.

102. Al-Najm, 53: 3-4.

103. M. Abu Zahra, *ibid*, p. 113, 114.

104. Al-Bukhari, 'Ilm, 38; Janā'iz, 33; Anbiya, 50, Adab, 109; Muslim, Zuhd, 72; Abu Dawud, 'Ilm, 4; al-Tirmidhi, Fitan, 70, 'Ilm, 8, 13; Tafsir, 1. Manāqib, 19; Ibn Maja, Muqaddimah, 4; al-Darimi, Muqaddimah, 25, 46; Aḥmad ibn Ḥanbal, II, 47, 83, 125, 150, 159, 171, 202, 214.

105. Al-Bukhari, 'Ilm, 3, 30, Wudu, 27, 29. The Prophet said this when he saw a group that did not wash the back of the heels while performing ablution.

106. Al-Nisā, 4: 11.

107. Abu Dawud, Diyāt, 18; al-Darimī, Farā'iz, 41; Aḥmad ibn Ḥanbal, I, 49.

inheritance verse, “bequeath” is mentioned in an absolute form without any limitations. When Ṣa’d ibn Waqqas thought that his inheritance was too much for his daughter, who was his sole heir, and when he wanted to leave most of his inheritance to someone else through a legacy, the Messenger of Allah said to him: *“One-third (is all right), yet it is still too much for you had better leave your inheritors wealthy rather than leaving them poor and begging from others.”*¹⁰⁸ This hadith is also at the level of a *mashhur* hadith and, thus limits any bequeath to one-third of the wealth.

The *aḥad* hadiths are ones that were narrated by one or two or more Companions and did not reach the level of *mashhūr* hadith. Most of the Sunnah was transmitted in this way.

Abu Ḥanīfa stipulates that in order for *aḥad* hadith to be a piece of evidence for legal rulings, the narrator must be reliable and just, as well as someone who knows Islamic law and acts on the hadith that he narrated. Imam Malik, on the other hand, accepts such a hadith as evidence if it is compatible with the deeds of the people of Medina. The *aḥad* Sunnah does not express “knowledge”, it expresses “doubt”. That is because such hadiths cannot be relied upon in matters of faith. However, *aḥad* hadiths that meet the above conditions are followed in matters of action.

3) *Ijmā’* (Consensus)

Ijmā’ literally means persevering in a task and agreeing on something. As a term in Islamic jurisprudence, it refers to the consensus of the mujtahids from the ummah of Muhammad (*saw*) on a legal ruling in any period after the death of the Prophet Muhammad (*saw*). According to this definition, the following conditions must exist in the *ijmā’*:

- a) The consensus of non-mujtahids is not considered as religious proof. A mujtahid is a person who has the knowledge and ability to deduce religious ruling from sources.
- b) The consensus of the mujtahids is sought when the consensus first happens about the ruling of a religious issue. The *ijmā’* is not invalidated by opinions changing later.
- c) A consensus on matters that do not have a religious aspect is not considered a consensus from a legal perspective.

The fact that *ijmā’* is a source of evidence is based on the evidence from the Qur’an and the Sunnah. The following is stated in the Qur’an, ***“If anyone contends with the Messenger even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of faith, We shall leave him in the path he has chosen, and land him in Hell, what an evil refuge!”***¹⁰⁹ There are also sayings of the Prophet (*saw*) showing that *ijmā’* is a proof. The following are some of them: *“What Muslims*

108. Al-Bukhari, Janā’iz, 37, Manāqib, 49, Marḍā, 16; Muslim, Wasiyya, 5; Ibn Maja, Wasayā, 5; Malik, *Muwattā’*, Wasiyya, 4.

109. Al-Nisā, 4: 115.

consider beautiful is also beautiful in the sight of Allah.”¹¹⁰ and “My ummah will not unite on an error.”¹¹¹

The *Ijmā'* is divided into three types as clear *ijmā'*, silent *ijmā'*, and finally a consensus (*ijmā'*) on a certain part of an issue. Clear *ijmā'* is one in which every mujtahid of a century has openly expressed his agreed opinion on the subject of *ijmā'*. Silent *ijmā'* means that in any century, a scholar who has the power to make *ijtihad* reaches a certain view, and other mujtahid or mujtahids who hear about this view do not express an opinion in the form of acceptance or rejection, therefore a “consensus by silence (*sukut*)” on that issue is attained. As for the *ijmā'* that offers consensus on a part of the issue, an example of this is that some Companions said that the grandfather (from the father's side) will prevent the brothers of the deceased from taking shares from an inheritance when he inherits, and some Companions instead said that the grandfather will inherit no less than one-third. Accordingly, in both cases, there is a consensus that the grandfather will be an heir, although the amount varies.¹¹²

4) *Qiyās* (Analogy)

Qiyās means to compare or to measure one thing with another. As a legal term, it means comparing a new issue about which there is no provision in the Qur'anic verses or hadiths with an existing issue that has a ruling about it in the Qur'anic verses or hadiths due to the common features between the new issue and the existing one. This is then followed by offering the ruling of the existing issue to the new one.

Let us take wine as an example. Wine is prohibited in the Qur'an. However, in later periods, drinks with different names such as raki, vodka, champagne, whiskey, and beer emerged. These names are not mentioned in the Qur'an. Upon reflecting on the source, it is clear that wine is prohibited because it causes intoxication, this point is also stated in various hadiths. When it becomes clear that these new types of alcoholic beverages also intoxicate the drinker, the judgment of wine includes other alcoholic beverages by analogy due to the common feature of intoxication (*iskār*).

The fact is that *qiyās* is a proof based on Qur'anic verses, hadiths, and practices of the Companions. In one Qur'anic verse, after the exile of the Jews of Nadir, who lived near Medina and cooperated with the Quraysh against the Muslims after the Battle of Uhud, the following is stated: “**O people of intelligence, take a lesson.**”¹¹³

A man from Has'am came to the Prophet (saw) and asked if his father was old and not in a position to perform the Hajj, although it was obligatory for him, whether he could perform the Hajj in place of his father. The Prophet (saw) replied by asking the following question, “*If your father had a debt, if you had paid it, wouldn't your father*

110. Aḥmad ibn Ḥanbal, *Musnad*, I, 379.

111. Ibn Maja, *Fitan*, 8.

112. Abu Zahra, *ibid*, p. 179.

113. Al-Hashr, 59: 2.

have been freed from debt?” When the man said “yes”, the Messenger of Allah (saw) said, “Then you can perform Hajj in place of your father.” In a narration from Ibn Abbas, this question was asked about the deceased father and the Prophet said, “Paying a debt that is owed to Allah is a priority.”¹¹⁴

Moreover, some Companions, while giving allegiance to Abu Bakr, took into account that the Prophet (saw) had chosen him as the imam for the prayer and made a comparison between the caliphate and the imamate of the prayer.¹¹⁵

Qiyās consists of four essential pillars: a) *‘Asl*: the *nass* (Qur’anic verse, hadith) about which there is a decree. b) *Far’*: The issue for which there is no provision and which is to be resolved by comparison. c) *Hukm* (Ruling): The provision that is to be transferred to the new issue by way of comparison. d) *‘Illah* (Effective cause): It is the common cause found in both *‘asl* and *far’*. In the example of liquor; The verse that prohibits wine is “*‘asl*”, the new type of drink that will be subject to the ruling of wine is “*far’*”, the prohibition of wine is “*hukm* (ruling)”, and the common feature “*iskār* (being intoxicating)” is “*‘illah* (effective cause)”. Effective cause and wisdom (*hikmah*) are different from each other. Wisdom is a quality that is in accordance with the ruling, and it is a feature that is not limited and can be found in more than one. According to the vast majority of jurists, rulings are based not on wisdom, but on the effective cause.

B – SECONDARY SOURCES

In addition to the four main sources on which Islamic rulings are based, there are secondary sources based on the above-mentioned primary sources at the origin. Such as *istihsān*, *maṣlaḥa*, custom, the shari’ahs of the previous religions, the legal views of the Companions, and *iṭṭiḥāb*. We will briefly explain these below.

1) *Istihsān*

Istihsān literally means to find something beautiful and to consider it beautiful. As a term of the methodology of Islamic jurisprudence, it is defined as follows: *Istihsān* is based on a piece of evidence such as the *nass* (Qur’anic verse-hadith), *ijmā’*, necessity, hidden analogy, custom, or *maṣlaḥa*, which requires the mujtahid to abandon his judgment, which he would give on similar issues under normal circumstances, and instead offer another judgment.

Sometimes a legal issue falls within the scope of one of the general *nass* or a general rule adopted and settled in Islamic law or in some schools of Islamic law. However, in this matter, there is another special evidence, such as another *nass*, consensus, necessity, custom, and *maṣlaḥa*, which requires giving judgment to the contrary of that general

114. See al-Nasā’ī, *Manāsik*, 11-14; al-Bukhari, *Hajj*, 1; Muslim, *Hajj*, 407; Zakīyuddīn Sha’bān, *‘Uṣūl al-Fiqh*, trans. İbrahim Kafi Dönmez, Ankara, 1990, p. 114.

115. Al-Sarakhsī, *‘Uṣūl*, II, 131,132; Ibn Qayyim al-Jawziyya, *I’lam al-Muwaqqi’ in*, Cairo, 1325-1326, I, 253.

nass or general rule. In such a situation, the mujtahid's abandoning the judgment applied to similar cases and making judgments based on special evidence is called *istiḥsān*. Therefore, there is always another evidence of a special nature behind *istiḥsān*. This special evidence can be *nass*, *ijmā'*, necessity, hidden analogy, custom, or *maṣlaḥa*.

a) *Istiḥsān* based on textual sources (*nass* - the Qur'an or hadith): Upon a question of Hakim ibn Hizam, the Prophet (saw) ordered: "Do not sell what you do not have."¹¹⁶ This is a general *nass*. After the emigration to Medina, the Messenger of Allah (saw) saw that the people of Medina had made a *salam* (money in advance, goods deferred) contract for their fruits for one or two years, and he said: "He who makes an advance payment should not make advance payment except for a specified measure and weight (and for a specified period)."¹¹⁷ Although the *salam* contract has the quality of selling before owning the property, it is permissible in contradiction with an analogy based on this special hadith.

b) *Istiḥsān* based on *ijmā'*: An example of this is the *iṣṭiṣnā'* contract. The commodity ordered to be constructed by a craftsman for a certain amount of money is a commodity that was not available at the time of the contract. However, since people practiced this type of contract widely, it was deemed permissible by the consensus of Muslim jurists.

c) *Istiḥsān* based on necessity: For the sake of cleaning, a contaminated well requires the removal of all the water, yet the well is considered clean by removing some water due to necessity.

d) *Istiḥsān* based on analogy (*qiyās*): For example, when the remnants of birds of prey are compared to predatory animals such as lions and tigers, they should be considered unclean. However, since their beaks are bone and clean, their residues are considered clean by comparing them to humans.

e) *Istiḥsān* based on custom: In order to ensure the continuity of the religious foundation, the endowed thing must be immovable. However, Imam Muhammad made the judgment that movables, which in time customarily became such things as endowed books and the like, can be the subject of a religious foundation contrary to analogy.

f) *Istiḥsān* based on *maṣlaḥa*: Prophet (saw) said, "*Zakāt is not ḥalāl for Muhammad and his family*."¹¹⁸ Abu Ḥanīfa and Malik, in their own time, ruled that *zakāt* could be given to the sons of Hashim, who were from the Prophet Muhammad's family. This is because the conditions had changed since the rights that used to be given to them by the state were no longer granted.¹¹⁹

116. Abu Dawud, *Buyu'*, 70.

117. Al-Bukhari, *Salam*, I; Muslim, *Musaqat*, 158.

118. Muslim, *Zakat*, 168; See al-Zayla'i, *Naṣb al-Rāya*, II, 404.

119. Al-Sarakhsī, *Uṣūl*, Cairo, 1372-1373, II, 201 ff., *Mabsut*, Cairo, 1324-1331, X, 145 ff.; Abu Zahra, *Uṣūl al-Fiqh*, 263 ff.; Zakīyuddīn Sha'bān, *ibid*, p. 159 ff.

2) *Maṣlaḥa* (Public Benefit)

The legitimate public benefits in Islam are aimed at protecting these five things: Religion, property, life, intellect, and lineage. Even though there are some benefits to surrendering to the enemy without a fight, Islam did not consider these benefits valid and instead ordered Muslims at the time of battle to fight with the enemy. The public benefits, other than ones whose validity is determined by Qur'anic verses or hadiths, where the judgment attached to them and the judgment built upon them provide a benefit to people or removes harm from them, but for which there is no certain evidence regarding its validity or invalidity are called "*maṣāliḥ al-mursala*" (or public benefits left for *ijtihād*). The Maliki school is the one that used this evidence the most.

During the period of the four caliphs, many *ijtihāds* were made based on the *maṣāliḥ al-mursala*. For instance: the compilation of the Qur'an during the caliphate of Abu Bakr and its reproduction in the period of Uthman; caliph Uthman allowed the commencement of reciting the external call to prayer on Friday due to the increase in the population; when Abu Bakr realized that he was close to death, he nominated Umar as a caliph; Umar's leaving the conquered Syrian and Iraqi lands with their former owners and subjecting them to the tribute tax, and similar practices are all examples of *ijtihād* based on *maṣlaḥa*.¹²⁰

3) Custom (‘*Urf*)

The acts that most of the people adopt and make a habit of, or the words that they make customary to be used in a special sense that does not mean anything else when heard, are called "customs". The hadith "*What Muslims consider beautiful is also beautiful in the sight of Allah.*"¹²¹ shows that custom is a source for legal rulings. In Majalla, the articles "What is customarily known is as if it is a stipulated condition" (Art. 43), and "Determining by custom is like establishing something by *nass*" (Art. 45) indicate the importance of custom in human transactions.

Customs that contradict the Qur'an or the Sunnah are not valid and take the name "*fāsid* (invalid) custom". For example, alcohol and usury can sometimes become a custom among people due to it spreading widely, but this is not considered a valid custom. Accordingly, the customs formed in an Islamic society are divided into two types as, a) Valid (*ṣaḥiḥ*) custom. For example, while the *iṣṭiṣnā'* contract, which means ordering goods for the craftsman, should not be permissible because it is the sale of something that has not yet been produced, it was deemed permissible by the majority of jurists due to common customs. b) Invalid (*fāsid*) custom. It is a type of custom that is not considered valid because it contradicts a piece of definite scriptural evidence. For example; even if

120. Al-Ghazali, *Mustaṣfa*, Egypt 1322, I, 294 ff.; al-Shafii, 'Umm, Cairo, 1321-1325, VII, 88 ff.; Abu Zahra, *ibid*, p. 27 ff.; Sha'bān, *ibid*, 149 ff.

121. Aḥmad ibn Ḥanbal, *Musnad*, I, 379.

alcohol and usury were to spread across the whole of Muslim society, it could not gain legitimacy and would continue to be an invalid custom.¹²²

Changes in people's customs can sometimes lead to a change in ruling. For example; Ḥanafī jurists used to support the view at first that it is not permissible to receive a fee for teaching the Qur'an. This is because teaching the Qur'an is an obedient act of worship that earns spiritual rewards and should be carried out free of charge. This ruling was in accordance with the conditions of the earlier periods, for at that time, appropriations were allocated from the State budget to the Qur'an teachers. But then the conditions changed and the allowances were cut off. The later Ḥanafī jurists, taking into account the change between their era and the conditions in the era of the previous imams, issued a *fatwā* that payment could be done for both teaching the Qur'an and some other acts of worship, such as being an imam and muezzin.¹²³

4) Shari'ah of the previous religions (*Shar'u man Qablana*)

What is meant by Shari'ah of the previous religions is the decrees that Allah sent for the communities before Muhammad (*saw*) and communicated to them through His prophets such as Abraham, Moses, and Jesus. Are these provisions also valid and binding for the followers of the Prophet Muhammad?

Shari'ah of the previous religions are divided into two types in terms of Muslim society:

a) The provisions of the Bible, Torah, and Psalms that are not included in the Qur'an or the Sunnah of the Prophet. There is a consensus among Muslim scholars that these are not binding on Muslims.

b) The provisions mentioned in the Qur'an or the sayings of the Prophet. It is possible to classify them into three groups:

- i. Provisions for which there is evidence that they are abolished in regards to the Muslims. There is a consensus that these are not binding on Muslims. An example of this is the prohibition on the Jews to not eat animals with undivided hoofs and the fat of the cattle and sheep as a punishment for their excessive behaviors and transgressions.¹²⁴

However, some provisions among them are made *ḥalāl* for Muslims.¹²⁵ An example of this is that the booty has been made *ḥalāl* for the Muslim community and not for the previous ummahs.¹²⁶

122. Al-Zaylāī, *ibid*, IV, 17 ff.; Ibn Abidīn, "Risalat al-'Urf," *Majmū'at al-Rasā'il*, Istanbul 1325, II, 126; Abu Zahra, *ibid*, p. 274 ff.

123. Zakīyyuddīn Sha'bān, *ibid*, p. 179.

124. Al-An'ām, 6: 145-146.

125. See al-An'ām, 6: 145; Ibn al-Humām, *Fath al-Qadīr*, VIII, 81, 82; al-Maydanī, *Lubāb*, IV, 159, ff.; al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuh*, Damascus 1405/1985, III, 506 ff.

126. Al-Bukhari, Tayammum 1.

- ii. Rulings, for which there is evidence, that they are valid for Muslims as well. These are also binding on Muslims. For instance, fasting is made obligatory in Islam as it was obligatory in previous religions¹²⁷ and sacrifice has also been made compulsory for the Muslim society as it was a decree for Abraham.¹²⁸
- iii. Rulings that are not clearly stated in the Qur'an or in the hadiths, whether they should be accepted or rejected, and there is no evidence to be found that they were abolished in regards to Muslims. As an example, we can offer the following Qur'anic verse: ***"We ordained therein (in Torah) for them: "Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed, they are (No better than) wrong-doers."***¹²⁹

According to the majority of Muslim jurists, such Qur'anic verses are also valid for Muslims and constitute independent evidence. If there is no evidence in the Qur'anic verses and hadiths that a certain ruling mentioned in the textual sources is limited to a certain nation and a certain time, or that it was abrogated, it remains applicable to Muslims. As a matter of fact, Muhammad (saw) said: *"Whoever falls asleep during prayer time or forgets it and passes the time, let him perform it when he remembers."*¹³⁰ then he continued by reciting the following Qur'anic verse ***"...and establish regular prayer for celebrating My praise."***¹³¹ In fact, this last Qur'anic verse is addressing Moses.

Based on the above-mentioned verse related to reprisal, Ḥanafis said that a Muslim who kills a non-Muslim will be killed as retaliation.¹³² Moreover, the Messenger of Allah (saw) said, *"There is retaliation for the soul"*¹³³, underpinning that the ruling of retaliation is also applicable to this ummah.

5) Legal Views of the Companions

Everyone who lived during the time of the Prophet and saw him and believed in him is called a *"ṣaḥābī (companion)"*. Its plurals can be *"ṣaḥāba"* and *"aṣḥāb"*. Scholars of the methodology of Islamic jurisprudence are known to have said that a single meeting with the Prophet would last for such a long period of time that it could be labeled "friendship."

According to the majority of Muslim jurists, the legal view of Companions constitutes evidence and becomes binding if it is related to a subject that cannot be comprehended by opinion and *ijtihād*. For the reason that it is a high probability that such a view is based on a knowledge heard from the Prophet (saw). An example of this type of legal view is for instance that the Ḥanafis based their ruling that the shortest period of menstruation

127. Al-Baqara, 2: 183.

128. Ibn Maja, Aḏāḥī, 3.

129. Al-Mā'ida, 5: 45.

130. See al-Nasāi, Mawaqit, 53; al-Darimi, Salat, 26.

131. Ta Ha, 20: 14.

132. Abu Zahra, *ibid*, p. 307, 308.

133. Al-Bukhari, Diyāt, 6; Muslim, Qasama, 25, 26; See al-Baqara, 2: 178.

for women is three days on a report from Ibn Mas'ūd (*ra*), and the ruling that the longest gestation period is two years from Aisha (*r.anha*).

Abu Ḥanīfa explained the method that he followed while making his *ijtihād*: “I take what is in the Book of Allah and accept it. If I cannot find anything in it, I will follow the famous Sunnah of the Messenger of Allah, known by reliable scholars. If I cannot find anything there, I get the opinion of anyone of my choice amongst his companions, I don't leave their views altogether. However, when it comes to the followers of them such as Ibrahim an-Nahai, Sha'bi, Hasan al-Basri, and Ata, I can also make *ijtihād* like them.”¹³⁴

6) *Istiṣhāb* (Presumption of Continuity)

The word *istiṣhāb* literally means to have a conversation or to continue a conversation. *Istiṣhāb*, as a term of the methodology of Islamic jurisprudence, means to rule about the continuity of the decree of a situation that existed in the past, unless there is evidence that it has changed. When a specific provision cannot be found in the sources of the Qur'an, Sunnah, *ijmā'*, or *qiyās* regarding an issue, the mujtahid can find a solution through “*istiṣhāb*”.

For example, if a person's marriage to a woman has been established, it is ruled that the marriage bond between them continues until evidence is presented that the marriage has ended. According to Ḥanafis, after a person performs the minor ablution (*wuḍū'*), it is accepted that he is still in the state of *wuḍū'* unless it is known for sure that one of the situations that invalidate *wuḍū'* has happened. Moreover, the situation of a missing person, meaning that it is unknown whether he is alive or not (*mafqūd*), was analyzed according to the rule of *istiṣhāb*. In brief, the rights known to belong to the *mafqūd* are that the provisions applied to living people are also applied to him/her -unless there is evidence of death. For instance, his property will not be distributed among his heirs, and his wife cannot marry someone else. This is because when he disappeared, it was known for certain that he was alive. It is accepted legally that the qualification of “being alive” continues until there is evidence that he is dead. However, in order to alleviate the plights that the heirs, especially the spouse, will face in this regard, the court may issue a verdict of the death of the missing person. According to the Ḥanafis, for a person to go to court to get a legally dead verdict, it is necessary to wait until the *mafqūd*'s peers pass away or the *mafqūd* to reach the age of 90. Whereas, according to the Malikis, four years must pass to get a verdict of death for the *mafqūd*. While the time required to wait for those who disappeared during a war is one year from the return of the combatants and prisoners of war.¹³⁵

From these sources, schools related to Islamic law or creed were formed around the great mujtahids who issued judgments in accordance with their own methods. Below, we will give brief information about these schools, which are called *madhhab*.

134. Ibn al-Qayyim, *I'lam*, critically ed. M. M. Abdülhamid, Egypt, 1374/1955, I, 25; al-Makkī, *Manāqib*, I, 74-78.

135. Ibn al-Humām, *Fath al-Qadīr*, IV, 440 ff.; Ibn al-Qayyim, *I'lam*, I, 125 ff.; Zakiyyuddīn Sha'bān, *ibid*, p. 188 ff.

IV. THEOLOGICAL SECTS

A – THE EMERGENCE OF THEOLOGICAL SECTS IN ISLAM

The word *madhhab* literally means “the way to go, the place to go, the view, the doctrine, and the trend”. In Islamic terminology, it refers to the schools of Islamic law and creed, which are accepted as a self-consistent system of thought. Its plural form is “*madhahib*”. Mujtahid imams, known as the founders of the *madhhab*, are not the founders or messengers of a religion, but scholars who interpret the textual sources by using the Qur’an, Sunnah, *ijmā’*, *qiyās*, and other methods of inference and try to apply the limited number of texts to unlimited events of life. In general, *madhhabs* are named after their founders such as Maturidi and Ash’ari *madhhabs* in Islamic creed, and Ḥanafī, Shafī’ī, Maliki, and Ḥanbali *madhhabs* in Islamic law. The term “*firqa* (plural *firāq*)”, which means group, is also used to refer to the various sectarian groups that differ about the Islamic creed.

I’tiqād means belief. Believing in something, acknowledging someone, or a piece of news, and following it, is called “*‘aqīdah*.” Its plural is *‘aqāid*. In this case, belief and faith are synonymous. *Iman* as a term means to accept the religion of Allah by heart, that is, to confirm the things that the Messenger of Allah (saw) conveyed with his heart. In order to be treated as a Muslim in society, it is necessary to reflect in life on this belief existing in the heart.

‘Aqāid refers to the entirety of the Islamic rules and decrees related to faith. Acts of worship and deeds are outside the parameters of this scholarly discipline. The belief system of Islam is gathered in the sentence known as “*‘amantu*”. This consists of belief in the existence and oneness of Allah, His angels, His books, His prophets, the Hereafter, destiny, and that good and evil come from Allah.

The discipline of *‘aqāid*, like all other Islamic sciences, was not written and codified in the age of bliss, which is the first period of Islam when the Messenger of Allah (saw) was alive. Since the revelation had not yet been ended, people who had problems in belief, worship, or human relations could go to the Messenger of Allah (saw), and the issue could be resolved in the light of revelation. The Companions were in complete submission to the Qur’an and the Messenger of Allah (saw) in matters of creed, as they did in all other matters. They would unreservedly accept a principle of belief brought by the Messenger of Allah. For instance, it is well known that Abu Bakr (ra) replied to the Meccan polytheists, who sarcastically asked about the Prophet’s miracle of ascension to the heavens with the following words, “If he said that he ascended to the heavens, then it is true. I believe in this and everything he brought from Allah.” On the other hand, it

is also known that the Messenger of Allah (*saw*) forbade some Companions to discuss the issue of destiny for it may not be possible for the human mind to grasp some issues related to faith. Therefore, it is necessary to believe in such issues as they have been reported by the Prophet (*saw*).

After the demise of the Prophet, and thus the end of revelation, most of the Companions preserved their pure and clear Islamic beliefs. However, they began to face some challenges due to the increase in the population who had never met the Prophet (*saw*), the entry of new cultural circles into Islam, and the emergence of new social and political issues. The method through which the caliphs were selected, the incident of Hakam during the caliphate of Ali (*ra*),¹³⁶ and whether the person who commits a major sin (*murtakib al-kabira*) converts out of Islam or not, can be mentioned among such issues.

The first generations, which included the Companions and the followers, believed in the verses and hadiths related to the creed without subjecting them to interpretation. These early generations are called "*Salafiyya*." They interpreted the verse "**(Allah) Most Gracious is firmly established on the Throne**"¹³⁷ as Allah has a throne, but we do not know its nature. In like manner, they understood the verse "**...the Hand of Allah is over their hands...**"¹³⁸ as Allah has a hand, but we cannot know its nature. The scholars of Islamic theology who lived in later periods, on the other hand, stated that such verses have metaphorical meanings; For instance, the Throne of Allah means His domination over the realm of beings, and that He has absolute power. By Allah's hand, it is meant His power and Might. In this regard, they relied on Qur'anic verses stating, "**...there is nothing whatever like unto Him...**"¹³⁹

B – AHL AL-SUNNAH WA AL-JAMA'AH

It is a name given to the majority of the *'ummah* who follow the path of the Prophet and the Companions and take the Book of Allah and the Sunnah of Muhammad as their guide. The Muslim community expressed with this phrase the two important characteristics as following the Sunnah and being a member of the *jama'ah*. People's consensus in adopting the Prophet's Sunnah, which includes his words, actions, and approvals, and his moral and human attitudes, and their application is called "*jama'ah*."

In various verses of the Qur'an, it is clearly stated that the sunnah should be taken into account in terms of belief and deeds: "**The answer of the Believers, when summoned to Allah and His Messenger, in order that He may judge between them, is no other than this: they say, 'We hear and we obey': it is such as these that will attain**

136. See Şerafettin Gölcük, *İslam Akaidi*, Konya, 1989, p. 8 ff.

137. Ta Ha, 20: 5; See al-A'raf, 7: 54; al-Tawba, 9: 129; Yunus, 10: 3; al-Rad, 13: 2; al-Furqan, 25: 59.

138. Al-Fath, 48: 10; See Āl 'Imrān, 3: 73; al-Mā'idā, 5: 64; al-Ḥadīd, 57: 29.

139. Al-Shūrā, 42: 11; al-Ikhlās, 112: 4

felicity."¹⁴⁰, *"Obey Allah and obey the Messenger and beware!..."*¹⁴¹ and *"...So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in Punishment."*¹⁴²

The Prophet also said: *"Fulfill what I command you, and forsake what I prohibit as much as you can."*¹⁴³ The tendency to neglect the Sunnah, with the thought that the Qur'an is sufficient for us, has been a path used by *bid'ah* factions throughout Islamic history. The Prophet (saw) had even stated that such people with weak religious commitment will emerge in the future, and asked his followers to avoid such people with the following words, *Beware! I have been given the Qur'an and something like it, yet the time is coming when a man replete on his couch will say: "Keep to the Qur'an; what you find in it to be permissible treat as permissible, and what you find in it to be prohibited treat as prohibited."*¹⁴⁴

Just as the Prophet (saw) wanted his own Sunnah to be followed, he also wanted the way of his Companions to be followed, *"those of you who live after me will see great disagreement. You must then follow my Sunnah and that of the rightly-guided caliphs. Hold to it and stick fast to it. Avoid novelties, for every novelty, is an innovation, and every innovation is an error."*¹⁴⁵ As it is revealed in the Qur'an that Allah is pleased with Ansar, Muhajirs, and those who follow their path with kindness,¹⁴⁶ the Prophet also drew attention to the path of these generations as follows: *"The best period of my 'ummah is the period in which I live. Then it is the time of those who follow them."*¹⁴⁷ In another hadith, it is reported that after mentioning three generations, i.e. the companions, those who follow them, and those who follow the followers, falsehood will spread and the mighty hand of Allah will be on those who gather around these three generations.¹⁴⁸

In another hadith, he stated that the Jews were divided into 71 factions and the Christians were divided into 72 factions and said that the Muslim 'ummah would be divided into 73 factions, one of which would be on the path of salvation and the others will fall in the fire, and to the question of who would be on the path of salvation, he replied, *"Those who follow my path and my companions."*¹⁴⁹ This group called *Firqa al-Najiya* has been studied under the name of *"Ahl al-Sunnah wa al-Jama'ah"* and those who fall into the fire have been labeled as *"Ahl al-Bid'ah."* Yet, another characteristic of

140. Al-Nur, 24: 51.

141. Al-Mā'idā, 5: 92.

142. Al-Hashr, 59: 7. See also Āl 'Imrān, 3: 3; al-Nisā, 4: 65; al-Ahzab, 33: 36; al-Nur, 24: 63.

143. Ibn Maja, Muqaddimah, 1.

144. Abu Dawud, Sunnah, 6; Aḥmad ibn Ḥanbal, IV, 131.

145. Abu Dawud, Sunnah, 5.

146. Al-Tawba, 9: 100.

147. Al-Bukhari, Faḍā'il al-Ṣaḥāba, 1.

148. Al-Tirmidhi, Fitan, 7.

149. Abu Dawud, Sunnah, 1; Ibn Maja, Fitan, 17.

the Muslim society is explained in a hadith as follows: “My nation will not unite on misguidance, so if you see them differing, follow “*sawad al-a‘zam*” (the great majority).”¹⁵⁰

Ahl al-bid‘ah literally means “those who adopt new views and behaviors regarding religion”. As a term of Islamic creed, it refers to the factions and groups that abandon the Sunnah of the Prophet and the Companions, deviate from the path they followed, and oppose the Ahl al-Sunnah. Some of the sects, which are considered as the people of *bid‘ah*, such as Ghaliyya, Baṭiniyya, and Yazidiyya, are considered to be outside the circle of Islam and its faith. They are also called *ahl al-hawā*, *firāq al-ḍalla*, or *ahl al-ḍalāl* (those who go astray). Although, some sects that act against the *Sunnah*, such as the Kharijiyya, Mu‘tazila, and Shia, are still considered to be from the people of the *qibla* and belong to the Islamic ‘*ummah*.

Below, we will briefly talk about the sects that evaluate and interpret the verses and hadiths related to the creed as a whole and determine the main points of the Islamic belief.

C – CREEDAL SECTS

1) Salafism

Salaf literally means “the previous generation” and Salafiyya means “those who belong to this generation”. Salafiyya, as a term of theology, refers to the first generations called *Ahl al-Sunnah al-Ḥassa*, who accept the issues in the Qur’an and hadith as they are, including the allegorical (*mutashabih*) ones, and do not follow the path of analogy, *tajsīm* (anthropomorphism) and *ta‘wīl* (allegorical interpretation). They are also known as those who follow the exact path of the Prophet and the Companions. The Followers (*tābi‘ūn*), imams of the schools, great mujtahids, and hadith scholars are considered to be the people of *Salafiyyah*. All *Ahl al-Sunnah* scholars who lived until the establishment of the science of *kalām* by Imam Ash‘ari and Maturidi in the fourth century of the Hijra shared the views of the Salaf.

Salafiyya also refers to a creedal view that emerged during the fourth century of Hijra as a view (school of thought) and was introduced and defended by the members of the Ḥanbali school. The school of thought in question was strengthened in the seventh century AH, and new ideas were added, especially by Ibn Taymiyya. The Salafiyya claim that the only way to follow is the way of the Qur’an and the method of calling to Islam is explained in the following verse. “**Invite (all) to the Way of your Lord with wisdom and beautiful preaching, and argue with them in ways that are best and most gracious...**”¹⁵¹

Ibn Taymiyya (d.751/1350), Ibn Qayyim al-Jawziyya (d.751/1350), Ibn al-Wazir (d.840/1436), al-Shawkānī (d.1250/ 1834) and Mahmud Shukru al-Alusi (d.1324/1924) can be mentioned among the main representatives of Salafiyya in the later period.

150. Ibn Maja, Fitan, 8. See Ibn al-Athir, *Nihaya*, II, 419.

151. Al-Nahl, 16: 125.

Although the Salafi creed, which has a conservative character, was accepted as the simplest and most reliable way for the people, this method of the *salaf* has not been considered sufficient for those who were familiar with various philosophies and cultures, and the method of the *Ahl al-Sunnah* theologians has been presented as a more appropriate way.¹⁵²

2) Ash'arism

Abu al-Hasan al-Ash'ari, who is considered the second imam of the study of Islamic creed together with Imam Maturidi, was born in Basra in 260/873 and died in Baghdad in 324/936. His real name is Ali, and his father's name is Ismail. Imam Ash'ari was first affiliated with the Mu'tazila sect. He defended the views of Mu'tazila until the age of forty. Upon seeing Prophet Muhammad (saw) in his dream, he realized that he was on the wrong path. In the meantime, he prevailed over his teacher Abu Ali al-Jubbai (d.303/936) in the discussion of the issue known as "the issue of the three brothers," and because he did not find his teacher's views adequate, he left the Mu'tazila and founded Ash'arism.

After that, Imam Ash'ari adopted the new methodology of Islamic theology based on explaining and strengthening the revelation by means of reason. He became the guardian of the *Ahl al-Sunnah* school. Ash'ari, who lived during the same period as Imam Maturidi, shares the same views with him on matters of faith. There are some differences between them in regards to the details. For example, while Maturidi claims that the faith in the heart is a whole and will not increase or decrease, Ash'ari on the other hand argues that faith can increase or decrease.

In matters of creed, the Malikis and Shafi'is adopted the Ash'ari school of thought. According to the Hanbalis, the school of law and creed are one and the same. They follow a belief based on the view of the *salaf*, separate from the school of law of Ahmad Ibn Hanbal.

The main works of Imam Ash'ari are as follows:

a) *Maqalat al-Islamiyyin*: In this work, Ash'ari gives information about sects, makes moderate criticisms, avoids accusing the people of the *qibla* with disbelief, and follows a tolerant path.

b) *al-Ibana 'an Usul al-Diyana*; In this work, the problems of Islamic theology such as to whether Allah can be seen or not, *kalāmullah*, *istiwā*, Allah's attributes, time of death, sustenance, guidance, and aberration are explained according to the views of the people of the Book and the Sunnah.

152. For more information see Bekir Topaloğlu, *Kelam İlmi, Giriş*, İstanbul 1987, p. 87 ff.; İsmail Hakkı İzmirli, *Yeni İlmi Kelam*, İstanbul 1339/1341, I, 98 ff.; Neşet Çağatay- İ. Ağah Çubukçu, *İslam Mezhepler Tarihi*, Ankara 1976, p. 191.

c) *al-Risala fi Istihsan al-Hawd*: In this work, Ash'ari responded to those who call him an innovator in religious matters with verses and hadiths and showed that independent reasoning is permissible in religion.

d) *al-Luma'*: It is an important work that includes Ash'ari's views on Islamic theology.¹⁵³

Imam Maturidi and Imam Ash'ari prevented the propagation of corrupt creeds, philosophies, and false beliefs that emerged in their time and did not allow divisions and factions to fester in the *'ummah*.

3) Maturidism

Abu Mansur Muhammad, the founder of Maturidism, a school of Islamic creed, was born in Maturid, one of the villages of Samarkand, and died in 333/944.

At that time, it was deemed necessary to use the mind and the rules of logic in order to defend the principles of Islam in the face of mass conversion to Islam from various cultures and due to the mass translation that took place of Indian and Greek philosophies into the Arabic language. This new branch of study, created by Muslim scholars to defend matters of faith, was called "*Kalām*." The Latin word for *kalām* is "theology." Abu Mansur Muhammad Maturidi is a great theologian who grew up during this period. He explained the creed of Islam in accordance with the Book and Sunnah and by making use of rational data, defended the way of *Ahl al-Sunnah* against the aberrant and innovators, and became the imam of the creed of the Ḥanafis, especially in Transoxiana.

The basis of the Maturidi creed is Abu Ḥanīfa's (d.150/767) thoughts, especially his work entitled "*al-Fiqh al-Akbar*." This work of Abu Ḥanīfa includes the main principles of the issues of faith and the solutions to controversial theological issues. It is known that Abu Ḥanīfa dealt with the study of *kalām* before fiqh and wrote five treatises bearing the titles of *al-Fiqh al-Akbar*, *al-Risāla*, *al-Fiqh al-Awsat*, *Kitāb al-'Alim*, and *al-Wasiyya*.¹⁵⁴

After Imam Maturidi, Ḥanafis were known also as Maturidis. In the matter of creed, in general, most Ḥanafis and Turks followed the Maturidi sect. The two-leading works of Imam Maturidi are as follows:

a) *Kitāb al-Tawḥīd*: This work of Imam Maturidi, in which he defended the Islamic faith against false views, was published by the Egyptian scholar Fathullah Hulayf.¹⁵⁵ Imam Maturidi especially worked to refute the views of the Mu'tazilites and wrote some refutations in response to the views of al-Kabi, who is considered the representative of Mu'tazilites.¹⁵⁶ Moreover, he also struggled against the Qarmatians and Rafidis.

153. For editions of Ash'ari's works see *Maqalāt*, Istanbul 1928; *Ibāna*, Hayarabad 1948; *Risāla*, Haydarabad, 1323; 1344, Beirut 1923. (in *Lum'a* with English translation); *Lum'a*, Beirut 1955.

154. Kamāl al-Dīn al-Bayazī collected these five treatises of Abu Hanīfa in his book titled *Ishārāt al-Marām min Ibarāt al-Imam* and this work was published in Egypt in 1949.

155. See al-Maturidī, *Kitāb al-Tawḥīd*, ed. by Faṭḥullah Hulayf, Beirut 1970.

156. Kemal Işık, *Maturidi'nin Kelam Sisteminde İman, Allah ve Peygamberlik Anlayışı*, Ankara 1980, p.19.

b) *Ta'wilāt al-Qur'an*: It is a commentary on the Qur'an where Imam Maturidi defends the belief of *Ahl al-Sunnah* based on intellectual and textual evidence. The subjects were explained in a simple style so that everyone could understand, and the views of other schools of thought and factions were also included when they were required.¹⁵⁷

Since we will dwell further on the principles of faith of the *Ahl al-Sunnah* in another part of the book, this much information about the views of creedal schools of thought is sufficient at this juncture.

D – CREEDAL SECTS ACCEPTED AS INNOVATORS

It is feasible to gather the sects of *bid'ah* or innovators, which are considered as people of false beliefs or heretics that do not have a consensus on most fundamental issues, and which sometimes put forward contradictory views, under six groups: Mu'tazilites, Jabariyya, Kharijiyya, Shia, Murjiah, and Mushabbiha. We will briefly deal with the first four of them, which have had an impact on the Muslim world.

1) Mu'tazilites

The word *Mu'tazila* literally means “those who leave, those who move away, those who withdraw”. This is the sect founded by Wasil Ibn Ata (d.131/148), who abandoned the teachings of Hasan al-Basri (d.110/728), one of the *Ahl al-Sunnah* scholars, saying that the person who commits a major sin is at a level between belief and disbelief. Mu'tazilites define themselves as “*Ahl al-'adl wa al-tawhid*”. Being labeled as a rational sect, the Mu'tazila gave priority to reason in interpreting the verses and hadiths that they thought contradicted reason.

Among the representatives of the Mu'tazila are Abu al-Huzayl al-Allaf (d.235/850), Nazzam (d. 231/845), Jahiz (d. 255/869), Bishr Ibn Mu'tamir (d.210) /825), Jubbai (d. 303/916), Qadi Abduljabbar (d. 415/1025) and Zamahshari (d. 538/1143). The Mu'tazila, which had its heyday during the Abbasid period, later lost its influence and in time, even ceased to exist as a sectarian group. Yet, today, the views of the Mu'tazila survive in the Ja'fariyya and Zaydiyya branches of Shiism and in the Ibadiyya branch of Kharijites.

The five principles that the Mu'tazila is based on are as follows: a) Allah is one with His being and attributes (*tawhid*), b) The servant acts with his free will, and Allah creates the most appropriate (*'adl*), c) He who does good is rewarded, and for those who do evil there is punishment (*wa'd and wa'id*), d) Those who commit a major sin remain at the level of *fisq* between faith and unbelief (*al-manzila bayn al-manzilatayn*), e) It is obligatory for every Muslim to command good and forbid evil.

The “Qadariyyah” school, which believes in a destiny determined by the human being instead of the destiny determined by God, and attributes man's actions to man,

157. Işık, *ibid*, p.18

not God, continued its existence with the basic theses of Mu'tazila, although it was represented by various people. Ma'bad Ibn Khalid al-Juhani, one of the first leaders of this movement, who claimed that God does not have a will and knowledge over man's will and actions and that God only knows man's actions after they appear, was executed by governor al-Hajjaj during the period of Umayyads and another leader of this same movement, Ghaylan Ibn Muslim al-Kipti al-Dimashqi, was executed by the order of Caliph Hisham Ibn Abdulmalik.

2) Jabariyya

It is a sect that supports the opposite view of the Qadariyyah on the subject of destiny and free will. It is reported that Ma'bad ibn Khalid al-Juhani (d. 85/704) was the first to bring the issue of fate to the agenda in the Islamic world. Ghaylan al-Dimashqi followed him and further developed his views on destiny. Ma'bad argued that there is no destiny predetermined by Allah, and that man is completely free in his actions and behaviors. He probably commenced by arguing that Umayyad oppression could not be part of destiny, especially by observing the notion that those who supported the extreme oppression and tyranny of the Umayyads relied on fatalism. He eventually ended up arguing that there was no such thing as destiny. As a matter of fact, the murder of both Ma'bad and Ghaylan (who followed him) by the Umayyad rulers shows that the issue is closely related to the political context of that time.

Jahm Ibn Safwan (d. 128/745) reacted strongly to the denial of destiny by Ma'bad basing his opinion on the Qur'anic verses stating that everything happens under the knowledge and will of Allah, and that man has a written destiny.¹⁵⁸ He introduced the creedal principle of *jabr*, which is that a person does not have a choice in the things he does but he is coerced to do the things that he does due to fate. According to this belief, man has no will and power in his work and actions. A servant is like a leaf drifting in front of the wind, the wind determines the direction of the leaf, not the leaf itself. Just as God creates the motions of inanimate plants, He also creates human actions. Some members of the Jabariyya accept that there is power in man, but that it is not effective on man's actions.

Ahl al-Sunnah, on the other hand, while accepting that all the voluntary or involuntary actions of the servants are created by Allah, they follow a middle path between the Qadariyyah and the Jabariyya, saying that Allah can direct the partial will given to man (*iradah al-juz'iyyah*) in any direction. In many places in the Qur'an, it is stated that **"as a return for your deeds..."** and "deed" is attributed to man. The fact that Allah knows what a person will do beforehand and writes it in his destiny does not mean that a person is forced into this deed. On the contrary, a person carries out that deed with his free will and he does it voluntarily. Therefore, he is responsible for the result of such action.

158. See al-A'raf, 7: 178; al-Tawba, 9: 51; Ra'd, 13/8; al-Zumar, 39: 62; al-Qamar, 54: 49; al-Insan, 76: 30.

3) Khawarij

When the appointment of the caliph was left to an arbitrator after the battle of Siffin (37/657), which took place between Ali and Muawiya, a group emerged by rebelling against Ali and claiming that those who committed major sins would leave the religion and that the sinful head of state would not be obeyed. This group was called the “Kharijites”. Its plural form is *khawārij*. They are also called *Haruriyya* or, as a name they use for themselves, “*Shurat* (the ones who sell themselves to Allah).”¹⁵⁹

Although the Kharijites can be perceived to be a sect that showed meticulousness in preserving religious decrees at first glance, it is observed that they formed the first seeds of anarchy in the Muslim society due to their excessive involvement in subjects that are open to subjective evaluation. This sect initially emerged as a view adopted by the ignorant masses, and then had more or fewer followers in every period. Today, the Ibadiyya branch of Kharijites is mostly found in the sultanates of North Africa, Madagascar, Zanzibar, and Oman. Since they are based only on the literal meaning of the Qur’an, they have different views in regard to Islamic law than the *Ahl al-Sunnah*.

4) Shia

The word *shia* literally means supporter, helper. As a denomination, it is the common name of the communities that regarded Ali (*ra*) as the person most worthy of the caliphate after the death of the Prophet (saw). They accepted him as the first legitimate caliph and believed that the son of Ali should have inherited the caliphate after his death. Only second to the community of *Ahl al-Sunnah*, Shia is the most important creedal, jurisprudential, and political denomination that has survived until today and has a significant number of followers in the Muslim world.

In the events that took place after the martyrdom of Uthman (*ra*), those who took sides and fought on Ali’s side were called “*Shia al- ‘Alī ibn Ṭālib* (the supporters of Ali ibn Talib).”¹⁶⁰

The three major branches of Shia that have survived to the present day are Zaydiyya, Ismailiyya, and Imamiyya-Ithna Ashariyya. Zaydiyya was named after Ali’s grandson, Zayd Ibn Ali Zaynal Abidīn. Zaydiyya, who has supporters in the Yemen region today, has views close to the Mu’tazilites in matters of faith and close to the Ḥanafī sect in matters of Islamic law. Although the Zaydiyya believe that the caliphate is the right of the descendants of Ali (*ra*), they also see the caliphate of Abu Bakr (*ra*) and Umar (*ra*) as legitimate. They do not accept the view that the caliphate belongs to the sons of Husain and that the imams are innocent. Due to such beliefs, Zaydiyya is known as the closest sect to *Ahl al-Sunnah*.

159. Al-Shahristani, *al-Milal wa al-Nihal*, Beirut 1975, I, 85.

160. Al-Shahristani, *ibid*, I, 146.

After the death of Ja'far al-Sadiq in 148/769, the claim that his son Ismail and his descendants, not his son Musa and his descendants, had the right to the leadership of the state led to the emergence of the Ismailiyya sect, which is known within the wider Shia group for its extreme views. The Ismaili school, which was ruled by secret imams and missionaries (*dais*) for one and a half century, gained strength with the establishment of the Fatimid State at the beginning of the fourth Hijri century. Later, it was divided into two sub-fractions as eastern and western Ismailis. It had many extreme views because of its influence from ancient Greek and Eastern philosophies and Middle Eastern religions and its immersion in esoteric interpretations. Today, this minority group is mostly found in Pakistan, Iran, and Central Asia.

The Imamiyyah is the largest branch of the Shia, comprising about ten percent of the world's Muslims today. Since the sect's view of imamate and politics is shaped around twelve imams, they are also known as "Ithna Ashariyya (The School of Twelver Schism)" and "Ja'fariyya" because they are based on the views of Ja'far al-Sadiq in faith and Islamic law.

The main views of the Twelver Schism can be summarized as follows: a) The imamate is a pillar of religion, so there must always be an imam. b) They believe that the Prophet (saw) appointed Ali as the caliph and that this is an ongoing process. c) They believe that imams are innocent. Imams do not commit major or minor sins, knowingly or unknowingly. This belief is important in order to obey the words of the imam. d) It is necessary to believe that there are twelve Imams. e) to believe that the twelfth imam Muhammad al-Mahdi, who disappeared at a young age, will return as the Mahdi; to hide one's identity (*taqiyya*) in cases of danger. Moreover, taking a stand against the Companions who did not obey Ali and cursing them are also among the fundamental principles adopted by Imamiyya.¹⁶¹

The Imamiyya, which started during the caliphate of Ali and continued throughout the Umayyad and Abbasid periods, isolated itself from the majority of the Muslim *'um-mah* as a result of the failures, and oppression, tyranny, and injustices and developed its own theories around the imamate and politics. It was criticized by the scholars of Ahl al-Sunnah because of the differences of opinion it caused in the Muslim world, its uncompromising attitude, and the creedal views it supported. However, the moderate Shiites, who are in agreement with the majority of Muslims, on certain rules of Islam, such as the principles of faith, ritual prayer, fasting, pilgrimage, *zakāt*, alcohol, gambling, and adultery, have never been called disbelievers.

It is our view that a peaceful process should be started by studying the issues that led to the disagreement between Muslims in history. This should be carried out with

161. For more information see Bekir Topaloğlu, *Kelam İlmi*, İstanbul 1981, p. 218; Mustafa Öz, "Ca'fer es-Sadık", *TDV İslam Ansik.*, "Şia", *Şamil İslam Ansik.*; Hamdi Döndüren, "Ca'fer-i Sadık", *Şamil İslam Ansik.*; Komisyon, *İlmihal*, I, 29-31.

scholarly methods and comparing the events with the valid sources that are in the hands of the Ahl al-Sunnah. At a time when political, cultural, and economic cooperation is being carried out by countries dominated by non-Muslims, and dialogue and tolerance meetings are held, it should not be difficult to meet on a scholarly basis with societies that refer to the Qur'an and the Sunnah to a large extent.



V. SCHOOLS OF ISLAMIC LAW

A – THE CONCEPT AND SCOPE OF *FIQH*

Fiqh literally means to know, to understand, to have knowledge of something as a whole. In Islamic legal terminology, it refers to the knowledge of a person regarding the practical rules for and against him or her. According to another definition, *fiqh* means to know the Shari'ah provisions pertaining to worship, daily transactions, and penal matters with their detailed evidence.¹⁶²

Various forms of the root of *fiqh* are used in the Qur'an in the meaning of knowing, understanding, and perceiving.¹⁶³ The Prophet (saw) said, "*If Allah wants to do good to a person, He makes him faqih (a scholar who understands the subtlety of religious rules) in religion.*"¹⁶⁴

In the era of the four caliphs and the followers, the word *fiqh* meant knowledge. The phrase *al-Fiqh al-Akbar* (the greatest *fiqh*) at that time meant the study of creed and *tawhīd*; the concept of *al-fiqh al-wijdānī* referred to the training of self and the study of ethics; the word *fiqh*, when used alone, meant a field of science that dealt with the practical matters. Abu Ḥanīfa's (d.150/767) definition of the science of *fiqh* as "knowledge of a person, the provisions for and against him/her" is a general definition. Since sciences such as theology, creed, ethics, and Sufism had not yet become independent disciplines at that time, Abu Ḥanīfa's work titled "*al-Fiqh al-Akbar*" covered the issues of creed. However, the science of *fiqh* gradually began to be defined "in terms of deeds" to include only worship, daily transactions, and penal matters.¹⁶⁵

The term "Islamic Law", which has recently started to be used instead of *fiqh* (usually as its translation), covers the provisions related to transactions, penal law, and inheritance, excluding the acts of worship.

The subject of *fiqh* is the actions of the person who is responsible for Islamic orders and prohibitions. Such actions can be in the form of "commandment (*amr*)" such as establishing your prayers, or "prohibition (*nahy*)" such as the prohibition of theft, or "permissibility (*mubāḥ*)" such as eating and drinking. The obligation of sane and adolescent people with the provisions of Shari'ah is expressed with the term *ahliyyah* (legal competence). Religious provisions related to the acts of worship, transactions, and penal law are called "Shari'ah." This word is also used in the sense of religion. In this case, it includes all the creed and practical provisions. However, the term *shari'ah* is

162. Ibn Abidīn, *Radd al-Mukhtar*, Beirut 1272 H. I, 34; Muhammed Abu Zahra, *Uṣūl al-Fiqh*, 1958 n.p., p. 6, 7.

163. *Al-Nisā*, 4: 78; *al-A'raf*, 7: 179; *Hud*, 11: 91; *al-Tawba*, 9: 122.

164. *Al-Bukhari*, 'Ilm, 10.

165. See Mecelle, Article 1.

generally used for rulings related to the actions. Accordingly, it expresses the practical and external aspects of the divine system.

A person who knows the science of fiqh is called “*faqih*.” Its plural form is “*fuqaha*.” This word is used in the sense of “*mujtahid*” in the science of fiqh. A *mujtahid* is a person who has the knowledge and ability to deduce religious rulings from its sources. *Mufti* means the person who issues fatwa. A jurist who is not qualified as a *mujtahid* is called a *mufti* because he narrates and transmits the words and fatwas of other *mujtahids*, and the answer given by a jurist to an Islamic issue is called a *fatwā*. *Fatwā* has a more specific meaning than *ijtihad*.

There is no need for *ijtihad* regarding the issues that are clearly and definitively decided in the Qur’an and Sunnah, and regarding the issues resolved by the consensus of Muslim jurists (*ijmā’*). Apart from these, secondary and practical problems are analyzed, besides the primary sources, based on secondary sources such as *istihsān*, *maṣlaḥa*, custom, and the *shari’ahs* of the previous religions, which is an area where *ijtihad* and *fatwa* mostly take place.

Some jurists who lived in the era of both the Companions and the followers were knowledgeable enough to break new ground for a school of fiqh (*madhhab*) with their fatwas and *ijtihad*s on various subjects. Aisha, Abdullah ibn Umar, Abdullah ibn Mas’ūd (*r. anhum*), and their like were such individuals. Seven Medinan jurists from the generation of the followers and Nafi (d.117/735) from Medina, Alqama ibn Qays (d.62/682), Ibrahim al-Nahai (d.96/714), Hammad Ibn Abi Sulaiman (d.120/738) from Kufa, and Hasan al-Basri (d.110/728) from Basra can be mentioned among them.

The first two-hundred-year period of the Abbasids (750-1258 A.D.) is the period when fiqh was compiled and developed, and great imams and *mujtahids* were trained. These were the following jurists: Sufyan Ibn Uyayna in Mecca; Malik Ibn Anas in Medina; Hasan al-Basri in Basra; Abu Ḥanīfa and Sufyan al-Thawri in Kufa; al-Awzai in Damascus; Shafi’i and Lays Ibn Ṣa’d in Egypt; Ishaq ibn Rahuya in Nishapur; Ahmad Ibn Ḥanbal, Dawud al-Zahiri and Ibn Jarīr al-Tabari in Baghdad. Each of them had different *ijtihad* systems and methods and views deducted by employing those methods. However, most of these systems did not survive because they did not have adequate adherents over time, could not present the Islamic *fiqh* as a whole and as a legal system, or because they, as in the case of the Zahirites, did not accept analogy and acted harshly against the other schools.

Yet, the schools attributed to Abu Ḥanīfa, Shafi’i, Malik, and Ahmad ibn Ḥanbal did survive and have been accepted by the great masses of the people. On the other hand, some Shia branches and moderate Kharijites also continued to exist to this day. We will briefly talk about the representatives of all of these various schools and their main features below.

B – SCHOOLS OF ISLAMIC LAW AND THEIR IMAMS:

1) Ḥanafi School

It is the first school of Islamic law in chronological order, and it is called by this name because it is attributed to Abu Ḥanīfa. The real name of Abu Ḥanīfa was Numan ibn Thabit ibn Zuta. He was born in Kufa in 80/699 and died in Baghdad in 150/767. There are varying views that state that he was originally Turkish or Persian. Numan ibn Thabit, who came from a wealthy family, first memorized the Qur'an in Kufa and learned Arabic morphology, syntax, poetry, literature, *jadāl*, and theology. He listened to hadiths from prominent masters of Kufa, Basra, and Iraq. He specialized in fiqh by studying for eighteen years with his teacher, Hammad Ibn Abi Sulaiman (d.120/738). The chain of his teachers goes back to the mujtahid Companions like Abdullah Ibn Mas'ūd (d.32/652), Ali (d.40/660), and Umar (d.23/643) (*r. anhum*) through his teacher Hammad, Ibrahim al-Nahai (d.95/714), Alqama (d.62/681) and Aswad (d.95/714). In the meantime, he also benefited from the knowledge of Ja'far al-Sadiq and Muhammad Bāqir.

Abu Ḥanīfa was engaged in cloth trading, which was his family profession, and continued his scholarly studies uninterrupted in Kufa. In addition to his theoretical knowledge, his presence among tradesmen and merchants who applied the theoretical knowledge in daily life had a great role in ensuring that he made accurate determinations, understood the transactions, and knew the social structure well. He was famous for his honest treatment, hatred of lies, cheating, and competition, his smiling face, sweet talk, and helpfulness. It is said he spoke little, but when asked about fiqh, his knowledge flowed like a flood.

Abu Ḥanīfa was 40 years old when his teacher, Hammad, died. He got into his chair and began to teach his classes. His lectures would be in the form of debate. He would raise an issue, talk about it, and everyone would say their opinion on it, eventually, Abu Ḥanīfa would explain his opinion and thus the matter would be settled. Imam Muhammad would write down the topics discussed at these academic meetings. The first basic works of the Ḥanafi school in which the views of Abu Ḥanīfa, Imam Muhammad, and Abu Yusuf were recorded and transmitted through *tawatur* are called *Zāhir al-Riwāyah*. These are the following six books:

Al-Asl (or *al-Mabsut*), *al-Jāmi' al-Saghīr*, *al-Jāmi' al-Kabīr*, *al-Siyar al-Saghīr*, *al-Siyar al-Kabīr* and *al-Ziyadāt*.

The *Zāhir al-Riwāyah* work was abridged by Abu Fadl Muhammad al-Marwazī (d.334/945) and the work was titled, "*Kāfi*." This latter work was later annotated by Shams al-Aimma al-Sarakhsi (d.490/1097), and this work named "*Mabsut*" was published in 30 volumes.

Abu Ḥanīfa trained many students. It is reported that the number of students trained in his lecture circles exceeded 4000, and about forty of them reached the level of *ijtihād*. Four of them are famous:

a) Abu Yusuf Yaqub ibn Ibrahim al-Kufi (d.182/798) became the chief judge during the reign of Harun al-Rashid. He has a great role in codifying the principles of the Ḥanafī school, applying them to social life, and spreading it to the world. His work named “*Kitāb al-Kharaj*” on property and tax systems has been translated into other languages.

b) Imam Muhammad Ibn Hasan al-Shaybanī (d.189/805) received his first training from Abu Ḥanīfa. He made up for the shortcomings of Abu Yusuf. He wrote the books of *Zāhir al-Riwāyah*, the most reliable and earliest works of the Ḥanafī school.

c) Imam Zufar ibn Huzayl Ibn Qays (d.158/775) was born in Isfahan and died in Basra. He was also a hadith scholar who excelled in *ijtihād* based on personal opinion. He successfully applied the analogy. He was a *mujtahid mutlaq*.

d) Hasan ibn Ziyad al-Lu’lūi (d.184/800) first became a student of Abu Ḥanīfa, then Abu Yusuf and Imam Muhammad. He became known for the science of hadith and the opinions of Abu Ḥanīfa. However, the views of Imam Zufar and Hasan Ibn Ziyad were not included in the first *Zāhir al-Riwāyah* books.

His students and society recognized Abu Ḥanīfa as a leader (imam) and named him “Imam al-‘Azam”, meaning “the greatest imam.” The legal path developed by Imam al-Azam is called “Ḥanafī School”, and those who follow this school are called “Ḥanafīs.”

The Ḥanafī school originated in Iraq and became the dominant school of Islamic law in the state during the Abbasid period when Abu Yusuf became the “*qāḍī al-quḍāt* (chief qadi).” Especially by spreading to the east, it showed great development in Khorasan and Transoxiana. Many Ḥanafī jurists were trained in this region. When the Ottoman State was established and the Ḥanafī school was adopted as the official school of the state, its sphere of influence expanded further. Today, the Ḥanafī school is very common in Turkestan, India, Pakistan, Afghanistan, Turkey, and the Balkans.

2) Maliki School

This school is called by this name because it is attributed to the great hadith and fiqh scholar Malik Ibn Anas. Imam Malik Ibn Anas was born in Medina in 93/712 and died in the same city in 179/795. Medina at that time was a center in terms of the hadiths of the Prophet and the fatwas of the Companions and the Followers. In such a scholarly environment, Imam Malik took hadith and fiqh lessons from well-known scholars from the generation of the Followers such as Ibn Hormuz, Ibn Umar’s freed slave Nafi, Ibn Shihab al-Zuhri, Yahya ibn Sa’id, and Rabia ibn Abdurrahman. When he reached the age of maturity, he started to give lectures and fatwas in the Masjid al-Nabawi in Medina. A wide scholarly circle formed around him, and he trained many students.

In deducting judgments from the sources, it is observed that Imam Malik applied first to the sources of the Qur'an, sunnah, *ijmā'*, the words of the Companions, customs, and traditions, and then the secondary sources such as *qiyās*, *istihsān*, *maṣāliḥ al-mursala*, and *sadd al-dhara'ī'*. The most distinctive feature of Imam Malik's *fiqh* is that it takes the practice of the people of Medina (*'amāl ahl al-Madina*) as evidence. In order to accept the solitary hadiths (*aḥad* Hadith), he stipulated that it should not conflict with the deeds of the people of Madinah. For according to him, the deeds of the people of Madinah have the same status as *mutawatir* hadith. The Prophet lived among them for ten years so they saw his customs and traditions. They saw how he abolished customs and traditions that contradicted Islam and how he approved of those who did not. For that reason, their deeds were counted at the level of *tawatur*.

His famous students are: Abdurrahman Ibn Qasim (d.132/749) studied *fiqh* with Malik for twenty years; He received knowledge from Lays b. Ṣā'd (d.175/791) and transmitted the famous work of the Maliki school called *Mudawwana*. Sahnun (d.240/854) received this work from him and arranged it according to the subjects of *fiqh*. Yahya ibn Yahya (d.234/849) was a jurist who spread the Maliki school of law in Andalusia. Ashhab ibn Abdulaziz (d.204/819) became an expert in *fiqh* alongside Malik and Lays. *Mudawwana* and *Muwattā'*, which include the hadiths of judgment and the related Maliki *fiqh*, are the two main books of the Maliki school.

The Maliki school first spread in the Hijaz region, then spread to Egypt, North Africa, and Andalusia through Imam Malik's students such as Asad ibn Furat, Abdullah ibn Wahb, and Abdurrahman ibn Qasim. In fact, this school became the official school of the Andalusian Umayyad State for a while. Today, the Maliki school is widespread in Egypt, North Africa (Morocco, Tunisia, Algeria), and Sudan. A small number of Malikis are also found in the Hijaz region today.

3) Shafi'i School

Muhammad ibn Idris al-Qurayshi al-Hashimi, the founder of the Shafi'i school, was born in the city of Gaza (Palestine) in 150/767. He listened to the *Muwattā'* from Imam Malik himself and narrated hadith from Sufyan Ibn Uyayna (d.198/813). He also learned Iraqi *fiqh* from Imam Muhammad. Thus, he became a jurist who combined the Iraqi *fiqh* and the Hijazi *fiqh*. He stayed in Baghdad for probably two years, then moved to Mecca, where he taught for nine years. Imam Shafi'i came to Baghdad again in 195 AH. In this second visit, he started to introduce his own method of *fiqh* by examining the schools of *fiqh* in Iraq and Hejaz in depth.

He went to Egypt in 198 Hijri. In Egypt, where he stayed for four years, he began to re-examine his previous knowledge and experience in this different social and cultural environment. He gave up some of his old views and put forward new ones. Thus, the "*madhhab al-qadīm*" and "*madhhab al-jadīd*", which consisted of his old and new views, were formed. Imam Shafi'i passed away in 204/820 in Egypt. His works are *Risala*,

Hujja and *Umm*. Risala is the oldest book on the methodology of Islamic jurisprudence that has survived to the present day and has been translated into English and Turkish.

Some of his students are: Yusuf ibn Yahya al-Buwayti (d.231/845), Hasan ibn Muhammad al-Zafarani (d.260/874), and Ibrahim ibn Yahya al-Muzani (d.264/877).

The Shafi'i school spread first in Egypt and then partially to Syria, Yemen, Iraq, and Transoxiana. Today, the Shafi'i school is widespread in Iraq, Syria, and the southern and eastern regions of Anatolia.

4) Hanbali School

Ahmed Ibn Hanbal al-Shaybanī was born in Baghdad in 164/780 and died there in 241/855. The Hanbali madhhab was attributed to him. He traveled around Kufa, Basra, Mecca, Medina, Damascus, Yemen, and al-Jazeera, especially to acquire knowledge in the science of hadith, and it is known that he became a student of Imam Shafi'i for a long time.

Ibn Hanbal did not content himself with narrating the hadiths but also researched their legal meanings and purposes. Since the primary sources of the first three schools of fiqh had already been compiled during the age when he lived, Ahmed Ibn Hanbal found himself with a wealth of fiqh literature.

He based his views strongly on the scriptures and the works of the predecessors in matters of worship and avoided making judgments without evidence. In daily dealings, he took the principle that if there is no evidence in the texts regarding whether something is permissible or prohibited, then it is permissible, which is the way of the predecessors. Although, the other three schools have adopted the principle of "permissibility is the original ruling." However, Hanbalis are more clearly in favor of freedom in daily transactions. Accordingly, this school has adopted the principle that the parties can introduce the conditions they want in trade, except for the conditions that are prohibited in Islam. The Hanbali school relies on narrated evidence such as verses, hadiths, and the opinion of the companions rather than personal opinion (*ra'y*) and analogy (*qiyās*). In a way, the understanding of Islamic law based on hadith is dominant in the school.

Al-Bukhari, Muslim, and those who were in their ranks in the hadith reported hadiths from Ahmad ibn Hanbal. His work, *Musnad*, includes forty thousand hadiths. The works of Ibn Taymiyya and his student Ibn Qayyim al-Jawziyya also contributed greatly to the later intellectual and legal development of the Hanbali school.

Some of his students are Salih ibn Ahmad (d.266 H.), the eldest son of Ibn Hanbal. Abu Bakr al-Arsam (d.273 AH), Ahmad ibn Muhammad ibn al-Hajjaj (d.274 AH) and Ibrahim Ibn Ishaq al-Harbi (d.285 AH)¹⁶⁶

166. See al-Makkī, *Manaqib al-Imam Abi Hanīfa*, Haydarabad 1903, I, 74-78; al-Dhahabi, *Manaqib*, ed. al-Kawtharī, Dār al-Kitāb al-'Arabi (n.d.), p. 20-21; Ibn al-Qayyim, *I'lam al-Muwaqqi'in*, ed. M. M. Abdulhamid, Egypt, 1955, I, 25, 77, 227; Ibn Hazm, *Ihkām*, ed. A. M. Shakir, Egypt (n.d.) 929; al-Zuhayli, *al-Fiqh al-Islami wa Adillatuh*, Damascus 1985, I, 27 ff.

The Wahhabism movement, which emerged in the Arab world during the last century and has political and socio-economic aspects as well as religious aspects, has found itself very close to the Ḥanbali school, especially due to its views in the field of belief and its Salafist attitudes. In fact, the Ḥanbali school is the official school in Saudi Arabia and is common in the Hijaz, Iraq, Syria, Palestine, and Egypt.

C – *IJTIHĀDS* THAT WERE UNABLE TO CONVERT INTO SCHOOL OF LAW

In addition to the imams of the four schools of Islamic law and their students, who were formed during the second and third centuries of the Hijra, many other great and independent mujtahids also lived during the same period, and there were partial groups formed around their names. The main ones are:

Sufyan Ibn Uyayna (d. 198/813) in Mecca; Sufyan al-Thawri (161/778), Ibn Abi Layla (d. 148/765), Ibn Shubruma (d. 144/761) in Kufa; Abu Thawr (d. 240/854), Dawud al-Zahiri (d. 270/883), Ibn Jarīr al-Ṭabarī (d. 310/922) in Baghdad; Lays ibn Ṣa'd (d. 175/791) in Egypt; Hasan al-Basri (d. 110/728) in Basra; al-Awzai in Damascus (d. 157/774); Ishaq Ibn Rahuya (d. 238/853) in Nishapur. These mujtahids developed their own *ijtihād* methods and issued many fatwas, but they could not emerge as a school because they did not have any followers. However, their views are an important wealth of fiqh for Islamic legal doctrine and in terms of its codification.

Today, the Zahiriya school is known for its harsh criticism and different perspectives against the opinion (*ra'y*) and the *ijtihād* movement. It is also worth mentioning separately its two representatives, i.e. Dawud al-Zahiri (d. 270/883) and Ibn Hazm (d. 456/1064). Even though this school, which opposes *ijtihād* based on analogy and personal opinion, and argues that the literal (*ẓāhir*) meaning of verses and hadiths should be taken as a basis, was effective for a while after the fourth century of the Hijri, but later it dissolved into the Shafi'i school, which is close to it at some points.

The legal studies of the Shia schools are at the forefront of the other schools of Islamic law that are not included in the Sunni schools. The three major branches of Shia can also be seen as a school of Islamic law. Imamiyya is also known as Ja'fariyya because it is based on the views of Ja'far al-Sadiq in creed and fiqh. In Ja'fari fiqh, there is a classification similar to the classification between people of hadith and people of *ra'y* in Sunni fiqh. Their representatives are called "*akhbaris*" and "*usulis*". *Akhbaris* take the hadiths as a basis for making judgments and say that the Qur'an can only be understood with the help of these hadiths. The *Usulis*, on the other hand, base their legal views on four proofs: The Book, the Sunnah, the consensus, and reason. However, Shia's understanding of Sunnah and *ijmā'* is different from that of the *Ahl al-Sunnah*. Ja'faris take the words, actions, and approvals of the Prophet and the innocent imams (twelve imams) as their criteria and accept only the hadiths narrated by the *Ahl al-Bayt* (family

of the Prophet Muhammad). They have different views and practices, for example, they allow the *mut'a* marriage, they see wiping of bare feet in ablution as sufficient, two witnesses in a divorce are required, they perform the ritual daily prayers only thrice, and the collecting of *zakāt* (*khums*) is carried out by the clergy.

Zaydiyya, the other branch of Shia, is close to the Ḥanafī school in terms of legal views. There are different opinions on some details such as the prohibition of eating the meat of an animal slaughtered by a non-Muslim and marrying a woman from the People of the Book. Since the legal views of the other branches of the Shia, which is basically the political and theological school, or the sects such as the Kharijites, on certain issues are also present in the *Ahl al-Sunnah*, they do not constitute a significant difference.¹⁶⁷



167. For more information see Bekir Topaloğlu, *Kelam İlmi*, İstanbul 1981, p. 218 ff.; Mustafa Öz, “Ca’fer es- Sadık”, *TDV İslam Ansik.*, “Şia”, *Şamil İslam Ansik.*; Hamdi Döndüren, “Ca’fer-i Sadık”, *Şamil İslam Ansik.*; Komisyon, *İlmihal*, I, 39-40.

VI. SUFISM AND ITS PLACE IN ISLAM

A – DEFINITION AND SCOPE OF *TASAWWUF*

It is a name given to the way of thinking and living that emphasizes spirituality and spiritual life in Islam. The person who adopts this way of life and thought is called a *mutasawwif* and a Sufi. *Tasawwuf*, which takes its basic principles from the Qur'an, Sunnah, and the practices of the Companions, has passed through various stages throughout history and continued its existence until today by changing and developing.

Many definitions of Tasawwuf have been made. In a way, each definition reflects the spiritual and mental state of the one who has defined it. This characteristic of Sufism is expressed by the saying of mystics, “who does not taste does not know.” We will give below a few of the definitions made by famous Sufis to help understand the nature of the subject.

Tasawwuf means “Getting the truth, giving up hope and turning away from what is in the hands of the people”, “good character”, “God eradicating you from yourself and resurrecting you with Himself”, “letting yourself do what God wills, surrendering absolutely to His Will”, “Mutual friendship and love, which is to be with God without any worries. To have senses, to listen to the blows of the soul”, and “to leave behind what you have in your mind, to offer what you have, and not complain about what has transpired against you.” The definitions of three Sufis who have important works on Sufism and left important traces behind them are as follows: According to Kushayri (d. 465/1072), tasawwuf is “to withdraw from everything other than Allah, to choose not to be known and to avoid things that are not good”; According to Ghazali' (d. 505/1111), tasawwuf is “to connect the heart to Allah and to cut off ties with those other than Him.”; Finally, Suhrawardi's (d. 563/1168) definition of tasawwuf is that “Its beginning is knowledge, its middle is deeds and its end is divine grace.”

B – PRINCIPLES AND EVIDENCE

We can list the basic principles and evidence that tasawwuf is based upon under the following headings:

1) Putting the love of Allah above all other types of love

Behaviors such as worship and morality that are not based on belief and love for Allah do not make any sense in terms of Islam. Those who love Allah, the Qur'an, which is His word, and Muhammad who is His Messenger, in brief, love everyone and everything that Allah loves.

In the Qur'an, great emphasis is placed on the love of Allah. In one verse, the measure and limit of love are determined as follows: ***“Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that you have gained; the commerce in which you fear a decline: or the dwellings in which you delight are dearer to you than Allah, or His Messenger, or the striving in His cause; then wait until Allah brings about His decision: and Allah guides not the rebellious.”***¹⁶⁸ Accordingly, a Muslim must love Allah, His Messenger, and struggle in the way of Allah, and should always put this love and desire ahead of other things.

This point is stated in a hadith “We were with the Prophet (saw) and he was holding the hand of Umar bin al-Khattab. Umar said to Him, *“O Allah’s Messenger (saw)! You are dearer to me than everything except my own self.”* The Prophet (saw) said, *“No, by Him in Whose Hand my soul is, (you will not have complete faith) till I am dearer to you than your own self.”* Then Umar said to him, *“However, now, by Allah, you are dearer to me than my own self.”* The Prophet (saw) said, *“Now, O Umar, (now you are a believer).”*¹⁶⁹

The love between the human being and the Supreme Creator is a mutual love. The names of *al-Wadūd* and *al-Walī* mean that Allah loves His servants very much and takes them as friends. As a matter of fact, because Allah Almighty loved the Prophet more than anyone else, He called him *“ḥabībullah* (Allah’s beloved one)”¹⁷⁰, and Abraham (as) is known as *“khalīlullah* (friend of Allah).”

The people whom Allah says that He loves in the Qur'an are as follows: a) Those who are just, b) People who are pure, c) Those who fear Him (have *taqwā*), d) Those who are honest, e) Those who put their trust in Him (*tawakkul*), f) Those who are patient, and g) Those who repent.¹⁷¹ These subjects related to love are also the fundamental subjects of Sufism. Sufis and saints pay attention to fulfilling these matters in order to gain Allah’s love. In order not to be deprived of divine love, they prudently try to avoid their opposite situations. Moreover, the people whom Allah Almighty says in the Qur'an that He dislikes are as follows: a) Those who do injustice, b) People of unbelief, c) Those who commit sins, d) Those who consider themselves superior to others, e) Those who betray their trust, f) Those who corrupt, g) Those who waste, and h) Those who are unjustly aggressive.¹⁷²

Just as obeying the Prophet means obeying Allah, loving the Prophet also brings the love of Allah. The following is stated in the Qur'an in this regard: ***“He who obeys the***

168. Al-Tawba, 9: 24.

169. Al-Bukhari, al-Ayman wa al-Nudhur, 12.

170. Al-Tirmidhī, Manaqib, 1.

171. See al-Baqara, 2: 222; Āl ‘Imrān, 3: 76, 146, 148, 159; al-Mā’ida, 5: 13, 93; al-Tawba, 9: 4, 7, 108; al-Hujurat, 49: 9; al-Mumtahina, 60: 8.

172. See al-Baqara, 2: 176; al-Nisā, 4: 107; al-Mā’ida, 5: 64, 87; al-A’rāf, 7: 31; Al-Shūrā, 42: 40; al-Ḥadīd, 57: 23.

Messenger, obeys Allah..."¹⁷³, and **"Say: "If you do love Allah, Follow me: Allah will love you and forgive you your sins: For Allah is Oft-Forgiving, Most Merciful."**"¹⁷⁴

In Sufism, the degree to which the love of Allah can reach a person is expressed in the following sacred hadith: *"Allah said, 'I will declare war against him who shows hostility to a pious worshipper of Mine. And the most beloved things with which My slave comes nearer to Me, is what I have enjoined upon him; and My slave keeps on coming closer to Me through performing nawafil (praying or doing extra deeds besides what is obligatory) till I love him, so I become his sense of hearing with which he hears, and his sense of sight with which he sees, and his hand with which he grips, and his leg with which he walks; and if he asks Me, I will give him, and if he asks My protection (refuge), I will protect him; (i.e. give him My refuge) and I do not hesitate to do anything as I hesitate to take the soul of the believer, for he hates death, and I hate to disappoint him.'"*¹⁷⁵ Sufism means the servant's getting nearer to Allah. Allah is closer to his servant than his jugular vein.¹⁷⁶ One of the names of Allah is *"al-Qarīb (One who is always close to everyone)"* and He becomes even nearer to those who are His beloved servants. Servants who gain closeness to Allah are called *"muqarrab-muqarrabūn"*.¹⁷⁷ Another degree in which man approaches his Lord is the degree of *"ihsān"*. In the narration known as the hadith of Jibril narrated by Umar (ra), after listing the six articles of *imān* and the five pillars of Islam, *ihsān* which is the highest degree is defined as follows: *"To worship Allah as if you see Him, and even if you cannot see Him then you must know that He surely sees you."*¹⁷⁸

2) Believers are to love each other

The Prophet stated on various occasions that believers should love each other for the sake of Allah. In the Qur'an, the fact that believers are declared as brothers, that believing men and believing women are considered to be guardians of each other, that when the Meccan believers migrated to Madinah, "a brotherhood" was declared between the *Anṣār* and the *Muhajirūn*, and that the immigrants benefited from the homes and property of the local Muslims, demonstrate that Islam aims to achieve a strong social structure. The following is stated in a sacred hadith: *"Allah says, 'It has become obligatory upon Me to love those who love each other.'"*¹⁷⁹

The Prophet also stated the connection between love and perfect faith as follows: *"You will not have faith until you love one another."*¹⁸⁰, and *"None of you will be a believer until he loves for his believing brother what he loves for himself."*¹⁸¹ This means

173. Al-Nisā, 4: 80.

174. Āl 'Imrān, 3: 31.

175. Al-Bukhari, Riqāq, 38.

176. Qaf, 50: 16.

177. Al-Waqia, 56: 88, 89.

178. Al-Bukhari, Imān, 37; Muslim, Imān, 57. See al-Baqara, 2: 195; al-Mā'idā, 5: 93.

179. Malik, *Muwaffā'*, Şiir, 16; Aḥmad ibn Ḥanbal, Musnad, V, 233.

180. Muslim, Imān, 93; Abu Dawud, Adab, 131.

181. Al-Bukhari, Imān, 7.

that the believer is with his believing brothers on both good and bad days. It is stated in a hadith, *"A person is with the one whom he loves."*¹⁸²

The aim of Sufism is to enable a believer to worship Allah voluntarily based on love. It is essential to maintain the state of worship and obedience simply out of love for Allah rather than for worldly interests, without even the desire for Paradise or the fear of Hell. As a matter of fact, the famous Sufi Rabi'a al-'Adawiyya (d. 185/801) said, even if there was no heaven or hell, a Sufi would worship and obey Allah only for the sake of gaining His approval and would leave the result to Allah. Indeed, the Messenger of Allah (saw) said in a hadith, *"What a beautiful servant Suhayb is! He does not sin even if he has no fear of Allah."* In like manner, he stated in another hadith, *"Because of his love for Allah, Salim, freed slave of Abu Hudhayfa, would not sin even if he did not fear Him."*¹⁸³

3) Preferring the hereafter over the world

Almighty Allah says: *"For, unto him who shall have transgressed the bounds of what is right, and preferred the life of this world [to the good of his soul], that blazing fire will truly be the goal!"*¹⁸⁴, *"But nay, [O men,] you prefer the life of this world, although the life to come is better and more enduring."*¹⁸⁵, *"...for the life of this world is nothing but an enjoyment of self-delusion."*¹⁸⁶, *"The life of this world is but a play and a passing delight..."*¹⁸⁷, *"Know [O men] that the life of this world is but a play and a passing delight, and a beautiful show, and [the cause of] your boastful vying with one another, and [of your] greed for more and more riches and children..."*¹⁸⁸, *"Wealth and sons are allurements of the life of this world: But the things that endure, good deeds, are best in the sight of your Lord, as rewards, and best as (the foundation for) hopes."*¹⁸⁹, and *"Say: "Short is the enjoyment of this world: the Hereafter is the best for those who do right: Never will you be dealt with unjustly in the very least!"*¹⁹⁰

In the Qur'an, it is advised to want happiness in the hereafter rather than in this world. *"To any that desires the tilth of the Hereafter, We give increase in his tilth, and to any that desires the tilth of this world, We grant somewhat thereof, but he has no share or lot in the Hereafter."*¹⁹¹

In various hadiths, it is seen that the life of asceticism is encouraged and the preference for the hereafter is given priority. *"Live like a stranger in this world like a traveler,*

182. Al-Bukhari, Adab, 69; Muslim, Birr, 165.

183. Al-Ajlūnī, *Kashf al-Khafā*, II, 323.

184. Al-Nazī'āt, 79: 37-39.

185. Al-A'lā, 87: 16, 17.

186. Āl 'Imrān, 3: 185.

187. Muḥammad, 47: 36.

188. Al-Ḥadīd, 57: 20.

189. Al-Kahf, 18: 46.

190. Al-Nisā, 4: 77.

191. Al-Shūrā, 42: 20; al-Baqara, 2: 200.

consider yourself among those who lie in the grave.”¹⁹² and “Visit the graves, because it will cool you from the world and warm you to the hereafter.”¹⁹³ In his daily life, the Prophet (saw) always prioritized the consent of Allah and limited worldly pleasures to necessity. In a hadith, he said: “If I had gold the size of Mount Uhud, I would not want the gold to stay with me for more than three days, except for the amount I would set aside to pay off my debt.”¹⁹⁴ Whereas, the Messenger of Allah (saw) was offended by his wives when they wanted to live a life at the level of wealthy Muslims and he asked them to make a choice between himself and the world. It was at that time that His wives informed him that they preferred him instead of the world.¹⁹⁵

4) Encouraging cleanliness of the heart and having piety

In Islam, great importance is attached to the cleanliness of the heart. Because both revelation and inspiration come to the heart. The heart is also the place of the divine evil eye. The following verses indicate the importance of cleansing the heart. ***“The Day whereon neither wealth nor sons will avail, but only he (will prosper) that brings to Allah a sound heart.”***¹⁹⁶, ***“It is He Who sent down tranquility into the hearts of the Believers...”***¹⁹⁷, and ***“...for without doubt in the remembrance of Allah do hearts find satisfaction.”***¹⁹⁸

Just as faith consists of the confirmation by the heart, the reward to be received from worship also depends on the existence of a sincere intention. Genuine intention takes place in the heart. The heart forms the center of human emotions. The following is stated in the hadiths: *“There is a piece of meat in a person’s body. If it is good, the body becomes completely good, if it is bad, it becomes completely bad. Beware, this piece of meat is the heart.”*¹⁹⁹, *“Even if others give you a fatwa, consult your heart for how it feels about the fatwa.”*²⁰⁰, and *“Good is what pleases the heart, and sin is what makes the heart uncomfortable.”*²⁰¹

Taqwā (fear of God) is given great importance in the Qur’an and hadiths. The Prophet pointed to his heart and said, “*Taqwā* is here.”²⁰² The person who has *taqwā* is called “*muttaqī*.”

In 134-136 verses of chapter of Āl ‘Imrān, the qualities of the people of *taqwā* are determined as follows: a) Spending for the sake of Allah in times of abundance and

192. Al-Bukhari, Riqāq, 3; al-Tirmidhī, Zuhd, 25; Ibn Maja, Zuhd, 6.

193. Ibn Maja, Janā’iz, 47.

194. Al-Bukhari, Zakat, 4; Muslim, Zakat, 31.

195. See al-Aḥzāb, 33: 28; al-Bukhari, Tafsir, 66; Muslim, Ṭalaq, 5.

196. Al-Shu‘arā, 26: 88, 89.

197. Al-Fath, 48: 4.

198. Al-Ra’d, 13: 28.

199. Al-Bukhari, Imān, 39; Muslim, Musaqāt, 107.

200. Al-Darimi, Buyū’, 2; Aḥmad ibn Ḥanbal, IV, 228.

201. Aḥmad ibn Ḥanbal, IV, 194, 228.

202. Aḥmad ibn Ḥanbal, V, 379.

hardship, b) Overcoming anger, c) Being forgiving, d) Doing good constantly, e) When one commits a sin, remembering Allah immediately and repenting for that sin, and f) Not insisting on evil. It has been clearly stated that such good deeds carried out through faith will take a person to Paradise.

In the first verses of chapter al-Baqara, the qualities of those who have *taqwā* are listed as follows: a) Faith in the unseen (*ghayb*), b) Performing the ritual prayer in the best manner, c) Giving charity out of what Allah has given, d) Believing in the Qur'an and the books that were revealed before, and e) Believing in the Last Day. It has been stated that those who have these qualities are on the right path of Allah and will attain salvation.²⁰³

In another verse, Allah describes those who have true goodness (*birr*) and *taqwā* as follows: ***"...but it is righteousness to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity; to fulfil the contracts which you have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the Allah-fearing."***²⁰⁴ In this verse, it can be observed that the deeds that will secure a person to heaven are five types: a) Having faith, b) Spending one's wealth on relatives, the orphans, the poor, travelers, beggars, and freeing slaves despite the love for this wealth, c) performing the prayers and offering *zakāh*, d) Fulfilling promises and e) Being patient in times of distress, sickness, and violence. Regarding the aforementioned verse, the Messenger of Allah said: *"Whoever acts in accordance with this verse will have perfected his faith."*²⁰⁵

State of *taqwā* takes place on the axis of fear of Allah to respect, and love for Allah. Fear of Allah is expressed in verses and hadiths mostly with the phrases *"khawfulah-makhāfatullah wa khashyatullah"*. These phrases mean that sinners and wrongdoers fear Allah's punishment and wrath. Such fear is mentioned in the following verses: ***"Nay, it is Allah Whom you should more justly fear, if you believe!"***²⁰⁶, ***"Be you not afraid of them, but fear Me, if you have Faith."***²⁰⁷, ***"Those who join together those things which Allah hath commanded to be joined, hold their Lord in awe, and fear the terrible reckoning."***²⁰⁸, and ***"(It is the practice of those) who preach the Messages of Allah, and fear Him, and fear none but Allah..."***²⁰⁹

203. Al-Baqara, 2: 3-5.

204. Al-Baqara, 2: 177.

205. Al-Nasafi, *Madārik al-Tanzīl*, I, 249.

206. Al-Tawba, 9: 13; Al-Aḥzāb, 33: 37.

207. Āl 'Imrān, 3: 175.

208. Al-Ra'd, 13: 21.

209. Al-Tawba, 9: 18; al-Aḥzāb, 33: 39.

All believers, especially the prophets and the saints, fear Allah. The Prophet (saw) said: “*I am the one of you who knows Allah best and fears Him the most.*”²¹⁰, and “*The beginning of wisdom is the fear of God.*”²¹¹ Those who fear Allah do not fear anyone else, and this fear and respect makes one courageous. Furthermore, those who fear Allah in this world will have no fear and will not grieve in the Hereafter.²¹²

5) Following the path of “*ṣayr al-sulūk*” to reach the goal of Sufism

A person who is engaged in Sufism as a discipline and in terms of practice is primarily responsible for fulfilling the *fard*, *wājib*, and *sunnah* acts. Apart from these, importance is given to the deeds recommended as supererogatory, which aid the person to earn rewards when they are fulfilled, and which hold no culpability if they are not carried out. Examples of such supererogatory deeds are supererogatory prayers such as the *tahajjud* prayer that is performed before the time of the dawn prayer, the mid-morning prayer that is performed 45-50 minutes after the sun rises, the *awwābīn* prayer that is performed after the evening prayer, and the two-cycle prayer that is performed after doing the ablution. Moreover, the fasting performed in the months such as Rajab and Shaban, and the minor pilgrimages and the charities can be referred to as well.

Praising Allah through a certain number of *tasbīḥ*, *dhikr*, *takbīr*, and certain prayers every day in order to train the soul and to establish God’s love in the heart in order to perform worship more sincerely, and to turn them into regular deeds is called “*ṣayr al-sulūk*” in Sufism. Each of these supererogatory acts of worship, which can vary in quantity and variety depending on the circumstances of the person, is basically based on the Qur’anic verses, hadiths, or the practices of the Companions. As a matter of fact, the Prophet (saw) often performed these aforementioned supererogatory prayers in addition to the five daily prayers and the sunnahs related to them, and he recommended these to his Companions, yet he did not hold them accountable for them. Such is also the case of the supererogatory fasts.

There are many verses in the Qur’an stating that everything in the heavens and on the earth glorifies Allah.²¹³ *Tasbīḥ* (glorification of Allah) means calling out and declaring that Allah is free from all deficiencies. For instance, it is meaningful, which today we know through the science of chemistry, that electrons move around the nucleus at a speed of three hundred thousand kilometers per second in atoms, which are the smallest building blocks of inanimate beings. We will offer only two of the Qur’anic verses that speak about the glorification of animate and inanimate beings and call people to glorify Allah: “*The seven heavens and the earth, and all beings therein, declare His glory: there is not a thing but celebrates His praise; And yet you understand not how they declare His*

210. Al-Bukhari, Adab, 27; Muslim, Faḍā’il, 35.

211. Al-Ajlūnī, *Kashf al-Khaṣā’iṣ*, I, 421.

212. Al-Baqara, 2: 38, 62, 112, 262, 274, 277.

213. See al-Ḥadīd, 57: 1; al-Hashr, 59: 1, 24; al-Ṣāff, 61: 1; al-Isrā, 17: 44; al-Ra’d, 13: 13; al-Nūr, 24: 41; al-Jum’a, 62: 1.

glory! Verily He is Oft-Forbear, Most Forgiving!”, and²¹⁴ *“Celebrate Allah’s praises in the morning and in the evening.”*²¹⁵

There are many verses in the Qur’an that command and recommend the remembrance of Allah. *Dhikr* means to remember Allah, to think of Him, to keep Him in mind, to mention Him, and to recite one of His names. The practice in Sufism has been the repetition of the name of Allah, a certain number of times, in order to have an effect on one’s heart. Due to this reason, in the Qur’an, neither *tasbīḥ* nor *dhikr* has been given a clear number and the style in the Qur’anic verses is also general. Some of the verses that command and recommend *dhikr* and glorification are as follows: *“(O Zakariyya!) then celebrate the praises of your Lord again and again, and glorify Him in the evening and in the morning.”*²¹⁶, *“And do you (O reader!) Bring your Lord to remembrance in your (very) soul, with humility, and in reverence, without loudness in words, in the mornings and evenings; and be not you of those who are unheedful.”*²¹⁷, *“Men who celebrate the praises of Allah, standing, sitting, and lying down on their sides, and contemplate the (wonders of) creation in the heavens and the earth...”*²¹⁸, *“And when you have finished your prayer, remember Allah standing and sitting and lying down...”*²¹⁹, and *“O you who believe! Remember Allah with unceasing remembrance, and extol His limitless glory from morn to evening.”*²²⁰

In various hadiths where the Prophet explains the above-mentioned verses and the like, it is observed that various numbers are given for the invocations, *dhikr*, and glorification. We will give some of them as examples. It is stated in a hadith that “*Subḥānallah*” should be said 33 times, “*Alḥamdulillah*” should be said 33 times, and “*Allāhu akbar*” should be said 33 times after ritual prayers for the glorification of Allah, and that those who carry this out can be forgiven even if their sins are as much as the foam of the sea.²²¹ Mus‘ab ibn Ṣa’d narrated that his father said: “We were with the Messenger of Allah (saw). He said: “*Is one amongst you powerless to get one thousand virtues every day.*” Amongst those who had been sitting there, one asked: How can one amongst us attain one thousand virtues every day? He said: “*Recite: “Hallowed be Allah (Subḥānallah)” one hundred times for (by reciting them) one thousand virtues are recorded (to your credit) and one thousand vices are blotted out.*”²²²

In another hadith narrated by Abu Huraira, the number for another invocation and glorification is again one hundred. The hadith is as follows: “*He who uttered these words,*

214. Al-Isrā, 17: 44.

215. Al-Aḥzāb, 33: 42; Maryam, 19: 11.

216. Āl ‘Imrān, 3: 41.

217. Al-A‘rāf, 7: 205.

218. Āl ‘Imrān, 3: 191.

219. Al-Nisā, 4: 103.

220. Al-Aḥzāb, 33: 41, 42.

221. Muslim, Masājid, 144-146.

222. Muslim, Dhikr, 37.

*“Lā ilāha illAllāhu waḥdahu lā sharīka lah, lahu al-mulku wa lahu al-ḥamdu wa huwa ‘alā kulli shay’ in qadīr (Meaning: There is no god but Allah, the One, having no partner with Him. Sovereignty belongs to Him and all the praise is due to Him, and He is Potent over everything) one hundred times every day there is a reward of emancipating ten slaves for him, and there are recorded hundred virtues to his credit, and hundred vices are blotted out from his scroll, and that is a safeguard for him against the Satan on that day till evening and no one brings anything more excellent than this, except one who has done more than this.”*²²³ In a narration of ‘Amr ibn Maimun, the number is ten and the end of the hadith is as follows: *“This person receives a reward as if he is like one who emancipated four slaves from the progeny of the Prophet Isma‘il.”*²²⁴

In another hadith, the number is again one hundred. *“He who utters: “Subḥānallāhi wa bi ḥamdihi (Hallowed be Allah, and all praise is due to Him)” one hundred times a day, his sins are obliterated even if they are equal to the extent of the foam of the ocean.”*²²⁵

On the other hand, when the head of the hypocrites, Abdullah Ibn Ubayy, fell ill, the Messenger of Allah (saw) prayed at the request of Abdullah’s son, but a verse was revealed that such a prayer would not be accepted even if he asked for forgiveness for the hypocrites seventy times.²²⁶ Following this event, the Messenger of Allah (saw) asked for forgiveness over seventy times, but when he wanted to lead the funeral prayer after Abdullah’s death, he was prohibited from doing so with another revealed verse.²²⁷

According to the needs of the people, the murshid, or the master who is the guide in Sufism, determines the amount of this *dhikr*, *tasbīḥ*, *taḥlīl*, and invocations, which are ordered and recommended as supererogatory acts, and shows the way and method to those who want to act with it. This assists them to live a life on the straight path. This is similar to the way the Messenger of Allah (saw) recommended some virtuous *dhikr*, supplication, and *tasbīḥ* in certain numbers, directly to some or according to the situation of the Companions who would have a specific question for him.

C – HISTORICAL STAGES AND THE REPRESENTATIVES OF SUFISM

From its beginning to the present day, Sufism has gone through various periods with different characteristics. According to the most common approach adopted by the historians of Sufism, it can be examined in four main periods: the period of asceticism (*zuhd*), the period of systematic Sufism, the period of philosophical Sufism, and the period of Sufi orders (*tariqāt*).

223. Muslim, Dhikr, 28.

224. Muslim, Dhikr, 30.

225. Muslim, Dhikr, 28.

226. Al-Tawba, 9: 80.

227. Al-Tawba, 9: 84. See al-Bukhari, Tafsir, 9/12; al-Qurtubī, Jami’, the commentary of the chapter 9 verse 84.

1) The Period of *Zuhd*

In the first two centuries of the Hijra (7th and 8th centuries), words such as *zuhd*, *riqāq-raqāiq*, *taqwā*, and *ibādah* were generally used for the depth and richness of a person's inner world. Such people were given names such as *zāhid*, *ʿābid* (servant), *nāsik* (submissive), and *qāri'-qurrā* (reader, one who devotes himself to worship). These were people who were making preparations for the Hereafter rather than for the life of this world. Sufism aims to turn people to the hereafter rather than this world and to raise more qualified believers who have trained their souls based on the purification of the heart, good character, and spiritual maturity.

At the time of the Prophet, there were Companions with various tendencies. Some Companions gave more importance to worship and *taqwā* while some others had other interests such as dealing with knowledge, preaching religion, engaging in battles, and working as administrators. Especially, the first four caliphs and the ten Companions who were given the good news of Paradise, Companions such as Uthman ibn Maz'ūn, Musab ibn 'Umayr, 'Ammar Ibn Yasir, Ḥabbāb, Bilal, Suhayb, Salmān, Abu Dhar, Miqdād, Muadh, Abu al-Darda, Hudhayfa, Abdullah ibn 'Umar and Abdullah ibn 'Amr, were known as devotees and ascetics amongst the Companions. In later periods, believers who turned to asceticism and *taqwā* took them as an example. In a way, they formed the first link in the chain of Sufism.

The main representatives of the period of asceticism after the Companions are Uways al-Qarānī (d. 37/657), Ḥasan al-Baṣrī (d. 110/728), Jafar al-Ṣadiq (d. 148/769), Ibrahim ibn Adham (d. 161/777), Sufyan al-Thawrī (d. 161/777), Shaqīq al-Balḥī (d. 164/780), Dāwūd al-Ṭāī (d. 165/781), Abdullah ibn Mubārak (d. 181/797), Rābi'ah al-'Adawiyya (d. 185/ 801) and Fuḍayl Ibn Iyād (d. 187/802).

2) The Period of Systematic Sufism

Starting from the 3rd (9th century CE) century of the Hijra, Sufism entered into a systematization process. In this period, while the principles, rules, and methods of Sufism were established, institutions bearing the influences of eastern and western cultures were developed. It is at this time that the stages (stations) and divine situations (states) of Sufism, which express spiritual progress towards Allah, were determined. Finally, this led to the principle of *fanā'* (transformation of human qualities into divine qualities). This was followed by an understanding that sainthood was near and close to the understanding of prophethood. According to the systematized understanding of Sufism, while prophets could receive revelation from Allah only through an angel, saints received knowledge (inspiration) directly and without intermediaries. True knowledge (*ma'rifa*) consisted of knowledge received directly from Allah. It was reported that the universe owed its existence and functioning to the group of saints called *rijāl al-ghayb* (lit. Men of the

Unseen). Thus, Allah was manifested in the saint with all His names and attributes and was speaking through the saint's mouth.²²⁸

The prominent Sufis who lived in this period and contributed to the systematization of Sufism are as follows: Bayazīd al-Bistamī (d. 261/874), Ḥakīm al-Tirmidhī (d. 285/898), Hallaj al-Manṣūr (d. 309/921), Shihabuddin al-Suhrawardī (d. 587/1190), Fariduddin al-'Aṭṭār (d. 620/1220), Mawlana Jalāladdin al-Rūmī (d. 672/1273), Sadreddin Konevi (d. 673/1274), Kemaladdin al-Kashānī (d. 730/1330), and Abdullah al-Bosnawī (d. 1054/1644).

Some views maintained in this new form that Sufism had gained during this time period were criticized by some Muslim jurists. Yet, this newfound understanding of mysticism continued its development including the doctrine of "the unity of existence (*waḥdah al-wujūd*)" by Muḥyiddin ibn al-'Arabī (d. 637/1239). In his works entitled *al-Futuḥāt al-Makkiyya* and *Fuṣūṣ al-Ḥikam*, Ibn al-'Arabī explained the relationship between God and the universe, and God and the human being on the basis of the doctrine of the unity of existence (*waḥdah al-wujūd*). He tried to prove his thoughts with some pieces of evidence from philosophy and theology. Sufis such as Sadreddin Konevi, Fakhraddin al-Iraqī, Abdulkarīm al-Jīlī, Ibn Fāriḍ, Aziz al-Nasafī, Abdurrazzāq al-Kashānī, and Jāmī followed him on this path and transmitted the doctrine of the unity of existence to the next generations.

3) The Period of Philosophical Sufism

While Sufism continued its development that resulted in the philosophy of the unity of existence, in the face of strong criticisms, it became necessary to follow a path that would not contradict the general principles of Islam. Here, the attempt was to balance the previously developed theory with an opposite theory such as *fanā* (annihilation) versus *baqā* (eternal union), or to reinterpret the developed theory in accordance with Islamic principles. In this period, reason and rational thought were given much importance. For that reason, the doctrine of *waḥdah al-shuḥūd* (the unity of witness) was developed against the doctrine of *waḥdah al-wujūd* (the unity of existence).

The prominent Sufis who are considered to be the representatives of this new understanding are as follows: Junayd al-Baghdadī (d. 297/909), Hārith al-Muḥāsibī (d. 243/857), Sarraj (d. 378/988), Abu Ṭālib al-Makkī (d. 386/996), Kalabazī (d. 380/990), Qushayri (d. 465/1072), Ghazali (d. 505/1111), and Imam Rabbani (d. 1034/1625). With the works they wrote, the principles of Sufism were established. While this mystical development, which developed in Iraq and India continued, two more important mystical schools called "*malāmah*" and "*futuwwah*" emerged in the Khorasan region in the same period. In the Khorasan region, Ḥamdūn al-Qaṣṣār (d. 271/884) put forward a different interpretation of spiritual life under the name of *malāmah*. Religious people from Khorasan such as

228. Ahmet Özalp, "Tasavvuf", *Şamil İslam Ansik.*, Şamil Yayınevi, İstanbul.

Abu Ḥafṣ, Aḥmad Ibn Khaḍrawayh, and Shah Shujā al-Kirmānī focused on *futuwwah* and *muruwwa*. While the people of *malāmah* focused on the issue of sincerity and hypocrisy, the people of *futuwwa* mostly focused on the religious education of the youth.

4) The Period of the Sufi Orders (*Ṭariqāt*)

Sufism, which had been systematized in two different directions in the previous period, entered the process of institutionalization and organization as of the second half of the 6th (12th) century hijra. The Sufis, who redefined some of the rules and methods of Sufism with some differences, established the Sufi Orders (*ṭariqāt*) under their own names. Thus, they enabled Sufism to spread more rapidly among the people. These have continued their existence in the entire Islamic world until today. The prominent sufis who were the founders of the sufi orders are: Abdulqādir al-Jilānī (d. 562/1166 Qadiriyya order), Ahmed Yesevi (d. 562/1166 Yasawiyya), Ahmad al-Rifāī (d. 578/1183 Rifaiyya), Najmaddin Kubra (d. 618/1221 Kubrawiyya), Suhrawardī (632/1235 Suhrawardiyya), Abu al-Hasan al-Shazālī (d. 632/1273), Shazaliyya), Mawlana Jalāladdin al-Rumī (d. 672/1273 Mawlawiyya), Bahauddin Naqshiband (d. 791/1388 Naqshibandiyya), Siraj al-din ‘Umar (d. 800/1397 Khalwatiyya), and Hacı Bayram Veli (d. 833/1429 Bayramiyya).

These Sufi orders spread across all Muslim countries from Morocco to Indonesia, from Somalia to Kazan through their followers and disciples of their masters. In addition to Mawlavism, other Sufi orders such as Bektashism attributed to Hacı Bektashi Veli (d. 670/1271), Bayramiyya attributed to Hacı Bayram Veli (d. 833/1429) and Jalwatiyya attributed to Aziz Mahmud Hüdâyî (d. d. 1038/1628), were formed in the period of Seljuks and Ottomans. Moreover, Sheikh Naşiruddīn (d. 660/1262) known as Ahi Evren established the *Ahi* organization in Kırşehir. The *futuwwah* was organized in many cities in Anatolia. After Anatolia was conquered in 1071, veteran dervishes, alperens, and Sufis of Khorasan from Iraq, Syria, and Khorasan regions were instrumental in the spread of Islam in Anatolia and the Balkans.²²⁹

When Sufism and Sufi communities emerged, they needed places and buildings for their activities. In the early periods, places such as mosques, masjids, houses, and workplaces were the meeting, conversation, and discussion places of the Sufis. However, as the Sufi organizations expanded and grew, new places and buildings were needed. As al-Harawī stated in his *Ṭabaqāt al-Şufiyya*, the first Sufi institution was established in Syria in the city of Remle under the name of *khankah*. The number of these institutions increased rapidly over time. In various periods and regions, these institutions were given various names such as *ribāt*, *takka*, *zāwiya*, *dargah*, and *asitanah*. These became institutions where various religious and worldly sciences were taught, as well as Sufi instruction. They also carried out the duties of madrasahs, especially in the rural areas. Moreover, they became important social institutions where travelers and the poor found accommodation. In time, many foundations (*waqf*) were established for the needs of the

229. Heyet, ‘İlmihal, I, 59.

dervish lodges through donations made by statesmen, benefactors, and members of the Sufi order. This enabled the Sufi orders to carry out their duties effectively. In addition, dervish lodges became cultural centers where many fine arts, especially poetry, literature, and music, originated and developed.

D – DEVIATIONS IN THE THOUGHT OF SUFISM

In the distinction between body-soul, external-internal, and wording-meaning, Sufism always gives weight to the latter ones, but it does not neglect the former ones either. However, in the course of history, the distance between the pairs of these divisions widened and the gap deepened. Works were written by great Sufi scholars in order to close the gap and reconcile shariah with mysticism. Abu Naṣr al-Sarrāj, Abu Ṭālib al-Makkī, al-Qushayrī, and al-Ghazālī are among such Sufi scholars.

Infiltrations from other religions, sects, mystical movements, philosophies, and religious traditions under the veil of Sufism also showed themselves as extremism. In order to protect Muslims against heresy, al-Sulamī wrote his *Ghalat al-Ṣuṭfiyya*, and al-Sarrāj devoted a chapter to this subject in his work *al-Luma*.

Below we offer some examples of the deviations found in Sufi thought:

1. To leave the world completely while giving priority to the hereafter.

Considering the importance of the Hereafter, Islam advises people to prepare good deeds for it and wanted its followers to establish a balance between life in this world and the afterlife. The fact that the Prophet (saw) and his Companions engaged in the society and did not neglect the necessary work for the world demonstrates this fact. The following is stated in the Qur'anic verse: ***“But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world...”***²³⁰ It is clearly observed in the sources that the Prophet warned some of his Companions who wanted to show excessive devotion to supererogatory worship in preparation for the Hereafter. As a matter of fact, three people from the Companions of the Prophet asked the wives of the Messenger of Allah about his night worship, perhaps underestimating what the Prophet did at night, the first one of those Companions decided to “constantly perform night prayers”, the second one decided to “constantly perform supererogatory fasting”, and the third one decided to “constantly stay away from women and never marry.” When the Messenger of Allah heard about their decisions, he said: *“What has happened to these people that they say so and so, whereas I observe prayer and sleep too; I observe fast and suspend observing them; I marry women also? And he who turns away from my Sunnah, he has no relation with Me”*²³¹ The commands of *zakāh*, pilgrimage, jihad, charity, and *infāq* in the Qur'an are closely related to the wealth of the believer. This is another proof that the believer should work to earn wealth and not abandon his legitimate worldly affairs.

230. Al-Qaṣaṣ, 28: 77.

231. Muslim, Nikah, 5; al-Nasā'ī, Nikah, 4; al-Darimi, Nikah, 3; Aḥmad ibn Ḥanbal, II, 158, III, 341, 359, V, 409.

2. The belief that one is exempted from the responsibility of the acts of worship.

Some so-called mystics claimed that the human being could reach Allah as a result of worship and servitude, and afterward be freed from the obligation of worship. In this regard, they interpreted the verse ***“Worship your Lord until the certainty (yaqīn) comes.”***²³² in accordance with their own aforementioned idea. However, in this verse, the true Sufis furnished the meaning of “death” to the word “*yaqīn*”. As a matter of fact, there is no evidence that neither the Prophet nor any of the Companions who were given the good news of Paradise called *ashara al-mubashsharah*, stopped worshiping while they were alive. In the last few days of his life, when the Messenger of Allah became very ill, he left the imamate to Abu Bakr (*ra*), but when he felt better, he joined the congregation again. It is known that ‘Umar was assassinated while he was praying in Masjid al-Nabawi. In short, no one among the Companions and *Ahl as-Sunnah* scholars interpreted the verse in the way that this group did.

3. The belief that it is necessary to act contrary to religious traditions to get rid of hypocrisy and strengthen the state of sincerity. According to some so-called mystics, in the process of spiritual development, a Sufi should not take society into account and should not value anyone other than Allah. Some members of the Malāmiyya and Qalandariyya are of this view. However, this view contradicts the Qur’an and the Sunnah. Moreover, a person who does not get along well with the general society, and does deeds that will increase unscrupulous thoughts will place himself in a damaging situation and harm the religion of Islam as well in the process.

4. The belief that the *walī* (saint) is superior to the prophet. Some mystics, taking the parable of Musa-Khidr (as) in the chapter of al-Kahf as evidence, claimed that the saint is superior to the prophet. According to such mystics, while the prophet receives knowledge (revelation) from Allah through an angel, the saints receive their knowledge directly through inspiration. However, no *walī* can be at the level of a prophet since every prophet is also a *walī*. He is superior to the *walīs*, as both the characteristics of sainthood and prophecy are united in him. There is also no doubt that knowledge was given to the Prophet through inspiration as well as through revelation. As a matter of fact, many verses state that *ḥikmah* (wisdom) was given to the Prophet alongside the book. The following is stated in one of them: ***“...For Allah has sent down to you the Book and wisdom and taught you what you knew not (before): And great is the Grace of Allah unto thee.”***²³³ Accordingly, there is no doubt that the Prophet Muhammad’s Sunnah, which is outside of the Qur’an, is within the scope of wisdom formed under divine control. The following Qur’anic verses also increase the legitimacy of the Sunnah as inspiration: ***“Your Companion is neither astray nor being misled. Nor does he say (aught) of (his own) Desire. It is no less than inspiration sent down to him”***²³⁴

232. Al-Hijr, 15: 99.

233. Al-Nisā, 4: 113.

234. Al-Najm, 53: 2-4.

5. The belief that everything is permissible. Some so-called mystics have said that everything is permissible for a person who respects the rights of others, based on the principle of “permissibility is the original ruling in things.” Those who believe in this belief are called *Ibāḥiyya* and *Mubāḥiyya*. Others claimed that their hearts were pure and that orders and prohibitions did not bind them. It is obvious that these views contradict the clear provisions of the Book and the Sunnah. After all, *ḥalāl* and *ḥarām* or their principles are well established in the sources.

6. The belief of *Ḥulūl*. According to them, God enters the human body. When He enters a body, the human qualities in that body leave their place to the divine qualities. This view contradicts Islamic principles such as “God is omnipresent”, “closer to man than his jugular vein”, and “He is free from being in space”. Moreover, such a view includes elements of polytheism.

7. Belief in reincarnation. Some so-called mystics claim that the soul of a deceased person is reborn into a human or animal, depending on its state before death and that in this way they complete their punishment. They provide evidence for their belief in the following verse, “*They will say: ‘Our Lord! twice have You made us without life, and twice have You given us Life! Now have we recognized our sins: Is there any way out (of this)?’*”²³⁵ According to the belief of *Ahl al-Sunnah*, the first death in this verse is the lifeless state before birth, and the second death is when leaving this world. The first resurrection is birth on earth, and the second resurrection is the resurrection after death.²³⁶ The people of hell mentioned in the verse seek a way out and they want to return to the world and be given a new chance. They will not be given such an opportunity. In the Book and the Sunnah, there is the principle that the person himself will be addressed for judgment and that he will be rewarded in the hereafter according to his deeds in this world. If the soul were reincarnated in various bodies, it would be difficult to find a convincing answer to the question of which one of these bodies would the soul be representing on the Day of Judgment.

Apart from these, there have always been some other erroneous beliefs and behaviors that, although inaccurate, do not lead a person to unbelief or heresy. Abandoning worldly affairs altogether, extreme asceticism, not getting married, considering taking precautions against the principle of trusting Allah (*tawakkul*), glorifying the sheikhs as sacred, not taking advantage of the permissible blessings, wearing specific clothes, not obeying the rules of cleanliness in matters such as clothing, having wild and messy hair and beard, and being in permanent seclusion can be offered as examples of such behaviors.

In conclusion, the commands and prohibitions that are established by the Qur’an, Sunnah, the consensus of the scholars, and analogy in Islam are binding and common provisions for all Muslims. In Sufism, this part is also called “*sharī‘ah*”. *Farḍ*, *wājib*,

235. Al-Mu‘min, 40: 11.

236. See al-Baqara, 2: 28.

ḥarām actions, and Sunnah that are fixed by sound hadiths enter into this group. Apart from these, if a believer attempts to perform voluntary and recommended acts of worship and deeds, *dhikr*, glorification, and invocations, which are described as supererogatory, *mandūb*, or *mustaḥab*, in a regular way under the guidance of a righteous person, thus putting his life in a certain discipline, he/she is considered as cooperating in charity and goodness. It is stated in a hadith, “*The one who guides to a good deed will receive a reward like the one who does that good deed.*”²³⁷ On the other hand, works such as establishing foundations, masjids, soup kitchens, health centers, roads, bridges, fountains, and scientific works, which are formed by the mutual requests and cooperation of the society, are considered as “*ṣadaqah al-jāriyah* (continuous charity)”, and there is no doubt that they will provide enduring rewards to the members of the society both during their lifetime and after their death.



237. Muslim, ‘Imāra, 133; al-Tirmidhī, ‘Ilm, 14; Aḥmad ibn Ḥanbal, *Musnad*, V, 272-274, 357.

VII. ACTS OF A MUKALLAF

Mukallaf means “a legally competent and responsible person.” It refers to an intelligent and adolescent Muslim who is subject to religious orders and prohibitions. The speech, work, deeds, and behaviors of a person who has reached the age to act freely of his own will are subject to certain provisions in Islam. What is meant by the acts called “*af‘āl-al-mukallaḥ*” in the sources of Islamic law are the religious rulings or values of the actions of a legally competent and responsible believer.

A *mukallaf*’s actions can be classified into eight groups: *farḍ*, *wājib*, *sunnah*, *mustaḥab*, *mubāḥ*, *ḥarām*, *makrūḥ*, and *muḥsid*. This classification is according to the Ḥanafī jurists. According to the mujtahids of the other schools, the *af‘āl-al-mukallaḥ* are examined under only five categories: *wājib*, *mandūb*, *ḥarām*, *makrūḥ*, and *mubāḥ*.

A – *Farḍ*

According to the Ḥanafī school, actions evidently ordered to be carried out by Allah or His Messenger that are clear in terms of their authenticity (*thubūt*) and implications (*dalālah*) are called “*farḍ*”. For that reason, *farḍ* actions are determined through certain proofs such as the verses of the Qur’an, *mutawātir* or *mashhūr* hadith, or *ijmā‘*, which are improbable to have any other meaning. The five daily prayers, fasting in Ramadan, giving *zakāh*, and performing hajj, for those who fulfill the necessary conditions, are of this nature. In regards to these acts of worship, there are both clear verses, and the Prophet’s words and practices at the level of *mutawātir* or famous hadith.

In many verses of the Qur’an, the believers are commanded to “**perform the prayer and give zakāt**”²³⁸, and the command in the following verse requiring the recitation in ritual prayer, “**Then recite whatever is easy for you from the Qur’an**”²³⁹ can be offered as examples of *farḍ*.

Ruling on *farḍ*: It is absolutely obligatory to carry out such an action. Those who abandon it are faced with a reprimand in both this world and the hereafter, and one who denies the obligation of a *farḍ* act is inevitably considered as having left the religion of Islam.

Farḍ actions are divided into two types as *farḍ al-‘ayn* and *farḍ al-kifāi*:

1) *Farḍ al-‘ayn*: This is the type of *farḍ* that every legally responsible and competent believer must personally fulfill. This means that the fulfillment of such an action by some other people will not mitigate the responsibility of the individual. Such actions

238. Al-Baqara, 2: 43, 83, 110; al-Nisā, 4: 77, 103; al-Ḥajj, 22: 78; al-Nūr, 24: 56.

239. Al-Muzzammil, 73: 20.

include the five daily prayers, fasting in the month of Ramadan, offering the annual *zakāt*, and the hajj.

2) *Farḍ al-kifāi*: It is the type of *farḍ* that is ordered not individually but collectively upon legally responsible and competent believers in Muslim society. When some Muslims fulfill this type of obligation, others are relieved of this responsibility. Obligations such as participating in war, memorizing the Qur'an, providing testimonies as witnesses, commanding right and trying to forbid the wrong, learning the professions that Muslim society needs, and performing funeral prayers are of this nature. When some people or a group from the Muslim society fulfill these actions the responsibility for carrying out such actions on all others is eliminated. Yet, the reward of *farḍ al-kifāi* extends only to those who perform it. While, if no one in the society fulfills this type of *farḍ* the whole of society is considered responsible for the sin.

In some cases, a *farḍ al-kifāi* may turn into a *farḍ al-ʿayn*. For example; if there is only one doctor in a neighborhood, the duty to treat the patient becomes an individual obligation upon that doctor. In the same vein, if only one person has witnessed an incident, s/he is obliged to serve as a witness.²⁴⁰

B – *Wājib*

According to the majority of Muslim jurists, *farḍ* and *wājib* are synonymous. Both are subject to the same provisions. Yet, according to the Ḥanafis, *farḍ*, and *wājib* have different meanings. *Wājib* is an act that Allah and His Messenger require from the legally competent believers to do in a binding way, but the proof for this act is based upon a piece of conjectural evidence. For instance, *zakāt al-fiṭr*, sacrifice, *witr*, Eid prayers, reciting chapter al-Fatiḥa in prayers, and so on are *wājib* acts according to the Ḥanafis. This is because they are based on *khavar al-wāḥid*, that is, upon a hadith transmitted by only one narrator and therefore considered conjectural evidence.

The ruling of *wājib* according to the Ḥanafis: It is categorically necessary to carry it out, and the one who abandons the *wājib* action merits a lesser punishment than the one who abandons the *farḍ*. Yet, the ruling is that a person who denies a *wājib* act is not considered to have left the faith of Islam. However, such a person is considered to have gone astray. It is *makrūh*, close to *ḥarām*, to deliberately abandon one of the *wājib* acts of the prayer. In case of accidental neglect or delay, the prostration of forgetfulness is required whereas if a *farḍ* act is abandoned like abandoning the *rukūʿ* in ritual prayer, the prayer becomes invalid.

The proof of *wājib* can also be a piece of authentic definite evidence, but its implications might be conjectural. This evidence may be in the form of a Qur'anic verse or

240. Al-Taḥanawī, *Kashshāf*, II, 1126; al-Maydanī, *Lubāb*, I, 6; Ömer Nasuhi Bilmen, *İstilahat-ı Fikhiyye Kamusu*, Istanbul, 1967, I, 33.

a hadith. For example, it is commanded in the Qur'an: ***"Therefore to your Lord turn in Prayer and Sacrifice."***²⁴¹ In this verse, the addressee of the order to perform the Eid prayer and sacrifice an animal is the Prophet (saw). In other words, they are *fard* (obligatory) upon the Messenger of Allah (saw). However, it is not certain whether these orders encompass the other Muslims. Yet, the stronger view is that they also include other Muslims. Thus, because the indication in the Qur'anic verse is not certain, a new type of command that is stronger than a sunnah, but does not reach the level of *fard*, emerges, which is called *wājib*.²⁴²

For example, not reciting any part from the Qur'an at all during the prayer invalidates the prayer since the following command ***"read you, therefore, of the Qur'an as much as may be easy for you"***²⁴³ denotes an obligation. However, not reciting chapter al-Fatiḥa in a ritual prayer is not a reason in itself for the invalidity of the prayer. When this surah is not recited within a prayer, the prayer is still valid, though disliked because the provision of reciting the chapter al-Fatiḥa in prayer has been established with conjectural evidence. This evidence comes from the Prophet from the following hadith, *"There is no prayer for those who do not recite chapter al-Fatiḥa."*²⁴⁴ This hadith has the quality of *khabar al-wāḥid* and thus it is conjectural since it can also be construed to mean "a prayer performed without reciting the Fatiḥa will not be a complete and perfect prayer." As a matter of fact, in a hadith narrated by Aisha, Abu Huraira, and Amr Ibn Shuayb from his father and from his grandfather, it is stated that *"every prayer in which the Fatiḥa is not recited is deficient and incomplete."*²⁴⁵ This narration explains the hadith *"There is no prayer without Fatiḥa."*

C – Sunnah

Sunnah literally means good character, good manners, the way, the law of Allah, condition, and conduct, and the common way. It is possible to observe the meaning of Sunnah as venturing out on a good or bad path through the following hadith: *"He who introduced some good practice in Islam, which was followed after him (by people) he would be assured of reward like the ones who followed it, without their rewards being diminished in any respect. And he who introduced some evil practice in Islam, which subsequently was followed (by others), he would be required to bear the burden like the ones who followed this (evil practice) without theirs being diminished in any respect."*²⁴⁶

241. Al-Kawthar, 108: 2.

242. Elmalılı, *Hak Dini Kur'an Dili*, Istanbul 1938, VIII, 6200 ff.; Zakiyyuddīn Sha'bān, *Uṣūl al-Fiqh*, Trans. İbrahim Kafı Dönmez, Ankara 1990, p. 207-213.

243. Al-Muzzammil, 73: 20.

244. Al-Tirmidhī, *Mawāqīf al-Ṣalah*, 69, 115; Ibn Maja, 'Iqāmah, 11.

245. Ibn Maja, 'Iqāmah, 11, Hadith No: 838, 840, 841.

246. Muslim, 'Ilm, 15, Zakāh, 69; Ibn Maja, Muqaddimah, 14; al-Darimi, Muqaddimah, 44.

Sunnah, as a term of the methodology of Islamic jurisprudence, refers to the words, actions, and approvals transmitted from the Prophet.

Sunnah is divided into three types as *sunnah mu'akkadah*, *ghayr mu'akkadah* and *zawā'id*:

1) ***Sunnah Mu'akkadah***: They are the Prophet's deeds which he did constantly but occasionally abandoned and which are neither *farḍ* nor *wājib*. Whoever fulfills this type of *sunnah* gains spiritual rewards (*thawāb*). One who abandons them, on the other hand, does not merit any punishment but warrants reprimand and rebuke.

The *sunnah* cycles (*rakāt*) of the dawn, noon, and evening ritual prayers and rinsing the mouth with water while performing the minor ablution (*wuḍū*) is *sunnah mu'akkadah*. This type of *sunnah* is also called "*sunnah al-hudā*."

2) ***Sunnah Ghayr Mu'akkadah***: These are the *sunnahs* that the Prophet often practiced and sometimes abandoned. Like the first *sunnah* units of the afternoon and the night prayers. *Sunnah ghayr mu'akkadah* is also called *mustahab* or *mandūb*.

The one who performs the *sunnah* acts in this group gains spiritual rewards, and the one who leaves them does not merit any reprimand or rebuke.

3) ***Sunnah Zawā'id***: These are the everyday human acts that the Prophet (*saw*) carried out that are not linked to the status of conveying a message from Allah or explaining Allah's religion. The way the Messenger of Allah kept his style of eating, drinking, and attire, his personal choice of wearing white-colored clothes, and dyeing his hair and beard with henna are of this nature.

The ruling of *sunnah zawā'id*: If a believer eats, drinks, and dresses like the Prophet (*saw*), out of love, respect, and devotion to the Messenger of Allah, he will be rewarded for such actions. A person who leaves such acts is not considered to have performed a bad deed.

Except for the Ḥanafis, the majority of Muslim jurists do not use the classification of the *sunnahs* mentioned above. They instead utilize the term "*mandūb*" to include all these three types of *Sunnahs* as well as the provisions that are not strictly ordered and do not possess the characteristics of *farḍ* or *wājib*.

D – *Mustahab*

It means an act that is liked, preferred, and considered beautiful. Things that the Prophet sometimes did and sometimes left, and that the predecessors loved and valued, are called *mustahab* acts. Some supererogatory prayers and fasts are of this nature. During the performance of the acts of worship, some acts are not *farḍ*, *wājib* and *sunnah*, and fall into the category of *mustahab*.

According to the Ḥanafis, performing the dawn prayer until it gets light, delaying the noon prayer in the hot season until the weather cools, rushing the evening prayer, and buttoning the top garments while praying may be offered as examples of *mustaḥab* acts.

The ruling of the *mustaḥab*: There is a reward to those who practice them, and there is no censure in its relinquishment. However, Ibn Abidīn (d. 1252/1836) states that the terms *mandūb*, *mustaḥab*, *nāfilah*, and *ṭaṭawwū* are synonymous, that abandoning them would mean “abandoning the act which is more suitable”, and in some cases, the person who abandons them can be considered to have done a disliked deed.²⁴⁷

E – *Mubāḥ*

The deed that Allah or His Messenger leaves a Muslim free to do or not to do is called “*mubāḥ*.” The words “*ḥalāl*”, “permissible” and “*muṭlaq*” are used synonymously with *mubāḥ*.

The original ruling in things is permissibility. Things about which there is no ruling are accepted as *ḥalāl*. The following is stated in the Qur’an: “**He who created all that is on earth for you.**”²⁴⁸ and “**Do you not see that Allah has placed all that is in the heavens and the earth under your command and that He has given you abundantly His open and secret blessings?**”²⁴⁹ It is clearly understood from these verses that what is found on earth and in the sky was created for the benefit of people. Things that are not forbidden to be eaten, drunk, or used by the Qur’anic verses or hadiths are considered *ḥalāl* and permissible. These are things that are beneficial to human beings. While *ḥarām* are those things that are considered harmful.

The fact that something is permissible and *ḥalāl* are determined in one of the following ways:

1) Existence of *nass* (Qur’anic verse-hadith) stating that it is *ḥalāl*. Like eating and drinking pure things. The following is stated in the verse: “**This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them.**”²⁵⁰

The permissibility of something is about determining its time and type. For example, it is permissible to choose the time and type of meal. A person can marry a woman who is *ḥalāl* to him whenever he wishes. One can have ample entertainment; however, it is not permissible to spend all one’s time having only fun.

2) Existence of a declaration that it is not a sin. The existence of a *nass* declaring that there is no sin, problem or inconvenience shows that the act is *ḥalāl*. The following

247. Ibn Abidīn, *Radd al-Mukhtar*, I, 115.

248. Al-Baqara, 2: 29.

249. Luqmān, 31: 20.

250. Al-Mā’ida, 5: 5.

is stated in the verses of the Qur'an: **"He has only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name has been invoked besides that of Allah. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless."**²⁵¹, **"There is no sin on you if you implicitly express your desire to marry such women (who are waiting for iddah) or if you keep this desire secret in your heart."**²⁵², and **"There is no blame on the blind, no blame on the lame, no blame on the sick (they are not sinful because they cannot do it), and there is no problem for you to eat from ...your own houses."**²⁵³

3) The mode of imperative states permissibility, not an obligation. The following verse can be given as an example: **"Eat and drink from the sustenance (provided) by Allah."**²⁵⁴

4) Absence of any provision regarding an act. According to the proof of *iṣṭiṣhāb*, "the original ruling in things is permissibility."

The ruling of *mubāḥ*: There is no merit or sin in doing or not doing it. The Muslim is left free to decide whether to carry out the *mubāḥ* action or not.²⁵⁵

F – Ḥarām

The deed that is strictly prohibited in Islam is called "*ḥarām*". The *ḥarām* must be determined by a verse, *mutawātir*, or *mashhūr* hadith, and must be in the nature of an act that is not required to be carried out in a definite and binding way. According to the majority of Muslim jurists, excluding the Ḥanafis, *ḥarām* can also be determined by *khavar wāhid*, which is considered conjectural evidence. Ḥanafis call the deed that is strictly and bindingly prohibited with *khavar wāhid* as "*taḥriman makrūh*," and the one prohibited not in a definitive and binding way as "*tanzihan makrūh*."

The prohibition of something by Allah and His Messenger can be found in the following ways:

1) With a word that expresses prohibition. The following is stated in the Qur'an: **"Prohibited to you (For marriage) are: Your mothers, daughters, sisters..."**²⁵⁶, and **"Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall..."**²⁵⁷ In these and other sim-

251. Al-Baqara, 2: 173.

252. Al-Baqara, 2: 235.

253. Al-Nūr, 24: 61.

254. Al-Baqara, 2: 60.

255. For more information see al-Shāṭibī, *Muwafaqāt*, Tijāriyya wa Munīr, Damascus ed., I, 141, 142; al-Shawkanī, *Irshād al-Fuḥūl*, Cairo 1347, p. 6; Abu Zahra, *ibid*, p. 57 ff., Zakiyyuddīn Sha'bān, *ibid*, p. 220, 221; al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, I, 53.

256. Al-Nisā, 4: 23.

257. Al-Mā'idā, 5: 3.

ilar Qur'anic verses, the prohibition of something is explicitly expressed with the word "*ḥarām*".

2) By declaring that it is not *ḥalāl*. **"From now on, other women are not *ḥalāl* for you."**²⁵⁸ The Prophet (saw) said: *"It is not permissible to take the property of a Muslim without his consent."*²⁵⁹

3) With words referring to prohibition. Such a prohibition is found in the Qur'anic verse, **"Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils)."**²⁶⁰

4) With a word of disapproval. **"O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination,- of Satan's handwork: eschew such (abomination), that ye may prosper."**²⁶¹ The word "eschew" in this verse forbids approaching the things that are listed and informs the reader of their *ḥarām* state in a stronger mode.

Types of *ḥarām*:

The essence of rendering something *ḥarām* is that it is harmful. The harm in a *ḥarām* is either caused by the prohibited act itself or is based on an indirect cause. Accordingly, *ḥarām* is divided into two as being directly or indirectly *ḥarām*:

a) *Ḥarām* in itself (*ḥarām li dhatiḥi*): It is an act that Allah and His Messenger have made *ḥarām* from the start and in its essence, without a temporal reason. Such as adultery, theft, selling dead animal meat, and marrying those who are prohibited due to absolute marriage impediments. The harm in them is based on the evil of their own nature. Direct *ḥarām* in general are the actions that are prohibited in order to protect the five elements consisting of life, religion, intellect, lineage, and property.

The ruling of the *ḥarām* in itself: The act is essentially unlawful. If a legally competent and responsible believer commits such an act, no legal rights arise and there is only criminal sanction. For example, the act of adultery does not constitute a reason for lineage and the establishment of inheritance. Yet, for such an act if it is committed, according to the procedure, a penalty is applied. Also, the act of theft does not give the thief the right to own the stolen property. It is not deemed permissible for a person to steal unless there is a necessity (compulsion) to commit such a *ḥarām* act.

b) Indirect *ḥarām* (*ḥarām li ghayriḥi*): It is an activity related to a temporary situation that necessitates rendering it *ḥarām*, although it is essentially a legitimate one. For example, it is *ḥarām* to look at the private parts of a woman because it is likely to lead to adultery. Adultery is *ḥarām* in itself. Again, the prohibition for men, who are legally

258. Al-Aḥzāb, 33: 52.

259. Ahmad Ibn Ḥanbal, *Musnad*, V, 72.

260. Al-'Isrā, 17: 32.

261. Al-Mā'idā, 5: 90.

responsible for performing the Friday prayer, to go trading during the time of the Friday prayer is an example of an indirect *ḥarām*.²⁶² The prohibition here is a prohibition for a limited time due to an external reason, in this case, it prevents people from performing the Friday ritual prayer in a congregation.

Ruling on indirect *ḥarām*: This type of *ḥarām* becomes permissible at times of necessity. For example, it is *ḥarām* to look at a woman's private parts, but if treatment is needed and there is no possibility to find a female doctor, it becomes permissible for a male doctor to examine the woman.

The terms *ma 'ṣiyyah* and sin are also used as synonyms of *ḥarām*. He who denies what is *ḥarām* inevitably leaves the religion of Islam.²⁶³

G – Makrūḥ

A deed that Allah and His Messenger wish not to be carried out in an indefinite and non-binding manner and style is called *makrūḥ*. There are some common points between *ḥarām* and *makrūḥ*. Both refer to acts that are prohibited or unwelcomed or simply disagreeable. However, the concepts of *ḥarām* and *makrūḥ* are expressed with some differences amongst the Ḥanafis compared to other madhhab.

That is to say while *ḥarām* refers to the deed that is strictly and bindingly prohibited by a Qur'anic verse, and a *mutawātir* or *mashhūr* sunnah, *makrūḥ* expresses the prohibited actions that are determined by similar evidence, but in a style that does not express a prohibition in a definitive and binding way, or it does so with conjectural evidence such as *khabar wāḥid*.

According to the Ḥanafis, *makrūḥ* is divided into two types as *taḥriman* and *tanzihan*:

1. Makrūḥ Taḥriman (close to ḥarām)

Although it is a deed that Allah and His Messenger strictly and bindingly bid not to be carried out, if this demand is proven by conjectural evidence such as *khabar wāḥid*, it is called "*makrūḥ taḥriman (makrūḥ close to ḥarām)*". We can give the following hadith as an example: "*A person should not enter into a transaction when his brother is already making a transaction and he should not make a proposal of marriage when his brother has already made a proposal except when he gives permission.*"²⁶⁴ In this hadith, "entering into a transaction that another has already entered" and "making a marriage proposal to a woman to whom somebody else has already proposed" is strictly prohibited. While the

262. Al-Jum'a, 62: 9.

263. Al-Ghazālī, *Muṣṭasfa*, Bulak 1322, II, 31; al-Pazdawī, *Uṣūl*, on the margin of *Kashf al-Athrār*, Istanbul 1308, I, 66; Ibn al-Humām, *Taḥrīr*, Cairo 1316-1317; I, 329; Abu Zahra, *ibid*, p. 43 ff.; Z. Sha'bān, *ibid*, p. 215 ff.

264. Al-Bukhari, Nikāḥ, 45; Muslim, Buyū', 8, Nikāḥ, 38, 49, 52, 54, 56.

ruling for such actions could have been deemed as *ḥarām*, this hadith is *ḥabār wāḥid*, and therefore the ruling instead is “*makrūḥ taḥriman*.”

Committing a *makrūḥ taḥriman* act involves punishment, but the one who repudiates such a ruling is not considered as having left the religion.

2. *Makrūḥ Tanzīhan* (near to ḥalāl)

If the prohibition of Allah and His Messenger is not decisive and binding, the ruling of such an act is called “*makrūḥ tanzīhan*.” An example of such a ruling is of a person who goes to the mosque for prayer having consumed onions or garlic. The Prophet (*saw*) said: “*Whoever eats onions and garlic should not come to our mosque, but stay at home.*”²⁶⁵ In this hadith, attention is drawn to a measure so as not to distress the community. It is possible to consider foul odors such as excessive sweat or worn socks, the smell of which makes the wider community uncomfortable and uneasy, within the scope of this hadith.

Committing a *makrūḥ tanzīhan* act does not require any punishment or condemnation. However, committing such deeds is considered contrary to the manner that is superior and virtuous. Therefore, a person who avoids both kinds of *makrūḥ* is praised. The madhhab imams other than the imams of the Ḥanafis include the acts that the Ḥanafis consider *makrūḥ taḥriman* within the scope of *ḥarām*. They use the term “*makrūḥ*” only for actions clearly defined as not being prohibited in the sense of *ḥarām*.

According to the Ḥanafis, *makrūḥ taḥriman* is the counterpart of *wājib* while *makrūḥ tanzīhan* is the counterpart of *mandūb*.²⁶⁶

H – *Muḥsid*

An act or defect that invalidates or flaws an act of worship in practice is called a “*muḥsid*”. It is the active participle from the root of *fasād*. The terms *ṣiḥḥa*, *fasād*, and *buṭlān* are terms related to each other. The division of the terms as *ṣaḥiḥ*, *fāsid*, and *bāṭil* is a characterization made according to whether or not the actions of a person have the essential pillars (*rukn* pl. *arkān*) and conditions (*sharṭ* pl. *ashrāt*) required by the shari’ah. Legitimate acts that are subject to certain provisions are either in the form of acts of worship or daily conduct. *Shāri‘* (the Law-maker) determined some essential pillars (*arkān*) and conditions (*ashrāt*) for these acts and conducts.

The acts of worship or daily conduct performed in accordance with the essential pillars and conditions determined by the Shari’ah, are called “*ṣaḥiḥ*”. The terms “*mu’tabar*”, “*jāiz*”, or “*valid*” are used interchangeably.

265. Al-Bukhari, Adhān, 160; Abu Dawud, Aṭ’ima, 41.

266. See Ibn Rushd, *Bidāyat al-Mujtahid*, Cairo 1952, II, 167, 168; al-Zuhayli, *ibid*, I, 53, II, 263-264, IV, 240; Abu Zahra, *ibid*, p. 45, 46; Z. Sha’bān, *ibid*, p. 217 ff.

In regards to the acts of worship, *fāsid* and *bāṭil* are used for the same meaning. Acts of worship that have a missing essential pillar or condition become *fāsid* or *bāṭil*. For this reason, expressions such as “*ghayr ṣaḥiḥ*”, “not valid”, and “invalid” can also be used in place of them. For example, since an essential pillar would be missing in a prayer performed without the prostration and a condition would be missing in a prayer that is performed without ablution, both prayers are considered *fāsid*, that is, the prayer must be performed again. In this regard, there is a consensus among all the schools of Islamic law.

According to the majority of Muslim jurists, *fāsid* and *bāṭil* are also synonymous with daily conduct just as the acts of worship. For instance, the result does not change whether the flaw is in the essential pillars or the conditions of a contract. For example, a sale on credit to be made without determining the price or the date of payment or a contract concluded by a mentally ill person will not bear any legal effects. Such contracts can be labeled “*fāsid*” as well as “*bāṭil*.”

According to the Ḥanafis, *fāsid* and *bāṭil* are used in a different sense in matters of daily transaction. While a deficiency in the contract’s main pillars (*arkān*) such as offer (*ijāb*), acceptance (*qabūl*), and the object of the contract renders the contract *bāṭil*, a contract becomes *fāsid* only if the deficiency is in one of the conditions, but not in its essential pillars. Since its elements and essential pillars exist, some legal consequences are attached to such a contract. For example, a contract of sale in which the price is unknown to the parties, a contract of sale with an invalid condition, and a marriage contract concluded without witnesses are considered *fāsid* legal transactions. The Ḥanafis do not call such contracts “*bāṭil*”, but attach them to some legal effects. For example, if the buyer has received the good, which is the subject to sale with the explicit or implicit consent of the seller in a *fāsid* contract of sale, the right of ownership on this good in favor of the customer becomes established, but the customer’s use of the goods will not be permissible unless the defect in the contract is corrected and the contract turned into a valid one. In a *fāsid* marriage contract if the marriage is actually consummated, the woman becomes entitled to *mahr* (dowry), she is obligated to wait for the ‘*iddah*’ when and if she divorces, and the lineage of the child to be born is established. However, unless the marriage contract is transformed into a valid one, it is not lawful for the parties to continue to live as husband and wife with this marriage, alimony is not required, and there is no inheritance between the parties.²⁶⁷



267. Al-Sarakhsī, *Mabsut*, XIII, 8 ff.; al-Kāsānī, *Badāyī ‘al-Ṣanā’i’*, V, 169, 174, 234, 300-304; Ibn al-Humām, *Faṭḥ al-Qadīr*, V, 137, 186. 222 ff.; Hamdi Döndüren, *İslam Hukukuna Göre Alım Satımında Kar Hadleri*, p. 101-103; *Delilleriyle İslam Hukuku*, İstanbul 1983, p. 250 ff.; Abu Zahra, *ibid*, p. 47 ff.; Sha‘bān, *ibid*, p. 232 ff.

VIII. *AẒĪMAH* AND *RUKHṢA*

AẒĪMAH lexically means to turn in a certain direction and make an intention. *AẒĪMAH* in Islamic legal terminology refers to the provisions that Almighty Allah decreed in the first place in a binding manner for all competent and responsible believers under all circumstances. Ritual prayer, fasting, pilgrimage, and similar religious obligations are of this nature. The provisions of prohibition of certain acts such as killing someone unjustly, drinking wine, consumption of meat of dead animals, and pork are also decrees of *aẒĪMAH*.

Rukhṣa literally means convenience. In Islamic legal terminology, it refers to the temporary provisions that Allah established for His servants according to their excuses and needs. Therefore, *aẒĪMAH* refers to the general and original provision, while *rukḥṣa* refers to the exceptional provision. A general and normal situation is in question in *aẒĪMAH*, and in *rukḥṣa*, there is an excuse, need, and necessity. The *rukḥṣa* is divided into four types:

1. *Rukḥṣa* to commit *ḥarām*

In the case of necessity or need at the level of necessity, committing a *ḥarām* act can become permissible. It becomes permissible for a person with a heart full of faith to utter the word of disbelief under the threat of being killed or losing an organ. Allah has given this permission to the one who is forced.²⁶⁸

For instance, the Meccan polytheists tortured Ammar Ibn Yasir (d. 34/657) in the early days of Islam. They did not leave him until he insulted the Prophet and praised their gods. When Ammar (r.a) conveyed this situation to the Messenger of Allah (saw) and stated that his heart was full of faith, the Messenger of Allah (saw) said, “*If they torture you again, do the same.*”²⁶⁹

2. *Rukḥṣa* to abandon the *wājib*

When there is an additional difficulty in conducting a *farḍ* and *wājib* act, sometimes the one who is legally responsible may abandon that act. For example, it is permissible for a traveler and a sick person not to fast in the month of Ramadan. It can be made up later. However, in this case, acting in accordance with *aẒĪMAH* is superior to using the *rukḥṣa*. This is because of the following command found in the continuation of the Qur’anic verse, which states that notwithstanding the *rukḥṣa*, “*It is better for you to fast (despite your difficulties).*”²⁷⁰

268. See al-Naḥl, 16: 106

269. Al-Sarakhsī, *Mabsut*, XXIV, 144; Abdulazīz al-Bukharī, *Kashf al-Aṣṣār ‘ala ‘Uṣūl al-Pazdawī*, Istanbul 1308, II, 636, 637

270. Al-Baqara, 2: 184.

3. The *rukḥṣa* to perform some legal acts contrary to the general rule

Examples of this are the *salam* contract (money in advance, goods on credit) and the *iṣṭiṣnāʿ* contract (ordering a craftsman to construct or produce something), which are the contracts of sale of something that does not exist at the time of the contract. Due to the needs of people, these two kinds of transactions are permitted by hadith and common custom. In these cases, it is permissible in both cases to act according to the *rukḥṣa* and to leave the *rukḥṣa*.

4. The *rukḥṣa* that abrogates the exacting provisions of previous monotheistic religions

Some demanding provisions that existed in previous religions were abolished for the followers of Muhammad (*saw*) and instead conveniences were introduced to them. Provisions in these previous religions were for example that a person who wanted to repent for a major sin was required to slay himself, a ritual prayer was deemed invalid if performed outside the place reserved for worship, and the booty was prohibited. All of these provisions of the previous religions were abrogated in Islam.²⁷¹

The following verses indicate that there were such weighty provisions in previous religions: “...our Lord! Lay not on us a burden Like that which You did lay on those before us...”²⁷², and “... He releases them from their heavy burdens and from the yokes that are upon them...”²⁷³

These kinds of changes are metaphorically called *rukḥṣa* since these provisions were not first legalized and then abolished in Islam. Ultimately, it is not permissible to act according to these past provisions found in the previous religions.

After having dealt with some basic terms and general introductory knowledge about Islam that can assist us in understanding the issues related to the acts of worship and daily transactions, we can now turn towards examining the issues related to the Islamic creed, which is a core matter for the validity of all types of worship.



271. See al-Baqara, 2: 54; Z. Shaʿbān, *ibid*, p. 223 ff.

272. Al-Baqara, 2: 286.

273. Al-Aʿraf, 7: 157.

CHAPTER TWO

ARTICLES OF FAITH

- The Term and Scope of Imān
- Belief in Allah
- Belief in Angels
- Belief in Books
- Belief in Prophets
- Belief in the Last Day
- Faith in Destiny and Fate

I. THE TERM AND SCOPE OF *IMĀN*

A – DEFINITION OF FAITH:

The term *imān* lexically means “approving, confirming what a person says, accepting what he says with peace of mind, giving confidence to the other person, believing sincerely and wholeheartedly.”²⁷⁴ The terms *imān* and *‘itiqād* are synonymous, and they also mean surrender and submission.

As a term, *imān* refers to approving the religion of Allah by heart, that is, it means believing wholeheartedly that the decrees brought by the Prophet, which are known with certainty, are true and accurate. Accordingly, the truth and the essence of faith is the affirmation of the heart. The affirmation of the heart is the unchanging essential element of faith.

Some of the verses and hadiths showing that faith consists of believing from the heart are as follows: ***“O Messenger! let not those grieve thee, who race each other into unbelief: (whether it be) among those who say “We believe” with their lips but whose hearts have no faith; or it be among the Jews...”***²⁷⁵, and ***“Those whom Allah (in His plan) wills to guide, He opens their breast to Islam...”***²⁷⁶

The Prophet (saw) also said about faith in the heart: *“Allah (swt) will admit into Paradise those deserving of Paradise, and He will admit whom He wishes out of His Mercy, and admit those condemned to Hell into the Fire (of Hell). He would then say: See, he whom you find having as much faith in his heart as a grain of mustard, bring him out.”*²⁷⁷

Accordingly, a person who believes with his heart, but cannot express his faith or who due to various reasons such as being mute or under threat says he has no faith, is considered a believer based on the faith found in his heart. As a matter of fact, ‘Ammār Ibn Yāsir, one of the Companions, during the Meccan period could not stand the torture and the incessant death threats of the Qurayshi polytheists, and although he believed in his heart, he reluctantly had to openly state in public, with his tongue, that he was not a Muslim and that he was leaving the religion of Muhammad. Regarding this incident, in the following Qur’anic verse it is stated that he was still a believer, ***“Anyone who, after accepting faith in Allah, utters unbelief, except under compulsion, his heart remaining***

274. Ibn Manzūr, *Lisān al-‘Arab*, XIII, 21.

275. Al-Mā’ida, 5: 41.

276. Al-An‘ām, 6: 125.

277. Al-Bukhari, *Imān*, 15; Muslim, *Imān*, 82.

firm in faith but such as open their breast to unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty.²⁷⁸

Māturīdī (d. 333/944) and Imam Ash'arī (d. 324/936), the imams of the two creedal schools of the Ahl al-Sunnah, consider the affirmation of the heart sufficient for faith. However, Imam Māturīdī considers acknowledgment by the tongue necessary only for worldly rulings.

Their proofs are as follows: It is stated in the Holy Qur'an that the words of the hypocrites, who said that they believed with their tongues but did not believe in their hearts, were disregarded.²⁷⁹ The verses stating that true faith should be rooted in the heart also support this view.²⁸⁰

Moreover, in various hadiths, attention is drawn to the significance of the affirmation of the heart in matters of belief. The following incident that happened to Usama Ibn Zayd (d. 54/674) is related to this subject. Usama (r.a) narrates: "The Messenger of Allah sent us in a raiding party. We raided Huraqat of Juhaina in the morning. I caught hold of a man and he said, "There is no god but Allah," I killed him, thinking that he was lying out of fear. However, this event made me ponder a lot. On my return, I informed the Messenger of Allah (saw) about the incident. The Prophet said to me: "*Did you tear his heart in order to find out whether it had professed or not?*"²⁸¹

According to Abu Ḥanīfa, his followers, al-Pazdawī (d. 482/1089) and al-Sarakhsī (d. 490/1097), faith is the affirmation of the heart and the acknowledgment of the tongue. This is because when faith is not disclosed by words or behaviors, with the exception of having a valid justification such as being nonverbal or being forced into unbelief, it creates uncertainty about the person. As a matter of fact, Imam Māturīdī also considers acknowledgment with the tongue necessary for the implementation of worldly decrees, since affirmation with the heart is a secret matter that cannot be known.²⁸²

The following is stated in the Qur'an: "***Anyone who, after accepting faith in Allah, utters unbelief ... on them is Wrath from Allah, and theirs will be a dreadful Penalty.***"²⁸³ In this verse, it is stated that disbelief expressed by the tongue drives a person out of the religion. In comparison, faith should include the acknowledgment of the heart as well as the acknowledgment expressed by the tongue. The Prophet said: "*I have been commanded that I should fight against people till they declare that there is no god but Allah, and when they profess it that there is no god but Allah, their blood and*

278. Al-Nahl, 16: 106.

279. Al-Mā'idā, 5: 41; For other verses see Yusuf, 12: 7; al-An'ām, 6: 125; al-Nahl, 16: 106; Al-Hujurāt, 49: 14.

280. See al-Nahl, 16: 106; Al-Mujadala, 58: 22.

281. Muslim, Imān, 41; Abu Dawud, Jihād, 95; Ibn Maja, Fitan, 1.

282. Ali Qāri, *Sharh al-Fiqh al-Akbar*, Egypt, 1323 H. p. 10, 76 ff.; al-Zabidī, *Sharh al-Ihyā*, Egypt, n.d., II, 241; Māturīdī, *Kitāb al-Tawḥīd*, ed. Fathullah Ḥulayf, Beirut 1970. p. 380 ff., Ibn Abidīn, *Radd al-Mukhtar*, Beirut, n.d., III, 283.

283. Al-Nahl, 16: 106.

riches are guaranteed protection on my behalf except where it is justified by law, and their affairs rest with Allah."²⁸⁴

Shafi'i, Malik, Ahmad Ibn Ḥanbal, Ibn Hazm (d. 456/1064), and Ibn Taymiyya (d. 728/1328) described faith as follows: "*Imān* is the affirmation of the heart, the acknowledgment of the tongue, and the fulfillment of the main principles of Islam." It can be observed in this definition that the scope of faith has been expanded with the addition of fulfilling the "deeds" as well.²⁸⁵ However, by "deeds", they meant the perfection of faith and not that anyone who does not act in accordance with the principles laid down will fall into disbelief. According to another view of Imam Ash'arī, besides the confirmation of the heart, *imān* consists of words and deeds. For this reason, faith increases and decreases.²⁸⁶

Allah has set forth some indicators and conditions implying belief. These are what we call the fundamental principles of Islam, which consist of *kalimah al-shahādah*, five daily prayers, almsgiving, fasting, pilgrimage, and similar matters. Whoever is seen performing these deeds is judged to be a believer and benefits from worldly provisions such as being allowed to be an imam for the ritual prayers, a man is allowed to marry a Muslim woman, and the funeral prayer is performed over them when they pass on, and they are permitted to be buried in a Muslim cemetery. These deeds give strength to faith, strengthen the light of faith in the heart, save people from torment, and assist them to reach Allah's grace and help.

B – THE RELATIONSHIP BETWEEN CONCEPTS OF IMAN AND ISLAM:

The term Islam lexically means to obey, to surrender, to be a Muslim, and to enter Islam. As a term, it means submitting to Allah, confirming with the heart what the Prophet declared in the name of religion, expressing it with the tongue, living in accordance with what is believed, and manifesting that all these are accepted and adopted in words and actions. Islam is also used in the sense of "religion". The religion of Allah is not only called "*dīn* (religion)", but also "*millah*, shari'ah, Islam and the religion of Islam." On the other hand, the term shari'ah is also used to express the part of religious rulings pertaining to worship and actions.

Imam Māturīdī (d. 333/944) says the following on this subject: "Although *imān* and Islam are mentioned separately in the Book and the Sunnah, in reality, *imān* and Islam are used in the same sense. For all creedal sects are in agreement that a person who leaves *imān* will also leave the boundaries of Islam."²⁸⁷ As a matter of fact, *imān* and Islam are

284. Al-Bukhari, Jihād, 102; Muslim, Imān, 8; Abu Dawud, Jihād, 104.

285. Al-Ash'arī, *Maqalāt*, I, 293 ff.; al-Jurjānī, *Sharḥ al-Mawāqif*, Istanbul, 1311 H. III, 247; al-Zabidī, *ibid*, II, 243; Ibn Taymiyya, *Majmū al-Fatawā*, Riyad, 1381-1386. H., III, 151, VII, 644; A. Saim Kılavuz, *Iman Küfür Sınırı*, Istanbul 1982, p. 23.

286. Al-Jurjānī, *ibid*, III, 246 ff.

287. Māturīdī, *ibid*, p. 398.

used in the same sense in the following verse, “...**You can make none hear the truth except those who believe in Our revelations, fully submitting to Allah.**”²⁸⁸

However, sometimes *imān* and Islam are used with different meanings. As a matter of fact, although the hypocrite does not have faith in his heart, he may say that he believes with his tongue, and may even appear to perform some acts of worship for the sake of appearance. The concepts of *imān* and Islam are used with different meanings in the following Qur’anic verse, “**The desert Arabs say, “We believe.” Say, “You have no faith; but you (only) say, “We have submitted our wills to Allah,” For not yet has faith entered your hearts...**”²⁸⁹ This verse is referring to hypocrites who with their tongues may say that they believe but, in their hearts, they do not truly believe.

‘Umar (*ra*) narrates the answers given by the Prophet (*saw*) to the questions of what *imān*, Islam and *iḥsān* mean: “One day we were sitting in the company of Allah’s Apostle (*saw*) when there appeared before us a man dressed in pure white clothes, his hair extraordinarily black. There were no signs of travel on him. None amongst us recognized him. At last, he sat with the Apostle (*saw*) He knelt before him placed his palms on his thighs, and said:

“Muhammad, inform me about al-Islām.” The Messenger of Allah (*saw*) said:

“Al-Islām implies that you testify that there is no god but Allah and that Muhammad is the messenger of Allah, and you establish prayer, pay Zakāt, observe the fast of Ramadan, and perform pilgrimage to the (House) if you are solvent enough (to bear the expense of) the journey.” He (the inquirer) said:

“You have told the truth. Inform me about al-imān (faith).” He (the Holy Prophet) replied:

“That you affirm your faith in Allah, in His angels, in His Books, in His Apostles, in the Day of Judgment, and you affirm your faith in the Divine Decree about good and evil.” He (the inquirer) said:

“You have told the truth.” He (the inquirer) again said:

“Inform me about al-Iḥsān.” He (the Holy Prophet) said:

“That you worship Allah as if you are seeing Him, for though you don’t see Him, He, verily, sees you.”

After these questions, the man who later asked about the signs of the Dooms Day got up and left. When they looked for him he had disappeared. The Messenger of Allah (*saw*) said to the Companions who were wondering who he was: “He was Gabriel, he came to teach you your religion.”²⁹⁰

288. Al-Naml, 27: 81.

289. Al-Hujurāt, 49: 14.

290. Al-Bukhari, Imān, 37; Muslim, Imān, 1.

Al-Zabīdī (d. 1205/1791) states that *imān* and Islam are sometimes used synonymously and sometimes in a different sense, and clarifies the issue as follows: Islam means surrender. Surrendering happens either by heart or verbally or through the organs and limbs. The “belief” with the heart consists of “acknowledgment” with words, and “worship” with the organs and limbs. The most superior of these three forms is the one with the heart, which is also called “*imān* (faith)”. The heart’s submission to the principles of belief consists of “Islam”. Words and deeds are the result and fruit of this obedience hidden within the heart. Just as a tree constitutes a whole with its fruit, the term Islam also expresses this as a whole.²⁹¹

In conclusion, since acknowledgment by the tongue is not a main pillar, it ceases to be a requirement in case of an exemption such as being non-verbal or being under duress. If a person who is forced does not deny his faith with his heart, but only with his tongue, he will not be considered to have left his faith. As stated earlier, when the Meccan polytheists tortured ‘Ammār Ibn Yāsir (d. 34/657), he could not stand it and denied Islam with his tongue. Yet, when his situation was conveyed to the Messenger of Allah (*saw*), he said about ‘Ammār: “*Faith has settled in all the particles of ‘Ammār*”, then turning to ‘Ammār, he said, “*If they force you again, you can deny faith with your tongue.*”²⁹² Such a concession was given by Allah Almighty in the face of compulsion for those whose hearts are full of faith,²⁹³ and the Prophet (*saw*) demonstrated its application. It is also important to note that one of the two persons who were threatened with death by the polytheists was killed because he did not openly apostatize, and the other was saved by publicly accepting unbelief. The Messenger of Allah said about the one who was killed because he preferred *aẓīmah*: “*He is the best of the martyrs and my friend in Paradise.*”²⁹⁴

C – THE RELATIONSHIP BETWEEN FAITH AND DEED:

Deed means work, behavior, worship, good deed, and action based on the human being’s will. All conduct, actions, and good deeds that are in accordance with the consent of Allah and His Messenger be they religious, individual, moral duties, or acts of worship, are called “good deeds (‘*amal al-ṣāliḥ*)”. Actions that do not comply with Allah’s consent are called “unrighteous deeds (‘*amal ghayr al-ṣāliḥ*)”. As a matter of fact, in Noah’s flood, when Noah prayed for his son, who was a person of disbelief, to be saved from drowning, Almighty Allah said: “***O Noah! He is not of your family: For his conduct is unrighteous.***”²⁹⁵

291. Al-Zabīdī, *ibid*, II, 235, 239; A. Saim Kılavuz, *ibid*, p. 43.

292. Al-Sarakhsī, *Mabsūt*, Cairo 1324-1331, XXIV, 43.

293. al-Naḥl, 16: 106.

294. Abdūlazīz al-Bukharī, *Kashf al-Aṣṣār*, Istanbul 1308, II, 636, 637; al-Sarakhsī, *ibid*, XXIV, 144.

295. Hūd, 11: 46.

According to the creed of Ahl al-Sunnah, deeds are not an integral part of faith. That is, as long as a person does not consider his sin to be ḥalāl, he is considered a believer and is not deemed to have left his religion due to lack of action. He will be accepted as a rebellious and sinful servant. If Allah wills, He will forgive that servant, if He wills, He will punish him. The evidence on which this view is based is as follows:

1) There are many verses in the Qur'an that begin with ***"Those who believe and do righteous deeds..."***²⁹⁶ In those verses, faith and action are mentioned separately. If deeds were a part of belief, it would not be necessary to say "those who believe", and also "those who do good deeds".

2) In some verses, it is stated that major sin can be found together with faith. ***"If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the command of Allah..."***²⁹⁷ In this verse, the two groups of believers who attack each other and commit the act of killing, which is considered a major sin, are called "believers". This shows that committing a ḥarām unless it is believed to be ḥalāl will not lead a person out of religion.

3) In some Qur'anic verses, belief is mentioned as a prerequisite for an action to be valid, for example, ***"But whoever does good and is a believer will have no fear of being wronged or denied [their reward]."***²⁹⁸ A valid faith should include believing in Allah, angels, books, prophets, the Last Day, destiny, and that good and evil come from Allah.

It is stated in the Qur'an: ***"By (the token of) Time (through the ages), verily man is in loss, except such as have faith and do righteous deeds, and (join together) in the mutual teaching of Truth, and of Patience and Constancy."***²⁹⁹ and ***"As to those who reject Faith, and die rejecting, never would be accepted from any such as much gold as the earth contains, though they should offer it for ransom. For such is (in store) a penalty grievous, and they will find no helpers."***³⁰⁰

On the other hand, there is a close relationship between deeds and faith. Faith without action is not enough to attain salvation and happiness in the Hereafter. The light of faith that settles in the heart must be protected, nourished, and strengthened against external influences. This is achieved through acts of worship and other good deeds.

Human beings were sent to earth not only so that they could be held responsible for faith but also to serve Allah by doing righteous deeds. The following is stated in the

296. See al-Baqara, 2: 277; Yunus, 10: 9; Hüd, 11: 23; al-Ankabūt, 29: 7, 9, 58; Luqmān, 31: 8; al-'Aṣr, 103: 3.

297. Al-Hujurāt, 49: 9; See also al-Baqara, 2: 178; al-Taḥrīm, 66: 8.

298. Ṭa Ha, 20: 112.

299. Al-'Aṣr, 103: 1-3.

300. Āl 'Imrān, 3: 91.

Qur'an: *"I have only created Jinns and men, that they may serve Me."*³⁰¹, and *"He Who created death and life, that He may try which of you is best in deed..."*³⁰²

Good deeds are divided into two kinds. The first type, such as bodily acts of worship, are deeds that benefit the person who performs the act himself and helps him to grow and develop. Actions such as prayer, fasting, pilgrimage, participation in the holy war, and fighting against unbelief are of this nature. The second type includes the deeds that benefit others, such as *zakāt* and charity.³⁰³

D – INCREASE AND DECREASE OF FAITH:

Faith does not increase or decrease in terms of what is to be believed, namely the articles of faith. A person is not considered a believer unless he believes and approves of all of the articles that are required to be believed. In this regard, there is no difference between a knowledgeable and ignorant person, be they male or female.

Yet, faith can differ in its strength and weakness, for some people's faith may be strong, while others may be weak. It can be a belief based only on hearing or seeing, or it can be believed by wholeheartedly living it. As a matter of fact, Prophet Ibrahim, in order to strengthen his belief, wanted to understand how Allah would resurrect the dead. When Allah asked him *"Have you no faith?"*, Ibrahim (as) replied, *"Yes I do, but just to reassure my heart (by seeing it with my own eyes)."*³⁰⁴ Here, it is clear that his faith will grow stronger when he sees the resurrection.

It is stated in various verses of the Qur'an that faith can increase: *"...As for those who believe, (each descended chapter) has increased their faith."*³⁰⁵, *"It is He who brings peace to the hearts of the believers so that they may increase their faith even more..."*³⁰⁶, and *"For, Believers are those who, when Allah is mentioned, feel a tremor in their hearts, and when they hear His signs rehearsed, find their faith strengthened..."*³⁰⁷ These Qur'anic verses and the hadith of the Prophet about the faith of 'Ammār Ibn Yāsir, which we have mentioned above, and similar ones, demonstrate that there are different ways that the power of faith can settle within the heart of a person.

E – IJMĀLĪ AND TAFSĪLĪ BELIEF:

The collective belief in all of the things that the Prophet brought and informed us about from Almighty Allah is called *"ijmālī belief."* What is meant by *"ijmālī belief"* is

301. Al-Dhariyat, 51: 56.

302. Al-Mulk, 67: 2.

303. Elmalılı, *Hak Dini Kur'an Dili*, VIII, 6079, 6080.

304. Al-Baqara, 2: 260.

305. Al-Tawba, 9: 124.

306. Al-Fath, 48: 4.

307. Al-Anfāl, 8: 2.

a concise and complete belief in all that should be believed in without going into details. This concise and complete belief is found summarized in the declarations of *tawḥīd* and *shahādah*.

The declaration of *tawḥīd* is the statement of: "*Lā ilāha illallāh Muhammadun Rasūlullāh* (There is no god but Allah. Muhammad is His messenger)". The declaration of *shahādah* is the statement of "*Ashhadu an lā ilāha illallāh wa ashhadu anna Muhammadan 'abduhu wa rasūluhu* (I believe and testify that there is no god but Allah and that Muhammad is His slave and messenger)." A person who utters the declaration of the *shahādah*, knowing its meaning and affirming it with his heart, changes his status regardless of his previous religion or belief system and joins the ranks of the believers.

A person who recognizes Allah as the One and Unique God and accepts Muhammad as His messenger is deemed to have accepted all the other principles of faith and the religion brought by the Prophet altogether. Accordingly, affirming Muhammad means affirming all the decrees he brought collectively. Although the collective (*ijmālī*) belief in this way is sufficient, it is still necessary to learn the principles of faith and all the other necessary provisions of Islam.

Tafṣīlī belief, on the other hand, is to consciously affirm the things conveyed by the Prophet (*saw*) separately. Although the collective (*ijmālī*) belief is sufficient to be saved from unbelief, one's learning and approving of the fundamentals of belief and acts of worship such as prayer, fasting, pilgrimage, and *zakāt*, all the issues that are established by clear (*muḥkam*) verses and *mutawātir* hadiths, and the provisions of command, prohibition, and ḥalāl-ḥarām issues, are the most important aspects of *tafṣīlī* (detailed) belief. As a result, *tafṣīlī* (detailed) belief consists of obligatory having faith in all the rulings related to creed, acts of worship, practice, and morality.

F – CONDITIONS FOR THE VALIDITY OF FAITH:

The following three conditions are necessary for the belief to be valid and for it to lead to salvation in the hereafter.

1) Belief should not take place at the time of despair (*ya's*) in one's worldly life. For instance, it is not considered valid for a person who was not a believer before, to realize at his deathbed and at his last breath the torment he will suffer, and therefore say "I believe" when he has lost all his hope of life. For in such a case, the person cannot be deemed to have made a decision with his mind and free will. The following is stated in the Qur'an, "***But when they saw Our Punishment, they said: "We believe in Allah, the one Allah and we reject the partners we used to join with Him."*** But their professing the faith when they (actually) saw Our Punishment was not going to profit them. (Such

*has been) Allah's way of dealing with His servants (from the most ancient times). And even thus did the Rejecters of Allah perish (utterly)!"*³⁰⁸

2) A believer should not behave in a way that denies one of the principles of faith. Accordingly, one cannot be considered a believer if he denies the prophethood of Muhammad (*saw*) even though he has confirmed all the other prophets. Moreover, just like if a person denies a certain *fard* (obligatory act) or worships idols voluntarily, one who denies the oneness of Allah also leaves the religion. In Islam, belief is considered as one whole aspect, and denying a principle that is a required belief means to deny the whole of the religion.

Allah Almighty says about those who believe in a part of the religion and reject another part of it, *"Those who deny Allah and His messengers, and (those who) wish to separate Allah from His messengers, saying: "We believe in some but reject others": And (those who) wish to take a course midway, They are in truth (equally) unbelievers; and we have prepared for unbelievers a humiliating punishment."*³⁰⁹

3) A believer should neither despair nor be overconfident of Allah's mercy. He should always be in a state between apprehension and hope. Just as it is not permissible for a believer to fall into the conviction that "I am going to Hell" by giving up hope in Allah due to the multitude of sins he has committed, or the fact that his deeds have gone terribly wrong, it is also not appropriate to feel excessive confidence by saying "I am going to Paradise" due to the good deeds he has done. Because, as long as a person lives, he has the power and ability to direct his will, to turn to good deeds, and to turn them to his favor, even if he in the past carried out many bad deeds. This is also true the other way around.

The following is stated in the Qur'an: *"...truly no one despairs of Allah's Soothing Mercy, except those who have no faith."*³¹⁰, and *"...but no one can feel secure from the plan of Allah, except those (doomed) to ruin!"*³¹¹

G – KINDS OF PEOPLE ACCORDING TO THEIR BELIEFS:

People are divided into the following groups in terms of their affirmation of faith, denial, and deeds:

1) Mu'min (Believer): A *mu'min* or believer is a person who believes in Allah, the Prophet, and the things that the Prophet informs us about and the things that reach us with definitive proofs. Believers will enter Paradise in the Hereafter and will receive many blessings there. Sinful believers, on the other hand, will enter Paradise after they

308. Al-Mu'min, 40: 84-85.

309. Al-Nisā, 4: 150-151.

310. Yusuf, 12: 87.

311. Al-A'raf, 7: 99.

undergo the punishment they merit in Hell. There are many verses in the Qur'an stating that the believers will ultimately stay in Paradise forever.

2) Kāfir (Unbeliever): *Kāfir* is a person who does not believe in Allah and His Prophet and denies a decree that is certain to be part of the religion. The word "*munkir* (one who denies)" is also used in the same sense. A person who does not deny Allah, but associates any being or a force of nature as a partner (*shirk*) to Him is called *mushrik* (polytheist or one who associates partners to Allah). *Shirk* and *kufr* are two closely related concepts. However, *kufr* has a more general meaning and *shirk* has a more specific meaning. Such a person is also considered a *kāfir*. The Christians who accept Jesus as God, the son of God or one of the three deities (trinity), and any of the Jews who say that Uzair is the son of God are described as both polytheists (*mushrik*) and deniers (*kāfir*) in the Qur'an.³¹²

Associating partners with Allah is one of the major sins. In the verse below, Allah reveals that He can forgive all kinds of sins except *shirk*. ***Allah forgives not (The sin of) joining other gods with Him; but He forgives whom He pleases other sins than this: one who joins other gods with Allah, has strayed far, far away (from the right).***³¹³

3) Munāfiq (Hypocrite): Those who do not believe or approve of the principles of Islam that should be believed with the heart, but who say verbally that they believe just to deceive believers are called "*munāfiq* (hypocrite)." In short, hypocrites are people whose internal views and external appearance are different, their words are not in line with what is in their hearts. Since they define themselves as Muslims in society, it is not possible to recognize them. For that reason, they are able to harm the Muslim community more than the people of disbelief.

A hypocrite is treated as a Muslim in terms of worldly matters. The animals that they slaughter can be eaten, they inherit, they may marry Muslims, and their funeral prayer is performed over them. But they will be treated like disbelievers in the hereafter.³¹⁴ For in the various verses of the Qur'an, it is stated that hypocrites are disbelievers, and it is even stated that they will be found in the lowest level of Hell. The following is stated in the Qur'anic verses: ***"Of the people, there are some who say: 'We believe in Allah and the Last Day'; but they do not (really) believe."***³¹⁵, ***"The Hypocrites will be in the lowest depths of the Fire: no helper wilt thou find for them."***³¹⁶, and ***"That is because they believed, then they rejected Faith: So a seal was set on their hearts: therefore they understand not."***³¹⁷

312. See al-Mā'idā, 5: 5, 72; al-Tawba, 9: 30; al-Baqara, 2: 21.

313. Al-Nisā, 4: 116.

314. Al-Māturīdī, *Kitāb al-Tawḥīd*, Beirut 1970, p. 374, 375.

315. Al-Baqara, 2: 8; For more information see al-Nahl, 16: 106; Al-Hujurāt, 49: 14; al-Munāfiqūn, 63: 22; al-Tirmidhī, Qadar, 6; Ibn Maja, Muqaddimah, 13.

316. Al-Nisā, 4: 145.

317. Al-Munāfiqūn, 63: 3.

4) Murtad (Apostate): A *murtad* is a person who once was a Muslim and later left the religion. Such an apostasy can sometimes arise by denying one or some of the definitive rulings of Islam.³¹⁸ There are many verses in the Qur'an about those who apostatize. The following is stated in a Qur'anic verse: ***“And they will not stop fighting you until they turn you away from your faith—if they can. And whoever among you renounces their own faith and dies a disbeliever, their deeds will become void in this life and in the Hereafter. It is they who will be the residents of the Fire. They will be there forever.”***³¹⁹

5) Fāsiq: A *fāsiq* is a person who acts against Allah's orders, is sinful, has a bad temper, and has a habit of doing evil deeds. As a term of Islamic law, *fāsiq* is defined as follows: A person who abandons the obedience to Allah and rebels against Him, in other words, commits a major sin or persists in carrying out minor sins, and leaves the right path.

Fisq (sinning) can be divided into three groups in general:

1. Sinning sometimes, while considering it as bad.
2. Committing a sin persistently.
3. To commit a sin by denying that it is *ḥarām* and bad. This last type of sin entails disbelief and such a person has therefore left the faith.³²⁰ For example; Drinking alcohol by denying that it is *ḥarām*, in other words considering it *ḥalāl*, is of this nature.

In some verses of the Qur'an, *fisq* is used in an absolute sense.³²¹ Examples of this are the *fisq* in pilgrimage, eating the meat of an animal slaughtered without mentioning the name of Allah,³²² or the state of *fisq* into which a person slandering a Muslim falls.³²³ In some other verses, *fisq* and unbelief are used synonymously. ***“We have certainly sent down clear verses to you. No one denies these except sinners.”***³²⁴

6) ‘Āṣī (Rebellious): It means a sinful person who does not fulfill Allah's orders, and rebels against Him. This word is used in the Qur'an in the sense of a disobedient and rebellious people who go against the orders of Allah and His Messenger. Allah Almighty says in one verse: ***“But those who disobey Allah and His Messenger and transgress His limits will be admitted to a Fire, to abide therein: And they shall have a humiliating punishment.”***³²⁵ The sin committed by a rebellious one may be in the nature of a minor or major sin (*kabira*).

318. Ibn Manzūr, *Lisān al-‘Arab*, III, 173 ff.; Alamgiriyya, *al-Fatawā al-Hindiyya*, Bulaq 1310. H., II, 253; Ibn Abidīn, *Radd al-Mukhtar*, Beirut, n.d., III, 283

319. Al-Baqara, 2: 217; See 3: 86-91, 106; 4: 89, 115; 5: 52-54; 16: 106-107; 47: 25-28, 32; 60: 11.

320. al-Isfahānī, *Mufradāt*, p. 572; al-Rāzī, *al-Tafsīr al-Kabīr*, II, 91; Elmalılı, *Hak Dini Kur'an Dili*, I, 282.

321. Al-Baqara, 2: 197.

322. Al-An'ām, 6: 121.

323. Al-Nūr, 24: 4.

324. Al-Baqara, 2: 99; Yunus, 10: 33; Al-Mā'idā, 5: 81.

325. Al-Nisā, 4: 14; See al-Aḥzāb, 33: 36; Maryam, 19: 44; al-Jinn, 72: 23; Al-Hujurāt, 49: 7.

H – MAJOR SINS

Major sins, which are expressed with the word *kabīra* (plural *kabāir*) in Arabic, are sins that are related to a threatening Qur'anic verse or a sound hadith, which can cause the perpetrator to be punished in this world or in the hereafter.

According to the creed of Ahl al-Sunnah, a person who commits a major sin is considered a sinful believer as long as he does not deny that the sin in question is *ḥarām*. In brief, a great sin does lead to a person leaving his or her religion. If he or she turns to the appropriate way of repentance according to the situation and type of sin, Almighty Allah may forgive him or her.

In a hadith, major sins are mentioned as three. *“Shall I tell you about the greatest of the major sins? They are; to associate partners with Allah, to disobey parents, and to bear false witness.”*³²⁶ In another hadith, this number rises to seven: *“Avoid seven destructive sins. They are associating partners with Allah, performing magic, killing people unjustly, eating the property of orphans, eating riba (interest), fleeing from war, and slandering a chaste and believing woman for adultery.”*³²⁷ It is observed in other hadiths that the following are added to these seven sins: adultery, perjury, sinning in the Masjid al-Ḥarām, and taking a false oath.³²⁸

A person who commits a major sin, other than disbelief and polytheism, does not become an unbeliever due to this sin unless he considers it *ḥalāl*. He is simply considered a sinful and rebellious believer. The door of repentance is open for this person until he dies. If Allah wills, He will forgive him in the hereafter and allow him intercession. The following is stated in the Qur'an: *“Allah forgives not that partners should be set up with Him; but He forgives anything else, to whom He pleases...”*³²⁹, and *“If you avoid the great sins, which you have been enjoined to shun, We shall efface your [minor] bad deeds, and shall cause you to enter an abode of glory.”*³³⁰

It has been reported that the Qur'anic verse that gives the most hope to the human being regarding Allah's forgiveness is the following one: *“Say: ‘O you servants of Mine who have transgressed against your own selves! Despair not of Allah's mercy: behold, God forgives all sins - for, verily, He alone is much-forgiving, a dispenser of grace!’”*³³¹ According to what is reported from Ibn Abbas, the Qur'anic verses stating that murder and adultery can be forgiven for those who repent and do righteous deeds was a response to a group of polytheists who came to prophet Muhammad (saw) in Medina informing him that they had committed many murders and perpetrated adultery.

326. Al-Bukhari, Adab, 6; Muslim, Imān, 38; al-Tirmidhī, Tafsir, 5.

327. Al-Bukhari, Waṣāya, 23; Muslim, Imān, 38; Abu Dawud, Waṣāya, 10.

328. See al-Bukhari, Adab, 6, Ayman, 16; Muslim, Imān, 38; Abu Dawud, Waṣāya, 10; al-Tirmidhī, Tafsir, 5.

329. Al-Nisā, 4: 48, 116.

330. Al-Nisā, 4: 31; See al-Najm, 53: 32.

331. Al-Zumar, 39: 52.

So, they asked if there was a way for them to reach salvation.³³² It was at this point that the above verse was revealed.³³³

This Qur'anic verse states that major sins other than polytheism also fall within the scope of repentance. However, this cannot be construed as a temptation or persistence to carry out sinful deeds. Finally, Allah's mercy is wide, no matter what the person's sin is, one should never lose hope in Him.

According to the narration from Abu Dharr al-Ghifari (r.a), the following conversation took place between him and the Messenger of Allah (saw). The Prophet (saw) said: *"Whoever says that there is no god but Allah and dies on this belief will enter Paradise."* Abu Dharr said, *"Even if that person commits adultery or steals?"* The Prophet (saw) replied, *"Yes, even if he commits adultery or stealing, he will enter Paradise."* When Abu Dharr repeated the question three times and got the same answer, in his fourth question, the Messenger of Allah said, *"Even if Abu Dharr does not like this situation, that person will enter Paradise."*³³⁴

Regarding the sins, other than the major sins that have been explained above, various hadiths have been narrated about the fact that one prayer is an atonement for the minor sins until the time of the next prayer, and this is also the case for the Friday prayer, which is an atonement for minor sins, until the next Friday prayer. Similarly, there are numerous narrations in hadiths that point out that diseases, the deed of charity, and other similar good deeds can bring about forgiveness for sins.



332. Al-Furqān, 25: 68-70.

333. Al-Bukhari, Tafsir, 39/ 1.

334. Al-Bukhari, Tawhīd, 33; Riqāq, 16; Muslim, Imān, 40; al-Tirmidhī, Imān, 18.

II. BELIEF IN ALLAH

A – SUPREME GOD AND ITS BEAUTIFUL NAMES:

It is Allah Who creates, protects, manages, and maintains the universe and all beings in it. He is the one who has no beginning and no end. He is the open, the hidden, the omnipotent, the omniscient, the hearing, the seeing, the willful, and the doer of whatever he wills. Just as Allah is not an accident (temporal), He is not a body, substance, image, or form. Nor is He a part or compound of something. He has no boundaries, He cannot be characterized by gender and quality. He is free from space, time does not pass over Him. He is present everywhere and everything is before His eyes. He sees the eyes, but the eyes cannot perceive Him. Nothing is like Him. He has no spouse, equal or similar. He is the real owner of all property. The sole authority to issue orders and judgments, and the highest being worthy of praise, obedience, and worship, is Allah.

Almighty Allah defines himself as follows in the Qur'an: ***"Say: He is Allah, the One and Only; Allah, the Eternal, Absolute; He begets not, nor is He begotten; And there is none like unto Him."***³³⁵, and ***"Allah! There is no god but He, the Living, the Self-subsisting, Eternal. No slumber can seize Him nor sleep. His are all things in the heavens and on earth. Who is there can intercede in His presence except as He permits? He knows what (appears to His creatures as) before or after or behind them. Nor shall they compass aught of His knowledge except as He wills. His Throne does extend over the heavens and the earth, and He feels no fatigue in guarding and preserving them for He is the Most High, the Supreme (in glory)."***³³⁶

1) Name "Allah"

The word Allah, called "*Lafza al-Jalāl*", expresses the being, attributes, and actions of Almighty God altogether. All the attributes of perfection are gathered in this word. According to the strong opinion of linguists, this word is Arabic and is not derived from any word. It is a special name that belongs only to Allah Almighty. It does not have a dual or a plural form. In a language, the names of entities with genus can be made plural. The word Allah can have different names in different languages. Although names such as Tanrı in Turkish; Huda and Yazdān in Persian; God in English; Dieu in French do not replace the name of Allah, they can be used in place of other names of Allah mentioned in verses and hadiths such as *ilāh*, *rabb*, *ma'bud*, and *mawla*. "*Āliha*" is the plural of *ilāh*, "*arbāb*" is the plural of *rabb* in Arabic, and the plural of Hudā in Persian

335. Al-Ikhlās, 112: 1-4.

336. Al-Baqara, 2: 255.

is called “Hudāyān.” For that reason, the word god is not accurately interchangeable with the word Allah.

Accordingly, the basic principle of Islam, i.e. the declaration of tawḥīd “*Lā ilāha illallah* (There is no god but Allah)”, if we translate the word Allah by God, it takes the form of “There is no god but God.” This would be an incorrect translation because God is a generic name and Allah is a proper name. It is possible to observe the same problem when any one of the above words is used as an equivalent to the word Allah. However, this does not mean that other names cannot be used to refer to the Supreme Creator. The fact that there are ninety-nine names of Allah Almighty and that it is stated in the Qur’an that the most beautiful names belong to Him³³⁷ show that it is permissible to pray with one of these names or any other name in accordance with the subject matter. It is, therefore, possible to translate these names into other languages. Each of these names are closely related to the attributes of Allah Almighty and are generally derived from them.

2) *Ism al-A‘zam* (The Greatest Name)

“*Ism al-A‘zam*”, which means the greatest name of Allah, is used as a term for some of the names of Allah Almighty in the Qur’an and Sunnah.

Although a group of Muslim scholars said that the names of Allah are equal, another group took the hadiths as evidence and adopted the view that some names are greater and more virtuous than others. In some hadiths, it is stated that when praying with *Ism al-A‘zam*, the prayer will be accepted.³³⁸

According to a narration from Asma Binti Yazid, Abu Umama, and Ubay Ibn Ka‘b (r. anhum) from the Companions, the Prophet stated that *Ism al-A‘zam* can be found in the chapters of al-Baqara, Āl ‘Imrān and Ta Ha. When all the verses of these three chapters are compared, it is observed that the common verse is “*Allāhu lā ilāha illa huwa al-ḥayy al-qayyūm*.”³³⁹ Here, the attention should be drawn to the names “*ḥayy* (Living) and *qayyūm* (the Self-subsisting)”.

One day, the Messenger of Allah (*saw*) said to Aisha (r. *anha*), “*Do you know that Allah has told me the Name which, if He is called thereby, He responds?*” On the request of Aisha to teach her this prayer, the Prophet (*saw*) replied, “*You should not learn it, O Aisha, and I should not teach it to you, for you should not ask for any worldly things thereby.*”³⁴⁰

Accordingly, the Prophet (*saw*) did not want to state precisely which name of Allah is the greatest but offered some hints and signs. In some of the hadiths found on the subject,

337. See al-A‘raf, 7: 180; al-‘Isrā, 17: 110, Ta Ha, 20: 8; al-Hashr, 59: 24.

338. Abu Dawud, Witr, 23; al-Tirmidhī, Da‘āwāt, 64, 65, 100; al-Nasa‘i, Sahw, 58; Ibn Maja, Du‘a, 9, 10; Aḥmad Ibn Ḥanbal, III, 120, 158, 245, 265; V, 350, 360; Ibn Hajar, *Fath al-Bāri*, XII, 527.

339. See al-Baqara, 2: 255; Āl ‘Imran, 3: 2; Ta Ha, 20: 111; Muslim, Salat al-Musafirīn, 258; Abu Dawud, Witr, 17; Aḥmad ibn Ḥanbal, V, 142; Ibn Maja, Du‘a, 9.

340. Ibn Maja, Du‘a, 9.

the name Allah, and in others, additional names such as al-Raḥmān, and al-Raḥīm (the merciful, the forgiving), al-Ḥayy and al-Qayyūm (the Living and the Self-subsisting), and *dhu al-jalāl wa al-ikrām* (the Possessor of Glory and Honour, Lord of Majesty and Generosity) are mentioned as the greatest name of Allah.

3) The Most Beautiful Names of Allah (Asmā al-Ḥusnā)

The phrase Asmā al-Ḥusnā (the most beautiful names) is a term used for all the names of Allah. These are also called “Asmā al-Ilahiyyah.” The following is stated in the Qur’an: *“The most beautiful names belong to Allah. So pray to Him with these names...”*³⁴¹, and *“...To Him belong the Most Beautiful Names: whatever is in the heavens and on earth, doth declare His Praises and Glory: and He is the Exalted in Might, the Wise.”*³⁴² The fact that Allah has many names does not necessitate that the owner of these names be more than one. *“Say: ‘Call upon Allah, or call upon Rahman: by whatever name ye call upon Him, (it is well)...’”*³⁴³

In one of his hadiths, the Prophet (*saw*) stated that there are 99 names of Allah, and a person who believes in these names and lives in accordance with his belief will enter Paradise.³⁴⁴ Therefore, it is believed that sincerely addressing Allah Almighty with these names causes the prayer to be accepted. However, the divine names are not limited to ninety-nine. These are the most famous names of Allah Almighty.

In a hadith narrated by al-Tirmidhi and Ibn Maja, these 99 names are listed one by one.³⁴⁵ These names are:

1. **Allah**
2. **al-Rabb**
3. **al-Raḥmān** (The Most or Entirely Merciful),
4. **Raḥīm** (The Bestower of Mercy)
5. **al-Malik** (The King and Owner of Dominion)
6. **al-Quddūs** (The Absolutely Pure)
7. **al-Salām** (The Perfection and Giver of Peace)
8. **al-Mu'min** (The One Who gives confidence and Security)
9. **al-Muhaymin** (The Guardian, The Witness, The Overseer)
10. **al-Azīz** (The All-Mighty)
11. **al-Jabbār** (The Compeller, The Restorer)
12. **al-Mutakabbir** (The Supreme, The Majestic)
13. **al-Khāliq** (The Creator, The Maker)

341. Al-A'raf, 7: 180.

342. Al-Hashr, 59: 24.

343. Al-'Isrā, 17: 110.

344. Al-Bukhari, Da'āwāt, 68, Tawḥīd, 12; Muslim, Dhikr, 2; al-Tirmidhī, Da'āwāt, 82.

345. Al-Tirmidhī, Da'āwāt, 82; Ibn Maja, Du'a, 10.

14. **al-Bārī** (The Originator)
15. **al-Muṣawwir** (The Fashioner)
16. **al-Ghaḥfār** (The All- and Oft-Forgiving)
17. **al-Qaḥḥār** (The Subduer, The Ever-Dominating)
18. **al-Waḥḥāb** (The Giver of Gifts)
19. **al-Razzāq** (The Provider)
20. **al-Fattāḥ** (The Opener, The Judge)
21. **al-‘Alīm** (The All-Knowing, The Omniscient)
22. **al-Qābiḍ** (The Withholder)
23. **al-Bāsiṭ** (The Extender)
24. **al-Khāfiḍ** (The Reducer, The Abaser)
25. **al-Rāfi’** (The Exalter, The Elevator)
26. **al-Mu‘iz** (The Honorer, The Bestower)
27. **al-Mudhill** (The Dishonorer, The Humiliator)
28. **al-Samī’** (The All-Hearing)
29. **al-Baṣīr** (The All-Seeing)
30. **al-Ḥakam** (The Judge, The Giver of Justice)
31. **al-‘Adl** (The Utterly Just)
32. **al-Laṭīf** (The Subtle One, The Most Gentle)
33. **al-Khabīr** (The Acquainted, the All-Aware)
34. **al-Ḥalīm** (The Most Forbearing),
35. **al-‘Aẓīm** (The Magnificent, The Supreme)
36. **al-Ghaḥfūr** (The Forgiving, The Exceedingly Forgiving)
37. **al-Shakūr** (The Most Appreciative)
38. **al- ‘Ālī** (The Most High, The Exalted)
39. **al-Kabīr** (The Greatest, The Most Grand)
40. **al-Ḥafīẓ** (The Preserver, The All-Heedful and All-Protecting)
41. **al-Muqīt** (The Sustainer)
42. **al-Ḥasīb** (The Reckoner, The Sufficient)
43. **al-Jalīl** (The Majestic)
44. **al-Karīm** (The Most Generous, The Most Esteemed)
45. **al-Raqīb** (The Watchful)
46. **al-Mujīb** (The Responsive One)
47. **al-Wāsi’** (The All-Encompassing, the Boundless)
48. **al-Ḥakīm** (The All-Wise)
49. **al-Wadūd** (The Most Loving)
50. **al-Majīd** (The Glorious, The Most Honorable)

51. **al-Bāith** (The Resurrector, The Raiser of the Dead)
52. **al-Shahīd** (The All- and Ever Witness)
53. **al-Ḥaqq** (The Absolute Truth)
54. **al-Wakīl** (The Trustee, The Disposer of Affairs)
55. **al-Qawī** (The All-Strong)
56. **al-Matīn** (The Firm, The Steadfast)
57. **al-Walī** (The Protecting Associate)
58. **al-Ḥamīd** (The Praiseworthy)
59. **al-Muḥṣī** (The All-Enumerating, The Counter)
60. **al-Mubdī** (The Originator, The Initiator)
61. **al-Mu'id** (The Restorer, The Reinstater)
62. **al-Muḥyī** (The Giver of Life)
63. **al-Mumīt** (The Bringer of Death, the Destroyer)
64. **al-Ḥayy** (The Ever-Living)
65. **al-Qayyūm** (The Sustainer, The Self-Subsisting)
66. **al-Wājid** (The Perceiver)
67. **al-Wāḥid** (The One)
68. **al-Ṣamad** (The Unique, The Only One)
69. **al-Qādir** (The Capable, The Powerful)
70. **al-Muqtadir** (The Omnipotent)
71. **al-Muqaddim** (The Expediter, The Promoter)
72. **al-Mu'akkhkhīr** (The Delayer, the Retarder)
73. **al-Awwal** (The First)
74. **al-Ākhir** (The Last)
75. **al-Zāhir** (The Manifest)
76. **al-Bāṭin** (The Hidden One, Knower of the Hidden)
77. **al-Wālī** (The Governor, The Patron)
78. **al-Muta'ālī** (The Self Exalted)
79. **al-Barr** (The Source of Goodness, the Kind Benefactor)
80. **al-Tawwāb** (The Ever-Pardoning, The Relenting)
81. **al-Muntaqim** (The Avenger)
82. **al-'Afuw** (The Pardoner)
83. **al-Raūf** (The Most Kind)
84. **Mālik al-mulk** (Master of the Kingdom, Owner of the Dominion)
85. **Dhu al-Jalāl wa al-Ikrām** (Possessor of Glory and Honour, Lord of Majesty and Generosity)
86. **al-Muqṣit** (The Equitable, the Requirer)

87. **al-Jamī'** (The Gatherer, the Uniter)
88. **al-Ghanī** (The Self-Sufficient, The Wealthy)
89. **al-Mughnī**, (The Enricher)
90. **al-Majīd** (The Glorious, The Most Honorable)
91. **al-Mānī'** (The Withholder)
92. **al-Ḍarr** (The Distresser)
93. **al-Hādī** (The Guide)
94. **al-Badī'** (The Incomparable Originator)
95. **al-Bāqī** (The Ever-Surviving, The Everlasting)
96. **al-Wārith** (The Inheritor, The Heir)
97. **al-Rashīd** (The Guide, Infallible Teacher)
98. **al-Ṣabūr** (The Forbearing, The Patient)
99. **al-Nāfi'** (The Propitious, the Benefactor)³⁴⁶

The idea of God and the tendency to be attached to a divine being are natural and innate in the human being. As a matter of fact, the fact that Adam (as) was equipped with certain names and knowledge and sent as a vicegerent of Allah on earth, that is, as a representative who would act on his behalf on earth, illustrates this point.³⁴⁷

A mind, which is free of preconceived notions and has acquired the ability to think objectively, has no difficulty in comprehending the existence of Allah. This feeling found in the depths of the soul manifests itself, especially in moments of loneliness and disaster.

The Qur'an describes the way a person who encounters great distress, disaster, and distress turns to Allah, *"When trouble touches a man, He cries unto Us (in all postures) lying down on his side, or sitting, or standing. But when We have solved his trouble, he passes on his way as if he had never cried to Us for a trouble that touched him!..."*³⁴⁸

Plights encountered during sea voyages also remind travelers of the existence of Allah. This situation is expressed in the Qur'anic verse as follows, *"He it is Who enables you to traverse through land and sea; so that you even board ships; they sail with them with a favorable wind, and they rejoice thereat; then comes a stormy wind and the waves come to them from all sides, and they think they are being overwhelmed: they cry unto Allah, sincerely offering (their) duty unto Him saying, 'If you do deliver us from this, we shall truly show our gratitude!' But when he delivers them, behold! They transgress insolently through the earth in defiance of right!..."*³⁴⁹

346. About 16 of these names are found in surah al-Hashr (59) verses 23-24. For the others see Muhammad Fuad 'Abd al-Baqi, *Mu'jam al-Mufahras li Alfāz al-Qur'an al-Karīm*, related headings.

347. Al-Baqara, 2: 30-33

348. Yunus, 10: 12

349. Yunus, 10: 22, 23.

Moreover, pondering and contemplating the creation of the heavens and the earth is sufficient to realize that they could not have come into existence by chance. The astoundingly well-adjusted movement of the celestial bodies in space, the incredible scope of the galaxies, and their refined calculations to the minute detail are proofs of the existence of the Almighty Allah. The fact that the sun, which is 1.3 million times larger than our world, emits energy of 167,400 horsepower per square meter in space, that only one-two millionth of these energies reaches our world, that this giant energy source does not even enter the ranks of big stars, inform us of the incredible size of the universe and the greatness of its Creator. Furthermore, ponder the fact that the light travels at a speed of three hundred thousand kilometers per second, 150 million kilometers from our world, while the light of the sun, which is at a distance of 7.5-8 minutes, reaches our world in 7.5-8 minutes. The fact that the light of the pole star, which is considered to be the closest, has taken 40 years, and that the light of the stars at a distance has not yet reached our world since the creation of the world is some of the remarkable data of positive science that strengthens the belief in Allah.

The human being is encouraged to reflect on the creation of the heavens and earth. The following is stated in the Qur'anic verses: ***"If you ask them, who it is that created the heavens and the earth. They will certainly say, 'Allah'. Say: 'Praise be to Allah!' But most of them understand not."***³⁵⁰, ***"Say: 'Who is the Lord and Sustainer of the heavens and the earth?' Say: '(It is) Allah.'..."***³⁵¹, and ***"Do they not look at the sky above them? How We have made it and adorned it, and there are no flaws in it? And the earth. We have spread it out, and set thereon mountains standing firm, and produced therein every kind of beautiful growth (in pairs) To be observed and commemorated by every devotee turning (to Allah)."***³⁵²

All evidence and the chain of creation are tied to Allah Almighty. Any skeptical thoughts such as, "God created all beings, but who created God?", should be disregarded as nonsensical for such an inquiry is by its nature fallacious. This is due to the fact that Allah is eternal, has no beginning, was not born, nor created. Reason itself has acknowledged and verified that anything that comes into existence requires a maker and in the case of creation, this chain must end with Allah. It is reported that the Messenger of Allah (saw) responded to a Companion who told him that Satan gave him just such misgivings with the following recommendation, know it is sufficient to say, ***"I believe in Allah."***³⁵³

350. Luqmān, 31: 25.

351. Al-Ra'd, 13: 16.

352. Qāf, 50: 6-8.

353. *Sahih-i Muslim*, Trans. A. Davudoğlu, Istanbul 1973, I, 483; Şerafettin Gölcük, *İslam Akaidi*, Konya 1983, p. 81.

4) Attributes of Allah

In addition to the beautiful names of Allah, the Creator and the Lord of the worlds also has unique and unmatched attributes. Belief in Allah must also include belief in these attributes because knowing Allah Almighty is only possible through His attributes.

The attributes of Allah and the attributes of His creatures are different from each other. First of all, it is Allah who bestows certain qualities to creatures. However, these qualities and abilities are limited in these beings, they can function indirectly, and as a result, with Allah's creation and help.

Attributes of Allah are divided into three as *dhātī*, *thubūtī*, and *fi 'lī*:

a) *Dhātī* Attributes

They are attributes that are with Allah's being and essence and cannot be considered separate from Him. These are also called "*salbī* attributes". They are called *salbī* attributes for they remove the attributes that contradict Allah's majesty and perfection from Him and are free from all deficient attributes.

There are six *dhātī* attributes: *wujūd*, *qīdam*, *baqā*, *waḥdāniyyah*, *mukhalafatun li al-hawādith* and *qiyām bi nafsihī*.

1. *Wujūd*: It means "to exist". It is also called "*ṣifat al-naḥsiyyah*". Without God, nothing would exist. The existence of the universe is the greatest witness to His existence. Nothing can exist nor disappear by itself. Allah Almighty is called "*Wājib al-Wujūd* (whose existence is absolutely necessary)" because His existence is absolutely necessary and his non-existence is impossible.

Non-existence, the opposite of existence, is inconceivable for Allah. The existence of Allah is not through any other being but is a necessity of His divine existence. The proofs we have mentioned above regarding the existence of Allah are also the proofs of the attribute "*wujūd*".

2. *Qīdam*: It means "having no beginning, being pre-eternal". There is nothing before Allah, He is the First and He has no beginning. He is pre-eternal. No matter how far back one goes into the past, it is inconceivable to think of a time when God did not exist. It is implausible to argue that if God was not pre-eternal, he would have to have come into existence at a later point. Everything which happens needs a Creator. The existence of Allah is a necessity of His essence, that is, His existence is from Himself.

The pre-eternal attributes of Allah are *ḥayāt*, *'ilm*, *samī*, *baṣar*, *qudrah*, *kalām*, *irādah* and *mashī'ah*, *khalq*, and giving sustenance.³⁵⁴

354. Al-Taftazani, *Sharḥ al-Aqāid*, Trans. S. Uludağ, Istanbul 1980, p. 164.

The pre-eternity of Allah Almighty is declared Himself as follows in the Qur'an, ***“He is the First and the Last, the Evident and the Immanent: and He has full knowledge of all things.”***³⁵⁵

To conclude, it could be said that before all beings in this world and in the universe, there was a time when they did not exist. Allah, on the other hand, exists free from time and space. The concept of time is a process that occurs between the earth and some planet, star, star cluster, or galaxy. The absence of an advancing time concept in regards to God refers to the absence of His beginning and His end, in other words, His pre-eternity and eternity, His *qidam* and *baqā*.

3. Baqā: It means “not to have an end to existence, to be eternal”. The following is stated in the Qur'an: ***“All that lives on earth or in the heavens is bound to pass away: but forever will abide your Lord's Self, full of majesty and glory.”***³⁵⁶, and ***“He is the First and the Last, the Evident and the Immanent: and He has full knowledge of all things.”***³⁵⁷ These Qur'anic verses demonstrate that Allah is eternal. Moreover, it is recognized that it is an inability if one is not able to continue one's existence. Therefore, inability is a deficiency. God is free from all deficiencies and imperfections. He has infinite power. There is no power that can destroy him.

4. Waḥdāniyyah: It means “The Oneness of God”. Allah is unique in His being, attributes, and actions. The being of Allah is not composed of parts and pieces, He is not an object, He has no equal or alike. He is not like what He has created. Allah's attributes are not like the attributes of His creatures. Being unique in his actions means being unique in creation. Creation, in the sense of creating out of nothing, belongs to Allah. The oneness of Allah is expressed as follows in chapter al-Ikhlās: ***“Say: He is Allah, the One and Only; Allah, the Eternal, Absolute; He begets not, nor is He begotten; And there is none like unto Him.”***³⁵⁸

If there were more than one god who created and ruled the universe then when they had different desires and wills, what one said would come true whereas the other would be compelled to accept what he does not will. For that reason, the one who is helpless cannot be considered a god. This so-called deity cannot be said to have the rank of lordship since he is helpless and base in front of the other deity. Moreover, these contradictions between the gods would disrupt the fine-tuned order that exists in the universe. This situation is stated in the Qur'an as follows: ***“If there were, in the heavens and the earth, other gods besides Allah, there would have been confusion in both!...”***³⁵⁹, ***“... ”***

355. Al-Ḥadīd, 57: 3.

356. Al-Raḥmān, 55: 26-27.

357. Al-Ḥadīd, 57: 3.

358. Al-Ikhlās, 112: 1-4; See al-Anbiya, 21: 22; al-'Isrā, 17: 42; al-Zumar, 39: 4.

359. Al-Anbiya, 21: 22.

Is there any creator other than Allah?...³⁶⁰, and "...Whose will be the dominion that Day? That of Allah, the One the Irresistible!"³⁶¹

The formation of the order in the world and its continuation without deterioration is the work of Allah alone. The unity of God brings unity, harmony, and order to the universe. If Allah had a partner, this order would be broken down. In this regard, the following is stated in the verse, ***"No son did Allah beget, nor is there any god along with Him: (if there were many gods), behold, each god would have taken away what he had created, and some would have lorded it over others!..."³⁶²***

Throughout history, people have strayed, from time to time, and associated partners with Allah. This is called *"shirk* (associating partners)". The one who commits this is called a *"mushrik* (polytheist)". There are two ways to associate partners with Allah:

a) To accept another being such as humans, idols, trees, animals, etc. as a god besides Allah.

b) Associating partners with Allah in worship and deeds. Such as hypocrisy, and boasting to show oneself as pious or superior in the acts of worship.

The fact is that Allah is free from the description of the polytheists. He has not adopted children of any kind. There is no other god besides Him. If He did, the consequences that we mentioned would appear, and disorder would emerge in the universe.

The polytheistic belief of the Christians are also mentioned in the Qur'an as follows: ***"They do blaspheme who say: Allah is one of three in a Trinity: for there is no god except One Allah..."³⁶³*** According to this, Christians who accept three deities (who believe in trinity) as God, Jesus Christ, and the holy spirit have gone astray from the belief in God's Oneness and Unity. The Qur'anic verse ***"They do blaspheme who say: 'Allah is Christ the son of Mary'"³⁶⁴*** indicates another state of shirk that the Christians fall into by attributing a "son" to Allah.³⁶⁵

If there were three deities, as the Christians espoused, a conflict between them would be inevitable to seize the universe and the central power. The result of such an assumption is indicated in the following verse, ***"Say: If there had been (other) gods with Him, as they say, behold, they would certainly have sought out a way to the Lord of the Throne! Glory to Him! He is high above all that they say! Exalted and Great (beyond measure)!"³⁶⁶***

360. Fāṭir, 35: 3.

361. Al-Mu'min, 40: 16.

362. Al-Mu'minun, 23: 91.

363. Al-Mā'idā, 5: 73.

364. Al-Mā'idā, 5: 72.

365. See Şerafeddin Gölcük, *ibid*, p. 82 ff.; Hamdi Döndüren, *Delilleriyle İslam Hukuku*, İstanbul, 1983, p. 226-228.

366. Al-İsrā, 17: 42-43.

5. Mukhālafatun li al-Ḥawādith: It means “not to be like the things that happened afterward”. Allah does not resemble anything, and nothing resembles Allah. It is not possible for Allah to resemble His creatures with His essential attributes. This is because God is pre-eternal, he has no beginning whereas the creation came into existence later. God is eternal, and He has no end. The creation, on the other hand, is finite and mortal. Moreover, the creation is composed of a number of parts and pieces. Therefore, such a thing cannot be conceived of concerning the being of Allah Almighty.

No matter how we may think of Almighty Allah, He is not like any of the forms we may imagine or envision. This is simply because the human being envisions the things he or she sees, hears, and knows. These are beings and forms created in time and space at a certain time that can always, in one form or another, be categorized as later. Allah, on the other hand, is not associated with anything created or later. The following is stated in the Qur'an: ***“(He is) the Creator of the heavens and the earth: He has made for you pairs from among yourselves, and pairs among cattle: by this means does He multiply you: there is nothing whatever like unto Him, and He is the One that hears and sees (all things).”***³⁶⁷

The attribute that Allah is not like the creatures also expresses that He is free from the attributes found in other beings such as being corporeal, being a substance, being an accident, composed of parts and pieces, eating, drinking, sitting, sleeping, being sad, sorrowful or joyful. Expressions such as “the hand, the face, and establishment on the Throne”, which are attributed to Allah in some Qur'anic verses, do not mean that Allah resembles other beings. They are used in a figurative sense. God's hand is considered “His power”; His face “His being”; and “Establishment on the Throne”, has been interpreted as “dominating the throne, and passing judgment”.³⁶⁸

6. Qiyām bi Nafsih: It means “existence to be from oneself, not to need another being in order to exist”. The existence of Allah is from Himself and not from anyone else. While all other beings need the creation of a being other than themselves, Allah does not need a creator to create Him, a dwelling to live, space, or any other being, object, or power.

Beings are divided into two kinds as *mumkun* (possible) and *wājib* (obligatory). Apart from Allah, all perceivable or unperceivable beings are possible beings (*mumkun*). Their presence and absence are equal. They exist because Allah wills them to exist. If He wished them to vanish, they would vanish instantly. This feature of beings is expressed in the Qur'an as follows, ***“Is not He Who created the heavens and the earth able to create the like thereof?” Yea, indeed! for He is the Creator Supreme, of skill and knowledge (infinite)! Verily, when He intends a thing, His Command is, “be”, and it is!”***³⁶⁹

367. Al-Shūrā, 42: 11.

368. See Al-Fath, 48: 10; al-Raḥmān, 55: 27; Ṭa Ha, 20: 5.

369. Ya Sin, 36: 81-82.

Human intellect accepts the Creator of these beings as obligatory. Therefore, the existence of Allah is recognized as “*wājib*”. The mind is not able to accept it any other way. The existence of God is a necessity of His own being. For that reason, it is obligatory to know and recognize Him in the way He introduced Himself in the Qur’an.³⁷⁰

Finally, the opposites of these essential attributes, which we have briefly explained above, are unthinkable for Allah. This is because He is the Creator, not the created.³⁷¹

b) *Thubūtī* Attributes

These are the attributes whose existence is obligatory and expresses perfection. The features that are the opposites of the *thubūtī* attributes cannot be thought of about God. These attributes are eternal and they did not come into existence later, like the attributes of other creatures. All *thubūtī* attributes can be attributed to God, whether they are adjective words in terms of linguistic rules such as *ḥay* (Living), *‘alīm* (All-Knowing), *qadīr* (Omnipotent), or words in an infinitive form such as *ḥayat*, *‘ilm*, and *qudrah*. Although there are similarities in usage with the attributes of humans, in reality, Allah’s attributes are infinite, absolute, pre-eternal, and eternal, while human attributes are finite, limited, and subsequently created, incomplete and inadequate.³⁷² *Thubūtī* attributes are eight as follows:

1. ***Ḥayāt***: It means “to be alive and living”. Almighty God is alive. In our daily lives, we see that only a living being can carry out a deed, movement, and accomplishment. No action of the dead is ever observed. The livingness of Allah is not a temporary and material life seen in creatures that arise from the union of matter with spirit, but it is the *Ḥayāt* that has no beginning nor end and does not need an external factor or support. It is important to note that death is an attribute of imperfection and that God is free from all imperfections.

The following is stated in the Qur’an regarding this attribute: “*And put your trust in Him Who lives and dies not; and celebrate his praise; and enough is He to be acquainted with the faults of His servants.*”³⁷³, “*Allah! There is no god but He, the Living, the Self-Subsisting, Eternal.*”³⁷⁴, and “*(All) faces shall be humbled before (Him) the Living, the Self-Subsisting, Eternal: hopeless indeed will be the man that carries iniquity (on his back).*”³⁷⁵

2. ***‘Ilm***: It means “to know”. God is all-knowing. He knows what happened, what is happening, what will happen, the past, the hidden, and the apparent. He knows everything both as a whole, as an individual piece, and in detail. This knowledge is not dependent

370. See al-Baqara, 2: 255.

371. Gölcük, *ibid*, p. 86, 87.

372. Mātūrīdī, *Kitab al-Tawḥīd*, Beirut 1970, p. 44; Sabūni, *Matūrīdiyye Akaidi*, (Trans. Bekir Topaloğlu), Ankara 1979, p. 73-77; Gölcük, *ibid*, 87.

373. Al-Furqān, 25: 58.

374. Āl ‘Imrān, 3: 2.

375. Ṭa Ha, 20: 111.

on a tool or instrument, it exists with Allah Almighty, it is pre-eternal and eternal. His knowledge is not knowledge-based on thought, contemplation, and reasoning, like the knowledge of human beings. Allah knows everything since it will absolutely happen, otherwise, nothing happens because Allah knows it will not. Ignorance (*jahl*), which is the opposite of the attribute of knowledge, cannot be said of Allah.

The theologians rejected the claims of some philosophers that “Allah knows the general, not the details” because they argue, that such a way of thinking contradicts Allah’s attribute of knowledge and means attributing a deficiency to Him.

There are many verses in the Qur’an regarding the attribute of knowledge. We will mention four of them:

“With Him are the keys of the unseen, the treasures that none knows but He. He knows whatever there is on the earth and in the sea. Not a leaf does fall but with His knowledge: there is not a grain in the darkness (or depths) of the earth, nor anything fresh or dry (green or withered), but is (inscribed) in a record clear (to those who can read).”³⁷⁶, ***“Are you not aware that Allah knows all that is in the heavens and all that is on earth?”***³⁷⁷, ***“And [know, O men, that] whether you keep your beliefs secret or state them openly, He has full knowledge indeed of all that is in [your] hearts.”***³⁷⁸, and ***“(Allah) knows of (the tricks) that deceive with the eyes, and all that the hearts (of men) conceal.”***³⁷⁹

The breadth of Allah’s knowledge is also explained in the verses as follows:

“Say: ‘If the ocean were ink (wherewith to write out) the words of my Lord, sooner would the ocean be exhausted than would the words of my Lord, even if we added another ocean like it, for its aid.’”³⁸⁰, and ***“And if all the trees on earth were pens and the ocean (were ink), with seven oceans behind it to add to its (supply), yet would not the words of Allah be exhausted (in the writing): for Allah is Exalted in Power, full of Wisdom.”***³⁸¹

The fine calculation, balance, logic, wisdom, and physical rules seen in the creation of beings show that the One Who creates and manages them knows everything.

3. Samī‘: It means “to hear”. Allah hears everything, the most secret sounds and movements are not excluded from His hearing. Allah’s hearing is not like the hearing and knowing of other living things. While other beings need intermediaries such as the ear, sound, and air vibration that transmits sound, and electrical communication tools in order to hear, Allah hears without the need for an instrument. The opposite of this

376. Al-An‘ām, 6: 59.

377. Al-Mujadala, 58: 7.

378. Al-Mulk, 67: 13.

379. Ghāfir, 40: 19.

380. Al-Kahf, 18: 109. See Luqmān, 31: 27.

381. Luqmān, 31: 27.

attribute, deafness, is unthinkable about Allah because He is free from such deficiencies. The attribute of hearing is mentioned in many verses of the Qur'an, usually together with the attribute of seeing (*baṣar*) or knowing (*'ilm*). We will give one example for each ***"Allah is the All-Hearing, the All-Knowing."***³⁸², and ***"... He is the One Who hears and sees (all things)."***³⁸³

4. *Baṣar*: It means "seeing". It is Allah's attribute of seeing. He sees everything. Nothing can be hidden from His sight. Seeing one thing does not prevent Him from seeing another thing. The opposite of this attribute is "not being able to see". It is a shortcoming and Allah is free from any shortcomings. The vision of other living things depends on conditions such as the presence of an eye organ and light, and the absence of an obstacle preventing vision. Allah does not need such a tool to see. There are many verses about Allah being able to hear and see. In one of them, the following is stated: ***"(Allah) knows of (the tricks) that deceive with the eyes, and all that the hearts (of men) conceal. And Allah will judge with (justice and) Truth: but those whom (men) invoke besides Him, will not (be in a position) to judge at all. Verily it is Allah (alone) Who hears and sees (all things)."***³⁸⁴

5. *Irādah*: It means "to will". Allah is the One who wills. The determination to do something by deciding on it is called "*irādah*". God has will and is free in what he does. There is no power to compel him to do any work. Since Allah has a complete and perfect will, He created this universe in accordance with his eternal will. Everything that has happened or will happen in the universe has happened and will happen by Allah's will and decision. Whatever He wills happens, and what He does not will does not happen.

The following is stated in the Qur'an: ***"Verily Your Lord is a sovereign doer of whatever He wills."***³⁸⁵ When Mary asked how she would give birth to a child even though she was not in a relationship with a man, she was given this reply, ***"Even so: Allah creates what He wills: When He has decreed a plan, He but says to it, "Be," and it is!"***³⁸⁶, and ***"For to anything which We have willed, We but say the word, "Be", and it is."***³⁸⁷

Sometimes its synonym "*mashī'ah*" is used instead of *irādah*.³⁸⁸ The following verses clearly state that everything ultimately happens according to Allah's will: ***"Say: "O Allah! Lord of Power (And Rule), You give power to whom You please, and You strip off power from whom You please: You endue with honor whom You please, and You bring low whom You please: In Your hand is all good. Verily, over all things You have power."***³⁸⁹, and ***"To Allah belongs the dominion of the heavens and the earth."***

382. Al-Baqara, 2: 137, 181, 124, 224, 227, 256; Āl 'Imrān, 3: 34, 35, 38; al-Mā'idā, 5: 76.

383. Al-'Isrā, 17: 1; al-Hajj, 22: 61; Luqmān, 31: 28.

384. Ghāfir, 40: 19-20.

385. Hūd, 11: 107; See al-Burūj, 85: 16; al-Baqara, 2: 185

386. Āl 'Imrān, 3: 47; See Ya Sin, 36: 82

387. Al-Naḥl, 16: 40.

388. See al-Insan, 76: 30.

389. Āl 'Imrān, 3: 26.

He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan).”³⁹⁰

6. Qudrah: It means “to have power.” Allah has power over all things. Almighty Allah, who has will and power, has a power that is sufficient for everything. Thus, He can create everything to which He directs His will at any time and in any quality, or He can destroy the existing thing with *Qudrah*. His power manifests itself in accordance with his knowledge and will. Allah’s power is pre-eternal and eternal and directed to the beings whose existence and non-existence are possible. The state of helplessness and powerlessness, which is the opposite of the attribute of *qudrah*, cannot be thought of about Allah.

The Qur’an states the following regarding the might of Allah: ***“To Allah belongs the mystery of the heavens and the earth. And the decision of the Hour (of Judgment) is as the twinkling of an eye, or even quicker: for Allah has power over all things.”***³⁹¹, and ***“Praise be to Allah, Who created (out of nothing) the heavens and the earth, Who made the angels, messengers with wings, two, or three, or four (pairs): He adds to Creation as He pleases: for Allah has power over all things.”***³⁹²

7. Kalām: It means “to speak and talk”. God has the attribute of speech. With this attribute, Allah sent down books to His prophets and spoke to some of His messengers. The nature of the pre-eternal attribute of *kalām* cannot be fully known by people. This is because Almighty Allah has the attribute of speaking and speech that is not dependent on sounds, letters, and words. Speechlessness and muteness, which are the opposite of *kalām*, cannot be thought of about God.

In the Qur’an, which is a manifestation of Almighty Allah’s attribute of speech, the following is stated regarding this attribute, ***“When Moses came to the place appointed by Us, and his Lord addressed him, He said: “O my Lord! show (Yourself) to me, that I may look upon You.”...”***³⁹³, ***“...to Moses Allah spoke direct.”***³⁹⁴, and ***“Say: ‘If the ocean were ink (wherewith to write out) the words of my Lord, sooner would the ocean be exhausted than would the words of my Lord, even if we added another ocean like it, for its aid.’”***³⁹⁵

The Qur’an is the manifestation of Almighty God’s attribute of speech and it is the word of God. This attribute of Allah is also pre-eternal. However, the Qur’an that is circulated, read, and written is not pre-eternal in terms of wording, letter, verse, and

390. Al-Shūrā, 42: 49.

391. Al-Naḥl, 16: 77.

392. Fāṭir, 35: 1; See al-Nūr, 24: 44, 45; Āl ‘Imrān, 3: 28.

393. Al-A’raf, 7: 143.

394. Al-Nisā, 4: 164. See Ghāfir, 40: 78.

395. Al-Kahf, 18: 109. See Luqmān, 31: 27.

writing. Ahl al-Sunnah has adopted the principle that the Qur'an is not created in terms of it being the word of God, and it is pre-eternal.³⁹⁶

8. *Takwīn*: It means “to create, to bring the non-existent to the realm of existence from nothingness”. It expresses Allah’s attribute of creation and bringing into existence from nothing. He has created with His infinite power everything that He knows and wills with His pre-eternal knowledge. Creating, providing sustenance, resurrecting, death, blessing, tormenting, and shaping are the consequences of Allah’s attribute of creation. The proposition that “nothing comes into existence out of nothing, and nothing that exists vanishes”, put forward by positive science, may be considered an expression of Allah’s unchanging law (*sunnatullah*). However, this cannot be a binding proposition for Almighty Allah because the attribute of creation is an ongoing process and is divided into two types. The first is to create something that does not exist out of nothing. The second is to create new formations with changes and compositions on the existing matter. In this latter, creation is demonstrated through “metaphors”. The creation of Adam’s body from the earth’s soil instead of being created out of nothing, the emergence of the living cell structure of the soil with a new shape and formation, and the creation of life through the blowing of the spirit are examples of this type of creation. The formation of the human being out of nothing, his birth, and growth in the womb is also the result of such a creation. The following is stated in the Qur’an: “***For to anything which We have willed, We but say the word, ‘Be’, and it is.***”³⁹⁷ Like creating, all actions such as giving sustenance, tormenting, resurrecting, and death are also dependent on the attribute of *takwīn*.



396. Pezdevi, *Ehl-i Sunnah Akaidi*, Trans. Ş. Gölcük, İstanbul 1980, p. 77, 78 ff.; Ş. Gölcük, *ibid*, p. 91; Hamdi Döndüren, “Halku’l-Kur’an”, *Şamil İslam Ansiklopedisi*.

397. Al-Nahl, 16: 40; See Ya Sin, 36: 82.

III. BELIEF IN ANGELS

A – THE CONCEPT OF ANGELS AND BELIEF IN ANGELS

The word *malak* lexically means “angel, messenger, envoy, power, and strength”. These are invisible, luminous, and spiritual beings that fulfill various duties by Allah’s command, and operate in accordance with the purpose of their creation. Almighty Allah created angels from light, jinn from fire, and human beings from earth. It is known that the creation of angels preceded the creation of the human being.³⁹⁸

There are many verses in the Qur’an stating that belief in angels is obligatory, two of these are the following: ***“The Messenger believeth in what hath been revealed to him from his Lord, as do the men of faith. Each one (of them) believeth in Allah, His angels, His books, and His messengers...”***³⁹⁹, and ***“...but it is righteousness to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers...”***⁴⁰⁰

Belief in angels precedes the belief in prophets since Almighty Allah sends His revelation to His prophets, and therefore to people, through angels. Just as this order is observed in the Qur’an,⁴⁰¹ it is noted that the same order is observed in the hadiths in which the articles of faith are established.⁴⁰² In the Qur’an, those who are hostile to angels are described as the “people of disbelief” and it is emphasized that such people are enemies of Allah.⁴⁰³

Angels are in the heavens and, by the command of Allah, they descend for various tasks. The following is stated in the Qur’an: ***“And [the angels say]: “We do not descend again and again, other than by your Lord’s command: unto Him belongs all that lies open before us and all that is hidden from us and all that is in between. And never does your Lord forget [anything].”***⁴⁰⁴

Angels are luminous and spiritual beings that cannot be perceived by the senses, and cannot be seen with the naked eye. They always serve Allah, fulfill their assigned duties, and do not commit any sin. Since angels are metaphysical beings, they fall outside the realm of positive science. However, when reason accepts the Supreme Being who created the universe, it also accepts the truth of the messages that He has sent. The only

398. Al-Baqara, 2: 30.

399. Al-Baqara, 2: 285.

400. Al-Baqara, 2: 177.

401. Al-Baqara, 2: 285.

402. Muslim, Imān, 1; al-Bukhari, Imān, 37.

403. Al-Baqara, 2: 98.

404. Maryam, 19: 64.

source of information about them is the verses of the Qur'an and the authentic hadiths. In these sources, limited information is given about the angel's features and functions.

B – CHARACTERISTICS OF ANGELS

It is possible to list the features that distinguish angels from other beings as follows:

1) Angels are luminous and spiritual beings that are free from certain actions and features such as eating, drinking, gender, marital relationship, sleeping, being tired, youth, and old age. The Qur'an states: *"...those who are in His (very) Presence are not too proud to serve Him, nor are they (ever) weary (of His service): they celebrate His praises night and day, nor do they ever flag or intermit."*⁴⁰⁵, and *"And [yet] they claim that the angels - who in themselves are but beings created by the Most Gracious - are females: [but] did they witness their creation? This false claim of theirs will be recorded, and they will be called to account [for it on Judgment Day]!"*⁴⁰⁶

2) Angels perform the task for which they were created and they do not commit sin. The following is stated in the Qur'an regarding this matter: *"They fear their Lord high above them, and do whatever they are bidden to do."*⁴⁰⁷

3) Angels are extremely fast-moving, strong, and powerful beings. In the Qur'an, they are described as, *"Praise be to Allah, Who created (out of nothing) the heavens and the earth, Who made the angels, messengers with wings,- two, or three, or four (pairs): He adds to Creation as He pleases: for Allah has power over all things."*⁴⁰⁸ Only God knows the nature of these wings. It is possible that the multiplicity of wings indicates the extent of speed and power of the individual angel.

4) Angels can take on various disguises and shapes with Allah's permission and command. As a matter of fact, Gabriel (as) appeared to Mary in the form of a human,⁴⁰⁹ and a group of angels came in the form of men when they brought the good news to Abraham that he would have a son. In fact, Abraham mistook these angels for men and invited them to his table, only later to learn that they were angels.⁴¹⁰ It is proven by sound hadiths that Gabriel (as) came in human form and that some of his companions, especially Umar, saw him.⁴¹¹ Only prophets are able to see angels in their original form.

5) Angels do not know the knowledge of the *ghayb* (unseen). If certain knowledge of the unseen has been given to them by Allah, they can only know that much of it. As a matter of fact, when Allah Almighty taught Adam the names of the things that He

405. Al-Anbiya, 21: 19, 20.

406. Al-Zukhruf, 43: 19. See al-Şaffāt, 37: 49; al-Najm, 53: 27, 28.

407. Al-Naḥl, 16: 50. See al-Anbiya, 21: 26-28; al-Taḥrīm, 66: 6.

408. Fāṭir, 35: 1.

409. Maryam, 19: 16, 17.

410. Hūd, 11: 69, 70; Maryam, 19: 16, 17.

411. Al-Bukhari, Imān, 37; Muslim, Imān, 1; Abu Dawūd, Sunnah, 15.

had created, He asked the angels for their names, and they replied: ***“Glory to You, of knowledge We have none, save what You have taught us: In truth, it is You Who are perfect in knowledge and wisdom.”***⁴¹²

C – DUTIES OF ANGELS

The basic duties of the angels, whose numbers are not disclosed in the Qur’anic verses or in the hadiths but which are understood to be numerous, are to worship Allah and to fulfill the duties appointed to them. Angels can be classified into the following groups in terms of their duties:

1) Archangels and Their Duties

There are four of them:

a) Jibrīl (as): He is also referred to in the Qur’an by other names such as *Rūḥ al-Amīn*, *Rūḥ al-Qudus*, and *Rūḥ*. He acts as a messenger between Allah and his prophets. This is the angel that brought all the different revelations of Allah to the individual prophets. Gabriel (as) is mentioned in the Qur’an as follows: ***“With it (the Qur’an) came down the spirit of Faith and Truth (Rūḥ al-Amīn) to your heart and mind, that you may admonish.”***⁴¹³, ***“Say, the Holy Spirit (Rūḥ al-Qudus) has brought the revelation from your Lord in Truth, in order to strengthen those who believe, and as a guide and glad tidings to Muslims.”***⁴¹⁴, and ***“Therein come down the angels and the Spirit (Rūḥ) by Allah’s permission, on every errand.”***⁴¹⁵ It is also stated concerning Jesus: ***“...We gave Jesus the son of Mary Clear (Signs) and strengthened him with the holy spirit (Rūḥ al-Qudus)...”***⁴¹⁶ Also, because Gabriel (as) is considered the highest and greatest of the angels, he is known as *“sayyid al-malāikah (master of angels)”*.

b) Azrāil (as): He is called *“malak al-mawt (angel of death)”* because his duty is to take the souls of all living things at the time of death. His duty is stated in the Qur’an as follows: ***“Say: “The Angel of Death, put in charge of you, will (duly) take your souls: then shall you be brought back to your Lord.””***⁴¹⁷

c) Israfil (as): He is in charge of blowing the *sūr* (the Trumpet) twice, first for the apocalypse and then for the resurrection. In the Qur’an, this event, which is the end of all living beings, is described as follows: ***“The Trumpet will (just) be sounded, when all that are in the heavens and on earth will swoon, except such as it will please Allah***

412. Al-Baqara, 2: 32.

413. Al-Shu‘arā, 26: 193, 194.

414. Al-Nahl, 16: 102. See al-Shu‘arā, 26: 193.

415. Al-Qadr, 97: 4. See al-Naba’, 78: 38; al-Ma‘arij, 70: 4.

416. Al-Baqara, 2: 87; Regarding the verses about Gabriel see *Mu‘jam al-Mufahras li Alfāz al-Qur‘ān*, “Jibrīl”; Nevzat Yüksel, *Konularına Göre Kur‘an-ı Kerim Fihristi*, 4th ed. Istanbul 1990, p. 63.

417. Al-Sajda, 32: 11.

(to exempt). Then will a second one be sounded, when, behold, they will be standing and looking on!”⁴¹⁸

d) Mika’īl (as): He is the angel who is responsible for the occurrence of some natural events, such as rain, wind, and crop failure, both on earth and outside earth. Mika’īl (as) is mentioned in the Qur’an as follows: *“Whoever is an enemy to Allah and His angels and messengers, to Gabriel and Michael, Lo! Allah is an enemy to those who reject Faith.”*⁴¹⁹

2) Other Angels

Apart from these four great angels, some other angels are in charge of various worship, obedience, and other works. The main ones whose special duties are known are as follows:

The angel scribes: These are called “*kirāman kātibīn*”. They are two angels on the right and left of the human being. The angel on the right is in charge of writing good deeds and behaviors, and the one on the left is in charge of writing bad deeds and behaviors. They will also witness the deeds during the reckoning on the Day of Judgment. The following is stated about these angels in the Qur’an: *“Behold, two (guardian angels) appointed to learn (his doings) learn (and noted them), one sitting on the right and one on the left. Not a word does he utter but there is a sentinel by him, ready (to note it).”*⁴²⁰, and *“But verily over you (are appointed angels) to protect you, kind and honorable, writing down (your deeds).”*⁴²¹

Angels carrying the Throne: These angels, also known as “*Ḥamala al-‘Arsh*”, are the angels who take on the burden of the Throne. The following is stated in the verses: *“Those who sustain the Throne (of Allah) and those around it sing Glory and Praise to their Lord; believe in Him...”*⁴²², and *“And the angels will be on its sides, and eight will, that Day, bear the Throne of thy Lord above them.”*⁴²³ According to a narration, these angels, who are the bearers of the throne, are four, and according to the above verse, their number will increase to eight on the Day of Judgment. Their bearing the Throne means that they are in charge of protecting and managing it, or they are called so because of their honor and closeness to Allah Almighty. However, it is also stated in the Qur’an that many angels are surrounding the Throne.⁴²⁴ Together with those who carry the Throne, all of them are called “*qarūbiyyūn* (angels closest to Allah)”.

Munkar and Nakir: They are two angels in charge of questioning the dead in the grave after death. *Munkar* and *Nakir*, meaning “unknown, unidentified, and strange”,

418. Al-Zumar, 39: 68.

419. Al-Baqara, 2: 98; See al-Nazi’āt, 79: 5.

420. Qāf, 50: 17-18.

421. Al-Infīṭār, 82: 10-12. See al-Zukhruf, 43: 80.

422. Al-Ghāfir, 40: 7.

423. Al-Hāqqa, 69: 17.

424. See al-Zumar, 39: 75

got this name because they would appear to the dead in the grave in a way never seen before and thus the dead find them unidentified and strange. These two angels will ask the person in the grave; “Who is your lord? Who is your prophet? and What is your book?” and they will treat the dead well or severely according to the response received.

Apart from these, aiding believers in wars,⁴²⁵ *dhikr*, glorification of Allah,⁴²⁶ obedience to Allah,⁴²⁷ praying to Allah for the prophets,⁴²⁸ watching people,⁴²⁹ and praying to Allah for the believers⁴³⁰ can be counted among the duties and tasks of the angels.

All prophets and divine books have been informed about the existence of angels. The inability to see angels is due to our eyes' lack of power and ability to see them. As a matter of fact, we cannot see spiritual and abstract things such as spirit, reason, and soul that do not have physical consistency, but we have no doubt about their existence. Moreover, germs are also invisible to the naked eye, but their image appears with a microscope. However, before the germ was discovered by science, there were those who denied its existence. But as observed today, the denial has no meaning anymore. For this reason, only a person with a clear vision that arises from a spiritual vision or vision of the heart is able to see such invisible beings.

D – JINN AND THE DEVIL

1) Jinn

Apart from the angels, the existence of jinns, who are also subtle beings, is confirmed by the Qur'an and the Sunnah. Its singular form is *jinnī*, and the plural term *jānn* is synonymous with jinn. *Gūl* and *ifrīt* are different types of jinns.

According to the Qur'an, humans were created from clay, and jinn were created from fire. ***“And He created Jinns from fire free of smoke.”***⁴³¹, and ***“We created man from sounding clay, from mud moulded into shape; And the Jinn race, We had created before, from the fire of a scorching wind.”***⁴³² The latter verse shows that the jinn were created before the human species. Jinns exist on earth and there are believers and disbelievers among them. Like humans, they are responsible for Allah's orders and prohibitions, and prophets have been sent to them as well. The following is stated in the Qur'an, ***“O you assembly of Jinns and men! Came there not unto you messengers***

425. See Āl 'Imrān, 3: 123-126; al-Anfāl, 8: 9, 13, 50; al-Tawba, 9: 25-26; al-Aḥzāb, 33: 9; Al-Fath, 48: 47.

426. Al-A'rāf, 7: 206; al-Naḥl, 16: 49, 50; al-Ṣaffāt, 37: 165-166; al-Ghāfir, 40: 7; Fussilat, 41: 38; al-Shūrā, 42: 5.

427. Al-Anbiya, 21: 27-28.

428. Al-Aḥzāb, 33: 56.

429. Al-Ṭāriq, 86: 1-4.

430. Al-Ghāfir, 40: 7-9; al-Shūrā, 42: 5.

431. Al-Raḥmān, 55: 15.

432. Al-Hijr, 15: 26-27.

*from amongst you, setting forth unto you My signs, and warning you of the meeting of this Day of yours?*⁴³³

Jinns do not have the knowledge of the *ghayb* (unseen). However, they may know some events of the past, or present to human beings, that which people do not know, due to the length of their life span, the fact that they are spiritual beings, and the fact that they sneak away certain communications found in the angelic sphere. However, this does not mean that they are somehow superior to human beings. For jinns can transmit assorted information of both right and wrong to the human being that they are in contact with, such as dark magic practitioners. In Islam, it is forbidden to deal with these affairs of the jinns.

Jinns, just like humans, are legally responsible for their beliefs and other Islamic rulings. The Qur'anic verse ***"I have only created Jinns and men so that they may serve Me"***⁴³⁴ is the proof of this fact. It is verified by the sources that jinn eat, drink, including males and females, marry, reproduce, are born, grow and die just like humans. However, although their lifespan is described as 60-70 years according to their own time unit, this period can be up to a thousand years according to the units of how human beings measure time.

The jinn are suited to take various forms and perform heavy works. As a matter of fact, when the Prophet Solomon (as) wanted to bring the throne of Balqis from Yemen, a jinn named Ifrīt said: ***"I'll bring it to you before you even get up, I estimate I have the strength to do this."***⁴³⁵ Solomon (as) was in Jerusalem, and the throne to be brought was in Yemen. However, later, Asaf Ibn Barhiya, a servant of Allah, brought that throne in the blink of an eye. Allah Almighty explains this situation as follows: ***"Said one who had knowledge of the Book: "I will bring it to thee within the twinkling of an eye!"***⁴³⁶ This seems to indicate that a substance can be transported "by teleportation". It is also known that Prophet Solomon (as) made the jinns work in heavy and difficult jobs.⁴³⁷

Another narration is about the time the Prophet Muhammad (saw) was going to the Uqaz fair. He led the morning prayer in a place called Nahla and a group of jinn came and listened to the Qur'an being recited. They then converted to Islam. This situation was conveyed to the Messenger of Allah (saw) in the first verses of chapter al-Jinn.⁴³⁸ According to what Abdullah Ibn Mas'ūd (ra) narrated, one night, the Messenger of Allah (saw) disappeared among them and could not be found despite the search even in the valleys outside the city. In the morning, they saw him coming from the direction of Hira.

433. Al-An'ām, 6: 130.

434. ez-Al-Dhariyat, 51: 56.

435. Al-Naml, 27: 39.

436. Al-Naml, 27: 40.

437. Saba, 34: 12, 13.

438. Al-Jinn, 72: 1-3.

The Messenger of Allah explained the situation as follows: *"A summoner from the jinns came to me. I went with him. I read the Qur'an to them."*⁴³⁹

Although jinns have advanced abilities in terms of their natural characteristics, they are generally behind humans in terms of their level of thought and consciousness. Their characters appear to be weaker than humans so they are more prone to negative and harmful behaviors. However, there are also many good, pious, and virtuous jinns. An important feature of the negative jinns is that just like germs have a negative effect on the sick body, such jinn can try to harm people by taking advantage of the weaker side of human beings or a situation in which they are low in morale.⁴⁴⁰ However, a person who puts his trust in Allah and believes that no entity can harm another entity without His will cannot be harmed by the jinn. As a matter of fact, it is known that the Prophet (saw) recited the "verse of the Throne" and the Qur'anic chapters of "al-Falaq and al-Nās" against the influence of jinn on humans. These last two chapters of the Qur'an are called "*Muawwizatayn* (two protective chapters)".⁴⁴¹ In these two chapters, it is recommended that people take refuge in Almighty Allah against the jinn, the devil, the visible and the invisible, and anything that tends to harm people.

2) Devil

Jinns, who are invisible but whose existence is certain, who go excessively far in their wickedness and evil, and who try to mislead people, are called devils.

In the Qur'an, the first devil is mentioned as Iblīs. It is reported that he is a jinn who rebelled against the order of his Lord and went astray. ***"And behold, We said to the angels: 'Bow down to Adam' and they bowed down. Not so Iblis: he refused and was haughty: He was of those who reject Faith."***⁴⁴², and ***"...He was one of the Jinns, and he broke the Command of his Lord..."***⁴⁴³

Another name of Iblīs is *shaiṭān* (Satan) who is from the jinns and is the representative of evil, wickedness, and heresy. When Allah commanded Iblīs, the father of the devils, to prostrate to Adam, Iblīs rebelled against Allah, claiming superiority, since he was created from fire and Adam, was created from earth. Since he considered himself superior to Adam, he became arrogant and became one of the unbelievers.⁴⁴⁴

It is narrated that Iblīs and his descendants were expelled from Allah's mercy, and they were given time until the Day of Judgment in order to mislead people and lead them to evil.

439. Al-Qurṭubī, *Jāmi' li Ahkām al-Qur'ān*, Beirut 1967, XIX, 2 ff.

440. Ahmed Hulusi, *Ruh-İnsan*, 1972, n.p., p. 57-58.

441. See al-Bukhari, Wakalah, 10, Ṭibb, 39, Faḍā'il al-Qur'ān, 10, 14; al-Tirmidhī, Ṭibb, 16, Da'āwāt, 21. Abu Dawūd, Adab, 98.

442. Al-Baqara, 2: 34.

443. Al-Kahf, 18: 50. This last verse clearly states that he is from the Jinn.

444. Al-Baqara, 2: 34.

Every human being has been allocated such a wicked jinn or devil. While the Prophet also was allocated such a wicked jinn, Allah Almighty assisted the Prophet, and his jinn converted to Islam.⁴⁴⁵ The duties of the devil can be summarized in six items: a) Leading people to disbelief, polytheism, and rebellion against Allah and His Messenger, b) inciting them to innovate in religion, c) leading them to commit major sins, d) causing them to be preoccupied with minor sins, e) making people busy with permissible things excessively, and f) stalling their spiritual development with lesser virtuous deeds.

Allah Almighty warned the believers against Satan and asked them not to follow him. In the Qur'an, it is stated that Satan is a clear enemy to human beings: ***"Verily Satan is an enemy to you: so treat him as an enemy. He only invites his adherents, that they may become Companions of the Blazing Fire."***⁴⁴⁶

Satan misled the first humans, Adam and Eve, and caused them to leave Paradise. Considering this fact, it is stated in the Qur'an that it is necessary to be vigilant against his tricks and traps, ***"O you Children of Adam! Let not Satan seduce you, in the same manner as He got your parents out of the Garden, stripping them of their raiment, to expose their shame: for he and his tribe watch you from a position where ye cannot see them: We made the evil ones friends (only) to those without faith."***⁴⁴⁷

When the Qur'an is recited, Almighty Allah orders people to take refuge in Him from the rejected Satan. He also categorically states that Satan will not have any influence or dominion over those who worship with firm faith and those who do not violate divine prohibitions.⁴⁴⁸

It has been foretold that the struggle between good and evil, goodness and wickedness, and faith and unbelief on earth will continue until the Day of Judgment. There will always be an angel supporting all that is good, and there will always be a devil lurking behind all that is evil. If humankind decides to use the willpower given by Almighty Allah in a good way and is determined, Allah's help will be manifested in that matter. The servant will find strength and power in himself to do good deeds. However, if the human being decides to go in the direction of evil and wickedness, he will find the support of the devil behind him.



445. Taji, V, 233

446. Fāṭir, 35: 6.

447. Al-A' rāf, 7: 27.

448. See al-Naḥl, 16: 98-100; Al-'Isrā, 17: 65; al-A' rāf, 7: 21.

IV. BELIEF IN BOOKS

A – DEFINITION OF THE DIVINE BOOK AND BELIEF IN THE BOOKS

Kitāb is an Arabic word meaning “to write and a written document”. Its plural is “*Kutub*”. As a term, it is the words that Almighty Allah revealed to His prophets to guide and enlighten His servants and their written form. Since the Bible and the Torah were given to Christians and Jews as divine books, the Christians and the Jews are known as “the People of the Book (*Ahl al-Kitāb*).” In a similar manner, these divine books are called “heavenly books”. They are the product of Almighty Allah’s attribute of *kalām*. Therefore, revelation is a communication that takes place between Allah and His messenger.

The belief in the scriptures includes believing that Almighty Allah has sent down books to some of His prophets and that their content at the time of revelation was completely true and factual. The following is stated in the Qur’an on this subject, “...**Say: ‘I believe in the Book which Allah has sent down; and I am commanded to judge justly between you...’**”⁴⁴⁹, “**The Messenger believes in what hath been revealed to him from his Lord, as do the men of faith. Each one (of them) believes in Allah, His angels, His books, and His messengers...**”⁴⁵⁰, and “**O you who believe! Believe in Allah and His Messenger, and the scripture, which He has sent to His Messenger, and the scripture, which He sent to those before (him). Any who denies Allah, His angels, His Books, His Messengers, and the Day of Judgment, has gone far, far astray.**”⁴⁵¹

Thus, the Qur’an affirmed the previous books, but abrogated some of their provisions and replaced them with new provisions. For a person to be considered a believer, it is necessary to believe in and obey the Prophet and the whole of the Qur’an that was revealed to him.⁴⁵² Accordingly, in order for the People of the Book to be qualified as believers, it is necessary for them to believe in the Prophet (*saw*) and the provisions of the Qur’an.

B – DIVINE BOOKS

The divine books were revealed to the prophets either as scrolls, as booklets, or as complete books. Therefore, we can divide the divine message into *ṣuḥuf* (Pages) and books. The books consist of the Torah, the Psalms, the Gospel, and the Qur’an.

449. Al-Shūrā, 42: 15.

450. Al-Baqara, 2: 285.

451. Al-Nisā, 4: 136.

452. See Āl ‘Imrān, 3: 31; al-Nisā, 4: 47; al-Mā’ida, 5: 15; al-An’ām, 6: 153; al-A’rāf, 7: 3.

1) *Ṣuḥuf* (Pages)

Ṣuḥuf is the plural of the word *ṣaḥifa*. Booklets and treatises consisting of a few pages that were revealed to meet the needs of smaller communities in a narrow environment during the early periods of humanity are called “*ṣuḥuf*”. There are two verses in the Qur’an that speak about such scrolls that were revealed to Abraham and Moses.⁴⁵³

In a hadith narrated by Abu Dharr (ra), the number of these pages is mentioned as 100 and they were sent down to the following prophets: 10 pages to Adam, 50 pages to Seth, 10 pages to Abraham, and 30 pages were sent to Enoch (Idris).⁴⁵⁴ None of these pages have survived to the present day. However, if the parables, advice, and information about the prophets mentioned above are brought together from the Qur’an, a significant amount of information can be obtained about the content of the revealed pages. This also applies to other divine books that have undergone changes.

There are four books, the Torah was revealed to Moses, the Psalms to David, the Gospel to Jesus, and the Qur’an to Muhammad.

The original copy of the divine books and pages is found in the “*lawḥ al-mahfūz*.” This phrase, which means, “Preserved Tablet” is mentioned in the Qur’an as follows: “*Nay, this is a Glorious Qur’an, (Inscribed) in a Tablet Preserved!*”⁴⁵⁵ Imam Ghazālī (d. 505/1111) says the following in this matter: Allah has ordained and recorded everything that will happen from the creation of the worlds to the end of times. It is known by a number of names such as, “*lawḥ al-mahfūz*, *kitāb al-mubīn*, *imām al-mubīn*, *kitāb al-maknūn* and ‘*umm al-kitāb*’”.⁴⁵⁶

2) Books

Although the Torah, the Psalms, and the Gospel were texts that were acted upon as holy books in their own time, they have undergone changes in the historical process. According to Muhammad Hamidullah, the Bible, which includes the Torah, the Psalms, and the Gospel, which are in the hands of today’s people of the book, consists of books belonging to authors who lived in different periods and consist of different styles. These include historical books, religious and political speeches, pure prayers, books of wisdom, parables of the prophets, philosophical dialogues, and texts of law. It is an obvious fact that a wise person signed it with the name “Solomon”, an inspired historian as “Moses” and a prophetic person as “Isaiah” to a text with religious elements written in later periods.

Jesus’ style is slightly different since he did not write but spoke his message. Therefore, the Gospel texts written later are nothing but biographies of Jesus. These

453. Al-Najm, 53: 36-37; al-A’lā, 87: 14-19.

454. See al-Ṣuyūṭī, *al-Durr al-Manthūr*, VIII, 489; al-Ālūsī, *Rūḥ al-Ma’ānī*, XV, 141, 142. It has been stated that this narration is weak.

455. Al-Burūj, 85: 21-22.

456. See Elmalılı, *Hak Dini Kur’an Dili*, VI, 1012; H. Basri Çantay, *Kur’an-ı Hakîm ve Meal-i Kerim*, İstanbul, 1965, III, 1167; Mehmed Aydın, *İslam Dini ‘İlmihali*, Konya 1981, p. 108,109

biographies contain information about what Jesus said or did and information that the Gospel writer learned from other sources. Accordingly, the Bible is neither similar to the Qur'an nor to the hadiths. It can be said that some of them are similar to the Sirah books of the Companions' period and some of them to the later periods or the biographies of Muhammad.⁴⁵⁷

a) Torah

According to the Islamic belief, the first of the four divine books to be believed in is the Torah. It was revealed to Prophet Moses (as). This book is also called "*Ahd Atīq* (Old Testament)" or "*Ahd Qadīm* (Ancient Testament)". There is extensive information about the Torah and the Gospel in the Qur'an.

It is obligatory for every Muslim to believe that the original Torah is a holy book revealed to Moses by Allah. Denying this makes a person an unbeliever because numerous Qur'anic verses state that the original of the Torah is the word of Allah. The verse, "***It was We who revealed the Torah (to Moses): therein was guidance and light....***"⁴⁵⁸ is one of them.

When these copies are compared, the important differences between them become immediately evident. It is clear that these were written by people throughout the long Jewish history. Indeed, Moses lived in approximately the 13th century BCE. However, the oldest Hebrew Torah copy is as a book written in the 7th or 10th century BCE. Accordingly, it is possible to say that there is no original copy of the Torah extant today and that the existing copies of the Torah have lost their feature of being a divine book as a result of various interventions.⁴⁵⁹

b) Zabūr (Psalms)

Zabūr (Psalms), which lexically means "written thing and book", is the name of the celestial book revealed to the Prophet Dawūd (as). Psalms are mentioned in three places in the Qur'an, for example, "***Before this We wrote in the Psalms, after the Message (given to Moses): My servants the righteous, shall inherit the earth.***"⁴⁶⁰, and "***...We did bestow on some prophets more (and other) gifts than on others: and We gave to David (the gift of) the Psalms.***"⁴⁶¹

Psalms are the smallest of the divine books and it is clearly stated that it did not bring any new religious provisions. The copies of the Psalms that are available today consist of lyrical utterances and hymns, praises to God, wise words, and some advice. It is accepted that some of the "Psalms" in the Old Testament are the Psalms given to the

457. M. Hamidullah, *Aziz Kur'an*, Beyan Yayınevi, İstanbul, n.d., p. 22, 23.

458. Al-Mā'idā, 5: 44.

459. Şerafeddin Gölcük, *ibid*, p. 112, 113; Mehmed Aydın, *ibid*, p. 110.

460. Al-Anbiya, 21: 105.

461. Al-'Isrā, 17: 55; al-Nisā, 4: 163.

Prophet Dawoud (as). Today there is no separate book of Psalms in existence. Therefore, Muslims are only obliged to believe in the original form of the Psalms that was revealed to the Prophet Dawoud (as).⁴⁶²

c) *Injīl* (Gospel)

The word *Injīl* literally means “Gospel”. It was sent to the Israelites through Jesus. There is extensive information about Jesus and the Gospels in the Qur’an, and the places that Christians changed are explained with the following words,

“And in their footsteps, We sent Jesus the son of Mary, confirming the Law that had come before him: We sent him the Gospel: therein was guidance and light, and confirmation of the Law that had come before him: a guidance and an admonition to those who fear Allah.”⁴⁶³

It is also clearly stated in the following Qur’anic verse that the message of revelation was handled as a whole in the historical process and that all of them should be believed without making any distinction: ***“Say: “We believe in Allah, and in what has been revealed to us and what was revealed to Abraham, Isma’il, Isaac, Jacob, and the Tribes, and in (the Books) given to Moses, Jesus, and the prophets, from their Lord: We make no distinction between one and another among them, and to Allah do we bow our will (in Islam).”***⁴⁶⁴

Christians have made-up words such as “Jesus is the son of God”, which Jesus never conveyed to them.⁴⁶⁵ Allah tells us about their deviation points as follows: ***“They do blaspheme who say: “Allah is Christ the son of Mary.” But said Christ: “O Children of Israel! Worship Allah, my Lord, and your Lord.” Whoever joins other gods with Allah,- Allah will forbid him the garden, and the Fire will be his abode. There will for the wrong-doers be no one to help.”***⁴⁶⁶, and ***“They do blaspheme who say: Allah is one of three in a Trinity: for there is no god except One Allah. If they desist not from their word (of blasphemy), verily a grievous penalty will befall the blasphemers among them.”***⁴⁶⁷

Moreover, it is stated in the Qur’an that Jewish scholars and Christian priests changed the books sent down to them from Allah for their own benefit.⁴⁶⁸

Today, the Christians have in their possession about sixty copies of the Gospels, written by eight people. The four Gospels of Matthew, Mark, Luke, and John have been generally accepted by the churches, and they are part of what is known as the *Ahd Jadīd*

462. See Mehmed Aydın- Osman Cilacı, *Dinler Tarihi*, Konya 1980, p. 75.

463. Al-Mā’ida, 5: 46.

464. Āl ‘Imrān, 3: 84.

465. Al-Tawba, 9: 30.

466. Al-Mā’ida, 5: 72.

467. Al-Mā’ida, 5: 73.

468. Al-Tawba, 9: 34.

(New Testament). The rest have been declared by the Church as apocryphal texts, of which the Gospel of Barnabas is of particular interest. Where and when these copies, which are full of contradictions among themselves, were written, also occupied Christian scholars for a long time.

In a consul convened in Nicaea 325 years after Jesus, only 318 out of more than a thousand participants accepted the status of the deity of Jesus and among the many Gospel copies, they adopted the four, mentioned above, as the official copies.

For that reason, when a Muslim receives any new data about any of the previous holy books, this information is only accepted if it is compatible with the information found in the Qur'an and sound hadiths, otherwise, it is rejected. However, if there is a subject that is never mentioned in the Qur'anic verses and hadiths, and it does not contradict the basic principles of Islam, it is necessary to act according to the following hadith: *"Do not confirm or deny the People of the Book. Say we believe in Allah, what was revealed to us, and what was revealed to Abraham."*⁴⁶⁹

d) The Qur'an

The Qur'an is described as follows: It is the word of Almighty Allah, which was revealed to Muhammad (*saw*) in Arabic, transmitted to us through *tawātur*, written in the *mushafs*, starting with the chapter of al-Fatiha and ending with the chapter of al-Nās.

The Qur'an was revealed piecemeal over 23 years during the prophethood of Muhammad (*saw*). In the period of Mecca, which lasted about 13 years, less than one-third of the Qur'an was revealed. The verses in this period were mostly about faith, morality, fighting against polytheism, and exemplary parables of the previous nations. Muhammad (*saw*) migrated to Medina in 622 CE. Most of the verses about legal matters were revealed in the Medinan period. On the one hand, the principles related to acts of worship, the law of war, family, and inheritance, and on the other hand, the principles related to penal law, the law of procedure, treatments, and relations between states were revealed in the Medinan period. This is because in Medina an Islamic state was born that would implement these rules.

The Qur'an is a miracle that cannot be produced. The Prophet said, *"Every Prophet was given miracles because of which people believed, but what I have been given, is Divine Inspiration which Allah has revealed to me. So I hope that my followers will outnumber the followers of the other Prophets on the Day of Resurrection."*⁴⁷⁰

Allah Almighty states in the Qur'an that disbelievers will not be able to produce ten chapters or even a single chapter like that of the Qur'an.⁴⁷¹

469. Al-Bukhari, Tafsīr, chapter, 2/1, I'tisām, 25.

470. Al-Bukhari, Faḍā'il al-Qur'ān, 1; Muslim, Imān, 70.

471. See Hūd, 11: 13; al-Baqara, 2: 23; Yunus, 10: 38.

Major Provisions Found in the Qur'an:

1. The Provisions of Creed

Important issues pertaining to faith in Allah, angels, holy books, the Last Day, fate and destiny, and the Hereafter, and various issues related to belief, are among the subjects covered by the Qur'an. The provisions of belief came mostly during the Meccan period, and its objective was to purify people from false convictions, beliefs, and superstitions.

2. *Ibadāt*

Acts of worship such as ritual prayer, fasting, pilgrimage, and *zakāt*, which Muslims are obliged to perform, are included in the Qur'an in a concise manner, and their application, form, and details are left to the Sunnah. The following is stated in two of the hadiths: "*Perform ritual prayers as I do.*"⁴⁷², and "*Take your rites related to pilgrimage from me.*"⁴⁷³

Moreover, due to possible deficiency or error in worship and social behavior, the elimination of such errors in worship, the atonement for *ẓihār*,⁴⁷⁴ breaking an oath,⁴⁷⁵ and accidentally killing a believer⁴⁷⁶ are also considered like acts of worship.

3. *Mu'āmalāt*

The Qur'an has also brought some provisions regulating the relations of the members of the society with each other or with the state. Transactions between real or legal persons such as shopping, leasing, barter, pledge, surety, partnership, borrowing and undertaking, trust, donation, testament, inheritance, family life, marriage, and divorce can be listed among these.

4. *Uqubāt*

The crimes committed by an individual and the punishments for such crimes fall into this group. Penal provisions aim to protect property, life, honor, lineage, and mind. The punishment determined by a Qur'anic verse or hadith is called "*ḥadd*". These are penalties for such crimes as theft, highway robbery, adultery, slander of adultery, and drinking alcohol. The punishments that the Islamic State will impose for the benefit of the society and for the maintenance of public order are called "*ta'zīr*". Such as warnings, beatings, exile, and imprisonment.

5. Judicial provisions

It aims at arranging the necessary steps in the trial of cases to bring about justice among the people, which include procedures such as testimony, oath, and judgment.

472. Al-Bukhari, Adhān, 18, Adab, 27, Aḥād, 1.

473. Aḥmad ibn Ḥanbal, *Musnad*, III, 318, 366.

474. Al-Mujadala, 58: 1-4.

475. Al-Mā'ida, 5: 89.

476. Al-Nisā, 4: 92.

6. The relationship between those who administer and those who are governed

These provisions are based on principles such as justice, consultation, public benefit, cooperation, and protection. Justice is a principle that a state administration should observe first and foremost. There are verses in the Qur'an that command justice is, "*Allah does command you to render back your trusts to those to whom they are due; And when you judge between man and man, that ye judge with justice...*"⁴⁷⁷, and "*Allah commands justice, the doing of good, and liberality to kith and kin...*"⁴⁷⁸ Moreover, the principle of *shurā'* (consultation) assists in determining the best methods in state administration. For instance, it prevents arbitrary requests. The following is stated in the Qur'anic verses, "*...who (conduct) their affairs by mutual Consultation...*"⁴⁷⁹, and "*...consult them in affairs (of the moment). Then, when you have taken a decision put your trust in Allah.*"⁴⁸⁰

The first Qur'anic verse mentioned-above states that the Islamic administration, as understood from the text, is based on the principle of consultation among believers. However, it also includes the requirement of the Muslim community to elect and bring to power a community that will regulate the Islamic head of state and assists him in the regulation of state affairs.⁴⁸¹

7. International law

The Qur'an has also introduced regulatory principles for relations with non-Muslim countries. For instance, according to Qur'anic verses, if an agreement is made between states, it is required to stand by such an agreement.⁴⁸² In relation to a Muslim State, non-Muslims may have three statuses: a) *Dhimmīs* and *mu'āhads* (contractual ones), b) *Musta'mans* (those who are in an Islamic state with visa), and c) Combatants or *ḥarbīs*. This last group need not be at constant war with the Muslim nation. It is possible for them to join the Islamic community as Muslims at any time or agree to be in the first or second group.

Economics and financial law is a subject with financial aspects. In the Qur'an, these aspects, such as *zakāh*, tithe, *fay'* and booty, wills, inheritance, *nafaqa*, surety, pledge, and sharing wealth found underground and aboveground are included as general principles. In fact, the form and conditions of their application are established by the Sunnah.

8. Moral provisions

These are provisions for the believer to strengthen his faith, to have sincerity, *taqwā*, and virtue, and to acquire the best behavior in human relations through exemplary stories

477. Al-Nisā, 4: 58.

478. Al-Nahl, 16: 90.

479. Al-Shūrā, 42: 38.

480. Āl Imran, 3: 159.

481. Muhammed Abu Zahra, *Uṣūl al-Fiqh*, 1377/1958, y.y., p. 100, 101, 141, 142; Abdülvehhab Hallaf, *'Ilmu Uṣūlī'l-Fikh*, Trans. Hüseyin Atay, Ankara, 1973, p. 176.

482. Al-Nahl, 16: 91.

from the lives of the prophets, and Qur'anic verses that encourage good actions and caution people from doing what is forbidden and considered wrong.

9. Advice and recommendations

There are provisions in the Qur'an that remind believers to be sensitive about commands and prohibitions, not to prefer the world to the hereafter, and not to forget that they will be held accountable in the hereafter.

10. Promises and intimidations

There are many verses that state that those who do good deeds will go to paradise, and those who do not obey the prohibitions will enter hell.

11. Scientific facts

The Qur'an also includes many subjects linked to the positive sciences. It is stated in the Qur'an that the essence of life is water⁴⁸³ and that Allah creates everything in pairs. The creation in pairs was known to be for humans, animals, and some plants. Today's science has proven that all plants have masculine and feminine genders and that they all have masculine and feminine cells. This is mentioned in the Qur'an as follows: "...and fruit of every kind He (Allah) made in pairs, two and two..."⁴⁸⁴, "*And of everything We have created pairs: That ye may receive instruction.*"⁴⁸⁵, and in another verse, "*Glory to Allah, Who created in pairs all things that the earth produces, as well as their own (human) kind and (other) things of which they have no knowledge.*"⁴⁸⁶

In the last Qur'anic verse quoted above, it is observed that the creation in pairs is extended to inanimate beings as well. The presence of positive and negative poles in the magnet, and two forces one plus and the other minus in the structure of the atom, suggest this dualism.

Yet another aspect of creation in pairs is the grafting winds among the plants. This fact, which positive sciences discovered recently, is stated in the following verse of the Qur'an, "*And We send the fecundating winds...*"⁴⁸⁷

The fact that the Earth and other planets were separated from the sun is one of the theories introduced by science. The Qur'an reports this as follows: "*Do not the Unbelievers see that the heavens and the earth were joined together (as one unit of creation) before We clove them asunder?*"⁴⁸⁸

483. Al-Anbiya, 21: 30; Maurice Bucaille, *Müsbet İlim Yönünden Tevrat İncil ve Kur'an*, Trans, Mehmet Ali Sönmez, Konya 1979, p. 297.

484. Al-Ra'd, 13: 3.

485. Al-Dhariyat, 51: 49.

486. Ya Sin, 36: 36.

487. Al-Hijr, 15: 22.

488. Al-Qaşaş, 21: 30.

The movement of the sun is mentioned in the chapter of Ya-Sin as, ***“And the sun runs its course for a period determined for it.”***⁴⁸⁹ This movement can be around its own axis, or it also includes the movement it makes in space with its system towards a stopping place or time determined for it. The word “*mustaqarr*” in this verse includes all these meanings.⁴⁹⁰

Moreover, under the command of Solomon (*as*), the wind’s ability to cover a month’s journey in one day⁴⁹¹ draws attention to wind energy, and the transfer of the throne of Belqis in Yemen to Jerusalem in the blink of an eye⁴⁹² may shed some light on the current efforts to transport matter by means of “teleportation”. Furthermore, it is possible to argue that the three features of iron, which are potentiality for violence, strength, and benefit to the people, are stated in chapter al-Ḥadīd (iron),⁴⁹³ pointing to hard steel as a weapon of war, the reinforcing basic material of industry and buildings, and the importance of iron in human blood.

12. Parables

The Qur’an also speaks at length about the previous nations and the past prophets. However, this information is not offered chronologically like a history book, but through exemplary events demonstrating wisdom so that human beings can take lessons from them. The Qur’an gives news about the tribes of ‘Ād, Thamūd, the prophets such as Lot, Noah, Abraham, and their tribes. Moreover, the stories of Moses (*as*) and Pharaoh, the lives of Mary, Jesus, and the prophet Yahya are revealed. The fact that such historical information is reported in accordance with the truth in a book revealed to an illiterate prophet, who was not educated by any teacher, is proof that it is a revelation from Allah.

There is no doubt that in the near future the archaeological and anthropological examination of these tribes and events mentioned in the Qur’an will bring many facts into the light.

13. Supplications

Since the human being is constantly in need of Allah’s help and forgiveness in this worldly life, there are many examples of invocations found in the Qur’an and in the Sunnah.

14. Predicting the future

It is also a fact that in the Qur’an people were informed about the conquest of Mecca before it took place. Moreover, in general, the reader of the Qur’an is informed that Islam would spread and become a world religion and that it would be superior to other religions. The following event provides a clear example:

489. Ya Sin, 36: 38.

490. See H. Basri Çantay, *Kur’an-ı Hakim ve Meal-i Kerim*, 3rd ed., Istanbul 1959, II, 784, footnote, 46.

491. See Sad, 38: 35, 36; Saba, 34: 12.

492. See al-Naml, 27: 39, 40.

493. See al-Ḥadīd, 57: 25.

After the Christian Byzantines were defeated by the Magus Persians in a war in 614 CE, the Quraysh told the Muslims, “We will defeat you just as the Persians defeated the Christian Byzantium (People of the Book)”, which brought much dismay to them. Thereupon, the following Qur’anic verse was revealed with a future prediction, ***“The Roman Empire has been defeated in a land close by; but they, (even) after (this) defeat of theirs, will soon (between three and nine years) be victorious.”***⁴⁹⁴ Indeed, in a war in 622 CE, the Christian Byzantines defeated the Persians.⁴⁹⁵



494. Al-Rūm, 30: 2-3.

495. al-Zurqānī, *Manāhil al-Irfān fī ‘Ulūm al-Qur’ān*, Egypt n.d., II, 369; Elmalılı, *Hak Dini Kur'an Dili*, VI, 3795-3799.

V. BELIEF IN PROPHETS

A – THE CONCEPT OF THE PROPHET AND FAITH IN THE PROPHETS

The word *rasūl* is Arabic and literally means “the bearer of news and a messenger”. As a term, “A messenger, whom Allah selects from among His servants and commissions to convey His orders and prohibitions to people through revelation, is called a *rasūl*. In Arabic, the word “*mursal*” is also used to refer to the same meaning. Their plural forms are “*rusul*” and “*mursalūn*” respectively. *Rasūl*, as a term, specifically refers to a messenger who was sent with a new book and a new law. Moses, Jesus, and Muhammad (*alayhum al-salam*) are such messengers. *Nabī* is a prophet who informs people of Allah’s orders and prohibitions but is not sent with a new book and a new Shari’ah, yet he is tasked with conveying the book and law of a previous prophet to his nation. The plural of *nabī* is “*anbiyā*”. In general, the words *risālah* and *nubuwwah* are the infinitive forms meaning prophethood. Although every *rasūl* is at the same time a *nabī*, every *nabī* is not a *rasūl*. Therefore, Moses, David, Isa, and Muhammad (*alayhum al-salam*) are both *rasūl* and *nabī*.

Belief in the prophets is one of the six pillars of faith and includes believing in all the prophets, whose names are both revealed and not revealed in the Qur’an or authentic hadiths, and the accuracy of their news as brought from Allah. In the Qur’an, it is emphasized that it is a requirement for Muslims to believe in all the prophets without making any distinction between them. In one Qur’anic verse, it is stated, ***“The Messenger believes in what has been revealed to him from his Lord, as do the men of faith. Each one (of them) believes in Allah, His angels, His books, and His messengers. “We make no distinction (they say) between one and another of His messengers.””***⁴⁹⁶ Therefore, believing in some of the prophets and not believing in others is considered heresy. This fact is clearly observed in the following Qur’anic verses: ***“Those who deny Allah and His messengers, and (those who) wish to separate Allah from His messengers, saying: “We believe in some but reject others” And (those who) wish to take a course midway, they are in truth (equally) unbelievers; and we have prepared for unbelievers a humiliating punishment.”***⁴⁹⁷

Allah Almighty has sent various prophets to human communities throughout human history. It is stated in several Qur’anic verses that there is no community or nation that did not receive a prophet, ***“For We assuredly sent amongst every People a messenger, (with the Command), ‘Serve Allah, and eschew Evil’”***⁴⁹⁸, ***“There never was people***

496. Al-Baqara, 2: 285.

497. Al-Nisā, 4: 150-151.

498. Al-Nahl, 16: 36.

without a warner having lived among them (in the past).⁴⁹⁹, “By Allah, We (also) sent (Our messengers) to Peoples before you...⁵⁰⁰, and “Of some messengers, We have already told you the story; of others, We have not...⁵⁰¹

Prophecy is not a rank that can be attained through worship, prayer, or study. It is given only by the choice and assignment of Allah Almighty. The following is stated in the Qur'an, ***“Such is the Bounty of Allah, which He bestows on whom He will...”⁵⁰²***

Communication between Almighty Allah and His Prophet is through *wahy*. *Wahy* literally means “secret speech, command, sign, and inspiration”. As a term, it is Allah's revelation or sending of whatever He wishes to His prophet in a special way that is under His protection and control. In one Qur'anic verse, the following is stated regarding revelation, ***“It is not fitting for a man that Allah should speak to him except by inspiration, or from behind a veil, or by the sending of a messenger to reveal, with Allah's permission, what Allah wills: for He is Most High, Most Wise.”⁵⁰³*** The revelation came to the Prophet in the following ways: a) True dreams, b) Gabriel (as) transmitting the revelation to the Prophet's heart while he was awake⁵⁰⁴, c) Gabriel transforming into a human form and bringing the revelation. d) Revelation coming with a sound similar to the sound of a bell, without Gabriel having been seen⁵⁰⁵, e) Revelation brought by Gabriel in his original form⁵⁰⁶, and f) the Prophet receives the revelation directly from Allah, which takes place in the form of speaking directly with God. Such was the revelation that was received during the event of *Miraj* (Ascension).

Islam, as in all matters, pursues the middle path in the issue of prophethood assigning the prophets the task of an envoy only between Allah and the people. A prophet does not have the power to benefit or harm anyone except with Allah's permission, and he does not know the *ghayb* except in whatever Allah has revealed to him.⁵⁰⁷

Finally, Islam proclaims clearly that prophethood ended with Muhammad. The message of Almighty Allah to the world of humanity came to an end with the Qur'an. The following is stated in the Qur'anic verse: ***“Muhammad is not the father of any of your men, but (he is) the Messenger of Allah, and the Seal of the Prophets: and Allah has full knowledge of all things.”⁵⁰⁸*** To suggest that a new prophet or book will come after him means denying the fact that Muhammad is the last prophet of Allah.

499. Fāṭir, 35: 24.

500. Al-Nahl, 16: 63.

501. Al-Nisā, 4: 164.

502. Al-Jumu'a, 62: 4.

503. Al-Shūrā, 42: 51.

504. Al-Shu'arā, 26: 193-195.

505. Al-Bukhari, Bad' al-wahy, 2.

506. Al-Najm, 53: 13-14.

507. See al-Mā'idā, 5: 72, 73, 75; al-A'rāf, 7: 188; al-Tawba, 9: 30.

508. Al-Ahzāb, 33: 40.

B – NUMBER OF PROPHETS

The prophecy that started with Adam (as) continued until Muhammad with the arrival of many prophets in between. In the Qur'an, it is stated, ***“To every people (was sent) a messenger...”***⁵⁰⁹, and ***“Nor would We visit with Our Wrath until We had sent a Messenger (to give warning).”***⁵¹⁰ Although there is no information about the number of prophets in the Qur'an, according to the following verse there is no doubt that there are prophets whose names are not mentioned in the Qur'an, ***“Of some messengers, We have already told thee the story; of others, We have not...”***.⁵¹¹ It is repeated in various Qur'anic verses that every nation has had a prophet.⁵¹² As a matter of fact, in one of his hadiths, Muhammad (saw) reported that the number of prophets was 124,000, and 315 of them were *rasūl*.⁵¹³

The chronological order of the twenty-five prophets whose names are mentioned in the Qur'an is as follows: Adam, Idris, Noah, Hud, Salih, Lot, Ibrahim, Ismail, Ishaq, Ya'qūb, Yusuf, Shuayb, Musa, Harun, David, Solomon. Ayyub, Ilyas, Alyasa, Dhulkifl, Yunus, Zakariyya, Yaḥyā, Isa and Muhammad (saw). There are also the names of Uzayr, Luqman, and Dhulqarnayn; there is a difference of opinion as to whether they were prophets or saints. However, it has also been argued that this number is not a definite limiting number, but is stated to express a large quantity.

Yet, whether their names have been mentioned in the Qur'an or not, the truth is that there has been no community in existence that did not receive a prophet before the last and universal prophet Muhammad (saw). Moreover, with this fact, the possibility of people using ignorance as an excuse on the Day of Judgment has been eliminated.

C – ATTRIBUTES OF THE PROPHETS:

Although prophets are human beings, they are equipped with a number of quite different attributes. This is a natural consequence of them being selected as messengers, guides, and leaders. The attributes of the prophets are five: *amānah*, *ṣidq*, *fatānah*, *iṣmāh*, and *tablīgh*.

1. Amānah: It means “to be reliable, trustworthy”. All prophets are truthful and reliable people. They never betray their trust. The following is stated in a Qur'anic verse: ***“No prophet could (ever) be false to his trust.”***⁵¹⁴ It is known that before the prophethood of Muhammad, he was given the epithet *“Muhammad al-‘Amīn* (Muhammad in whom one can trust)” by the Meccan polytheists.

509. Yunus, 10: 47.

510. Al-'Isrā, 17: 15.

511. Al-Nisā, 4: 164.

512. See al-Nahl, 16: 63; Fāṭir, 35: 24; Yunus, 10: 48; al-Rad, 13: 7.

513. Aḥmad ibn Ḥanbal, V, 266; 'Abd al-Qāhir Baghdādī, 'Uṣūl al-Dīn, Istanbul 1928, p. 157.

514. Āl 'Imrān, 3: 161.

2. Šidq: It means “to be truthful”. All prophets are truthful and honest people. They never lie, and their words reflect the truth. The truth of their words is supported by miracles when it is deemed necessary. It is unthinkable to assume *kidhb* (lying) about the prophet since it is the opposite of *šidq*. A prophet is a messenger of Omnipotent Allah on earth. And therefore He does not allow His prophets to be ineffective and fruitless through lies and treachery.

3. Fatānah: It means “the prophets are able, intelligent and wise”. The Prophet is truly the wisest and knowledgeable of people. Naturally, a nonsensical, foolish, and retarded person could not be sent as a prophet. In order to persuade his people and lead them, a prophet must be wise. Therefore, “ignorance” and “heedlessness”, which are the opposites of *fatānah*, are inconceivable for the prophet.

4. Iṣmāh: It means “not committing a sin, and being protected from sin”. Prophets have never committed a sin that is considered *shirk* and blasphemy in any period of their lives, nor did they deliberately commit a sin during their prophetic period.

In the Qur’an, it is mentioned that Adam, Moses, and some other prophets made errors and that Allah Almighty forgave them their mistakes. It is even stated that Muhammad was guided to the right path through revelation in some matters.⁵¹⁵ However, these mistakes are little slips called “*zalla*” and take place unintentionally. For example, Adam eating from the forbidden tree was due to his trust in Iblīs, and not yet knowing through experience what evil means. Later, Almighty Allah forgave him and he became a prophet to his generation.

We can give another example of “*zalla*” with the incident in which Muhammad was warned through the Qur’anic chapter of Abasa. While the Messenger of Allah (*saw*) was delivering the message of Islam to a committee of the notables of Quraysh, Abdullah Ibn Ummi Maktum (ra), who was a blind man, entered the room unaware of his counseling of guidance. He said loudly to the Messenger, “Teach me what Allah has taught you,” and repeated his words several times. The Messenger of Allah (*saw*), dissatisfied with this situation, grimaced and turned his face to the other side. Thereupon, the chapter of Abasa was revealed, and the Messenger of Allah (*saw*) was informed that this behavior was not appropriate.⁵¹⁶

Although the attribute of *iṣmāh* is not explicitly mentioned in the Qur’an, it is stated that prophets are under the complete protection of Allah.⁵¹⁷ We can give the case of Yusuf as an example. When Zulayha wanted to seduce Yusuf by using her feminine charm, the protection of Almighty Allah was clearly observed as shown in the following

515. See al-A’rāf, 7: 23; al-Qaṣaṣ, 28: 16; Muḥammad, 47: 19; Al-Tawba, 9: 43.

516. See al-Abasa, 80: 1-20; H. Basri Çantay, *ibid*, III, 1146, footnote 2.

517. Al-An’ām, 6: 89-90; al-Anbiya, 21: 73.

Qur'anic verse: "*And (with passion) did she desire him, and he would have desired her, but that he saw the evidence of his Lord...*"⁵¹⁸

Ahmed ibn Mubarak said about the interpretation of this verse: "I asked my illiterate mentor Abdulazīz al-Dabbāgh, "What was Yusuf's (as) intention for that woman?" He replied: "It was to beat her." Thereupon, I told him about the explanations of some commentators on this subject. He vehemently denied them and said: "Where was the innocence of the prophets? When the *fath* (the state of opening the heart) happens to a friend of Allah, Allah removes his seventy-two veins of darkness. From some of that darkness emerges the lies, from some others it is arrogance, from some others hypocrisy, from some of them a love of the world, from some of them the lust and love of adultery, and from others similar evils. When this is the case with the friends of Allah, think about what a prophet should be like, who was created with the attribute of *iṣmāh* and is under divine protection!"⁵¹⁹

5. *Tablīgh*: It means that the prophets conveyed all the message that they received from Allah to their people without concealing any part of it. Concealment (*kitmān*), the opposite of conveying, cannot be thought of about prophets. A prophet cannot make an addition or a subtraction in the message of revelation. The following is stated in the Qur'an regarding this matter, "*O Messenger! Proclaim the (message) which has been sent to you from your Lord. If you did not, you would not have fulfilled and proclaimed His mission...*"⁵²⁰

According to the Islamic belief, all prophets are considered equal in that they are prophets and no distinction is made between them. However, there may be a degree of difference between them in terms of the size of duty and status in the eyes of Allah Almighty. The following is stated in the Qur'an on this subject, "*Those messengers We endowed with gifts, some above others: To one of them Allah spoke; others He raised to degrees (of honor)*"⁵²¹ It has been interpreted that the person whom Allah raised with degrees is Muhammad (saw).

According to a narration from Jabir ibn Abdullah (ra), Allah's Messenger (saw) said: "*I have been given five things which were not given to any amongst the Prophets before me. These are 1. Allah made me victorious by awe (by His frightening my enemies) for a distance of one month's journey. 2. The earth has been made for me (and for my followers) a place for praying and a thing to perform Tayammum. Therefore, my followers can pray wherever the time of a prayer is due. 3. The booty has been made Ḥalāl (lawful) for me (and was not made so for anyone else). 4. Every Prophet used to be sent to his nation exclusively but I have been sent to all humankind. 5. I have been*

518. Yusuf, 12: 24.

519. Çantay, *ibid*, I, 350, footnote: 34, quoted from the book titled *Ibrīz*.

520. Al-Mā'idā, 5: 67.

521. Al-Baqara, 2: 253

given the right of intercession (on the Day of Resurrection.)”⁵²² However, despite these superiorities, the Prophet did not like to boast nor did he like to be unduly praised.⁵²³ Actually, when he heard Ibn Abbas expressing his superiority and the superiority of some prophets in the mosque, he said, “No one can be superior to Zakariyya’s son Yahya. He did not even think of sin, just as he did not sin.”⁵²⁴

Accordingly, the distinguishing features of Muhammad from other prophets can be summarized in the following points:

- a) He is the most superior of the creation and the most beloved servant of Allah.⁵²⁵
- b) His prophethood encompasses all human beings and jinn.⁵²⁶
- c) He is the last prophet and his duty will continue until the Day of Judgment.⁵²⁷
- d) The religion he brought is the last religion and the most perfect.⁵²⁸

In terms of degree after the Prophet stand the other ‘ulu al-‘aẓm prophets, including Noah, Abraham, Moses, and Isa, and then follow other *rasūls* and *nabīs*.

The prophets who fulfill the duty of conveying the divine message to people without showing intimidation in the face of their heavy-duty and responsibility, and who show patience and perseverance in overcoming all difficulties are called “‘ulu al-‘aẓm”. The Qur’anic verse in which the names of these prophets are mentioned collectively is as follows, **“The same religion has He established for you as that which He enjoined on Noah - the which We have sent by inspiration to you - and that which We enjoined on Abraham, Moses, and Jesus: ...”**⁵²⁹

D – MU‘JIZAH (MIRACLE)

In the dictionary, *mu‘jizah* means “something incapacitating, irresistible, extraordinary, strange and bizarre”. As a term, “*mu‘jizah* or miracle” refers to an extraordinary incident that Allah has created to confirm and support the person whom He has appointed as a prophet, and that people are unable to replicate. The miracle cannot be explained by positive science such as physics, chemistry, and biology. Otherwise, it would cease to be a miracle and would be considered a phenomenon. In the Qur’an, instead of the word *mu‘jizah*, the words ‘*ayah*, *bayyin*, and *burhān* are used. A prophet, for it is deemed necessary at that time, displays a miracle as proof against those who deny him. Basically, it is Allah who creates the miracle through the hands of the prophet so as to

522. Al-Bukhari, Salat, 56, Çağrı pub., I, 113.

523. See al-Tirmidhī, Tafsiru Sūra, 17/ 18; Ibn Maja, Zuhd, 37.

524. See Āl ‘Imrān, 3: 39; Elmalılı, *ibid*, II, 150.

525. Āl ‘Imrān, 3: 110.

526. Saba, 34: 28.

527. Al-Aḥzāb, 33: 40.

528. Al-Mā’ida, 5: 3.

529. Al-Shūrā, 42: 13; See al-Aḥzāb, 33: 7.

support the claim of the prophet that is conveying His message. The greatest miracles carried out by the prophets were observed to be during very important historical events that turned the tide.

1) Major Miracles Given to Previous Prophets

a) Abraham was thrown into the fire by Nimrod, the ruler of Babylon, and the fire did not burn him.⁵³⁰

b) Saleh brought a camel at the request of the people of Thamud, but they slaughtered the camel despite his warnings, and Allah Almighty destroyed them with a terrible earthquake.⁵³¹

c) When Ya'qub's son Yusuf, from whom he had been separated for many years, put his shirt on his father's face, his eyes that had lost their sight were healed and Ya'qub was able to see again.⁵³²

d) The staff in Moses' hand turned into a snake and swallowed Pharaoh's magicians' ropes and sticks⁵³³, when Moses put his hand in his bosom and pulled it out, his hand was completely white⁵³⁴, and when the enemy nearly caught up with Moses and the Israelites, Moses put his staff in the sea and the sea split and the Israelites passed through safely, but it closed for the Pharaoh and his army who all drowned.⁵³⁵

e) Solomon's travels back and forth in one single day with the power over the wind that was given to him,⁵³⁶ the transfer of the famous throne of Queen Balkis in Yemen to Jerusalem in the blink of an eye,⁵³⁷ the talking bird,⁵³⁸ and hearing the speech of the ant.⁵³⁹

f) By Allah's leave, Jesus made a bird out of mud, and when he blew on it, the bird came to life and flew away, Jesus resurrected the dead, cured those who were born blind and had leprosy,⁵⁴⁰ had a table arrive from the heavens at the request of the apostles⁵⁴¹ and was informed about the things eaten and stored that were privately found in the houses of the people.⁵⁴²

530. See al-Anbiya, 21: 58-69.

531. Al-Shu'arā, 26: 141-158.

532. Yusuf, 12: 92-96.

533. Ṭa Ha, 20: 17-21, 65-70; Al-A'rāf, 7: 121-122, See 106-120.

534. Ṭa Ha, 20: 22; Al-Naml, 27: 12; al-Qaṣaṣ, 28: 32.

535. Al-Shu'arā, 26: 61-66.

536. Šād, 38: 35, 36; Saba, 34: 12.

537. Al-Naml, 27: 39, 40.

538. Al-Naml, 27: 20-28.

539. Al-Naml, 27: 18, 19.

540. Al-Mā'idā, 5: 110; Āl 'Imrān, 3: 49.

541. Al-Mā'idā, 5: 114, 115.

542. Āl 'Imrān, 3: 49.

2) Miracles Showing That Muhammad is a Prophet

a) The greatest miracle of the Prophet is the Qur'an. This is because although the miracles of other prophets ended when their historical period passed, the miracle of the Qur'an will continue until the Day of Judgment. The Prophet said about these miracles: *"There was no prophet among the prophets but was given miracles because of which people had security or had belief, but what I was given was the Divine Inspiration which Allah revealed to me. So I hope that my followers will be more than those of any other prophet on the Day of Resurrection."*⁵⁴³ The Qur'an is a miracle both in word and meaning. It was revealed at a time when Arabic literature was at its peak, and in the Qur'an, they were challenged to make a similar script with content and style, but the astonishing expressions, eloquence, and clarity left the Arabs speechless. In short, all Arab writers and poets were helpless against the Qur'an.⁵⁴⁴ The just and humble amongst them accepted Islam, believing the Qur'an to be the word of Allah.

b) The Miracle of *Mi'rāj* (Ascension). About a year and a half before the Migration to Medina, the Prophet made a night journey from Masjid al-Harām in Mecca to al-Masjid al-Aqsā in Jerusalem in a very short part of the night and from there ascended to the heavens.⁵⁴⁵

c) Splitting the moon into two parts.⁵⁴⁶

d) The pebble's conversation with the Prophet.⁵⁴⁷

e) In the mosque of Medina, the palm log, on which the Prophet (*saw*) used to deliver his sermons, started to groan when the Prophet started to deliver his sermons by ascending a new pulpit built for him, and the log stopped when the Messenger of Allah touched it with his hand.⁵⁴⁸

f) On the day of the Battle of Badr, before the Battle the Prophet informed his Companions about who of the enemy soldiers would die, even where and when they were going to die.⁵⁴⁹

g) Announcement of the outcome of the Battle of Badr with the following verse was revealed in Mecca. ***"[Yet] the hosts [of those who deny the truth] shall be routed, and they shall turn their backs [in flight]."***⁵⁵⁰

543. Al-Bukhari, I'tisam, 1.

544. See al-'Isrā, 17: 88.

545. Al-'Isrā, 17: 1; al-Najm, 53: 13-18.

546. Al-Qamar, 54: 1; al-Bukhari, Manaqib, 27; Muslim, Munafiqūn, 8.

547. Muslim, Faḍā'il, 2.

548. Al-Bukhari, Manaqib, 25.

549. Muslim, Jannah, 17.

550. Al-Qamar, 54: 45.

h) During the conquest of Khaybar when a Jewish woman offered fried poisonous mutton to the Prophet in order to kill him, the meat itself informed him that it had been poisoned.⁵⁵¹

i) Announcement of the conquest of Mecca with the following verse that was revealed long before the conquest. *“Verily He Who ordained the Qur’an for you will bring thee back to the Place of Return (Mecca).”*⁵⁵²

E – OTHER EXTRAORDINARY STATES

Although they resemble miracles in terms of form, there are some other extraordinary states that differ in quality from miracles. While miracles occur with a person who is given the task of prophethood, the non-miracle extraordinary phenomena and states are seen in people who are not prophets. Moreover, miracles cannot be imitated by anyone, but such other extraordinary phenomena can be imitated. The main non-miraculous phenomena are:

1) *Karāmah* (wondrous acts)

Karāmah lexically means dignity, honor, goodness, and beauty. As a term, it means wondrous acts and states that occur at the hands of some friends of Allah, who meticulously abide by the rules of the true divine religion, who are devoted to their prophet, and who have earned the love of Allah. These acts are called “*karāmah*”.⁵⁵³ An example of *karāmah* is when the Companions of the Cave, who were persecuted for their beliefs and left their towns to take shelter in a cave, were brought back to life by Almighty Allah years later as if they had been hibernating.⁵⁵⁴ At the request of Solomon, it was a *karāmah* that a servant of God was able to bring the throne of Balqis in the blink of an eye.⁵⁵⁵ Moreover, that three people trapped in the cave were saved by citing their past good deeds is also an example of *karāmah*.⁵⁵⁶

Furthermore, during the caliphate of Umar (ra), when he was delivering the Friday sermon in Medina, he called out to his commander Sāriye, who was fighting in Nihawand, saying, “O Sāriye, climb the mountain!” and both those who were in Friday prayer in Madinah and his commander, Sāriye, hundreds of kilometers away, heard this call and this warning led him to win the war. This event is known as the *karāmah* of ‘Umar (ra) and Sāriye.⁵⁵⁷

551. Al-Bukhari, Tıbb, 55; Muslim, Salām, 18; Abu Dawūd, Diyāt, 6.

552. Al-Qaṣaṣ, 28: 85.

553. Al-Taftazānī, *Sharḥ al-Maqāṣid*, Istanbul 1305, II, 203

554. See al-Kahf, 18: 9-12.

555. Al-Naml, 27: 38-40.

556. Al-Bukhari, Ijarah, 12.

557. Gölcük, *ibid*, p. 171.

The following is stated in the hadith: “*There are many men who have attained perfection. Among the women, there is no one who attained perfection except Maryam bint Imran and Asiya, the wife of the Pharaoh.*”⁵⁵⁸ The majority of Muslim scholars are of the view that prophets did not come from among the women. For that reason, they argue that Maryam, taking into account her long conversations with angels and the fact that she was inspired by Allah, was a “friend of Allah (*awliya/saints*)”⁵⁵⁹ whose wondrous acts are confirmed by the verses of the Qur’an.⁵⁶⁰

There are various verses in the Qur’an about the friends of Allah, which are expressed with the word “*walī-awliyā*”. In these verses, it is emphasized that the friend of Allah should have a firm belief and *taqwā*.⁵⁶¹ This is because they have attained the knowledge of Allah (*ma’rifatullah*) with faith and superior morality embellished with *taqwā*. For that reason, they are free from all kinds of fear, anxiety, and hopelessness.

The characteristics of those who have *taqwā* are listed as follows in a Qur’anic verse: a) They believe in Allah, the Last Day, angels, the book, and the prophets, b) Spend their wealth (or despite the love of property) for the sake of Allah and for relatives, orphans, the poor, the wayfarer, the beggars, the slaves and to free prisoner, c) perform their prayers properly, d) offer their *zakāt*, and e) show patience and resistance in times of distress, illness, and war.⁵⁶²

According to the narration from Said Ibn Jubayr (ra), the Prophet, in response to a question, described the friends of Allah as follows: “*They are such people that when they are seen, Allah is remembered.*”⁵⁶³ This characteristic is also indicated in the Qur’anic verse “*.. On their faces are their marks, (being) the traces of their prostration...*”⁵⁶⁴

According to what is reported from ‘Umar, the Prophet (*saw*) explained the state of the friends of Allah, whom even prophets and martyrs would envy on the Day of Judgment, as follows: “*These are such a community that they love each other only for the sake of Allah and in the way of Allah, without any kinship or interest. I swear by Allah that their faces are like a light and they are on a pulpit of light. When people are afraid, they are not afraid. When people are sad, they are not upset.*”⁵⁶⁵ The Messenger of Allah (*saw*) continued after this to recite the following verse: “***Behold! verily on the friends of Allah there is no fear, nor shall they grieve; Those who believe and***

558. Al-Bukhari, Anbiya, 32, 46; Muslim, Faḍā’il al-Ṣaḥāba, 70; Al-Tirmidhī, Aṭ’ima, 31.

559. See Āl ‘Imrān, 3: 37.

560. Al-Bukhari, Anbiya, 32, 46; Muslim, Faḍā’il al-Ṣaḥāba, 70; Al-Tirmidhī, Aṭ’ima, 31.

561. See al-Baqara, 2: 257; al-A’rāf, 7: 196; Yunus, 10: 62-64.

562. Al-Baqara, 2: 177.

563. Elmalılı, Hak Dini Kur’an Dili, IV, 2731.

564. Al-Fath, 48: 29.

565. *Tāj al-Uṣūl fi Ahādith al-Rasūl*, V, 83.

(constantly) guard against evil; For them are glad tidings, in the life of the present and in the Hereafter..."⁵⁶⁶

2) Inspiration

It is the knowledge that appears in the heart. Revelation and inspiration are different. Namely, revelation comes to the prophet. It reaches the prophet under the protection and supervision of Allah. The prophet is conscious while receiving the revelation. Inspiration, on the other hand, is not preserved, has a possibility of error, and is unconsciously brought into the hearts of Allah's beloved servants. The case of Moses' mother can be given as an example of such an inspiration. Moses' mother, who had a dream that Pharaoh had all the newborn boys killed after Moses was born, placed him in a basket and left him in the Nile river. This event is described in the Qur'an as follows: ***"So We sent this inspiration to the mother of Moses: 'Suckle (your child), but when you have fears about him, cast him into the river, but fear not nor grieve: for We shall restore him to you, and We shall make him one of Our messengers.'"***⁵⁶⁷ This happened through inspiration or a dream. Although inspiration is not considered a religious source *per se* of knowledge according to Muslim theologians, it may carry "authority that may be acted upon necessarily" only for the one who receives the inspiration. This does not have the characteristic of the prophethood of the prophets, but it is like the wondrous acts of the saints. This inspiration came to Moses' mother after he was born, and it is reported that his mother nursed him for three months before the river event.⁵⁶⁸

3) Irkhās

These are the extraordinary acts seen by the prophets before they were given the duty of prophethood, and are considered as evidence that he is destined to be a prophet. The fact that Jesus spoke in the cradle is an example of such extraordinary acts.⁵⁶⁹

4) Ma'ūnah

It means help and convenience. It is an extraordinary state occurring to some believers whose deeds, behaviors, and morals are good. It is the extraordinary way by which Almighty Allah saves a Muslim servant who is not a saint from distress and hardship.

5) Istidrāj

It literally means to give time or to give respite. They are extraordinary states and phenomena that take place by the wishes of individuals whose unbelief and sin are evident and clear to the people. Allah Almighty gives this ability to such a person who will carry out such extraordinary acts only to plunge him into more disbelief and sin. It is *istidrāj* that Satan's prayer was accepted, allowing him to do evil until the Day of Judgment,

566. See Yunus, 10: 62-64; al-Rāzī, *Mafātiḥ al-Ghayb*, Istanbul, 1307, V, 14; Ibn Kathir, *Tafsīr*, II, 422; Elmalılı, *ibid*, IV, 2731.

567. Al-Qaṣaṣ, 28: 7.

568. See Elmalılı, commentary of chapter al-Qaṣaṣ (28) verse 7.

569. Al-Mā'idā, 5: 110-115.

and the reigns of Pharaoh, Nimrod, and the like on earth for a while in their own way is also *istidrāj*. Moreover, the fact that some of the oppressors and infidels have, and experience, good worldly affairs is also related to *istidrāj*.

The following is stated in the Qur'an: ***"Those who reject Our signs, We shall gradually visit with punishment, in ways they perceive not; Respite will I grant unto them: for My scheme is strong (and unailing)."***⁵⁷⁰, and ***"Then leave Me alone with such as reject this Message: by degrees shall We punish them from directions they perceive not. A (long) respite will I grant them: truly powerful is My Plan."***⁵⁷¹

The word *istidrāj* mentioned in these verses denotes that as long as a servant continues his sins, Allah Almighty increases his health, prosperity, state, and blessings, making him forget to show gratitude, repentance, and forgiveness, thus bringing him gradually closer to Allah's torment and wrath, and finally seizing him abruptly.⁵⁷² It is reported that 'Umar prayed when the booty was brought to Medina after the conquest of Persia: "My God... I seek refuge in you from these treasures being *istidrāj*."⁵⁷³

6) *Iḥānah*

While *istidrāj* takes place in accordance with the wishes of those whose disbelief and rebellion are openly displayed, *iḥānah* is a realization of extraordinary acts against the wishes of this person. This ironically takes place at the same hands of those whose disbelief and rebellion are openly displayed. For example; Musaylama, who falsely claimed to be a prophet, anointed a child, who was blind in one eye so that his eye would see again but instead the child lost sight in the other eye as well. Moreover, Musaylama made an entreaty to increase the water of a well, but instead, the well went completely dry. Such acts are also called "*khidhlān*".

Some strange events fall into the type of magic and art, which are carried out by tools, causes, and means, and may even actually occur in accordance with the laws of nature. Anyone who knows these causes and the conditions can always demonstrate such strange feats. Yet, such acts are not actually extraordinary because they have natural explanations.



570. Al-A'rāf, 7: 182-183.

571. Al-Qalam, 68: 44-45.

572. H. B. Çantay, *ibid*, III, 1078, footnote 68.

573. Ömer Neseфі, *Akaid*, p. 170; Gölcük, *ibid*, p. 175.

VI. BELIEF IN THE HEREAFTER

A – BELIEF IN THE HEREAFTER

The word *ākhirah* literally means “the last, the last day and after.” In Islam, it means “the next world or the hereafter”. Accordingly, this world is the “previous world” where living things live, while the hereafter is the “next realm”. As a term, the hereafter refers to the life that will begin with Israfil (as) blowing the Trumpet for the first time at the command of Allah and it will last forever.

Allah Almighty created this world we live in and the creatures on it for a temporary period of time. One day, the world and all animate and non-inanimate beings in it will perish. Mountains, rocks, earth, and skies will be shattered, and the whole world will come to an end, leaving only Allah.⁵⁷⁴ That day, which will begin and continue with the occurrence of these events, is referred to in the Qur’an as “*al-yawm al-ākhir* (last day)”, “*yawm al-ba’th* (resurrection day)”, “*yawm al-qiyāmah* (day of judgment)”, “*yawm al-dīn* (day of punishment and reward)”, “*yawm al-ḥisāb* (day of reckoning)”, “*yawm al-talaq* (day of reunion)”, and “*yawm al-khasrah* (day of longing and regret)”.

After the Day of Judgment, people will be resurrected and brought back from their graves, and they will gather in the place of Judgment in the presence of Almighty Allah to give an account of what they have done in the world.⁵⁷⁵ After the reckoning, some people will go to Paradise as a result of their good deeds in the world and the mercy of Almighty Allah, and those who have committed bad deeds and are not worthy of Allah’s mercy will go to Hell.

Doomsday will come when Israfil (as) blows on something called a *sūr*, its nature is known only by Allah. When the *sūr* is blown for the second time, the souls will return to their bodies and resurrection will take place. Allah Almighty says: ***“The Trumpet will (just) be sounded, when all that are in the heavens and on earth will swoon, except such as it will please Allah (to exempt). Then will a second one be sounded, when, behold, they will be standing and looking on!”***⁵⁷⁶

Belief in the Hereafter is one of the fundamentals of the Islamic creed and is often mentioned in the Qur’an side by side with faith in Allah. A person who does not believe in the Hereafter goes beyond the limits of religion. The following is stated in the Qur’an

574. See al-Qāria, 101: 4-5; al-Raḥmān, 55: 27

575. See al-Hijr, 15: 25; Āl ‘Imrān, 3: 19; al-Hāqqa, 69: 19, 37.

576. Al-Zumar, 39: 68.

regarding people who have disbelief in this way: ***“...Any who denies Allah, His angels, His Books, His Messengers, and the Day of Judgment, has gone far, far astray.”***⁵⁷⁷

In many verses of the Qur'an, it is emphasized that the life of this world is temporary and the hereafter is permanent and that people should not fall for the pleasures and deceptions of this temporary life. However, attention is drawn to the fact that the world should not be neglected, since the Hereafter will be gained by the life of this world. The following is stated in the verses: ***“O my people! This life of the present is nothing but (temporary) convenience: It is the Hereafter that is the Home that will last.”***⁵⁷⁸, ***“Nay (behold), you prefer the life of this world; But the Hereafter is better and more enduring.”***⁵⁷⁹, and ***“But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world...”***⁵⁸⁰

There are many verses in the Qur'an about the resurrection after death. ***“It is He Who begins (the process of) creation; then repeats it; and for Him, it is most easy...”***⁵⁸¹, ***“Say, ‘He will give them life Who created them for the first time! for He is Well-versed in every kind of creation!’”***⁵⁸², and ***“Assuredly the creation of the heavens and the earth is a greater (matter) than the creation of men: Yet most men understand not.”***⁵⁸³

In worldly life, people can have different understandings, lifestyles, and deeds. Some are learned, some are ignorant, some are just, some are cruel, some are poor, some are rich, some do good, and some are evil. If there was no resurrection after death, those who did good deeds would not have been rewarded for it, and those who did evil would not have been punished for it. This is against the justice of Almighty Allah. That is why Almighty Allah has ordained resurrection and recompense for the deeds carried out in this world.

The life in the hereafter is described in the Qur'an as follows:

“Then, when one blast is sounded on the Trumpet, And the earth is moved, and its mountains, and they are crushed to powder at one stroke, on that Day shall the (Great) Event come to pass. And the sky will be rent asunder, for it will that Day be flimsy, And the angels will be on its sides, and eight will, that Day, bear the Throne of your Lord above them. That Day shall you be brought to Judgment: not an act of yours that you hide will be hidden. Then he that will be given his Record in his right hand will say: ‘Ah here! Read you my Record! I did really understand that my Account would (One Day) reach me!’” And he will be in a life of Bliss, in a Garden on high, The Fruits whereof (will hang in bunches) low and near. “Eat you and drink

577. Al-Nisā, 4: 136.

578. Al-Ghāfir, 40: 39.

579. Al-A' lā, 87: 16-17.

580. Al-Qaṣaṣ, 28: 77.

581. Al-Rūm, 30: 27.

582. Ya Sin, 36: 79.

583. Al-Ghāfir, 40: 57; al-Nazī'āt, 79: 27.

you, with full satisfaction; because of the (good) that you sent before you, in the days that are gone!” And he that will be given his Record in his left hand, will say: “Ah! Would that my Record had not been given to me! And that I had never realized how my account (stood)! Ah! Would that (Death) had made an end of me! Of no profit to me has been my wealth! My power has perished from me!” (The stern command will say): “Seize you him, and bind you him, And burn you him in the Blazing Fire.””⁵⁸⁴

In the continuation of this Qur’anic verses, two issues lead the book to be given from the left. a) Not believing in Allah, and b) Not encouraging the poor to be fed.⁵⁸⁵

In the verses above, the situation of believers and non-believers in the Hereafter is briefly revealed. Believing in the hereafter, which is full of good news for the believer and full of fear for the disbeliever, is the biggest factor that puts a person’s worldly life in order. Anyone who has the love of Allah and belief in the Hereafter in his heart also knows that all his affairs are recorded by the angel scribes. This belief prevents him from committing evil.

The belief in the hereafter also includes believing in certain chronological steps and concepts such as life in the grave, resurrection, the bridge of *Ṣirāt*, *mizān*, the pool of *Kawthar*, intercession, heaven, hell, and *A’rāf*. We will briefly explain them below.

B – LIFE IN THE GRAVE

Human life can be divided into four phases:

1) The phase from the time when the souls were created collectively and divinely asked, **“Am I not your Lord?”**⁵⁸⁶ until the time when the spirit of the fetus in the mother’s womb is blown into it around four months and ten days of the pregnancy. We can also call this the pre-earthly soul period. No one remembers or knows his state in this period except those whom Allah has permitted.

2) The life on Earth. The body is a tool that has the physical conditions, and characteristics of the world and serves as a cover and a medium for the soul during the time it needs to stay in this world.

3) The period of life in the grave between death and the apocalypse. Accordingly, the life in the grave is between the life of this world and the life of the hereafter. This is also called the life of *barzakh*.

4) The life in the hereafter, which will begin with the resurrection and continue forever.

584. Al-Ḥāqqā, 69: 13-31.

585. Al-Ḥāqqā, 69: 33-34.

586. Al-A’rāf, 7: 172.

The life in the grave, which will begin as good or bad according to the answers given to the questions of two angels, Munkar and Nakir, is mentioned in the Book and the Sunnah.

Allah Almighty says: ***“In front of the Fire will they be brought, morning and evening: And (the sentence will be) on the Day that Judgment will be established: ‘Cast you the People of Pharaoh into the severest Penalty!’”***⁵⁸⁷ It is understood that the torment mentioned in this verse, which is to occur before the Doomsday, is the torment in the grave.

When a person is put in the grave after death, two angels named Munkar and Nakir will come to him and ask, “Who is your Lord?”, “Who is your Prophet?”, and “What is your religion?” Those who have faith and good deeds will answer these questions correctly, and they will be shown Paradise by the opening of a door in their graves towards Paradise. The disbelievers and hypocrites, on the other hand, will not be able to answer these questions correctly, and the gates of Hell will be opened to them and they will be shown Hell, and painful and troubled life in the grave will begin for them.⁵⁸⁸

The following is stated in the hadiths: *“Indeed the grave is the first stage among the stages of the Hereafter. So if one is saved from it, then what comes after it is easier than it. And if one is not saved from it, then what comes after it is worse than it.”*⁵⁸⁹, and *“The grave is but a garden from the gardens of Paradise, or a pit from the pits of the Fire.”*⁵⁹⁰ Ibn Abbas (ra) narrates that the Messenger of Allah (saw) said while passing by the two graves, *“They (their occupants) are being tormented, but they are not tormented for a grievous sin. One of them carried tales and the other did not keep himself safe from being defiled by urine. He then called for a fresh twig and split it into two parts, and planted them on each grave, and then said: Perhaps, their punishment way be mitigated as long as these twigs remain fresh.”*⁵⁹¹

C - RESURRECTION (BA'TH)

After the Doomsday, Israfil (as) will blow the Trumpet for the second time and all living beings will be resurrected. According to the belief of the Ahl al-Sunnah, the resurrection will take place in both body and spirit. Allah, who created the human being first, has the power to create the human being a second time after he dies and turns into soil. The Qur'anic verses that state that those who deny the verses will be punished by roasting their skins,⁵⁹² and the Qur'anic verses that state the people's hands, tongue, and

587. Al-Ghāfir, 40: 46.

588. For the questioning in the grave see Muslim, Jannah, 17; al-Tirmidhī, Janā'iz, 70; Targhīb wa al-Tarhīb, III, 369.

589. Al-Tirmidhī, Zuhd, 5; Ibn Maja, Zuhd, 32.

590. Al-Tirmidhī, Qiyāmah, 26.

591. Al-Bukhari, 4/55; Muslim, 2/34; Abu Dawūd, 1/11; al-Tirmidhī, 1/53.

592. Al-Nisā, 4: 56.

feet will testify on Judgment Day⁵⁹³ demonstrate that the resurrection will occur with both the spirit and body.

The following evidence is introduced in the Qur'an regarding the resurrection:

1. First of all, it is possible for a Being who creates something out of nothing for the first time to create that thing for a second time. The following is stated in these Qur'anic verses:

*“And he makes comparisons for Us, and forgets his own (origin and) Creation: He says, ‘Who can give life to (dry) bones and decomposed ones (at that)?’ Say, ‘He will give them life Who created them for the first time! for He is Well-versed in every kind of creation!’”*⁵⁹⁴

*“O mankind! if ye have a doubt about the Resurrection, (consider) that We created you out of dust, then out of sperm, then out of a leech-like clot, then out of a morsel of flesh, partly formed and partly unformed, in order that We may manifest (our power) to you; and We cause whom We will to rest in the wombs for an appointed term, then do We bring you out as babes, then (foster you) that ye may reach your age of full strength; and some of you are called to die, and some are sent back to the feeblest old age, so that they know nothing after having known (much), and (further), thou seest the earth barren and lifeless, but when We pour down rain on it, it is stirred (to life), it swells, and it puts forth every kind of beautiful growth (in pairs).”*⁵⁹⁵

2. He who creates a difficult thing can create an easier one. The creation of the heavens and the earth is more difficult than the creation of the human being.⁵⁹⁶ Moreover, the first creation of human beings is more difficult than the second.⁵⁹⁷

3. Allah, who revives a dead place, can also resurrect a human being.⁵⁹⁸

593. Al-Nūr, 24: 24-25.

594. Ya Sin, 36: 78-79.

595. Al-Hajj, 22: 5. **Stages of Creation:** The stages of creation mentioned in this verse coincide with today's Anatomy. In this verse, the fetal period is mentioned in the order of “*nutfah*, *alaqah* and *mudgha*”. When one of the 400-500 million male sperm (*nutfah*) inseminate the female's egg cell, the embryo (*alaqah*) period begins and attaches to the female's ovary and begins to multiply through cell division. First, it takes the form of an indeterminate piece of meat (*mudgha*), then when the organs become definite, the spirit is blown into it when the fetus is about four months old. The embryo (*alaqah*) period, which is like a blood clot, lasts about one and a half to two months. During this period, it is permissible to abort the fetus in case of necessity or need. In the period from the formation of the organs until the soul is blown into it, the abortion of the fetus without any reason is not permissible and requires a compensation penalty called “ghurra (one twentieth of full blood money (*diyyah*))”. However, if the woman has diseases that put her or her life at risk, such as syphilis, cancer, stroke and severe heart disease, these are considered an excuse for abortion. (see Hamdi Döndüren, *Aile İlmihali*, Ist. 1995, pp. 255-260). It is stated in the Qur'anic verse that a similar development took place in the realm of plants with the drop of water on dry land.

596. Al-Ahqāf, 46: 33.

597. Al-Rūm, 30: 27.

598. Al-Hajj, 22: 5-7.

4. Anyone who can turn something into its opposite can turn it into something similar. Allah, who brings fire and water out of abundant green trees, can also resurrect human beings.⁵⁹⁹

Knowledge about the resurrection is also given in various hadiths of the Prophet. The following is stated in a hadith, *“Everything of the human body will decay except the coccyx bone (ajb al-zanab), and from that bone, Allah will reconstruct the whole body.”*⁶⁰⁰ In other hadiths, it is stated that all people will be resurrected on the Day of Judgment, that Muhammad will rise first from the grave,⁶⁰¹ and that every servant will be resurrected as he died.⁶⁰²

D – GATHERING AND ACCOUNTING

Hashr means “to gather, to come together”. As a term, it means the gathering of people by Almighty Allah to bring them to account after the end of the world. The place where people gather is called *Maḥshar* or *Araṣāt*.

After angels, jinn, and humans are resurrected, all human beings, old and young, sane and insane, will be gathered together. Animals will also be resurrected.⁶⁰³ However, after animals get their rights that concern them, they will turn back into the soil. Seeing their situation, unbelievers wish, *“Oh, would that I were mere dust!”*⁶⁰⁴

In that gathering, everyone will go and follow whomever they believed and followed in the life of this world, and they will gather together. Believers, hypocrites, sinners, and unbelievers all will gather together with their leaders. In the Qur’an, the following is stated about the gathering of the leader and his followers, *“One day We shall call together all human beings with their (respective) leaders.”*⁶⁰⁵, and *“Pharaoh will go before his people on the Day of Judgment, and lead them into the Fire (as cattle are led to water): But woeful indeed will be the place to which they are led!”*⁶⁰⁶

There are many verses in the Qur’an that talk about the gathering on Judgment Day. We will give the following verses as examples: *“One day He will gather them together: (It will be) as if they had tarried but an hour of a day: they will recognize each other: assuredly those will be lost who denied the meeting with Allah and refused to receive true guidance.”*⁶⁰⁷, and *“The Day that the wrong-doer will bite at his hands, he will*

599. Ya Sin, 36: 80, 81.

600. Al-Bukhari, Tafsīr, 39/3; Muslim, Fitan, 141, 142.

601. Al-Bukhari, Tafsīr, 39/3; Ibn Maja, Janā’iz, 58.

602. Al-Bukhari, Riqāq, 45; Muslim, Jannah, 55-59, 83.

603. Al-An’ām, 6: 38; al-Takwīr, 81: 5; al-Naba’, 78: 40.

604. Al-Naba’, 78: 40.

605. Al-’Isrā, 17: 71.

606. Hūd, 11: 98.

607. Yunus, 10: 45.

say, *'Oh! would that I had taken a (straight) path with the Messenger! Ah! woe is me! Would that I had never taken such a one for a friend!'*"⁶⁰⁸

Judgment Day is a very troubled, fearful, and terrifying day. No one will be even able to take care of their relatives because they will have their own problems. On that day, the faces of the believers will shine, the faces of the unbelievers will turn black, and the person will flee from his own brother, mother, father, wife, and children.⁶⁰⁹ The Prophet stated that every person will be resurrected as he died and that he will be resurrected barefoot and like his first creation.⁶¹⁰

When people gather to see their accounts, the "books of deeds" will be distributed, in which their deeds in the world are recorded by angel scribes. The following is stated in the Qur'an about this book of deeds, *"And the Book (of Deeds) will be placed (before you); and you will see the sinful in great terror because of what is (recorded) therein; they will say, 'Ah! woe to us! what a Book is this! It leaves out nothing small or great, but takes account thereof!'" They will find all that they did, placed before them: And not one will thy Lord treat with injustice.*"⁶¹¹

Records of deeds are given to the people of Paradise from the right, and to those of Hell to the left or from the back. Those whose books are given from the right are called "*Aṣḥāb Yamīn*", and those who are given from the left are called "*Aṣḥāb Shimāl*".

People will be held to account by Almighty Allah after they take their book of deeds in their hands and see that what they did in the world is written down to the smallest detail. Meanwhile, apart from the written documents, human organs and animate and inanimate beings on earth will also give witness to what the human being did.

The Prophet said that during the account, people will be asked about five things: a) Where did they spend their lives, b) How did they spend their youth, c) Where did they earn their wealth, d) Where did they spend it, and e) Whether they applied what they knew into their lives.⁶¹² It is reported in various hadiths that believers will easily answer these questions, whereas the unbelievers will be subjected to vigilant and meticulous questioning.⁶¹³

E – MĪZĀN

Mīzān, which literally means "scale, balance", is the measure of divine justice in which deeds are weighed after the account takes place in the hereafter. Those whose good deeds outweigh their bad deeds on the *mīzān* will be saved, and those whose good

608. Al-Furqān, 25: 27-28.

609. Abasa, 80: 34-42.

610. Al-Bukhari, Riqāq, 45; Muslim, Jannah, 14, 19; al-Tirmidhī, Tafsīr, 18.

611. Al-Kahf, 18: 49.

612. Al-Tirmidhī, Qiyamah, 1.

613. Al-Bukhari, Riqāq, 49, Maḥalim, 2; Muslim, Zakāt, 20, Jannah, 18.

deeds weigh less will go to hell. A person who is a believer and goes to hell due to the multiplicity of his sins will be able to go to heaven after being punished for his crime.

The following is stated in the Qur'an about the *mīzān*: ***"We shall set up scales of justice for the Day of Judgment, so that not a soul will be dealt with unjustly in the least, and if there be (no more than) the weight of a mustard seed, We will bring it (to account): and enough are We to take account."***⁶¹⁴ It is clearly stated in the following verse that action will be taken according to the result of the scale: ***"Then, he whose balance (of good deeds) will be (found) heavy, Will be in a life of good pleasure and satisfaction. But he whose balance (of good deeds) will be (found) light, will have his home in a (bottomless) Pit. And what will explain to thee what this is?"***⁶¹⁵

F – *ŞIRĀṬ* BRIDGE

It is a path or bridge stretched over hell. Everyone will pass over it. Some believers will pass over it faster and some others slower, depending on the state of their deeds in the world, while the people of disbelief and sinners will not be able to pass over it and fall into Hell by faltering. In one of the hadiths, the Prophet (*saw*) stated that he and his followers would be the first to pass the *sirat* that will be built over Hell and that people could pass over it quickly and easily due to their good deeds.⁶¹⁶

G - *A' RĀF*

A' rāf, which literally means the high parts of the mountain and the hill, is the name of the wall and the high part between heaven and hell. There are two views about *A' rāf* and who will be at *A' rāf*:

1. Those who die without hearing the message of any prophet, and the children of the polytheists who die when they are young will be at *A' rāf*.
2. The ones who will be at *A' rāf* are believers whose good and bad deeds are equal. Before they enter Paradise, they will be kept in this place for a while, and by the grace of Allah Almighty, they will then enter Paradise.

The following is stated about *A' rāf*, which is also the name of a chapter in the Qur'an, ***"Between them shall be a veil, and on the heights will be men who would know every one by his marks: they will call out to the Companions of the Garden, 'peace on you' they will not have entered, but they will have an assurance (thereof). When their eyes shall be turned towards the Companions of the Fire, they will say: 'Our Lord! send us not to the company of the wrong-doers.'"***⁶¹⁷

614. Al-Anbiyā, 21: 47.

615. Al-Qāri'ah, 102: 6-10.

616. Al-Bukhari, Adhān, 129, Riqāq, 48-52; Muslim, Imān, 81; Ibn Maja, Zuhd, 33.

617. Al-A' rāf, 7: 46-47.

H – SHAFĀ'AH (INTERCESSION)

The act of meditating for someone else's distress or helping them move to a higher position is called "*shafā'ah* (intercession)." *Shafā'ah* means that the prophets and those who have high ranks in the sight of Allah pray and ask Allah so that the sins of the believers who have sinned are forgiven, and those who do not have sins, can be promoted to higher ranks.

On the Day of Judgment, when there will be no intercession for the disbelievers and hypocrites, Muhammad (*saw*), other prophets, and Allah's chosen servants will be able to intercede for sinful believers. In this regard, evidence comes from the Book and the Sunnah. In the Qur'an, the following is stated regarding intercession, "***Allah knows what is before them, and what is behind them, and they offer no intercession except for those who are acceptable, and they stand in awe and reverence of His (Glory).***"⁶¹⁸, "***On that Day shall no intercession avail except for those for whom permission has been granted by (Allah) Most Gracious and whose word is acceptable to Him.***"⁶¹⁹, and "***...Who is there can intercede in His presence except as He permits?...***"⁶²⁰ The Prophet said, "*My intercession will be for those of my people who have committed major sins.*"⁶²¹

The Prophet also has a general and comprehensive intercession. This is called "*shafā'ah al-'uẓmā'* (the greatest intercession)". This intercession of the Messenger of Allah is also called "*maqām-i maḥmūd* (praised station)" in the Qur'an.⁶²²

Accordingly, messengers, prophets, friends of Allah, martyrs, and some scholars will be able to intercede for certain people who committed major sins. Moreover, those who fully complied with the Sunnah of the Messenger of Allah (*saw*) will be worthy of his intercession.



618. Al-Anbiya, 21: 28.

619. Ṭa Ha, 20: 109.

620. Al-Baqara, 2: 255.

621. Abu Dawūd, Sunnah, 21; al-Tirmidhī, Qiyamah, 11; Ibn Maja, Zuhd, 37.

622. Al-'Isrā, 17: 79. See for *shafā'ah al-'uẓmā'*, al-Bukhari, Zakāt, 52.

VII. FAITH IN THE DIVINE WILL AND DECREE

A – DEFINITION OF QAḌĀ AND QADAR:

Qadar literally means “measure, quantity, doing and determining something according to a certain measure”. As a term, it means that Almighty Allah knows the place, time, forms, and all kinds of features of all things that have happened and will happen from pre-eternity to eternity and that He decrees and wills them based on this knowledge. Therefore, the divine decree (sometimes inaccurately known as predestination and fate in English) is a requirement of Allah’s attributes of knowledge and will. Almighty Allah, with the attribute of knowledge, knows everything that has happened and will happen in all its details, and with the attribute of will, He chooses, determines, and decrees how and with what features it will happen. So, the knowledge of something by Allah in the pre-eternity and choosing and decreeing it in accordance with this knowledge is called “*qadar* (divine decree)”. In other words, the divine decree is Allah’s pre-eternal judgment and decision regarding what will happen. According to Allah’s will, this applies to all beings. This eternal decree, written in the *Lawḥ al-Maḥfūz*, comes true when the time comes for its implementation.

Qaḍā is the creation of the things that Allah has determined and decreed on His knowledge in pre-eternity, in accordance with His knowledge and will, when the time comes for their realization. *Qaḍā* is the manifestation of Allah’s attributes of “*qudrah* (power)” and “*takwīn* (create)”. Allah creates the things that will happen, when the time comes, with the attributes of “*qudrah* (power)” and “*takwīn* (create)” in accordance with the plan of divine decree.

In the realm of beings, everything is connected to *qaḍā* and *qadar*. Nothing can happen outside of Allah’s will and decree. In short, *qadar* (divine decree) is the total existence of all beings in the *Lawḥ al-Maḥfūz* as eternal knowledge of Allah, before they even come into existence. *Qaḍā* (divine will), on the other hand, is that they happen one by one when the time comes.

These definitions are according to Imam Māturīdī, who is the imam of one of the creedal denominations in Islam. Imam Ash’arī, who is the imam of the other creedal denomination, adopted what the Māturīdīs defined as *qadar* (divine decree) as *qaḍā* (divine will), and what the Māturīdīs call *qaḍā* (divine will) as *qadar* (divine decree).

B. EVIDENCE REGARDING QAḌĀ AND QADAR AND ITS SCOPE

Everything that has happened and will happen is by Allah’s *qaḍā* and *qadar*. This is among the tenets of Islam. Because Allah’s knowledge, will and power to create

encompass all beings and events. Some of the verses on which *qaḍā* and *qadar* are based are as follows:

“...Every single thing is before His sight, in (due) proportion..”⁶²³, “...it is He who created all things, and ordered them in due proportions.”⁶²⁴, and “Say: “Nothing will happen to us except what Allah has decreed for us: He is our protector”...”⁶²⁵

Accordingly, even if all people try to help someone, they cannot do so unless Allah wills it. Again, even if they try to harm someone, they will not be able to do it unless Allah wills it. The following is stated in the Qur'an: ***“If Allah touches you with affliction, none can remove it but He; if He touches you with happiness, He has power over all things.”***⁶²⁶ There are many verses such as these that directly or indirectly state that all events in the universe and on earth take place within a measure.⁶²⁷

In the hadith known as the hadith of Jibril, the Prophet (saw) counted belief in *qadar* (divine decree) among the principles of faith. According to this hadith, the Prophet (saw) asked Jibril (as), “What is faith?” He gave the following answer to the question: “It is your belief in Allah, His angels, His books, His prophets, the Last Day, and destiny with its good and evil.” Jibril (a.s) approved this answer.⁶²⁸

On the other hand, knowing the difficulty of understanding divine decree in all its aspects, the Prophet warned the Companions who were discussing this issue among themselves and said: *““Is this what I ordered you to do?” or “Is this what I have been sent to you with? The people before you were only ruined when they differed about this matter.”*⁶²⁹

In addition to these unknown aspects of destiny, the Prophet, taking into account the human will, explained the effect of destiny on human life as follows: *“Verily your creation is prudent. The constituents of one of you are collected for forty days in his mother's womb in the form of blood, after which it becomes a clot of blood in another period of forty days. Then it becomes a lump of flesh and forty days later Allah sends His angel to it with instructions concerning four things, so the angel writes down his livelihood, his death, his deeds, his fortune, and misfortune. By Him, besides Whom there is no god, that one amongst you acts like the people deserving Paradise until between him and Paradise there remains but the distance of a cubit, when suddenly the writing of destiny overcomes him and he begins to act like the denizens of Hell and thus enters Hell, and another one acts in the way of the denizens of Hell until there remains between him and Hell a distance of a cubit that the writing of destiny overcomes him and then he*

623. Al-Ra'd, 13: 8.

624. Al-Furqān, 25: 2.

625. Al-Tawba, 9: 51.

626. Al-An'ām, 6: 17.

627. See al-Zumar, 39: 62; al-Ṣaffāt, 37: 96; al-A'rāf, 7: 178; al-Wāq'ia, 56: 60 etc.

628. Muslim, Imān, 1; Abu Dawūd, Sunnah, 15; Ibn Maja, Muqaddimah, 9.

629. Al-Tirmidhī, Qadar, 1.

begins to act like the people of Paradise and enters Paradise."⁶³⁰ In other narrations, it is stated that the angel will come when the fetus is forty-two days old, and in addition to the four items above, the child's organs will be created, and the child's gender, physical, and health status will be determined.⁶³¹

According to the verses and hadiths above, it is understood that a determined life is given to the child while he is in the process of formation in the mother's womb and that there is a destiny in his biological creation. In fact, the Prophet said that doing good deeds for a lifetime would take a person to heaven, and then when he is one cubit away from heaven, committing one sin that would take him to hell, can change the result; or committing a lifetime of sin that would take the person to hell and then doing one good deed that would lead to the paradise can change the result and all this because of what is written in the womb. A Companion asked, "Since our destiny is written, why do we need to act?" Allah's Messenger replied: *"Do good deeds! Everyone is given the opportunity. For the people of felicity, the deeds of the people of felicity are facilitated. And for the wretched, the deeds of the wretched are facilitated."* Then he recited the following verse: ***"So he who gives (in charity) and fears (Allah), And (in all sincerity) testifies to the best, We will indeed make smooth for him the path to Bliss. But he who is a greedy miser and thinks himself self-sufficient, And gives the lie to the best, We will indeed make smooth for him the path to Misery;"***⁶³²

In this world, human beings are able to do things within the limits determined by destiny. This is not a compulsion of will. That is, no human being can be forced through his own will and a deed is realized within the limits of the human will. However, Allah's will, creation, and decree of destiny also take place in accordance with this deed.

In terms of responsibility, human actions are divided into two; voluntary and involuntary. Since acts and actions that are involuntary happen only by Allah's creation, without a person's own free will, humans are not held responsible for them. Things like the circulation of blood in the body, the functioning of various internal organs, and the feeling of hunger are of this nature. There is no merit or sin in such elements.

Voluntary actions, on the other hand, are created on the basis of human choice and will. People have a certain partial will and power in this regard. The human being uses his own will and power for a certain deed, and Allah Almighty creates this deed in the direction of his will. The human being cannot create his own deed but no force and coercion are involved since the use of will and power come from the human being.

Moreover, Allah Almighty has connected everything that happens or will happen to causes. The human being holds on to such causes, and Allah creates that thing. The

630. Al-Bukhari, Bad' al-khalq, 6, Anbiya, 1, Qadar, 1; Muslim, Qadar, 1; Abu Dawūd, Sunnah, 16; al-Tirmidhī, Qadar, 4; Ibn Maja Muqaddimah, 10.

631. Muslim, Qadar, 3, 4; Ibn Maja, Muqaddimah, 7; Ibn Hanbal, I, 374, II, 176, III, 397.

632. Al-Layl, 92: 5-10. See al-Bukhari, Bad' al-khalq, 6; Muslim, Qadar, 1.

divine sunnah continues in this way. For example, a person who performs ablution and turns to prayer uses his will in that direction and shows his power. As a result of the use of will and power, Allah creates the act of performing ablution and then praying. The fact that this ablution and prayer is known by Allah in the pre-eternal knowledge constitutes “destiny”.

In short, a person does not commit good or bad deeds because they were written and decreed in the pre-eternity. Since Allah knows that the human being will do good or bad by his own will, it has been written in that form in *Lawḥ al-Maḥfūz*. For this reason, the human being is held responsible for the good and evil actions he carries out.

C – ABU ḤANĪFA’S VIEW OF QADAR AND QAḌĀ

Abu Ḥanīfa said that destiny was written in *Lawḥ al-Maḥfūz* “by qualification”. According to him, everything in the world and the hereafter occurs by Allah’s knowledge, predetermination, qaḍā, qadar, and by writing on *Lawḥ al-Maḥfūz*. All evil, disobedience, obedience, action, will, and everything else is written down in the *Lawḥ al-Maḥfūz* with their attributes. This writing is not an abstract form, but rather it is held together with a cause and effect relationship. For example; “Ali will live as a believer in the world, will do good deeds, and as a result, he will go to heaven”, again the statements that “Hasan will live in the world without faith, will do evil through his own will, and will eventually go to hell” are examples of writings by qualification. Otherwise, it is not written “Let Ali be a believer” or “Let Hasan be a disbeliever”. For that would be a compulsion of will, but since a person commits his actions with his own will, he is considered responsible.⁶³³

D – DOES DESTINY CHANGE?

Allah Almighty determined destiny in detail and wrote it in *Lawḥ al-Maḥfūz*. It is up to Him to make any changes in it. The Qur’an states: **“Allah does blot out or confirm what He pleases: with Him is the Mother of the Book.”**⁶³⁴

According to this verse, Allah the Exalted abrogates the decree He wishes to abrogate, replaces it with whatever He wishes, or keeps it intact by not abrogating it. He can decree death or life for those whose time of death is approaching. Ahmad Ibn Mubarak said: I asked my illiterate mentor Abdulazīz al-Dabbāgh about the interpretation of this verse, and he gave me the following answer: “What is meant by “blotting out” is that some of the things that will happen in the future, such as rain falling, someone coming, the occurrence of that event do not occur, but “Allah erases it”; Some of them, on the other hand, occur, which is what is meant by “creates”.”⁶³⁵

633. Abu al-Muntaha, *Sharḥ al-Fiqh al-Akbar*, Istanbul 1308. Quoted from p. 11, Umar al-Nasafi, Aqāid, p. 143, 144

634. Al-Ra’d, 13: 39.

635. Hasan Basri Çantay, *Meal*, I, 375, footnote 29.

What is called “the Mother of the Book” in the above verse is Lawḥ al-Maḥfūz, destiny, and pre-eternal divine knowledge. What has changed is a *qaḍā*.

When one day the Prophet walked fast while passing by a building that was about to collapse, he was asked, “O Messenger of Allah, are you running away from Allah’s *qaḍā*?” he replied, “I seek refuge in Allah’s *qadar* from Allah’s *qaḍā*”. When ‘Umar went to Damascus, he heard that there was a plague there, and he returned. When he was asked a similar question, he replied: “I seek refuge in Allah’s *qadar* from Allah’s *qaḍā*.”

It is narrated that ‘Umar invoked Allah for a change of destiny with the following words: “O Allah! If you wrote my name among the wretched, erase my name from there. If you wrote it among the people of felicity, make it stay there. Because You said “**Allah does blot out or confirm what He pleases: with Him is the Mother of the Book**” and Your word is truth.”⁶³⁶

In conclusion, it is natural that Almighty Allah, who created all beings from nothing and rules the universe with the most delicate balance, knows everything, how it will happen, and the situations and forms that it could take in the future, and decrees them in His pre-eternal knowledge.



636. S. Vehbi Efendi, *Majmu'at al-Maārif*, Konya, 1327, p. 123.

CHAPTER THREE

PREPARING FOR WORSHIP

- Cleanliness in Islam
- Minor Ablution (*Wuḍū*) and
Issues Related to the Minor Ablution
- Major Ablution (*Ghusl*)
- Dry Ablution (*Tayammum*)
- Conditions Specific to Women

I - PURIFICATION IN ISLAM

A – PURIFICATION AND ITS SCOPE

The religion of Islam attaches great importance to cleanliness and requires the cleanliness of the body, clothing, place of prayer, and purification of the heart in order to enter the presence of Almighty Allah. The following is stated in the Qur’anic verses that were revealed during the Meccan period: **“And your garments keep free from stain!”**⁶³⁷ and **“O Children of Adam! wear your beautiful apparel at every time and place of prayer...”**⁶³⁸ The cleanliness of the place of worship is a common value in all Abrahamic religions and is symbolized by the Magnificent Ka’bah as is stressed in the following verse, **“.. and We covenanted with Abraham and Isma’il, that they should sanctify My House for those who compass it round, or use it as a retreat, or bow, or prostrate themselves (therein in prayer).”**⁶³⁹ In the Qur’an, repentance, which means cleansing oneself from spiritual impurities as well as the cleansing of oneself from material impurities, are mentioned together, and it is stated that those who do these acts will gain the love of Allah: **“For Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean.”**⁶⁴⁰ Moreover, the people of Kuba, who were situated in Medina and whose cleanliness is presented as an example to the ummah, were praised as follows: **“...In it are men who love to be purified; and Allah loveth those who make themselves pure.”**⁶⁴¹ In addition to external cleansing, purification of the heart and internal purification is vital, in fact, it is the most significant aspect of purification. For a person whose outside is adorned but whose inner world is full of spiritual grime cannot reach the truth of faith. Allah Almighty states that the first attribute of those who achieve salvation is purification with the following words, **“But those will prosper who purify themselves, and glorify the name of their Guardian-Lord, and (lift their hearts) in prayer.”**⁶⁴²

The Prophet (saw) also spoke of the importance of cleanliness with the following words, **“Cleanliness is half of faith.”**⁶⁴³ **“God is clean, and he loves cleanliness.”**⁶⁴⁴ and **“The key to prayer is cleanliness.”**⁶⁴⁵ The Messenger of Allah (saw) commanded the

637. Al-Muddaththir, 74: 4.

638. Al-A’rāf, 7: 31.

639. Al-Baqara, 2: 125.

640. Al-Baqara, 2: 222.

641. Al-Tawba, 9: 108.

642. Al-A’lā, 87: 14-15.

643. Muslim, Ṭahāra, 1; Aḥmad ibn Ḥanbal, IV, 260, V, 342-344

644. Al-Tirmidhī, Adab, 41.

645. Abū Dawūd, Salat, 73; al-Tirmidhī, Ṭahāra, 3.

cleanliness of the body and the environment on various occasions and set an example for his Companions and all the people in this respect.

Yet, it would be inaccurate to understand from the above verses and hadiths that it is adequate to clean the outside of the body with soap and plenty of water but the inner world of the body can be left full of spiritual grime and malice. For this reason, taking into account the inner cleanliness of the human being, the Muslim scholars divided purification into four groups:

a) Cleaning the body, the clothes, and the place of prayer. In addition to performing minor ablution (*wuḍū*), major ablution (*ghusl*), cleaning of the clothes and the place where prayer will be performed, removal of excesses such as the trimming of nails, armpit, and pubic hair, and being circumcised are included in this group.

b) Cleansing parts of the person after having committed sins such as deceitfulness, backbiting, eating *ḥarām*, betrayal of trust, and adultery. This is a form of spiritual purification that every believer should pay attention to because of his or her own spiritual well-being.

c) It means cleansing the heart of envy, vanity, arrogance, hypocrisy, greed, enmity, conceit, and similar spiritual diseases. When such foul traits disappear from the human being, humility, contentment, repentance, patience, fear, hope, love and similar beautiful attributes take their place. It is at this level that the belief of God-fearing people is found.

d) Cleansing the essence of the heart from everything other than Allah. Allah Almighty says: ***“Say: “Allah” Then leave them to plunge in vain discourse and trifling.*”**⁶⁴⁶ This means that if the heart is emptied of everything other than Allah, it will be busy with Allah alone. This refers to the heart gaining harmony with the statement of tawḥīd “*Lā ilāha illallāh* (There is no god but Allah)”. It is not possible for Allah and things other than Him (*māsiwā*) to exist in one heart at the same time since Allah Almighty did not create two hearts in a person’s chest.⁶⁴⁷ The latter level is the degree of belief of the prophets and *siddīqs*. This is what is meant by the statement that purifying the heart from *māsiwā* is half of faith. For by achieving such material and spiritual cleansing, the prayer of a believer, who stands before Allah, achieves ascension and at the same time, it keeps him away from all kinds of vices, *ḥarām*, and abominable things.⁶⁴⁸ Such a state creates a spiritual armor around him and protects his faith against harm that may come from the inner self (*nafs*) and the external society.

According to this classification, *ṭahārah* and its synonym *naẓāfah* include three types of cleaning:

646. Al-An'ām, 6: 91.

647. Al-Aḥzāb, 33: 4; Gazzali, *İhyau Ulūmi'd-Din* (Trans. Ali Arslan), Istanbul 1971, II, 24, 25; *Kimya-yı Saadet*, pub. by Erkam Yayınevi, Istanbul 1989, p. 91, 92.

648. Al-Ankabūt, 29: 45.

a) Cleaning the body, clothes, and environment from dirt and filth. This is known as being cleansed from *najāsāt* (material impurities).

b) Elimination of the state of ritual impurity. This is known as being cleansed from the *ḥadath* (spiritual impurities). Performing minor ablution (*wuḍū*) or major ablution (*ghusl*) or if these two are not possible, performing dry ablution (tayammum) in place of them are ways to be cleansed from *ḥadath*.

c) Cleansing the heart from spiritual stain and iniquity such as pride, arrogance, vanity, hatred, envy, and jealousy, and instead embellishing the heart with faith, sincerity, fear of God, and good morals.

B – CONDITIONS REQUIRED FOR CLEANING TO BE FARḌ (OBLIGATION)

In order to perform certain acts of worship, it is *farḍ* to clean the body, the clothes, and the place of worship from impurities. In the Qur'an, the Prophet was asked to **“keep his clothes clean”**⁶⁴⁹ and Ibrahim and his son Ismail were told to **“keep the Ka’ba clean”**.⁶⁵⁰ It is evident that if the cleanliness of the clothes and the place of worship is a prerequisite, the cleaning of the body must be considered even more of a requisite.

Therefore, both material and spiritual cleansing becomes an obligation for those who are obligated to perform the ritual prayer. For a person, the necessary conditions for such a cleansing to turn into an obligation are as follows:

1) Being a Muslim: Cleanliness is not obligatory for unbelievers. According to the Hanafis, because they do not have the basic requirement of the religion i.e. faith, they are not required to fulfill its practical aspects (*furū’āt*). In the Hereafter, they will only be punished for not believing. However, according to the majority of the Muslim jurists, the unbelievers are also subject in the Hereafter to the secondary acts of worship in this world. Moreover, just as the prayer that an unbeliever may offer is not valid, for the same reason, it is not mandatory for an apostate to make up the prayers that he did not perform until he returns to Islam and misses the prayers while being a Muslim. Only the Shafi’is argue that such an apostate person who returned to Islam is still obliged to make up the prayers missed while he was not a Muslim.

2) Being sane: Cleansing is not obligatory for the mentally ill or the unconscious. Liability only begins if such an individual recovers. On the other hand, if someone is drunk, the obligation to be cleansed is not waived.

3) Reaching the age of puberty: Purification is not obligatory upon a minor child. However, purification is ordered along with the ritual prayer for children from the age

649. Al-Muddaththir, 74: 4.

650. Al-Baqara, 2: 125.

of seven. If the child abandons purification and the prayer when he turns ten, he is to be reprimanded.

4) The cessation of menstrual and postpartum bleeding.

5) The beginning of the time of worship

6) The absence of the state of sleep.

7) The absence of the state of forgetting. Sleeping and forgetting are considered valid excuses for the delay of purification and the performance of an act of worship. The Prophet said: *"Whoever sleeps or forgets and does not pray because of it, let him pray when he remembers it."*⁶⁵¹

8) Not to be under duress. The Messenger of Allah (saw) said: *"Verily, Allah has forgiven for my nation their mistakes and forgetfulness, and what they are forced to do."*⁶⁵²

9) The availability of water or clean soil. Purification is essentially done with water. However, in cases where water is not available or cannot be used, it is necessary to remove the impurity in other ways and perform dry ablution (*tayammum*).

C – WAYS OF PURIFICATION

Despite the existence of certain disagreements among the schools of Islamic law regarding how purification is carried out, there are various agreed ways of purification for the purpose of worship and for the purpose of cleaning the impure things. Such as washing with water, boiling, wiping, rubbing, and scraping. Below we will briefly describe these methods of cleaning and purification:

1) Washing with water:

Water is the main cleansing agent in terms of both cleaning the grime and being used for the performance of the minor (*wuḍū*) and major (*ghusl*) ablution. Allah Almighty says, *"...Allah caused rain to descend on you from heaven, to clean you therewith..."*⁶⁵³ and *"...We send down pure water from the sky."*⁶⁵⁴

It is possible to classify water into five groups according to their characteristics:

a) Water that is both clean (*tāhir*) and cleansing (*tahūr*): Cleansing (*tahūr*) water means both ritually pure and usable for removing impurity as part of various expressions of worship as well as in routine daily activities, while clean (*tāhir*) water but not cleansing (*tahūr*) may not be used in activities related to Islamic worship such as minor ablutions, major ablutions and the like nor may it be used in the removal of impurities.³⁹ However, it is permissible to use such water (*tāhir*) for ordinary activities such as drinking, cleaning

651. Abū Dawūd, Salat, 11; Ibn Maja, Salat, 10; al-Nasā'ī, Mawāqīt, 53.

652. Al-Bukhari, Ṭalaq, 11, 'Ilm, 44, Shurūt, 12, Anbiya, 27; Ibn Maja, Ṭalaq, 16-20.

653. Al-Anfāl, 8: 11.

654. Al-Furqān, 25: 48.

one's body and clothing, kneading dough, and so forth.⁶⁵⁵ Rain, snow, river, sea, well, spring, dam waters, and pond waters where floodwaters are collected are of this type. These are called "absolute water (*muṭlaq* water)". In its original state, absolute water is both clean (*tāhir*) and cleansing (*tahūr*).

According to the narration transmitted by Abu Umama (ra), the Prophet (saw) said: "*Water is clean. Nothing makes it impure (najis) except that which changes its smell, taste, and color.*"⁶⁵⁶

As a general rule, water, which is the remnant of people, domestic animals such as sheep, goats, camels, cattle, horses, and mules (born from horses), wild animals whose meat is permissible to eat, and birds, are both clean (*tāhir*) and cleansing (*tahūr*) as long as it is not contaminated with impure materials.

b) Water that is clean and cleansing, but which is *makrūh* to use: According to the Ḥanafis, it is *makrūh* to drink or use leftover water of an animal, which is difficult to avoid, such as a cat, mouse, or bird of prey in a bowl or trough. The following is stated in a hadith regarding the cat: "*It is not unclean; it is one of those (males or females) who go round among you.*"⁶⁵⁷ Considering the waste of birds of prey as clean is based on the observation that they do not leave drool compared to humans, as well as due to the difficulty of avoiding their droppings, their clean beaks, and their ability to drink by drawing water with it.

According to the Malikis, water that has been mingled with impurity, but any one of whose fundamental properties, i.e. its taste, color or smell has not been changed is undesirable to use. However, when any one of the above-mentioned properties changes due to the impurity mixed in it, the water becomes impermissible to use.⁶⁵⁸

In short, when normal water is not available, such water can be used to perform *wuḍū*, *ghusl*, and any other material cleansing.

c) Water that is clean but not cleansing: Water that has already been used for ritual purification, such as *wuḍū* or *ghusl*, is called "*mā' musta'mal* or used water".

As pointed out, the water used for *wuḍū* or minor ablution, as well as that used for washing hands before and after eating, is called "*used water (mā' musta'mal)*". According to Imam Muhammad, such water is accepted as clean provided that it does not carry any impurities, but such water is not cleansing. In other words, it can only be used to remove material impurities. This is the accepted view of the Ḥanafī school. According to Abu Ḥanīfa and Abu Yusuf, such used water is considered unclean. Moreover, used

655. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, pp. 37-38.

656. Ibn Maja, Ṭaḥārah, 76. In *Zawā'id*, it is said that its *isnad* is weak because of the weakness of *Rishdin*. See al-Zayla'i, *Naṣb al-Rāya*, I, 94.

657. Abū Dawūd, Ṭaḥārah, 38.

658. Al-Jaziri, *ibid*, p. 42.

water that is mixed with material impurities or used for washing material impurities ceases to be clean.⁶⁵⁹

According to the opinion of Imam Malik and Imam Shafi'i, used water is both clean and cleansing, but it is *makrūh* (undesirable) to reuse it.

d) Water that is neither clean nor cleansing: Small amounts of water known to have something impure in it, and large puddles and streams whose color, taste, or odor has deteriorated due to the dirt falling into them are of this type. According to the Ḥanafīs, the small amount of water refers to water that has been placed in a receptacle with an area less than 10 x 10 cubits, or which is in a round basin with a circumference of fewer than 36 cubits. It is not necessary for such receptacles to be extremely deep, either. According to Shafi'i, the limit which differentiates the small and large amounts of water is two *qullas*, which is about 220 liters. According to Malikis, with regard to the impurity of water, not the size but rather the above-mentioned fundamental properties of water are important.

However, there may exist impurities in the waters that the sense organs cannot perceive. As a matter of fact, the water, which is the residue of predatory land animals such as dogs, wolves, lions, and pigs, are considered impure even if there is nothing impure in them. The saliva of these animals passes into the water, and their saliva is subject to the same ruling as their meat. These can neither be used for cleaning nor can they be drunk unless there is a necessity. In the hadith, the command to wash a bowl licked by a dog three times, once with soil, demonstrates the factuality of this ruling.⁶⁶⁰

e) Water that is suspect in its use for performing *wuḍū'* and *ghusl*: According to the Ḥanafīs, the remnant water of a donkey, and a mule born from a donkey is of this type. When clean water is not available, *wuḍū'* and *ghusl* can be performed with such water, and then *tayammum* is also performed.

Rosewater, fruit juices, mineral water, other types of soft drinks as well as the *muṭlaq* water that loses its transparency and fluidity by cooking clean things such as chickpeas, lentils, and beans in it is called "*muqayyad* water". With such water, it is only possible and permissible to remove dirt from clothes or the body when normal water is not available. This view belongs to Abu Ḥanīfa and Abu Yusuf and it is the preferred view of the Ḥanafi school. Though one cannot perform *wuḍū'* or *ghusl* with such liquids and in this, there is a consensus.

659. For details see al- Kāsānī, *Badāyī' al-Ṣanā'i'*, Beirut 1328/1910, I, 83-87; Ibn al-Humām, *Fatḥ al-Qadīr*, Bulak, 1315. H., I, 133-138; Ibn Abidīn, *Radd al-Mukhtār*, Egypt, n.d., I, 284-302; al-Zaylā, *Tabyīn al-Ḥaqāiq*, Amiriyya ed., I, 60 ff.; al-Maydanī, *Lubāb*, I, 24 ff.

660. See al-Bukhari, *Wuḍū'*, 33; Muslim, *Ṭahāra*, 89-93; al-Tirmidhī, *Ṭahāra*, 68; al-Nasā'ī, *Ṭahāra*, 52, Miyah, 7. Abu Hurayra first narrated a hadith about washing such utensils seven times, and since later he was content with washing such utensils three times, the first narration was considered abrogated. Zakiyyuddīn Ṣaban, *ibid*, pp. 75-76.

Water that has been mixed with clean substances such as soap, soil, and detergent is still cleansing if the mixture is of a small amount.

The importance of this classification of water becomes especially evident in arid and water-scarce areas.

2) Cleaning by wiping:

When things such as a knife, glass, mirror, polished wood, tile, porcelain, marble, or metal trays get filthy by a wet or dry impurity, they can be cleaned by wiping with a wet cloth or sponge, or a wet cloth with soil or detergent, in such a way that there is no trace of impurity left. For example, when the butcher knife is completely wiped with a clean cloth or soil, it is considered clean and the ritual prayer performed with such a knife on the person is recognized as valid. This is based upon the fact that after the Companions fought lethally with the enemy, they would wipe their swords and pray with the swords on their person. However, if the knife, sword, or any such utensil has a rough, unpolished surface, it should be washed.

3) Cleaning by burning:

Impurities such as blood smeared on a piece of fireproof metal can be cleaned by putting such a metal into a fire and burning it. If the grill on which the meat will be cooked is not clean, it can be cleaned by putting it into the fire in order to burn off the impurity.

4) Cleaning by scraping, rubbing, and wiping:

According to the Ḥanafis, if visible filth like feces of an animal touches things that do not absorb dirt, such as leather socks (*khuff*) and shoes, it can be cleaned with water, as well as by scraping or rubbing it with something like a knife. However, if invisible filth like urine touches the *khuff* or shoes, this part must be washed. As a matter of fact, in that case, it is not sufficient to scrape or rub the dirt that touches the clothes or the body.

According to the Ḥanafis, semen is impure, and dried semen can be cleansed by rubbing it away. However, wet semen should be washed with water. After cleaning the dry semen by rubbing it away, prayer can be performed in such a cloth, however, if the place of the semen gets wet again, according to the sound view of the Ḥanafis, the impurity will also return again. Therefore, it becomes necessary to dry and rub it again or wash it.

It is narrated from Aisha (r. anha) that she said: *“When the semen was dry, I was rubbing it from the clothes of the Messenger of Allah (saw), and washing it if it was wet.”*⁶⁶¹

While Ḥanafis and Malikis regard semen as unclean, Shafi‘is and Ḥanbalis consider human semen to be clean. This difference of opinion is based on the following statement from Ibn Abbas (ra), in addition to the different interpretations of the aforementioned hadith: *“Wipe the semen off you with izhir (a type of fragrant grass) or a piece of cloth,*

661. Al-Zayla‘i, *ibid*, I, 209, 210.

because it is like mucus and saliva.”⁶⁶² Especially in situations of poverty, cold, and traveling on a journey, this view provides a painless provision to Muslims.

If something impure falls into the solid oil/fat, molasses, and similar things, this substance can be cleaned by carving the impure material out and removing it together with its surroundings. The Prophet’s wife Maymuna (r. anha) said: “A mouse fell into cooking butter and died in it. The Prophet (saw) was asked about it: He (saw) said: ‘Take out the mouse and throw away the butter around it (and use the rest.)’”⁶⁶³

Solid materials are cleaned with water as long as their impurity does not seep into them. However, there are varying views about solid materials that do leak their impurity into them. According to Ḥanafis, if the head of an animal or its tripe is boiled without being washed and cleaned first, it is no longer possible to clean it because the impurities will get into it. In like manner, if poultry that has been slaughtered according to the proper methods is thrown into boiling water to soften their feathers, this process is *makrūḥ tanzihan* because the impurities on their wings can pass into their meat. The Malikis and the Ḥanbalis hold similar views in this regard. As for the Shafi‘is, solids that have absorbed an impurity may be purified; hence, for example, if meat has been cooked in or with an impurity, if wheat has absorbed an impurity, or if a knife has been dipped into an impure substance, they may be purified in every respect by pouring water over them.

5) Cleansing via chemical transformation:

If the nature of something impure transforms into something pure, it becomes clean. For example, if a pig or a donkey falls into a salt pan and over time transforms into salt, it is considered clean. Again, the deer blood transforming into musk, the wine turning into vinegar whether the change takes place unassisted or by virtue of someone’s action, the burning of the dung to ashes, making soap from impure oil, the drying of the mud mixed with the sewer and the disappearance of the traces of sewer, the burying of the dirt in the ground and the disappearance of its traces over time, all such chemical transformations makes the object clean.⁶⁶⁴

As for the Shafi‘is and the Ḥanbalis, they agree only that wine is rendered pure if it turns to vinegar without any outside intervention, whereas if someone deliberately turns it into vinegar, it is not considered rendered pure. They also do not count transformation by burning as a purifying agent; rather, they hold that the ashes and smoke resulting from burning an impurity are themselves impure. As for the Malikis, they hold that fire

662. Sa‘īd Ibn Manṣūr and al-Daraqūṭnī narrated this hadith as *marfū‘*. Al-Zuhaylī, *al-Fiqh al-Islamī*, Damascus 1405/1985, I, 98.

663. Al-Bukhari, Wuḍū’, 67; Dhabāih, 34; According to Ibn Ḥanbal and al-Nasā’ī’s narration, there is an addition of “into the solid fat.” Al-San‘ānī, *Subul al-Salām*, 2nd ed., III, 8; Al-Nasā’ī, *Far’*, 10; Aḥmad ibn Ḥanbal, VI, 329, 330, 335.

664. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 461; al-Bājī, *Muntaqā ‘ala al-Muwaffā’*, III, 153 ff.; Ibn Qudāmah, *Mughnī*, VIII- 319; al-Shīrāzī, *Muhadhdhab*, I, 48.

does not remove the impurity of something; however, most of them make an exception for the ashes of an impurity that has been burned.⁶⁶⁵

However, turning impure milk into cheese, grinding impure wheat or making bread from its flour, extracting oil from unclean sesame, and so forth do not make these clean because there is no transformation in their nature.

6) Purification through certain dispositions:

If it is forgotten which part of the body or clothing the invisible filth has touched, or if there is any doubt about the spot it touched, when a part of the body or clothing thought to be the *najas* is washed, all parts of the body or clothing are considered to have been cleansed. However, it is more appropriate to wash it all as a precaution. The former view provides convenience in cases where there are no spare clothes due to being on a journey, cold, and poverty, and it also helps to perform the prayer on time.

If a person who has impure materials or semen on him cannot determine when it was contaminated, he should repeat the prayers he has performed since the last time he went to the toilet in the case of impure materials and the last time he slept in the case of semen.⁶⁶⁶ For example, in the event that one notices dried blood stains spread around a large area on the underwear, the ruling is given according to the above-mentioned principle.

7) Cleaning by slaughtering or tanning:

The skin of any animal other than a pig becomes clean by slaughtering the animal according to the proper way in terms of Islamic law. Yet, there is a disagreement about the skin of a dog. The Ḥanafis accept the tanning of dog skin. It is permissible to pray on the tanned skin of such an animal. If an animal is edible, its meat is also considered clean. However, if it is an inedible animal, its meat is not considered clean, according to the accepted view of the Ḥanafī school. However, even if certain meat of an animal is considered clean due to proper slaughtering it is not permissible to eat it, since not every clean thing ought to be eaten.

According to the Ḥanafis, the skin of any dead animal other than a pig becomes clean by tanning. The Prophet said: “*When the skin is tanned it becomes purified.*”⁶⁶⁷ According to narrations, the Messenger of Allah (*saw*) was passing in front of a group of houses during the Battle of Tabuk. He asked for some water. A woman said, “*O Messenger of Allah, there is only water in a waterskin made from the skin of a dead animal.*” The Messenger of Allah (*saw*) said, “*Didn’t you tan it?*” She said “Yes, I did.”, The Messenger of Allah (*saw*) said, “*Its tanning is its purification.*”⁶⁶⁸

665. Al-Jaziri, *ibid*, p. 35.

666. Al-Zuhaylī, *ibid*, I, 99, 107; Ö. Nasuhi Bilmen, *Büyük İslam İlmihali*, İstanbul 1985, p. 61 ff.

667. Muslim, Ḥayd, 105; Abū Dawūd, Libās, 38; al-Nasā’ī, Far’, 20, 30, 31; al-Darīmī, Aḍāḥī, 20; Aḥmad ibn Ḥanbal, I, 219, 227, 237, 270, VI, 73.

668. Al-Nasā’ī, Far’, 4; Aḥmad ibn Ḥanbal, IV, 254, V, 67, VI, 329, 336.

Tanning removes the dampness and flowing blood which is the reason for the impurity of the carrion. In a way, tanning makes the skin cleansed from impurities. There are two types of tanning: “real tanning” which is made with substances such as alum, gall, salt, and similar things. On the other hand, tanning carried out by sprinkling soil on the skin and leaving it under the sun, air and the wind is called “judicial tanning”. According to the Ḥanafis, it is permissible to pray on animal skin tanned with one of these two processes and such skin can also be used for clothing. The exception for the pigskin in tanning is based upon the ruling that the pig is considered impure in itself, and the exception of human skin is because a human being even after death warrants reverence and honor that is distinct from dead animals.

The Shafi‘is stipulate that in order for the tanning process to have a purifying effect, it must involve the use of a substance. They also differ from the Ḥanafis in regards to purifying dog skin by tanning. The skin of a dog, a pig, the offspring of a dog and a pig, which have mated together, or the offspring of either a dog or a pig that has mated with a pure animal, may not be purified by tanning.

Even though the view that tanning has no purifying effect is the view most common among the Malikis, the more discerning Maliki jurists hold that it does have a purifying effect. The Ḥanbalis also deny that tanning the hides of dead animals renders them pure.⁶⁶⁹

8) Cleaning of wells, pools, and tanks:

The Muslim jurists paid much attention to the protection of water resources, which are to be used for drinking and cleaning purposes in accordance with the rules of hygiene, and to the methods of cleaning this water if something impure falls into it.

In stagnant waters, such as wells, tanks, and pools, where the impure substance may fall and spread, the ruling generally is that if possible it should be cleaned by the emptying of all its water. However, there are various practices mentioned in the narrations such as when the Prophet stated that the remaining water or water flowing after cleansing the water mixed with dirt can be utilized.⁶⁷⁰ Moreover, after Abdullah Ibn Zubayr had the Zamzam well emptied after an Abyssinian fell into it and died there, he saw that the water flowed like a spring from the direction of Hajar al-Aswad, and he said “This amount is enough”. Furthermore, Ali is known to have said for a well in which a rat has fallen, “Its water should be drained” and in another narration, he stated, “empty it until you think that the clean water prevails”. At other times, taking into account the water resources, various Companions and their followers recommended the extraction of between 40 and 70 buckets of water depending on the size of the impurity that had fallen into the stagnant water.⁶⁷¹ These practices were all done for the purpose of purifying the water from impurity and making it clean. Such practices in hindsight should be recognized for

669. Al-Jaziri, *ibid*, pp. 35-36.

670. Al-Tirmidhī, Ṭaḥāra, 49; Abū Dawūd, Ṭaḥāra, 34; Ibn Maja, Ṭaḥāra, 76; al-Nasā'ī, Miyah, 1, 2.

671. Al-Taḥāwī, *Ma'āni al-Āthār*, Chapter Ṭaḥāra.

their importance in terms of preventive medicine at a time when the microbe had not been discovered yet. Today, in case it is not possible to remove all of the water after a reasonable amount of water has been removed depending on the condition of the impure thing that fell into the water, the leftover water should be examined as to whether it is clean or not by carrying out laboratory analysis. In our contemporary times, necessary precautions are taken to keep the dams, ponds, and water reservoirs well-constructed and coordinated in order to provide clean drinking and utility water, and chlorination is frequently used against any possible contamination of the water.

9) Cleansing after going to the bathroom (*istibrā* and *istinjā*):

Cleansing oneself from material impurities after relieving oneself in the restroom is important both for the purification of the body and clothes and for the ritual purification of the worship that follows. It is also an indicator of good hygiene, health, and civilized behavior. Therefore, it is natural that Islam, which is a universal religion, would have some rules and regulations in this matter.

Cleaning oneself after urinating is called “*istibrā*”. It may be necessary for men to wait for some time to be sure that no urine remains in the urinary canal, and for this purpose to engage in some movements like moving a little, walking, or coughing. This is because if the urine does not completely cease it will not only nullify the ablution - except in the case of an exempted person -, but it will also cause the clothes to become impure. As a matter of fact, the Messenger of Allah (*saw*) stated that most of the torment in the grave would be due to people not protecting themselves from urine drops on their clothes.⁶⁷²

Showing meticulous attention to cleanliness while urinating is called “*istinjā*”. In this regard, besides cleaning oneself with water, it is best to dry one’s private parts with toilet paper.

Cleaning the places where things like blood, semen, urine, and feces come out is called “*istinjā*”. This cleaning can be done with water, or, if one is in the countryside, it can also be done with small stones. It is better to do it first with stones, and then with water. However, it is undesirable (*makrūh*) to perform *istinjā* with bone, coal, animal dung, cloth, cotton, or paper. However, drying with toilet paper after cleaning with water is similar to the cleanliness praised in the Qur’an by the people of Qubā near Medina.⁶⁷³ The Prophet (*saw*) asked them how they cleaned themselves, and they replied with the following words, “by using water and stone”.⁶⁷⁴

D – TOILET MANNERS:

The following are recommended (*mandub*) for a person who goes to the bathroom:

672. Al-Bukhari, Wuḍū, 55, 56, Janā’iz. 89, Adab, 46, 49; Muslim, Ṭahāra, 111; Abū Dawūd, Ṭahāra, 11; al-Tirmidhī, Ṭahāra, 53; al-Nasā’ī, Ṭahāra, 26, 116; Ibn Maja, Ṭahāra, 26.

673. See al-Tawba, 9: 108.

674. Al-Zayla’ī, *Naṣb al-Rāya*, I, 318 ff.; al-Zuhaylī, *ibid*, I, 196.

a) He should not go to the bathroom with something on which the name of Allah or the Prophet Muhammad is written. Anas (ra) said: “When the Prophet went to the toilet, he would take off his ring.”⁶⁷⁵ This is because his ring had the inscription “*Muḥammadun Rasūlullāh (Muhammad is the Messenger of Allah)*”. However, if such an inscription is hidden or it is feared that the item with the inscription may fall, it is no longer accepted as appropriate.

b) Reciting the following prayer that the Prophet recited before entering the toilet:

بِسْمِ اللَّهِ اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْخُبْثِ وَالْخَبَائِثِ .

“(O Allah, I seek refuge in You from impurity and impure things.)”

After that, enter with the left foot and exit with the right foot. This is the opposite practice while entering and leaving other places such as the house. In other places, the practice is to enter with the right foot and exits with the left foot.

After exiting the toilet, the following supplication is recited:

غُفْرَانَكَ الْحَمْدُ لِلَّهِ الَّذِي أَذْهَبَ عَنِّي آلَاءَ ذَاءٍ وَعَافَانِي .

“(O Allah! I ask for your forgiveness. Praise be to Allah, who removed the hurtful things from me and gave me health.)”

c) It is not permissible to recite the Qur'an, to speak in the bathroom, and to respond when someone greets you.

d) In open terrains, one should be out of sight or cover himself/herself with something.

e) It is *makrūḥ taḥrīmān* (undesirable close to the prohibited) to face the front, or one's back toward the qibla while relieving oneself in an open or closed place. The Prophet said: “*When you go to the privy, neither turn your face nor your back towards the qiblah at the time of excretion or urination, but turn towards the east or the west.*”⁶⁷⁶ The majority of jurists, except the Ḥanafis, say that this undesirability does not exist in closed toilets. The evidence they rely on is a hadith narrated by Jabir (ra).⁶⁷⁷

f) One should avoid relieving oneself in holes where insects live, in places such as roads, canopies, under trees, and where people pass and sit to rest. Prophet (saw) said, “*Be on your guard against three things which provoke cursing: relieving oneself in the watering places, on the thoroughfares, and in the shade.*”⁶⁷⁸

675. Abū Dawūd, Ṭaḥāra, 10; al-Tirmidhī, Libās, 17; Ibn Maja, Ṭaḥāra, 11.

676. Al-Tirmidhī, Ṭaḥāra, 6, Buyū', 41; Abū Dawūd, Ṭaḥāra, 4; Ahmed Ibn Ḥanbal, *Musnad*, II, 250, III, 487, V, 421.

677. Abū Dawūd, Ṭaḥāra, 4; Ibn Maja, Ṭaḥāra, 18; Aḥmad ibn Ḥanbal, V, 415, 430, 438, 439.

678. Muslim, Ṭaḥāra, 68; Abū Dawūd, Ṭaḥāra, 14; Ibn Maja, Ṭaḥāra, 21.

g) One should not urinate in still or running water and should avoid urinating while standing unless there is an excuse. All these acts are *makrūh*.

h) After relieving oneself, the cleaning should be done with the left hand, and hands should be washed with soap or something similar after exiting the bathroom.⁶⁷⁹

E – THINGS ACCEPTED AS CLEAN

In Islam, the basic premise is that things are ritually pure unless demonstrated to be otherwise. The entire earth, inanimate substances, whether solid or liquid, grass, trees, flowers, fruits, human beings, whether living or deceased, and the outer sides of the bodies of all animals, except the pig, are accepted clean as a general principle provided that they have not been contaminated by some other substance which would render them impure.

The Ḥanafis holds that the only ritually impure animal is the pig, while according to the Malikis, no animal is intrinsically impure, therefore, dogs, pigs, and their offspring are all ritually pure. Whereas, according to the Shafi'is and the Ḥanbalis, dogs, pigs, and their offspring, or the offspring of one of them having mated with something else, are considered impure.

According to the Ḥanafis, the fur and skin of a live dog and elephant are clean. The water that touches them is also considered clean. The skins, liver, heart, spleen, and blood not flowing but remaining in the meat of all of the animals after they have been slaughtered in accordance with the Islamic law are clean. Such is even the blood of small insects such as lice, fleas, and bed bugs. However, the pig does not become clean even when it is slaughtered in accordance with the rules of Islamic law.

According to all schools, fish and other animals that live and die in water are clean. However, according to the Ḥanafis, it is not permissible to eat the meat of animals that live and die in water other than fish.

According to the Ḥanafis, the parts of the animals, with the exception of the pig, into which blood does not penetrate do not become unclean in the event of the death of the animals. That is why the horns, nails, bones with no fat, clipped hairs, feathers, and tanned skins are considered clean. So are the hair, bone, and teeth of human beings.

According to the Ḥanafis the purity and impurity of a living being's tears, sweat, saliva, phlegm, bile and sputum, and dirt, and their cleanliness are subject to the same ruling as the residual water of the living being in question. If its residue is clean, the above-mentioned liquids are also considered clean. The saliva of mules and donkeys is clean, the saliva of birds of prey and animals living in houses such as mice, snakes, scorpions, and cats is *makrūh*; The saliva and residues of pigs, dogs, and other wild

679. For more information, see Ibn Abidīn, *ibid.*, I, 316-318; al-Shirāzī, *ibid.*, I, 25; Ibn Qudāmah, *ibid.*, I, 162-168; al-Zuhaylī, *ibid.*, I, 202 ff.

animals are impure. Human saliva is clean. However, if he drinks alcohol, his leftovers and saliva are not considered clean unless he cleans his mouth.

The Maliki school holds that saliva, which is secreted by the mouth in both waking and sleeping states, is ritually pure; however, what comes back up from the stomach and returns to the mouth is impure; such impure substances may be recognized by the change in their color and odor, as they tend to be yellowish and foul-smelling. Whereas according to the Ḥanbalis, tears, sweat, saliva, and mucous are all ritually pure whether they come from an animal whose meat may be eaten or from some other animal, provided that the animal is similar to or smaller than a cat, and that it does not originate from impurity. Finally, according to the Shafi'is, these things are ritually pure if they come from a ritually pure animal, whether its flesh may be eaten or not. They also hold that the venom of snakes and scorpions is ritually pure.

The excrements of birds whose meat is edible and defecate in the air, such as pigeons and sparrows, are considered clean. People's habit of feeding pigeons around Masjid al-Ḥarām or other mosques and the fact that when a pigeon defecated on Abdullah Ibn Umar, he wiped it and performed his prayers demonstrate that such bird droppings are not considered unclean.

According to Abu Ḥanīfa and Abu Yusuf, the droppings of the birds whose meat cannot be eaten, such as falcons, hawks, and owls, are pure due to necessity. This is because since they defecate in the air, it is difficult to protect one's clothes and any containers from them.

The blood remaining in the veins after slaughtering the animal is considered pure. Therefore, it is permissible to eat the blood found in slaughtered meat since it is stated in the Qur'an that the prohibited type of blood is the **"blood poured forth"**.⁶⁸⁰

According to the Ḥanafī school, the urine of house cats and mice found in water containers is impure. If only a small amount of such water touches the clothing, it is forgiven, as it is difficult to avoid. In like manner, when the small amounts of mud from the roads splashes on clothes, it is forgiven because it is difficult to avoid. It does not nullify ritual prayer unless it is known with certainty that it was an impure substance.

If the body of the corpse is clean, the water used for washing it is also accepted as clean. Otherwise, the water used for washing will be considered impure. However, the water splashing on the person who washes the corpse is forgiven because of the difficulty of avoiding it.⁶⁸¹

680. Al-An'ām, 6: 145.

681. For more information, see al-Kāsānī, *ibid*, I, 61-65; Ibn Abidīn, *ibid*, I, 154, 188-193, 295, 323; al-Maydanī, *Lubāb*, I, 30 ff.; al-Zuhaylī, *ibid*, I, 101, 120; Bilmen, *ibid*, p. 55 ff.

F – IMPURE (*NAJIS*) THINGS

Things that are unanimously accepted by all schools as impure (*najis*) are Human urine, human excrement, *wadi* (the white thick fluid emitted by males due to illness or exerting too much pressure while defecating), *madhi* (a thin pre-coital fluid that comes out due to sexual arousal), carrion of all land animals, the blood that pours forth from a land animal when it is slaughtered, all parts of the pig, menstrual and post-partum blood, *istihādha* blood (blood coming from women after menstruation – a prolonged flow of blood), and wine.

As for the controversial impurities, we can mention the following:

1. Dog's saliva: In contrast to the Maliki view, according to the Ḥanafī, the Shafī'i, and the Ḥanbali schools, dogs' saliva is impure.

2. Sperm: According to Ḥanafīs and Malikis semen is impure but pure according to Shafī'i and Ḥanbali view.

3. Human vomit: According to all four schools, it is impure but some jurists consider human vomit as pure.

4. Human blood and the blood of terrestrial animals: According to all four schools, it is impure.

5. Urine and feces of animals whose meat is permissible to eat: According to the Ḥanafīs and some Shafī'is, they are impure. According to Malikis, Ḥanbalis, and some Shafī'is, they are pure.

According to the Ḥanafīs impurities in Islamic law in terms of their materials are divided into two types *ghalīz* (dire) and *khafīf* (mild) in terms of the amount that will prevent the validity of the prayer. If the *ghalīz* (dire) type impure substance is solid and weighs approximately four grams (1 dinar), it prevents the validity of the prayer; if it is in liquid form and spreads over an area more than the palm of the body or clothing, then it prevents the validity of the prayer. In case of mild impurity, less than one-fourth of the body or clothing that is contaminated by it does not prevent the validity of the prayer.

The *ghalīz* (dire) impurities are:

1) Out of the things that come out of human beings; Urine, feces, semen, *wadi*, *madhi*, mouthfuls of vomit, flowing blood coming out of any limb, and pieces of flesh and skin cut from the body. The blood that comes from women during menstruation, post-partum, or during the extended flow of menstruation blood is also of this nature.

2) The urine of animals whose meat is not permissible to eat, their saliva, the feces of such animals other than birds, and the flowing blood of all animals.

3) The feces of chickens, geese, ducks, and the animals whose meat it is permissible to eat.

4) An animal that dies by itself without being properly slaughtered is impure. So are their untanned skins.

According to the Malikis, like the meat of carrion, its skin, bones, and nerves are not clean. However, hair, wool, and feathers are clean. Whereas, according to Shafi'is all parts of a dead animal, including hair, feathers, wool, and nails, are impure.

5) Wine. It is prohibited to drink and use, and if it spills on clothes or body, it will make that place impure unless it is washed.⁶⁸² According to the preferred view of the Ḥanafis, other intoxicating liquids are also like wine.

According to the Shafi'is, all intoxicating liquids are impure, whether more or less.

Things that are considered *khafīf* (mild) impurities include the following:

1) The urine of horses, mules, and donkeys as well as the urine and feces of domestic or wild animals such as sheep, goat, deer, or roe deer, whose meat is permissible to eat, are light impurities according to Abu Yusuf and Imam Muhammad. This is the preferred view of the Ḥanafī school. According to Abu Ḥanīfa, they are classified as a dire impurity.

2) The wastes of the wild birds whose flesh may not be eaten such as hawk, falcon, sparrow hawk, and eagle.

3) The gall bladder of an animal has the same ruling as the wastes of that animal.⁶⁸³



682. See al-Mā'ida, 5: 90.

683. See Ibn al-Humām, *ibid*, I, 135 ff.; al-Maydanī, *ibid*, I, 55; Ibn Rushd (Averroes), *ibid*, I, 73; al-Shirazī, *ibid*, I, 46; Ibn Qudāmah, *Mughnī*, I, 52; al-Zuhaylī, *ibid*, I, 150.

II – MINOR ABLUTION (*WUḌŪ*) AND ISSUES RELATED TO MINOR ABLUTION

A – DESCRIPTION, AND THE NATURE OF MINOR ABLUTION (*WUḌŪ*):

The word *ābdest* in Turkish originally comes from Persian and is a compound word consisting of the words *āb* (water) and *dest* (hand) meaning “hand water”. Ablution is called “*wuḍū*” in Arabic because of its beauty and service to cleanliness. According to the Ḥanafis, *wuḍū* is not an act of worship in itself but an act of worship done to fulfill some other worship and it helps a person to benefit fully from these acts of worship spiritually. It consists of washing or wiping certain limbs systematically and according to a method. Through performing *wuḍū*, the parts of the body that are most open to contamination and germs from outside, such as hands, face, mouth, nose, teeth, and feet, are washed several times a day. It also assists the nerve system and blood circulation on a regular basis. The ultimate objective is to assist the believer to come to the presence of Almighty Allah in a peaceful and tranquil state.

It is reported that the Prophet (*saw*) did not do anything without being in the state of *wuḍū*.⁶⁸⁴ The minor ablution is mentioned in the Qur’an as a prerequisite for the ritual prayer as follows: “***O you who believe! when you prepare for prayer, wash your faces, and your hands (and arms) to the elbows; Rub your heads (with water); and (wash) your feet to the ankles. ... and you find no water, then take for yourselves clean sand or earth...***”⁶⁸⁵ This verse was revealed in Medina. Taking into account that the ritual prayer was made obligatory on the night of Ascension (*Mi’raj*) in Mecca about a year and a half before the migration to Medina, it is postulated that ablution was initially practiced as a recommended act, and only after the Medinan period was it been made obligatory, especially for the ritual prayer.

According to the Ḥanafis, there are three types of minor ablution *farḍ* (obligatory), *wājib* (necessary), and *mandūb* (recommended). The majority of the schools agree that being in the state of *wuḍū* is *farḍ* (obligatory) in order to perform the ritual prayer (*ṣalah*), circumambulate the Ka’ba, perform the prostration of recitation, and touch the Qur’an. Yet, according to the Ḥanafis, it is not *farḍ* (obligatory) but *wājib* (necessary) to be in the state of ablution while circumambulating the Ka’ba. Moreover, it is considered *mandūb* to be in the state of *wuḍū* while going to bed, to perform ablution separately for each prayer even if the person is already in the state of *wuḍū*, and while reciting (without

684. Elmalılı, *Hak Dini Kur'an Dili*, II, 1583.

685. Al-Mā’ida, 5: 6.

touching) parts of the Qur'an, and reciting the call for prayer. It is also recommended (*mandūb*) to perform *wuḍū* before eating, drinking, or going to sleep when the person is in a state of major ritual impurity yet does not have the opportunity to perform the major ablution (*ghusl*).

It is well known that the Prophet has shown the actual way of performing *wuḍū* many times, and clearly stated that a prayer performed without *wuḍū* will not be accepted by Allah.⁶⁸⁶ Every Muslim who is sane, adolescent, and able to use water is obliged to perform the *wuḍū* when it is required.

By performing the *wuḍū*, many worldly and otherworldly virtues and beauties are obtained. The Messenger of Allah (*saw*) said the following about it: *"He who performed ablution like this ablution of mine and offered prayer like this prayer of mine, all his previous sins would be expiated."*⁶⁸⁷, and *"When a bondsman-a Muslim or a believer-washes his face (in course of ablution), every sin he contemplated with his eyes, will be washed away from his face along with water, or with the last drop of water; when he washes his hands, every sin they wrought will be effaced from his hands with the water, or with the last drop of water; and when he washes his feet, every sin towards which his feet have walked will be washed away with the water or with the last drop of water with the result that he comes out pure from all sins."*⁶⁸⁸

B – REQUIRED (*FARD*) ACTS OF MINOR ABLUTION (*WUḌŪ*):

The unanimously accepted four obligatory acts of *wuḍū* are mentioned in the order in the afore-mentioned verse. These consist of washing the face, washing the hands up to the elbows, wiping the head, and washing the feet up to the heels.⁶⁸⁹ Below they are individually explained in brief:

1) Washing the face:

It is *fard* according to all schools to wash the face once. The limits of the face are the part from the top of the forehead where the hair starts to the bottom of the chin where the beard ends and from one earlobe to the other. Water must reach to the skin under the beard (if it is not too thick), mustache and eyebrows.

2) Washing the arms:

It is *fard* to wash both hands up to the elbows (including elbows) once. If one wears a narrow and water-proof ring, it should be moved so as to let the water pass under it.

686. Al-Bukhari, *Wuḍū*, 2; Ibn Maja, *Ṭaḥāra*, 47; Zayd Ibn 'Ali, *Musnad*, H. No:1, p. 47 ff.

687. Al-Bukhari, *Wuḍū*, 28; Tawḥīd, 24; Abū Dawūd, *Ṭaḥāra*, 51.

688. Muslim, *Ṭaḥāra*, 32,33; al-Tirmidhī, *Ṭaḥāra*, 2; al-Darīmī, *Wuḍū*, 45; al-Nasā'ī, *Ṭaḥāra*, 107.

689. Al-Mā'ida, 5: 6

3) Wiping the head:

It is *farḍ* to wipe the head once. The schools have a disagreement regarding the amount of the area that needs to be wiped. According to Ḥanafis, one should wipe a quarter of the head with a wet hand or with a clean wet cloth that has not been used elsewhere. It is more virtuous to wipe the front of the head called “*nāṣiyah*”. A quarter of the head is as much as the size of a palm. Muḡhirah b. Shu’ba said: “*The Prophet (saw) performed wuḍū and wiped the front of his head, over his turban and his khuff (leather socks).*”⁶⁹⁰

Imam Shafi’i says that the amount of the area that needs to be wiped can be as little as a single hair. According to the view preferred by the Malikis, the Zahiris, and the Ḥanbalis, it is *farḍ* to wipe the entire head.⁶⁹¹ According to the Ḥanafis and the Shafi’is, it is not obligatory but *sunnah* to wipe the entire head. On the other hand, according to the Ḥanbalis, it is sufficient for a woman to wipe the front of her head.

4) Washing the feet:

It is *farḍ* to wash the feet up to and including the ankles once. The Prophet (*saw*) said “*Save your heels from the fire...*”,⁶⁹² and thus drew attention to the need to wash both feet together up to the ankles.

The majority of jurists, except for the Ḥanafis, added other *farḍ* acts to the *wuḍū* based on the evidence found from the *sunnah*. For instance, the Shafi’is and the Ḥanbalis consider it *farḍ* to observe the order (*tarṭīb*) of the acts of *wuḍū* mentioned in the Qur’anic verse, the Malikis and the Ḥanbalis consider it obligatory not to take a break between acts of ablution (*muwalāt*), the Malikis accept it mandatory to rub the limbs while washing, and all schools, except the Ḥanafis, accept “stating the intention” as part of the obligatory acts of *wuḍū*.⁶⁹³

Moreover, the statement “and your feet” that comes after the sentence “wipe your head” in the afore-mentioned Qur’anic verse has instigated some jurists to interpret it differently. The Ja’fariyyah school, for example, has interpreted it to mean “wipe your feet as well”. However, the main four schools argue that numerous narrations related by numerous Companions tell us that the Prophet (*saw*) washed his feet while performing ablution in their presence in order to teach them how to perform ablution, and expressed the virtues of washing the feet.⁶⁹⁴

C – THE SUNNAH ACTS OF MINOR ABLUTION (*WUḌŪ*)

According to the Ḥanafis, there is a difference between *sunnah* and *mandūb*. The term *sunnah* refers to the *mu’akkad* acts which are the acts, apart from *farḍ* and *wājib*,

690. Al-Bukhari, *Wuḍū*, 48; al-‘Ayni, *Umdat al-Qārī*, II, 376, Aleppo 1972.

691. See Ibn al-Humām, *ibid*, I, 10 ff.; Ibn Abidīn, *ibid*, I, 92; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 11; Ibn Qudāmah, *ibid*, I, 125 ff.; al-Zuhaylī, *ibid*, I, 219 ff.

692. Al-Bukhari, ‘Ilm, 30, *Wuḍū*, 27, 29; Muslim, Ṭaḥārah, 25-28, 30.

693. Al-Zuhaylī, *ibid*, I, 214.

694. Muslim, Ṭaḥārah, 32; al-Tirmidhī, Ṭaḥārah, 2; al-Darimī, *Wuḍū*, 45; See Zayd Ibn ‘Ali, *Musnad*, p. 47.

that the Prophet did constantly and rarely neglected, and in that case, just to show that they were not required. For instance, while performing *wuḍū* rinsing the mouth with water and drawing water through the nose, and performing a two-cycle prayer before the *farḍ* cycles of the dawn (*fajr*) prayer. Those who perform such sunnahs gain rewards, and those who abandon them, although they do not deserve punishment, are subject to condemnation and scolding. Among such acts, some sunnahs are highly symbolic in the religion, such as reciting the *adhān* and performing the prayer in congregation, which, if they are abandoned collectively by a group of Muslims in a region, Muslim society has the right to take precautions against them, since they would have made the sunnah insignificant.⁶⁹⁵

Furthermore, there are other acts of obedience to Allah that the Prophet sometimes did and sometimes abandoned, which are called non-*mu'akkad* sunnah, *mandūb*, *mustaḥab*, or *adab*. The four-*rak'ah* prayer performed before the late afternoon (*'aṣr*) and night (*'ishā*) prayers, and occasional donations to the poor, apart from the payment of *zakāt*, are of this nature. Those who observe such acts will earn rewards, and those who do not, will not be subject to condemnation or scolding.

Subsequently, the sunnahs of *wuḍū* are as follows:

1) Intention: It means to perform the ablution with the intention of performing ritual prayers, removing the absence of the state of *wuḍū*, or fulfilling the order of Allah Almighty. It is *mustaḥab* (recommended) to say with the tongue: "I intend to perform *wuḍū* for the sake of Allah". According to the majority of jurists, other than the Ḥanafis, the intention is mandatory (*farḍ*) for the validity of *wuḍū*.

The Ḥanafis, on the other hand, use as evidence that the intention is not mentioned in the verse of *wuḍū* or in the hadiths, and they also compared the fact that the intention is not a requirement for the other acts that are required to perform a ritual prayer, such as cleansing from the physical impurities and covering certain parts of the body. As for the other schools, in addition to the Prophet's saying "*Actions are judged by intentions*"⁶⁹⁶, they compared its requirement to the requirement of intention for performing ritual prayer and dry ablution (*tayammum*). Moreover, the fact that sincerity is fulfilled in worship by intention and that the minor ablution is ordered for prayer are among the proofs that they relied upon in this matter.⁶⁹⁷

The time for stating the intention is the time to start washing the hands or face.

2) To start performing *wuḍū* by reciting "*aūdhū-basmalah*". According to the narration related by Abu Saïd and Abu Huraira (*r.anhuma*), the Prophet (*saw*) said: "*There*

695. Sha'bān, *ibid*, p. 214.

696. Al-Bukhari, *Bad' al-waḥy*, I; Muslim, *Imāra*, 155.

697. See al-Maydanī, *ibid*, I, 16; al-Kāsānī, *ibid*, I, 17; Ibn Abidīn, *ibid*, I, 98-100; al-Shirazī, *ibid*, I, 14; Ibn Rushd (Averroes), *ibid*, I, 21; Ibn Qudāmah, *ibid*, I, 110 ff.; al-Zuhaylī, *ibid*, 225 ff.

is no ablution for anyone who does not mention the name of Allah.”⁶⁹⁸ Another hadith is as follows: “Whoever performs ablution and says basmala, it becomes a cleanser for his whole body. And whoever performs ablution and does not mention the name of Allah, ablution will only be a cleanser for the limbs of the ablution.”⁶⁹⁹

3) Washing hands up to the wrists when starting to perform ablution. If the hands are not clean, it is obligatory to wash them first so that they do not contaminate the other limbs. The Prophet (saw) said: “Whoever wakes up from his sleep should wash his hands before putting them in the water for ablution because nobody knows where his hands were during sleep.”⁷⁰⁰

4) To clean the mouth and nose by drawing water three times. Drawing water into the mouth and rinsing it is called “*maḍmaḍa*”, and drawing water into the nose and cleaning it is called “*istinshāq*”. In cleaning the mouth and nose, first, the mouth and then the nose is cleaned and the right hand is used to draw the water.⁷⁰¹ The following is stated in the hadith: “Whoever among you prepares to perform wuḍū, and then performs *maḍmaḍa*, *istinshāq* and *istinsār* (throwing out the water that is taken into the nose), no doubt, the sins of his mouth and nose will be washed away with water.”⁷⁰² According to the Ḥanbali school, *maḍmaḍa* and *istinshāq* are mandatory because the mouth and nose are parts of the face.

5) Cleaning the teeth: In the time of the Prophet (saw), the cleaning of teeth was carried out with a tree stick called *miswāk*. In fact, *Miswāk* is the branch of a tree called *araq*. It is usually finger-thick and a span-long stick. It cleans teeth, removes bad breath, and helps to protect the health of the mouth and stomach. Recently, it has been scientifically discovered that it contains fluoride, which is beneficial for both teeth and gums. On this subject, it is important to highlight that if one cannot find *miswāk*, one may use other cleaning tools such as toothpaste and toothbrush, etc. What is necessary is to give importance to oral hygiene by means of oral hygiene tools.

The Prophet said: “The *miswāk* is a cleanser for the mouth and a stimulant for the Lord’s approval.”⁷⁰³ and, “If I were not afraid that it would be too heavy for my ummah, I would order them to use the *miswāk* with every ablution.”⁷⁰⁴

However, *miswāk* is not only used only for ablution or before the prayers, its universal use has been recommended.⁷⁰⁵ For instance, using *miswāk* does not nullify the fast.

698. Ibn Maja, Ṭaḥāra, 41.

699. Al-Shawkanī, *Nayl al-Awṭār*, I, 135.

700. Al-Bukhari, Wuḍū’, 26, Bad’ al-khalq, 11; Muslim, Ṭaḥāra, 87, 88; Abū Dawūd, Ṭaḥāra, 50; al-Tirmidhī, Ṭaḥāra, 19; Al-Nasā’ī, Ṭaḥāra, 72.

701. Ibn Abidīn, *ibid*, I, 108.

702. Muslim, Musafirūn, 294; Ibn Maja, Ṭaḥāra, 6.

703. Al-Shawkanī, *ibid*, I, 102; al-Bukhari, Ṣawm, 27; al-Nasā’ī, Ṭaḥāra, 4.

704. Muslim, ‘Imāra, 103, 106-108; Ṭaḥāra, 42, Masājīd, 219; al-Bukhari, Imān, 26, Mawāqīt, 24, Jum’a, 8, Ṣawm, 27; Aḥmad ibn Ḥanbal, I, 80, 120, II, 245.

705. Ibn al-Humām, *ibid*, I, 15 ff.; al-Maydanī, *ibid*, I, 14; al-Shirazī, *ibid*, I, 13; Ibn Qudāmah, *ibid*, I, 95-97.

Moreover, for women when they are not fasting chewing gum is considered like the use of *miswāk*, because chewing gum is also considered oral hygiene.

6) Observing the order of the acts mentioned in the verse: Observing the order mentioned in the verse, in other words first washing the face, then the arms, then wiping the head, and finally washing the feet, one after the other, is a sunnah according to the Ḥanafis and the Malikis. If one is wearing *khuff* (a kind of leather socks), they are wiped. Accordingly, if this order is not followed, *wuḍū* will still be considered valid, but it will be seen as being against the sunnah. Whereas, according to the Shafi'is and the Ḥanbalis, observing the order in *wuḍū* is obligatory.⁷⁰⁶

7) To start washing limbs in pairs from the right: Accordingly, the right arm and right foot are washed first when their turn in ablution comes. It was narrated that Aisha (r.anha) said: "*The Messenger of Allah (saw) liked to start from the right in wearing shoes, combing hair, cleaning and in all his affairs.*"⁷⁰⁷ These actions listed in the hadith are like examples that can be applied to all other daily actions. For instance, washing any other parts of the body always commences from the right side. Starting from the right is therefore considered sunnah.

8) Washing the limbs of *wuḍū* three times: The first wash out of the three times is considered *fard*, and the following two times are considered sunnah. It is against sunnah to wash more than three or fewer times. However, if there is a reason to do it more or less times, such as getting rid of doubt or lack of water, such situations are accepted as exceptions.

While the Prophet was teaching his Companions to perform *wuḍū*, he washed his body parts once and said, "*This is the ablution with which Allah accepts the prayer.*" He then washed his limbs twice and said, "*This is what Allah has doubled the reward with it.*" After performing ablution by washing his limbs three times, he (saw) said, "*This is the ablution of me and the prophets before me.*"⁷⁰⁸

According to most jurists, it is sufficient to wipe the head once. Because in many hadiths, it is stated that the Messenger of Allah (saw) washed his other limbs two or three times, while it was stated that he wiped his head only once. Only the Shafi'is are of the opinion that it is also a sunnah to wipe the head three times.⁷⁰⁹ They based this view on the practice of some of the Companions as well as the saying "*Three is more virtuous*", which is transmitted from Anas (ra).⁷¹⁰

9) To start washing the hands or feet from the fingertips.

706. Al-Kāsānī, *ibid*, I, 17vd., Ibn al-Humām, *ibid*, I, 23; Ibn Rushd (Averroes), *ibid*, I, 16.

707. Al-Bukhari, *Salat*, 47, Aṭ'ima, 5; Muslim, *Ṭahāra*, 66, 67.

708. Al-Bukhari, *Wuḍū*, 22-24; Abū Dawūd, *Ṭahāra*, 52-54; al-Tirmidhī, *Ṭahāra*, 32-35; Ibn Maja, *Ṭahāra*, 45-47.

709. See al-Bukhari, *Wuḍū*, 7, 24, 28, 38-42, Ṣawm, 27; Ibn Maja, *Ṭahāra*, 6, 51-53; Aḥmad ibn Ḥanbal, I, 58, 59.

710. Al-Zuhaylī, *ibid*, I, 247, 248.

10) To rub between the fingers while washing. While performing ablution, it is necessary to be certain that there is no dry part is left by intertwining the fingers of the hands and by moving a finger between the toes. Submerging the fingers into the water replaces moving the fingers between them. The Prophet said: *“Feel between your fingers so that the fire of hell does not come between them and touch them.”*⁷¹¹

11) Ensuring that water reaches under the beard: It is necessary for those who have a thick beard to touch their beards from the lower side to the upper side by inserting their fingers into the beard while performing the *wuḍū*. For those who have a thin and short beard, washing is sufficient as water can easily get under it. In the hadith, it has been commanded: *“Oppose the polytheists, shorten the mustache and grow the beard.”*⁷¹² It is reported that the Prophet swept his beard with a handful of water while performing ablution and said, *“My Lord has ordered me to do it this way.”*⁷¹³

12) Wiping the entire head at once: This is called a covering *“mash”*. A person who performs ablution wipes his head with two wet palms and fingers, starting from the front of his head to the back, by pulling them backward to cover the entire head. This is the sunnah according to the Ḥanafis and the Shafī‘is.⁷¹⁴ As noted earlier, it is mandatory by the Malikis and the Ḥanbalis.

13) Wiping the ears: According to the majority of jurists, it is sunnah to wipe the ears inside and out with fresh water. Their evidence is that the following hadith was reported from Abdullah b. Zayd (ra), *“He saw the Messenger of Allah (saw) performing ablution, and he took fresh water for his ears in addition to the water he had taken to wipe his head.”*⁷¹⁵ However, based on the hadith stating that *“Ears are from the head”*⁷¹⁶, the Ḥanbalis accept wiping the ears as obligatory. However, this hadith has been considered weak by most other scholars.⁷¹⁷

14) Rubbing the limbs of the ablution while pouring water on them: According to the majority of jurists, rubbing is sunnah because rubbing is not commanded in the Qur’anic verse, nor is it clearly established by the sunnah. The Malikis, on the other hand, consider rubbing obligatory.⁷¹⁸

15) To wash the limbs of *wuḍū* without interruption: It means to start washing a limb before the water poured over the previously washed limb dries. This is called *“muwalāt”* or *“wilā”*. However, dryness due to excessive heat does not affect the validity of the *wuḍū*. According to some jurists, without interruption denotes not being busy with

711. Abū Dawūd, Ṭaḥāra, 56, 59; Al-Tirmidhī, Ṭaḥāra, 30, Ṣawm, 68; Al-Nasā’ī, Ṭaḥāra, 91.

712. Muslim, Ṭaḥāra, 56; Abū Dawūd, Ṭaḥāra, 29; Al-Tirmidhī, Adab, 14; Al-Nasā’ī, Zīnah, 56.

713. Al-Zayla‘ī, *ibid*, I, 23; Al-Shawkanī, *ibid*, I, 148.

714. Al-Shawkanī, *ibid*, I, 158.

715. Al-Zayla‘ī, *ibid*, I, 22.

716. Al-Shawkanī, I, 180.

717. Al-Zuhaylī, *ibid*, I, 249.

718. Al-Shawkanī, *ibid*, I, 244; al-Zuhaylī, *ibid*, I, 235.

any other task while performing the *wuḍū*. Whilst the Ḥanafis and the Shafi'is consider having no interruption during the *wuḍū* as sunnah, the Malikis and the Ḥanbalis consider it *fard*.⁷¹⁹

16) Wiping the neck: According to the Ḥanafis after wiping the head and ears, the neck is wiped with the backs of both hands and with three fingers each, without the need for taking freshwater. In some sources, wiping the neck is mentioned among the recommended or *mandūb* acts.⁷²⁰

D – THE ETIQUETTE OF MINOR ABLUTION (*WUḌŪ*)

The Ḥanafis use the term “*adab*” in the sense of *mandūb* and the plural “*ādāb*”. *Adab* or *mandūb* are actions that the Messenger of Allah (*saw*) did once or twice but did not do continuously. It means that there is a reward when it is done, and there is no disapproval when it is abandoned. The Malikis, on the other hand, use the terms “*faḍīlah* (virtue)”, “*ḥaslah*” and “*mustaḥab*” to refer to such actions instead of *mandūb* or *ādāb*.

The difference between *sunnah* and *mandūb* or *mustaḥab* is as follows: *Sunnah* is the act and performance that the Lawmaker (*Shari'*) confirms and its value is elevated. *Mandūb* or *mustaḥab* is an action that the Lawmaker (*Shari'*) wants to be performed by the believer, not in a certain form but rather its performance is left undemanding. Those who carry out such actions receive rewards but those who abandon them do not deserve to be punished nor reprimanded.

The main *ādāb* of *wuḍū* are as follows:

1) To be facing the *qibla* while performing the *wuḍū* for the *qibla* is regarded as the most honorable of directions and it is anticipated that the supplications said by turning to it will be accepted. Since the Shafi'is and the Ḥanbalis do not distinguish between sunnah and *adab*, they accept the facing towards the *qibla* as sunnah.

2) To perform *wuḍū* before the prayer time commences and to be prepared for the ritual prayer. Those who have excuses are excluded from this principle.

3) To be in an elevated place while performing the *wuḍū*. In that way, the splashing of ablution water on clothes can be averted.

4) Not asking for assistance from someone else to perform the ablution unless there is a necessity. However, if someone else helps voluntarily, it is not considered to be against *ādāb*. It is reported that Mughira b. Shu'ba (ra) poured water for the Messenger of Allah (*saw*) while he was performing the *wuḍū*.⁷²¹

719. Ibn Abidīn, *ibid*, I, 113; Ibn Rushd (Averroes), *ibid*, I, 17.

720. See al-Mawṣilī, *Ikhtiyār*, I, 9; al-Zuhaylī, *ibid*, I, 253; Ibn Abidīn, *ibid*, I, 115.

721. Al-Shawkanī, *Nayl al-Awṭār*, I, 175.

5) Not to talk to another person during *wuḍū* unless there is a necessity because talking distracts the one who performs the ablution.

6) To move around any rings on fingers that are not tight while performing the *wuḍū*. However, if a ring is tight around a finger then it is necessary (*wājib*) to let water pass under it by moving it. It was narrated from Abu Rafi' (ra) that the Messenger of Allah (saw) moved his ring while performing *wuḍū*.⁷²²

7) To draw water into the mouth and nose with the right hand during ablution, and to use the left hand to clean the nose.

8) Wiping the inside of the ears with the little finger slightly wet.

9) Wiping the neck. According to the view preferred by the Ḥanafis, it is *mustahab* or *mandūb* to wipe the neck. This is based upon the fact that the hadith transmitted by Talha b. Mutarrif from his father and his father, narrated from his grandfather, that the Prophet (saw) wiped his neck is considered weak.⁷²³ For that reason the majority of jurists consider it *makrūh* to wipe the neck.

10) While washing the face, to feel the edges of the face and the fountains of the eyes, and to reach the water up to the elbows and heels. The following is stated in a hadith: "You shall be *al-ghurr al-muḥajjalūn* (have your faces hands and feet bright) on the Day of Resurrection because of your perfect ablution. He who can afford among you, let him increase the brightness of his forehead and that of hands and legs."⁷²⁴

The Malikis interpreted the word "*ghurr*" in the hadith with the meaning of "*wuḍū*" and gave two meanings to the prolongation of the *ghurra*. First, washing more than the obligatory part of each limb, and secondly, being in the state of ablution continuously or trying to keep a constant state of *wuḍū*. According to them, the former is *makrūh* due to excess, and the latter is *mustahab*.⁷²⁵

11) To draw enough water to wash the limbs and to avoid wasting water even when performing *wuḍū* by the river or the sea because wasting water is considered *makrūh*.

12) To recite *kalima al-shahadah* and to invoke Allah after performing the *wuḍū*. The Ḥanbalis say that doing these acts is also *mandūb* after *ghusl*.

Kalima al-shahadah and invocation after *wuḍū* are recited as follows:

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ. اللَّهُمَّ اجْعَلْنِي مِنَ التَّوَّابِينَ وَاجْعَلْنِي مِنَ الْمُتَطَهِّرِينَ. سُبْحَانَكَ

722. Al-Shawkanī, *ibid*, I, 153.

723. Ibn Abidīn, *ibid*, I, 115; al-Shawkanī, *ibid*, I, 163; al-Mawṣilī, *Ikhtiyār*, I, 9.

724. Muslim Ṭaḥāra, 34, 35.

725. Al-Zuhaylī, *ibid*, I, 254.

اللَّهُمَّ وَبِحَمْدِكَ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا أَنْتَ أَسْتَغْفِرُكَ وَأَتُوبُ إِلَيْكَ. وَصَلَّى
 اللَّهُ وَسَلَّم عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ

“Ashhadu an lā ilāha illāllahu waḥdahū lā sharīka lah, wa ashhadu anna Muḥammadan abduhū wa Rasūluhu. Allāhumma ‘jalnī mina’t-tawwābīna wa ‘jalnī mina ‘l-mutaṭahhirīn. Subḥānaka, Allāhumma wa bi ḥamdika. Ashhadu an lā ilāha illā anta, astaghfiruka wa atūbu ilayk. Wa ṣallāllāhu wa sallam ‘alā Muḥammadin wa ‘alā āli Muḥammad.”

“I testify that none has the right to be worshipped but Allah Alone, there are no partners for Him. And I testify that Muhammad is His servant and Messenger. O, Allah! Make me among the repentant, and make me among those who purify themselves. You are free from any defect. O, Allah! I thank you. I testify that none has the right to be worshipped but You Alone. I beg Your forgiveness, and I repent to You.”

It is a sunnah to greet the Prophet after performing the *wuḍū*. Reciting *kalima al-shahadah* and invoking Allah are *mandūb* based on the following hadith: “If anyone amongst you performs the ablution, and then completes the ablution well and then says: I testify that there is no god but Allah and that Muhammad is the servant of Allah and His Messenger, the eight gates of Paradise would be opened for him and he may enter by whichever of them he wishes.” Tirmidhi adds the following to this hadith reported by Muslim, “You are free from all deficiencies. O Allah I testify that none has the right to be worshipped but Allah Alone, there are no partners for Him. And I testify that Muhammad is His servant and Messenger. O, Allah! Make me among the repentant, and make me among those who purify themselves.”⁷²⁶

13) To drink any water drawn not used for the *wuḍū*, and stand facing the qibla reciting the following invocation, “O Allah! Make me one of Your righteous servants who repent every time they commit a sin, avoid sin, and stay clean.”

14) To recite Chapter al-Qadr once, twice, or three times at the end of the ablution.

15) To perform two units of supererogatory prayer after the *wuḍū* as long as it is not one of the times when it is *makrūh* to perform prayers.

It is important to note at this juncture that things that are contrary to the sunnahs or *adab* of *wuḍū* are either *tahriman* or *tanzihan makrūh*.

E – THE SUPPLICATIONS FOR *WUḌŪ*

The supplications to be recited while performing ablution and washing the limbs are not based on the sayings of the Prophet (*saw*) as stated by Imam Nawawi. The appropriate

726. See Muslim, Ḥajj, 276; Ṭaḥāra, 17; Abū Dawūd, Ṭaṭawwū’, 26, Manāsik, 63; Ibn Maja, Ṭaḥāra, 57, ‘Iqāmah, 72, al-Tirmidhī, Da’āwāt, 38.

supplications to be recited while washing each limb were transmitted from the predecessors and they were considered virtuous to recite. According to the Ḥanafis and the Malikis, it is *mustahab* to recite these prayers, but according to some of the Shafi‘is, it is permissible.⁷²⁷ Even if these prayers are not recited, the ablution is considered complete. The supplications transmitted from the predecessor are as follows:

1) At the beginning of the ablution, after saying “*aūdhu*” and “*basmala*”, the following supplication is recited:

الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ الْمَاءَ طَهُورًا وَجَعَلَ الْإِسْلَامَ نُورًا .

“Praise be to Allah who purifies water and makes Islam light.”

2) Before drawing water into the mouth, the following supplication is recited:

اللَّهُمَّ اسْقِنِي مِنْ حَوْضِ نَبِيِّكَ كَأْسًا لَا أُظْمَأُ بَعْدَهُ أَبَدًا .

“O, Allah! Grant me a bowl of water from the *kawthar* pool of Your prophet so that I will never be thirsty again!”

3) When drawing water into your nose, the following supplication is recited:

اللَّهُمَّ لَا تَحْرِ مِنْي رَائِحَةَ نَعِيمِكَ وَجَنَانِكَ .

“O, Allah! Do not deprive me of the fragrance of your blessings and paradise.”

4) When washing the face, the following supplication is recited:

اللَّهُمَّ بَيِّضْ وَجْهِي بِنُورِكَ يَوْمَ تَبْيِضُ وَجُوهٌ وَتَسْوَدُ وَجُوهٌ

“O, Allah! Make my face white on the day when some faces will be white and some faces will turn black.”

5) When washing the right arm, the following supplication is recited:

اللَّهُمَّ اعْطِنِي كِتَابِي بِيَمِينِي وَحَاسِبْنِي حِسَابًا يَسِيرًا

“O, Allah! Give me my book of deeds on my right hand and make my account easy.”

6) When washing the left arm, the following supplication is recited:

727. Al-Zuhaylī, *ibid*, I, 256.

اللَّهُمَّ لَا تَعْطِنِي كِتَابِي بِشِمَالِي أَوْ مِنْ وَرَاءَ ظَهْرِي وَلَا تَحَاسِبْنِي
حِسَاباً شَدِيداً

“O, Allah! Do not give me my book on my left side or from behind, and do not make my account difficult.”

7) While wiping the head, the following supplication is recited:

اللَّهُمَّ غَشِّني بِرَحْمَتِكَ وَأَنْزِلْ عَلَيَّ مِنْ بَرَكَاتِكَ.

“O Allah, judge me with Your mercy and bring down Your blessings on me.”

8) When wiping the ears, the following supplication is recited:

اللهم اجعلني من الذين يستمعون القول فيتبعون أحسنه

“O, Lord! Make me one of your servants who hears the word of truth and follow the most beautiful one.”

9) When wiping the neck, the following supplication is recited:

اللَّهُمَّ اَعْتِقْ رِقَبَتِي مِنَ النَّارِ

“O, Lord! Free my body from the fire of hell!”

10) When washing the feet, the following supplication is recited:

اللَّهُمَّ ثَبِّتْ قَدَمِي عَلَى الصِّرَاطِ يَوْمَ تَزُلُّ فِيهِ الْأَقْدَامُ

“O, Lord! On the day when the feet will slip, make my feet firm on the *Sirat*.”

F – TYPES OF *WUḌŪ*

Ablutions are divided into three types according to their degree of necessity:

1) *Fard* (Obligatory) *Wuḍū*:

According to all schools of law, performing the *wuḍū* becomes obligatory in two cases:

a) If a person is not in the state of *wuḍū* it becomes obligatory for that person when he/she is going to perform the ritual prayer (*ṣalah*). Whether this prayer is an obligatory, *wājib*, or supererogatory prayer, whether it is not a complete prayer as in the case of

funeral prayer or the prostration of recitation, the same ruling applies. The basis of this ruling is the Qur'anic verse on *wuḍū*⁷²⁸ and the hadith in which the Prophet said, “*When I am going to pray, I have been commanded to perform the wuḍū.*”⁷²⁹

b) It is necessary to be in the state of *wuḍū* to touch the Qur'an. Whether it is a piece of paper, leather, a wall, or a coin wherein a verse is written, it is subject to the same provision in terms of touching it. The basis of this ruling is the verse “***That this is indeed a Qur'an Most Honorable, ... Which none shall touch but those who are clean***”⁷³⁰ as well as the Prophet's saying “*Only those who are thoroughly cleansed can touch it.*”⁷³¹

2) *Wājib* (necessary) *Wuḍū*:

According to the Ḥanafis, in order to circumambulate the Ka'ba the ablution by a Muslim who is not in the state of *wuḍū* is *wājib* (necessary) whilst the majority of jurists regard this type of *wuḍū* as *farḍ* (obligatory). The evidence for this ruling by the majority of jurists is the following hadith: “*The circumambulation of the House of Allah is a ritual prayer. The difference is that Allah has made it permissible to speak during the circumambulation. Whoever speaks in circumambulation should only speak good things.*”⁷³² The Ḥanafis, on the other hand, do not consider *tawāf* as an actual ritual prayer. Therefore, they believe its validity does not depend on being in the state of *wuḍū*. Yet, they argue that those who circumambulate the Ka'ba without being in the state of *wuḍū* are required to offer a sacrifice since they are abandoning a *wājib* act.

3) *Mandūb Wuḍū*:

This is the type of ablution that is carried out for the sake of being constantly in the state of *wuḍū* in order to recite the Qur'an by heart (without touching the text), to recite the *adhān* and *iqāmah*, to touch the books written within the Islamic sciences, to read and teach Islamic sciences, to wash the body for a funeral or to attend a funeral ceremony (not funeral prayer), or to simply achieve serenity. With a *wuḍū* performed with such an intention, any kind of prayer can be performed and the Qur'an can be read whenever required.⁷³³

On the other hand, it is considered *makrūh* for a person, who is in the state of *wuḍū*, to perform the *wuḍū* again without performing any prayer, since it is considered a waste of water.⁷³⁴ Moreover, it is not permissible to perform the *wuḍū* with stolen water or with water belonging to an orphan.

728. Al-Mā'idā, 5: 6.

729. See Abū Dawūd, Aṭ'ima, 11; al-Tirmidhī, Aṭ'ima, 40; al-Nasā'ī, Ṭahāra, 100; Aḥmad ibn Ḥanbal, I, 359; al-Darīmī, Wuḍū', 65.

730. Al-Wāqī'a, 56: 77-79.

731. Malik, *Muwattā'*, Qur'an, 1; al-Qurtubī, *Jāmi'*, XVII, 146; al-Shawkanī, *Nayl al-Awṭār*, I, 205.

732. Al-Zayla'i, *Naṣb al-Rāya*, III, 57.

733. Al-Zuhaylī, *ibid*, I. 210-212.

734. Ibn Abidīn, *Radd al-Mukhtār*, I, 111.

G – MAKRŪḤ ACTS OF WUḌŪ

1) To consume more water than required while performing the *wuḍū*. This is based upon the tradition that the Messenger of Allah (*saw*) warned Ṣa'd (*ra*) who wasted water while performing the *wuḍū* and told him to avoid such waste even when performing the *wuḍū* on a riverbank.

2) Washing the limbs by literally hitting the water on the face or other parts of the body. Such an action will cause the used water to splash the clothes, and this would be against the good manners of performing the *wuḍū*.

3) Talking unnecessarily while performing the *wuḍū*.

4) Asking someone else to assist and pour water without a necessity.

5) To perform the *wuḍū* in an unclean and dirty place.

6) To embellish the *maḍmaḍa* and *istinshāq* while fasting since, in such acts, there is a possibility of breaking the fast.⁷³⁵

H – SITUATIONS THAT INVALIDATE THE STATE OF WUḌŪ

Any of the following things invalidate the *wuḍū*:

1) If a liquid or solid substance such as urine, feces, blood, semen (if it comes out without sexual arousal), *madhi*, and *wadi* exits from the front or the back. While Allah Almighty is speaking about the person who needs to perform the *wuḍū*, He says, **“or if you have just satisfied a want of nature...”**⁷³⁶ Here, this sentence alludes to going to the bathroom to urinate or defecate. Moreover, the Messenger of Allah (*saw*) said to Fatima bint Abi Hubaysh, who was experiencing prolonged bleeding (*istiḥāḍa*): *“When the blood of the menses comes, it is black blood which can be recognized; so when that comes, refrain from prayer; but when a different type of blood comes, perform ablution and pray, for it is (due only to) a vein.”*⁷³⁷

2) Passing of wind from the back. The Prophet stated that the *wuḍū* of a person who is in doubt whether he/she has passed wind or not, will not be nullified unless he/she hears a sound or smells the odor.⁷³⁸

3) The discharge of blood, pus, or other types of fluid from any part of the body. If the flowing blood coming out of the mouth is more than or equal to saliva, it invalidates the *wuḍū*. As long as the blood that comes out of the body does not flow or spread around the place where it came out, it does not invalidate the *wuḍū*. The same judgment applies

735. Ibn Abidīn, *ibid*, I, 121-123; al-Shurunbulālī, *Marāq al-Falāḥ*, Maṭba'at al-'ilmiyya, Egypt, 1315, p. 13; al-Dirdir, *al-Sharḥ al-Kabīr*, Egypt, n.d., I, 126-129.

736. Al-Mā'ida, 5: 6.

737. Abū Dawūd, Ṭaḥāra, 109; 110; al-Nasā'ī, Ṭaḥāra, 137, Ḥayḍ, 6.

738. Al-Bukhari, Wuḍū, 34.

to pus or yellow water coming out of a wound. If the discharge is a very small amount and does not spread by itself then it does not invalidate the *wuḍū* to wipe these liquids by hand or with a cloth.

According to the Shafi‘is and the Malikis, blood and similar liquids coming out of the body do not invalidate the *wuḍū* except when such liquids come out from the front and back private parts.

According to the Ḥanafis, the invalidation of *wuḍū* by blood coming out of the body is based on the following hadiths: “For every blood flown, one must perform *wuḍū*.”⁷³⁹, “Whoever vomits or bleeds from his nose while praying, let him leave the prayer and go and perform ablution. As long as he does not speak after that, let him come and complete his prayer from where he left off.”⁷⁴⁰, and “There is no requirement of ablution due to one or two drops of blood coming out - except in the case of flowing blood.”⁷⁴¹

According to the Shafi‘is and the Malikis, blood coming out of the body does not invalidate the *wuḍū*. The evidence they rely on is the following hadith narrated by Anas (ra): “The Messenger of Allah (saw) had blood drawn and prayed without performing the *wuḍū*. He did nothing but wash the places where he had blood drawn.”⁷⁴² Moreover, while the Messenger of Allah (saw) was in the Battle of Dhat al-Riqa, an arrow hit a man, and he completed his prayer by bowing down and prostrating while blood was flowing. The Messenger of Allah (saw) did not object to the action of this Companion.⁷⁴³

4) Vomiting a mouthful: Prophet (saw) said, “vomiting invalidates the *wuḍū*.”⁷⁴⁴ Vomiting a mouthful of food, water, clotted blood, or bile invalidates the *wuḍū*. No matter where it comes from, phlegm is like saliva and does not invalidate the *wuḍū*.

According to the Shafi‘is and the Malikis, *wuḍū* is not invalidated by vomiting.⁷⁴⁵

5) Situations that eliminate the cognitive power of the mind are considered to invalidate the *wuḍū*. These include sleeping, fainting, being mentally ill, drunkenness, or having seizures.

Accordingly, sleeping while lying on one’s side, cross-legged, leaning on the elbows, or in a state of prostration outside of prayer invalidates the *wuḍū*. Again, if the person sleeps by leaning on something, and when that thing is pulled out if the person falls down, and if his hips are not on the ground, his ablution will be regarded as invalidated. This is because the state of relaxation reaches its final point due to such inclining. According to the Shafi‘is, in this last state, if the hips are firmly on the ground, the *wuḍū* is not

739. Al-Zayla‘i, *Nasb al-Rāya*, I, 37; Ibn al-Humām, *ibid*, I, 39.

740. Al-Zayla‘i, *ibid*, I, 38; al-Shawkanī, *ibid*, I, 187; Malik, *Muwatta‘*, Ṭaḥāra, 46, 47.

741. Al-Zayla‘i, *ibid*, 44; al-Shawkanī, *ibid*, I, 189.

742. See al-Bukhari, ‘Ilm, 5, Wuḍū’, 34; Muslim, Ḥayḍ, 18; al-Nasā‘ī, Ṭaḥāra, 111, Ghasl, 28; Ibn Maja, Ṭaḥāra, 64-70.

743. Al-Bukhari, Wuḍū, 34.

744. Al-Tirmidhī, Ṭaḥāra, 64.

745. Al-Zuhaylī, *ibid*, I, 270.

invalidated. This is because in such a case, it is safe to presume that nothing that would invalidate the *wuḍū* is going to happen.

However, with sleep, the sense of feeling disappears. In such a case, if the hips remain off the ground, one may break wind due to the state of relaxation. Here, the main reason why *wuḍū* is invalidated is this state of flatulence. The Prophet said: “*The eyes are the leather strap of the anus, so one who sleeps should perform the wuḍū.*”⁷⁴⁶, and “*The eyes are the leather strap of the anus. When the eyes sleep, the strap is loosened.*”⁷⁴⁷

Accordingly, ablution is not invalidated if one sleeps by standing, bowing, or prostrating during the prayer, or by being in these positions outside the prayer.

6) Sexual intercourse or excessive (exorbitant) contact and touching: There is no doubt that sexual intercourse invalidates the *wuḍū*. However, according to the Ḥanafīs, touching a naked part of a woman does not invalidate the *wuḍū*. Yet, if this touching is excessive, such as touching a woman who is unimpeded or behind a very thin cover, or the abdomen or the genitals touch each other, the *wuḍū* of both man and woman is considered invalidated. Furthermore, *madhi* doesn't need to come out. On the other hand, according to Imam Muhammad, in this case, the *wuḍū* will not be invalidated unless wetness is felt or *madhi* comes out.

The view that just touching a woman does not invalidate the state of *wuḍū* is based on the following evidence: “*or ye have been in contact with (lāmastum) women...*”⁷⁴⁸ Touching (*lams-mulāmasa*) in this verse means having sexual contact according to Ibn Abbas. This is the figurative meaning and the Ḥanafīs accepted this meaning as the basis of their view.

The Shafi'is, on the other hand, based on the literal meaning of “*mulāmasa*”, said that it means “to feel with one's hand or to touch one another or to touch with one's hand”. Therefore, according to the Shafi'is, even if a man touches his own wife or a *non-maḥram*, a woman who is not one of the women to who he cannot get married, such as female relatives through lineage, milk, or contracts, without any barrier between them, it invalidates the *wuḍū* of both man and woman. However, the woman's hair, teeth, or nails are excluded from this rule. The Malikis and the Ḥanbalis, on the other hand, limited this notion of touching a woman's skin with feelings of “pleasure and lust”.

The Ḥanafīs rely on the following hadith on this issue: Aisha (r. anha) said, “*The Prophet (saw) would kiss one of his wives and then pray without performing the wuḍū.*”⁷⁴⁹, and “*The Messenger of Allah (saw) used to pray while I was lying in front of him. When*

746. Ibn Maja, *Wuḍū*, 62; Abū Dawūd, *Ṭaḥāra*, 79; Ibn Ḥanbal, I, 111.

747. Al-Darimī, *Wuḍū*, 48.

748. Al-Mā'idā, 5: 6.

749. Abū Dawūd, 68; al-Tirmidhī, *Ṭaḥāra*, 63; Ibn Ḥanbal, VI, 210.

he wanted to perform witr, he would touch me with his foot.”⁷⁵⁰ In these hadiths narrated by Aisha (r. *anha*), there is evidence that touching a woman does not invalidate the *wuḍū*.

7) Laughing in prayer with a voice that can be heard by the people close to the person. This is called laughing loudly. In a hadith, it is stated, “If any of you laughs while praying, he should re-perform his ablution and the prayer together.”⁷⁵¹ The reason for this state to invalidate the prayer is that it is regarded as a chastisement for the one who was praying so as to prevent the repetition of such an act. Laughing loudly outside of prayer does not invalidate the *wuḍū*.

According to the majority of the schools, except the Ḥanafis, it is not the *wuḍū* but only the ritual prayer that is invalidated in this case.

8) According to the Ḥanafis, if the time of prayer passes for an ablution of a person with a condition that continuously invalidates his or her state of *wuḍū*, such as loss of bladder control and other types of such incontinence.

9) According to the Ḥanafis, the *wuḍū* based on *tayammum* becomes invalid when the person who performed dry ablution with sand or earth (*tayammum*) is able to use water. The last two items will also be examined in their own context.⁷⁵²

10) According to all schools except the Ḥanafis, touching one’s own genitals invalidates the *wuḍū*.⁷⁵³

According to the three schools, except the Malikis, if a person who knows for certain that he has performed *wuḍū* hesitates about whether his *wuḍū* is nullified or not, he is considered to be in the state of *wuḍū* according to the evidence of *istishāb* (presumption of continuity).⁷⁵⁴

Situations that are below the above-mentioned limits and measures do not invalidate the *wuḍū*. Therefore, in principle, acts such as crying, shedding tears from the eyes, the scab falling off a wound without blood, mixing of a small amount of blood in saliva and snot, vomiting less than a mouthful, and seeing traces of blood due to biting a hard fruit such as apple or quince, blood found on the *miswāk* or toothbrush, the blood sucked by insects such as mosquitoes, or fleas, clipping nails or shaving, laughing inwardly and silently during prayer, and sleeping in prayer do not invalidate the *wuḍū*. If a person hesitates about washing one of the limbs of ablution or not after completing the ablution and if this situation happens frequently, he/she acts according to his/her concerted opinion.

750. Al-Shawkanī, *ibid*, I, 196.

751. Al-Zaylaī, *ibid*, I, 47-54.

752. For details about the nullifiers of minor ablution see al-Kāsānī, *Badāyī’ al-Ṣanā’i’*, I, 24-33; Ibn al-Humām, *ibid*, I, 24-37; al-Maydanī, *Lubāb*, I, 17-20; Ibn Abidīn, *ibid*, I, 124-138; al-Shurunbulālī, *ibid*, p. 14 ff.; al-Zaylaī, *Tabyīn al-Ḥaqāiq*, I, 7 ff.; al-Shirāzī, *Muḥadhdhab*, I, 22 ff.; Ibn Rushd (Averroes), *ibid*, I, 168 ff.

753. Al-Bukhari, ‘Ilm, 53, Salat, 9, Ḥajj, 21; Abū Dawūd, Ṭahāra, 69; al-Tirmidhī, Ṭahāra, 61; Ibn Ḥanbal, *Musnad*, II, 223; al-Zaylaī, *ibid*, I, 54, 60; al-Shawkanī, *ibid*, I, 198, al-Zuhaylī, *ibid*, I, 278.

754. It is one of the secondary proofs in the methodology of Islamic jurisprudence. It means to conclude that a ruling continues to be valid unless there is an evidence to show that it has changed.

On the other hand, it is more appropriate to act cautiously in matters where there is a hesitation about whether the *wuḍū* is nullified or not. Especially for those who are imams, they should pay attention to the fact that their state of *wuḍū* is not invalidated only according to their own school but also according to the other schools since that is considered good decorum, although it is not requisite.

I – WIPING OVER THE *KHUFF* (LEATHER SOCKS):

1) The definition of *khuff*, it's wiping, and the evidence it is based on

In ablution, wiping over the *khuff* replaces the washing of the feet. It is permissible to wipe a type of sock called *khuff* that is worn on the feet, or on footwear that is subject to a similar ruling of *khuff*. This has been made legitimate for the convenience of Muslims. According to the Ḥanafis, the wiping over the *khuff* while performing the *wuḍū* denotes rubbing over it once, starting from the toes of the feet, with the wetness of the hand, as much as three fingers. The footwear that is made out of leather or similar materials, covering the ankles and above is called "*khuff*".

Some hadiths reach the level of *tawātur* about wiping over the *khuff*. Some of them are as follows: Ali (ra) said, "*If religion was based on independent reasoning, it would be more appropriate to wipe the bottom of the khuff, not the top. I saw the Messenger of Allah (saw) wiping the top of the khuff.*"⁷⁵⁵ It is reported from Mughira Ibn Shu'ba that he said, "*Once I was in the company of the Prophet (saw) on a journey and I dashed to take off his khuffs. He ordered me to leave them as he had put them on after performing the ablution. So he passed his wet hands over them.*"⁷⁵⁶ Safwan Ibn Assal (ra) is reported to have said: "*The Messenger of Allah (saw) used to order us, that when we were travelers' - or - 'in travel, to not remove our khuff for three days and nights except, from sexual impurity, but not from defecation, urination, and sleep.*"⁷⁵⁷ It is narrated that Jarīr (ra) said: "*I saw that the Messenger of Allah (pbuh) urinated, then performed ablution and then wiped over his shoes.*"⁷⁵⁸

The obligatory amount of wiping the feet is equal to the amount of the smallest three fingers of the hand, on the *khuff* that coincides with the front of each foot. When that amount of area is wiped, the obligation is fulfilled. This is the view of the Ḥanafis.⁷⁵⁹

According to the Malikis, the entire upper part of the *khuff* must be wiped, whereas according to the Ḥanbalis, most of the upper part must be wiped, and according to the Shafi'is, an area up to a finger from the top must be wiped to fulfill the obligation.

755. Al-Shawkanī, *ibid*, I, 184; Abū Dawūd, Ṭaḥāra, 63; Aḥmad ibn Ḥanbal, IV, 247, 254.

756. Al-Bukhari, Wuḍū, 49; Libās, 11; Muslim, Ṭaḥāra, 79; Abū Dawūd, Ṭaḥāra, 60.

757. Al-Tirmidhī, Da'āwāt, 98; Aḥmad Ibn Ḥanbal, VI, 240.

758. Muslim, Ṭaḥāra, 72, Ḥajj, 276; Abū Dawūd, Ṭaḥāra, 64; al-Shawkanī, *ibid*, I, 176.

759. Al-Zuhaylī, *ibid*, I, 321, 322.

According to the Ḥanafis and the Ḥanbalis, having the fingers separated while wiping and starting from the toes and making it towards the leg is the proper way of wiping according to the sunnah. However, according to the Shafi'is, the sunnah way to perform wiping is to place the right hand on the toes and the left hand on the heel. According to the Malikis, the *mandūb* way to perform wiping is to place the right hand on the tip of the toes and the left hand under the toes. It is narrated from Mughira b. Shu'ba (ra) that he said: "*The Prophet (saw) wiped over his khuffs. He placed his right hand on his right khuff. He placed his left hand on his left khuff, and then wiped upwards only once.*"⁷⁶⁰

Yet, it is sufficient to pour some water over the *khuffs*, wipe them with something like a wet cloth or sponge, wipe them crosswise, or start the wiping from the leg of the *khuff*. However, it is important to know that these acts do not comply with the sunnah. Moreover, wiping under the *khuffs* is not considered permissible.

2) Conditions required for wiping over the *khuffs*

1. The *khuffs* should be worn after washing the feet for *wuḍū* because, in the hadith reported by Mughira (ra), the Prophet (saw) said to him, "*leave the khuffs as I put them on after performing the ablution.*"⁷⁶¹ On the other hand, wiping over the foot or over a bandage due to a legitimate justification is also considered washing. Therefore, *khuffs* worn after such a legitimate wiping can be wiped for a further ablution.

2. The *khuffs* must cover the parts of the feet that are obligatory to be washed during the ablution. Therefore, the area that the *khuffs* should cover is the feet with the ankles. It is not permissible to wipe over footwear that does not cover the ankles together with the feet.

3. According to the Ḥanafis, the *khuffs* should be robust enough to walk a long way, approximately 6 km. According to the Shafi'is, the ruling regarding the robustness of the *khuffs* differs between that of a traveler and a resident. For the travelers, the footwear needs to be strong enough to walk with them for three days and nights, while for the residents it is a day and a night. The Malikis do not require any measure for robustness since the *khuffs* are made from leather and they are recognized as already having a certain level of robustness. The Ḥanbalis hold a similar view stating that the issue of robustness needs to be left to the customary practices of the people.

4. The *khuffs* should not have holes on them. Accordingly, there should not be a hole, slit, or tear in the *khuffs* below the ankles or below or above the *khuffs*. However, minute holes are excused by some schools. The views regarding the excused amount of the holes differ among the schools. According to the Ḥanafis, the holes cannot be bigger than the size of where three little toes can enter. According to the Shafi'is and the Ḥanbalis, even if the tear is a small one, it is not permissible to wear it as *khuffs*.

760. Abū Dawūd, Ṭaḥāra, 63; Ibn Ḥanbal, IV, 247, 254; al-Zayla'i, *ibid*, I, 180.

761. Al-Bukhari, Wuḍū, 49, Libās, 11, Muslim, Ṭaḥāra, 79.

According to the Malikis, there is no limit for the holes. As long as it is called *khuffs*, one can wear them and wipe over them while performing the *wuḍū*.

5. The *khuffs* must be thick enough to stand untied. Most of the jurists, except for the Malikis, consider wiping permissible on *khuffs* made of leather, thick felt, cloth, and similar materials. However, the Ḥanafis and the Shafi'is stipulate that *khuffs* should be of a nature that does not immediately let the water penetrate to the skin. According to them, the existence of this condition is also considered to be implied in the texts that indicate the legitimacy of the wiping over *khuffs*. The Malikis, on the other hand, consider it necessary for the *khuffs* to be made of leather and being stitched.

6. The *khuffs* should be thick enough to prevent water from penetrating the skin beneath.

In short, in addition to normal *khuffs* and boots that cover the feet with the ankles, buskins, thick socks that are strong enough to walk in for more than 5.5 km with them, and wadmol slippers with legs can be worn as *khuffs*. They can also be wiped during the ablution.

3) Is it permissible to wipe (*masah*) over socks?

According to Abu Ḥanīfa, wiping can be made on the socks covered with leather or with soles underneath, provided that they are worn after performing full ablution. The basis of this view is the following hadith narrated from Mughira b. Shu'ba (ra): "*The Messenger of Allah (saw) performed wuḍū and wiped over the socks and shoes.*"⁷⁶²

According to Abu Yusuf and Imam Muhammad, *masah* can be carried out on thick and durable felt or wool socks, even if there is no leather sole underneath. This is because the Prophet (saw) wiped over his socks. However, the socks need to be thick so that it is possible to walk on them. For that reason, thin socks that do not have these qualities cannot be wiped over. It is reported that Abu Ḥanīfa, in his last days of illness, acted in line with the views of Abu Yusuf and Imam Muhammad, and even said, "I did what I had been preventing other people from doing."⁷⁶³

According to the Malikis as well, the socks made from cotton or cloth must be bound with leather inside or outside. Only then is it permissible to make *masah* over them. According to the Shafi'is, the socks must be thick to the extent that they are not transparent and water should not be able to penetrate them. The sole of these socks must be made with leather. Moreover, one should be able to walk continuously upon them. However, according to the Ḥanbalis, the socks require no leather and the main condition is that no part of one's foot is visible. The only other condition is that the socks should remain firmly gripped on the feet so that a person can walk continuously on them. A

762. Abū Dawūd, Ṭaḥāra, 61; al-Tirmidhī, Ṭaḥāra, 74, 75; Ibn Maja, Ṭaḥāra, 88; Aḥmad ibn Ḥanbal IV, 252.

763. Al-Kāsānī, *ibid*, I, 10; Ibn al-Humām, *ibid*, I, 108 ff.; Ibn Rushd (Averroes), *ibid*, I, 19; Ibn Qudāmah, *Mughnī*, I, 295; Al-Zuhaylī, *ibid*, I, 343 ff.

group of other jurists did not consider any of the above conditions for socks and said that it is permissible to do *masah* over the socks.

4) Duration of wiping over the *khuffs*

According to the majority of jurists, the duration of the wiping for a resident is one day and one night, that is, twenty-four hours, and for a traveler who goes to a distance of at least 90 km or eighteen hours away is three days and three nights or seventy-two hours.⁷⁶⁴ This duration starts from the moment when the ablution is invalidated after wearing the *khuffs* after a complete *wuḍū*. For example, if a person performs ablution by washing his feet at one o'clock and puts on his *khuffs*, and then something that invalidates his *wuḍū* occurs at five o'clock, the duration of the wiping begins at five o'clock. For that reason, it will not have started from the moment the person wore the *khuffs*.

The following hadith narrated by Ali (*ra*) is proof of the period of wiping: “*The Messenger of Allah (saw) commanded the time limit for wiping over the socks for a traveler to be three days (and three nights) and for a resident to be one day and one night.*”⁷⁶⁵

If a person sets out on a journey while wearing *khuffs* as a resident, he/she becomes subject to the duration of the journey and completes this period. In contrast, if a person who wears *khuffs* as a traveler becomes a resident, his term will expire after wiping for one day and one night. After that, he has to wash his feet while performing the *wuḍū*.

If a person who has performed *wuḍū* by wiping his *khuffs* removes his *khuffs* from his feet, it is sufficient to wash only his feet; he does not need to completely re-perform his *wuḍū*. However, if a person who performs the *wuḍū* by washing his feet and putting on his *khuffs*, removes his *khuffs* from his feet for any reason before his *wuḍū* is invalidated, he does not need to wash his feet again, as his state of *wuḍū* will not be invalidated.

According to the Malikis, there is no specific time set for wiping over the *khuffs*. As long as he does not remove the *khuffs* from his feet or is in the state of *junub* (major ritual impurity), he can continue to wipe over the *khuffs*. Their evidence is the following hadith: Upon the question of Ubayy ibn Umara, the Prophet (saw) said, “*The period of the wiping lasts up to seven days,*” then added, “*then as long as you wish.*”⁷⁶⁶ However, in contrast to this hadith, which has only one narrator, according to the narrations from many Companions such as Ali, Ibn Mas‘ūd, and Umar (*r. anhum*) which reached the level of *tawatur*, the duration of wiping is one day and one night for the resident, and three days and three nights for the traveler.⁷⁶⁷ This is also the view of the Shafi‘is but

764. Al-Kāsānī, *ibid*, I, 8; Ibn al-Humām, *ibid*, I, 102-107; Ibn Qudāmah, *ibid*, I, 282-287, 291 ff.

765. Abū Dawūd, Ṭaḥārah, 60, 63; Aḥmad ibn Ḥanbal, IV, 247, 254. See al-Tirmidhī, Ṭaḥārah, 71; Ibn Maja, Ṭaḥārah, 86.

766. Abū Dawūd, Ṭaḥārah, 61; Ibn Maja, Ṭaḥārah, 87.

767. See al-Tirmidhī, Ṭaḥārah, 71; Ibn Maja, Ṭaḥārah, 86; al-Taḥāwī, *Ma‘āni al-Āthār*, I, 79.

according to them, this period for the traveler changes to one day and one night if the journey that is made is for carrying out tasks prohibited by Islam.⁷⁶⁸

5) Things that nullify the wiping over *khuffs*

Wiping over the *khuffs* becomes invalid in one of the following situations:

1. Anything that invalidates the ablution also invalidates the wiping over the *khuffs*. Therefore, if its time has not expired, wiping can be done again on the *khuffs* or bandages in ablutions performed later.

2. Conditions that require *ghusl* (major ablution), such as being in the state of *janabah* (major ritual impurity) and menstruation, postnatal bleeding, and childbirth invalidate the wiping, and the feet must be then washed during ablution. For, it is reported that the Messenger of Allah (saw) ordered the believers not to take the *khuffs* off for three days and three nights, except when in the state of *janabah* (major ritual impurity).

3. Taking off or removal of the *khuffs* on which one has wiped. In this case, if the person is in a state of ablution, it is sufficient to wash only the feet. The removal of the *khuffs* from most of the foot up to the ankle is considered a complete removal.

4. The expiration of the time of the wiping. After the period for wiping is over, the feet should be washed with water and ablution should be performed, and if necessary, *khuffs* should be put on again. Even if the time expires, if the feet are at hazard of such dangers as frostbite and if the *khuffs* are removed, one may put the *khuffs* on again and continue to wipe over the *khuffs*.⁷⁶⁹

J – WIPING OVER THE BANDAGES (*JABIRA*)

If washing with water a limb, covered with a bandage, while performing *wuḍū* or ablution will cause harm to one's health, one does not have to untie this bandage and it is sufficient to wipe over it. This wiping is regarded as having washed that limb. If the wiping will cause harm, it can also be abandoned.

The legitimacy of wiping on the bandage is established by the sunnah. Ali (ra) said: "My ankle was broken. I asked the Prophet (saw) and he told me to wipe over the bandage."⁷⁷⁰ Jabir (ra) narrated that the Prophet (saw) said about the person who performed ablution after being wounded in the head and died afterward: "It was enough for him to perform *tayammum*, tie a cloth to his wound, wipe over it and wash the rest of his body."⁷⁷¹

In Islam, the facility comes after every hardship. In this regard, the principle of "necessities make things that are objectionable permissible" is applied. It is obvious

768. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 20; al-Zuhaylī, *ibid*, I, 334 ff.; al-Shawkanī, *ibid*, I, 182.

769. Al-Kāsānī, *ibid*, I, 12 ff.; Ibn al-Humām, *ibid*, I, 105; Ibn Abidīn, *ibid*, I, 254 ff.; Ibn Qudāmah, *Mughnī*, I, 287.

770. Al-Zaylāī, *Naṣb al-Rāya*, I, 186 ff.

771. Al-Zaylāī, *ibid*, I, 187; al-Shawkanī, *ibid*, I, 258.

how harmful it can be for health to remove band-aids or bandages with the thought of washing the skin underneath. Sometimes, wiping the wound or wiping it with a wet hand can also lead to infection. Therefore, when there is harm in wiping, this too is abandoned.

It is sufficient to wipe the majority of the bandage only once. It is not necessary to wipe it entirely, repeat the wiping or even state the intention before wiping. As a matter of fact, the intention is not sought either in the case of wiping over the *khuffs* or wiping over the head. Moreover, if removing the excess part of the plaster or bandages surrounding the wound under the bandages will harm the wound, it is also permissible to wipe over the excess part since bandages are often wrapped widely to avoid the risk of infection to the wound.⁷⁷² Furthermore, the wiping of wounds on which there is medicine and ointment is also similar to wiping over a bandage.

Also, the wrapping does not have to be wrapped while being in the state of *wuḍū*. It is permissible to wipe over the bandage, whether it is put on in the state of *wuḍū*, or not or being in the state of *janabah*. When the person regains his health, he does not have to re-perform his or her ritual prayer either. The ruling in this matter is based on the general principle of removing difficulty and rationale reason also requires it since it is uncertain when the person will be injured or will need to be covered in a cast due to a fracture or dislocation. It is evident that requiring him or her to be in the state of *wuḍū* at such a time would create unnecessary distress and difficulty.

Wiping over the bandages is not bound by a certain time limit. Wiping is permissible as long as the health problem continues.

If a bandage is changed after wiping, no re-meshing is required. Again, after wiping a bandage, if another bandage is wrapped on it, there is no need for re-wiping it. If the bandage is removed before the health problem gets well, the wiping will not be invalidated. However, if the bandage falls off because the wound has healed, the wiping on the bandage will be invalid because the justification is no longer functional. Similarly, if the bandage over the healing wound falls off while praying due to the wound having been healed, the prayer must be performed again after performing a full ablution.

It is important to note that if one of the two feet is wiped due to a legitimate reason, it is necessary to wash the other foot because the wiping of the first foot is also considered washing.

There is a consensus that if the *wuḍū* of a person who performs *wuḍū* by wiping on the bandage is invalidated, his wiping will also be invalidated.⁷⁷³

Filled or coated teeth are also like wounds with bandages or ointments – as is paint that is difficult to remove from the skin and which prevents the water from reaching the

772. Al-Kāsānī, *ibid*, I, 12; Ibn al-Humām, *ibid*, I, 109; Ibn Abidīn, *Radd al-Mukhtār*, I, 260; al-Zuhaylī, *ibid*, I, 348 ff.

773. Ibn Abidīn, *ibid*, I, 129; al-Zuhaylī, *ibid*, I, 356; al-Kāsānī, *ibid*, I, 14 ff.; Ibn al-Humām, *ibid*, I, 109 ff.

skin. Accordingly, it is sufficient for the water to just touch the coating and filling while performing minor or major ablution.⁷⁷⁴

K – *WUḌŪ* OF THE PEOPLE WITH CHRONIC ISSUES THAT CONSTANTLY INVALIDATE *WUḌŪ*

Chronic issues that constantly invalidate *wuḍū* such as chronic and constant nose bleeding, urinary incontinence, constant vomiting, constant bleeding from a wound, chronic diarrhea, frequent passing gas, and the women's prolonged bleeding are called "excuses constantly invalidating *wuḍū* ('*uẓr*)", and such people are called "people with excuses constantly invalidating *wuḍū* (*ṣāhibu 'uẓr*)".

The religion of Islam has set certain times for acts of worship. Their timely fulfillment is both a duty and a right. Islam does not impose a burden on a person beyond his/her strength and the principle of facility comes into play in every instance when one encounters difficulty. Accordingly, special provisions have been made for the people with excuses constantly invalidating their *wuḍū*, and they have been given the opportunity to perform their worship in due time.

There is a period of time for chronic issues to be considered a valid reason that constantly invalidates the ablution. According to the Ḥanafis, if an excuse continues for a full prayer time without interruption during sufficient time to perform ablution and pray, and then repeats again at least once, in each prayer time, the person with such an excuse is deemed to be a *ṣāhibu 'uẓr*. However, if the excuse does not appear even once in a full prayer time, it is no longer a valid '*uẓr* and its owner is no longer a *ṣāhibu 'uẓr*.

For example, if a person's nose continues to bleed from the beginning of the noon prayer until the time of the late afternoon prayer, that is, for a period of time that one can perform the ablution and pray, and after that, if his nose bleeds once in every prayer time, that person is considered *ṣāhibu 'uẓr*.

The Shafi'i look for five conditions for the validity of an excuse. 1. The person must perform abstersion (*istinjā*) prior to his ablutions. 2. The person with excuse must perform abstersion, the necessary binding of the relevant opening, and ablutions in immediate succession. In other words, immediately after performing abstersion, the person should bind the site from which the impurity is secreted, be it urine, stool, or whatever else, with a clean cloth or the like. 3. The same immediate succession should be maintained when performing the actions involved in the ablutions themselves, so that one washes the face first, then washes the hands without delay. 4. The person should avoid initiating any activities between completing his ablutions and praying since otherwise, his ablutions will be invalidated. 5. Finally All of the aforementioned actions must be

774. Komisyon, İlmihal, İman ve İbadetler, TDV, İSAM, İstanbul 1998, I, 203.

performed after the beginning of the time period for the prayer one intends to pray; if they are performed before this, they will have no validity.

According to the Ḥanbalis, if someone suffers from an excuse invalidating his ablution, his ablutions will not be invalidated by such excuse provided three conditions are maintained: 1. The person must wash the site of the secretion and bind it with a cloth or something similar, or stuff the opening with cotton or some other material that will prevent the flow to the greatest extent possible. 2. The flow of the impurity must be chronic in the sense that it does not stop long enough during the time period for any of the daily prayers for the person to purify himself and pray. Hence, if it is customary for the flow to stop long enough for one to perform ritual ablutions and pray, he is obliged to do so during this period of time. 3. The time period for the prayer one intends to pray must have begun.

As for the Malikis, if the excuse continues for at least half of the time period for a given prayer and if the person cannot control and overcome it, that person is accepted as a person with a constant excuse.

According to the Ḥanafis, the person with such an excuse performs *wuḍū* at every obligatory prayer time, assuming that this excuse does not invalidate his *wuḍū*, he may pray as many obligatory and supererogatory prayers as he wishes without having to repeat his ablutions for each one. He can circumambulate the Ka'ba and touch the Qur'an. When the next prayer time comes, the state of ablution of the disabled person is invalidated. The evidence is the following hadith: "*A woman who sees prolonged bleeding (mustahādha) performs ablution for each prayer time.*"⁷⁷⁵ People with other types of excuses have also been compared to this. Apart from this specific excuse, the *wuḍū* is invalidated if another situation that invalidates the *wuḍū* occurs.

If a person with a constant excuse performs *wuḍū* just in time for the Dawn prayer, this ablution will continue until the time for the Dawn prayer ends. In other words, it ends with the rising of the sun. He or she can no longer perform another prayer with this *wuḍū*. However, if he or she performs *wuḍū* at a time when his or her excuse has been temporarily stopped, and the prayer time ends before his or her excuse occurs again or any other causes that invalidate the *wuḍū* happens, then this *wuḍū* will not be invalidated just because of the end of the prayer time.

However, if the person with a constant excuse performs ablution after the sun has risen, he or she can perform any prayer he or she wishes until the end of the noon prayer time unless something takes place that invalidates the *wuḍū*. That is because the arrival of the noontime does not invalidate the *wuḍū*. Likewise, the time of the Eid prayer does not nullify the ablution of the person with a constant excuse because this is not a prescribed time for an obligatory prayer.

⁷⁷⁵. Al-Zayla'i, *ibid*, I, 204

According to Abu Ḥanīfa, the ablution of the person with a constant excuse is invalidated by the end of the prayer time, and according to Abu Yusuf, it is invalidated both when the prayer time starts and when it ends. In this case, the invalidation of *wuḍū* concerning time is only applicable to the entry of noontime.

According to Imam Shafī'ī, the person with a constant excuse must perform ablution for each obligatory prayer. His or her *wuḍū* is invalidated when the prayer he or she has performed is over. As for supererogatory prayers (*nawāfil*), he or she may pray as many as he or she wishes.

If the excuse of a person with a constant excuse performs ablution ends, and she performs ablution due to another condition that invalidates her ablution, and later on, her excuse reoccurs, her ablution will be invalidated and she will have to perform *wuḍū* again. This is because her previous *wuḍū* was not due to her excuse. However, if the excuse of a person stops and if he performs *wuḍū* due to his excuse or any other condition that invalidates his *wuḍū* within the prescribed time limits of prayer, and his excuse occurs again within that time, his *wuḍū* will not be invalidated. This is because this *wuḍū* is considered to have been performed for both his excuse and another state that invalidates that *wuḍū*.

A person with a constant excuse can halt his excuse in any way such as by sitting, performing the prayer through gestures, or enfolding the part of the body in question, and such a person is no longer accepted as a valid *ṣāhibu 'uzr*.

Liquids such as blood, pus, and urine that come out of the person with a constant excuse and smears his clothes do not interfere with the validity of his prayer as long as his excuse continues. The fact that solid impurities become more than one dirham and that the liquid spreads over an area wider than the palm do not change the result at all. However, if these liquids stop then they must be washed.⁷⁷⁶

In conclusion, Islam is a religion of ease. It calls for the elimination of undue hardship and difficulty from people's lives. It shows all kinds of convenience to people that have constant and chronic hardship. Wiping over the bandages and *khuffs* and allowing the performance of dry ablution for those who cannot find water are among such facilities.



776. Ibn al-Humām *ibid*, I, 124 ff.; Ibn Abidīn, *ibid*, I, 139, 281-283; al-Shrunbulālī, *Marāq al-Falāḥ*, p. 25; al-Zuhaylī, *ibid*, I, 288 ff.

III – MAJOR ABLUTION (GHUSL)

1) Basic information and textual proofs

In the dictionary, the word *ghasl* means to wash with water, and *ghusl* and *ight-isāl* means to be washed with water. In Islamic legal terminology, it refers to the ritual cleaning done by washing the whole body with clean water. Another word for *ghusl* is major ablution. While *wuḍū* performed as a preparation for the ritual prayer is called “minor ablution”, *ghusl* is called major ablution or “great cleanliness”. The condition that requires the performance of the former one is called “minor ritual impurity (*ḥadath al-aṣḡar*)”, and the latter is called “major ritual impurity (*ḥadath al-akbar*)”.

In the Qur’an, three verses describe the major ablution. In the first one of these verses, the necessity of major ablution due to the state of *janabah* is stated as follows: “...**If you are in a state of ceremonial impurity, bathe your whole body...**”⁷⁷⁷ and the second Qur’anic verse is concerning the prohibition of sexual intercourse with women who are in menstrual period, “**And they will ask you about [woman’s] monthly courses. Say: “It is a vulnerable condition. Keep, therefore, aloof from women during their monthly courses, and do not draw near unto them until they are cleansed; and when they are cleansed, go in unto them as Allah has bidden you to do.” Verily, Allah loves those who turn unto Him in repentance and He loves those who keep themselves pure.**”⁷⁷⁸ In the third Qur’anic verse, the believer is commanded not to perform the ritual prayer unless one is bathed from the state of *janabah* as follows: “**O you who believe! Do not approach the prayer until you know what you are saying while intoxicated, and until you perform ghusl when you are junub, except for those who are traveling.**”⁷⁷⁹

There are various hadiths about the necessity of *ghusl*, and how to perform it in case of *janabah*, and in case of cessation of menstruation and puerperal bleeding. For example, in two of such hadiths, the Messenger of Allah (saw) said, “*There is ghusl for semen and wuḍū for madhi.*”⁷⁸⁰, and “*When the circumcised meets the circumcised, then indeed ghusl is required even if there is no ejaculation.*”⁷⁸¹

Wisdom and benefits of ghusl: Many eastern and western scientists have expressed the importance and benefit of *ghusl* in terms of human health and cleanliness. In general, it has become a prominent feature of Muslim nations, and the symbol of the importance given to health and the human body by the Islamic civilization. By means of *ghusl*, the

777. Al-Mā’ida, 5: 6.

778. Al-Baqara, 2: 222.

779. Al-Nisā, 4: 43. If water is not found or cannot be used during a journey, “tayammum (sand ablution)” replaces the *ghusl* in order to get cleansed from the state of *janābah*.

780. Al-Shawkanī, *Nayl al-Awṭār*, I, 218.

781. Al-Bukhari, *Ghusl*, 28; al-Tirmidhī, *Ṭahāra*, 80; Ibn Maja, *Ṭahāra*, 111.

material residues and impurities that are left in the human body by the state of *janabah*, menstruation, and postpartum bleeding are cleansed. In addition, such cleaning contains many benefits such as eliminating the tiredness and slackness that can be caused by the state of *janabah*, establishing a new balance in the body, regulating the blood circulation, and putting the person into the ambiance of worship by getting rid of ritual impurity. As with every command of Allah, there is much wisdom and benefits in *ghusl*, some of which we know and others that we do not know.

Three main reasons make the act of *ghusl* necessary. The state of *janabah*, menstruation and puerperium. However, these three qualities do not make a person impure. For the Prophet (saw) said, “*A believer cannot be impure*”. Abu Huraira (ra) narrates: “*I met the Prophet when I was in the state of janabah. Although he extended his hand to me to shake my hands, I did not give my hand saying, “I am junub”. Subḥānallah! He said that a believer could never be impure.*” A similar encounter took place with Hudhayfa (ra) and the Prophet (saw) said similar words to him.⁷⁸²

Accordingly, being in a state of major ritual impurity means that a person in the state of *janabah*, in menstruation or postnatal bleeding period does not have the necessary spiritual prerequisite to perform certain acts of worship or perform acts closely related to worship. Alternatively, especially in the case of exempting women from certain acts of worship in their distinct situation or delaying the time of such acts of worship, the “principle of facility” is applied. The possibility for delaying the major ablution until the first prayer time, the exemption of women from ritual prayers during menstruation and postpartum bleeding, and the right to delay obligatory fasting until after Ramadan are all pieces of evidence demonstrating this fact.

2) Situations that require *ghusl*

a) The state of *janabah*: In Islamic legal terminology, *janabah* refers to the state of major ritual impurity, which takes place by the discharge of semen from the body through sexual intercourse, wet dream, or similar ways, and which prevents the person from certain acts of worship.

The ejaculation of the semen from the genitals of a man or woman with the usual sexual arousal and pressure, by looking or thinking while being asleep or awake, or having sexual intercourse causes the state of *janabah*. Semen is a dense liquid that comes out with pressure at a time of increased sexual arousal. The semen of the woman is a thin liquid and yellow in color.

Ghusl is not required due to *madhi* and *wadi*. *Madhi* is a thin liquid close to being white in color, and it comes out of the genitals when the spouses feel sexually close to

782. Al-Bukhari, *Ghusl*, 23, 24, Janā'iz, 8; Muslim, *Ḥayḍ*, 115, 116; Abū Dawūd, *Ṭahāra*, 91; al-Tirmidhī, *Ṭahāra*, 89; al-Nasā'ī, *Ṭahāra*, 171; Ibn Maja, *Ṭahāra*, 80.

each other. Wadi, on the other hand, is a thick liquid that comes from the genitals after urinating. Both these fluids spontaneously come out without lust.

If an unconscious or drunk person later finds wetness in his underwear that he thinks is semen, as a precaution he should perform *ghusl*.

If semen comes out of a person after performing *ghusl* it is necessary to perform *ghusl* again.

On the other hand, if semen comes out on its own, such as due to lifting something heavy or jumping from a high place, without lust or pressure, there is no need for *ghusl*. This is because, the ceremonial impurity (*janabah*) mentioned in the Qur'anic verse "... **If you are in a state of ceremonial impurity, bathe your whole body...**"⁷⁸³ expresses the ejaculation of the semen by lust.

According to Abu Ḥanīfa and Imam Muhammad, *ghusl* is required because of the semen that leaves the body with lust and comes out after the lust has ceased. According to Abu Yusuf, it is not necessary. Again, if a person performs the major ablution after sexual intercourse prior to going to sleep, but without urinating or walking for a while, and then if semen comes out of him without the feeling of lust, he must perform the major ablution again according to Abu Ḥanīfa and Imam Muhammad, but he does not need to do so according to Abu Yusuf. According to the Shafī'is and the Malikis, it does not matter in the afore-mentioned situations whether the semen is discharged with lust or not, the *ghusl* is a requisite either way.

The following hadiths indicate that *ghusl* is necessary when the semen is discharged, Ali (ra) said, "I was a person who had too much *madhi*. I asked the Prophet (saw) about it, and he said, "*There is ghusl for semen and wuḍū for madhi.*"⁷⁸⁴ It is reported from Umm Salama (r. anha) that she said: "The mother of Anas, Umm Sulaym, said: 'O Messenger of Allah! Allah does not shy away from being told the truth. Is it necessary for a woman to perform *ghusl* when she sees a wet dream?' " The Prophet (saw) said: "Yes if she feels wetness, she must." Thereupon, Umm Salama, who was present there, asked, "Can a woman have a wet dream?" The Prophet (saw) said: "May Allah reward you! Well, how does her child look like her?"⁷⁸⁵

In *madhi* and *wadi*, only the genitals are washed and the minor ablution is performed. This is because the Messenger of Allah said, "*Every man discharges madhi and therefore (when it happens) it is necessary to perform wuḍū for it.*"⁷⁸⁶

Whereas the *ghusl* is required in the case of sexual intercourse, if both parties are over the age of puberty, and if the place of circumcision or a similar part penetrates the woman. Whether the semen comes out or not does not change the consequence. If only

783. Al-Mā'ida, 5: 6.

784. Al-Shawkanī, *Nayl al-Awṭār*, I, 218.

785. Al-Shawkanī, *ibid*, I, 219.

786. Al-Zayla'i, *ibid*, I, 93.

one party is at the age of puberty, a *ghusl* is required for that party. According to the Shafi'is, puberty is not important and the *ghusl* is required for both parties.

The Prophet said: "*Ghusl is required when the two circumcised places meet even if there is no ejaculation.*"⁷⁸⁷

If a person who wakes up remembers that he had a wet dream and feels wetness on his genitals, he must perform the *ghusl*. As for ejaculating while urinating, if the sexual organ is in an erect position the *ghusl* is required, otherwise, it is not. This is because the presence of erection here is considered evidence of the existence of lust.

b) When menstruation and puerperium ends: The woman whose menstruation and puerperium (postpartum bleeding) state has come to an end must perform the major ablution. In a Qur'anic verse, it is stated, **"...Keep, therefore, aloof from women during their monthly courses, and do not draw near unto them until they are cleansed; and when they are cleansed, go in unto them as Allah has bidden you to do..."**⁷⁸⁸ The Prophet (saw) said to Fatima Binti Abi Hubaysh, **"...when your real menses begins, give up your prayers, and when it has finished wash off the blood (take a bath) and offer your prayers."**⁷⁸⁹

The following words of the verse indicate the necessity of *ghusl* after menstruation or puerperium: **"...and when they are cleansed, go in unto them as Allah has bidden you to do..."**⁷⁹⁰ The purpose of their "cleansing" in this verse is their implementation of *ghusl*.

In the event of a woman giving birth or miscarriage, *ghusl* is still necessary even if there is no postpartum blood according to all schools, except for the Ḥanbalis.

c) Carrying out *ghusl* of the corpse: It is a communal obligation (*farḍ kifāi*) imposed on the Muslim community to have a deceased Muslim, who is not a martyr or not in the state of *janabah*, washed in the way of ablution. This is an indication of love, respect, and esteem shown to Muslims who have passed on. The Messenger of Allah (saw) said about a man who fell from his mount and died, **"Wash him with water and leaves of the cedar tree and shroud him with two pieces of cloth."**⁷⁹¹

d) Situations in which it is considered sunnah or *mustahab* to perform *ghusl*:

According to the Maliki and the Ḥanbali jurists, it is *wājib* to perform *ghusl* for a person who has just converted to Islam, but *mandūb* according to the Ḥanafis and the Shafi'is. On the other hand, there is consensus for a new convert to perform *ghusl* if he/she is in a state of ceremonial impurity. In the story of Umar's conversion to Islam, Umar's sister's reluctance to give him the pages of the Qur'an that she was reading proves

787. Al-Bukhari, *Ghusl*, 28; al-Tirmidhī, *Ṭahāra*, 80; Ibn Maja, *Ṭahāra*, 111.

788. Al-Baqara, 2: 222.

789. Al-Bukhari, *Wuḍū*, 63, *Ḥayḍ*, 24; Muslim, *Ḥayḍ*, 62,63; Abū Dawūd, *Ṭahāra*, 107; al-Tirmidhī, *Ṭahāra*, 93, 95, 96.

790. Al-Baqara, 2: 222.

791. Al-Bukhari, *Janāiz*, 19, 20, 21, Sayd, 20, 21; Muslim, *Ḥajj*, 93, 94, 96, 98, 99; Abū Dawūd.

the existence of such an understanding at the beginning of Islam.⁷⁹² The meaning of this practice is to be cleansed from all material and spiritual impurities of the past and make a clean start on a new life.

It is a sunnah to perform *ghusl* before Friday and Eid prayers when entering the state of *ihram* with the intention of doing minor or major pilgrimage and for the ritual of standing in the plain of Arafat. The following is stated in a hadith, “*The person who performed wuḍū on Friday has done a good deed. If he performs ghusl, that is even more virtuous.*”⁷⁹³ It is also reported that the Prophet (saw) performed *ghusl* for the Eid prayers,⁷⁹⁴ and the Eid prayers were compared to the Friday prayer.

In addition to the ones listed above, it is also recommended to perform *ghusl* in various situations, such as when entering Mecca and Medina, staying overnight in Muzdalifah, performing the visiting and farewell circumambulation, washing the deceased, having blood drawn, wishing to revive the sacred nights such as the night of Barat and Qadr, attending a meeting, returning from a journey, wearing new clothes, during solar and lunar eclipses, before the rain prayer, in case of *janabah*, carrying out the *ghusl* before the obligatory prayer time, and repenting for a sin.⁷⁹⁵

3) Farḍ acts of *ghusl*

The proof showing the obligation of *ghusl* is the Qur’anic verse, “*...If you are in a state of ceremonial impurity, bathe your whole body...*”⁷⁹⁶, the Qur’anic verse that states the prohibition of sexual intercourse with women during their menstrual cycles until they are cleansed⁷⁹⁷ and the Qur’anic verse that commands those who are in ceremonial impurity not to approach the prayer until they have taken a bath.⁷⁹⁸ Aisha (r. anha) described how the Messenger of Allah (saw) performed *ghusl* as follows: “*When Allah’s Messenger (saw) bathed because of sexual intercourse, he first washed his hands: he then poured water with his right hand on his left hand and washed his private parts. He then performed ablution as is done for prayer. He then took some water and put his fingers and moved them through the roots of his hair. And when he found that these had been properly moistened, then poured three handfuls on his head and then poured water over his body and subsequently washed his feet.*”⁷⁹⁹

According to the Ḥanafis, there are three farḍ acts of *ghusl*: washing the mouth, the nose, and the whole body once.

792. Al-Qurtubī, *Jāmi’*, XVII, 146.

793. Al-Bukhari Wuḍū, 46; Muslim, Ṭahāra, 8, 12; al-Nasā’ī, Jum’a, 9.

794. Al-Shawkanī, *ibid*, I, 236.

795. See Ibn al-Humām, *ibid*, I, 443 ff.; al-Maydanī, *ibid*, I, 23; Ibn Abidīn, *ibid*, I, 156-158; al-Shurunbulālī, *ibid*, p. 18; al-Zuhaylī, *ibid*, I, 386 ff.; Bilmen, *Islam İlmihali*, Istanbul 1959, p. 126-127; Komisyon, *İlmihal*, I, 206.

796. Al-Mā’ida, 5: 6.

797. Al-Baqara, 2: 222.

798. Al-Nisā, 4: 43.

799. Muslim, Ḥayḍ, 35; al-Nasā’ī, Ghusl, 15; Darimi, Wuḍū, 40; Ahmad ibn Ḥanbal, VI, 140, 173, 330, 336.

a) Washing the mouth and the nose (*maḍmaḍa* and *istinshāq*): According to the Ḥanafis and the Ḥanbalis, the mouth and the nose are the outer part of the body during *ghusl*, so they must be washed. This is done by drawing enough water into the mouth and the nose and cleaning them more carefully than it is done during the *wuḍū*. The basis of this is the Qur'anic verse, “...*If you are in a state of ceremonial impurity, bathe your whole body...*” There are also several hadiths in this regard such as “*Then pour plenty of water on you*”⁸⁰⁰, and “*It is obligatory for the person in the state of janabah to draw water into his mouth and nose.*”⁸⁰¹ Therefore, according to the Ḥanafis and the Ḥanbalis washing the inside of the mouth and nose falls within the scope of “washing every possible part of the body”. According to the Shafi'is and Malikis, it is sunnah to wash the mouth and nose during *ghusl* for they do not consider them as part of the outer side of the body.

Tooth filling and capping made for the purpose of treatment are like paint and paste that remains on the skin and prevents water from reaching the skin after thoroughly being cleaned using soap, and they do not hinder the validity of the *ghusl*.

b) Washing the whole body: Water must reach all of the skin and hair at least once. It has been stated in a hadith; “*Under each strand of hair is major impurity. Therefore, let the wetness reach to the roots of the hair and clean the skin thoroughly.*”⁸⁰²

While performing the *ghusl*, it is necessary to immerse in the water thoroughly so that no part of the body remains dry.

Most jurists, except the Ḥanafis, added “intention” to the *farḍ* acts of *ghusl*, and the Malikis also added, “rubbing the body” and “washing the limbs sequentially (*muwalāt*)” to its *farḍ* acts.⁸⁰³

In addition to these, according to the Ḥanbalis saying *basmala* is one of the *farḍ* acts of *ghusl* for those who remember it. Whereas for those who forget to say *basmala* at the beginning, they are forgiven.⁸⁰⁴

Women's braided hair does not have to be undone, it is sufficient for water to reach the bottom of it.⁸⁰⁵ This is because the Messenger of Allah (saw) gave permission to Umm Salama (*r. anha*) to perform *ghusl* without undoing her braids.⁸⁰⁶ This is a convenience shown to Muslim women with long hair. The Ḥanbalis consider it necessary to untie the braid and wash the hair in a *ghusl* performed due to the end of the menstruation and postnatal bleeding.

800. Muslim, Ḥayḍ, 58; Abū Dawūd, Ṭaḥāra, 120; al-Tirmidhī, Ṭaḥāra, 77; al-Nasā'ī, Ṭaḥāra, 149; Ibn Maja, Ṭaḥāra, 108.

801. Al-Mawṣilī, Ikhtiyār, I, the chapter about *ghusl*.

802. Al-Tirmidhī, Ṭaḥāra, 77, al-Nasā'ī, Ṭaḥāra, 149; Ibn Maja, Ṭaḥāra, 108.

803. Ibn al-Humām, *ibid*, I, 38 ff.; Ibn Abidīn, *ibid*, I, 140, 143; al-Shurunbulālī, *ibid*, p. 17; al-Maydanī, *Lubāb*, I, 20; Ibn Qudāmah, *ibid*, I, 218-229; Ibn Rushd (Averroes), *ibid*, I, 42 ff.

804. Akyüz, Vecdi, *Mukayeseli İbadetler İlmiḥali*, İz Yayıncılık, İstanbul, 1995, vol. 1, pp. 278-79.

805. Muslim, Ḥayḍ, 58; Abū Dawūd, Ṭaḥāra, 120.

806. Al-Bukhari, Ḥayḍ, 16. Muslim, Ḥayḍ, 18.

Since the medical procedure done through tissue transplantation called “hair transplant” today, gives vitality to the hair, the transplanted hair should be accepted like one’s own hair. Such hair does not prevent the validity of the *ghusl*. However, planting the hair on a thin plastic layer and attaching it to the bald head will prevent the water to reach the skin of the head, so it is similar to a wig and is deemed an obstacle to the validity of *ghusl*.

While performing the *ghusl* if there is a bandage wrapped over a wound on the body, and if washing it will not be harmful to the wound, the bandage should be untied and the wound should be washed, otherwise wiping over the bandage would replace the washing part. In skin diseases such as burns, where the skin should not be wetted with water, other parts of the body are washed or wiped with a wet cloth to complete the ablution. If wiping will also cause harm, *tayammum* can be performed. *Tayammum* is sufficient for both in place of *wuḍū* and cleansing from the state of *janabah*, menstruation, and postpartum bleeding. However, as soon as the person regains the ability to use water, *tayammum* will be invalidated and it becomes necessary to get cleansed with water.

According to the Ḥanafis, if a person who is in a state of major impurity dives into a sea, lake, river, or pool by taking water in his mouth and nose, or if his whole body gets wet by standing in the rain, he is considered to have performed the *ghusl*.

4) Sunnah acts of *ghusl*

a) To begin the *ghusl* with *basmala* and intention. According to the three *madhabs*, except for the Ḥanafis, this intention is obligatory. Knowing that one is washing his/her body in order to be purified from major impurity is considered intention and becomes the reason to gain the reward of worship.

b) Washing the hands and private parts of the body first, and removing the material impurities, if any, from the body.

c) Afterwards to perform *wuḍū* just like it is done for the ritual prayer. If a puddle is formed in the place where the person takes the bath, washing the feet can be left to the end of the *ghusl*. Drawing water to the mouth and nose while performing the *wuḍū* can replace drawing water to the mouth and nose in the *ghusl*, which is obligatory according to the Ḥanafis and the Ḥanbalis.

d) After the *wuḍū*, pouring water on the head, then over the right and then over the left shoulder three times, and rubbing the body thoroughly each time. As mentioned before according to the Malikis, rubbing the body while washing is one of the obligatory acts of *ghusl*. If the feet have not been washed before, wash the right and then the left foot before leaving the bath.

e) Avoiding using too much or too little water while performing the *ghusl*.

f) To bathe in a place where others cannot observe. However, while bathing in public places such as hot springs, swimming pools, or Turkish baths, a Muslim should

cover his private parts with a loincloth or a garment that covers the area between the knees and the navel, and avoid looking at the private parts of others. The Prophet (saw) ordered Muslims to enter the bath with a cloth, and it was stated that angels would curse those who wash their private parts or bathe naked.⁸⁰⁷ The fact that going to public baths is considered disliked in some hadiths and fiqh books is based on the concerns that immorality seen in neighboring countries and towns may spread among Muslims, and this was an effort to take precautions against it. Historical spas and baths have been an integral part of Islamic civilization and architecture in the periods when these dangers and drawbacks were not present.

g) Not to expose one's private parts during *ghusl* even when it is performed out of sight. If the private part is exposed, not to turn in the direction of the *qibla*.

h) Not to talk while performing the *ghusl*.

i) To dry the body with a towel after the *ghusl* is over.

j) To dress quickly after the *ghusl*.

k) If a person who is in a state of major impurity dives into water such as a pool, river, lake, or sea, moves his limbs, or stays in the water for a suitable period of time enough to perform *wuḍū* and *ghusl*, he is also in compliance with the sunnah.⁸⁰⁸

Unlike the *wuḍū*, it is *makrūḥ* to recite supplications while performing the *ghusl* since it is presumed that the person who performs *ghusl* is generally not in a clean place.

5) Things that are not permissible for the person who is in the state of *janabah*, menstrual or postpartum bleeding

a) To perform prayer and to fast. It is not permissible for a person in the state of *janabah*, in menstruation or postpartum bleeding period to perform any obligatory or supererogatory prayer, prostration of recitation, or to take part in obligatory or supererogatory fasting. The evidence for this is the verses we have mentioned earlier, “... *If you are in a state of ceremonial impurity, bathe your whole body...*”, and “*O you who believe! Approach not prayers ... in a state of ceremonial impurity (Except when traveling on the road), until after washing your whole body...*” In addition, upon the query of Fatima bint Abi Hubaysh, the Prophet's (saw) said to her, “...*when your real menses begins, give up your prayers.*”⁸⁰⁹ On the other hand, women do not make up the prayers that they cannot perform during their menstrual courses, while they do make up the obligatory fasts that they could not perform during those specific days. Upon an

807. Abū Dawūd, Hammam, 2, 3; al-Nasā'ī, Ghusl, 2.

808. See Ibn al-Humām, *ibid*, I, 39 ff.; Ibn Abidīn, *ibid*, I, 140 ff.; al-Maydanī, *Lubāb*, I, 21; Ibn Qudāmah, *ibid*, I, 217; al-Shirazī, *ibid*, I, 31.

809. Al-Bukhari, Ḥayḍ, 19; al-Tirmidhī, Ṭahāra, 93.

inquiry by Muādhha (*r. anḥā*), Aisha (*r. anḥā*) said that this had been the practice of the Prophet (*saw*).⁸¹⁰

However, the situation of not being able to find the time and opportunity to perform *ghusl* due to the state of *janabah* before the time of *imsāk* or having a wet dream during a daytime sleep does not affect the fasting of that day. (See the chapter on fasting.)

b) To circumambulate the Ka'ba even if it is supererogatory since it is stated in the hadith that circumambulation is a type of prayer.⁸¹¹

c) Touching the Qur'an. It has been commanded in a verse, ***“Only those who have been thoroughly cleansed can touch it.”***⁸¹² However, in the hadiths that interpret the verse, the phrase “*ṭāhir* (the clean ones)” is used instead of the phrase “*ṭaṭahhur* (to be thoroughly cleansed)”.⁸¹³ Accordingly, only those who have been purified of the state of *janabah* can touch the Qur'an. However, it is permissible to keep the Holy Qur'an in a non-attached sheath, bag, sack, or box.

According to a view of Abu Ḥanīfa, the Qur'an can be touched without being in the state of *wuḍū*. According to another view reported by him, only the outer shell can be touched without being in the state of *wuḍū*. According to the Shafī'is and the Malikis, touching the Holy Qur'an without being in the state of *wuḍū* is not permissible.⁸¹⁴

d) Reading the Qur'an (without touching it). In a hadith narrated by Ibn Umar (*ra*), it is stated: *“Neither a menstruating woman nor a junub person can recite anything from the Qur'an.”*⁸¹⁵ It is narrated that Ali (*ra*) said: *“After going to the restroom, the Messenger of Allah (saw) would go out, eat bread and meat with us, recite the Qur'an. Nothing would separate him from the Qur'an, except for the state of major impurity.”*⁸¹⁶ Another narration on the subject is as follows: *“He used to teach us the Qur'an in any case as long as he was not in the state of major impurity.”*⁸¹⁷

However, it is possible and permissible before performing *ghusl* to recite certain chapters and verses of the Qur'an such as *Fatiḥa*, *Ikhlās*, the Verse of Throne, *Rabbanā atinā* with the intention of invocation and *dhikr* in the state of major impurity. Even though *ghusl* is required, the words of *dhikr*, *tasbiḥ*, *ṣalāt al-salām*, and *kalima al-shahadah* can be recited. Moreover, in case of menstruation or postpartum bleeding, the Qur'an can be recited by repeating its words for educational purposes.

810. Al-Bukhari, Ḥayḍ, 20; Muslim, Ḥayḍ, 15; al-Tirmidhī, Ṭaḥāra, 97.

811. Al-Bukhari, Ḥayḍ, 7, 8, Ideyn, 20, Ḥajj, 98; Ibn Maja, Manāsik, 36; Al-Shawkanī, *ibid*, I, 207.

812. Al-Wāqī'a, 56: 79.

813. See Malik, *Muwaffā'*, Kur'an, 1; Al-Darīmī, Ṭalaq, 3; Al-Zayla'i, Naṣb al-Rāya, I, 196-199; al-Qurtubī, *Jāmi'*, XVII, 146.

814. Al-Qurtubī, *Jāmi'*, XVII, 147.

815. Al-Tirmidhī, Ṭaḥāra, 98; Ibn Maja, Ṭaḥāra, 105.

816. Ibn Maja, Ṭaḥāra, 105.

817. Al-Tirmidhī, Ṭaḥāra, 111. For this hadith, al-Tirmidhī said “*ḥasan-ṣaḥīḥ*”, Ḥākim authenticated it, and Dhahabī said “appropriate”.

It is *makrūḥ* for a person who is in a state of ceremonial impurity to touch and read religious books without performing the *ghusl*, to eat and drink without washing her or his hands, and to write the verses of the Qur'an on a piece of paper that he or she does not hold in his or her hands.

According to Imam Malik, although a woman who is in the state of *janabah* cannot read the Qur'an, a woman in menstruation or puerperium can read it. This is based upon the reason that while the state of *janabah* can be cleansed immediately, the cleansing from menstruation or postpartum period cannot be done for an extended time. The evidence that is relied on in this case is juristic preference (*istiḥsān*).⁸¹⁸

According to Imam Shafī'i, Imam Ahmad Ibn Ḥanbal, Sufyan al-Thawri, and Ishaq, a person can recite the Qur'an from memory without being in the state of *wuḍū*, but he or she cannot read directly from the book of the Qur'an without ablution.

e) Entering or passing through a mosque unless it is necessary. Ibn Abbas (*ra*) interpreted the verse, **"...O you who believe! Approach not prayers ... in a state of ceremonial impurity (Except when traveling on the road), until after washing your whole body..."**⁸¹⁹ as **"Do not enter the mosque while you are in the state of *janabah* except crossing through it"**. According to this interpretation, one can pass through the mosque when a person is in the state of *janabah*, but it is not allowed to sit there.⁸²⁰ As a matter of fact, the doors of some of the Ansar's houses were opening towards the mosque, and sometimes they were in the state of *junub* and could not find water, so they had to pass through the mosque. The Prophet's (*saw*) saying, **"Close every door that opens towards the mosque, except the door of Abu Bakr"**⁸²¹ is a proof in this matter. According to a narration from Aisha (*r. anha*), the Prophet (*saw*) asked the Companions to turn the doors of their houses, which opened towards the Masjid an-Nabawi, to another direction, and when he (*saw*) saw that the house owners were slow to do this task, he further said, **"I do not make the mosque lawful for a menstruating woman and for a person who is sexually defiled."**⁸²² The narration of Umm Salama (*r. anha*) is as follows: **"The Prophet (*saw*) called out with his loudest voice: 'Indeed, the mosque is not permissible for the people in the state of ceremonial impurity.'"**⁸²³ On the other hand, when Aisha (*r. anha*) had a menstrual period during the Farewell Pilgrimage, the Messenger of Allah said to her, **"O Aisha! Except for circumambulating the Ka'ba, you will perform all the rituals of pilgrimage with us."**⁸²⁴

818. Al-Zuhaylī, *ibid*, I, 380.

819. Al-Nisā, 4: 43.

820. Ibn Kathīr, *Mukhtaṣar*, 7th ed., Beirut 1981, I, 394.

821. Al-Bukhari, Faḍā'il, 3.

822. Abū Dawūd, Ṭaḥāra, 92.

823. Abū Dawūd, Ṭaḥāra, 92.

824. Al-Bukhari, Ḥayḍ, 7, 8, Iḍayn, 20, Ḥajj, 98; Ibn Maja, Manāsik, 36.

However, it is possible and permissible for a *junub* or menopausal person to enter the mosque due to a need, not for the purpose of worship. According to the narration from Aisha (*r. anha*), she said: “One day the Messenger of Allah told me, “*Get me the mat from the mosque.*” When I said I am menstruating, he said to me, “*Your menstruation is not something in your control.*”⁸²⁵

On the other hand, the fast of a person who reaches the morning in the state of ceremonial impurity in Ramadan or who sleeps during the day is not nullified.



825. Ibn Maja, Ṭahāra, 120.

IV – TAYAMMUM (DRY ABLUTION)

1) Its Definition and Proofs

The word *tayammum* lexically means to aim at something and to intend something. In Islamic legal terminology, it means legal cleaning consisting of wiping the face and both arms with the hands that are rubbed on soil or soil-type substance with the intention of *wuḍū* or *ghusl* in situations where there is no water to be found or if there is no possibility to use it even if there is water present. It is also obligatory to perform this act with the intention of eliminating the state of impurity. *Tayammum* is a symbolic process that replaces *wuḍū* and *ghusl* and is performed as follows: A person who is not in the state of *wuḍū* or needs to perform *ghusl* strikes and rubs both his or her hands on clean soil and then wipes his or her face with his or her hands. Then she or he strikes her or his two hands again and wipes both hands up to the elbows with her or his hands. The person does this with the intention of removing the absence of the state of *wuḍū* or performing a prayer or performing any other worship or act that is not valid without being in the state of *wuḍū*.

Accordingly, the *fard* acts of *tayammum* consist of two wipes (one for the face and one for the lower arms) with one intention. According to Imam Zufar, the intention is not obligatory in *tayammum*.

Tayammum was made legitimate in the fifth year of Hijra. During the expedition to the Bani Mustaliq, also called the Expedition of Muraysi, the Prophet (*saw*) and about a thousand Muslim soldiers spent the night in a place without water. When they could not reach the place where there was water and could not find the water to perform ablution for the Dawn Prayer, the following verse was revealed, “... **if you are ill, or are traveling, or have just satisfied a want of nature, or have cohabited with a woman, and can find no water-then take resort to pure dust, passing therewith lightly over your face and your hands...**”⁸²⁶ The same verse is repeated in the 43rd verse of Chapter al-Nisā, except for the words pure (*tayyiban*) and therewith (*minhu*). The Prophet (*saw*) also said: “*The earth has been made a mosque for us, and its soil is a cleansing for us.*”⁸²⁷, and “*The soil is the purifier of the Muslim. As long as there is no water or the state of impurity exists, even if it continues for ten years.*”⁸²⁸

2) Reasons for *tayammum*

Since *tayammum* is a substitute for *wuḍū* and *ghusl* and a legal means of purification, it is permissible only if any one of the following pretexts are present:

826. Al-Māʾida, 5: 6.

827. Al-Shawkanī, *Nayl al-Awṭār*, I, 258.

828. Al-Zaylaʿī, *Naṣb al-Rāya*, I, 48.

a) During the scarcity of water or its unavailability, meaning not having enough water to perform the *wuḍū* or the *ghusl*.

The justifications that make *tayammum* permissible are situations such as not having enough water for *wuḍū* and *ghusl*, being excessively far away from water to be reached easily by walking or by a vehicle, the existence of danger on the way to water, not being able to buy water with money, or its price being much higher than its cost. This is because it is stated in the verse; ***“If you can find no water-then take resort to pure dust, passing therewith lightly over your face and your hands...”***⁸²⁹

According to Imam Abu Hanīfa and Imam Muhammad, if a person who forgets the existence of water and performs *tayammum* then remembers the existence of the water after performing the prayer, he does not have to perform the prayer again. Here forgetting is like not being able to use water. However, if he remembers the existence of the water while praying, he should stop the prayer and performs ablution with water, and returns to perform the prayer.⁸³⁰

b) When one is incapable of using water, even when it is available:

An ill person who is incapable of using the water that is available should perform *tayammum* due to the fact that using the water is dangerous for health. Moreover, lack of tools and equipment to access the water, physical and geographical conditions which prevent access to water, being in prison, fearing theft of his belongings or enemy attack are all valid reasons to perform *tayammum*. However, a person who is prevented from using water under duress (*ikrāh*) performs prayer by performing *tayammum* first, then when the compulsion is eliminated, he should perform ablution with water and repeat the prayer.

c) Fear of illness or delay in recovery:

A person who is afraid he will get ill if he uses water, or if he is ill and is afraid of prolonging his illness or delaying his recovery, should perform *tayammum*. A Muslim doctor can be consulted on such matters. This action is based upon maxims such as, “necessities make things that are objectionable permissible”, “do not put yourself in danger with your own hands” as well as the principle “get treated when you are ill”. Moreover, the death of a wounded Companion in the time of the Prophet (*saw*) due to being washed by water is the basis of this ruling. Jabir (*ra*) narrates: “We went on a journey. One of us was hit by a stone and his head was split open. Then he had a wet dream and asked his friends whether it was permissible for him to perform *tayammum*. His friends said, “Since you have the ability to use water, we do not think that you have permission for *tayammum*.” The man performed the *ghusl* and died afterward. When the situation was reported to the Messenger of Allah (*saw*), he said: *“They killed him, may Allah kill them!”*

829. Al-Māʾida, 5: 6.

830. Ibn al-Humām, *Faṭḥ al-Qadīr*, I, 97; Ibn Abidīn, *Radd al-Mukhtār*, I, 330; al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, I, 417 ff.

Could they not ask when they did not know? The cure for ignorance is inquiry. It would have been sufficient for him to perform tayammum, wrap a bandage over the wound, wipe over it, and washed the other parts of his body."⁸³¹

d) Extremely cold water:

Fear of death, organ failure, or illness due to using water makes *tayammum* permissible. It is narrated that 'Amr Ibn al-ʿĀs, who participated in the Battle of Dhāt al-Thalāsil, had a wet dream on a cold night, performed *tayammum*, and led his friends in the Dawn Prayer. Upon being criticized for this action, the Messenger of Allah (saw) wanted to listen to the situation for himself. 'Amr Ibn al-ʿĀs said: "I remembered Allah Almighty's verse, **"Do not kill yourselves, because Allah is very merciful to you"** and I led the prayer after performing *tayammum*. The Messenger of Allah (saw) laughed and did not say anything."⁸³²

3) The way to perform *tayammum* in accordance with the sunnah

a) At the beginning of *tayammum*, one utters the *basmala* and makes the intention to be cleansed for prayer or worship in general. According to the Ḥanbalis, the *basmala* is *wājib* (i.e. obligatory).

b) After striking the hands with open fingers on clean soil, they are pulled back and forth.

c) The excess dust on the hands is shaken off and the whole face is wiped with the hands.

d) After the hands are struck to the ground again, using the inner sides of the fingers, the right arm with the left hand and the left arm with the right hand are wiped up to and including the elbows. According to the Ḥanbalis, the Malikis, and the old view of Imam Shafi'i, wiping the hands up to the wrists is required, but it is sunnah to wipe up to the elbows. According to the Ḥanafis and the Shafi'is, the accepted view is that wiping the lower arm including the elbow is required.

e) Following the above sequence, in other words, first the face and then the arms should be wiped and there should be no intermission between two wipings. Following the sequence is a *farḍ* according to the Shafi'is and the Ḥanbalis. Not giving intermission between the acts of *tayammum* is a requirement according to the Malikis and the Ḥanbalis. The Malikis also add another condition not to give intermission between performing *tayammum* and performing the ritual prayer.

f) *Tayammum* must be performed after the time of prayer begins.

According to the Ḥanafis, it is permissible to perform *tayammum* before the time of prayer commences. As long as there is no water and the situation of the excuse continues,

831. Al-Shawkanī, *ibid*, I, 257.

832. Al-Shawkanī, *ibid*, I, 258; See al-Baqara, 2: 195.

a person can perform as many obligatory or supererogatory prayers as he wishes with his *tayammum*. However, if there is a hope of finding water, it is *mandūb* to delay *tayammum* until the end of the prayer time.

According to the majority of schools other than the Ḥanafis, the time of prayer must commence for *tayammum* to be valid, and more than one obligatory prayer cannot be performed with one *tayammum*. However, the Ḥanbalis are of the opinion that more than one make-up (*qaḍā*) prayer can be performed. The majority of jurists have compared *tayammum* to the ablution of a person with a constant excuse, and they consider *tayammum* to have been made permissible due to a necessity.

4) Conditions (*ashrāt*) of *tayammum*:

a) Intention: Even though intention for *tayammum* is required according to all schools, they have different views about what type of a requirement the intention falls under. According to the Ḥanafis and the Ḥanbalis, the intention is a condition (*shart*) of *tayammum* while according to the Shafi‘is and the Malikis, it is a *fard* act of *tayammum*. Whatever the intention in *tayammum* consists of, those acts included in the intention become possible and permissible with this type of *wuḍū*. According to the Ḥanafis with one *tayammum*, one can perform a *fard*, *wājib*, or supererogatory prayer as many times as desired. However, it is not permissible to perform *tayammum* performed with the intention of visiting the graves, reciting the *adhān*, reciting the *iqāmah*, and converting to Islam. This is because all these are valid without the performance of *wuḍū*.

b) Existence of an excuse that makes *tayammum* permissible: Excuses such as being two kilometers away from the water, even when one is in a city, fear of illness, extreme cold, the fear of enemies and thirst, the absence of tools to access and draw the water, and the fear of missing out on performing a prayer in congregation, which has no substitute such as a funeral, eid or eclipse prayer, makes *tayammum* permissible. However, *tayammum* is not permissible out of fear that the prayer time will pass for obligatory prayers such as Friday, other obligatory prayers, or *witr* prayer. For, it is possible to perform noon prayer in place of Friday prayer and to make up other *fard* or *wājib* prayers.⁸³³

It is narrated that Ibn Abbas (*ra*) said, “If you suddenly come across a funeral prayer and you are afraid of missing it because of making *wuḍū* with water, perform the funeral prayer with *tayammum*.”⁸³⁴

According to the Shafi‘is, it is not permissible to perform *tayammum* for fear that the prayer time will pass. Only the traveler is excluded.

c) *Tayammum* must be performed with something clean, such as earth, brick, tile, and plaster. *Tayammum* cannot be made with wood, ashes, gold, silver, copper, or iron. This is because they are not types of soil. According to the Shafi‘is, the dust from the

833. Al-Kāsānī, *ibid*, I, 51; Ibn al-Humām, *ibid*, I, 96; Ibn Abidīn, *ibid*, I, 223-227; al-Shurunbulālī, *ibid*, 19 ff.

834. Al-Zuhaylī, *ibid*, I, 422.

soil must be transferred to the limbs and that is why only pure dusty soil can be used to perform *tayammum*.

d) The place of *tayammum* must be completely wiped.

e) The hands should be struck on clean soil twice, with the first strike the face should be wiped, and on the second strike, the arms up to and including the elbows with the insides of the fingers should be wiped.

f) The end of menstruation or puerperium.⁸³⁵

5) Things that nullify *tayammum*

Tayammum is invalidated in the following situations:

a) Anything that invalidates *wuḍū* and *ghusl* also invalidates *tayammum*. This is because *tayammum* replaces the regular types of ablution. For that reason, a situation that invalidates the original types of ablution also invalidates the one that replaces it. After a person in the state of *janabah* performs *tayammum*, if a situation occurs that invalidates his *wuḍū*, only his *wuḍū* is considered invalid. He does not revert back to the state of *janabah*.

b) The termination of the excuse that makes *tayammum* permissible. For instance, the withdrawal of the enemy, the end of cold weather, regaining health after a disease, finding a tool to access and draw water, and a person's release from prison where there is no water, all these situations invalidate *tayammum*.

c) Finding water or having the strength to use enough water, even once, invalidates *tayammum*. According to the Ḥanafis and the Ḥanbalis, if water is found during the prayer, both *tayammum* and prayer are invalidated. The Malikis are of the opposite view. There is a consensus that if the water is found after performing the prayer, and if the prayer time has ended in the meantime, it will not be necessary to make it up. Moreover, even if water has been found during the prayer time, it is not necessary to make the prayer up according to the majority, except for the Shafi'is. According to the Shafi'is, in this case, if the person is a resident, he makes it up, but the traveler does not.

d) According to the Ḥanbalis, if the prayer time ends; according to the Shafi'is, apostasy (*irtidāt*); and according to the Malikis, the passage of a long period of time between performing the *tayammum* and prayer invalidates the *tayammum*. However, according to the Ḥanafis, *tayammum* is not invalidated by these above-mentioned cases.⁸³⁶



835. Al-Kāsānī, *ibid*, I, 52 ff.; Ibn Abidīn, *ibid*, I, 213-228; Al-Shurunbulālī, *ibid*, p. 19 ff.

836. Al-Kāsānī, *ibid*, I, 56; Ibn al-Humām, *ibid*, I, 91 ff.; Ibn Abidīn, *ibid*, I, 224. *ibid*, I, 449.

V – THE SITUATIONS SPECIFIC TO WOMEN (MENSES AND POSTPARTUM BLEEDING)

There are a number of special conditions arising from the physiological nature of women. These situations are not related to men. In order for women to be able to perform some acts of worship related to cleanliness and not to commit a prohibited act in their relations with their husbands, they need to learn of these special provisions of Islam regarding their distinctive situations. Three types of blood come from the genitals of an adult woman: a) *Ḥayḍ* or menstrual blood that comes between certain ages and at certain periods. b) *Nifās* (postpartum) blood, which comes for a certain period after birth. In addition to these two, c) *istihāḍa* blood is generally caused by a medical condition. These three situations are explained in detail below.

A – MENSES (HAYḌ):

1) Definition and Proof

As a term in Islamic legal terminology, *ḥayḍ* refers to the blood that comes from the genitals of a healthy woman who has reached puberty at regular intervals. This physiological situation experienced from the age of puberty to menopause is also called menstruation, menses, period, or flow. With the cessation of menstrual blood, the cleansing period of the woman begins. The period until the next menstrual period is called the “cleaning period”. When fertilization occurs, the egg cell clings to the inner lining of the uterus and begins to develop, and the menstrual bleeding stops. Therefore, in principle, the pregnant woman does not experience a menstrual period.⁸³⁷

Women need to pay attention to the duration of menstruation. This is because the validity of some worships that require cleanliness, and the determination of issues such as waiting period (*‘iddah*) and alimony after the end of a marriage are based on this information.

There are various texts in the Qur’an and sunnah about the special conditions of women. In the Qur’an, it is specified that menstruation is a condition that causes distress and discomfort to women, therefore, sexual intercourse with women should be avoided during that time,⁸³⁸ that divorced women need to wait for three periods of menstruation and cleansing,⁸³⁹ and that women who have ceased menstruation (menopause) or who have not menstruated yet need to wait three months when their marriage ends.⁸⁴⁰

837. Komisyon, *Ilmihal*, I, 211.

838. Al-Baqara, 2: 222.

839. Al-Baqara, 2: 228.

840. Al-Talaq, 65: 4.

At the time of the emergence of Islam, the Arabs of the age of ignorance did not even stay with menstruating women and eat together. This was also the custom of the Jews and Magians. Christians, on the other hand, did not care about this aspect at all, they even had sexual intercourse during women's menses.⁸⁴¹

According to the Torah, the menstruating woman is considered unclean for seven days after the cessation of blood and was subjected to certain obligations.⁸⁴² At the end of this period, the woman takes a bath called "*mikveh* or *mikvah*" and only after that is she considered clean.⁸⁴³

In Islam, some protective provisions and conveniences have been introduced regarding the menstrual days, which cause mental and physical distress to women. The following is stated in the Qur'an: ***"They will ask you about [woman's] monthly courses. Say: 'It is a vulnerable condition. Keep, therefore, aloof from women during their monthly courses, and do not draw near unto them until they are cleansed; and when they are cleansed, go in unto them as God has bidden you to do.' Verily, Allah loves those who turn unto Him in repentance and He loves those who keep themselves pure."***⁸⁴⁴

There are various sayings of the Prophet Muhammad (saw) regarding this subject matter. For instance, the Prophet (saw) said, "*Menstruation is a state that Allah ordained for the daughters of Adam (as).*"⁸⁴⁵ Moreover, the Messenger of Allah replied to a companion who asked him whether to stay away from a menstruating woman with the following words, "*Things other than sexual intercourse can be carried out as during normal times.*"⁸⁴⁶ However, he considered it appropriate to keep the area between such a woman's navel and the knees covered.⁸⁴⁷

The unclean aspect of menstruating women is only her menstrual blood. Her saliva and sweat are not impure. Moreover, the food cooked by her can be eaten and any of her leftovers are considered clean. It was narrated from Aisha (r. anha) that she said on this subject, "*When I was menstruating, the Messenger of Allah (saw) would lean on my lap and read the Qur'an.*"⁸⁴⁸ and "*I would drink when I was menstruating, then I would hand it (the vessel) to the Prophet (saw) and he would put his mouth where mine had been, and drink, and I would eat flesh from a bone when I was menstruating, then hand it over to the Prophet (saw) and he would put his mouth where mine had been.*"⁸⁴⁹

841. Elmalılı, *Hak Dini Kur'an Dili*, Azim ed., II, 99.

842. See Leviticus, 15: 19- 24, 18: 19, 20: 18; II. Samuel, 11: 4; Ezekiel, 22: 10.

843. See Leviticus, 15: 19.

844. Al-Baqara, 2: 222.

845. Al-Bukhari, Ḥayḍ, 1, 7, Adāhī, 3, 10; Muslim, Ḥajj, 119, 120; Abū Dawūd, Manāsik, 23.

846. Muslim, Ḥayḍ, 16; al-Nasā'ī, Ṭahāra, 18; Ibn Maja, Ṭahāra, 12.

847. Al-Bukhari, Ḥayḍ, 5, Ṭahāra, 175; al-Darimī, Ṭahāra, 108.

848. Al-Bukhari, Ḥayḍ, 2, 3; Muslim, Ḥayḍ, 15; al-Nasā'ī, Ṭahāra, 173.

849. Muslim, Ḥayḍ, 14.

2) Durations in menstruation

At the age of puberty, a person leaves childhood and enters the age of youth. The lower limit of puberty is 9 years for girls and 12 years for boys. The sign of puberty is seen in boys by emission of semen and in girls by menstruation or conception. Since there is no clear verse or hadith for the upper limit of menstruation, fiqh scholars have offered different ages based on the common experience of women. According to the majority of jurists, menstruation, which starts from the age of 9, stops between the ages of 50-55. In this matter, normally the rulings are based on the actual start and end of menstruation. Outside of these ages, blood coming from the genitals of a female is considered “justified blood due to chronic vaginal bleeding”. According to the majority of Muslim jurists, if the emission of semen or menstruation is delayed, both genders are considered to have entered the age of puberty by the end of the age of 15. According to Abu Ḥanīfa, the upper limit is 17 for girls and 18 for boys.⁸⁵⁰

Factors affecting the start, end, and regularity of menstruation included severe diseases, chronic diseases, climate and environmental changes, fear and excitement, excessive physical activity, unbalanced weight-loss diets, excessive desire to conceive, and even fear of becoming pregnant.

According to the Ḥanafis and the Ḥanbalis, pregnant women do not menstruate. However, according to the Malikis and Imam Shafi‘i’s final view, a pregnant woman can sometimes menstruate. They based their view on some reports stating that menstruation is a woman’s nature, as well as the absolute meaning of the verse that speaks of menstruation.⁸⁵¹

The longest and shortest period: According to the Ḥanafis, the shortest period of menstruation is three days and three nights. Less than that counts as chronic vaginal bleeding. The middle is 5 days and the longest period is 10 days and 10 nights. Bleeding that lasts ten days is considered a justification. Bleeding between the shortest and the longest period is considered “menstrual blood”. The evidence they rely on is the following hadith: “*The shortest period of menstruation for a single or widowed woman is 3 days, and the longest is 10 days.*”⁸⁵² According to the Shafi‘is, the shortest period is one day or one night, and although the longest period is 15 days, most women’s periods are six or seven days. Whereas the Malikis do not set a limit for the minimum period, and they hold the view that the longest period is 15 days for a woman who has just started menstruating.⁸⁵³

850. Ibn Abidīn, *ibid*, I, 279 ff.; al-Shurunbulālī, *Marāq al-Falaḥ*, Egypt, 1315, p. 23; Ibn Qudāmah, *Mughnī*, Cairo, n.d. I, 363.

851. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 51.

852. Al-Zayla‘ī, *Naṣb al-Rāya*, I, 191.

853. Al-Kāsānī, I, 39; Ibn al-Humām, *ibid*, I, 11; Ibn Rushd (Averroes), *ibid*, I, 48 ff.; Ibn Qudāmah, *Mughnī*, I, 308.

Bleeding does not need to continue uninterrupted during menstruation, it can be interrupted from time to time. For example, if a woman has bleeding for 4 days, then it stops for 2 days but then continues for 2 more days after that, in that case, she is still considered to have menstruated throughout all these 8 days.

The state of cleanliness between the two periods is called "*ṭuhr*". The duration of cleanliness cannot be less than 15 days but it could be more than that. In fact, it can go on for months or years. In this way, a woman whose state of cleanliness is prolonged is called "*mumtad al-ṭuhr*".

According to the Malikis and the Ḥanbalis, the days when the blood is cut off during menstruation are called "cleansing days (*yawm al-naka*)". During this time the menstruating woman is considered ritually clean and is required to carry out her religious tasks just like other ritually clean women.

Some women have regular menstrual days. For example, they menstruate 5 or 6 days a month. For a young girl who is menstruating for the first time, the duration of her menses becomes clear with this number. For example, if such a young girl experiences bleeding for the first time for six days and cleaning for twenty-four days after that, her period will become definite in this way. Even if this young girl starts to experience chronic bleeding due to illness, her period is calculated as 6 days and cleaning days as 24 days per month.

For some women, menstrual days may be irregular, such as 5 days in one month and 6 days in another month. In such cases, it is necessary to act with prudence. For example, such a woman takes a bath on the sixth day, performs her prayers, and fasts if it is the month of Ramadan since the bleeding on this sixth day might be due to chronic bleeding. But she does not have sexual intercourse with her husband until this sixth day ends. On the other hand, if she is divorced, her waiting period (*'iddah*) is not considered to be over because the bleeding on the sixth day might also be menstrual blood.

In order for a woman's usual menstrual period to be considered changed, it is sufficient that it occurs at least twice in different duration. For example, the regular menstruation is for 5 days every month, but if this period increases to 6 days later, it is subject to this new period.

Bleeding that exceeds the regular menstrual period but does not exceed 10 days is considered menstrual bleeding. In this case, the regular time period becomes 10 days. For example, if a woman who has a menstrual period for 7 days every month sees bleeding for 10 days afterward, the period of menstruation will increase to 10 days. However, if the bleeding period exceeds 10 days after the regular menstrual period, attention is paid to the regular period and the excess is considered chronic bleeding. For example, if a woman whose menstruation lasted for 7 days regularly starts to bleed for 11 or 12 days every month, then the regular 7 days are considered menstrual bleeding, and the remaining 4 or 5 days are considered chronic bleeding.

Bleeding that begins before the regular period and does not exceed 10 days in total is also considered menstrual blood. If it exceeds 10 days, the regular period is menstrual, and the previous excess is considered chronic bleeding. For example, if a woman who has menstruation for 5 days from the beginning of each month begins to bleed for 2 or 3 more days before the regular period, the sum of these 7 or 8 days is considered the period of menstruation. If the total exceeds 10 days, the regular period of 7 days is considered menstrual, and the extra days are considered chronic bleeding.

Cessation of bleeding during menstruation:

Sometimes bleeding stops while menstruation continues, but then the blood may again be observed. In such a case, according to the Ḥanafis and the Shafi‘is, a woman is considered to be menstruating during a time when blood is not seen during menstruation. For example, if a woman bleeds one day, if the blood is cut off on the second day, or if she bleeds again on the third or fourth day, the woman is still considered to have her menstruation period during this entire period. Accordingly, any cleansing between two bleedings is not accepted as a duration that divides the period of menstruation. On the contrary, a woman is considered to have her menses during this whole period, which does not exceed ten days, provided that blood is seen at the beginning and the end.⁸⁵⁴

Calculating the period of menstruation of a woman who constantly sees chronic bleeding:

If the bleeding of a young girl who started menstruation for the first time continues without being fixed, ten days of each month are considered “menstruation” and twenty days are regarded as “clean” days. She must act with the awareness that she is observing only chronic bleeding during her clean days.

If a woman who has regular menstruation starts to bleed continuously due to illness, she is considered to be menstruating on the days corresponding to her regular menstrual period and clean on other days. Again, if a woman experiences 10 days of menstruation every month and has regular clean days for 20 days or less than 6 months, but then starts bleeding continuously, the first 10 days of each month will be considered menstruation, and the other 20 days or a time period of fewer than 6 months will be considered clean days. However, if the cleaning time period exceeds 6 months, the clean time period is accepted as one hour less than 6 months. This is because 6 months are considered the minimum limit of the pregnancy time period.

A woman who has forgotten her menstrual days as a result of illness or carelessness is called a ‘*mutahayyirah*’. If the bleeding continues without interruption in the case of such a woman, she acts with her own conviction on the duration of her menstruation. If she does not have a resolute opinion, she should act with precaution. So if she is resolute that her period of menstruation is 5 days, she will comply with it. However, if she is

854. Ibn Rushd (Averroes), *ibid*, I, 52; Al-Zuhaylī, *ibid*, I, 463; Ibn Abidīn, *ibid*, I, 263 ff.; Bilmen, *ibid*, 95 ff.

not resolute then the precaution is applied. Regarding the waiting period for divorce, the waiting period is determined as 10 days and the clean period is one hour less than 6 months. According to another view, the clean period is considered to be 2 months.⁸⁵⁵

3) Menstruation in terms of today's medical science

In today's world, where medicine has made significant progress, women's menstrual period, its duration and the health measures to be taken should be based on medical science. As a matter of fact, based on observation and experience, it will be understood from the information given below how much the results of the Muslim jurists in their own historical period match with the data of medicine.

According to the data of medical science, the average age of first menstruation (menarche) is between 11-14. If the first menstruation occurs between the ages of 16-18, it is called "delayed menstruation". Seeing menstruation before the age of 9 is also a sign of early maturation. Not seeing menstruation in a young girl at the age of 18 is considered an "absence of menstruation" and requires a doctor's examination. The age of first menstruation is affected by familial, regional, and nutritional conditions. For example, the average age of first menstruation in Turkey is 12 years old.

However, not seeing menstruation before puberty, during pregnancy, during breastfeeding, and after menopause is normal and is called "physiological absence of menstruation". All other menstrual absences (amenorrhea) are not normal, that is, it is considered a "pathological absence of menstruation". The end of the menstrual period, that is, the complete cessation of menstrual bleeding and its absence, is called "menopause". Menopause usually occurs between the ages of 45-50. It can also be observed to be earlier or later than these ages. The gradual prolongation of the period between menstrual bleeding and the gradual decrease in the amount of bleeding is the most common symptoms of menopause. Sometimes the cessation of menstrual bleeding happens abruptly. Excessive and irregular bleeding can often be observed in the near-menopausal period.⁸⁵⁶

Menstruation is usually repeated at 28-day intervals. Due to factors such as the age and mental status of women, it can normally be observed between 24-34 days. The duration of menstrual bleeding is usually 3-5 days, but its duration can be between 2-8 days. The bleeding duration may be variable even in the same woman.⁸⁵⁷

This cessation of bleeding, which can occur during menstruation, is called cryptomenorrhea in medicine. There may be two reasons for this: Either the menstrual bleeding has been too small to be noticed, or a developmental defect, usually related to the reproductive organ, has prevented the menstrual blood from flowing out.⁸⁵⁸

855. Bilmen, *ibid*, 97.

856. *Görsel Sağlık Ansiklopedisi*, II, 314-316.

857. *Görsel Sağlık Ansiklopedisi*, II, 314.

858. *Görsel Sağlık Ansiklopedisi*, Görsel Yayınlar, İstanbul 1984, II, 316.

B – POSTPARTUM BLEEDING (*NIFĀS*):

Nifās means blood coming after birth. The blood that comes with the child at the time of birth or before the birth is bad blood or blood flowing due to a chronic problem. A woman performs ablution and performs her prayers during her pregnancy until the birth. If she is unable to perform ablution due to her illness, she performs *tayammum* and performs her prayers by gestures, but does not delay the prayer.

There is no limit for the shortest period of postnatal bleeding. It could even be one day because no verse or hadith determines this. In such a case, the duration of its actual occurrence is taken into account. According to the Ḥanafis and the Ḥanbalis, the longest period of postnatal bleeding is 40 days. The blood that will be observed after this is the blood of chronic bleeding. The evidence is the following hadith reported from Umm Salama (*r. anha*) who said, “*The woman having bleeding after delivery (puerperal hemorrhage) would refrain (from prayer) for forty days or forty nights during the time of the Messenger of Allah (saw).*”⁸⁵⁹ According to the Shafi‘is and the Malikis, the maximum period of postpartum bleeding is 60 days. However, this period usually lasts forty days.

In today’s medical science, the postpartum period is defined as follows: It is the six-week period that includes the woman’s return to her former state by getting away from the changes that happened to the uterus, birth canal, and all the changes brought about by pregnancy. The uterus, which grows with birth, gets smaller every day in the days after birth. The most important reason for this shrinkage is the shrinkage of the muscle cells in the uterus.⁸⁶⁰

The woman may not see blood after giving birth. For instance, according to some narrations, a woman gave birth during the time of the Messenger of Allah (*saw*) and did not experience puerperal blood, so she was called “*dhāt al-jufūf*”.⁸⁶¹

Nifās occurs when a baby with limbs, such as hands and feet, is miscarried and it usually lasts for 10-15 days. However, the provisions of miscarriage are not applied to a miscarried baby whose limbs have not been formed yet. Bleeding with the miscarriage of such a baby lasts for three days. If the state of cleanliness has continued for at least 15 days before, this is considered menstrual blood. If that is not the case, it is considered blood caused by a chronic problem.

According to Abu Yusuf and Imam Muhammad, a woman who has given birth to a child is not considered to be in a postpartum period if there is no blood coming from her. Therefore, she does not need to perform *ghusl*. *Wuḍū* alone is sufficient. According to Abu Ḥanīfa, she should perform *ghusl* as a precaution.

859. Abū Dawūd, Ṭaḥāra, 119.

860. See *Görsel Sağlık Ansiklopedisi*, 3 ed., Ankara 1984, “Loğusalık Dönemi”, II, 354, 355.

861. See Ibn al-Humām, *ibid*, I, 129; al-Kāsānī, *ibid*, I, 41-43; Ibn Abidin, *ibid*, I, 275 ff.; al-Maydanī, *Lubāb*, I, 352; al-Shurunbulālī, *ibid*, 23; al-Zuhaylī, *ibid*, I, 466, 467.

Cessation of bleeding during the postpartum period does not cause an interruption in the postpartum period. The presence of bleeding at the beginning and the end is considered sequential bleeding. There is no difference between the duration of blood cessation less than or more than 15 days.

According to the Shafi'is and the Malikis, if the period of clean days exceeds 15 days, then the "clean days" after that are considered "menstruation". If the clean days continue for less than half a month, all of them are considered postpartum bleeding.

In twin births, the postpartum period begins with the birth of the first child. However, according to the Shafi'is, this period begins with the birth of the second child. If it is the blood that comes after the birth of the first child, and if it is at the time of menstruation, it is considered menstrual blood, otherwise, it is considered chronic bleeding.⁸⁶²

C – PROVISIONS RELATED TO MENSTRUATION AND POSTPARTUM BLEEDING:

1) *Ghusl* becomes obligatory: When menstruation and puerperium are over, the woman must perform the *ghusl*. This is obligatory for her to be able to perform acts of worship such as prayer, fasting, and circumambulation during the pilgrimage. In the Qur'an, it is stated that women who experience menstruation must be cleansed in order for their husbands to have sexual interaction with them.⁸⁶³ Moreover, the Prophet (*saw*) said to Fatima bint Abi Hubaysh (*r. anha*), who asked him about the provision of the chronic bleeding which did not stop for a long time, "*No, because it is from a blood vessel and not the menses. So when the real menses begins give up your prayers and when it (the period) has finished wash the blood off your body (take a bath) and offer your prayers.*"⁸⁶⁴

2) A woman becomes an adolescent by menstruating: A young girl's menstruation and a boy's emission of semen is a sign of their puberty. Through this sign, they begin to be subject to religious commands and prohibitions such as prayer, fasting, pilgrimage, and *zakāt*. It is stated in a hadith, "*Allah does not accept the prayer of a woman who has reached the age of menstruation without a headscarf.*"⁸⁶⁵

3) Exemption from prayer: It is not permissible for a menstruating or puerperal woman to pray. Another version of the narration of the hadith of Fatima bint Abi Hubaysh, which we mentioned above, reported by al-Bukhari is as follows: "*As long as your menstruation continues, leave the prayer, then perform ghusl and perform the prayer.*"⁸⁶⁶ It

862. Ibn Abidīn, *ibid*, I, 275 ff.; al-Zuhaylī, *ibid*, I, 446 ff.; Bilmen, *ibid*, p. 97 ff.

863. See al-Baqara, 2: 222.

864. Al-Bukhari, Ḥayḍ, 19, 24, Wuḍū, 63; Muslim, Ḥayḍ, 62, 63; Abū Dawūd, Ṭahāra, 107; al-Tirmidhī, Ṭahāra, 93, 95, 96.

865. Ibn Maja, Ṭahāra, 132; Abū Dawūd, Salat, 84; al-Tirmidhī, Salat, 160; Ahmad Ibn Ḥanbal, IV, 151.

866. Al-Bukhari, Ḥayḍ, 19, 24.

is not necessary for them to make up late prayers that are not performed during this time period. Aisha (r. anha) said: *“We had our menstruation at the time of the Messenger of Allah (saw). We were not ordered to make up the prayers we could not perform during this time, but we were ordered to make up the fasts we could not observe.”*⁸⁶⁷

4) Postponing the obligatory fast: A menstruating or postpartum woman does not fast during Ramadan and then makes up for it. The evidence for this is the hadith of Aisha that we just mentioned above.

5) Not circumambulating the Ka’ba: A menstruating woman can perform all the rituals of hajj or umrah except the circumambulating of the Ka’ba. The evidence is the following hadith of Aisha (r. anha), who participated in the farewell pilgrimage, *“We set out with the sole intention of performing Hajj and when we reached Sarif, (a place six miles from Mecca) I got my menses. Allah’s Messenger (saw) came to me while I was weeping. He said ‘What is the matter with you? Have you got your menses?’ I replied, ‘Yes.’ He said, ‘This is a thing which Allah has ordained for the daughters of Adam. So do what all the pilgrims do with the exception of the Tawaf (Circumambulation) round the Ka’ba.”*⁸⁶⁸

6) Not to touch the Qur’an and not to read the Qur’an: According to the three schools of Islamic law, except the Malikis, it is not permissible for a menstruating woman to read the Qur’an and touch it. The proof they argue comes from the Qur’an and the Sunnah. The following is stated in the verse, *“That this is indeed a Qur’an Most Honorable, ... Which none shall touch but those who are clean.”*⁸⁶⁹ In a hadith narrated by Abdullah Ibn Umar, it is stated: *“A junub and menstruating woman cannot read the Qur’an.”*⁸⁷⁰ It is narrated from Ali that he said, *“The Messenger of Allah (saw) used to go to the toilet, urinate, then go out, eat bread and meat with us, and read the Qur’an. It wouldn’t have prevented him. Nothing would separate him from the Qur’an except being in the state of janabah.”*⁸⁷¹

Since it is permissible to engage in the books of tafsir, hadith, or fiqh for educational purposes, there is no harm in teaching the verses of the Qur’an, word for word, or reading the Qur’an with the intention of supplication and *dhikr*.

According to the sound view of the Malikis, there is no harm in reciting the Qur’an by heart or teaching it during menstruation or in the postpartum period. According to the Hanafis, in this case, verses of invocation can be read with the intention of supplication.⁸⁷²

867. Al-Bukhari, Ḥayḍ, 20; Abū Dawūd, Ṭahāra, 104; al-Tirmidhī, Sawm, 67; al-Nasā’ī, Ḥayḍ, 17, Siyām, 64.

868. Al-Bukhari, Ḥayḍ, 1, 7, Ḥajj, 71; Aḍāḥī, 3, 10; Abū Dawūd, Manāsik, 23.

869. Al-Wāqī’a, 56: 79.

870. Ibn Maja, Ṭahāra, 105; al-Tirmidhī, Ṭahāra, 98.

871. Ibn Maja, Ṭahāra, 105, Hadith No: 593.

872. Al-Zuhaylī, I, 470, 471.

However, according to Imam Malik, although a *junub* woman cannot read the Qur'an, a woman in menstruation or puerperium is allowed to read it. This is because while the state of *janabah* can be cleansed immediately, the state of menstruation or postpartum period cannot be cleansed for a long time. The evidence they rely on is juristic preference (*istihsān*).⁸⁷³ This view is a facility for women who for example teach the Qur'an.

7) Not being allowed to enter the mosque: It is also not permissible for menstruating women and people in the state of *janabah* to enter the *masjid* since they cannot perform ritual prayers in such situations. Indeed it is stated in a hadith, **"No menstruating woman and men who are in the state of janabah should enter the mosque."**⁸⁷⁴ However, it is possible and permissible for a person to enter the *masjid* due to a necessity or need, and not for the purpose of worship.⁸⁷⁵ According to the narration from Aisha (*r. anha*), she said: "One day the Messenger of Allah told me, *"Get me the mat from the mosque."* When I told him I am menstruating, he said, *"Your menstruation is not something in your control."*⁸⁷⁶

8) Not having sexual relations: In the Qur'an, it has been stated that menstruating women should not be approached until they are cleansed.⁸⁷⁷ Here, what is meant by not approaching women is not having sexual relations with them. Moreover, Allah's Messenger (saw) replied to a Companion who asked how much he could be with his menstruating wife: *"You can benefit from her as usual provided that she is covered between her navel and kneecap."*⁸⁷⁸ According to the majority of jurists, the penalty of atonement is not required in case of sexual contact with a menstruating or puerperal woman, but repentance and asking forgiveness from Allah is necessary because it is prohibited. This ruling is about protecting the woman in distress.

9) The effect of menstruation and postpartum bleeding on divorce and the waiting period ('iddah): It is not permissible to divorce a menstruating woman, but despite this, divorce is valid according to the majority of jurists. It is stated in a verse; **"When you do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods..."**⁸⁷⁹ What is meant here is to divorce women on their clean days. Moreover, it is reported that when Abdullah Ibn Umar divorced his wife on the days of menstruation, the Messenger of Allah informed him to return to his wife and that he could, if he still wanted, divorce her later on her clean days or while she was pregnant.⁸⁸⁰ However, no Qur'anic verse or hadith states that the postpartum period is an obstacle to divorce. Yet, it should be taken into account that the same effective

873. Ibn Ḥazm, *al-Muḥalla*, I, 78-80; al-Zuhaylī, *ibid*, I, 380.

874. Ibn Maja, Ṭaḥāra, 92; al-Darīmī, Wuḍū', 116.

875. Muslim, Ḥayḍ 11-13; al-Nasā'ī, Ṭaḥāra, 172, Ḥayḍ, 18; Ibn Maja, Ṭaḥāra, 120.

876. See Muslim, Ḥayḍ, 11-13; al-Nasā'ī, Ṭaḥāra, 172, Ḥayḍ, 18; Ibn Maja, Ṭaḥāra, 120.

877. Al-Baqara, 2: 222.

878. Muslim, Ḥayḍ, 16; al-Nasā'ī, Ṭaḥāra, 18; Ibn Maja, Ṭaḥāra, 12.

879. Al-Ṭalaq, 65: 1.

880. See Muslim, Ṭalaq, 1-5.

cause is valid for this postpartum period by comparing it to menstruation. However, such a divorce is still valid and the woman is expected to complete her waiting period for divorce, which is a time period of three menses and three cleansings.⁸⁸¹ Whereas, the waiting period of a woman who is divorced while pregnant ends with childbirth.⁸⁸²

D – CHRONIC BLEEDING (*ISTIḤĀḌA*):

Blood coming from a vein inside the woman's genitals, due to a disease or medical disorder, during periods other than menstruation or postpartum bleeding, is called "chronic bleeding (*istiḥāḍa*)". One of the aims of the efforts of the jurists to determine the shortest and longest periods for menstruation or puerperium is to distinguish between menstruation and puerperium blood and *istiḥāḍa* blood. Therefore, for instance, according to the Ḥanafis, bleeding less than 3 days or more than 10 days in a woman, bleeding more than 40 days in the puerperium, and according to some jurists, bleeding that can be seen in a pregnant woman are always considered *istiḥāḍa* (chronic) bleeding.

Istiḥāḍa bleeding is a state of constant excuse (*'uẓr*) that only invalidates *wuḍū*, similar to constant nosebleed, incontinence of urine, or constant blood flow from a wound. Differences of views regarding the issue of *'uẓr* have been mentioned above. According to the Ḥanafis, if such an excuse continues during a prayer time without interrupting even for the time it takes to perform ablution and pray, and if it repeats at least once during other prayer times, that person is deemed to have "a constant excuse". For this reason, the provisions regarding the people with constant excuses are applied. In other words, it does not prevent worship such as fasting and prayer, which are prohibited due to menstruation or postpartum bleeding, circumambulation around the Ka'ba, reading the Qur'an, or touching the text of the Qur'an, entering the mosque, entering *itikāf* and having sexual intercourse. Unless there is a situation that harms the health of the woman, there is no problem with these acts. This is because the religion of Islam has provided such facilities to those who are in a state of constant excuse.⁸⁸³

It is proven by the hadiths that the blood from chronic bleeding invalidates the *wuḍū*. It was narrated from Aisha (*r. anha*) that she said, "Fatima bint Abi Hubaysh said to Allah's Messenger (*saw*), "O Allah's Messenger (*saw*)! I do not become clean (from bleeding). Shall I give up my prayers?" Allah's Messenger (*saw*) replied: "No, because it is from a blood vessel and not the menses. So when the real menses begins give up your prayers and when it (the period) has finished, wash the blood off your body (take a

881. See al-Baqara, 2: 228.

882. Al-Talaq, 65: 4.

883. Ibn Abidīn, I, 111, Ibn Qudāmah, *Mughnī*, I, 339.

bath) and offer your prayers.”⁸⁸⁴ Furthermore, it is reported that the Prophet (*saw*) ordered Hamna bint Jahsh to fast and pray during her chronic bleeding (*istihāda*).⁸⁸⁵

According to the Ḥanafīs, the Shafī‘īs, and the Ḥanbalīs, a woman who suffers from bleeding outside of the period of menstruation or postpartum period should perform ablution for each prayer after cleaning the blood, use cotton and similar items, and take the necessary precautions for keeping clean. Unless there is another reason that invalidates the *wuḍū*, this ablution will not be invalidated until the next prayer time comes. The Prophet (*saw*) said to Hamna (*r. anha*), who complained about excessive blood flow, “*I suggest that you should use cotton, for it absorbs the blood.*”⁸⁸⁶ Again, regarding a woman experiencing prolonged bleeding, the Messenger of Allah said, “*She leaves the prayer on menstruation days, then she takes a bath, then performs ablution for each prayer, performs her prayer and fasts.*”⁸⁸⁷ This was prescribed because this type of cleaning for a woman is the way of cleaning during the state of constant excuse and necessity.

Chronic bleeding can also be seen in girls under the age of nine and in elderly women who have reached the age of menopause. For example, the blood that will come from a woman who has reached the age of seventy is the blood of *istihāda*. According to another view, if such a woman observes blood coming out of her previous menstrual cycle, her menstruation will return, but seeing a little wetness is not considered menstruation.⁸⁸⁸

According to the Ḥanafīs, the calculation of the menstrual period of the woman who experiences *istihāda* blood is done as follows (the same method can be applied to other schools by using their views about the minimum and maximum duration of menses):

1) If a young girl who has entered the age of puberty for the first time continues to experience *istihāda* bleeding along with her period, 10 days of each month are considered “menstrual bleeding” and 20 days of “cleanliness”. In this case, the postpartum period of the woman is 40 days.

2) If a woman who has regular menstruation observes *istihāda* bleeding, blood that continues beyond the period of menstruation is considered to be chronic bleeding.

3) If a woman who has forgotten her menstrual period (*muḥayyira* or *mutaḥayyira*) observes bleeding due to a chronic problem, she should act in accordance with the most prudent option.⁸⁸⁹

884. Al-Bukhari, *Wuḍū*, 63, Ḥayḍ, 24; Muslim, Ḥayḍ, 62,63; Abū Dawūd, Ṭaḥāra, 107; al-Tirmidhī, Ṭaḥāra, 93, 95, 96.

885. Al-Shawkanī, *ibid*, I, 271.

886. Abū Dawūd, Ṭaḥāra, 109; Al-Tirmidhī, Ṭaḥāra, 95; Ibn Maja, Ṭaḥāra, 115.

887. Al-Shawkanī, *ibid*, I, 274; Al-Zayla‘ī, *ibid*, I, 202 ff.

888. Ibn Abidīn, *ibid*, I, 111 ff.; *al-Fatawā al-Hindiyya*, 2nd ed., Būlak, 1310, I, 38 ff.; al-Zuhaylī, *ibid*, I, 478 ff.; Bilmen, *ibid*, p. 102.

889. Ibn al-Humām, *ibid*, I, 122-124; al-Maydanī, *ibid*, I, 50; al-Kāsānī, *ibid*, I, 41 ff.; Ibn Abidīn, *ibid*, I, 277.

CHAPTER FOUR

RITUAL PRAYER (ṢALĀH)

- Importance of Prayer
- Prayer times
- *Adhān* and *Iqāmah*
- Types and Number of Cycles of Prayer
- The Conditions and Essential Parts of Prayer
- Making Errors in Recitation
- Man and Woman Praying next to Each Other in a Row
- Congregational Prayer
- Imamate
- The Way of Performing the Five-Daily Prayer
- Eid Prayers
- Supererogatory Prayers
- Funeral Prayer
- Visiting the Graves

I – IMPORTANCE OF RITUAL PRAYER

A – DEFINITION AND HISTORY OF PRAYER:

Every act and behavior of a believer that pleases Allah is considered an act of worship in general. Almighty Allah has created humans and jinn so that they can know Him, and worship only Him.⁸⁹⁰ In a distinctive sense, worship is divided into three types based on whether it is performed with the body, with wealth, or with both. Prayer and fasting are acts of worship performed with the body, *zakāt* is with wealth, and pilgrimage is done with both wealth and the body. The amounts and forms of such acts of worship were determined by Allah and His Messenger. These acts of worship, which are mentioned in the Qur'an in a short narrative (*mujmal*), are explained and completed with the words and actions of the Prophet (*saw*). Therefore, the Muslim community has no right to offer interpretations and make changes to them by using their independent reasoning. In fact, that the determined way of the Messenger of Allah (*saw*) is to be followed in this matter is demonstrated by his various hadiths such as, “*Perform your prayers as you see me performing them*”, and “*Take the rituals of pilgrimage from me.*”

Ritual prayer (*ṣalāh*) is the greatest and most important one of the obligatory acts of worship. On the Day of Judgment, prayer will be the first matter after the belief that people will be questioned. Prayer is one of the most important manifestations of faith and its reflection is to be found in society. Prayer is the light and the joy of the heart, the nourishment of the soul, the believer's ascension, and the state of meeting and talking with the Supreme Creator.

Ṣalāh lexically means to invoke, to praise, to glorify, and to pray. Allah Almighty says in a Qur'anic verse, “***(O Muhammad!) Pray for them: behold, your prayer will be [a source of] comfort to them.***”⁸⁹¹ In Islamic legal terminology, *ṣalāh* is an act of worship consisting of special actions and words that start with *takbīr* and end with a greeting.

It is stated in various verses of the Qur'an that *ṣalāh* was commanded in the monotheistic religions before Islam. Namely, when Abraham (*as*) took his wife Hagar and son Ismail to Hejaz and left them there, he prayed to Almighty Allah saying, “***O our Lord! I have made some of my offspring to dwell in a valley without cultivation, by Your Sacred House; in order, O our Lord, that they may establish regular Prayer...***”⁸⁹² and again, “***O my Lord! make me one who establishes regular Prayer, and also (raise such) among my offspring O our Lord! And accept You my Prayer.***”⁸⁹³ In the Qur'an, it was

890. Al-Dharyyat, 51: 56.

891. Al-Tawba, 9: 103.

892. Ibrahim, 14: 37.

893. Ibrahim, 14: 40.

also stated that Isaac and Yaqub were given to Abraham as an additional blessing, and it was revealed that doing good, performing prayers, and paying *zakāt* were revealed to all of them;⁸⁹⁴ Luqman (*as*) advised his son, Taran, with the following words. ***“O, my son! Establish regular prayer, enjoin what is just, and forbid what is wrong: and bear with patient constancy whatever betide you; for this is firmness (of purpose) in (the conduct of) affairs.”***⁸⁹⁵ He received a promise from the Children of Israel that they would “pray and give alms.”⁸⁹⁶ After Moses was commanded in the revelation he received on Mount Sinai with the following words, ***“So serve thou Me (only), and establish regular prayer for celebrating My praise.”***⁸⁹⁷ Allah Almighty addressed Moses and his brother Aaron specifically and said, ***“Provide dwellings for your people in Egypt, make your dwellings into places of worship, and establish regular prayers: and give glad tidings to those who believe!”***⁸⁹⁸ In another verse, the Prophet Shu‘ayb’s prayer was revealed⁸⁹⁹ and so was the miracle of Prophet Jesus speaking in the cradle as an infant saying, ***“I am indeed a servant of Allah: He has given me revelation and made me a prophet; And He has made me blessed wheresoever I be, and has enjoined on me Prayer and Charity as long as I live.”***⁹⁰⁰ God Almighty spoke to Mary saying, ***“O Mary! worship Your Lord devoutly: Prostrate yourself, and bow down (in prayer) with those who bow down.”***⁹⁰¹ All these Qur’anic verses demonstrate that prayer was a common worship of all of the Abrahamic religions.

In the early years of the Meccan period, Gabriel (*as*) came to the Prophet Muhammad (*saw*) and transferred him to a place called Aqaba on the valley side, where first Gabriel and then the Prophet Muhammad performed ablution with the gushing water and they performed two cycles of prayer together. The Prophet (*saw*) came back to his house in an exultant state. Afterward, with his wife Khadija, they performed ablution there together and prayed two cycles of prayer.⁹⁰² According to some scholars, the following Qur’anic verses are about this period when prayer used to be performed secretly. ***“...Neither speak your Prayer aloud, nor speak it in a low tone, but seek a middle course between.”***⁹⁰³, and ***“And do you bring your Lord to remembrance in your (very) soul, with humility, and in reverence, without loudness in words, in the mornings and evenings; and be not you of those who are unheedful.”***⁹⁰⁴ In the early years of Islam, the ritual prayer was performed in two cycles only twice a day, before sunrise in the morning and after

894. Al-Anbiya, 21: 72, 73.

895. Luqmān, 31: 17.

896. Al-Baqara, 2: 83.

897. Ṭa Ha, 20: 14

898. Yunus, 10: 87.

899. Hūd, 11: 87.

900. Maryam, 19: 30-31.

901. Āl Imrān, 3: 43.

902. Komisyon, *Ilmihal*, T.D.V. publications, I, 219.

903. Al-‘Isrā, 17: 110.

904. Al-A‘rāf, 7: 205.

sunset in the evening. Then, on the night of Ascension (*Mi'raj*) five daily prayers were made obligatory. According to a collective conviction, it was the day after the Ascension that Gabriel (*as*) led the Prophet in a ritual prayer, which was performed in the Ka'ba to illustrate the prayer times.

B – THE EVIDENCE ON THE RITUAL PRAYER

The obligation (*farḍ*) of the prayer is based on the evidence from the Qur'an, Sunnah, and the consensus of the Muslim jurists.

The word *ṣalāh* is used in the singular form in 78 verses in the Qur'an, meaning invocation and ritual prayer, and in the plural form as "*ṣalawāt*" in 5 verses. It is used in the form of "those who pray (*muṣallīn*)" in 3 verses. On the other hand, "perform the prayer" is used in 14 verses through the plural imperative, and in 4 verses in the singular imperative form, "perform prayer". "Those who pray" are mentioned in 24 verses in the past tense. The subject of prayer and invocation is also mentioned in about 10 verses with the verb "*ṣallā* (prayed, performed prayer)".⁹⁰⁵ The fact that prayer is mentioned in many hadiths with similar words reveals the importance of this act of worship. We will give the meaning of a few verses below as an example: "***Surely, prayers are enjoined on believers at stated times.***"⁹⁰⁶; "***And they have been commanded no more than this: To worship Allah, offering Him sincere devotion, being true (in faith); to establish regular prayer; and to practice regular charity; and that is the Religion Right and Straight.***"⁹⁰⁷; "***So establish regular Prayer, give regular Charity, and hold fast to Allah! He is your Protector - the Best to protect and the Best to help!***"⁹⁰⁸, and "***Guard strictly your (habit of) prayers, especially the Middle Prayer...***"⁹⁰⁹

The evidence from the Sunnah is there are many hadiths narrated on this subject. Some of these hadiths are:

According to what is reported from Abdullah Ibn Umar (*ra*), the Prophet (*saw*) said: "*Allah's Messenger (saw) said: Islam is based on five (principles): To testify that none has the right to be worshipped but Allah and Muhammad is Allah's Messenger (saw), to offer the (compulsory congregational) prayers dutifully and perfectly, to pay Zakāt (i.e. obligatory charity), to perform Hajj. (i.e. Pilgrimage to Mecca) and to observe fast during the month of Ramadan.*"⁹¹⁰

When the Prophet (*saw*) was sending Muadh ibn Jabal (*ra*) to Yemen, he said to him: "*You will go to the people of the Scripture. So, when you reach there, invite them*

905. M. Fuad 'Abd al-Baqi, *al-Mu'jam al-Mufahras li Alfaz al-Qur'an al-Karim*, "Ṣalāh", "Ṣallā", "Qāma" and "Aqāma".

906. Al-Nisā, 4: 103.

907. Al-Bayyina, 98: 5.

908. Al-Ḥajj, 22: 78.

909. Al-Baqara, 2: 238.

910. Al-Bukhari, Imān, 1, 2; Muslim, Imān, 19-22.

to testify that none has the right to be worshipped but Allah and that Muhammad is His Apostle. And if they obey you in that, tell them that Allah has enjoined on them five prayers in each day and night. And if they obey you in that tell them that Allah has made it obligatory on them to pay the Zakāt, which will be taken from the rich among them and given to the poor among them. If they obey you in that, then avoid taking the best of their possessions, and be afraid of the curse of an oppressed person because there is no screen between his invocation and Allah.”⁹¹¹

The Muslim Ummah is in unanimous agreement that it is obligatory to pray five times a day and a night.

It is proven by sound reports that prayer was made obligatory on the night of Mi'raj before the Hijra.⁹¹² In a hadith narrated by Anas (ra), the following is reported, “On the Night of Isra, fifty prayers were made obligatory upon the Prophet. Then they were decreased until they became five. Then it was announced, ‘O Muhammad! Indeed My Word does not change; these five prayers will be recorded for you as fifty.’”⁹¹³

Bukhari and Muslim have the following narration:

“Allah made fifty prayers obligatory on my followers on the night of Mi'raj. I asked Him for a reduction. Finally, He reduced the prayer to five times for a day and a night.”⁹¹⁴

The following two hadiths indicate the importance of prayer, “Prayer is the pillar of religion.”⁹¹⁵ and “Prostration in prayer is the closest state that a servant is to Allah.”⁹¹⁶

Prayer is obligatory for every sane male and female Muslim who has reached puberty. However, children who have reached the age of seven are also directed to pray. If they do not pray by the age of ten, they should be reprimanded, and even slightly smacked in order for them to be instructed. The Prophet said: “Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old; and arrange their beds (to sleep) separately.”⁹¹⁷

The number of obligatory prayers in one day and a night is five. According to the Ḥanafis, only the ritual prayers, *witr* or Eid prayers are *wājib*. The following hadith reported about a Bedouin is evidence for these five obligatory prayers: The Messenger of Allah said: “The obligatory prayers in one day and one night are five.” When a Bedouin who was present there asked, “Is there any other (prayer) upon me?”, the Messenger of Allah replied: “No, if you want to offer supererogatory ones, this is an exception.”⁹¹⁸ Thereupon the Bedouin said, “I swear by Allah, Who sent you with the truth, that I will

911. Buhari, Zakāt, 41, 63, Maghāzī, 60, Tawḥīd, 1; al-Nasā'ī, Zakāt, 1; al-Darīmī, Zakāt, 1.

912. Al-Bukhari, Ṣalāh, 1; Muslim, Imān, 263.

913. Al-Tirmidhī, Ṣalāh, 45; al-Nasā'ī, Ṣalāh, 1, Aḥmad ibn Ḥanbal, III, 161, IV, 208, 209.

914. Al-Bukhari, Ṣalāh, 1; Muslim, Iman 263; Ibn Maja, 'Iqāmah, 194; Aḥmad ibn Ḥanbal, V, 144.

915. Al-Tirmidhī, Imān, 8; Aḥmad ibn Ḥanbal, V, 231, 237.

916. Muslim, Ṣalāh, 215; Al-Nasā'ī, Mawāqīt, 35.

917. Abū Dawūd, Ṣalāh, 26; Aḥmad ibn Ḥanbal, II, 180, 187.

918. Al-Bukhari, Imān, 34, Ṣawm, 1, Shahadāt, 26; Muslim, Imān, 8; Abū Dawūd, Ṣalāh, 1.

neither do more nor less than that.” Thereupon, the Prophet (saw) said: *“If he is telling the truth, this man is saved.”*⁹¹⁹

C – BENEFITS OF PRAYER

The prayer has been prescribed as a form of gratitude for the countless blessings that Allah has given. Prayer has many religious, individual, social, and pedagogical benefits:

1) Religious benefits of prayer

The prayer establishes a bond between Allah and the servant. This bond is the pillar and foundation of religion. It is established by the Qur’anic verses and hadiths that the minor sins of those who perform the five daily prayers on time in accordance with their pillars and conditions will be forgiven due to their renouncement of major sins. The following is stated in the Qur’an on this matter, *“(O Muhammad!) Recite what is sent of the Book by inspiration to you, and establish regular Prayer: for Prayer restrains from shameful and unjust deeds; and remembrance of Allah is the greatest (thing in life) without doubt. And Allah knows the (deeds) that you do.”*⁹²⁰, and *“The believers must (eventually) win through, those who humble themselves in their prayers.”*⁹²¹

The Prophet asked, *“If there was a river at the door of anyone of you and he took a bath in it five times a day would you notice any dirt on him?”* The Companions said: “No, the dirt would not remain”. Thereupon, the Messenger of Allah (saw) said, *“That is the example of the five prayers with which Allah blots out (annuls) evil deeds.”*⁹²² In another hadith in which prayers are called as an expiation for all sins other than the major sins, the following is stated, *“As long as no major sins are committed, the five (daily) prayers and one Friday prayer to (the next) Friday prayer are expiations (for the sins committed in the intervals) between them.”*⁹²³

2) Individual benefits of prayer

The prayer brings the servant closer to God. It strengthens both the spirit and the will of the believer. It makes a person get used to patience and gratitude. A believer who prays at regular intervals every day will be protected from the greediness, evil, and ostentation of the world. A prayer performed with faith and awe leads to the development of sincerity, piety, and good character.

919. Al-Bukhari, Imān, 34; Shahadāt, 26; Muslim, Imān, 8, 10, 15, 17, 18; Abū Dawūd, Ṣalāh, 1.

920. Al-Ankabūt, 29: 45.

921. Al-Mu’minūn, 23: 1-2.

922. Al-Bukhari, Mawāqīt, 6; Muslim, Masājīd, 283; al-Tirmidhī, Adab, 80, 90; Al-Nasā’ī, Ṣalāh, 7; Ibn Maja, ‘Iqāmah, 193.

923. Muslim, Taḥāra, 14, 15; Al-Tirmidhī, Mawāqīt, 46; Ibn Maja, Taḥāra, 79, 106; Aḥmad ibn Ḥanbal, II, 229, 359, 400.

The following is stated in the Qur'an, "**Nay, seek (Allah's) help with patient perseverance and prayer: It is indeed hard, except to those who bring a lowly spirit.**"⁹²⁴ The Prophet (saw) said in a hadith, "*In this world, women and perfume have been made dear to me, and my comfort has been provided in the prayer.*"⁹²⁵ Moreover, it is narrated that during his time of sorrow and grief, in order to attain peace and tranquility, the Messenger of Allah (saw) would say, "*O Bilal, get up, call the adhān, let us pray and find peace.*"⁹²⁶

3) Social benefits of prayer

Prayer, regardless of race, color, language, and country, gathers believers in one row and strengthens the consciousness of society. It realizes social solidarity and ensures the unity of the community. It makes all believers one united society against disbelief.

The mosques, where prayers are performed in the congregation, form an infrastructure in terms of cooperation, solidarity, and organization among the people. It is spoken of in the Qur'an as, "**...Help you one another in righteousness and piety, but help you not one another in sin and rancor: fear Allah for Allah is strict in punishment.**"⁹²⁷ The Messenger of Allah (saw) also said, "*A faithful believer to a faithful believer is like the bricks of a wall, enforcing each other.*"⁹²⁸

D – PROVISION FOR NOT PERFORMING THE PRAYER

There is consensus among the Muslim jurists that prayer is obligatory for every Muslim who is adolescent, sane, and has been ritually purified of menstruation and puerperium. In bodily acts of worship such as prayer and fasting, appointing regent and agent are not valid. In other words, one cannot pray or fast on behalf of another. Whoever denies the fact that prayer is *farḍ* renounces his or her religion. This is because prayer is prescribed by definite Qur'anic verses, hadiths, and the consensus of Muslim jurists. One who abandons the prayers due to laziness or indifference is considered a sinner.

Failure to perform prayer instigates torment in this world and in the hereafter. Regarding the torment in the Hereafter, Allah Almighty says the following, "**(They will be) in Gardens (of Delight): they will question each other, And (ask) of the Sinners: 'What led you into Hell Fire?' They will say: 'We were not of those who prayed'**"⁹²⁹; "**But after them there followed a posterity who missed prayers and followed after lusts soon, then, will they face Destruction, except those who repent and believe, and work righteousness: for these will enter the Garden and will not be wronged in the least**"⁹³⁰;

924. Al-Baqara, 2: 45.

925. Al-Nasā'ī, 'Ishrat al-Nisā, 1; Aḥmad ibn Ḥanbal, III, 128, 199, 285.

926. Aḥmad ibn Ḥanbal I, 206, 268, 280, V, 388; al-Nasā'ī, Mawāqīt, 46.

927. Al-Mā'idā, 5: 2.

928. Al-Bukhari, Ṣalāh, 88, Mazalim, 5; Muslim, Birr, 65; al-Tirmidhī, Birr, 18; al-Nasā'ī, Zakāt, 67.

929. Al-Muddaththir, 74: 40-43.

930. Maryam, 19: 59-60.

and **“So woe to the worshippers who are neglectful of their prayers.”**⁹³¹ Moreover, the Prophet said the following, *“The protection of Allah and His Messenger will be removed from a person who deliberately abandons the prayer.”*⁹³², *“Whoever abandons the afternoon prayer, his deeds will be in vain.”*⁹³³, and *“Whoever neglects the three Friday prayers, Allah will seal his heart.”*⁹³⁴

According to the Ḥanafis, a person who abandons his prayer due to laziness or idle reasons does not renounce his or her religion but is considered a person who has sinned. The exception is if such a person denies the legitimacy of the prayer. Otherwise, a person missing his or her prayer should be advised about this issue and called to repent. Traditionally, such a person would have been isolated from society so that he or she does not continue to set a bad example. The person who abandons the fast of Ramadan would have been subject to a similar punishment.⁹³⁵ According to the imams of the schools other than the Ḥanafis, a person who abandons his prayer without an excuse is deemed to have opposed the Muslim community, as is the case of the apostate, and if he or she does not repent, he or she is penalized most severely.⁹³⁶

Those who cannot perform their prayers on time due to forgetting, falling asleep or laziness are expected to make it up later. It is stated in a hadith, *“Whoever forgets prayer or sleeps and misses it, he performs it when he remembers it.”*⁹³⁷ According to the majority of jurists, if making up the prayers is required for a person who cannot perform his prayer on time due to an excuse such as sleeping or forgetting, it must be a stronger requirement to make up for it for the person who does not perform it without an excuse but due to laziness. It is argued that such a person since he could not perform the prayer on time should also repent and seek forgiveness from Allah. It is reported that Allah Almighty can forgive all sins other than associating partners with Him if He wishes. There are various textual proofs about the scope of this forgiveness, which can also include the abandonment of prayer.

The following is stated in the Qur’an, **“Allah forgives not that partners should be set up with Him; but He forgives anything else, to whom He pleases...”**⁹³⁸

In a hadith narrated by Ubadah Ibn Samit (ra), the following is stated, *“There are five prayers which Allah has prescribed on His servants. If anyone offers them, not*

931. Al-Maūn, 107: 4-5.

932. Aḥmad ibn Ḥanbal, V, 238, VI, 461.

933. Al-Bukhari, Mawāqīt, 15, 34; Al-Nasā’ī, Ṣalāh, 15.

934. Al-Nasā’ī, Jum’a, 2; Al-Tirmidhī, Jum’a, 7; Ibn Maja, ‘Iqāmah, 93.

935. Ibn Abidin, *Radd al-Mukhtār*, Egypt, n.d., I, 326; Al-Shurunbulālī, *Marāq al-Falah*, Egypt, 1315, p. 60; al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuh*, Damascus 1985, I, 503.

936. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, Egypt, n.d., I, 87; al-Shirazī, *Muhadhdhab*, Aleppo ed, I, 51; Ibn Qudāmah, *Mughnī*, 3rd ed., Cairo, n.d., II, 442-447; al-Zuhaylī, *ibid*, I, 503, 504; Cf. al-Tawba, 9: 5; al-Bukhari, Diyāt, 6; Muslim, Qasāma, 25, 26

937. Abū Dawūd, Ṣalāh, 11; Ibn Maja, Ṣalāh, 10, al-Nasā’ī, Mawāqīt, 53.

938. Al-Nisā, 4: 48.

missing any of them, and not treating them lightly, Allah guarantees that He will admit him to Paradise. If anyone does not offer them, Allah does not take any responsibility for such a person. He may either punish him or admit him to Paradise."⁹³⁹ In another hadith narrated by Abu Hurayra (ra), the following is stated. *"The first thing about which the people will be called to account out of their actions on the Day of Judgment is prayer. Our Lord, the Exalted, will say to the angels - though He knows better: Look into the prayer of My servant and see whether he has offered it perfectly or imperfectly. If it is perfect, it will be recorded as perfect. If it is defective, He will say: See there are some optional prayers offered by My servant. If there are optional prayers to his credit, He will say: Compensate the obligatory prayer by the optional prayer for My servant. Then all the actions will be considered similarly."*⁹⁴⁰

Therefore, sunnah and other supererogatory prayers make up for the lack of obligatory prayers. For this reason, it should be the aim of the believer to perform prayers without making any distinction between *fard*, *wājib*, or *sunnah*. For this reason, besides being a source of worldly peace and spiritual happiness, it will also be the greatest provision for the journey to the hereafter.



939. Abū Dawūd, Witr, 2; al-Nasā'ī, Ṣalāh, 6; al-Darīmī, Ṣalāh, 208; Malik, *Muwatta'*, Ṣalāt al-layl, 14.

940. Al-Tirmidhī, Ṣalāh, 188; Abū Dawūd, Ṣalāh, 145; Al-Nasā'ī, Ṣalāh, 9; Tahrīm, 2; Ibn Maja, 'Iqāmah, 202.

II – PRAYER TIMES

A – TIMES FOR THE PRAYER IN THE QUR’AN AND SUNNAH

Time is essential for the *fard* prayers, their sunnah cycles, *witr*, and *tarawīh*, and the Eid prayers. The *fard* prayers consist of dawn (*fajr*), noon (*zuhr*), late afternoon (*‘aṣr*), evening (*maghrib*), and night (*‘ishā*) prayers. It is important to note that the Friday prayer replaces the noon prayer on that day. Just as a prayer performed before its time cannot be regarded as completed in its appointed time, a prayer performed after its time passes cannot be regarded as completed in its time either, rather it is considered a *qadā* (compensatory prayer). Yet, there is an agreement among the various schools that if part of the prayer is performed on time, it is counted as having been performed at its appointed time rather than being a compensatory prayer.

The Malikis divide prayer times into what they term an ‘elective’ phase, namely, the period during which the choice of when to pray is up to the individual held accountable for the prayer, and an ‘imperative’ phase, namely, the time subsequent to the ‘elective’ phase. It is referred to as ‘imperative’ because it pertains to individuals who are bound by special constraints, such as difficulty maintaining mental presence, menstrual flow, having loss of consciousness, insanity, etc. No one who suffers any of these conditions is held to be guilty of performing prayer during the ‘imperative’ phase; as for the others, however, they are guilty of wrongdoing if they perform ritual prayer during the ‘imperative’ phase unless they have managed to complete an entire cycle during the ‘elective’ phase.⁹⁴¹

Leaving a prayer and missing it without a valid excuse entails a great responsibility in the presence of Allah. On the other hand, Friday, Eid, and sunnah prayers cannot be made up when their time has expired. The fact that the prayer is obligatory upon the believers and is considered valid when they are performed requires knowing the “prescribed times of prayer”. These times are determined by the Book and the Sunnah.

In various verses of the Qur’an, prayer times are indicated by “mentioning the parts and referring to the whole” such as “*ṣalāh, tasbīḥ, ḥamd, and sajdah*”. While some verses refer to one or two times, others have a richness of meaning that includes the five daily prayers. The Qur’anic verse “**...For such prayers are enjoined on believers at stated times.**”⁹⁴² indicates that the times of obligatory prayers are determined. We can classify these Qur’anic verses into two groups:

a) Qur’anic verses that include the five daily prayers: “**Establish regular prayers at the sun’s decline till the darkness of the night, and the morning prayer and reading: for**

941. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, p. 238.

942. Al-Nisā, 4: 103.

the prayer and reading in the morning carry their testimony."⁹⁴³ In this verse, there is an implication to noon, late afternoon, evening, and night prayers as well as the morning prayer, that is, the five daily prayers. *"So (give) glory to Allah, when you reach eventide and when you rise in the morning Yea to Him be praise, in the heavens and on earth; and in the late afternoon and when the day begins to decline."*⁹⁴⁴ According to Ibn Abbas, these two Qur'anic verses entail the five daily prayers. That is, the expression "eventide" refers to evening and night prayers; The expression "in the morning" refers to the dawn prayer; The expression "in the late afternoon" refers to the late afternoon prayer, and finally, the expression "when the day begins to decline" refers to the noon prayer.⁹⁴⁵ A further description of the daily prayers is the following Qur'anic verse, *"... celebrate (constantly) the praises of your Lord, before the rising of the sun, and before its setting; yea, celebrate them for part of the hours of the night, and at the sides of the day: that you may have (spiritual) joy."*⁹⁴⁶ According to the majority of the commentators of the Qur'an, what is meant by "celebrate (constantly) the praises" is the prayer, and in this verse, the five daily prayers are indicated. That is to say, "dawn prayer" before the rising of the sun, "late afternoon prayer" before its setting, "night prayer" in part of the hours of the night, and "noon and evening prayers" at the sides of the day if the zenith and sunset points of the day are taken into account.⁹⁴⁷ As a matter of fact, the phrase "the sides of the day (*aṭrāf*)" is used in another verse as "two ends of the day (*ṭarafayn*)",⁹⁴⁸ which refers to the times of sunrise and sunset.

b) Qur'anic verses pointing to different prayer times: *"And establish regular prayers at the two ends of the day and at the approaches of the night..."*⁹⁴⁹, and *"And celebrate the name of thy Lord morning and evening, and part of the night, prostrate yourself to Him; and glorify Him a long night through."*⁹⁵⁰ In these verses, the time of the morning, evening, and night prayers are indicated. The verse *"...and celebrate the praises of thy Lord, before the rising of the sun and before (its) setting."*⁹⁵¹ refers to morning, afternoon, and night prayers.

*"And pray in the small watches of the morning: (it would be) an additional prayer (or spiritual profit) for thee..."*⁹⁵² In this Qur'anic verse, the Prophet (saw) is asked to perform the *tahajjud* (pre-dawn) prayer. His *ummah* following his path is also indirectly encouraged to perform that prayer.

943. Al-'Isrā, 17: 78.

944. Al-Rūm, 30: 17-18.

945. Al-Qurṭubī, *Jāmi'*, XIV, 11, 30/17, 18.

946. Ṭa Ha, 20: 130.

947. Al-Qurṭubī, *Jāmi'*, II, 173.

948. Hūd, 11: 114.

949. Hūd, 11: 114.

950. Al-Insan, 76: 25-26.

951. Qāf, 50: 39.

952. Al-'Isrā, 17: 79.

There are various hadiths and practices of the Prophet regarding the times of the obligatory prayers. However, the hadith of Jibril (Gabriel) will suffice, which informs us of the prayer times collectively. Other hadiths will be presented in the following sub-sections below. According to the common belief, the day after the night of *Mi'raj*, when the prayer was made obligatory, Gabriel (*as*) came to Muhammad (*saw*) and led him in prayer and showed him the beginning and end times of each prayer times. According to a narration from Ibn Abbas (*ra*), the Messenger of Allah (*saw*) said: “*Gabriel (as) led me in prayer at the House (i.e. the Ka'bah). He prayed the noon prayer with me when the sun had passed the meridian to the extent of the thong of a sandal; he prayed the afternoon prayer with me when the shadow of everything was as long as itself; he prayed the sunset prayer with me when one who is fasting breaks the fast; he prayed the night prayer with me when the twilight had ended; and he prayed the dawn prayer with me when food and drink become forbidden to one who is keeping the fast. On the following day, he prayed the noon prayer with me when his shadow was as long as himself; he prayed the afternoon prayer with me when his shadow was twice as long as himself; he prayed the sunset prayer at the time when one who is fasting breaks the fast; he prayed the night prayer with me when about a third of the night had passed; and he prayed the dawn prayer with me when there was a fair amount of light. Then turning to me he said: Muhammad, this is the time observed by the prophets before you, and the time is anywhere between two times.*”⁹⁵³

Below, we will explain each prayer time under individual distinct sections.

B – TIME FOR THE DAWN (ṢUBḤ) PRAYER

The period from the break of the second dawn, also called true dawn (*fajr al-ṣādiq*) until the sunrise is the time of the dawn (*ṣubḥ*) prayer. The break of second dawn is known by the pre-dawn sunlight which appears in the East, then continues to expand both horizontally and vertically-and it ends at sunrise. By the break of the second dawn, the time for dawn prayer starts, the time for the night prayer ends, and the time for fasting begins for those who will fast. That is why it is called “*fajr al-ṣādiq*”. The opposite of the second dawn is the first dawn also known as false dawn (*fajr al-kāzib*). It emerges as a thin rectangle moving skyward but which, rather than continuing to spread, remains flanked on either side by darkness. This whiteness disappears after a short while and darkness follows it. After that, the true dawn breaks. The reason for calling the first dawn “*fajr al-kāzib*” is that it does not show that the morning has really started and that it is a false light. This dawn is regarded as night. By the break of this dawn, neither the time of the night (*ishā*) prayer ends, nor the time of the dawn prayer starts. It is also permissible

953. Abū Dawūd, Ṣalāh, 2, Hadith No: 393; al-Tirmidhī, Ṣalāh, Hadith No: 149; Aḥmad ibn Ḥanbal, I, 382, III, 330, 331, 352. al-Tirmidhī says about this hadith that it is “*ḥasan-ṣaḥīḥ*”. See al-Ṭahanawī, *I'lā al-Sunan*, 1st ed., Beirut 1418/1997, II, 3-67.

for those who are going to fast to eat and drink during this period. The evidence for this is the following hadiths:

The Prophet (saw) said: *“There are two dawns. The first is dawn, which makes eating and drinking ḥarām and performing prayer ḥalāl. The second is the fajr al-kāzib, whereby it is not permissible to perform the morning prayer, but it is permissible to eat.”*⁹⁵⁴ *“The time for dawn prayer is from the break of second dawn until the sunrise.”*⁹⁵⁵ The time between sunrise and noon is considered a neglected time in which no *farḍ* prayers are performed.

According to the Ḥanafis, the best time to perform the dawn prayer is closer to sunrise (*isfār*), but one should make certain to have enough time to perform the dawn prayer before sunrise. The only exception to this rule is that it is more virtuous for pilgrims who are in Muzdalifah on the first day of Eid al-Aḍḥā to perform the dawn prayer that day when it is still dark right after the second dawn. According to the other three schools, it is always more virtuous to perform the dawn prayer as soon as its time commences.

C – TIME FOR THE NOON (ẒUHR) PRAYER

The time for noon (*ẓuhr*) prayer starts when the sun starts inclining to the west from its highest point in the sky or the meridian hour and continues until the shadows of things become equal in length to the things themselves without taking account of the length of its shadow at midday (called *fay' al-zawāl*). This time period of the noon prayer is called *“aṣr al-awwal”*. This is the view of Abu Yusuf, Imam Muhammad, Shafi'i, Malik and Ahmad Ibn Ḥanbal. However, according to Abu Ḥanīfa, the time of noon prayer continues until the shadow of the objects becomes twice as long as its own height, except for *fay' al-zawāl*. This is called *“aṣr al-ṭhanī”*. After that, the time of noon prayer ends and the time of the late afternoon (*aṣr*) starts. In calculating the shadow of the objects, their shadow at the meridian hour should be added to the extending shadow.

The evidence of the majority of jurists is that Gabriel (*as*) taught the Prophet the prayer times and led the noon prayer on the second day when the shadow of everything was equal in length to the things themselves.⁹⁵⁶ Abu Ḥanīfa's evidence is the following hadith of the Prophet: *“Perform the noon prayer when the weather is cool. Because the intensity of the heat at noon is like the heat of hell.”*⁹⁵⁷ The time when the heat is most severe in the Arabian region is when the shadow of everything is equal in length to the

954. Al-Ṣan'anī, *Subul al-Salām*, 2nd ed, n.p.p and n.d., I, 115.

955. Al-Bukhari, *Mawāqīt*, 27; Abū Dawūd, *Ṣalāh*, 2; Ibn Maja, *Ṣalāh*, 2; al-Nasā'ī, *Mawāqīt*, 15; Ibn Ḥanbal, II, 210, 213, 223.

956. Abū Dawūd, *Ṣalāh*, 2; al-Tirmidhī, *Mawāqīt*, 1; al-Nasā'ī, *Mawāqīt*, 6, 10, 15; Ibn Ḥanbal, I, 383, II, 330; Malik, *Muwaṭṭā'*, *Ṣalāh*, 9.

957. Al-Bukhari, *Mawāqīt*, 9, 10; Adhan, 18; Bad' al-khalq, 10; Muslim, *Masājīd*, 180, 181, 184, 186; Abū Dawūd, *Ṣalāh*, 4.

things themselves. Therefore, in hot climates, it is recommended to delay the noon prayer until the cool hours of the day in the summer (*ibrād*).⁹⁵⁸

The evidence on which all mujtahids rely about the beginning of the noon prayer time is the following Qur’anic verse: **“Establish regular prayers at the sun’s decline till the darkness of the night, and the morning prayer and reading: for the prayer and reading in the morning carry their testimony.”**⁹⁵⁹

According to customary practices, the period between sunrise and sunset is called “day”. Day as a Shariah term refers to the period from *fajr al-ṣādiq* until the sunsets. Accordingly, the *shar’i* day is longer than the customary one. The sun’s passing of the meridian is called “*zawāl*”. *Zawāl* refers to the middle of the customary day. For example, if the customary day were ten hours, half of it would be five hours. The shadow of an object that falls on the ground when the sun reaches midday is called *fay’ al-zawāl* (shadow at *zawāl*). The length of this shadow varies according to the hemisphere, latitude, and longitude point of the person’s whereabouts. Therefore, for example, if the shadow of a one-meter long object planted on the ground at the time of *zawāl* is half a meter, then when the total shadow length reaches 1.5 meters, it is the time of ‘*aṣr al-awwal*’ according to the majority of jurists, and when it reaches 2.5 meters it is the time for ‘*aṣr al-thanī*’ according to Abu Ḥanīfa. In other words, the time of the noon prayer ends and the time of the late afternoon prayer starts.

In order to avoid this difference of opinion regarding the end of the noon prayer time, the noon prayer should not be delayed to the shadows of things become equal in length to the things themselves without taking account of the length of its shadow at midday (called *fay’ al-zawāl*), and the late afternoon prayer should not be performed until the shadows of things become twice as much in length as the things themselves without taking account of the length of its shadow at midday (called *fay’ al-zawāl*). In other words, one should pray the noon before ‘*aṣr al-awwal*’, and should not pray the late afternoon before ‘*aṣr al-thanī*’.

According to the majority of jurists, the time of the Friday prayer is exactly like the time of the noon prayer. Further details on this subject matter will be discussed in the chapter on Friday prayer.

D – TIME FOR THE LATE AFTERNOON PRAYER (‘AṢR)

The afternoon starts from the time when the noon prayer ends and continues until the setting of the sun. In terms of the above-mentioned difference of opinion regarding the end of the noon prayer time, the afternoon prayer time starts according to the majority of mujtahids, from the moment the shadows of things become equal in length to the things

958. Al-Mawṣilī, *Ikhtiyār*, I, 38, 39, al-Zuhaylī, *ibid*, I, 508.

959. Al-‘Isrā, 17: 78.

themselves, and according to Abu Ḥanīfa, it starts from the moment the shadows of things become twice as much as the length of the things themselves without taking account of the length of its shadow at midday (called *fay' al-zawāl*) and it continues until the sunset.

The evidence is the following hadith, “*A person who catches up with one cycle of the afternoon prayer before the sun sets will have been performed the afternoon prayer in time.*”⁹⁶⁰

According to the majority of mujtahids, it is *makrūh* to delay the afternoon prayer until the time when the sun turns yellow (*isfīrār*). This is based upon the fact that the Messenger of Allah (*saw*) said, “*The prayer performed at this time is the prayer of the hypocrites. The hypocrite sits and waits for the sun. When the sun enters between the two horns of Satan (it begins to set), he quickly makes four cycles of afternoon prayer and remembers Allah very little.*”⁹⁶¹

According to the majority of Muslim scholars, the “middle prayer” mentioned in the Qur'an is the late afternoon prayer. The evidence for this is the following hadith narrated by Aisha (*r. anha*): “The Prophet (*saw*) recited the verse “***Guard strictly your (habit of) prayers, especially the Middle Prayer...***”⁹⁶² and he (*saw*) also said, “The middle prayer is the late afternoon prayer”.⁹⁶³ The late afternoon prayer is called “middle prayer” because it is between two nightly and two daytime prayers.

E – THE EVENING (MAGHRIB) PRAYER TIME

The time of the evening prayer begins with the complete setting of the sun and ends with the disappearance of the redness (twilight glow) on the western horizon. According to the Ḥanafis, the Western horizon goes through three successive stages after sundown, namely, (1) red, (2) white, and (3) black. According to Abu Ḥanīfa, twilight is the whiteness that occurs on the western horizon after sunset. According to Abu Yusuf, Imam Muhammad, another report from Abu Ḥanīfa and the other Ḥanafis, as well as the other three schools, the twilight consists of the redness that occurs on the horizon. When this redness disappears, it is time for the evening prayer. The evidence for this is Abdullah ibn 'Umar's saying, “Dawn is the red on the horizon”.⁹⁶⁴ The preferred opinion of the Ḥanafis is the opinion of Abu Yusuf and Imam Muhammad.

According to the Malikis, there is no extension to the ‘elective’ phase of the sundown prayer time; rather, it is restricted and is estimated to last only as long as is required to perform the sundown prayer and to fulfill the requisite conditions for its validity, such

960. Malik, *Muwatṭā'*, Wuqūṭ, 5; Abū Dawūd, Ṣalāh, 5; Ibn Maja, Ṣalāh, 2; Ibn Ḥanbal, II, 236, 254, 260, 282.

961. Malik, *Muwatṭā'*, Qur'ān, 46.

962. Al-Baqara, 2: 238.

963. Abū Dawūd, Ṣalāh, 5; Ibn Ḥanbal, V, 8; Ibn Kathīr, *Mukhtaṣaru Tafsīr ibn Kathīr*, (critically ed. M. Ali al-Ṣabūnī) Beirut, 1981, I, 218.

964. Al-Ṣan'ānī, *Subul al-Salām*, I, 106.

as being clean from both *ḥadath* and *khabath* and covering one's private parts. It is permissible for someone to postpone performing the sundown prayer until he or she is able to fulfill the aforementioned conditions. As for the 'imperative' phase of the time period for the sundown prayer, it follows the 'elective' phase and continues until daybreak.⁹⁶⁵

F – TIME FOR THE NIGHT ('ISHĀ) PRAYER

The time of night prayer starts from the moment when the redness on the western horizon disappears and continues until the true dawn (*fajr al-ṣādiq*). When the true dawn breaks, the time for night prayer ends. The evidence is the following hadith narrated by Ibn Umar (ra): "*The twilight is the redness. It becomes fard to pray when the twilight disappears.*"⁹⁶⁶ Another proof is the hadith narrated by Abu Qatada: "*There is no fault in sleep. The fault is only in the one who does not perform the prayer until the time of the next prayer enters.*"⁹⁶⁷ This hadith indicates that every prayer time continues until the next prayer time, except for the dawn prayer.

According to the Ḥanafis, it is *mustaḥab* to delay the 'ishā prayer until one-third of the night. It is permissible to delay it until the middle of the night, and it is *makrūh* to delay it until the second dawn unless there is an excuse. Because in this case, the fear is that the person may miss the prayer.

According to the Ḥanafis, the beginning of the time for the *witr* prayer is after the night prayer. The end of the *witr* prayer is just before the second dawn. It is more virtuous for a person who is not certain that he will wake up, to perform the *witr* prayer before going to sleep, and for a person who is certain that he will wake up, it is better to delay it until the end of the night.

According to the Malikis, the elective time of *witr* prayer is the time period after the night prayer. As for its imperative time, it starts with the break of true dawn and continues until the performance of the dawn prayer.⁹⁶⁸

During Ramadan, the time of the *tarawīḥ* prayer, according to the preferred view of the Ḥanafī school, is after the night prayer and continues until the beginning of the time of the dawn prayer. The *tarawīḥ* can be performed before or after the *witr* prayer. However, if the *tarawīḥ* prayer is performed before the night prayer, it must be re-performed.

The time of the Eid prayers begins as soon as the *karāhah* time ends after the sunrise and it continues until the sun reaches the highest point in the sky (*istiḥwā*). If the Eid al-Fiṭr prayer cannot be performed before the time of *istiḥwā* on the first day due to a valid excuse, it can be performed until the time of *istiḥwā* on the second day, but it cannot be performed on the third day even if there is a valid excuse. If the Eid al-Aḍḥā prayer cannot

965. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, p. 240.

966. Al-Ṣan'ānī, *ibid*, I, 114.

967. Muslim, *Masājid*, 311.

968. Akyüz, Vecdi, *Mukayeseli İbadetler İlmiḥali*, İz Yayıncılık, İstanbul, 1995, vol. 1, pp. 366-367.

be performed on the first day due to a valid excuse, it can be performed on the second day. Moreover, if it cannot be performed on the second day due to a valid excuse, it can be performed until the time of *istiṭwā* on the third day. It is a disliked deed to leave these prayers for the second or third day without a valid excuse. Furthermore, the Eid prayers can never be performed after the time of *istiṭwā* or the time of *zawāl*. Finally, there is no makeup (*qaḍā*) prayer for Eid prayers.⁹⁶⁹

G – PRAYER TIMES AT THE POLES

There are two views on this matter:

a) Time is not only a condition (*shart*) of prayer but also the cause (*sabab*) for why it becomes *fard*. Therefore, if one or two of the prayer times does not happen in a place, the prayers of that time will not be obligatory upon the people of that place.

For example, in some places in the world, in certain seasons of the year, before the redness of the western horizon disappears, the second dawn of the morning breaks, and the time for the morning prayer starts. That is why the night prayer in such places is not an obligation. In this regard, a *fatwa* was issued that the responsibility of prayer would also be lifted by comparing it to lifting the obligation of washing the organs of minor ablution from a person who has lost those limbs.

b) According to some investigative jurists, Muslims in such places are also obliged to pray five times a day. If the time of any of these prayers is not realized in a place, they try to perform the prayers by adopting the times of the town that is closest to their town and where the times of the five daily prayers are realized exactly. Although time is a condition (*shart*) of prayer, and a cause (*sabab*) for prayer, the main reason for the obligation to perform prayer is that it is Allah's command. Therefore, all Muslims are obliged to perform these five daily prayers.

Evidence for this is the hadith of the Dajjāl reported from Nawwās ibn Sam'ān al-Kilabī (ra). Nawwās narrates: Once when the Prophet (*saw*) was imparting knowledge about the Dajjāl we asked how long he would stay on earth. Allah's Messenger (*saw*) replied: "*For forty days, one day like a year and one day like a month and one day like a week and the rest of the days would be like your days.*" We asked: Allah's Messenger, would one day's prayer suffice for the prayers of day equal to one year? Thereupon he (*saw*) said: "*No, but you must make an estimate of time (and then observe prayer).*"⁹⁷⁰ This means "determine the daily prayer times according to your latitude and longitude".

969. For information about the prayer times see Ibn al-Humām, *Faṭḥ al-Qadīr*, I, 151-160; Ibn Abidīn, *Radd al-Mukhtār*, I, 321-342; al-Maydanī, *Lubāb*, I, 59-62; al-Shirazī, *Muhadhdhab*, I, 51-54; Ibn Qudāmah, *Mughnī*, I, 370-395; al-Zuhaylī, *ibid*, I, 506 ff.

970. Abū Dawūd, *Malāḥim*, 14, Hadith No: 4321; Muslim, *Fitan*, Hadith No: 2137; al-Tirmidhī, *Fitan*, Hadith No: 2241, Ibn Maja, *Fitan*, Hadith No: 4075, 4077.

In the polar regions and in their vicinity where the sun does not rise or set for a long time as well as in space travels, prayers are performed according to the above principles. Such estimation is appropriate for Muslims living in such places when determining the times of fasting and paying *zakāt*.⁹⁷¹ Imam Shafi‘i also adopted the method of “estimation” in this regard. It is also considered an appropriate way to act when caution is prudent.

H - PERFORMING TWO PRAYERS AT ONE TIME (*JAM’ AL-ṢALĀTAYN*)

It is *farḍ* to perform each prayer on its own time. This is because time is one of the conditions of prayer. The Qur‘an states: “...**For such prayers are enjoined on believers at stated times.**”⁹⁷², “**Guard strictly your (habit of) prayers, especially the Middle Prayer...**”⁹⁷³, and “**And establish regular prayers at the two ends of the day and at the approaches of the night...**”⁹⁷⁴ Moreover, Gabriel (*as*) taught Muhammad (*saw*) to perform the prayers within the time limits by informing him of the times of the five daily prayers. In this textual evidence above, no practice of performing two prayers at one time is found.⁹⁷⁵

The exception to the principle of performing each prayer in its own time is that pilgrims perform the noon and late afternoon prayers in the Plain of Arafat, at the time of noon prayer and that they perform the evening and the night prayers in Muzdalifah by combining them at the time of night prayer. The first of these is called “*jam’ al-taqḍīm*”, and the one performed in Muzdalifah is called “*jam’ al-ta’khīr*” because the evening prayer is delayed. Combining two prayers is called “*Jam’ al-Ṣalātayn*.”

There is a consensus among the jurists on the practice of combining prayers in Arafat and Muzdalifah. This is because the practice and words of the Prophet during the Farewell Pilgrimage are strong enough to specify the verses and hadiths that determine the prayer times. It is narrated by Abdullah ibn Mas‘ūd that he said, “*I did not see the Messenger of Allah (saw) praying at a time other than his own time. However, two prayers are excluded from this: He prayed noon and late afternoon prayers together in Arafat, and evening and night prayers together in Muzdalifah.*”⁹⁷⁶ Moreover, Abdullah ibn Mas‘ūd (*ra*) performed a pilgrimage after the death of the Prophet (*saw*) in Muzdalifah, combining the evening and night prayers, and after he led the morning prayer early, he reported that the Messenger of Allah (*saw*) said, “*The usual times of these two prayers*

971. Mehmed Zihni, *Nimet-i İslam*, Istanbul, 1976, p. 130; Bilmen, *Büyük İslam İlmihali*, Istanbul 1985, p. 117.

972. Al-Nisā, 4: 103.

973. Al-Baqara, 2: 238.

974. Hūd, 11: 114.

975. Ibn Hānbal, I, 382, III, 330., 331, 352; al-Shawkanī, *Nayl*, I, 300.

976. Al-Bukhari, Hājj, 99; Muslim, Hājj, 288; *Tecrid-i Sarih Tercemesi*, II, 487, 488, VIII, 374; A. Davudoğlu, *Sahih-i Muslim Tercemesi*, Istanbul, 1977, IV, 136.

in this Muzdalifah area have been changed. Do not let people come to Muzdalifah before the time of night prayer and combine these two prayers early."⁹⁷⁷

According to Imam Shafi'i, it is possible and permissible to perform the noon and late afternoon prayers, and the evening and night prayers by combining them due to an excuse such as rain, illness, or travel.

Moreover, there were times when the Messenger of Allah (saw) combined two prayers in places other than Arafat and Muzdalifah. Salim ibn Abdillah narrated from his father, "*When the Messenger of Allah (saw) was in a hurry to travel, he delayed the evening prayer and performed it together with the night prayer.*"⁹⁷⁸ Moreover, according to a narration from Muadh ibn Jabal, "*We went on an expedition to Tabuk with the Prophet (saw). The Messenger of Allah used to pray noon and afternoon together, and evening and night prayers together.*"⁹⁷⁹ According to the Ḥanafis, who consider it permissible only to combine two prayers in Arafat and Muzdalifah, these and similar hadiths are interpreted to mean that the Messenger of Allah (saw) offered the first prayer at the end of its time, and the second prayer at the beginning of its time; yet it is thought that he performed both prayers at the same time. As a matter of fact, the following hadith ascertain this according to the following narration from Anas ibn Malik, "*If the Messenger of Allah set out on a journey before the sun was inclined to the west from its zenith, he would delay the noon prayer until the late afternoon prayer time, then stay and pray the noon and late afternoon prayers together. However, if the sun turned to the west before he set off, he would perform the noon prayer and then set off.*"⁹⁸⁰ The following narration from Anas (ra) makes this even clearer: "*When he was in a rush during a journey, he would delay the noon prayer until before the late afternoon prayer, then pray the two of them together, and delay the evening prayer, and perform the night prayer together with the evening prayer.*"⁹⁸¹ In these narrations, the combining of the prayers takes place only in form, but in reality, both prayers are performed at their own time. The Ḥanafis call this "*jam' al-ṣūrī* (combining prayers in appearance)".

The following hadith narrated by Abdullah Ibn Abbas (ra) supports this view, "*The Messenger of Allah (saw) performed noon and late afternoon prayers, and evening and night prayers together in Medina when there was no fear or rain.*" Ibn Abbas was questioned as to what the Messenger of Allah (saw) wanted to demonstrate through this act, and he replied: "*He meant not to cause any difficulties for his ummah.*"⁹⁸² This highlights the fact that no Muslim scholar has ever argued that it is permissible to combine two prayers for those who are not traveling. Consequently, the above hadith of Ibn Abbas has been understood as meaning the performance of the first prayer at the end of its time and the

977. Al-Bukhari, Ḥajj, 97; Ibn Ḥanbal V, 202; Asım Köksal, *İslam Tarihi*, Istanbul (n.d.) XVII, 273, 274.

978. Muslim, Musāfirīn, 45.

979. Muslim, Musāfirīn, 52, 53; Abū Dawūd, I, 285; Ibn Maja, I, 340.

980. Muslim, Musāfirīn, 56; Abū Dawūd, Safar, 5, Hadith No: 1218.

981. Muslim, Musāfirīn, 57, 58.

982. Sahih-i Muslim Tercemesi, IV, 136, 137.

second prayer at the beginning of its time. Therefore, according to Ḥanafis, the hadiths on this subject matter were not accepted as robust enough to change the specification of texts showing the obligation of observing prayers at their prescribed times, which is one of the conditions of the ritual prayer.

Furthermore, there is no clear hadith other than the narration of Abu al-Tufayl, transmitted from Muadh, which implies that the prayer may be performed before the time of the prayer, in the form of *jam' al-taqdīm* (combining by advancing the prayer time). In this hadith, the following is stated, “*The Prophet (saw) was engaged in the Battle of Tabuk. If he moved off before the sun had declined, he would delay the noon prayer until he would combine it with the late afternoon prayer and would offer them together. If he moved off after the sun had declined, he would combine the noon and late afternoon prayers, and then he would proceed; if he moved off before the evening prayer, he would delay the evening prayer and he would offer it along with the night prayer. If he moved off after the evening prayer, he would offer the night prayer earlier and offer it along with the evening prayer.*”⁹⁸³

Just as Abu Ḥanīfa, Imam Malik (d. 179/795) also considers it possible in appearance to combine two prayers in places other than Arafat and Muzdalifah. He stated, “It is not permissible for a person to combine two prayers at a time unless the journey compels him. If a person is forced to travel between noon and late afternoon, he performs it by delaying the noon prayer until the end of the time and then prays the late afternoon at the beginning of its time. Similarly, he performs the evening prayer by delaying it until the end of the time, before the disappearance of the redness. Then he performs the night prayer at its earliest time.”⁹⁸⁴ Accordingly, the views of the Ḥanafis and the Malikis agree on the issue of *jam' al-ṣalatayn*.

Moreover, it is reported that Abdullah Ibn Abbas said, “I prayed with the Prophet (saw) noon and late afternoon prayers as eight cycles, and the evening and night prayers as seven cycles.” At that time Abu Ayyub said, “I think it happened on a rainy night” and Ibn Abbas replied, ‘Maybe’. On that Amr said: “I said to Abu Sha’sa, ‘I think the Prophet delayed the noon prayer, and brought the late afternoon prayer forward, and postponed the evening prayer, and put the night prayer forward.’” and the reply was, “I think so too”. A further report informs us that Ibn Abbas said, “The Messenger of Allah (saw) performed the noon and late afternoon prayers, and evening and night prayers together, without fear or being on a journey.” In another variation narrated by Muslim, at the end of the hadith it is stated, “Without fear and rain...”⁹⁸⁵

983. Abū Dawūd, *Safar*, 5, Hadith No: 1220; al-Tirmidhī, *Jum’a*, 42, Hadith No: 553, al-Tirmidhī called this hadith “*ḥasan-gharīb*” due to its narration anyone but only Qutayba from Lays, and Ḥakīm claimed “it to be fabricated”. See al-Shawkānī, *ibid*, III, 262; *Sahih al-Muslim*, IV, 136 ff.; Ibn Abidin, *Radd al-Mukhtār*, (trans. A. Davudoğlu), Istanbul 1982, II, 62, 63.

984. Malik, *Mudawwana*, I, 116, 117.

985. Al-Bukhari, *Mawāqīt*, 12; Muslim, *Misafirin*, 49, 50, 54; Abū Dawūd, *Sefer*, 5; al-Nasā’ī, *Mawāqīt*, 47; Malik, *Muwaffā’*, *Safar*, 5.

As a result, it is possible and permissible for a person with a valid religious excuse to benefit from this convenience, provided that he or she does not make it a habit, considering that during the Prophet's time, apart from the Farewell pilgrimage, the noon and late afternoon and evening and night prayers were combined only at the times of travel, sickness, heavy rain, and similar types of distress.

On this subject, I would like to convey a decision issued at the meeting, which I also attended, entitled "Contemporary Religious Issues Consultation Meeting - I" organized by the Presidency of Religious Affairs in May 2002. The decision states: "The fact that the prayer is five times a day is determined by the Qur'an, the Sunnah, and the consensus. However, some practices of the Prophet (*saw*) show that the noon and late afternoon prayers and the evening and night prayers can be performed together, both in the form of *taqdīm* and *ta'khīr* (performing one prayer at the time of the other). When the narrations and the comments of the Companions that the Prophet sometimes performed prayers together while he was a resident are evaluated as a whole, it is understood that this was not without a reason and was based on a religiously valid excuse and that this can be carried out provided that it is not made into a habit."⁹⁸⁶

I – MUSTAḤAB TIMES

The prayer of each time is performed at its prescribed time. No matter which part of the time it is performed, it is prayed in its time. The Prophet said, "*The most virtuous of deeds is the prayer performed in its prescribed time.*"⁹⁸⁷, and "*There is Allah's consent in the earliest part of the time of the prayers and forgiveness in the last part of its time.*"⁹⁸⁸ Moreover, which part of the prayer times is recommended or more virtuous was determined by the practice and recommendations of the Prophet (*saw*).

It is based upon this that the following is described as *mustaḥab*,

1) According to the Ḥanafis, it is *mustaḥab* to perform the dawn prayer close to the sunrise (time of *isfār*) except for the dawn prayer performed in Muzdalifa during the pilgrimage. The measure of *isfār* is that the sunrise is so nearby that the archer can see where a shot arrow landed. Another measure for *isfār* is that there is ample time before sunrise to perform ablution and then the prayer in an appropriate manner without any rush. The Prophet (*saw*) said, "*Perform the dawn prayer at the time of isfār. Because the*

986. This meeting was held between the dates May 15-18, 2002 in Istanbul Tarabya Hotel with the participation of more than 80 academicians from the branches of *tafsīr*, hadith and *fiqh* and about 30 scholars from the Directorate of Religious Affairs and lasted for four days. Working in four commissions, the council combined its work on the last day and a 39-item declaration was published by the general assembly. The topics covered by the four commissions were as follows: a) Traditionalist and modernist approaches and their social reflections in the correct understanding and interpretation of religious texts, b) Religious debates on women's problems in the contemporary world, c) Discussions related to Ḥajj, d) Current debates related to the acts of worship.

987. Muslim, Imān, 140.

988. Al-Tirmidhī, Mawāqīt, 13.

reward for it is greater.”⁹⁸⁹ Moreover, the notion is that by delaying the dawn prayer the congregation increases. However, for that reason, it is more virtuous for women, if they do not join the congregation, to perform the dawn prayer at its earliest time.

2) According to the Ḥanafis, it is *mustaḥab* to delay the noon prayer in the summer (*ibrād*). The Prophet said, “Perform the noon prayer in a cool manner. Because the intensity of the heat is due to the intensity of the heat of Hell.”⁹⁹⁰ There is an agreement that it is *mustaḥab* to perform the noon prayer at its earliest time in winter. It is narrated from Anas (ra) that he said, “The Prophet used to hasten the noon prayer when it was severely cold, and delay it until it got cold in summer.”⁹⁹¹

3) According to the Ḥanafis, it is *mustaḥab* to delay the *fard* cycles of the late afternoon prayer until the time before the sun becomes dazzling in summer and winter. Since it is *makrūh* to perform supererogatory prayers after the late afternoon prayer, it is recommended to delay the obligatory cycles in order to perform the supererogatory prayers.⁹⁹²

4) It is *mustaḥab* to perform the evening prayer at its earliest time, that is, as soon as the time comes. A short break enough to recite three verses or to do a light sitting between the *adhān* and the *iqāmah* is taken into account. This is because it is considered reprehensible to delay the evening prayer, and an undesirable similarity is found in Judaism whereby Jews delay its performance. The Prophet said, “My community will remain well, or he said, will remain on its natural condition, so long as it would not delay the evening prayer until the stars shine brightly just like a network.”⁹⁹³

5) It is *mustaḥab* to delay the night prayer until the first third of the night. The evidence is the following hadith: “If I had not troubled my ummah, I would have ordered them to delay the night prayer until one-third of the night.”⁹⁹⁴

6) It is *mustaḥab* for a person who believes that he will wake up at night to delay the *witr* prayer until the end of the night. The Prophet said, “If anyone is afraid that he may not get up in the latter part of the night, he should observe *witr* in the first part of it; and if anyone is eager to get up in the last part of it, he should observe *witr* at the end of the night, for prayer at the end of the night is witnessed (by the angels) and that is preferable.”⁹⁹⁵

989. Al-Tirmidhī, Ṣalāh, 3; al-Nasā’ī, Mawāqīt, 27; al-Darīmī, Ṣalāh, 21; Aḥmad ibn Ḥanbal, V, 429.

990. Al-Bukhari, Mawāqīt, 9, 10, Adhān, 18; Muslim, Masājīd, 180, 181, 183, 184, 186; Abū Dawūd, Ṣalāh, 4.

991. Al-Bukhari, Jum‘a, 17; al-Nasā’ī, Mawāqīt, 4; al-Zayla‘ī, *Naṣb al-Rāya*, I, 244; Ibn al-Humām, *Faṭḥ al-Qadīr*, I, 157.

992. Ibn al-Humām, *ibid*, I, 158.

993. Abū Dawūd, Ṣalāh, 6; Ibn Maja, Ṣalāh, 7; Ibn Ḥanbal, *Musnad*, IV, 147, V, 417, 422; Ibn al-Humām, *ibid*, I, 159.

994. Al-Tirmidhī, Mawāqīt, 10; al-Shawkanī, *Nayl al-Awṭār*, II, 11; Ibn al-Humām, *ibid*, I, 159.

995. Muslim, Misafirīn, 162; Ibn Maja, ‘Iqāmah, 121; Aḥmad ibn Ḥanbal, III, 348, 389.

According to the Malikis, it is more virtuous to always perform the five daily prayers at their earliest time. Performing the prayer alone or in the congregation, whether the weather is hot or cold, does not change the ruling. The evidence is found in the following hadith, *"The Prophet asked the Companion which was the most virtuous deed; He said, 'It is the prayer performed on time or at the beginning of its time.'"*⁹⁹⁶ In a hadith narrated by Ibn Umar, it is stated, *"There is Allah's approval in the first part of the time of the prayers, and forgiveness in the last part of their time."*⁹⁹⁷ However, according to Malikis, there is no harm in waiting for the congregation or delaying the noon prayer in order to wait for the cooler weather.

According to Shafi'is, it is sunnah to perform all prayers at their earliest time except the noon prayer, and it is sunnah to delay the noon prayer to the cool hours during the hot weather season.

According to the Ḥanbalis, it is more virtuous to perform the prayers at the earliest time, except for the night prayers. However, the noon prayer is delayed in severe heat and the evening prayer is delayed in cloudy weather. Since prayer times are determined mostly by calendars and clocks today, this principle has lost its prominence, especially in the northern hemisphere in the winter period when the sun may not be observed for months. However, with regards to the night prayer, it is considered more virtuous to delay it until the first third or half of the night.⁹⁹⁸

J – MAKRŪḤ TIMES

While there are recommended times for *farḍ* prayers, there are also times when it is *makrūḥ* to pray in general. In some of these times, no prayer is performed, and in some of these times, only supererogatory prayers are not performed, yet the makeup prayers (*qadā*) can be performed.

There are five reprehensible times in a day and night, three of which are mentioned in the following hadith narrated by Uqba Ibn Amir al-Juhanī (*ra*), *"The Messenger of Allah (saw) used to forbid us from praying or burying our deceased ones at three times: when the sun begins to rise until it has fully risen; when the sun is at its highest point in the sky at noon until it passes its zenith; and when the sun starts setting until it fully sets."*⁹⁹⁹ The other two times are reported in the following hadith narrated by Abu Saïd al-Khudri, *"I heard the Messenger of Allah (saw) say: 'There is no prayer after the*

996. Al-Bukhari, Mawāqīt, 5; Tawḥīd, 48, Jihād, 1, Adab, 1; Muslim, Imān, 137-140; Abū Dawūd, Ṣalāh, 9; al-Tirmidhī, Mawāqīt, 13.

997. Al-Tirmidhī, Mawāqīt, 13.

998. Ibn Abidīn, *ibid*, I, 676; al-Shirazī, *Muḥadhdhab*, I, 53; Ibn Qudāmah, *Mughnī*, I, 378, 385, 388; al-Zuhaylī, *ibid*, I, 514, 515.

999. Muslim Musāfirīn, 293; Abū Dawūd, Janā'iz, 51; al-Tirmidhī, Janā'iz, 41; Mawāqīt, 31, 34, Janā'iz, 89; Ibn Maja, Janā'iz, 30; al-Darīmī, Ṣalāh, 142; Ibn Ḥanbal, IV, 152.

morning prayer until the sun rises. And after the afternoon prayer, there is no prayer until the sun goes down.”¹⁰⁰⁰ Therefore, ritual prayer is prohibited during these two times.

We will analyze and categorize these five *makrūh* times noted in these two hadiths in two groups.

The three *makrūh* times when no prayer can be performed are the following;

1) The time right after the sunrise. Approximately 40-45 minutes after the sunrise, the reprehensible time ends and the permissible time to perform the Eid prayers or the mid-morning prayer starts.

2) When the sun is at the meridian. This is called the time of *istiwā*.

3) The time between the time the sun turns yellow, that is, when it becomes not dazzling until the time it sets. During this time, only the *farḍ* cycles of the late afternoon prayer of that day can be performed.

Neither the obligatory prayer, nor the *wājib* prayer like *witr*, nor the funeral prayer is performed during these three reprehensible times above. The prostration of recitation cannot be performed due to the recitation of a Qur’anic prostration verse. Otherwise, they must be re-performed later at an appropriate time. Even though supererogatory prayers are *makrūh*, they are valid and do not need to be re-performed. In addition, when the funeral and the congregation are present at a reprehensible time, the burial of the funeral is not delayed.

According to Imam Shafi‘i, there is no *makrūh* time for supererogatory prayers in Mecca. Supererogatory prayers can be performed there at any time. The evidence is found in the following hadith, “O sons of *Abdimanaḥ*! Do not forbid those who circumambulate this House or pray at any time of the day or night.”¹⁰⁰¹ According to the Ḥanafis, this hadith is specified with other hadiths that determine the reprehensible times of the day. In other words, they said that this hadith should be understood with the condition of those “who perform prayers in the House of Allah outside the reprehensible times”.

Times when it is *makrūh* to perform only supererogatory prayers:

1) It is *makrūh* to perform supererogatory prayers other than the sunnah of the dawn prayer during the period from the second dawn to the time the sun rises. The evidence is found in the following hadith reported by Ibn Umar, “There is no prayer other than two cycles of the dawn prayer before the morning prayer and after the morning time.”¹⁰⁰²

However, there is no harm in performing the *qaḍā* prayer from the second dawn until the sunrise.

1000. See al-Bukhari, *Mawāqīt*, 38, *Tawhīd*, 47; Abū Dawūd, ‘Ilm, 13; al-Tirmidhī, *Jum’a*, 2.

1001. See al-Nasā’ī, *Ṣalāh*, 41.

1002. Aḥmad ibn Ḥanbal, II, 104; al-Zayla‘ī, *Naṣb al-Rāya*, I, 255 ff.; See al-Nasā’ī, *Ṣalāh*, 32.

According to the Ḥanbalis, the hadith of Ibn Umar is *gharīb* (narrated only by one transmitter) and is not explicit in prohibiting *naḥlah* prayers within the specified time. Therefore, there is no harm in performing supererogatory prayers.

2) After performing the obligatory cycles of the late afternoon prayer, it is *makrūh* to perform supererogatory prayers until the sun sets. Various hadiths have been reported stating that it is forbidden to perform supererogatory prayers at this time.¹⁰⁰³ As for the time when the sun becomes yellow, only the *farḍ* prayer of that day can be performed, but making up the missed prayers (*qaḍā*) cannot be performed. This is because it is a general principle that an act of worship that is completely obligatory cannot be made up incompletely. In other words, the reprehensible time causes a deficiency in the act of worship. In a hadith narrated by Abu Hurairah, the following is stated, “Whoever catches up with one cycle of the late afternoon prayer before the sun sets, or whoever catches up with one cycle of the morning prayer before the sun rises, will have caught up with these prayers.”¹⁰⁰⁴ However, according to the Ḥanafis, the sunrise during the performance of dawn prayer invalidates it due to the resemblance to the action of those who worship the sun.

The wisdom behind the prohibition of performing supererogatory prayers after the late afternoon prayer or during the time of the dawn prayer is not due to a socio-historical reason. Instead, it is based upon the essential requisite for the believer to be engaged with the *farḍ* cycles at that time of the morning. This is because performing the *farḍ* cycles at that time is more virtuous than performing the supererogatory cycles. However, it is not reprehensible to perform a *farḍ* or *wājib* prayer during these aforementioned two times. The funeral prayer and performing the prostration of recitation are also not reprehensible. Moreover, if a supererogatory prayer that has been started at one of these two times is nullified due to reprehensibility, then it should be made up later.

3) It is reprehensible to perform a supererogatory prayer before the *farḍ* of the evening prayer. This is due to the general meaning of the hadiths that state it is necessary to perform the evening prayer early. The hadith of Salama Ibn Akwa is one of these, “The Messenger of Allah (saw) used to perform the evening prayer when the sun set and disappeared behind the curtain of darkness (behind the horizon).”¹⁰⁰⁵ The hadith of Uqba Ibn Amir supports this with the following words, “My community will remain well, or he said, will remain on its natural condition, so long as it would not delay the evening prayer until the stars shine brightly just like a network.”¹⁰⁰⁶

According to the famous view among the Shafi‘is, it is *mustaḥab* to offer a two-cycle supererogatory prayer before the evening prayer, but according to the Ḥanbalis, it is permissible, but not sunnah. These two schools are of the opinion that some narrations stating that the Prophet (saw) performed two cycles of supererogatory prayers before the

1003. Al-Nasā‘ī, Ṣalāh, 32.

1004. Al-Bukhari, Mawāqīt, 17; al-Nasā‘ī, Mawāqīt, 11; Ibn Ḥanbal, II, 474.

1005. Al-Bukhari, Bad’ al-Khalq, 4; Muslim, Masājīd, 216; Abū Dawūd, Ṣalāh, 3.

1006. Abū Dawūd, Ṣalāh, 6; Ibn Maja, Ṣalāh, 7.

farḍ of the evening prayer specify and highlight the general meaning of these hadiths that convey the meaning that one should rush to perform the evening prayer.¹⁰⁰⁷

4) It is reprehensible to engage in performing supererogatory prayers while the *iqāmah* is being recited for the obligatory prayer. The evidence is found in the following hadith: “*When the congregation starts praying, there is no prayer other than the obligatory one.*”¹⁰⁰⁸

However, after the recitation of *iqāmah* for the *farḍ* cycles of the dawn prayer, it is permissible to perform the sunnah cycles. This is due to fact that the sunnah of the dawn prayer is a strong sunnah that was encouraged and continued by the Messenger of Allah (saw). The following is stated in a hadith, “*The two-cycle sunnah of the dawn prayer is better than the world and everything in it.*”¹⁰⁰⁹ Furthermore, it is narrated that Aisha (r. anha) said concerning these two sunnah cycles, “*The Prophet (saw) was never more regular and particular in offering any supererogatory prayer than the two-cycle sunnah of the dawn prayer.*”¹⁰¹⁰

On the other hand, if a person, who catches up with the last cycle of the dawn prayer of the imam and the congregation, is afraid of missing the *farḍ*, he must abandon the sunnah and follow the imam in the congregation prayer.

Similarly, it is reprehensible for a person to engage in supererogatory prayers when there is not enough time to perform the obligatory prayer.

According to the majority of jurists, except the Ḥanafis, it is *makrūh* to start a supererogatory prayer after the people have begun performing the obligatory prayer in the congregation. Moreover, whether this prayer is the sunnah cycles of the obligatory prayer or another supererogatory prayer, the ruling does not change. Their evidence is the hadith we mentioned above, “*When the congregation starts praying, there is no other prayer other than the obligatory one*”. Imam Malik, on the other hand, said the following on this subject, “*Whoever is not afraid to miss one of the cycles of the farḍ prayer should perform the two sunnah cycles of the dawn prayer.*”¹⁰¹¹

5) According to the Ḥanafis, it is *makrūh* to perform supererogatory prayers while the imam is delivering the sermon on the Friday prayers, on Eid days, and during the pilgrimage.

It is *makrūh* to engage in any supererogatory prayer from the moment the imam starts delivering the sermon until he leads the Friday prayer. The evidence is found in the following hadith narrated by Abu Hurayra, “*When the imam is delivering the sermon*

1007. See al-Shawkanī, *ibid*, II, 2 ff.

1008. Muslim, Ṣalāh, 710; Abū Dawūd, Ṭaṭawwūʿ, 5; al-Tirmidhī, Ṣalāh, Hadith No: 421; al-Nasāʾī, Ṣalāh, 866; Ibn Maja, Ṣalāh, Hadith No: 1151; Ibn Ḥanbal, II, 352, 531.

1009. Muslim, Misafirīn, 96, 97; al-Tirmidhī, Ṣalāh, 190.

1010. Al-Bukhari, Taḥajjud, 27; Muslim, Misafirīn, 94; Abū Dawūd, Ṭaṭawwūʿ, 2; Ibn Ḥanbal, VI, 43, 54, 170.

1011. See al-Nawawī, *Sharḥ al-Muslim*, V, 221 ff.; Ibn Qudāmah, *Mughnī*, I, 456; al-Zuhaylī, *ibid*, I, 532.

on Friday, you will be making a mistake when you say "silence" to your friend."¹⁰¹² According to the Shafi'is and the Ḥanbalis, only two light cycles of *tahiyyat al-masjid* prayer are performed while the imam is delivering the sermon unless there is a fear of missing the opening (*iftitāḥ*) *takbīr* of the Friday prayer.¹⁰¹³

6) It is *makrūḥ* to perform supererogatory prayers before and after the Eid prayers. The evidence is found in the following hadith narrated by Ibn Abbas (*ra*), "*The Prophet used to pray two cycles on the day of Eid. He would not perform any prayer before or after this prayer.*"¹⁰¹⁴ The reason for this reprehensibility is so that the most important prayer of that day is not left behind in order to engage in a less important supererogatory prayer. However, after the sun has risen, there is no harm for the individuals in the congregation to perform supererogatory prayers but in this case, the imam is the exception.

7) In Arafat and Muzdalifah, supererogatory prayers are not performed between the noon and late afternoon prayers, and between the evening and night prayers.

If one catches the opening *takbīr* of any prayer other than the dawn prayer, within the time prescribed for that prayer, the entire prayer becomes fulfilled. The ruling does not change whether leaving such an obligatory prayer at the end of its time is due to an excuse or not.

Furthermore, according to the Shafi'is and the Malikis, if one cycle of prayer is performed together with its two prostrations before the prescribed time of the prayer ends, the whole prayer is considered to have been performed in time. If less than one cycle is performed, this prayer is considered a compensatory prayer (*qaḍā*).¹⁰¹⁵

A *farḍ* or *wājib* prayer performed when the sun is just at the time of *zawāl* is considered invalid. Supererogatory prayers, on the other hand, are considered *makrūḥ* but accepted as valid. According to a report from Abu Yusuf, it is permissible to perform supererogatory prayers on Friday at the *zawāl* time. It is unanimously agreed that after the sun inclines towards the west, the reprehensible time ends.

Performing a prostration of recitation due to the recitation of a Qur'anic verse of prostration at a reprehensible time is permissible. However, it is more virtuous to postpone this prostration until after the reprehensible time. In like manner, the prayer of a funeral prepared at one of the reprehensible times can be performed. In fact, in this case, it is more virtuous to perform this prayer immediately rather than to delay it. The Prophet (*saw*) said in a hadith, "*O Ali! Do not delay three things. To perform the prayer when the time comes, to bury the corpse when it is ready, to marry your daughter when you find someone suitable for her.*"¹⁰¹⁶

1012. Al-Bukhari, *Jum'a*, 36; Muslim, *Jum'a*, 12; Abū Dawūd, *Ṣalāḥ*, 229; al-Tirmidhī, *Jum'a*, 16; al-Nasā'ī, *Jum'a*, 22, *I'dayn*, 21.

1013. See Al-Ṣan'ānī, *Subul al-Salām*, II, 51, 67; al-Bukhari, *Taḥajjud*, 25.

1014. Al-Bukhari, *I'dayn*, 26, 8; Zakat, 21; Ibn Ḥanbal, II, 180.

1015. Al-Shawkanī, *ibid*, III, 151; al-Shirāzī, *ibid*, I, 54; al-Zuhaylī, *ibid*, I, 516 ff.; al-Shawkanī, *ibid*, III, 151.

1016. Al-Tirmidhī, *Ṣalāḥ*, 13, *Janā'iz*, 73; Ibn Ḥanbal, I, 105. For more information about the reprehensible times see Ibn al-Humām, *ibid*, I, 166; Ibn Abidīn, *ibid*, I, 349-351; al-Shurunbulālī, *Marāq al-Falaḥ*, p. 31; Ibn Qudāmah, *ibid*, II, 116-119, 129, 135, 387; al-Zuhaylī, I, 528 ff.

III – ADHĀN AND IQĀMAH

A – ADHĀN:

1) The Meaning, Evidence, and Virtue of *Adhān*:

The word *adhān* literally means “to call, to announce”. *Adhān* as a term refers to a form of announcement consisting of special words that informs the times of the obligatory prayers. A person who recites the *adhān* is called muezzin.

Calling the *adhān* for the obligatory prayers, that is, announcing that these prayers will shortly be performed is established by the Qur’an and the Sunnah. Although the ritual prayer was made obligatory in the Meccan period, the *adhān*, as we know it today, to inform the believers of the impending prayer was not practiced until the Prophet arrived in Medina. Perhaps this late practice of *adhān* arose simply because there was no congregational prayer in the early days of Islam. Moreover, when the Muslims migrated to Medina, for a while the time of the prayer was announced in the streets by shouting “*aṣ-ṣalah* (the prayer)” or “*aṣ-ṣalatu jamā’ah* (congregate for the prayer)”.

In the first year of the Hijra, when the construction of the Masjid an-Nabawi in Medina was completed, the Companions began to gather regularly and pray in congregation. Meanwhile, Muhammad (*saw*) consulted with his Companions about the announcement of the time of prayer. Suggestions were offered, such as raising flags, playing the horn, or ringing the bells. However, they did not appeal to the Muslims, since blowing a horn was the way of the Jews, and the ringing of bells was the way of the Christians. At that point, it is related that Abdullah ibn Zayd (*ra*) from the Ansar dreamed of a man with a bell in his hand and when he wanted to buy it, the man asked what he would do with it. When Abdullah said that he would call people to the ritual prayer with it, the man said “should I tell you something better than this?”. He taught Abdullah all the words of the *adhān*. As a result of Abdullah informing the Prophet of this dream the next day, and the Prophet Muhammad’s (*saw*) approval, the modern form of *adhān* was formed.¹⁰¹⁷

In an Islamic society, to call the *adhān* when the prayer times arrives is a very strong sunnah, almost as strong as a *wājib*. Since the *adhān* is a symbol, if it is abandoned *en masse*, the Islamic community has the right to take action. The evidence on which the *adhān* is based is as follows:

Allah Almighty says: “***When ye proclaim your call to prayer they take it (but) as mockery and sport; that is because they are a people without understanding.***”¹⁰¹⁸,

1017. Abū Dawūd, Ṣalāh, 27, 28; H.No: 498, 499.

1018. Al-Mā’ida, 5: 58.

and ***“O you who believe! When the call is proclaimed to prayer on Friday (the Day of Assembly), hasten earnestly to the Remembrance of Allah, and leave off business (and traffic): That is best for you if you but knew!”***¹⁰¹⁹ *Adhān* is used in the meaning of announcement and notification in the following Qur’anic verse, ***“And an announcement from Allah and His Messenger, to the people (assembled) on the day of the Great Pilgrimage...”***¹⁰²⁰

The Prophet (saw) has many sayings about the *adhān*. Some of them are as follows, *“One of you should pronounce the adhān for the prayer when its time is due and the oldest one amongst you should lead the prayer.”*¹⁰²¹ The Prophet (saw) said the following about Abdullah ibn Zayd’s *adhān* dream describes above, *“Indeed this dream is true. So go to Bilal, for he has a better and louder voice than you. Convey to him what was said to you, so that he may call (to the prayer) with that.”*¹⁰²²

The following hadith expresses the great reward in calling the *adhān* as follows:

*“If the people knew the reward for calling the adhān and for standing in the first row (in congregational prayers) and found no other way to get that except by drawing lots they would draw lots.”*¹⁰²³ In another hadith, the Messenger of Allah (saw) said: *“I see you liking sheep and the wilderness. So whenever you are with your sheep or in the wilderness and you want to pronounce adhān for the prayer raise your voice in doing so, for whoever hears the adhān, whether a human being, a jinn, or any other creature, will be a witness for you on the Day of Resurrection.”*¹⁰²⁴ One more hadith states the following, *“The muezzin will be the tallest of people on the Day of Judgment.”*¹⁰²⁵

Yet, the reciting of the *iqāmah* and leading the prayer is more virtuous than reciting the *adhān*. This is based upon the fact that the Prophet and the four caliphs who followed him served as imams but did not act as muezzins. However, after the imamate, the most important service in the mosques is the task of the muezzin. In fact, according to the strongest view of the Shafi‘is and the Hanbalis, the *adhān* and the *iqāmah* together are more virtuous than being an imam. This is because Allah Almighty commands, ***“Who is better in speech than one who calls (men) to Allah, works righteousness, and says, “I am of those who bow in Islam”?”***¹⁰²⁶

1019. Al-Jum‘a, 62: 9.

1020. Al-Tawba, 9: 3.

1021. Al-Bukhari, Adhān, 17, 18, 49, 140, Aḥad, 1, Adab, 27, Maghāzī, 53; Muslim, Masājīd, 292, 293; al-Nasā‘ī, Adhān, 8.

1022. Al-Tirmidhī, Mawāqīt, 25, Abū Dawūd, Ṣalāh, 28; Ibn Maja, Adhān, 1.

1023. Al-Bukhari, Adhān, 9, 32, Shahadāt, 30; Muslim, Ṣalāh, 129; al-Tirmidhī, Mawāqīt, 52; al-Nasā‘ī, Mawāqīt, 22, Adhān, 31.

1024. Al-Bukhari, Adhān, 5; Bad’ al-Khalq, 12, Tawḥīd, 52; Al-Nasā‘ī, Adhān, 14; Malik, *Muwatta’*, Nida, 5; Aḥmad ibn Hanbal, III, 6.

1025. Muslim, Ṣalāh, 14; Ibn Maja, Adhān, 5; Ibn Hanbal III, 169, 264, IV, 95, 98.

1026. Fussilat, 41: 33.

Aisha (*r. anha*) informed the believers that the “one who calls to Allah” cited in this verse is the muezzins.

The Prophet (*saw*) also said, “*The imam is the guarantor of the congregation. The muezzin is someone you can trust. O, Allah! Show the imams the right path and forgive the muezzins.*”¹⁰²⁷

By means of *adhān*, the community is informed about the times of prayer, and it is announced that prayer will lead to success, and the highest principles of the religion of Islam are declared to the world. Furthermore, the ritual prayer times around the world coincide with various times of the day. Therefore, at every hour of the day, the existence, unity, and majesty of Allah, the prophethood of Muhammad, and that the ritual prayer is the source of success are announced aloud to humanity around the world.

2) Form and Words of *Adhān*:

There is a consensus on the known words of the *adhān*. These words are repeated twice. In the dawn prayer, the sentence “*aṣ-ṣalātu khayrun min an-nawm* (prayer is better than sleep)” is added after the sentence “*ḥayya ‘ala al-falāḥ*”. This sentence is also repeated twice. The evidence on which this form of *adhān* is based is a narration from Bilal (*ra*). Moreover, it is narrated that the Prophet (*saw*) said to Abu Maḥdhura that he should recite “*aṣ-ṣalātu khayrun min an-nawm*” twice when announcing the *adhān* for the dawn prayer.¹⁰²⁸

According to the Ḥanafis and the Hanbalis, the *adhān* consists of fifteen words.¹⁰²⁹ The *Adhān* words mentioned in the hadith narrated by Abdullah Ibn Zayd are as follows:¹⁰³⁰

Allāhu akbar	الله أكبر
Allāhu akbar	الله أكبر
Allāhu akbar	الله أكبر
Allāhu akbar	الله أكبر
Ashhadu an lā ilāha illallāh	أشهد أن لا إله إلا الله
Ashhadu an lā ilāha illallāh	أشهد أن لا إله إلا الله
Ashhadu anna Muḥammadan Rasūlullāh	أشهد أن محمداً رسول الله
Ashhadu anna Muḥammadan Rasūlullāh	أشهد أن محمداً رسول الله
Ḥayya ‘ala al-ṣalāh	حي على الصلاة
Ḥayya ‘ala al-ṣalāh	حي على الصلاة

1027. Al-Tirmidhī, *Ṣalāh*, 39; Aḥmad ibn Hanbal, II, 232, 284, 278, 382, 419.

1028. Al-Zaylaī, *Naṣb al-Raya*, I, 264.

1029. Kāsānī, *Badāyī*, I, 147; Ibn al-Humām, *Fatḥ al-Qadīr*, I, 167; Ibn Abidīn, *Radd al-Mukhtār*, I, 35 ff.; Ibn Qudāmah, *Mughnī*, I, 404.

1030. Al-Zaylaī, *ibid*, I, 259.

Ḥayya 'ala al-falāḥ حَيَّ عَلَى الْفَلَاحِ

Ḥayya 'ala al-falāḥ حَيَّ عَلَى الْفَلَاحِ

Allāhu akbar اللَّهُ أَكْبَرُ

Allāhu akbar اللَّهُ أَكْبَرُ

Lā ilāha illallāh لَا إِلَهَ إِلَّا اللَّهُ

The words of the *adhān* are translated into English as follows:

God is Great! God is Great! God is Great! God is Great!

I bear witness that there is no god but Allah.

I bear witness that there is no god but Allah.

I bear witness that Muhammad is the Messenger of Allah.

I bear witness that Muhammad is the Messenger of Allah.

Hasten to the prayer. Hasten to the prayer.

Hasten to success. Hasten to success.

God is Great! God is Great!

There is no god but Allah.

The *iqāmah* is similar to the *adhān*, but after “*ḥayya 'ala al-falāḥ*” the sentence “*qad qamat aṣ-ṣalāḥ* (the prayer is to begin)” is recited twice. In addition, the *adhān* is intermittent between each sentence, and the voice is slightly raised in the second sentence, this is called “*irtisāl wa tarassul*”. Whereas in the *iqāmah* there is no intermittence, rather it is recited in a quick style called “*ḥaḍr*”.

3) Conditions of *Adhān* and *Iqāmah*

Those who recite the *adhān* and the *iqāmah* are expected to follow the principles listed below:

a) The time of the ritual prayer must have already commenced: It is not permissible to call the *adhān* before the prayer time starts. In fact, such an *adhān* must be re-recited after the prayer time commences. However, according to the majority of jurists, it is *mandūb* only to call the *adhān* for the dawn prayer, at the time of pre-dawn, which is the last one-sixth of the night. At that point, this *adhān* is recited once more as a *sunnah* when the true dawn (*fajr al-ṣādiq*) breaks. The evidence is the following hadith reported from Abdullah ibn Amr (ra), “*Bilal recites the night prayer. Eat and drink until you hear Ibn Umm Maktum’s adhān.*” Bukhari added the following to this hadith, “*Ibn Umm Maktum was a blind man and he would not call the adhān unless three people said to him, ‘It is morning.’*”¹⁰³¹

1031. Al-Bukhari, *Adhān*, 11, 13, *Shahadāt*, 11, *Ṣawm*, 17; Muslim, *Ṣiyām*, 36-39; al-Tirmidhī, *Ṣalāḥ*, 35; al-Nasā’ī, *Adhān*, 9, 10.

b) The *adhān* must be in Arabic: The words of the Arabic *adhān* are symbolic for all Muslims around the world, no matter what language they speak. According to the Ḥanafis and the Hanbalis, since the *adhān* is established in Arabic, like the Qur'an, it is not valid to read it in any other language. According to the Shafi'is, it is permissible for a person who does not know Arabic to recite the *adhān* in another language but only for himself.

c) Announcing the *adhān* and the *iqāmah* to the congregation should be aloud but when alone, it should be recited loud enough for him to hear it himself.

d) There must be order and succession between the sentences of the *adhān* and the *iqāmah*. Although the *adhān* not recited without order and in a successive manner is still valid, doing so is considered *makrūh*. It is more virtuous to re-recite such an *adhān* or *iqāmah*.

e) *Adhān* must be recited by only one person. However, it is also permissible for more than one person to recite the entire *adhān* separately.

f) It is *mustahab* for the muezzin to be a male, intelligent, pious, knowing the sunnah and the prayer times. It is *makrūh* for ignorant people and sinners to call the *adhān*. It is also *makrūh* for women, the senile, and those who are in major ritual impurity (*janabah*) to call the *adhān* or recite the *iqāmah*. If the *adhān* and *iqāmah* are recited by women, the senile, and those in major ritual impurity (*janabah*), *iqāmah* does not have to be re-recited, but the *adhān* should. For it is permissible to re-recite the *adhān* as it is on Friday. As a matter of fact, until the time of Uthmān (*ra*), in the early days of Islam, *adhān* used to be recited on Fridays when the imam sat on the pulpit. Then, Uthman ordered a second *adhān* to be recited in a place called Zarwa, between the Masjid al-Nabawī and the bazaar, due to the increase in the population and the growth of the city.¹⁰³² It is *makrūh* for people who are not in the state of *wuḍū* to call the *iqāmah*. It is stated in a hadith, "None should call the *adhān* except for one in the state of *wuḍū*."¹⁰³³

g) The muezzin should have a loud and beautiful voice. For, in this way, it will be easier to announce the *adhān* and to be heard easily. The evidence is the following hadith, "The Prophet ordered twenty people to call the *adhān*, and they recited it. He liked Abu Maḥzūra's voice among them and taught him the *adhān*."¹⁰³⁴

h) In order to announce the *adhān*, it should be recited standing on a high wall or minaret. Urwa ibn Zubayr reported that his wife, who was from Bani Najjar, said, "My house was the highest house around the Masjid an-Nabawī. Bilal used to recite the call for the dawn prayer on the top of this house. Bilal would arrive at dawn and sit at the

1032. Abū Dawūd, Ṣalāh, 219; al-Nasā'ī, Jum'a, Hadith No: 1493; al-Tirmidhī, Cuma', Hadith No: 516; Ibn Maja, Jum'a, H.no: 1135.

1033. Al-Tirmidhī, Ṣalāh, 33; al-Ṣan'ānī, *Subul al-Salām*, I, 129.

1034. Al-Darimī, Ṣalāh, 7.

high place of the house and wait for dawn time. When he saw the dawn break, he would stand up and call the *adhān*.¹⁰³⁵

i) While reciting the *adhān*, the muezzin extends it by stopping for a while between the two sentences of the *adhān*. As for the *iqāmah*, it is recited quickly by not pausing between the sentences. It is stated in a hadith, “O Bilal! When you recite the *adhān*, recite it slowly, lengthening the words, and when you call the *iqāmah*, recite it quickly.”¹⁰³⁶

j) While calling the *adhān* and *iqāmah*, the muezzin turns towards the qibla. When saying “*Ḥayya ‘ala ṣ-ṣalah*” he turns to the right, when saying “*Ḥayya ‘ala l-falāḥ*” he turns to the left, and on the minaret, he recites it by walking from the right side to the left. He puts the tips of his two fingers in both ears to help raise his voice. It is narrated from Abu Juhayfā (ra) that he said, “I saw Bilal calling the *adhān*. He was turning his face right saying *Ḥayya ‘ala ṣ-ṣalah* and to the left saying *ḥayya ‘ala l-falāḥ*. He had his two fingers in both ears.”¹⁰³⁷

k) It is sunnah to recite *adhān* and *iqāmah* for the daily prayers and makeup prayers. This is because the *adhān* and the *iqāmah* are sunnah of the prayer, not the time of the prayer, and for that reason, it is also sunnah to call the *adhān* and the *iqāmah* while performing the *qaḍā* prayer. According to the narration from Abu Huraira (ra), while the Prophet (saw) and his Companions were returning from the Khaybar battle, they stopped on the way and left Bilal al-Ḥabashi on guard. However, they could not get up for the dawn prayer because Bilal, who was very tired, also fell asleep. After the sun had risen, they performed ablution. Bilal recited the *adhān*, and after the two-cycle sunnah prayer was performed, he called the *iqāmah* and the two *farḍ* cycles of the dawn prayer were performed.¹⁰³⁸

l) If more than one *qaḍā* prayer is to be performed, whether the place is the same or different, it is considered more virtuous to call *adhān* and *iqāmah* separately for each prayer, but if more than one *qaḍā* prayer is to be performed in the same place, both *adhān* and *iqāmah* are recited for the first missed prayer but reciting only *iqāmah* is enough for the rest of the prayers. As a matter of fact, during the Battle of the Trench when the three daily prayers could not be performed on time, the Messenger of Allah (saw) told Bilal to recite the *adhān* and *iqāmah* at the time of the night prayer of the same day and led the noon prayer. Then he led the late afternoon prayer with an *iqāmah*, the evening prayer with an *iqāmah*, and finally, the night prayer with an *iqāmah*.¹⁰³⁹

According to Imam Malik, only the *iqāmah* is called for the *qaḍā* prayers, it is not necessary to call the *adhān*. The evidence on which this view is based is that the

1035. Al-Zaylaʿī, *ibid*, I, 292.

1036. Al-Tirmidhī, *Ṣalāh*, 29.

1037. Al-Ṣanʿānī, *ibid*, I, 122; al-Shawkanī, *ibid*, II, 46.

1038. Abū Dawūd, *Ṣalāh*, 11, H.No: 435, 443; al-Nasāʾī, *Mawāqīt*, 54, 55; Aḥmad ibn Hanbal, IV, 444; al-Tahānawī, *ibid*, II, 126.

1039. Al-Haythamī, *Majmaʿ al-Zawāʿid*, II, 4; Al-Shawkanī, *ibid*, I, 359, II, 60.

Messenger of Allah (*saw*) ordered Bilal to call only the *iqāmah* for the missed prayers in the Battle of the Trench.¹⁰⁴⁰ Imam Malik is of the opinion that the *adhān* mentioned in the hadith was for the night prayer of that day, recited in its own time.

m) It would be appropriate to separate the *adhān* and the *iqāmah* a little. This break should be long enough to recite three short Qur'anic verses after the *adhān* for evening prayer and at other times enough to perform a two or four-cycle prayer by reciting twelve verses in each cycle. The evidence is the following hadith, “O Bilal! Wait sometime between the *adhān* and the *iqāmah*, long enough for someone who is eating to finish his meal and meet his needs in a normal way.”¹⁰⁴¹

According to the Ḥanafis, it is *mustahab* to encourage the believers by calling out, “*aṣ-ṣalah! aṣ-ṣalah! ya muṣallīn* (O people who pray! To the prayer, to the prayer)” after every *adhān* in all prayer times because there has been negligence in people's religious practices.

n) If there is a break between the *iqāmah* and the prayer, such as eating, drinking, or washing, it is necessary to recite the *iqāmah* again. However, if the person who calls the *iqāmah* performs the sunnah cycles after the *iqāmah* or if the imam comes after the recitation of the *iqāmah*, it is not necessary to re-recite the *iqāmah*.

o) The muezzin should call the *adhān* with the intention of getting a reward from Almighty Allah. This is because Uthman Ibn Abi al-ʿĀss, one of the Companions, came to the Prophet and said, “Assign me to be an imam for my people!” Allah's Messenger said, “You are their imam, so take the weakest of them as a measure and appoint a muezzin who does not get paid for reciting the call to prayer.”¹⁰⁴² However, Imam Malik did not see any harm in the payment of such a fee, Imam Shafi'i said that a salary from the booty fund of the state treasury can be offered, and the later Ḥanafī jurists issued a *fatwa* that a fee could be charged for services such as imamate, serving as a mufti, teaching the Qur'an and serving as a muezzin. The basis of this *fatwa* is to ensure that such duties are carried out in the face of religious slackness and negligence that arise due to the discontinuation of payments and salaries allocated for scholars and imams from the state treasury.

4) Manners of Listening to *Adhān*

a) It is more virtuous for those who hear the *adhān* to stop speaking, and even for the person reading the Qur'an to stop and listen to the *adhān*. However, according to another view, a person who is reading the Quran in a mosque or in his own home can continue reciting. On the other hand, there are also those who say that there is no harm in speaking or continuing their regular work during the *adhān*.

1040. Al-Darimī, Ṣalāh, 186; al-Nasā'ī, Mawāqīt, 55; Adhān, 23; Ibn Hanbal, III, 25.

1041. Aḥmad ibn Hanbal, *Musnad*, V, 143.

1042. Abū Dawūd, Ṣalāh, 39, Hadith No: 531; al-Tirmidhī, Ṣalāh, 41; al-Nasā'ī, Adhān, 32; Ibn Maja, Adhān, 3; Aḥmad ibn Hanbal, IV, 217.

b) It is *mustaḥab* for the person who hears the *adhān* and the *iqāmah* to repeat the sentences along with the muezzin and when it is said “*ḥayya ‘ala’-ṣ-ṣalah* and *ḥayya ‘ala’-l-falāḥ*”, the hearer says, “*la ḥawla wa lā quwwata illa billah* (There is no might or power except with Allah)” and when muezzin says “*aṣ-ṣalatu khayrun min an-nawm* (prayer is better than sleep)” in the dawn prayer, the listener says, “*ṣaddaqtu wa barirta* (you said the truth, and you said it well)”.

The Prophet said, “*When you hear the adhān, say what the muezzin says.*”¹⁰⁴³ In a hadith narrated by Umar (*ra*), the Messenger of Allah (*saw*) commanded the person who hears the call to the prayer to repeat exactly what the muezzin says, and to say “*la ḥawla wa lā quwwata illa billah* (There is no might or power except with Allah)” instead of the words *ḥayya ‘ala’-ṣ-ṣalah* and *ḥayya ‘ala’-l-falāḥ*.¹⁰⁴⁴

c) Anyone who hears the *adhān* can also recite the following prayer from the narration of Ṣa’d ibn Abi Waqqāṣ (*ra*) who related that the Prophet (*saw*) said, “When someone hears the *adhān* if he says ‘*ashhadu an lā ilaha illa ‘llāh wa ashadu anna Muḥammadan ‘abduhū wa Rasūluh Raḍiytu billahi Rabban wa bi Muḥammadin rasūlan wa bi ‘l-Islami dīnan*’, his sins will be forgiven.”¹⁰⁴⁵ The meaning of the supplication is, “I testify that there is no god but Allah, that He is one and has no partners, and that Muhammad is His servant and Messenger. I have chosen Allah as Lord, Muhammad (*saw*) as Messenger, and Islam as religion.”

d) Since the purpose of the *adhān* is a call to prayer, the person who performs the obligatory ritual prayer is the most appropriate person to respond to the *adhān*.

e) It is *mustaḥab* to recite the supplication of *wasīlah* after the *adhān*. This is because, according to the narration from Jabir (*ra*), when the Messenger of Allah (*saw*) heard the *adhān*, he informed that his intercession would be lawful on the Day of Judgment for the person who recited the following prayer:¹⁰⁴⁶

“*Allāhumma Rabba hadhihi ad-da’wat at-tāmmah wa aṣ-ṣalāt al-qāimah, ati Muḥammadan al-wasīlata wa al-faḍīlata, (wa ad-darajata ar-raḥīmah), wab’athhu ma-qāman maḥmūdān alladhī wa’addah, (Innaka lā tukhlifu al-mī’ād).*”

Meaning: “O Allah! O Allah, who is the Lord of this perfect call and the prayer to be performed! Give Muhammad the means and virtue (and high rank)! Raise him to the praised rank that You promised Yourself (Surely You will not break Your promise).”

1043. Al-Bukhari, *Adhān*, 7; Muslim, *Ṣalāh*, 10, 11; Al-Tirmidhī, *Ṣalāh*, 40, *Manaqib*, 1; Al-Nasā’ī, *Adhān*, 33, 35-38; Ibn Maja, *Adhān*, 4.

1044. Muslim, *Ṣalāh*, 12.

1045. Muslim, *Ṣalāh*, 13.

1046. Al-Bukhari, *Adhān*, 8. *Tafsiru Surah*, 17-11; Muslim, *Ṣalāh*, 11; al-Nasā’ī, *Adhān*, 37; Abū Dawūd, *Ṣalāh*, 37, *Hadith No*: 529.

A person who is in a state of major impurity (*janabah*) is also subject to the sup-
plications related to the *adhān*. Since menstruating or women in postpartum bleeding
are exempt from ritual prayer, they do not have any obligations regarding the *adhān*.

In places where more than one call to prayer is heard, answering the first call to
prayer is sufficient.¹⁰⁴⁷

5) Reciting *Adhān* at Occasions other than literally Calling People to the Prayer

It is *mandūb* to call the *adhān* on some occasions other than calling the people to
the ritual prayer. These occasions can be listed as follows:

a) When a child is born, it is *mandūb* to call the *adhān* in the infant's ear. For when
the grandson of the Prophet (*saw*) Hasan was born, the prophet recited the *adhān* in his
ear.¹⁰⁴⁸

b) It is *mandūb* to call the *adhān* during a war, when a fire breaks, or after sending
someone on a journey.

c) It is *mandūb* to recite the *adhān* for a violently angry person, a person who is
suffering from a nervous breakdown, or from a disease such as epilepsy, and to call the
adhān in the ear of a bad-tempered person or even an animal. If an evil jinn or Satan
appears in a frightening form, the *adhān* is called to protect oneself from such evil. For
it is proven by hadiths that the devil runs away when the *adhān* is recited.¹⁰⁴⁹

B – IQĀMAH

It is sunnah for men to call the *iqāmah* for the obligatory prayer or the *qaḍā* prayers
individually or in the congregation. Women have no obligation to call the *adhān* or the
iqāmah, however, if they do recite the *adhān* or the *iqāmah*, according to Ḥanafis, it is
considered *makrūh* and the *adhān* they recited must be re-recited. According to Imam
Malik, it is a good deed for women to recite *iqāmah*, and according to Imam Shafi'i, it
is a good deed for women to recite both *adhān* and *iqāmah*.¹⁰⁵⁰

It is not permissible to recite more than one *adhān* for any *farḍ* prayer other than the
Friday prayer and to recite more than one *iqāmah* for any *farḍ* prayer. Therefore, if the
prayer of a certain time is performed with the *adhān* and *iqāmah* in a mosque, those who
will pray the same prayer in the same mosque later, individually or in a congregation, do
not need to recite the *adhān* and *iqāmah* again. In fact, people who want to perform the
obligatory prayer of the time at home or at work after the *adhān* is called, do not need

1047. Al-Kāsānī, *ibid*, I, 155; Ibn al-Humām, *ibid*, I, 173; Ibn Abidin, *Radd al-Mukhtār*, I, 367; al-Shirāzī,
Muḥadhdhab, I, 58; Ibn Qudāmah, *ibid*, I, 426 ff.; al-Zuhaylī, *ibid*, I, 552 ff.

1048. Abū Dawūd, *Adab*, 107; al-Tirmidhī, *Aḍḍāḥī*, 16; Aḥmad ibn Hanbal, VI, 9, 391, 392.

1049. Al-Zuhaylī, *ibid*, I, 561, 562.

1050. Akyūz, *ibid*. vol. 1, p. 390.

to call the *adhān* themselves, and even if they pray in congregation, they do not have to call the *iqāmah*. However, it is *mustaḥab* for them to call the *iqāmah* when they pray in a congregation. There is no *iqāmah* for prayers such as *witr*, Eid, and *tarawīḥ* prayers.

The words of the *iqāmah* are the same as in the *adhān*. However, after حَيَّ عَلَى الْفَلَاحِ “*hayya ‘ala l-falāḥ*”, the sentence قَدْ قَامَتِ الصَّلَاةُ “*qad qāmat aṣ-ṣalāt* (the prayer is to begin)” is added twice. The sentences of *iqāmah* are recited in pairs, just like the *adhān*. The evidence for this is the following ḥadīth, “Abdullah ibn Zayd al-Anṣarī (*ra*) came to the Prophet and said: “*I saw in my dream that a person with two green cloaks climbed onto a wall and recited the adhān in pairs and called the iqāmah.*”¹⁰⁵¹ Upon the order of the Prophet, the practice of *adhān* commenced by teaching these words to Bilal (*ra*).

According to the Shafī’is and the Hanbalis, the words of the *iqāmah* consist of eleven sentences that are read once. Only the word “*qad qāmat aṣ-ṣalāt*” is repeated twice. They relied on a ḥadīth reported from Abdullah Ibn Umar on this issue.¹⁰⁵² According to Malikis, all sentences except the *tabbīrs* are recited once. *tabbīrs* are recited twice.

It is sunnah to recite the *iqāmah* quickly but it has to be clear enough to indicate its letters. As in the case of *adhān*, it is sunnah to call the *iqāmah* in the state of *wuḍū*, facing the *qibla*, and avoiding acts such as walking and talking.



1051. Al-Zaylaī, *ibid*, I, 266-267; Ibn Maja, *Adhān*, 6 ; Aḥmad ibn Hanbal, V, 232.

1052. Al-Shawkanī, *ibid*, II, 43.

IV – TYPES AND NUMBER OF CYCLES OF RITUAL PRAYER (ṢALĀH)

According to the Ḥanafis, the ritual prayers are divided into *farḍ*, *wājib*, *sunnah*, and *mustaḥab*. The prayers that every intelligent and adolescent Muslim must perform five times a day at certain prescribed times in a certain number of cycles are “*farḍ al-‘ayn* (individual obligation)” and the Friday prayer is also of this nature. The *witr* and Eid prayers are *wājib*. Prayers performed both before and after the obligatory prayers are *sunnah*. The *tarawīḥ* prayer is also a type of *sunnah*. The prayers performed at other times called *naḥilah* or *tatawwū* are *sunnah* or *mustaḥab* such as the *tahajjud* prayer, the mid-morning (*duḥā*) prayer, and so forth.

Since the majority of schools, except the Ḥanafis, do not accept *wājib* as a separate value category for the acts of believers, they divide the prayer into two groups *farḍ* (obligatory) or *naḥilah* (supererogatory).

A – FARḌ PRAYERS

A command which is based on a piece of evidence, which is firmly authenticated and clear in meaning, refers to a “*farḍ*” act and is absolutely required to be fulfilled by its addressee. There are both material and spiritual penalties for those who do not practice such an act. However, anyone who repudiates and rejects the command itself is considered to have left the religion of Islam. The obligatory prayers are divided into two types of prayers; *farḍ al-‘ayn* (individual obligation) and *farḍ al-kifāi* (communal obligation). *Farḍ al-‘ayn* prayers are obligatory upon every intelligent and adolescent Muslim, and they are the prayers that everyone is obliged to perform as an individual. Such as performing five daily prayers and Friday prayer every week are of this nature.

The number of cycles of five daily obligatory prayers is as follows: There are 17 *farḍ* cycles per day, comprising two cycles in the dawn prayer, four cycles in the noon prayer, four cycles in the late afternoon prayer, three cycles in the evening prayer, and four cycles in the night prayer. If one spends 1.5-2 minutes for each cycle, it can be construed that a person is required to reserve no more than 25-30 minutes per day for worship and servitude to Allah. Moreover, for those who complain about the intensity of their work and the lack of time, the ease of allocating such time on the trains, buses, ferries, planes, or on the sickbed, if needed, and considering the earth as a mosque are indicators of the universal understanding of worship in Islam.

The Friday prayer is a prayer performed in the congregation at the time of the noon prayer on Friday, and its obligatory part is two cycles. When the Friday prayer is performed, the normal everyday noon prayer is not required.

Farḍ al-kifāī, on the other hand, is a type of prayer in which the obligations of all individual Muslims are eliminated when some Muslims perform it. The funeral prayer is of this type. When some people perform a funeral prayer in a village, town, or city, the responsibility of all other Muslims is removed. But if no one carried out the act, the whole of the community in that settlement becomes responsible for it. Moreover, those who participate in such a prayer attain rewards and virtues.

According to the Hanbalis, the Eid prayers are also a type of *farḍ al-kifāī* prayers upon anyone who is required to perform the Friday prayers.¹⁰⁵³

B – WĀJIB PRAYERS

According to the Ḥanafis, the legal value of the acts that Allah and His Messenger require the Muslims to do in a binding way, but where the bindingness is established not with firm evidence but rather a conjectural one, is called “*wājib*”. The *witr* and Eid prayers and prostration of recitation are of this nature. Yet, it is considered binding to carry out the *wājib* act, but the penalty for those who do not fulfill them is less than the penalty of *farḍ*. Whoever denies the *wājib* is not considered to have left the religion of Islam, but is deemed to be a sinner and to have gone astray. For example, while abandoning an obligatory part of a prayer invalidates the prayer, it is *makrūh taḥrīmān* to deliberately abandon a *wājib* act of prayer, and abandoning them unintentionally can be fixed by performing prostration of forgetfulness at the end of the prayer.

According to the majority of schools, *witr* and Eid prayers are *sunnah muakkadah*. The details of the Eid prayers will be examined in the related section of the book.

According to the Ḥanafī school, the votive prayer, the prostration of recitation, and the making up of the invalidated *naḥīlah* prayers are also types of *wājib* prayers. The *witr* prayer is three cycles, and the Eid prayers are two cycles. According to the Shafī‘is and the Hanbalis, the *witr* prayer can be between one cycle and eleven cycles in odd numbers. According to the Malikis, it is only one cycle. However, one more cycle can be added to it.¹⁰⁵⁴

C – NAFILA (SUPEREROGATORY) PRAYERS

Prayers other than *farḍ* or *wājib* ones are called *naḥīlah* (supererogatory) prayers. *Sunnah* prayers performed before or after the obligatory prayers, as well as the *ḍuhā*, *tahajjud*, *awwābīn* prayers, and the prayers performed as *tatawwū* are included in the scope of *naḥīlah* prayers. Some jurists distinguish between *sunnah* and *naḥīlah* (supererogatory) and thus classify the prayers in general under four types a) *Farḍ*, b) *Wājib*, c) *Sunnah*, and d) *Naḥīlah* prayers.

1053. Akyüz, *ibid*, vol. 2, p. 212.

1054. Akyüz, *ibid*, vol. 2, p. 208.

According to the Ḥanafis, the number of cycles of the *sunnah* prayers is as follows: There are two cycles in the dawn prayer, four cycles as the first *sunnah* (performed before the *farḍ* cycles), two cycles as the last *sunnah* (performed after the *farḍ* cycles) of the noon prayer, four cycles in the late afternoon prayer, two cycles in the evening prayer, four cycles as the first *sunnah* (performed before the *farḍ* cycles), and two cycles as the last *sunnah* (performed after the *farḍ* cycles) of the night prayer. There are four cycles as the first *sunnah* (performed before the *farḍ* cycles), four cycles as the last *sunnah* (performed after the *farḍ* cycles) of the Friday Prayer, and there is also another two-cycle *sunnah* called the “*sunnah* of the time” performed after the last *sunnah* of the Friday Prayer.

The *tarawīḥ* prayer is twenty cycles. Other supererogatory prayers are at least two cycles each.

The *sunnah* prayers performed as attached to the daily prayers are called “*rawātib* prayers”. The *sunnah* cycles of dawn, noon, and evening prayers and the last *sunnah* cycles of the night prayer are called “*sunnah muakkadah* (emphatically enjoined *Sunnah*)”, while the four-cycle *sunnahs* performed before the *farḍ* cycles of the late afternoon and night prayers are called “*sunnah ghayr-muakkadah*” or *mustahab* and *mandūb*. The *sunnah muakkadah* are the supererogatory prayers that the Prophet performed constantly and abandoned rarely. The *ghayr-muakkadah* *sunnahs* are the *naḥil* prayers where there is no definitive proof that they were performed continuously by the Prophet (*saw*).

Supererogatory prayers other than *rawātib* *sunnahs* are called *raghāib*. These are the prayers performed at certain times or on some occasions based on the practices of the Prophet, or practices that a person voluntarily performs at any time he/she wants in order to get closer to Allah and gain reward. The *tahajjud* prayer, the mid-morning (*ḍuḥā*) prayer, the *istikhāra* prayer, the rain prayer, the *husūf* and *kusūf* prayers, the *tahiyyat al-masjid* prayer, the repentance prayer, the *awwabīn* prayer, the *tasbīḥ* prayer, the prayer to enter the state of *iḥram*, the departing and returning from a journey prayer, the prayer performed for the fulfillment of a need, and the prayer performed after performing minor ablution and major ablutions are of the *raghāib* type *naḥil* prayers.

On the other hand, the Hanbalis divide the voluntary prayers, which are associated with the five obligatory prayers, into two categories: The first category, referred to as *rawātib*, consists of a total of ten cycles, namely: (a) two cycles before the noon prayer and two after it, (b) two cycles after the evening prayer, (c) two cycles after the night prayer, and (d) two cycles before the dawn prayer. As for the second category of voluntary prayers tied to the five obligatory prayers, they consist of twenty more cycles: (a) four cycles before the noon prayer and four after it, (b) four cycles before the late afternoon prayer, (c) four cycles after the evening prayer, and (d) four cycles after the night prayer.¹⁰⁵⁵

1055. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, p. 427.

The Shafi'is divide the voluntary prayers associated with the five obligatory prayers into two categories: (1) *sunnah muakkadah* (emphatically enjoined), and (2) *sunnah ghayr-muakkadah* (non-emphatically enjoined). The first category consists of the following: (a) Two cycles before the dawn prayer, (b) Two cycles before the noon prayer or the Friday congregational prayer, (c) Two cycles following the noon prayer or the Friday congregational prayer, (d) Two cycles after the evening prayer, (e) Two cycles after the night prayer, and (f) The *witr* prayer. As for the second category, namely, voluntary prayers which are not emphatically enjoined, they come to a total of twelve cycles: (a) two cycles before the noon prayer or the Friday congregational prayer over and above those already mentioned; (b) two cycles after the noon prayer or the Friday congregational prayer in addition to those already mentioned; (c) four cycles before the late-afternoon prayer; (d) two cycles before the evening prayer; and (e) two cycles before the night prayer.

As for the Malikis, they divide the voluntary prayers associated with the five obligatory prayers into two categories: (1) *rawātib*, and (2) others. The *rawātib* category includes prayers performed at the following times: (a) between the commencement of the time period for the noon prayer and the performance of the noon prayer itself, (b) after the noon prayer, and (c) between the commencement of the time period for the late-afternoon prayer and the performance of the late-afternoon prayer, and (d) after the evening prayer. Unlike the other schools, the Malikis do not specify how many cycles such prayers should consist of; however, they hold that the preferred numbers are those which are commended in certain hadiths, namely: (a) four cycles before the noon prayer, (b) four cycles after the noon prayer, (c) four cycles before the late-afternoon prayer, and (d) six cycles after the evening prayer. As for the category 2 note above as "others", it includes: (a) two cycles before the dawn prayer, (b) The *shaf'* (meaning "even number"), which consists of a minimum of two cycles and has no maximum. The *shaf'*, which is simply recommended, is performed between the evening prayer and the *witr*. Finally, (c) The *witr*, which is emphatically the most enjoined of all voluntary prayers other than the two cycles associated with the circumambulation of the Ka'bah.



V – REQUIREMENTS RELATED TO RITUAL PRAYER

Associated with the ritual prayer are conditions, some of which must be fulfilled in order for the ritual prayer to be valid, and some of which must be fulfilled for it to be required. The various schools use different terms to describe these conditions; they also differ in the exact number of conditions belonging to each type.

The Malikis divide the conditions associated with ritual prayer into three categories: (1) conditions for its sole necessity; (2) conditions for its sole validity; and (3) conditions for both its necessity and its validity. The first category includes two conditions. First: The person concerned must have reached puberty and secondly, the person concerned must not be under compulsion to abandon the prayer. The second category, i.e. conditions for prayer's sole validity, includes the following: (1) the person concerned must be free of *ḥadath* that is, the state of minor or major ritual impurity; (2) he or she must be free of *khathath* that is, physical impurities on his or her person, clothing, or place of prayer; (3) the person concerned must be a Muslim; (4) he or she must face in the direction of the *qibla*, and finally, (5) one's private parts must be concealed. As for the third category, namely, conditions for both the necessity and the validity of the ritual prayer, they include the following: (1) the person concerned must have received the message of Islam, since otherwise, the ritual prayer is not required of him or her, and even if such a person did happen to pray, it would not be valid under such circumstances; (2) one must be in full possession of his or her mental faculties; (3) the time period for the prayer one intends to pray must have begun; (4) he or she must have access to at least one of the "two purifying agents", that is, pure water or soil; (5) one must not be asleep or unaware of what one is doing; and (6) one must not be menstruating or experiencing postpartum bleeding.

The Shafi'is divide the conditions associated with ritual prayer into only two categories, namely, conditions for its necessity, and conditions for its validity. The conditions for the prayer's necessity are as follows: (1) The message of the Prophet must have reached the person concerned. (2) The person concerned must be a Muslim. Hence, according to the Shafi'is, non-Muslims are not required to pray. Nevertheless, they hold that non-Muslims will be punished in the afterlife for neglecting the prayer over and above the punishment for their unbelief. As for those who renounce Islam, they are still held accountable for prayer based on their former state. (3) One must have full possession of his or her mental capacities. (4) One must have reached puberty. (5) One must not be menstruating or having postpartum bleeding. Finally, (6) one's physical senses must be sound, even if one has nothing but hearing or sight. As for the conditions for prayer's validity, they include the following seven: (1) One's body must be free of both minor and major ritual impurity. (2) One's body, clothing, and the place where one is praying must be free of *khathath*, that is, impure substances. (3) One's private parts

must be concealed. (4) One must be facing the *qibla*. (5) One must know or have good reason to believe, that the time period for the prayer one intends to pray has begun. (6) One must know how the prayer is performed, and finally (7), nothing must take place during one's prayer that would invalidate it.¹⁰⁵⁶

Like the Shafi'is, according to the Ḥanafis, the conditions related to ritual prayer are divided into two groups, some of which must be fulfilled before the ritual prayer or outside the ritual prayer and some of them must be fulfilled as part of the ritual prayer. The former requirements are called "conditions (*shart* pl. *ashrāt*) of the prayer" because they must be performed before and as a preparation for the ritual prayer. The latter ones, on the other hand, are called the "essential pillars (*rukn* pl. *arkān*) of the prayer" because they form the main parts of the ritual prayer.

When one of these conditions and pillars is missing, the prayer is invalid and must be performed again. Apart from these, i.e. besides some situations that invalidate the prayer, there are certain acts and behaviors that even though not fulfilling them, do not invalidate the prayer, it decreases its merits and virtues. Such actions are called "*makrūḥs* (disliked acts) of the prayer". Those who pray should avoid such acts. We will try to explain these below.

There are also conditions for the ritual prayer to be *fard* upon the person. These conditions consist of the person praying to be a Muslim, adolescent, and sane.¹⁰⁵⁷

A – CONDITIONS FOR THE RITUAL PRAYER TO BE *FARD* UPON A PERSON

1) Being a Muslim: The ritual prayer is obligatory for all Muslim men and women. According to Ḥanafis, the prayer is therefore not obligatory upon disbelievers because nonbelievers are not regarded as being responsible for the details (*furū'*) of Islamic rules in this world and the hereafter. In fact, their punishment in the hereafter is the consequence of their disbelief. However, according to the majority of scholars, the people of disbelief are also subject to the detailed rules of religion. For that reason, they will be punished for this as well in the Hereafter.

A person who converts to Islam does not have to make up the prayers that he did not perform in his earlier life. Allah Almighty says: "**Say to the Unbelievers, if (now) they desist (from Unbelief), their past would be forgiven them...**"¹⁰⁵⁸ The Prophet (*saw*) said, "*Islam erases what was before*".¹⁰⁵⁹ According to the Ḥanafis, it is therefore not

1056. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, pp. 230-232.

1057. Al-Shurunbulālī, *Marāq al-Falaḥ*, p. 28; al-Shirazī, *Muḥadhdhab*, I, 53; Ibn Qudāmah, *Mughnī*, I, 396-401; al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, 2nd ed., Damascus 1405/1985, I, 563 ff.

1058. Al-Anfāl, 8: 38.

1059. Aḥmad ibn Ḥanbal, IV, 199, 204, 205.

necessary for an apostate to make up the prayers that he missed while being an apostate either. However, according to the majority of jurists, a person who leaves the faith and then converts back to Islam must make up the prayers that she or he missed while being an apostate as a punishment.

As for the obedience and good deeds carried out by the people of disbelief, if they die in disbelief, they will not benefit from such deeds in the Hereafter. In this regard, Allah Almighty says: ***“And We shall turn to whatever deeds they did (in this life), and We shall make such deeds as floating dust scattered about.”***¹⁰⁶⁰

If a disbeliever who has observed obedience and carried out good deeds before, converts to Islam later, she or he will also receive rewards for her or his past good deeds. The evidence is the following hadith, “Hakim ibn Hizam (*ra*) asked the Messenger of Allah (*saw*): ‘Tell me about the things I did in my time of ignorance with the intention of worshipping. Is there any reward for me because of these?’ The Prophet said to him, ‘You have become a Muslim by keeping the good deeds you have done before.’”¹⁰⁶¹ The sound view on this issue is the following: If a person of disbelief does good deeds such as offering alms or doing favors to relatives, then accepts Islam and becomes a Muslim and dies as a Muslim, the rewards of all of his or her past deeds will be written for him or her.¹⁰⁶²

2) Having reached the age of puberty: Prayer is not obligatory for children who have not yet reached the age of puberty. This is because the Messenger of Allah said, *“The responsibility of three persons has been removed: from the mentally ill until he recovers, from the one who is asleep until he wakes up, and from the child until he reaches puberty.”*¹⁰⁶³ However, both boys and girls from the age of seven are commanded to pray in order to get used to the five-time ritual prayers.

The following is stated in a hadith,

*“Command your children to pray when they become seven years old, and gently beat them for it (prayer) when they become ten years old, and arrange their beds (to sleep) separately.”*¹⁰⁶⁴

The command in this hadith is for the parent, not the child himself. As a matter of fact, the following is stated in the Qur’an,

“Enjoin prayer on thy people, and be constant therein. We ask thee not to provide sustenance: We provide it for thee. But the (fruit of) the Hereafter is for

1060. Al-Furqān, 25: 23.

1061. Muslim, Imān, 194, 195, 196; Ibn Ḥanbal, III, 402.

1062. Al-Shawkanī, *Nayl al-Awṭār*, I, 300.

1063. Al-Bukhari, Ṭalāq, 11, Ḥudūd, 22; Abū Dawūd, Ḥudūd, 17; al-Tirmidhī, Ḥudūd, 1.

1064. Abū Dawūd, Ṣalāh, 26; Ibn Ḥanbal, II, 180, 187.

righteousness."¹⁰⁶⁵, and *"O you who believe! Save yourselves and your families from a Fire whose fuel is men and stones..."*¹⁰⁶⁶

3) Being sane: Reason is the foundation of Islamic obligations. Therefore, according to the majority of jurists, except for the Ḥanbalis, prayer is not obligatory for the mentally ill. The hadith stating that "the mentally ill are relieved of their responsibility until they get better" is proof of this fact.

Moreover, a person who cannot perform the obligatory prayer on time due to sleep has to make it up later. The following is stated in the hadith: *"Whoever cannot perform a prayer on time due to oversleeping or forgetfulness, let him perform it when he remembers it."*¹⁰⁶⁷ However, a drunk person must make up the obligatory prayer that he cannot perform on time.

The prayers missed by women who are menstruating or in postpartum bleeding during such times are excused. Such women do not have to make them up later. Even if the state of postpartum bleeding takes place due to abortion caused by physical affliction, drug use, or any such similar reasons, the ruling does not alter it.

According to the Ḥanafī school, if the excuses that prevent the prayer from being obligatory, such as minor age, mental illness, menstruation, and postpartum bleeding, dissipate within a prayer time, this prayer must be performed after the person in question carries out the major ablution. However, if excuses such as mental illness, menstruation, or postpartum bleeding occur within a prayer time, and the period of time passes after the prayer time begins, this prayer is not considered obligatory upon that person. This is because, according to the Ḥanafī view, the reason why the prayer becomes *farḍ* is the time that is adjacent to the performance of the prayer. If a person does not perform her prayer at the earliest time and delays it until the end of prayer time, the obligation of its performance becomes fixed at the last part of the time whereby one is able to perform the *farḍ* prayer. For this time is the reason for the obligation. According to the majority of the jurists, other than the Ḥanafīs, if the above-mentioned excuses occur during the prayer time, if a time has passed at the beginning of the prayer time but enough time is left to perform the prayer together with ritual cleansing, then this prayer must be made up.¹⁰⁶⁸

B – CONDITIONS OF THE RITUAL PRAYER (*ASHRĀṬ AŞ-ŞALĀH*)

According to the Ḥanafīs, some conditions must be fulfilled before starting the prayer which are as follows: 1) Cleansing from *ḥadath* (*ṭahārah*). 2) Cleansing from *najāsāt*. 3)

1065. Ta Ha, 20: 132.

1066. Al-Taḥrīm, 66: 6.

1067. Abū Dawūd, Ṣalāh, 11; Ibn Maja, Ṣalāh, 10; al-Nasā'ī, Mawāqīt, 53.

1068. M. Abu Zahra, *Uşûl al-Fiqh*, p. 31, 32, 56 ff.; Hamdi Döndüren, *Detilleriyle İslam Hukuku*, İstanbul 1983, p. 122 ff.; Al-Zuhaylī, *ibid*, I, 567, 568.

Covering the private parts (*satr al-awrah*). 4) Turning towards the *qibla* (*istiqbāl al-qibla*). 5) The time, and finally, 6) the intention. These are called “the conditions of the prayer”.

There are six more obligatory acts that must be fulfilled after starting the prayer: 1) *Takbīr al-iftitāḥ*, 2) *Qiyām*, 3) *Qirā’ah*, 4) *Rukū’*, 5) *Sajdah*, and 6) Sitting at the end of the ritual prayer long enough to recite the supplication of *taḥiyyāt*. These are also called “*Arkān aṣ-Ṣalāh*”. As mentioned above, apart from these, there are other requirements with various terms based on the different interpretations of the schools, such as *ta’dīl al-arkān* and ending the prayer resolutely (*khurūj bi ṣun’ihi*). We will explain these further in the book.

At this junction, we will utilize the Ḥanafī school’s classification and first focus on the conditions of prayer and refer to the other schools’ differing views whenever needed.

1) Cleansing from *Ḥadath* (Ṭaḥārah)

The state of people who do not have *wuḍū* for prayer, who is *junub*, menstruating, or postpartum bleeding, is called “*ḥadath* (ritual impurity)”. Among these ritual impurities, “cleansing from *ḥadath*” occurs when the person who is in the state of minor ritual impurity performs the minor ablution (*wuḍū*) with water, and the person who is in the state of major ritual impurity performs the major ablution with water, or if there is no water available or cannot be utilized, *tayammum* is performed. The state of not being in the state of *wuḍū* is called minor *ḥadath* (minor ritual impurity), and those who are in the state of *janābah* or similar major ritual impurity are called major *ḥadath* (major ritual impurity). In addition to benefits such as cleansing, removing material impurities, and safeguarding physical health, the purification from such ritual impurities prepares a person to worship his Almighty Lord.

Allah Almighty says, “***O you who believe! when ye prepare for prayer, wash your faces, and your hands (and arms) to the elbows; Rub your heads (with water); and (wash) your feet to the ankles. If ye are in a state of ceremonial impurity, bathe your whole body. ... and you find no water, then take for yourselves clean sand or earth, and rub therewith your faces and hands...***”¹⁰⁶⁹

Moreover, the Prophet said, “*The prayer of a person who does ḥadath (passes urine, stool or wind) is not accepted till he performs wuḍū.*”¹⁰⁷⁰

It is necessary to be cleansed of the *ḥadath* for a complete prayer such as *fard*, *wājib*, *sunnah*, or supererogatory prayers or incomplete types of prayers such as prostration of recitation or gratitude. A prayer performed without being in the state of *wuḍū* is considered not valid.

1069. Al-Mā’ida, 5: 6.

1070. Al-Bukhari, Wuḍū’, 2; Muslim, Ṭaḥārah, 2; al-Tirmidhī, Ṭaḥārah, 1; al-Darimī, Wuḍū’, 21; Aḥmad ibn Hanbal II, 39.

If the minor ablution is invalidated for any reason while performing the prayer, the prayer is also invalidated. The Prophet (saw) said, “*When any of you breaks wind during the prayer, he should leave the prayer and perform ablution and repeat the prayer.*”¹⁰⁷¹

In their distinctive times, women are exempted from certain acts of worship such as ritual prayer and fasting. It is stated in the Qur'an that menstruation is a state of hardship and discomfort for women, and it is forbidden for men to have sexual intercourse with their spouses during such periods.¹⁰⁷² Furthermore, the Prophet explained that women in such situations should not pray and fast, and then stated that they are only obliged to make up the fasts that they are unable to perform during this time.¹⁰⁷³ There was consensus among schools on these provisions and no contrary opinion has been put forward. Exemption of women from certain acts of worship such as prayer and fasting is not a “deprivation of rights”, but an “exemption from duty”. It is a convenience that religion provides in favor of women.

Like other conditions of the validity of the prayer, being purified from *ḥadath* is one such condition.¹⁰⁷⁴

2) Cleansing from *Najāsāt*

Before commencing the prayer, one must cleanse the body, clothes, or the place where the prayer will be performed of the things that are considered unclean by Islam, such as blood, urine, and feces. This cleansing is a prerequisite for the prayer to be valid. If there is something ritually impure in solid forms, such as human feces, more than four grams (1 *misqal*) or in liquid forms such as blood, human urine, or wine, which spreads over an area larger than the palm of the hand, on the clothes or the place where the prayer is performed, on the feet, hands, and knees, and according to sound view on the place where the forehead is placed, the prayer is not considered valid. The prayer is not invalidated if the urine or feces of animals, whose meat can be eaten, or of horses, contaminates an area less than one-fourth of the body or clothing. This is considered excused because such impurities are cleaner than other types of impurities and there is complexity in evading such impurities. However, if there is more than that amount then it hinders the validity of the prayer since it is of such an abundance that it must be cleaned.

In a Qur'anic verse that was revealed in Mecca in the early days of Islam, it is commanded that “*(O my Messenger!) And your garments keep free from stain!*”¹⁰⁷⁵ Ibn Sirīn said that the command here is to clean the dirt away from the clothes with water. Again, in a verse that was revealed in the Meccan period, it is commanded to wear

1071. Abū Dawūd, Ṭaḥāra, 81, Ṣalāh, 187; al-Tirmidhī, Raḍā, 12.

1072. See al-Baqara, 2: 222.

1073. Al-Bukhari, Wuḍū, 63, Ḥayḍ, 24; Muslim, Ḥayḍ, 62,63; Abū Dawūd, Ṭaḥāra, 107; al-Tirmidhī, Ṭaḥāra, 93, 95, 96.

1074. See al-Kāsānī, *ibid*, I, 114 ff.; Ibn al-Humām, *ibid*, I, 179 ff.; al-Shurunbulālī, *ibid*, 33, 39, 53; Ibn Abidīn, *ibid*, I, 372 ff.

1075. Al-Muddaththir, 74: 4.

beautiful clothes during prayer.¹⁰⁷⁶ The cleanliness of the place of worship is a common value in all Abrahamic religions and is symbolized by the Ka'ba al-Mu'azzamah. "... **and We covenanted with Abraham and Isma'il, that they should sanctify My House for those who compass it round, or use it as a retreat, or bow, or prostrate themselves (therein in prayer).**"¹⁰⁷⁷ In the Qur'an, repentance and cleansing from sins and cleansing from material impurities are mentioned together, and it is stated that those who do these acts will gain the love of Allah.¹⁰⁷⁸ Again, the people of Qubā from Medina, whose cleanliness was demonstrated by the Prophet as an example to the Muslims, are praised as follows, "...**In it are men who love to be purified; and Allah loves those who make themselves pure.**"¹⁰⁷⁹

When Fatima bint Abi Hubaysh (*r. anha*) asked about the ruling of the chronic bleeding (*istiḥāḍa*), the Prophet (*saw*) replied, "*It is from a blood vessel and not the menses. So when the real menses begins give up your prayers and when it (the period) has finished wash the blood off your body (take a bath) and offer your prayers.*"¹⁰⁸⁰ Regarding a Bedouin who urinated in the mosque, the Messenger of Allah (*saw*) ordered his offended Companions to leave him alone and instead pour a bucket or a tumbler of water over the place where the urine had fallen.¹⁰⁸¹

The verses and hadiths above indicate that a believer should pay attention to the cleanliness of his body, clothing, and place of worship, especially when he or she is going to do acts of worship.

3) *Satr al-Awrah* (Covering the Body)

The *awrah* means the parts of the human body that are considered shameful or sinful to be seen by someone else. The parts that are considered *awrah* should be covered outside of prayers as well as during the prayer. According to all schools but Malikis, *satr al-awrah* is a condition of prayer. According to Malikis, it is a sunnah.¹⁰⁸²

Although the word *awrah* has been used in two places in the Qur'an, close to its terminological meaning,¹⁰⁸³ the size and limits of *awrah* have not been determined in the Qur'an. The word "*saw'a*" in the Qur'an,¹⁰⁸⁴ in its narrowest sense, refers to the genitals of men and women. In the Qur'an, the effort of the first two human beings, Adam and Eve, to cover their shameful parts in Paradise is described as follows: "**In the result, they both ate of the tree, and so their nakedness appeared to them: they began to sew**

1076. Al-A'raf, 7: 31.

1077. Al-Baqara, 2: 125.

1078. Al-Baqara, 2: 222.

1079. Al-Tawba, 9: 108.

1080. Al-Bukhari, Wuḍū', 63, Ḥayḍ, 24; Muslim, Ḥayḍ, 62, 63; Abū Dawūd, Ṭaḥāra, 107.

1081. Al-Bukhari, Wuḍū', 58, Adab, 35, 80; Muslim, Ṭaḥāra, 98, 100; Abū Dawūd, Ṭaḥāra, 136; al-Tirmidhī, Ṭaḥāra, 112.

1082. Akyüz, *ibid*, I, p. 119.

1083. Al-Nūr, 24: 31, 58.

1084. See al-A'raf, 7: 20, 22, 26, 27; Ṭa Ha, 20: 121; al-Mā'ida, 5: 31.

together, for their covering, leaves from the Garden: thus did Adam disobey his Lord, and allow himself to be seduced."¹⁰⁸⁵ This shows that covering the places of shame is a necessity of both the intellect and the creation.

In the Qur'an, men are asked to avoid adultery and protect their chastity.¹⁰⁸⁶ Women, on the other hand, are instructed not to reveal their ornaments in the presence of non-*mahram* men and to cover themselves with headscarves,¹⁰⁸⁷ as well as to wear their outer clothes.¹⁰⁸⁸

In a verse that was revealed during the Meccan period, the manners of the mosque are mentioned as follows, "*O Children of Adam! Wear your beautiful apparel at every time and place of prayer...*"¹⁰⁸⁹ According to Ibn Abbas (*ra*), what is meant in this verse is the clean clothes worn in prayer. Thus, the obligation of covering the private parts of the believers in worship such as prayer and circumambulating the Ka'ba has been prescribed.¹⁰⁹⁰ One year before the farewell, pilgrimage (9 H. / 631 CE), during the first pilgrimage performed under the organization of Abu Bakr (*ra*), Ali (*ra*), conveyed, by the order of the Prophet, the first verses of the chapter al-Tawba, "*After this year, no idol worshipper will perform the pilgrimage and that no naked person can circumambulate the Ka'ba.*"¹⁰⁹¹

The issue of what is *awrah* other than the genitals is largely regulated by hadiths. The Prophet said, "*Allah does not accept the prayer of a woman who has reached puberty without a headscarf.*"¹⁰⁹², and "*O Asma! When a woman reaches the age of puberty, it is not permissible to see any limbs other than this and that.*" While saying these words, the Prophet (*saw*) pointed to her face with his hands.¹⁰⁹³

According to the Ḥanafis, if a person has clean clothes but prays naked, even if he is in the dark, this prayer will not be valid.¹⁰⁹⁴

According to the Ḥanafis, the parts of a man's body, which must be covered during prayer, consist of the area that extends from the navel to the knee, with the knee included but not the navel. In this regard, Shafi'is hold the same view, except that they exclude the kneecap just like the navel. However, although the navel and the knee are not included in what constitutes the man's *awrah*, the Shafi'is stipulate that these parts should also be covered as a means of ensuring that the entire private area is concealed. The evidence in

1085. Ṭa Ha, 20: 121.

1086. Al-Nūr, 24: 38.

1087. Al-Nūr, 24: 31.

1088. Al-Aḥzāb, 33: 59.

1089. Al-A'rāf, 7: 31.

1090. Jaṣṣās, *Aḥkām al-Qur'ān*, critically ed. M. Ṣadiq Qamhawī, Cairo, n.d., IV, 205 ff.; Elmalılı, *Tafsīr*, 2nd ed., Istanbul 1960, III, 2151, 2152.

1091. Al-Bukhari, Ṣalāh, 10.

1092. Ibn Maja, Ṭahāra, 132; al-Tirmidhī, Ṣalāh, 160; Aḥmad ibn Ḥanbal, IV, 151, 218, 259.

1093. Abū Dawūd, Libās, 31.

1094. Ibn Abidīn *ibid*, I, 375.

this matter is the following prophetic saying, “*A man’s private part is between his navel and his kneecap.*”¹⁰⁹⁵ and “*No one should look at the part of a man below his navel and above the kneecap.*”¹⁰⁹⁶ Ḥanafis, who were a little more cautious in this regard, included the kneecaps within the scope of the thigh and considered it *awrah*.

As for a free woman, according to the Ḥanafis, her private parts consist of her entire body, including even the hair on her head that falls below her ears. Women’s faces and hands are not within the *awrah* when they are both in and outside of the prayer unless there is fear of mischief. There is a difference of opinion about the feet. According to the sound view, the feet are not part of the *awrah*, but the arms, ears, and loose hair are part of their *awrah*. According to Shafi‘is, a free woman’s *awrah* comprises her entire body, including even the hair on her head that falls below her ears; the only exceptions are the face and the hands. The Ḥanbalis agree with the ruling of the Shafi‘is in this regard, the only difference being that, unlike the Shafi‘is, the Ḥanbalis exclude nothing but the face alone from a free woman’s private parts.

Allah the Exalted has said, “***...Women they should not display their beauty and ornaments except what (must ordinarily) appear thereof...***”¹⁰⁹⁷ In the hadith of Asma (*r.anha*) mentioned above, the Prophet explained the places that appear ordinarily as “hands and face”.¹⁰⁹⁸ Moreover, the hadith narrated by Aisha (*r.anha*), which states that a woman should cover her head while performing prayers, confirms that the hair is within the parts that must be covered.¹⁰⁹⁹

Accordingly, if a quarter of a woman’s head or thigh remains revealing long enough to perform a pillar of prayer, her prayer will be invalid according to Abu Ḥanīfa and Imam Muhammad. According to Abu Yusuf, her prayer is valid unless more than half of her head or other limbs are uncovered. While the jurists who held the first view recognize one-fourth of them as the whole limb, whereas Abu Yusuf considered more than half to be the whole.

According to the Malikis, the *awrah* of men and women are divided into two types “heavy *awrah* (*ghalīz awrah*)” which is highly unpresentable, and “light *awrah* (*khaṭīf awrah*)” which is mildly unpresentable. The heavy *awrah* for men includes nothing but their genitals and buttocks. These parts must be absolutely covered. The other parts between the navel and the kneecap are considered light *awrah*. Although it is necessary to cover it, it is not as strong as the first type. The evidence is the following hadith reported from Anas ibn Malik, “*The Prophet lifted his izār (lower loincloth) over his thigh on the day of Khaybar so much that I could see the whiteness of his thigh.*”¹¹⁰⁰ A woman’s

1095. Aḥmad ibn Ḥanbal, II, 187.

1096. Abū Dawūd, Ṣalāh, 26, Hadith No: 496; See al-Zayla‘ī, *Naṣb*, I, 297.

1097. Al-Nūr, 24: 31.

1098. Abū Dawūd, Libās, 31.

1099. Ibn Maja, Ṭaḥāra, 132; al-Tirmidhī, Ṣalāh, 160; Aḥmad ibn Ḥanbal, *Musnad*, IV, 151, 218, 259.

1100. Al-Bukhari, Ṣalāh, 12; al-Shawkānī, *Nayl*, 63, 64.

chest, her back at the chest level, her arms, neck, head, and below the knee are accepted as light *awrah*, and the rest of their body is considered heavy *awrah*. The result of this distinction, which is reflected in the prayer, is as follows: A person who prays with parts revealing that are considered light *awrah* will bear the sin of having violated the general religious obligation, but his/her prayer will not be invalid. According to those who hold this view, it is sunnah for a woman to cover her head in prayer, and if she prays without covering her head, this prayer is valid, but it is recommended to re-perform it before its time ends. However, when the prayer's time is over, it does not need to be re-performed.¹¹⁰¹

According to the majority, including the Ḥanafīs, the front and the back parts and the thighs between the kneecaps and the private parts are also included in the scope of *awrah*. This is because there are other hadiths stating that the thigh is part of the *awrah*. In this matter, caution must be exercised.¹¹⁰²

Considering a limb as *awrah* is relative to others, according to the preferred view, not according to the person himself/herself. It is sufficient to keep the *awrah* in a way that cannot be seen by others. Therefore, if a person sees his private part from his wide collar while praying, it will not invalidate his prayer but if anyone else sees it, it will invalidate the prayer.

If more than one-fourth of a limb is revealed by the act of the person performing the prayer, the prayer will be invalidated immediately, without the need to wait for a certain time that would be long enough to perform a pillar of prayer. For instance, if a woman takes off her headscarf while she is praying. In such a case, even if she covers her headscarf again, her prayer will not be valid.

If a part of the limbs considered as *awrah* is known and if the total of the gap is equal to at least one-fourth of the smallest limb of the *awrah* and if the period that the limb is showing continues for a long time, it will prevent the validity of the prayer.

A dress that is thin enough to show the color of the skin is not considered a cover for the *awrah*. Therefore, the prayer will not be valid with a dress that displays the color of the skin or the whiteness or the redness of the skin. For such a dress does not fulfill covering oneself. If the dress is thick but too tight to reveal the limbs and the shape of the body, although this is considered reprehensible, the prayer will be valid. This is because it is difficult to avoid it.

According to Shafi'ī, it is *makrūḥ* for women to perform prayers in a tight-fitting dress that reveals the shape of the body, and it is also more appropriate for men to abandon such clothing.

1101. Komisyon, *Īlmihal*, Pub. by T.D.V., I, 230, 231.

1102. See al-Bukhari, *Ṣalāh*, 12; Abū Dawūd, *Hammam*, 1; al-Tirmidhī, *Adab*, 40; Aḥmad ibn Ḥanbal, III, 478, 479, V, 290.

A person who cannot find anything to cover his/her private part can perform the prayer by sitting down and stretching his/her feet towards the *qibla*, this is the most virtuous way to act. For by sitting in such a position more parts of the body are covered. If something or cloth is found to cover a part of the *awrah*, the front, and back private parts, which are considered *ghalīz* *awrah*, need to be covered first, and then the thighs for men, and subsequently the knees. As for women, after the thighs, the abdomen, the back, and then the knees and other limbs are covered, respectively.¹¹⁰³

4) Facing the *Qibla*

Performing the prayer and turning towards the *qibla* is one of the conditions of the ritual prayer. The Prophet (*saw*) and his Companions prayed towards the Masjid al-Aqsa in Jerusalem in the first eighteen months of the Medinan period. With the following Qur’anic verse revealed two months before the Battle of Badr, “...**Turn then Your face in the direction of the sacred Mosque: Wherever you are, turn your faces in that direction...**”¹¹⁰⁴ the direction of *qibla* was turned towards the Ka’ba. According to a narration, the first prayer performed towards the new *qibla* was a late afternoon prayer. After performing this prayer with the Prophet, a Companion went to the Bani Salama Masjid, announced the change of *qibla* while the congregation was still performing the prayer, and the congregation turned the rows towards Mecca without pausing the prayer and completed the remaining cycles of prayer towards the new direction of *qibla*. That is why the aforementioned mosque was given the name “Masjid al-Qiblatayn (The Mosque with two *qiblas*)”.¹¹⁰⁵

The Ka’ba is not only the well-known cube-shaped building in Mecca but possibly it also refers to the literal location of that building. As a matter of fact, the space above this holy place up to the heavens and the space below it to the depths of the earth is also considered the direction of the *qibla*. For this reason, those who are next to or inside the Ka’ba perform their prayers by turning to any side of it. The congregation forms a circle around the Ka’ba and they pray together provided that they do not stand in front of the imam.

If one performs an obligatory, a supererogatory, a funeral prayer, or a prostration of recitation intentionally towards a direction other than the *qibla*, it is not considered valid. Intentionally turning in any other direction other than the *qibla* without an excuse in prayer leads to disbelief.

1103. See Ibn Abidīn, I, 375 ff.; al-Zayla‘ī, *Tabyīn al-Ḥaqqāiq*, Amiriyya ed., I, 95; Ibn Qudāmah, *Mughnī*, I, 599; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 111; al-Zuhaylī, *ibid*, I, 579 ff.; Ö. Nasuhi Bilmen, *Büyük İslam İlmihali*, p. 109, 110.

1104. Al-Baqara, 2: 144.

1105. See al-Bukhari, Imān, 30; Tafsīru surah, 2/ 12, 15-19; Muslim, Masājid, 13; al-Nasā‘ī, Ṣalāh, 24, Qiblah, 3; al-Darimī, Ṣalāh, 30; Aḥmad ibn Ḥanbal, I, 250, IV, 304; al-Tirmidhī, Tafsīru surah, 2/ 10; al-Qurtubī, *ibid*, II, 107-109; Ibn Kathīr, *ibid*, I, 134-136.

Muslim scholars are in agreement that it is obligatory for everyone who sees the Ka'ba to turn to it. In fact, according to the Hanbalis, the Meccans must turn towards the Ka'ba itself, even if there is a barrier between them and it.

According to the Ḥanafis, it is not obligatory for those who are far from the Ka'ba to pray facing the Ka'ba, perhaps it is *farḍ* to turn towards the Ka'ba and this is sufficient.¹¹⁰⁶ This is because if the direction of the Ka'ba is not known exactly, an investigation is carried out and prayers are performed by turning towards what is considered the strongest opinion. One of the Companions, Amir ibn Rabia (*ra*) said, "We were with the Messenger of Allah (*saw*) during a dark night. We could not determine which direction the *qibla* was from us. Each of us prayed in different directions. In the morning, we informed the Prophet (*saw*) about the situation. Upon this the verse was revealed, **"To Allah belong the east and the West: Whithersoever ye turn, there is the presence of Allah. For Allah is all-Pervading, all-Knowing."**¹¹⁰⁷ The Prophet (*saw*) also said, **"What is between the east and the west is qibla"**.¹¹⁰⁸

According to the Shafi'is, both those who are near the Ka'ba and those who are distant from it must pray facing the Ka'ba itself or the atmosphere adjacent to it and not simply the general direction in which it is located. For it is stated in the verse, **"Hence, from wherever you may come forth, turn your face in prayer towards the sacred Mosque; and wherever you all may be, turn your faces towards it."**¹¹⁰⁹ This verse makes it necessary to turn to the Ka'ba itself.¹¹¹⁰ However, the Shafi'is also adopted the principle that if the *qibla* cannot be determined, one will act according to the result of a diligent investigation.

Anyone who does not know in which direction the *qibla* is located tries to determine the *qibla* with the help of various instruments such as an old or new prayer niche or with the assistance of a compass and similar instruments. Moreover, the person may ask a reliable person, or, find the direction through the pole star, the sun, the moon, or the direction of the wind. Thus, the person may use his best opinion and pray by turning towards the *qibla*. Furthermore, a person who can find another person who has knowledge about the *qibla* may follow what that person says about the *qibla*. This is because the information given by someone else is considered stronger than personal conjectural opinion. If one realizes that she or he has turned in the wrong direction after performing the prayer, the prayer does not have to be performed again. However, if he or she is advised so while praying, then he or she must turn in the correct direction.

1106. See Ibn Abidīn, *ibid*, I, 397 ff.; al-Maydanī, *Lubāb*, I, 67; al-Shurunbulālī, *ibid*, p. 34; al-Zaylaī, *Tabyīn al-Ḥaqāiq*, I, 100. ff.; Ibn Qudāmāh, *Mughnī*, I, 431 ff.

1107. Al-Baqara, 2: 115; al-Zaylaī, *Naṣḥ al-Rāya*, I, 304; Hasan Basri Çantay, *Kur'ān-ı Hakīm ve Meal-i Kerim*, I, 36.

1108. Al-Tirmidhī, *Ṣalāh*, 139; al-Nasā'ī, *Ṣiyyām*, 43; Ibn Maja, *'Iqāmāh*, 56.

1109. Al-Baqara, 2: 150.

1110. Al-Zuhaylī, *ibid*, I, 598.

When turning to the *qibla* direction in prayer and mentioning it in the intention for prayer by saying “I have turned to the *qibla* or to the Ka’ba” is not necessary according to a sound view. However, according to another view, mentioning the facing towards the Ka’ba in the intention is necessary.

If a person cannot turn to the *qibla* due to illness and cannot find anyone to turn him, or if he or she is not ill but cannot turn to the *qibla* due to fear of enemies or predators, then he or she should perform the prayer in the direction that can be faced since it is a well-known maxim that obligations are limited by ability.

If a person doubts the direction of the *qibla* and has someone with him who knows the direction of the *qibla*, and without asking him, turns to one direction according to his own investigation, his prayer will be valid if he truly is facing the direction of the *qibla*. If he does not, it will not be valid. The same is the case for the blind man.

The Malikis disagree with the Ḥanafis over the matter of asking others vs. the case of investigating for oneself. The Ḥanafis hold that if one finds no prayer niches to pray toward, he must first ask someone where the *qiblah* is, but if there is no one to ask, he must investigate the matter himself. As for the Malikis, they hold that someone who is qualified to investigate where the *qibla* must do this rather than ask someone else unless the signs which would have aided in his investigation are not observable. The Shafi’i holds that there are four degrees of knowledge concerning where the *qiblah* lies. The first is knowing what one has gained by oneself. If it is possible to determine where the *qibla* is without anyone else’s assistance, one should do so and ask no one else for the answer. The second grade of knowledge in this regard is that which has been gained by asking a trustworthy person who knows where the *qibla* lies. The third degree of knowledge is that gained through the process of reaching one’s own independent judgment on where the *qibla* is located. As for the fourth degree of knowledge, it involves following someone else who has arrived at an informed judgment concerning where the *qibla* is located.¹¹¹¹

Someone who investigates where the *qibla* lies but is unable to reach a clear conclusion has done all he or she can; hence, his or her prayer will be valid in whichever direction he or she turns. Three of the four schools agree that in such a case, one is not required to repeat the prayer later. In agreement with the other schools, the Shafi’i holds that if someone seeks to determine where the *qibla* lies but is unable to reach any certainty about the matter, he or she may pray in any direction she or he chooses. However, unlike the other three schools, the Shafi’i insists that such a person must repeat the prayer later.¹¹¹²

According to the Ḥanafis and the Ḥanbalis, if someone prays in a direction to which he was led through thought and investigation, after which he realizes as he prays that he was-or may have been wrong in his judgment, all he has to do is shift to the direction

1111. Jaziri, Abd al-Rahman, *Islamic Jurisprudence According to the Four Sunni Schools*, Fons Vitae, 2009, pp. 259-260.

1112. Jaziri, *ibid.*, p. 262.

which he now knows or believes to be that of the *qibla*. According to the Malikis, if someone prays in a direction where his investigation has led him to believe is the *qibla*, then realizes while praying that his judgment was mistaken, he must discontinue his prayer if the person is sighted rather than blind, and if there is a major difference between the *qibla* and the direction in which he or she is praying. As for the Shafi'is, they hold that if it becomes clear to someone while he is praying that he is not praying toward the *qibla*, his prayer becomes invalid; hence, he must stop praying and start all over again.

If someone seeks to locate the *qibla* and prays, after which he realizes, or at least suspects, that he prayed in the wrong direction, his prayer remains valid and he is not required to repeat it. This is the view of all the schools except the Shafi'is. The Malikis, likewise, take exception to certain aspects of it. The Shafi'is hold that if someone seeks to locate the *qibla*, then prays to completion, after which he becomes certain that he prayed in a direction other than that of the *qibla*, his prayer is invalidated and he must repeat it. However, if the person merely suspects that he did not pray toward the actual *qibla*, then there is no need to repeat the prayer.

If someone neglects to investigate where the *qibla* lies even though he would have been able to do so -either by praying in the same direction as someone else who has reached an independent judgment concerning the *qibla* or by simply praying alone without knowing where the *qibla* is - his prayer will be invalid even if it becomes clear in the end that he did, in fact, pray toward the *qibla*. This ruling is agreed upon by all the schools except that of the Ḥanafis. As for the Ḥanafis, if a person who doubts the direction of the *qibla* starts the prayer without doing any investigation, he should re-perform the prayer if he realizes that he was praying in the right direction while performing the prayer. This is because the remaining cycles that he will perform with full conviction cannot be built upon the previous cycles that he has already performed based on doubt. However, if he realizes that it was the correct direction after completing his prayer, it is not necessary to re-perform it. This is because all cycles have been performed based on the same level of conviction. According to Imam Abu Yusuf, there is no need to re-perform the prayer in either case.

If a person who doubts and searches the direction of the *qibla*, determines the direction of the *qibla* but then turns to some other direction and performs his prayer, it will not be considered valid. In this case, even if he faces the *qibla*, he has to re-perform the prayer. According to Abu Yusuf, if he rightly determines the right direction, it is no longer necessary to re-perform it.

According to Abu Ḥanīfa, if a person turns away from the *qibla* while praying in the masjid, thinking that his *wuḍū* was nullified, and later realizes that his *wuḍū* was not nullified, his prayer will not be considered invalidated. However, if he leaves the mosque, his prayer will be regarded as invalid due to the change of place without an excuse.

It is advisable that the individual who has different views about the direction of the *qibla* should pray by herself or himself alone. This is because if they pray in a congregation, the prayer of the person who disagrees with the imam will not be valid.

Praying on a mount:

It is possible and permissible for a traveler to perform *mu'akkad sunnah* and other supererogatory prayers on a mount. However, the *sunnah* of the dawn prayer is excluded from this rule. Amir ibn Rabia (*ra*) is reported to have said, "I saw the Messenger of Allah (*saw*) praying supererogatory prayers on his mount, by making gestures with his head, and praying in whichever direction the mount turned. But the Prophet would not do this in the obligatory prayers."¹¹¹³ The *qibla* of those who cannot turn towards the *qibla* due to illness or for those riding a mount is the direction of the journey. Such a person prays through gestures.

Accordingly, all kinds of prayers can be performed on the mount when there is a valid excuse. In normal situations, only supererogatory prayers can be performed. *Fard* or *wājib* prayers must be performed by dismounting the ride, or if one can manage to perform these prayers in their entirety as if they were being performed on the ground. If someone is able to do this, the prayer is considered valid even if the animal or the vehicle is moving.

However, a person in the state of *wuḍū'*, who has to perform the obligatory prayer on a mount or in a vehicle such as an animal like a horse or camel or in an automobile, bus, train, or plane, due to various reasons such as mud, snowy ground, the fear of losing one's companions, or the fact that it is clear that the vehicle boarded will not stop during the prayer time, can perform this prayer on his or her seat by gestures, turning towards any direction possible.

Supererogatory prayers can be performed outside the city, on any type of mount, in any direction, even if there is no excuse. According to Abu Yusuf, supererogatory prayers can also be performed in the city, without *karāha*, on a mount. According to Imam Muhammad, it is reprehensible to perform the prayers in any desired direction in the city in this way. The outer limits of the city start from the point where it becomes permissible for the traveler to perform the four-cycle prayers by shortening them to two cycles.

Since performing two prayers together (*jam'*) according to Ḥanafis is not accepted in any place other than Arafat and Muzdalifa during the pilgrimage, it is not conventional to perform two ritual prayers by combining them due to circumstances of rain, muddy grounds, or travel. The view of the other schools is that when the above-mentioned excuses are present, it is not permissible to perform the prayer on the mount, but it is permissible to combine the noon and late afternoon prayers or the evening and the night prayers together, at the appropriate place and time.¹¹¹⁴

1113. Al-Shawkanī, *ibid*, III, 144.

1114. See above subheading "Combining two prayers (*Jam' aṣ-Ṣalatayn*)" for more details on the topic.

The person praying inside a ship may turn towards the *qibla* if he is able, and if the direction of the ship changes, the person praying may change his direction towards the *qibla*. However, if he cannot follow the movements of the ship during the prayer after determining the *qibla* through investigation at the beginning of the prayer, he may complete his prayer in the direction of the *qibla* in which he first started to pray.

Today, riding animals have been replaced by traveling with motor and electric vehicles. Yet, the provisions regarding riding animals also apply to those traveling in all kinds of transportation vehicles.¹¹¹⁵

As a result, the fact that Muslims turn to the Ka'ba, which is the oldest and most sacred mosque in the world, in all their prayers is an expression of the unity and order among them, and the joy of common worship.

5) Time

Time is also essential for the *farḍ* prayers and their sunnah cycles, the *witr* prayers, the *tarawīḥ*, and the Eid prayers. The *farḍ* prayers are dawn, noon, late afternoon, evening, and night prayers. As noted earlier, the Friday prayer is performed in place of the noon prayer on Fridays. It is necessary to know the specific times of these prayers and to perform these prayers within their prescribed times. Since the obligatory prayer performed before its time is not regarded as valid, the prayer that is not performed in time or left to be done after its prescribed time is considered a compensatory (*qaḍā*) prayer. There is no compensatory prayer performed in place of the Friday prayer, the Eid prayers, the funeral prayers, and the *sunnah* prayers.

In various verses of the Qur'an, prayer times in a way are referred to by "mentioning the parts and referring to the whole" such as "*ṣalāḥ, tasbīḥ, ḥamd, and sajdah*". The daily prayer times are expressed in the Qur'anic verses as follows, "**For such prayers are enjoined on believers at stated times.**"¹¹¹⁶, "**Be constant in prayer from the time when the sun has passed its zenith till the darkness of night, and be ever mindful of its recitation at dawn: for, behold, the recitation of prayer at dawn is indeed witnessed.**"¹¹¹⁷, "**So (give) glory to Allah, when you reach eventide and when you rise in the morning; Yea, to Him be praise, in the heavens and on earth; and in the late afternoon and when the day begins to decline.**"¹¹¹⁸, "**Therefore be patient with what they say, and celebrate (constantly) the praises of your Lord, before the rising of the sun, and before its setting; yea, celebrate them for part of the hours of the night, and at the sides of the day: that you may have (spiritual) joy.**"¹¹¹⁹, "**And establish regular prayers at the two ends of**

1115. See Ibn Abidīn, *ibid*, I, 397-406; al-Maydanī, *Lubāb*, I, 67; al-Shurunbulālī, *ibid*, p. 34; Ibn Qudāmah, *ibid*, I, 431-452; Bilmen, *Büyük İslam İlmihali*, Istanbul 1985, p. 111-113; al-Shawkanī, *ibid*, III, 144.

1116. Al-Nisā, 4: 103.

1117. Al-'Isrā, 17: 78.

1118. Al-Rūm, 30: 17-18.

1119. Ṭa Ha, 20: 130.

the day and at the approaches of the night..."¹¹²⁰, "*And celebrate the name of thy Lord morning and evening, and part of the night, prostrate thyself to Him; and glorify Him a long night through.*"¹¹²¹, "*Bear, then, with patience, all that they say, and celebrate the praises of your Lord, before the rising of the sun and before (its) setting.*"¹¹²², and "*And rise from your sleep and pray (tahajjud) during part of the night as well, as a free offering from you...*"¹¹²³

There are various hadiths and practices of the Prophet (saw) regarding the times of the obligatory prayers. According to the common view, the day after the night of Ascension, when the ritual prayer was declared obligatory, Gabriel (as) came to Muhammad and acted as the imam himself and showed the beginning and end times of the prayers. According to a narration from Ibn Abbas (ra), the Messenger of Allah (saw) said, "*Gabriel (as) led me in prayer at the House (i.e. the Ka'ba). He prayed the noon prayer with me when the sun had passed the meridian to the extent of the thong of a sandal; he prayed the afternoon prayer with me when the shadow of everything was as long as itself; he prayed the sunset prayer with me when one who is fasting breaks the fast; he prayed the night prayer with me when the twilight had ended, and he prayed the dawn prayer with me when food and drink become forbidden to one who is keeping the fast. On the following day, he prayed the noon prayer with me when his shadow was as long as himself; he prayed the afternoon prayer with me when his shadow was twice as long as himself; he prayed the sunset prayer at the time when one who is fasting breaks the fast; he prayed the night prayer with me when about a third of the night had passed, and he prayed the dawn prayer with me when there was a fair amount of light. Then turning to me he said: Muhammad, this is the time observed by the prophets before you, and the time is anywhere between two times.*"¹¹²⁴

Al-Bukhari said that this hadith is the soundest hadith regarding the times of prayer.¹¹²⁵ The hadith indicates that there are two times for prayers other than the evening prayers.

Since the beginning of the time of the noon prayer begins with the inclination of the sun to the west, the *zawāl* time must be determined. A day in Islam is classified into two types: a *shar'i* day and the customary one. The "*shar'i* day" is the period from the second dawn to sunset. As for the "customary day", it is the period between sunrise and sunset.

There are two views on how long the *zawāl* time is in Islam. According to the first view, the customary day is applicable in this regard, and the exact time of *zawāl*

1120. Hūd, 11: 114.

1121. Al-Insan, 76: 25-26.

1122. Qāf, 50: 39.

1123. Al-'Isrā, 17: 79.

1124. Abū Dawūd, Ṣalāh, 2, Hadith No: 393; al-Tirmidhī, Ṣalāh, Hadith No: 149; Aḥmad ibn Ḥanbal, *Musnad*, I, 382, III, 330, 331, 352. Al-Tirmidhī calls this hadith "ḥasan-ṣaḥīḥ". For more information about the times of prayer see al-Taḥānawī, *I'la al-Sunan*, 1st ed., Dar al-Kutub al-'Ilmiyya, Beirut 1418/1997, II, 3-67.

1125. Al-Bukhari, *Mawāqīf*, 1.

is called "*Istiṭwā* time". This is the moment when the sun is at its highest peak at noon. This moment is the time of *karāḥa* when performing any prayer is considered forbidden.

According to the second view, the "*shar'i* day" is applicable in this regard. In *shar'i* day, the time of "*istiṭwā*" becomes clearer a little before the time of *zawāl*. Therefore, the time of *karāḥa* consists of the time from before the time of *istiṭwā* to the time of *zawāl*. For example, let us say that the duration of the *shar'i* day on the first day of January and the period between the second dawn and the setting of the sun is 11 hours and 10 minutes. The customary day is 9 hours and 25 minutes. In this case, half of the *shar'i* day, that is, the time of *istiṭwā* is 5 hours and 35 minutes after Dawn, and it coincides with 3 hours and 50 minutes after sunrise. Therefore, half of the *shar'i* day is 52 minutes before *zawāl* time. This 52-minute period is the time of *karāḥa*. This is the view of the Harzem jurists. (See the subject of *makrūḥ* times.)

The time of the noon prayer continues until the shadows of things become equal in length to the things themselves without taking account of the length of its shadow at midday (called *fay' al-zawāl*). This time period of the noon prayer is called "*aṣr al-awwal*". This is the opinion of the majority, including Abu Yusuf and Imam Muhammad. However, according to Abu Ḥanīfa, the time of noon prayer continues until the shadow of the objects becomes twice as long as its own height, except for *fay' al-zawāl*. After that, the time of noon prayer ends and the time of the late afternoon prayer starts. This is called "*aṣr al-thānī*".

The evidence of the majority of jurists is that Gabriel (*as*) taught the Prophet the prayer times and led the noon prayer on the second day when the shadow of everything was equal in length to the things themselves.¹¹²⁶ Abu Ḥanīfa's evidence is the following hadith of the Prophet: "*Perform the noon prayer when the weather is cool.*"¹¹²⁷ This is called "*ibrād* (letting it cool)". The time when the heat is most severe in the Arabian region is when the shadow of everything is equal in length to the things themselves.¹¹²⁸

According to the two views mentioned above, when the time for the noon prayer ends, the time of the late afternoon starts. The evidence for this is the following hadith narrated by Aisha (*r. anha*): "The Prophet (*saw*) recited the verse "***Guard strictly your (habit of) prayers, especially the Middle Prayer...***"¹¹²⁹ and he (*saw*) also said, "The middle prayer is the late afternoon prayer".¹¹³⁰ Again, the following is stated in the hadith: "*A person who catches up with one cycle of the afternoon prayer before the sun sets*

1126. Abū Dawūd, Ṣalāh, 2; al-Tirmidhī, Mawāqīt, 1; al-Nasā'ī, Mawāqīt, 6, 10, 15; Ibn Ḥanbal, I, 383, II, 330; Malik, *Muwaffā'*, Ṣalāh, 9.

1127. Al-Bukhari, Mawāqīt, 9, 10. Adhān, 18; Bad' al-khalq, 10; Muslim, Masājīd, 180, 181, 184, 186; Abū Dawūd, Ṣalāh, 4.

1128. Al-Mawṣilī, *Ikhtiyār*, I, 38, 39, al-Zuhaylī, *ibid*, I, 508.

1129. Al-Baqara, 2: 238.

1130. Abū Dawūd, Ṣalāh, 5; Ibn Ḥanbal, V, 8; Ibn Kathīr, *Mukhtaṣaru Tafsīr ibn Kathīr*, (critically ed. M. Ali al-Ṣabūnī) Beirut, 1981, I, 218.

will have been performed the afternoon prayer in time.”¹¹³¹ According to the majority of mujtahids, it is *makrūh* to delay the afternoon prayer until the time when the sun turns yellow (*isfirār*). This is based upon the fact that the Messenger of Allah (*saw*) said, “The prayer performed at this time is the prayer of the hypocrites. The hypocrite sits and waits for the sun. When the sun enters between the two horns of Satan (it begins to set), he quickly makes four cycles of afternoon prayer and remembers Allah very little.”¹¹³²

The time of the evening prayer begins with the complete setting of the sun and ends with the disappearance of the redness (twilight glow) on the western horizon. According to the Ḥanafis, the Western horizon goes through three successive stages after sundown, namely, (1) red, (2) white, and (3) black. According to Abu Ḥanīfā, twilight is the whiteness that occurs on the western horizon after sunset. According to the majority, including Abu Yusuf and Imam Muhammad, and another narration from Abu Ḥanīfā, the twilight consists of the redness that occurs on the horizon. When this redness disappears, it is time for the evening prayer. The evidence for this is Abdullah ibn Umar’s saying, “Dawn is the red on the horizon.”¹¹³³ The preferred opinion of the Ḥanafis is the opinion of Abu Yusuf and Imam Muhammad. Accordingly, the time of the night prayer starts from the moment when the redness on the western horizon disappears and continues until the true dawn (*fajr al-ṣādiq*).

According to the Ḥanafis, it is *mustaḥab* to delay the “*ishā*” prayer until one-third of the night. It is permissible to delay it until the middle of the night, and it is *makrūh* to delay it until the second dawn unless there is an excuse. For, in this case, the fear is that the person may miss the prayer.

According to the Ḥanafis, the beginning of the time for the *witr* prayer is after the night prayer. The end of the *witr* prayer is just before the second dawn. It is more virtuous for a person who is not certain that he will wake up, to perform the *witr* prayer before going to sleep, and for a person who is certain that he will wake up, it is better to delay it until the end of the night.

According to the Malikis, the elective time of *witr* prayer is the time period after the night prayer. As for its imperative time, it starts with the break of true dawn and continues until the performance of the dawn prayer.¹¹³⁴ (For more information, see “Prayer Times - Performing Two Prayers at One Time (*Jam’ al-Ṣalātayn*) and Prayer Times at the Poles”.)

6) Intentions for Prayers

Niyyah means perseverance, to want firmly, and to intend. *Niyyah* or intention in prayer means a heartfelt determination or firm resolve to perform the prayer for the sake of drawing near to Allah alone.

1131. Malik, *Muwaṭṭā’*, Wuqūṭ, 5; Abū Dawūd, Ṣalāh, 5; Ibn Maja, Ṣalāh, 2; Ibn Ḥanbal, II, 236, 254, 260, 282.

1132. Malik, *Muwaṭṭā’*, Qur’ān, 46.

1133. Al-Ṣan’ānī, *Subul al-Salām*, I, 106.

1134. Akyüz, Vecdi, *Mukayeseli İbadetler İlmi hali*, İz Yayıncılık, İstanbul, 1995, vol. 1, pp. 366-367.

There is a consensus among Muslim jurists that the intention is obligatory in the ritual prayer. However, while the majority regard it as a condition for validity, Shafi'is and some Malikis consider it an essential pillar (*rukn*). However, there is no difference, essentially, between its being a condition for prayer's validity or an integral part of prayer itself. In both cases, prayer without intention is not acceptable and must be re-performed.

The purpose of the intention is to determine the type of prayer, distinguish the worship from other acts carried out as a habit, and achieve sincerity in worship. This can only be achieved by making worship unique to Allah. Allah Almighty says, ***"And withal, they were not enjoined aught but that they should worship God, sincere in their faith in Him alone..."***¹¹³⁵ In a hadith reported by the narrators whose number reached the level of *tawātur*, "the relationship between intention and action" is explained as follows: *"The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended."*¹¹³⁶ The hadith is related to an incident at the time the Muslims emigrated from Mecca to Medina. While it was stated that the immigrants who left all their wealth in Mecca and migrated to Medina would enjoy great rewards, one of them emigrated for the sake of a woman whom he wanted to marry. What he gained from the emigration was his marriage to this woman, which was his intention of emigration. It is reported that the Prophet said this hadith about him.¹¹³⁷

The intention must be pure, and all acts of worship must be carried out in a conscious state. Only the consent of Allah Almighty should be sought in deeds, and one who performs the prayer should not be heedless of what he or she is doing.

An intention is an act of the heart. However, it is more appropriate to make the intention with the heart and say it with the tongue. For example, if a person intends to start prayer in his heart and does not say anything with his tongue, that prayer will still be permissible. However, with intention in the heart, it is better to say, "I intend to perform the obligatory or sunnah prayer of such and such time". The intention expressed in this way is *mustaḥab* according to the preferred view because in such a case, the tongue strengthens the intention in the heart.

According to three schools other than Shafi'is, the intention can be close to the *takbīr al-iftitāḥ* (Opening *takbīr*). However, a prayer is not valid with an intention made after the opening *takbīr*. This is the preferred view. According to another view, it is permissible to pray with an intention made after the *takbīr* as long as it is before the supplication of *Subḥānaka* or *Aūdhu*. According to Shafi'is, the intention must be right before the opening *takbīr*.

1135. Al-Bayyinah, 98: 5.

1136. Al-Bukhari, Bad' al-waḥy, 1; Muslim, 'Imāra, 155.

1137. Al-Bukhari, Bad' al-waḥy, 1, Imān, 41, Nikāḥ, 5, Ṭalāq, 11, Manāqib al-Anṣār, 45, Itq, 6, Aymān, 23, Hiyaḥ, 1; Muslim, 'Imāra, 155; Abū Dawūd, Ṭalāq, 11; al-Tirmidhī, Faḍā'il al-Jihād, 16; al-Nasā'ī, Ṭahāra, 59, Ṭalāq, 24, Aymān, 19; Ibn Maja, Zuhd, 26.

According to the Ḥanafis, the intention is required in obligatory prayers or in *wājib* prayers such as *witr*, prostration of recitation, votive prayer, and Eid prayers, these must be determined. As a matter of fact, when performing compensatory (*qaḍā*) prayers, it is necessary to determine both the time and the day in the form of stating whether it is a compensatory prayer for the first or last prayer missed. For example, intention can be expressed as follows “the *farḍ* of today’s dawn prayer or the Friday prayer or the *witr* or Eid prayer, *qaḍā* prayer for the first-noon prayer that I missed”. In general terms, it is not enough to make an intention by stating “*farḍ* prayer” because this is not sufficient to determine the prayer. However, it is sufficient to intend to “perform the *farḍ* of the time” without mentioning which prayer while still being within the prescribed time of that prayer. However, Friday prayer is an exception. It is not enough to perform it with the intention of “performing the *farḍ* of the time”. This is because that time is not really specific for the Friday prayer, but for the noon prayer.

As for the supererogatory prayers, it can be said, “I intend to perform the first sunnah cycles of this time” or “the last sunnah cycles of this time”. However, the absolute intention to pray a supererogatory prayer, without mentioning the name of the ritual prayer itself, is also sufficient. It is not necessary to determine whether that prayer is *mu’akkad* or non-*mu’akkad sunnah* or the number of its cycles. However, it is a more prudent attitude to specify the “*tarawīḥ* prayer” or “the sunnah of the time” for the *tarawīḥ* prayer.

According to the Malikis, the intention which accompanies the performance of an obligatory prayer must include a specification of the time of the prayer, for example, noon, mid-afternoon, and so forth. If someone fails to specify which obligatory prayer he or she intends to perform, the resulting prayer will not be valid. As for the *naḥilāh* prayers, if it is a *sunnah muakkadah* prayer such as *witr*, Eid, or sunnah cycles of the dawn prayer, the intention must specify the type of prayer. However, in other types of *naḥilāh* prayers absolute intention would suffice to fulfill the requirement of the intention.

The Shafi‘is specify the following four conditions that must be fulfilled in the intention that accompanies an obligatory prayer: (1) It must specify that the prayer intended is obligatory rather than voluntary. (2) It must express the determination to perform the actions included in ritual prayer; this determination is expressed by conjuring a mental image of the actions entailed by prayer, even if only a general one, and consciously determining to carry them out. In this way, the act of prayer on which one is embarking is distinguished from other acts. (3) It must specify which of the five daily prayers is intended, be it noon, mid-afternoon, or some other. (4) The elements listed in (1), (2), and (3) above must all coincide with one’s utterance of the opening *takbīr*. If any of these conditions are unfulfilled, both one’s intention and one’s prayer will be invalid.

With respect to the intention in the *naḥilāh* prayers, the Shafi‘is distinguish between the following: (1) prayers associated with a particular time, such as the *sunnah*-based prayers connected to each of the five daily prayers, and the mid-morning prayer (*ḍuḥā*),

(2) prayers not connected to a particular time but performed for a specific reason, such as the prayer for rain, and (3) prayers which have neither a specific time nor a specific reason. If a *naḥilah* prayer fits one of the first two types, one should specify which prayer is intended. As for the *naḥilah* prayers fitting to the third type, all that is required when performing them is that one intends to perform the ritual prayer without any further specification and that one's intention coincides with the utterance of the opening *takbīr*.¹¹³⁸

According to the Ḥanafis, if a person catches up with a group performing the ritual prayer in the congregation and does not know whether this prayer is an obligatory one or a *tarawīḥ* prayer, he intends it to be *farḍ*. If they find out that it was an obligatory one, the prayer is considered valid. If the congregation was performing the *tarawīḥ* prayer, his prayer will be accepted as supererogatory. Since it will be performed before performing the night prayer, it will not be accepted as *tarawīḥ* prayer.¹¹³⁹

According to three schools except for the Shafi'is, the intention should be made before the opening *takbīr*, and deeds such as eating, drinking, and speaking that are incompatible with prayer should not come between the intention and the *takbīr*. However, if something related to prayer, such as performing *wuḍū* or walking into the mosque, enters between the intention and the opening *takbīr*, it will not do any harm according to the Ḥanafis and the Ḥanbalis. Accordingly, if a person who intends to pray after that performs ablution or walks to the mosque and utters the *takbīr* in the mosque and follows the imam, but does not intend again, his previous intention will suffice because such deeds are compatible with the prayer. The ruling is the same for a person whose *wuḍū* is invalidated during prayer, and who leaves the prayer to perform *wuḍū* and then comes back and continues to pray from where was left. According to Shafi'is, it is essential that the intention should be carried out during the opening *takbīr*. Even though the Malikis agree with the Ḥanafis and the Ḥanbalis in regards to the validity of prayer even if the intention and the opening *takbīr* are separated from each other, they require that the time span between them should be short by commonly held standards.

According to the Ḥanafis, it is permissible to perform compensatory (*qaḍā*) prayer with the intention to perform normal prayer (prayer in time) or vice versa. For example, if a person thinks that the time for the noon prayer has not ended yet and intends to perform the noon prayer, and then realizes that the time has already ended, that prayer will be accepted as compensatory prayer. If a person intends for two obligatory prayers at once, the intention for the prayer of the current time will be valid.

According to the Ḥanafis, it is not necessary to keep in mind the intention made at the beginning of the prayer until the end of the prayer. Accordingly, if a person starts the prayer by intending to perform the obligatory prayer of a certain time, and then

1138. Jaziri, *ibid*, pp. 281-282.

1139. Al-Kāsānī, *Badāyī*, I, 127 ff.; Ibn Abidīn, *ibid*, I, 406 ff.; al-Zaylaī, *Tabyīn al-Ḥaqāiq*, I, 199 ff.; Ibn al-Humām, *ibid*, I, 185; Bilmen *ibid*, p. 118 ff.

completes the prayer with the thought that he was performing a supererogatory prayer, he is still considered to have performed the obligatory prayer for which he intended at the beginning of the prayer.

If a person who intends to perform a supererogatory prayer, after saying the opening *takbīr*, repeats the *takbīr* by intending for an obligatory prayer, he will have started to perform the obligatory one. The ruling for the opposite situation is also the same. For example, if a person who started with the intention of a *farḍ* prayer, after performing one cycle, utters the *takbīr* again by intending another type of *farḍ* or *naḥīlah*, he will have invalidated his previous prayer and started the prayer according to his new intention.

If the person prays alone, he needs to determine in the intention whether it is *farḍ* or *wājib* that he is going to perform. If he is going to perform *naḥīlah*, it will suffice to say “I intend to pray”.

According to the Ḥanafis and the Malikis, if a person, who has already started to perform the prayer, utters an opening *takbīr* while intending to follow an imam, he will invalidate his previous prayer and join the prayer with the imam.

For a person who follows the imam in prayer, according to the preferred view, stating the intention without specifying which prayer he or she will perform or stating the intention only “to follow the imam” is not sufficient. Saying “I intend to pray with the imam” is not enough either. He should also define the prayer, for example, “I have followed the imam who is ready to perform the *farḍ* of the noon prayer”.

If a person commences the prayer before the imam’s *takbīr* or even before the imam finishes the words of Allah or *akbar*, he will not be following the imam. However, if he utters *takbīr* a second time, he will start following the imam with this second *takbīr*.

The intention of the congregation to follow the imam should be after the imam starts the prayer by saying “*Allāhu akbar*” so that they will be following someone who has already started performing prayer and there will be no possibility left for saying *takbīr* before him. This is the view of Abu Yusuf and Imam Muhammad.

According to Abu Ḥanīfa, the *takbīrs* of the congregation should be close to the imam’s *takbīr*. This is because such an act consists of the virtue of starting worship immediately. Accordingly, the intention must be carried out first. However, when a person says *takbīr* and starts following the imam before the imam finishes the recitation of chapter Fatiḥa, he or she attains the reward of joining the congregation with the opening *takbīr*.

The congregation does not need to know the imam they follow. However, if someone mentions his intention to follow a specific person as the imam and then it becomes clear that the imam was someone else, this act of following will not be valid. This is because his intention becomes a specified (*muqayyad*) one.

According to the Ḥanafis, it is not necessary for an imam to intend to become an imam for a male congregation. However, if there are women among the congregation,

the person who will lead the congregation must specify his intention to lead women. Otherwise, it would not be valid for women to follow such an imam. Since it is difficult to know whether there is a woman among the congregation today, it is more appropriate for those who will lead a congregation to make a general intention that includes women, such as "I have become an imam for all of the people who follow me".¹¹⁴⁰

According to the Malikis, the imam's conscious intention to lead others in prayer is required in all prayers whose validity depends on their being performed communally, namely, (1) the Friday prayer, (2) the sundown and evening prayers when they are being joined in advance in anticipation of rain, (3) the prayer of fear, and (4) the "prayer of delegated leadership", i.e., a prayer during which the imam has to step aside for some reason and allow one of the worshipers being led in prayer to step forward to take his place.

As for the Shafi'is, they maintain that it is only necessary for the imam to consciously intend to lead others in the following four situations: (1) At the Friday prayer; (2) When two prayers are being joined in advance-either the noon or mid-afternoon prayers or the sundown and evening prayers-due to rain (3) When a prayer is being repeated in the community during its appointed time period, and (4) When it is a prayer that the imam has vowed to perform in a congregation, in which case he must consciously intend to lead others in order to be released from his vow. According to the Ḥanbalis, the imam must consciously intend to lead others in prayer every time he does so, and this intention must coincide with the beginning of the prayer.

C – ESSENTIAL PILLARS OF PRAYER

We have briefly explained the terms essential pillars (*rukn*) and conditions (*shart*) above. As both are a requirement, there is no difference between essential pillars and conditions. However, the condition is something that must be carried out before the ritual prayer and must continue during the ritual prayer as well. For example, being in the state of *wuḍū* and covering one's *awrah*. *Rukn* is the action without which the prayer would not be complete like the *qiyām* (standing), the *rukū'* (bowing), and the *sajdah* (prostration). These are also called "*farḍ* acts of the ritual prayer".

According to the Ḥanafis, there are six essential pillars of prayer. *Takbīr al-if-titāh* (Opening *takbīr*), *qiyām* (standing), *qirā'ah* (recitation), *rukū'* (bowing), *sajdah* (prostration), and the final sitting with the recitation of *tashahhud*. Apart from these, according to Abu Yusuf and Imam Shafii, Malik and Ahmad Ibn Ḥanbal, observing the *ta'dil al-arkān* in prayer is a *farḍ*, and according to Abu Ḥanifa, it is *farḍ* to lead the prayer intentionally.¹¹⁴¹

These pillars will now be explained in detail below.

1140. Al-Zuhaylī, *ibid*, I, 611; Bilmen, *ibid*, p. 120, 121.

1141. Al-Kāsānī, *ibid*, I, 105, 106, 410 ff.; Ibn al-Humām, *ibid*, I, 192 ff.; al-Maydanī, *Lubāb*, I, 68-77; Ibn Abidin, *ibid*, I, 406, 410 ff.; al-Shurunbulālī, *Marāq al-Falaḥ*, 37, 39 ff.

1) *Takbīr al-iftitāḥ* (Opening Takbīr)

Saying “Allāhu akbar” while standing and loud enough for himself to hear is called “*takbīr al-iftitāḥ*” (starting to glorify Allah) or “*taḥrīma*”. With this *takbīr*, the prayer starts and the link with the outside world is cut off. Although opening *takbīr* is similar to a condition because it is at the beginning of the prayer, it is accepted as a *rukṇ* because it is adjacent to the other *rukns*.

The obligatory nature of starting the prayer with the *takbīr al-iftitāḥ* is based on the evidence from the Qur’an and Sunnah:

Allah Almighty says, “**Glorify your Lord**”.¹¹⁴² The Prophet (saw) also said, “*The key to prayer is cleanliness, and its beginning is takbīr.*”¹¹⁴³, and “*Allah does not accept a person’s prayer unless he performs ablution properly and then turns to the qibla and says ‘Allāhu Akbar’*”.¹¹⁴⁴ Moreover, while the Prophet was describing the prayer to a Companion who performed it in the wrong way, he said, “*When you stand up for prayer, say ‘Allāhu Akbar.*”¹¹⁴⁵

Various hadiths have been reported where the Prophet uttered *takbīr* and raised his hands to the level of his ears when starting the prayer.¹¹⁴⁶

According to the Shafi‘is and the Ḥanbalis, it is sunnah to raise the hands up to shoulder level while saying the opening *takbīr* as well as bowing down and standing back up.¹¹⁴⁷

A person who cannot stand can say *takbīr* by sitting. The *takbīr* is uttered in Arabic for those who can speak and it cannot be said in any other language. It is *mustaḥab* for the imam to utter *takbīr* clearly so that the congregation behind him can hear it. A person who is mute or incapable of saying *takbīr* in any other language is no longer under the obligation of saying *takbīr*. For those who are able to say only a part of the *takbīr*, if that part has a meaning, the part in question will be sufficient for the obligation.

Saying *takbīr* with other words such as “*Allāhu kabīr*” or “*Allāhu ‘aẓīm*”, which mean glorifying Allah, or simply saying “Allah” is sufficient to fulfill the *fard*. However, commencing the prayer with statements such as “*Allāhummaḡhfirli* (O Allah forgive me)”, “*astaghfirullah* (I seek forgiveness from Allah)”, “*audhubillah* (I seek refuge in Allah)” or “*bismillah* (in the name of Allah)” is not acceptable. This is because these are sentences of invocation, and they do not express glorification. According to the Ḥanafis, it is *wājib*

1142. Al-Muddaththir, 74: 3.

1143. Abū Dawūd, Ṣalāh, 73, Ṭaḥārah, 31; al-Tirmidhī, Mawāqīt, 62, Ṭaḥārah, 3; Ibn Maja, Ṭaḥārah, 3.

1144. Abū Dawūd, Ṣalāh, 144.

1145. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

1146. Al-Bukhari, ‘Amal fi al-Ṣalāh, 316, Mawāqīt, 24; Muslim, Ṣalāh, 21-25, Masājīd, 225; Abū Dawūd, Ṣalāh, 115, 116, 178, 181; al-Tirmidhī, Ṣalāh, 63; Ibn Maja, ‘Iqāmah, 115.

1147. Muslim, Ṣalāh, 21, 25, 26; Abū Dawūd, Ṣalāh, 115; al-Tirmidhī, Ṣalāh, 76, 110.

to commence the prayer with the exact phrase “*Allāhu Akbar* (Allah is exalted above everything)”, and it is *makrūh taḥriman* to choose anything other than this statement.

This is also because mispronouncing it as “*akbār*” instead of *akbar* or “*Āllah*” instead of Allah (by elongating the “a” sound) will change the meaning, such utterances do not commence the prayer. Such a recitation in prayer also invalidates the prayer. However, saying “*agbar*” by reading the letter “*kaḥ*” softly instead of the word *akbar* does not harm the prayer because it is difficult to avoid.

The whole opening *takbīr* uttered in order to follow an imam must be recited standing up. Accordingly, if a person who catches the congregation while the imam was in the *rukū* position says “Allah” while standing and utters the word “*akbar*” after going to the *rukū* position, he will not be following the imam with such a *takbīr*. He has to stand back up and say the *takbīr* again. If he misses the *rukū* while doing this, he has to complete this missing cycle at the end of the prayer.

According to Abu Ḥanīfa, it is sufficient to say *takbīr* in a language other than Arabic. This is because Allah Almighty says, “***But those will prosper who purify themselves, and glorify the name of their Guardian-Lord, and (lift their hearts) in prayer.***”¹¹⁴⁸ Such a person also remembers Allah. According to Abu Yusuf, Imam Muhammad, and Imam Shafī’i (may Allah be pleased with them all), a person may utter *takbīr* in another language only if he cannot recite it well in Arabic. If he can pronounce Arabic well, it will not be enough to say *takbīr* in another language.¹¹⁴⁹ This is because the Messenger of Allah (*saw*) commanded the believers, “*Pray as you see me praying.*”¹¹⁵⁰

The *takbīr* must be uttered after the intention and the *takbīr* of a person following an imam should not precede the *takbīr* of the imam.

2) Standing (*Qiyām*) in Prayer

Qiyām means to stand up and to stand upright. It is one of the pillars of prayer for those who can stand long enough to recite the opening *takbīr* and the minimum amount required to be recited from the Qur’an in each cycle of *farḍ* or *wājib* prayers. Accordingly, it is not permissible for a person who is able to stand to perform a *farḍ* or *wājib* prayer while sitting. Since it is *farḍ* to perform the essential pillars, abandoning a *farḍ* act without an excuse is against the validity of the prayer.¹¹⁵¹ It is commanded in the Qur’an to “***stand before Allah in devout obedience.***”¹¹⁵² Upon the question of Imran Ibn Hussain (*ra*), who had difficulty praying standing due to an illness, the Messenger of Allah (*saw*) said, “*Pray while standing and if you can’t, pray while sitting and if you*

1148. Al-A’lā, 87: 14-15.

1149. Al-Zuhaylī, *ibid*, I, 634.

1150. Al-Bukhari, Adhān, 18, Adab, 27, Aḥād, 1.

1151. Al-Zayla’ī, Tabyīn al-Ḥaqāiq, I, 104; Ibn al-Humām, *Fatḥ al-Qadīr*, I, 192, 304, 378; al-Shirāzī, *Muḥadḥḥab*, I, 70; al-Zuhaylī, *ibid*, I, 635 ff.; Bilmen, *ibid*, 122 ff.

1152. Al-Baqara, 2: 238.

cannot do even that, then pray lying on your side.” In Nasai’s narration, the following addition is made, *“If you cannot do it, lay on your back. Allah does not burden anyone with more than he can bear.”*¹¹⁵³

Accordingly, if the ill cannot pray standing up, or if he fears that his illness will get worse or prolonged or he will feel severe pain when he stands up, he can perform the prayer while sitting, and if he can, he bows down and goes down to prostration. This is because of the maxim that difficulty attracts ease, and necessities are measured by their own amount.

As long as an ill person can pray standing while leaning on something, he is not allowed to perform the obligatory prayers sitting down.

Again, a person who can stand for a while should stand as long as he can, then sit down and complete his prayer in a sitting position. In fact, if a person who can only say the *takbīr al-iftitāḥ* while standing, he does it standing up, then sits down and prays for he cannot do otherwise.

A person who cannot fully go down to prostration because of his illness does not need to raise the place of prostration with something like a chair or a pillow. He performs *rukūʿ* and prostration by gestures of bowing forward as much as he can. Performing prayer by gestures means bowing the head down as a sign of *rukūʿ* and *sajdah*.

It is reported that Jabir (*ra*) said, “The Prophet (*saw*) went to visit a patient. He saw the patient prostrate on a board placed on a pillow. The Messenger of Allah (*saw*) immediately removed them both and said, *“If you can do it, perform the prayer on the ground. If you are not able to do that, pray by gestures and do the prostration by bowing forward more than you do for the rukūʿ.”*¹¹⁵⁴

A person who cannot even sit is supposed to perform his prayer by lying on his back. He stretches his feet towards the qibla and performs bowing and prostration with head gestures.

It is permissible for a patient lying on his side to perform the prayer with head gestures by facing toward the *qibla*. However, it is more appropriate to pray lying on one’s back, rather than lying on one’s side. For in such a position, it becomes easier for the patient to turn the face towards the *qibla*. According to the Malikis, if someone is unable to sit up even with support, he is to lie on his right side and pray with gestures, facing the *qiblah*. If he is not able to do this, he is to lie down on his left side with his face to the *qiblah*. If he is unable to do this, he is to lie on his back with his feet toward the *qiblah*. The order of priority among these three positions is recommended.¹¹⁵⁵

1153. Al-Bukhari, Taqṣīr, 19; Abū Dawūd, Ṣalāh, 175; al-Tirmidhī, Ṣalāh, 157; Ibn Maja, ‘Iqāmah, 139; cf. al-Baqara, 2: 286.

1154. Al-Zaylaī, *Naṣb al-Rāya*, II, 75 ff.

1155. Jaziri, *ibid*, p. 664.

A person who is too ill to perform the prayer by head gestures postpones the prayer until the time of recovery. Performing prayer by moving eyes, eyebrows, or just by imagining the movements in mind is not considered valid. This is because an essential pillar of the prayer can only be performed with the movement of the head. With the movement of the above-mentioned parts of the body such as eyes, eyebrows, and so forth, that is not possible. This is the view of Abu Ḥanīfa. According to Abu Yusuf, in such a case, although it is not possible to perform the prayer by imagining the movements in mind, the movement of the eyes and eyebrows are acceptable. In like manner, the Shafi'is, the Ḥanbalis, and the Malikis hold that if one is able to gesture with his eye, he must do so rather than merely 'imagining' the actions involved in prayer. According to Imam Zufar and Imam Shafi'i, under such circumstances, it is permissible to perform the prayers even by imagining the movements in the mind.

According to another narration, if the inability of such a patient lasts for more than one day or one night, the prayers of this period are dropped from the person's responsibility even if he or she is sane. She or he does not have to perform compensatory prayers in place of these prayers because she or he would not be able to perform the ritual prayer.

If a person who is unconscious or in a coma or who has lost his mind comes to her senses before a full day or night passes, she will need to make up the prayers of this period. If this situation lasts longer than one day or one night, the responsibility of those prayers is dropped. In this regard, while Abu Ḥanīfa took 24 hours as a measure, Imam Muhammad took the number of missed prayers as a measure. Therefore, according to Imam Muhammad, the responsibility of making up the missed prayers is dropped if they are more than five, but not if they are less. This view seems more appropriate.

A person who gets ill while performing a prayer completes the rest of the prayer as much as he can. If a person who is praying sitting down due to an illness gets better after bowing and prostrating, he continues to perform the prayer standing.

If a patient who is able to perform *rukū'* and *sajdah* fully performs prayers by gestures, the prayer will not be valid and he has to perform the prayer again. Because it is not permissible for a person who is able to bow down to follow an imam who performs the prayer by gestures.¹¹⁵⁶ The former matter has been compared to the latter one.

Obligatory prayers cannot be performed sitting on an animal unless there is an excuse. The *witr* prayer, the funeral prayer, the prostration of recitation, and the compensatory prayer are subject to the same rule. According to a narration from Abu Ḥanīfa, the sunnah of the dawn prayer cannot be performed sitting on an animal unless there is an excuse.

Transportation vehicles in motion are analogous to walking animals. Therefore, *farḍ* or *wājib* prayers cannot be performed on them unless there is a necessity. A stationary

1156. According to Shafi'is, this is permissible as long as the imam is a knowledgeable person to lead the prayer.

vehicle, on the other hand, is analogous to a bed or a sofa that is situated on the ground. A person is allowed to pray on them.

Even if there is no excuse, all prayers can be performed while sitting in a moving ship. However, standing up is considered more virtuous. This is the view of Abu Ḥanīfa. According to him, there is often dizziness on board a ship and the maxim is that what happens often is accepted as a continuous occurrence.

On a ship anchored on the shore or in the middle of the sea, if there are no waves, it is like a place on land, and prayers are performed standing on the ship. However, if there are waves and instability, it is considered as if riding on an animal. Therefore, if possible, it is necessary to perform the prayer after departing the ship.

An airplane is like a ship at sea because its movement or stopping is not in the control of the passenger.

A person who prays on an animal performs his or her bowing and prostration by gestures. He or she bends more for prostration than he or she does for bowing. It is *makrūh* to prostrate on something on the animal, for example, it is *makrūh* to prostrate by placing one's head on the saddle of the animal.

The *sunnah* and *mustaḥab* prayers can be performed while sitting, even if there is no excuse. This is because supererogatory prayers are based on ease and gentle treatment and voluntary prayers are plentiful. If *qiyām* was to be obligated for all of them, it would cause adversity and for that reason, people may turn away from such voluntary practices. Yet, there is a consensus that it is more virtuous to perform voluntary prayers standing. According to Abu Ḥanīfa, only the *sunnah* of the dawn prayer is excluded from this rule. Although it is permissible to perform the *tarawīh* prayer sitting down, it is considered reprehensible.

If a person who is performing prayer by standing feels tired, she or he can continue the prayer by leaning on something or sitting down. In the absence of such an excuse, it is *makrūh* to stand or sit in prayer when it is not prescribed. However, there is consensus that a person can complete a supererogatory prayer standing that she was initially performing while sitting down.

According to the Ḥanafis, if the hands do not reach the knees when extended, a person is regarded as being in a standing position. Whereas, according to the Shafi'is, the spine must be kept upright in a standing position unless there is an excuse.¹¹⁵⁷

3) *Qirā'ah* (Recitation)

In the dictionary, the word *qirā'ah* means "to read". In Islamic legal terminology, it means "reading the Qur'an". It is obligatory for the imam or the person who prays

1157. Al-Kāṣānī, *ibid*, I, 105 ff.; Ibn al-Humām, *ibid*, I, 375 ff.; al-Maydanī, *Lubāb*, I, 100 ff.; al-Zayla'i, *Tabyīn al-Ḥaqqāiq*, I, 190, 204; al-Zuhaylī, *ibid*, I, 636 ff.; Bilmen *ibid*, p. 123, 124.

alone to recite a part from the Qur'an in all cycles of the supererogatory prayers and the *witr* prayer. However, in four or three-cycle *farḍ* prayers, the recitation is *wājib* in the first two cycles.

According to Abu Ḥanīfa, the obligatory amount of recitation in prayer is a verse in every cycle, even if it is short. When such a verse is recited, the obligation of recitation is fulfilled. However, according to another narration from Abu Yusuf, Imam Muhammad, and Abu Ḥanīfa, the required amount is three short verses or a long verse equal in length to the amount of such three verses. It is this latter view that is prudent.

According to the sound view, a verse consisting of a single letter or a word, for example, reciting the verses “*Nūn*” or “*Mudhammadān*” is not sufficient. For this is not considered acceptable as recitation.

The obligatory recitation is based on the following evidence when Allah the Exalted says, “**...Recite, then, as much of the Qur'an as you may do with ease...**”¹¹⁵⁸ Since the command here is absolute, it expresses the obligation. The Prophet (saw) said on this subject matter, “*There is no prayer without a recitation.*”¹¹⁵⁹

The above verse commands absolute recitation from the Qur'an in the ritual prayer. For this reason, the recitation takes place with the least amount of recitation that could be termed the Qur'an. However, it is not obligatory to recite the Qur'an outside of the ritual prayer. This is because the above verse was revealed concerning recitation in the ritual prayer.

According to the Ḥanafis, it is *wājib* to recite the Fatiḥa in the ritual prayer. If the recitation of Fatiḥa is abandoned, the ritual prayer is still valid, but it is *makrūḥ taḥrīman*. The Prophet's saying, “*There is no prayer without Fatiḥa*”¹¹⁶⁰ has been understood by Ḥanafī jurists as “There is no virtue in ritual prayer without the recitation of Fatiḥa”. That is because this *hadith* is similar to the following *hadith*, “*The prayer of a person who is neighbor to the mosque is not permissible unless he performs it in the mosque*”.¹¹⁶¹ In fact, Muslim scholars do not argue based on this *hadith* that the individually performed prayers of those people who are close neighbors to mosques are invalid. Instead, the argument or interpretation of this *hadith* is that the person who performs the ritual prayer individually will be deprived of the reward of the congregation and the virtue of the ritual prayer will decrease.

According to the Ḥanafis, a person who follows the imam does not have to recite any part, including Fatiḥa, from the Qur'an. This is because Allah Almighty said, “**When the Qur'an is read, listen to it with attention, and hold your peace: that ye may receive**

1158. Al-Muzzammil, 73: 20.

1159. Muslim, Ṣalāh, 42; Abū Dawūd, Ṣalāh, 132, 167.

1160. Al-Tirmidhī, Mawāqīt, 69; al-Darīmī, Ṣalāh, 36.

1161. This *hadith* narrated by Dāraqutnī from Jabir and Abū Hurayra (*r. anḥuma*) is a weak one. See al-Zuhaylī, *ibid*, I, 647.

Mercy.”¹¹⁶² Ahmad Ibn Ḥanbal said, “There is a consensus that this verse was revealed about the ritual prayer. The verse commands to listen and remain silent in prayer. Listening is special to prayers with loud recitation. Silence is about the ritual prayers that are read both silently and aloud. Therefore, it is obligatory for those who pray in the congregation to remain silent in all the prayers that are performed both silently or aloud.”¹¹⁶³

The following hadith demonstrate the application of the above verse as follows, “*The recitation of the imam is also the recitation of the congregation that follows him.*”¹¹⁶⁴ In this hadith, no distinction is made between the prayers in which the recitation is performed, silently or aloud. A further hadith is also clear in this matter, “*The imam is appointed only to be followed; when he says “Allah is most great,” say “Allah is most great” and when he recites the Qur’an, you keep silent.*”¹¹⁶⁵ The Messenger of Allah (saw) observed the noon prayer and a person recited the *surah ‘sabbiḥ isma rabbika’l-‘ala* (Glorify the name of your Lord, the Most High)’ behind him. When the Holy Prophet concluded the prayer he said, “*Who amongst you recited (the above-mentioned verse) or who amongst you was the reciter?*” A person said, “It was I.” Upon this, the Holy Prophet stated, “*I thought as if someone amongst you was disputing with me (in what I was reciting)*”.¹¹⁶⁶ This hadith shows that it is not even permissible for members of the congregation to recite any parts of the Qur’an with a low voice in the ritual prayers. Since this is the case in silent ritual prayers, the recitation of the members of the congregation must be impermissible in ritual prayers that are read aloud by the imam. Moreover, in the narration of Abu Hurayrah, it is instead noted that this ritual prayer was a prayer whose recitation was aloud. Furthermore, Abdullah Ibn Umar (ra) said, “When one of you prays behind an imam, the imam’s recitation is sufficient for him. When he prays alone, let him recite.”¹¹⁶⁷ Based on this evidence, according to Malikis, recitation of the Fatiḥa behind the imam is recommended if it is done silently, but undesirable if it is done aloud unless one is doing so out of deference for those with differing viewpoints on this matter, in which case audible recitation behind the imam is likewise recommended.

The meaning of reciting aloud (*jaḥri*) in the ritual prayer is to read it in a tone that others can hear. This is called reciting aloud. The silent (*khaḍi*) recitation of the imam or those who pray alone means to read or recite in a voice that only the reciter can hear, like a whisper, by sounding the letters properly and applying their characteristics. Accordingly, the upper limit of silent recitation should be such that he or she can hear

1162. Al-A’rāf, 7: 204.

1163. Al-Zuhaylī, *ibid*, I, 648.

1164. Ibn Maja, ‘Iqāmah, 18.

1165. Al-Bukhari, Taqṣīr, 19; Abū Dawūd, Ṣalāh, 68, 175; al-Tirmidhī, Ṣalāh, 150, 157; Ibn Maja, ‘Iqāmah, 13, 144; Aḥmad ibn Ḥanbal, II, 230.

1166. Muslim, Ṣalāh, 47, 48; Abū Dawūd, Ṣalāh, 134; al-Nasā’ī, Ifitāḥ 28; Malik, *Muwaṭṭā’*, Ṣalāh, 10, Hadith No: 44.

1167. Malik, *Muwaṭṭā’*, Ṣalāh, 10, Hadith No: 43.

it at the most, and should not in any way disturbs or distracts other worshippers from their awe of the occasion.

According to the three schools, except for the Ḥanafis, the minimum amount of recitation in the prayer is to recite Chapter *Fatiḥa*. The evidence they rely on is the following hadiths, “*There is no prayer for those who do not recite Fatiḥa*”, and “*A prayer without Fatiḥa is not sufficient.*”¹¹⁶⁸ It is sunnah to recite a chapter or a few more verses from the Qur’an after the *Fatiḥa* in the first two cycles of the *fard* prayers. According to the three schools, recitation is necessary for the imam and for the one who prays alone, as well as for those who follow the imam. However, the person who follows the imam recites the *Fatiḥa*, and a chapter from the Qur’an is added after it in the silent ritual prayers, but only *Fatiḥa* is recited in the aloud ritual prayers. According to the Malikis and the Ḥanbalis, the congregation does not recite anything in prayers with loud recitation but only listens. According to Aḥmad Ibn Ḥanbal, the congregation preferably listens and only recites when the imam takes a break.

According to Shafi’is, because “*basmala*” is considered a verse from the chapter of *Fatiḥa*, it must be recited as part of the recitation of *Fatiḥa*.

According to Abu Ḥanīfa, a person who is unable to recite any verse but only one verse should read this verse once. According to Abu Yusuf and Imam Muhammad, he or she should repeat it three times in one cycle. However, a person who can recite three verses cannot repeat a verse three times.

If a person reads a part of a long verse such as the Throne verse (2: 255) in one cycle and the other part in the other cycle, it will be sufficient. This is because these are equivalent to three short verses.¹¹⁶⁹

Recitation with the Translation of the Qur’an:

Since the mother tongue was Arabic in the towns where Islam was first revealed, and the Qur’an was also revealed in this language, the issue of recitation in a language other than Arabic in prayer did not come to the fore at the time of the Prophet. However, when the cities of Syria, Iraq, and Iran were conquered during the reign of ‘Umar (d. 23/643), the problem of worshipping in different dialects and in different languages emerged. Since the ritual prayer was obligatory from the first day in a region that embraced Islam *en masse*, it was necessary to recite a part of the Qur’an (*qirā’ah*), especially “*Fatiḥa*”, in order to perform the first prayer. However, in regions that did not speak Arabic, a certain period of time was necessary for new Muslims to be able to learn the recitation required. At such a time, the Iranians wrote a letter to Salmān al-Farīsī (d. 36/656), who was originally from Iran but left this land in his youth in a quest to find the truth. During his quest to find the truth he first became a Christian and later settled in Medina and became

1168. Al-Tirmidhī, *Mawāqīt*, 69, 115, 116; Ibn Maja, ‘Iqāmah, 11.

1169. See al-Kāsānī, *ibid*, I, 110 ff.; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 119 ff.; Ibn Qudāmah, *Mughnī*, I, 376-491, 562-568; al-Shirāzī, *Muḥadhdhab*, I, 72; al-Zuhaylī, I, 648.

a Muslim when he heard of Islam. Al-Sarakhsī (d. 490/1097), one of the famous Ḥanafī jurists, speaks of this letter to Salmān al-Farīsī as follows, “The Iranians wrote a letter to Salmān and asked him to translate the Fatiḥa into Persian and send it to them since they needed to read it in their prayers until they learn the Arabic form of recitation.”¹¹⁷⁰

According to Abu Ḥanīfa (d. 150/767), since the miraculous aspect of the Qur’an is realized in its meaning as well as its wording, even a person who is able to read in Arabic performs the prayer with the translation of the Qur’an in another language, he fulfills the obligation of recitation (*qirā’ah*), but he will have committed a reprehensible action because he did not read the Qur’an in its original language. Evidence of this ruling is the letter of Salmān (*ra*), mentioned above, as well as the fact that many narrations from the pages and holy books belonging to the period before Islam were included and conveyed in the Qur’an through the Arabic language.¹¹⁷¹

According to Abu Yusuf (d. 182/798) and Imam Muhammad (d. 189/805), the miraculous aspect of the Qur’an reveals itself together in its text and meaning. The recitation of those who are able to do both is the best but it is sufficient to only fulfill one of these. However, when a person is able to recite Arabic well enough, it is no longer sufficient to read the translation. This situation is similar to the praying of a person who is unable to bow and prostrate.

Therefore, this permission recognized in the Ḥanafī school, is only for a temporary period, as can be understood from the expression “until they learn the Arabic form of recitation” that is found at the end of the letter written addressed to Salmān al-Farīsī. On the other hand, it is reported that Abu Ḥanīfa later changed his view by stating “continuous recitation with the translation of the Qur’an, even without a valid excuse”, and agreed with the view of Abu Yusuf and Imam Muhammad on this issue.¹¹⁷²

Abdullah Ibn Abi Awfa (*ra*) said, “A man came to the Prophet (*saw*) and said, ‘I cannot memorize anything from the Qur’an, teach me what will be enough.’ The Messenger of Allah (*saw*) told him to say, ‘*Subḥānallāhi wa al-ḥamdu lillāhi wa lā ilāha illAllāhu wallāhi akbar. Wa lā ḥawla wa lā quwwata illa billāhi al-‘aliyyi ‘l-‘aẓīm.*’” Meaning: “I glorify and praise Allah. All praise belongs to Allah. There is no god but Allah. Allah is the most supreme. All power and might belong to Allah.” The man said, “These belong to Allah, what can I ask for myself?” The Prophet (*saw*) said: Say, ‘*Allāhumma ‘r-ḥamnī wa ‘r-zuqnī wa afinī wa ‘hadinī.*’” Meaning: “My God! Have mercy on me, provide for me, forgive me, and guide me to the right path”. When the man got up and left, the Messenger of Allah showed his own hand and said, “*This person has filled his hand with goodness.*”¹¹⁷³ When the hadith is examined carefully, it is observed

1170. Al-Sarakhsī, *Mabsūt*, 3rd ed, Beirut 1398/1978, I, 37.

1171. Al-Sarakhsī, *ibid*, I, 37.

1172. See al-Sarakhsī, *ibid*, I, 37; Abdulazīz al-Bukhari, *Kashf al-Pazdawī*, I, 25.

1173. Abū Dawūd, Ṣalāh, 135; al-Nasā’ī, Iftitāḥ, 32; Aḥmad ibn Ḥanbal, IV, 253.

that it includes *ḥamd*, *tasbiḥ*, *takbīr*, and *tahlīl*, and that all of these consist of fragments from the verses in different parts of the Qur'an.

According to the Shafi'is, under no circumstances is it permissible to pray in a language other than Arabic. Those who cannot recite well are considered "illiterate" and may perform ritual prayers without a recitation. They argue the reason is that other languages, for instance, Persian, is words of the world, and the prayer is invalidated with the first sentence of the translation.¹¹⁷⁴

In summary, a believer who does not know Arabic recites the *surah* Fatiḥa, invocations, and so forth must learn to memorize the meaning of the texts, sentence by sentence, and try to follow the meaning while reciting the original text in Arabic. There is no doubt that this will help to achieve true "awe" in prayer. There is no doubt that, in addition to reading the original text of the Qur'an outside of the ritual prayer, it is also important to read its translation, exegesis, and explanation since ultimately the Qur'an was revealed to be read, recited, understood, and acted upon.

4) *Rukū'* (Bowing Down)

The word *rukū'* literally means "to bow". Bowing, which is one of the essential pillars of the prayer, is performed after the recitation by leaning forward and placing the hands on the knees with the head and back straight. For this reason, it is not sufficient for a person who prays standing to bow only his head down for *rukū'*, he should also bend his back and form a straight line with his head and back. This is considered a complete *rukū'*. The situation of those who do not perform *rukū'* without an excuse needs to be evaluated; If it is closer to *qiyām* (standing position), *rukū'* will not be regarded as valid, but if it is closer to *rukū'*, it will be considered valid. A person with a hunched back or a back disorder performs *rukū'* as much as he or she is able.¹¹⁷⁵

The fact that *rukū'* is an essential pillar of prayer is confirmed by Qur'anic verses and hadiths. Allah Almighty commands, **"O you who believe! bow down, prostrate yourselves, and adore your Lord; and do good; that you may prosper."**¹¹⁷⁶ It is stated in the Qur'an that in fact there was a type of prayer with bowing and prostration in Christianity as well, **"O Mary! worship your Lord devoutly: Prostrate yourself, and bow down (in prayer) with those who bow down."**¹¹⁷⁷

The Prophet said to a man who was performing his prayer improperly, *"When you stand for the prayer, say takbīr and then recite from the Qur'an what you know and then bow with calmness till you feel at ease, then rise from bowing till you stand straight. Afterward, prostrate calmly till you feel at ease and then raise (your head) and*

1174. Al-Sarakhsī, *ibid*, I, 37.

1175. Ibn al-Humām, *Fath al-Qadīr*, I, 193, 208 ff.; Ibn Abidīn, *Radd al-Mukhtār*, I, 416; al-Maydanī, *Lubāb*, I, 69 ff.

1176. Al-Hajj, 22: 77.

1177. Āl 'Imrān, 3: 43.

sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer.”¹¹⁷⁸ Abu Humayd (ra) explains the manner of bowing of the Messenger of Allah as follows, “While the Prophet (saw) was performing bowing, he would put his hands on his knees and keep his back straight.”¹¹⁷⁹ Moreover, Aisha (r. anha) also explains how to bend the head in *rukūʿ* with the following words, “When the Messenger of Allah (saw) went into *rukūʿ*, he would not raise his head, nor would he bend it down, but he would keep it in a position between the two.”¹¹⁸⁰ It is stated in another hadith, “If the Prophet were to have a glass of water put on his back when he went down to *rukūʿ*, it would not have moved.”¹¹⁸¹

While performing *rukūʿ* in a defined manner, it is *farḍ* (obligatory) according to Abu Yusuf and three schools except for the Ḥanafis, to wait for a while (*tumaʾnīnah*) and to stand for a while (*qawma*) until the limbs become calm when straightened again from *rukūʿ*.¹¹⁸² The duration of this should be long enough for the person to say “*subhānallah il-ʿaẓīm*”. According to Abu Ḥanīfa, *tumaʾnīnah* and *qawma* are not *farḍ* (obligatory) but *wājib* (necessary). On the other hand, it is *sunnah* to say “*subhāna rabbiyaʾl-ʿaẓīm* (I praise and exalt the name of my Lord, the Almighty)” three times in *rukūʿ*. Because, when the verse “**Glorify the name of your Lord, the Most High**”¹¹⁸³ is revealed, the Messenger of Allah said, “Say this in your *rukūʿ*.”¹¹⁸⁴

A person who prays while sitting should bend his forehead so that it is parallel to his knees.

A person who catches up with the imam while the imam is in the *rukūʿ* position says *tabbīr* standing up and then goes down to *rukūʿ*. If he utters the *tabbīr* in a position close to *rukūʿ*, his prayer will be invalidated and he will not be deemed to have followed the imam. A person who catches up with the imam while the imam is in *rukūʿ*’s position is considered to have performed that cycle with the imam. However, a person who utters *tabbīr* while the imam is in *rukūʿ* and goes down to *rukūʿ* after the imam stands up from *rukūʿ* is not considered to have reached that cycle; he or she will be considered like a person who catches up with the prayer late and performs that missed cycle alone at the end of the prayer.

If a person following the imam goes down to *rukūʿ* or prostration before the imam and raises his head from *rukūʿ* or prostration before the imam, then this *rukūʿ* or prostration will be considered insufficient. If he does not repeat this *rukūʿ* and prostration during

1178. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

1179. Al-Bukhari, Adhān, 120, 145; Abū Dawūd, Ṣalāh, 116.

1180. Muslim, Ṣalāh, 240; Abū Dawūd, Ṣalāh, 122; Ibn Maja, ‘Iqāmah, 16; Aḥmad ibn Ḥanbal, VI, 31, 194.

1181. Al-Bukhari, Adhān, 120, Aḥmad ibn Ḥanbal, I, 123; al-Shawkanī, *ibid*, II, 268.

1182. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

1183. Al-Wāqīʾa, 56: 96.

1184. See Abū Dawūd, Ṣalāh, 147; Ibn Maja, ‘Iqāmah, 20; al-Darīmī, Ṣalāh, 69; Aḥmad ibn Ḥanbal, IV, 155; Elmalılı, *ibid*., IX, 139.

the *rukū'* and prostration of the imam, his prayer is invalidated and he has to follow the imam again by saying the *takbīr al-iftitāḥ*.

A person who catches up with the imam while the imam is in *rukū'* does not need to say two *takbīrs*. He starts the prayer by saying “*Allāhu Akbar*” while standing and immediately goes down to *rukū'*. With this one *takbīr*, one fulfills both *iftitāḥ* and *rukū'* *takbīrs*.

5) *Sajdah* (Prostration)

The word *sajdah* literally means obedience, submission, humility, and prostrating on the ground. It is one of the essential pillars of prayer to prostrate twice in each cycle of the prayer, after the *rukū'*, by placing certain limbs on the ground or something that is lying flat on the ground. The most appropriate form of prostration is done by placing the face, two feet, two hands, and two knees on such a ground.

Allah Almighty says: **“O you who believe! bow down, prostrate yourselves, and adore your Lord; and do good; that you may prosper.”**¹¹⁸⁵ It is stated in the Qur'an that in fact there was a type of prayer with bowing and prostration in Christianity as well, **“O Mary! worship your Lord devoutly: Prostrate yourself, and bow down (in prayer) with those who bow down.”**¹¹⁸⁶ The Prophet said to a man who was performing his prayer not properly, *“When you stand for the prayer, say takbīr and then recite from the Qur'an what you know and then bow with calmness till you feel at ease, then rise from bowing till you stand straight. Afterward, prostrate calmly till you feel at ease and then raise (your head) and sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer.”*¹¹⁸⁷

The prostration in accordance with the sunnah is carried out with seven limbs. According to the narration from Ibn Abbas (r. *anhuma*), the Prophet (*saw*) said: *“I was commanded to prostrate on seven bones. These are; the forehead, (pointing to his nose), two hands, two knees, and two feet.”*¹¹⁸⁸ In another narration, the nose is not mentioned, only the forehead is mentioned.

Since prostration can be carried out by placing a part of the face on the ground, it is still permissible if the nose is not placed on the ground even though the forehead is placed on the ground. However, such prostration is *makrūḥ* when there is no excuse. On the other hand, prostration is permissible if the nose is placed on the ground but the forehead is not if this is due to an excuse. Otherwise, according to Abu Ḥanīfa, it is permissible but with *karaha*, whereas for Abu Yusuf and Imam Muhammad such a prostration is invalid.

1185. Al-Ḥajj, 22: 77.

1186. Āl 'Imrān, 3: 43.

1187. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

1188. Al-Bukhari, Adhān, 133, 134, 137; Muslim, Ṣalāh, 226, 227, 229, 230; al-Nasā'ī, Taṭbīq, 40, 43, 45, 56, 58; Ibn Maja, 'Iqāmah, 19.

Even if there is an excuse, it is not permissible to prostrate by placing only the chin, cheek, or ear on the ground because these limbs are not among the listed limbs of prostration. If there is an impediment to prostrate on the ground with the forehead or nose, then the prostration should be performed by gestures.

According to the Ḥanafis, it is *wājib* to put the forehead and nose on the ground together in prostration, and it is *sunnah* to put the hands and knees on the ground since without the essentials the prostration cannot be done.

According to Zufar, Shafi'i, and Ahmad Ibn Ḥanbal, it is obligatory to touch a part of each of the seven limbs mentioned in the hadith to the ground. According to the Shafi'i, the palms and the undersides of the toes must touch the ground. According to the Malikis, the *farḍ* is to perform prostration on a part of the forehead. Those who cannot do this due to an excuse should prostrate with gestures. Moreover, it is not considered sufficient to prostrate on the nose alone.

It is *farḍ* to put both feet on the ground in prostration. Therefore, prostration is not permissible unless the toes of both feet are both placed on the ground. This is the preferred view. Accordingly, it is not sufficient to put only one toe of a foot or only the top of the foot on the ground.

According to the Ḥanafis, if the place of prostration is higher than twelve fingers (approximately 23 cm.) from the place where the feet are placed, this prostration is not permissible, but if the height difference is less than that, it does no harm to the prostration. According to the Shafi'i, the height that invalidates prayer is as high as the level of the knees. According to the Malikis and the Hanbalis, it is not permissible to perform this in a high place.

A person who cannot prostrate on the ground due to reasons such as overcrowding of the congregation can prostrate on even people, animals, and so forth. As a matter of fact, it was narrated that Umar said, "*When the congregation is overcrowded in prayer, one of you should prostrate on his brother's back.*"¹¹⁸⁹

A person can prostrate on the excess of his clothing that is placed in a clean place. However, the hardness of the ground must be felt during the prostration. Therefore, it is not permissible to prostrate on cotton and similar things that will prevent the feeling of the hardness of the ground.

When prostrating on something like wool, cotton, straw, sponge, and snow, if they create density and their volume is felt, prostration is permissible. However, if the face is lost in them and their volume is not felt, and if the face is placed completely on such a surface and the hardness is not felt at all then this prostration is considered impermissible.

1189. Al-Zuhaylī, *ibid*, I, 659; Aḥmad ibn Ḥanbal, I, 32.

Prostration can be performed on cereals such as wheat, barley, rice, and millet in the sack. However, although it is possible to prostrate on wheat and barley that are not in the sack, it is not permissible to prostrate on slippery grains such as millet and vetch.

One cannot prostrate on a small stone. However, if most of the forehead touches the ground with this stone, prostration is permissible.

Even if there is no excuse, one can prostrate on a clean board, mat, rug, carpet, prayer rug, and the like. However, the purpose of placing such a thing on the ground should be based on a reason such as protection from heat, cold, dust, or mud. Otherwise, it is considered *makrūh* to lay something on the ground just to be protected from clean soil.

According to the Malikis, it is *makrūh* to pray on things other than the earth and what the earth produces. Carpets, rugs, or felt and fleece made of wool are types of overlays that are not of the earth, but the straw mat is an overlay of the earth type.

According to the Ḥanafis, it is permissible to prostrate on two hands that are placed in a clean place due to an excuse such as protection from heat or cold. However, according to other schools, such an act invalidates the ritual prayer. In such a case, one can also prostrate on the fold of the turban or the excess of an attire. Anas (ra) says: “We were praying together with the Messenger of Allah (saw) on a hot day. Those of us who could not put their foreheads on the ground because of the scorching heat laid down their clothes and prostrated on it.”¹¹⁹⁰

It is *farḍ* according to Abu Yusuf and three schools except for the Ḥanafis, and *wājib* according to Abu Ḥanīfa and Imam Muhammad, to sit between two prostrations long enough to say “*subḥānallāhi 'l-‘azīm*” while sitting during *sajdah*. Moreover, it is sunnah to say “*سُبْحَانَ رَبِّيَ الْأَعْلَى subḥāna rabbiya 'l-‘ala* (Glory is to my Lord, the Most High)” three times in the state of prostration. This is because, when the verse “*Sabbih isma rabbika 'l-‘ala* (Glorify the name of your Lord, the Most High)”¹¹⁹¹ was revealed, it is reported that the Messenger of Allah said to his Companions, “*Say this in the prostration of your prayers*”.¹¹⁹²

Two prostrations are performed in each cycle. If one of them is left intentionally, the prayer is considered invalid; if it is left unintentionally, if it is remembered even after the salutation, and if nothing contrary to the prayer has been done, the prostration must still be performed so the last sitting is performed as usual and the prayer is completed with the prostration of forgetfulness (*sajda al-sahw*). This is because the obligatory prostration has been postponed to a later time than it was supposed to be done. (See below the subject of prostration of forgetfulness (*sajda al-sahw*))

1190. Abū Dawūd, Ṣalāh, 96; al-Bukhari, ‘Amal fi aṣ-Ṣalāh, 9; Ibn Maja, ‘Iqāmah, 64; al-Darimī, Ṣalāh, 85.

1191. Al-A’lā, 87: 1.

1192. See Abū Dawūd, Ṣalāh, 147; Ibn Maja, ‘Iqāma, 20; Al-Darimī, Ṣalāh, 69; Aḥmad ibn Ḥanbal, IV, 155; Elmalılı, *ibid*, IX, 139.

Prostration is one of the most important pillars of prayer. It is the most perfect expression of respect, humility, and exaltation shown to Allah. The following is stated in a hadith, “*The nearest a servant is to his Lord is when he is in prostration. So invoke a lot in the state of prostration.*”¹¹⁹³

6) Last Sitting (*Qa'da Ākhira*)

“*Qa'da ākhira*” means “last sitting”. Sitting and waiting for the length of *tashahhud* at the end of the prayer is one of the pillars of the prayer. Sitting in the second cycle in two-cycle prayers, in the third cycle in three-cycle prayers, and after the fourth cycle in four-cycle prayers is called “*qa'da ākhira* (last sitting)”.

According to the Ḥanafīs, the duration of the last sitting is the length of the *tashahhud*. This is long enough to recite the supplication of “*taḥiyyāt*” as well. It is *wājib* to recite the supplication of *taḥiyyāt* in all sittings.

According to the Shafī'īs and the Ḥanbalīs, the duration of obligatory sitting in the last sitting should be long enough to send *ṣalawāt* to the Prophet i.e. to say “*Allāhumma ṣalli ala Muḥammad*” in addition to the amount of *tashahhud*. According to the Malikīs, it is obligatory to sit for a period of time that is at least long enough for salutation.

The fact that it is *fard* to sit for the length of *tashahhud* in the last sitting is based on the following hadith, “When the Prophet was teaching Abdullah Ibn Mas'ūd (ra), the supplication of *tashahhud*, that is, the prayer of *taḥiyyāt*, he said: “*When you say or do this, your prayer is complete.*”¹¹⁹⁴ That is, when you recite *tashahhud* or do the sitting, your prayer is complete. Here, the Messenger of Allah (*saw*) attributed the completion of the prayer to an act, i.e. the act of sitting. The Prophet (*saw*) recited the *taḥiyyāt* only when he was sitting and, therefore, the completion of the prayer depends on sitting.

According to Abu Ḥanīfa and Abu Yūsuf, at the end of a two, three, or four-cycle prayer, if one stands up without sitting down and prostrates and performs one more cycle, the whole prayer turns into a supererogatory prayer. In such a case, one should add one more cycle. Thus, the additional part is turned into two cycles, and salutations are said at the end. According to the sound view, the prostration of *sahw* is not necessary in such a case.

According to Imam Muḥammad, when the last sitting in prayer is abandoned and one more cycle is added with prostrations, this prayer ceases to be a prayer and does not turn into supererogatory.

If a person remembers that there was a prostration of recitation in prayer after sitting the length of *tashahhud* and goes down to prostration of recitation, his prayer is invalidated. For in such a case, the last sitting is considered abandoned. However, if he sits down for the length of *tashahhud* again after the prostration of recitation, his prayer is considered valid.

1193. Muslim, Ṣalāh, 215; al-Nasā'ī, Mawāqīt, 35, Taṭbīq, 78; Da'āwāt, 118; Aḥmad ibn Ḥanbal, II, 421.

1194. Abū Dawūd, Ṣalāh, 178; al-Nasā'ī, Taṭbīq, 15; al-Darīmī, Ṣalāh, 84; Aḥmad ibn Ḥanbal, I, 422.

If the person who spent the whole last sitting in sleep does not continue to sit for the length of *tashahhud* again after waking up, his prayer is considered invalidated. This is because the action that takes place while sleeping in prayer is not considered valid. After all, it happens outside one's free will. As a matter of fact, acts such as *qiyām*, recitation, and *rukū'*, if they occur while asleep, are also not considered valid.¹¹⁹⁵

Ta'dil al-Arkān

Ta'dil al-arkān means performing the pillars of the ritual prayer appropriately, properly, and regularly. *Ṭuma'nīnah*, on the other hand, refers to the state of being convinced that the *rukū'* is done as it is supposed to, which is the consequence of *ta'dil al-arkān*.

Ta'dil al-arkān takes place in *rukū'*, standing up from *rukū'*, prostrating, and sitting between two prostrations. For example, while standing up from *rukū'*, the body should become upright, find rest, stand up to say "*subhānallāhi-l-'azīm* (Glory is to Allah, the Almighty)" at least once, and then prostrate. One should sit between two prostrations as long as the recitation of this glorification can be completed.

The Prophet said to a man who was not performing his prayer properly, "*When you stand for the prayer, say takbīr and then recite from the Qur'an what you know and then bow with calmness till you feel at ease, then rise from bowing till you stand straight. Afterward, prostrate calmly till you feel at ease and then raise (your head) and sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer.*"¹¹⁹⁶

According to Abu Yusuf and three schools except for the Ḥanafis, performing *ta'dil al-arkān* in prayer is *wājib* according to Abu Ḥanīfa and Imam Muhammad. Accordingly, while prayer performed without *ta'dil al-arkān* should be repeated according to the majority, according to Abu Ḥanīfa and Imam Muhammad, it is sufficient to perform a prostration of forgetfulness at the end of the prayer.

Those who feel spiritual taste and pleasure from prayer do not hurry and perform the prayer in peace. They see hurrying as contrary to the feeling of awe and good manners.

The most useful and valuable hours in daily life are the times spent in worship. It is unnecessary haste for those who spend their hours and days in vain and for the sake of vile pleasures to get rid of as soon as possible a lofty worship such as the prayer, which is truly the ascension of the believer.

Ending the Prayer with One's Act

According to Abu Ḥanīfa, it is an essential pillar of prayer and therefore a *farḍ* for a person performing prayer to end the prayer with an act of his own will. Saluting at the end of the prayer is not obligatory, it is *wājib*. Therefore, if a person ends the prayer with

1195. Al-Kāsānī, *ibid*, I, 113; Ibn al-Humām, *ibid*, I, 113; al-Zayla'i, *Tabyīn al-Ḥaqāiq*, I, 104; Ibn Qudāmah, *Mughnī*, I, 532 ff.; al-Zuhaylī, *ibid*, I, 665 ff.; Bilmen, *ibid*, p. 129, 130.

1196. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

actions such as saluting, talking, doing something, or breaking his state of *wuḍū* after sitting the amount of *tashahhud*, this is sufficient. The prayer ends by saying the word “*salām*” in the first salutation.

Although the Prophet (*saw*) ended his prayers with a salutation, he also did other actions to show that salutation was not obligatory. In a hadith narrated by Abdullah ibn Amr Ibn al-‘As, the Messenger of Allah said, “*When the imam finishes his prayer and sits down, if his ablution is nullified before he speaks, his prayer will be complete. Similarly, the prayers of those who stand behind the imam and have finished their prayers will be complete.*”¹¹⁹⁷ The following hadith narrated by Ibn Abbas (*r. anhumā*) supports this meaning, “*When the Messenger of Allah (saw) sat the length of tashahhud, he would turn his face towards us and say: ‘If a person’s ablution is invalidated after sitting the length of tashahhud, his prayer is complete.’*”¹¹⁹⁸

According to Abu Yusuf and Imam Muhammad, by sitting the length of *tashahhud*, the pillars of prayer are completed. After the last sitting, if one does an act that is incompatible with the prayer, either voluntarily or unwillingly, the prayer will not be harmed. According to Abu Ḥanīfa, if his prayer is invalidated for any reason other than his own will, he must immediately perform ablution and end the prayer intentionally. Otherwise, his prayer will be invalid.

In like manner, after sitting the length of *tashahhud* in the last sitting, if the prayer time ends or another prayer time starts before he or she ends the prayer with his or her own choice, her or his prayer is complete according to the two imams, but according to Abu Ḥanīfa, it is invalid because she or he did not end this prayer by her or his own choice.

According to the Shafi‘is and the Malikis, it is *farḍ* to say the first salutation at the end of the ritual prayer. With this first greeting, the prayer ends. According to the Ḥanbalis, it is *farḍ* to greet both sides. The evidence they rely on is the following hadiths, “*The key to prayer is cleansing, its beginning is takbīr, and its ending is the salutation.*”¹¹⁹⁹ The Prophet would greet in his prayers and would do this constantly.¹²⁰⁰ Moreover, the Messenger of Allah said, “*Pray as you see me praying.*”¹²⁰¹

The Ḥanafis, on the other hand, did not consider salutation to be a *farḍ* in the ritual prayer, since they took into consideration the narrations where the Messenger of Allah (*saw*) sometimes ended his prayer, after sitting the length of *tashahhud*, by turning around towards the congregation without saluting.¹²⁰²

1197. Al-Tirmidhī, Ṣalāh, 183; Abū Dawūd, Ṣalāh, 187, 230; Ibn Maja, ‘Iqāmah, 138; al-Darīmī, Wuḍū’, 114; Aḥmad ibn Ḥanbal, VI, 272.

1198. Al-Bukhari, Adhān, 156, Janā‘iz, 93; al-Nasā‘ī, Ifitāh, 84; Ibn Maja, Ṣalāh, 8; Aḥmad ibn Ḥanbal, V, 14, 141.

1199. Abū Dawūd, Ṣalāh, 73; Ṭaḥarah, 31; al-Tirmidhī, Mawāqīf, 62; Ṭaḥarah, 3; Ibn Maja, Ṭaḥarah, 3.

1200. Al-Shawkanī, *Nayl al-Awṭār*, I, 292.

1201. Al-Bukhari, Adhān, 18, Adab, 27, Aḥad, 1.

1202. See al-Kāsānī, *ibid*, I, 113; Ibn al-Humām, *ibid*, I, 225; al-Zayla‘ī, *Naṣb al-Rāya*, II, 63; *Tabyīn al-Ḥaqāiq*, I, 104; Ibn Abidin, *ibid*, I, 418; Ibn Qudāmah, *ibid*, I, 551-558; al-Zuhaylī, *ibid*, I, 671 ff.; Bilmen, *ibid*, p. 130, 131.

D – THE *WĀJIB* ACTS OF THE RITUAL PRAYER

According to the Ḥanafis, a ruling based on definite evidence such as a Qur'anic verse, *mutawātir*, or *mashhūr* hadith, but whose indication is conjectural, is called "*wājib*". The ruling of *wājib* is that the one who abandons it will be held accountable in the hereafter. The prayer is not invalidated due to the abandonment of a *wājib* act. Yet, in order to eliminate this deficiency, it is necessary to perform the *sajdah as-sahw* (prostration of forgetfulness) at the end of the prayer. However, intentionally abandoning a *wājib* act requires the re-performance of the prayer.

The concept of *wājib* exists only in the Ḥanafī School, whereas in the other three schools some of these *wājib* acts we will note below are considered *farḍ* (obligatory), while others are considered *sunnah*.

The *wājib* acts of prayer are:

1) To begin the prayer with the exact phrase "Allahu Akbar". This is *farḍ* according to the majority of schools.

2) To recite *surah* Fatiḥa in every cycle of the prayers. Prophet (*saw*) said, "A person who does not recite Fatiḥa has no prayer."¹²⁰³ The Ḥanafis understood this hadith as "The prayer will be incomplete, and will be devoid of its rewards and virtues". However, this hadith is a *khbar wāhid* (solitary report transmitted through only one narrator), and it is not strong enough to abrogate the following verse, "**...Recite, then, as much of the Qur'an as you may do with ease...**"¹²⁰⁴ Still, in a hadith narrated by Aisha, Abu Hurayra and Amr Ibn Shuayb from her father and her grandfather, it is stated that "*every prayer in which the Fatiḥa is not recited is deficient and incomplete.*"¹²⁰⁵ This narration, therefore, explains the following hadith "*There is no prayer without Fatiḥa*".

According to the majority except for the Ḥanafis, it is obligatory to recite the Fatiḥa in every cycle of the prayer.

3) To perform the obligatory recitation in prayers in the first two cycles.

4) To recite Fatiḥa once in each of the first two cycles and not repeat it.

5) To recite Fatiḥa before the additional Qur'anic chapter or verses to be recited. This is because the Prophet (*saw*) recited it that way.

If a person remembers that he did not recite the Fatiḥa before the performance of the *rukū'*, he first recites the Fatiḥa, then recites an additional *surah*, and because of this delay, he performs a prostration of forgetfulness at the end of the prayer.

6) In the first two cycles of the *farḍ* prayers, and in each cycle of the *wājib* and supererogatory prayers, recite a short *surah* from the Qur'an or one or more verses equal

1203. Al-Tirmidhī, *Mawāqīt*, 69; Al-Darimī, *Ṣalāh*, 36.

1204. Al-Muzzammil, 73: 20.

1205. Ibn Maja, 'Iqāmah, 11, Hadith No: 838, 840, 841.

in length to it after the Fatiḥa. It is *wājib* to add one short *surah*, or three short verses equivalent to the shortest *surah*, or a long verse equivalent to three short verses, to chapter Fatiḥa. The shortest chapter in the Qur'an is the chapter "*Kawthar* (108)" and the shortest verse is the verse "*thumma naẓar* (he then looked at)". It is reported that Abu Saïd al-Khudri (*ra*), one of the Companions, said, "*In addition to Fatiḥa, we were commanded to recite in prayer from the verses that came easy to us.*"¹²⁰⁶ In this regard, the meaning of the following hadith is clearer. In another hadith, "*No obligatory or supererogatory prayer performed without a Fatiḥa and a surah is sufficient.*"¹²⁰⁷

According to the three schools except for the Ḥanafis, reciting additional chapters or some verses after Fatiḥa is a *sunnah*. The evidence they rely on is the following hadith reported from Abu Hurayra: "*The prayer of one who does not recite more than Fatiḥa is sufficient. If he reads more, it is better.*"¹²⁰⁸

7) A person who prays alone is free to read aloud or silently in dawn, evening, and night prayers. He can recite it aloud or silently if he wishes. However, it is *wājib* to recite silently in the *naḥilah* prayers to be performed at noon, late afternoon, and at other times during the day.

A person who performs *naḥilah* prayers at night also has the option to choose between reciting it aloud and reciting it silently. However, in order not to wake those who sleep, he should be content to keep his voice at the lowest level. When the Prophet (*saw*) recited aloud in the *tahajjud* prayers that he performed at night, he did not wake the people who were asleep, and his recitation would calm those who were awake. When Aisha (*r.anha*) was asked about the recitation of the Messenger of Allah (*saw*) during the night prayers, she replied: "*He would sometimes recite aloud, and sometimes silently, and sometimes do all of these.*"¹²⁰⁹

According to all the schools other than the Ḥanafis, the manner of recitation, i.e. aloud or silent, is a *sunnah* for both the individual prayers and the prayers performed in the congregation.¹²¹⁰

8) In the prayer performed in congregation, it is *wājib* for the imam to recite aloud in every cycle of dawn, Friday, eid, *tarawīḥ*, and *witr* prayers; and in the first two cycles of the evening and night prayers; and to recite silently in all the cycles of the noon and late afternoon prayers, and in the third cycle of the evening prayer and the last two cycles of the night prayer.

1206. Aḥmad ibn Ḥanbal, III, 2; Some relates this narration as *marfu'* and some others as *mawqūf*. Al-Zayla'i, *Naṣb*, I, 364.

1207. Al-Tirmidhī, *Mawāqīt*, 69, 116; al-Darīmī, *Ṣalāh*, 36; Aḥmad ibn Ḥanbal, II, 428; This hadith is weak and is reported by Ibn Adīyy in *Kāmil*.

1208. Al-Tirmidhī, *Mawāqīt*, 116; Aḥmad ibn Ḥanbal, II, 428; This hadith is *mawqūf*. Al-Zayla'i, *Naṣb al-Rāya*, I, 365.

1209. Al-Nasā'ī, *Qiyām al-Layl*, 23. Al-Tirmidhī said that this hadith is authentic (*ṣaḥīḥ*). Its transmitters are strong. See al-Shawkanī, *ibid*, III, 59.

1210. Akyūz, *ibid*, vol. 1, pp. 159-161.

9) According to Abu Hanīfa, it is *wājib* to recite the supplication of *qunūt* and recite the *takbīr* before the supplication of *qunūt* in the *witr* prayer. According to Abu Yusuf and Imam Muhammad and the majority of the other schools, these are *sunnah*. (For the supplication of *qunūt*, see “*Witr Prayer*”)

10) If a missed prayer is to be performed in congregation during the day and if it is a prayer that must be recited aloud like the dawn prayer, it is performed aloud. A prayer that will be performed silently, like the noon prayer, should be performed silently. The one who makes up the prayer by himself, not in the congregation, is free to choose. In a prayer that will be recited aloud, he can recite aloud. According to a narration, it is not optional and it is *wājib* to recite any prayer silently that is made up during the day.

11) Three additional *takbīrs* of each of the two Eid prayers are *wājib*. In these prayers, the *rukūʿ* and the prostration *takbīrs* of the first cycles are *sunnah*. The *rukūʿ takbīrs* of the second cycle are considered *wājib* because they are adjacent to the additional *takbīrs* that are *wājib*. According to the other schools, all these *takbīrs*, including the additional ones in Eid prayers, are *sunnah*.

12) It is obligatory to put the nose on the ground along with the forehead in prostration.

13) Sitting at the end of the second cycle in three or four-cycle prayers (*qaʿda al-ʿulā* – first sitting). This is because the Prophet (*saw*) continued to do this, and when he would stand up by mistake, he would make the prostration of forgetfulness.¹²¹¹ According to the Malikis and the Shafiʿis, the first sitting is a *sunnah*. As for the Hanbalis, it is obligatory.¹²¹²

14) To perform the *tashahhud* in every sitting of the prayers, which means to recite the *taḥiyyāt*. The Prophet (*saw*) said, “*When you sit in every two-cycle, “Say at-taḥiyyātu lillahi...”*”¹²¹³ When the Companions used to sit behind the Messenger of Allah (*saw*) while praying, they would begin to say, “Greetings to Gabriel, Mikail, so-and-so, and so-and-so.” The Prophet turned to them and taught them the supplication of *taḥiyyāt* and stated that when *taḥiyyāt* is recited in sitting, it addressed every righteous servant of Allah in heaven and on earth without specifically naming them.¹²¹⁴

According to the Ḥanafis, the supplication of “*taḥiyyāt*” taught by the Prophet to Abdullah ibn Masʿūd (ra) is as follows:

التَّحِيَّاتُ لِلَّهِ وَالصَّلَوَاتُ وَالطَّيِّبَاتُ، السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ
وَبَرَكَاتُهُ، السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا
اللَّهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ.

1211. Al-Shawkanī, *ibid*, II, 273.

1212. Akyüz, *ibid*, vol.1 pp. 159-161.

1213. See Muslim, Ṣalāh, 24; Abū Dawūd, Ṣalāh, 122; Aḥmad ibn Ḥanbal, IV, 381, 422.

1214. Al-Bukhari, Adhān, 148.

*“At-taḥīyyātu li-llāhi, wa-ṣ-ṣalawātu wa-ṭ-ṭayyibātu. as-salāmu ‘alayka ‘ayyuhā n-nabīyyu wa raḥmatu -llāhi wa barakātuhu. as-salāmu ‘alaynā wa ‘alā ‘ibādi -llāhi ṣ-ṣāliḥīna. ‘ashhadu ‘an lā ‘ilāha ‘illā -llāhu wa ‘ashhadu ‘anna muḥammadan ‘abduhu wa rasūluh”*¹²¹⁵

Meaning: “Salutations, prayers and good deeds to Allah. Peace be upon you, O Prophet, as well as Allah’s mercy and His blessings. Peace be upon us and upon the righteous servants of God. I bear witness that there is no deity but Allah, and I bear witness that Muhammad is His servant and His messenger.”

According to Malikis, it is as follows,

التَّحِيَّاتُ لِلَّهِ الزَّكَايَاتُ لِلَّهِ الطَّيِّبَاتُ وَالصَّلَوَاتُ لِلَّهِ السَّلَامُ عَلَيْكَ أَيُّهَا
النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ، السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ،
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ.

at-taḥīyātu li-llāhi, az-zākiyātu li-llāhi aṭ-ṭayyibātu wa-ṣ-ṣalawātu li-llāhi. as-salāmu ‘alayka ayyuhā n-nabīyyu wa-raḥmatu -llāhi wa-barakātuhu. as-salāmu ‘alaynā wa-‘alā ‘ibādi -llāhi ṣ-ṣāliḥīna. ‘ashhadu an lā ‘ilāha ‘illā -llāhu wa-‘ashhadu ‘anna muḥammadan ‘abduhū wa-rasūluh

Meaning: “Salutations to Allah. Pureness to Allah. Good deeds and prayers to Allah. Peace be upon you, O Prophet, as well as Allah’s mercy and His blessings. Peace be upon us and upon the righteous servants of Allah. I bear witness that there is no deity but Allah, and I bear witness that Muhammad is His servant and His messenger.”

According to Shafi‘is, it is as follows,

التَّحِيَّاتُ الْمُبَارَكَاتُ الصَّلَوَاتُ الطَّيِّبَاتُ لِلَّهِ، السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ
وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ، السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ، أَشْهَدُ أَنْ
لَا إِلَهَ إِلَّا اللَّهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ.

“At-taḥīyātu l-mubārakātu ṣ-ṣalawātu ṭ-ṭayyibātu li-llāhi. as-salāmu ‘alayka ‘ayyuhā n-nabīyyu wa-raḥmatu -llāhi wa-barakātuhu. as-salāmu ‘alaynā wa-‘alā ‘ibādi llāhi ṣ-ṣāliḥīna. ‘ashhadu ‘an lā ‘ilāha ‘illā -llāhu wa-‘ashhadu ‘anna muḥammadan rasūlullāhi.”

1215. See al-Bukhari, Adhān, 148, 150; Da‘āwāt, 16, Tawḥīd, 5; Muslim, Ṣalāh, 56, 60, 62; Abū Dawūd, Ṣalāh, 128; Aḥmad ibn Ḥanbal, I, 422.

Meaning: “Blessed salutations, prayers, good deeds to Allah. Peace be upon you, O Prophet, as well as Allah’s mercy and His blessings. Peace be upon us and upon the righteous servants of Allah. I bear witness that there is no deity but Allah, and I bear witness that Muhammad is His servant and His messenger.”

15) Not to delay an obligatory act in the ritual prayer. For example, if, after reciting the *tahīyyāt* in the first sitting, one delays long enough to recite “*Allahumma ṣalli ‘ala Muḥammad...*” and then stands up for the third cycle, the *farḍ* acts are considered delayed and prostration of forgetfulness becomes required.

16) Observing the order among the *farḍ* acts of the prayer. If observing the order (*tartīb al-arkān*) is in question between recitation and *rukū‘* and in the movements that are repeated in each cycle. For example, if a person abandons one of the prostrations of the first cycle, he or she makes up this prostration without speaking after the last sitting or saluting. Then she or he does the sitting with *tashahhud* again, and after the first salutation, she or he performs the prostration of forgetfulness and then sits for *tashahhud* again.

17) It is *wājib* not to delay any of the *wājibs* and perform them in their proper places. For instance, this involves getting lost in thoughts for a while after the recitation and delaying going down to *rukū‘*.

18) It is *wājib* to perform the prostration of forgetfulness in prayer due to the *wājibs* that were neglected by error.

19) It is obligatory to perform the prostration of recitation because of the recitation of a prostration verse in the ritual prayer.

20) According to Abu Ḥanīfa and Imam Muhammad, it is *wājib* to observe *ta’dil al-arkān* in the pillars of the ritual prayer. In *rukū‘*, prostration, standing up from *rukū‘* or between two prostrations, the limbs should find rest, the muscles should relax and the body should be calm. The proof of this is the hadith about a person who performed his prayer not properly. The Prophet said in this hadith, “... and then bow with calmness till you feel at ease, then rise from bowing till you stand straight. Afterward, prostrate calmly till you feel at ease and then raise (your head) and sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer.”¹²¹⁶

21) To give salutation at the end of the prayers. It is *wājib* to say “*as-salām*” by turning the face first to the right and then to the left. Saying “*Alaykum wa raḥmatullāh* (peace and blessings of Allah be upon you)” is sunnah.

In a hadith narrated by Abdullah Ibn Mas’ūd (*ra*), the following is stated: “The Prophet (*saw*) saluted to his right and left, saying, “*as-salāmu alaykum wa raḥmatullāh*,

1216. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; Abū Dawūd, Ṣalāh, 164; al-Tirmidhī, Mawāqīt, 110.

as-salāmu alaykum wa raḥmatullāh” and the whiteness of his cheek was visible as he turned to the right and left.”¹²¹⁷

According to the majority of jurists, the ritual prayer ends by saying “*as-salāmu*” to the right side. According to another view, it is *sunnah* to greet on the left side. Therefore, it is not permissible for someone to follow an imam who has already given the first greeting.

E – THE *SUNNAH* ACTS OF THE RITUAL PRAYER

The *sunnah* acts of prayer are some words and actions that bring rewards to those who carry them out but do not require reprimand, only censure for those who abandon them. When they are abandoned, the prostration of forgetfulness is not required, and even if they are left intentionally, the prayer is not considered invalidated. Yet, it is considered an unscrupulous deed to abandon them deliberately. Whereas belittling the *sunnah* acts and considering them meaningless and useless leads the person away from Islam. This is because the *sunnah* constitutes the second source of the Shari’ah from the point of evidence and rulings.

Sunnahs are the acts and the recitations that the Messenger of Allah (*saw*) did continuously in prayer in addition to the obligatory and *wājib* acts. Such as reciting the supplication of *subḥānaka*, saying *istiḥāḍa-basmala*, and reciting the *takbīrs* before bowing and prostration. There are also a number of mannerisms in the ritual prayer that are similar to its *sunnah* acts. These manners of prayer refer to the *mustaḥab* acts, and they are words and actions that the Messenger of Allah (*saw*) did occasionally, not constantly. For example, adding more to three *tasbīḥāt* said in *rukūʿ* and prostration, or reciting longer than the normal recitation. Basically, the *sunnah* acts are the words and actions that complete the *wājib* acts of prayers, and the *mustaḥab* acts complement the *sunnah* ones.

The *sunnah* acts of prayer are as follows:

1) It is *sunnah* to recite the *adhān* and *iqāmah* for the five daily prayers and the Friday prayer.

Adhān and *iqāmah* are *sunnah* for *fard* prayers performed in congregation, as well as it is a *sunnah* for *qaḍā* prayers performed in congregation.

When more than one prayer needs to be made up in the congregation, the *adhān* is recited only for the first prayer, and then one *iqāmah* is sufficient for both this prayer and the other missed prayers performed after it.

1217. Muslim, ‘Iqāmah, 27; Abū Dawūd, Ṣalāh, 41, 187, 188; al-Tirmidhī, Mawāqīt, 105; al-Nasā’ī, Ṭaṭbīq, 34, 83, Sahw, 68-71.

Adhān and *iqāmah* are *mustahab* for men who decide to pray at home alone whereas it is *makrūh* for travelers and for those who decide to pray in the congregation to abandon both the *adhān* and *iqāmah*.

Adhān and *iqāmah* are not required for those who cannot perform the Friday prayer due to an excuse, although they are in the same place on Friday. Moreover, *adhān* and *iqāmah* are not *sunnah* for women, either.¹²¹⁸

2) It is *sunnah* to raise the hands for *takbīr al-iftitāh*. Men raise their hands up to the level that their thumbs touch the lobules of their ears, while women raise their hands up to the level of their shoulders, and they say “*Allahu Akbar*” while they are in that state. The reason why women raise their hands up to the level of their shoulder level is that it is more suitable for covering the *awrah*. The palms may face the *qibla* or each other. It is considered necessary to leave the fingers free and neither join them nor separate them.

The Ḥanafis rely on the following hadiths on this issue, Wā'il Ibn Hujr (*ra*) reported that he saw the Messenger of Allah (*saw*) raise both his hands at the beginning of the prayer, reciting *takbīr* and holding his hands in such a way that they touched the lobules of his ears.¹²¹⁹ Furthermore, Barā Ibn 'Azib (*ra*) said, “*When the Messenger of Allah (saw) prayed, he used to raise his hands so that his thumbs were in line with his ears.*”¹²²⁰ Anas (*ra*) also said: “*I saw the Messenger of Allah (saw) like this: He recited the takbīr and raised his thumbs to the level of his ears.*”¹²²¹

According to the Shafi'is and the Malikis, men raise their hands only to the level of their shoulders. The evidence they rely on is the following hadith narrated by Abdullah Ibn Umar (*r. anhumā*), “*When the Messenger of Allah (saw) started the prayer, he used to raise both his hands to shoulder level.*”¹²²² Considering these different hadiths, the Ḥanbalis said that anyone who wishes to raise their hands to shoulder level may do so and anyone who wishes to raise their hands to ear level may do so, too.¹²²³

According to the Shafi'is and the Ḥanbalis, it is *sunnah* to raise one's hands while going down to *rukū'* and standing back up from the *rukū'*. The evidence is the following hadith reported from Ibn Umar (*ra*), “*When the Prophet (saw) stood up for prayer, he would raise both his hands to shoulder level and then say takbīr. When he wanted to bow down, he would raise his hands like this again. When he raised his head up from rukū', he would raise his hands in the same manner again and say:*

سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ، رَبَّنَا وَلَكَ الْحَمْدُ

1218. For more information, see the sections about “*Adhān*” and “*Iqāmah*”.

1219. Al-Bukhari, 'Amal fi aṣ-Ṣalāh, 316; Muslim, Ṣalāh, 21-25; Abū Dawūd, Ṣalāh, 115; al-Tirmidhī, Ṣalāh, 63.

1220. Al-Bukhari, Mawāqīt, 24; Muslim, Masājid, 225; Abū Dawūd, Ṣalāh, 115, 116, 178, 181; Ibn Maja, 'Iqāmah, 15.

1221. Abū Dawūd, Ṣalāh, 115, 116, 176; Ibn Maja, 'Iqāmah, 15; al-Nasā'ī, Ifitāh, 4, 5, 11, Sahw, 31.

1222. Muslim, Ṣalāh, 21, 25, 26; Abū Dawūd, Ṣalāh, 115; Ibn Maja, 'Iqāmah, 15, 72; al-Tirmidhī, Ṣalāh, 76, 110.

1223. Al-Shawkanī, *Nayl al-Awṭār*, II, 179-182; al-Zuhaylī, *ibid*, I, 683, 684.

“Sami‘ Allahu liman ḥamidah. Rabbana wa laka’l-ḥamd” (Allah hears the praise of the one who praises Him. O our Lord, the praise belongs only to You.)”¹²²⁴

3) Keeping the opening *takbīr* of the one who follows an imam close to the *takbīr* of the imam. However, the *takbīr* of the one who follows the imam must be uttered after the imam’s *takbīr*. This is because the Prophet (saw) told the Companions to whom he taught prayer, “When the imam says *takbīr*, you also say *takbīr*.”¹²²⁵

4) To clasp hands immediately after the opening *takbīr*. According to the Ḥanafis, the men clasp their hands below the navel and the women above the chest. According to a narration from Ali, he said: “It is sunnah to put the right hand on the left hand below the navel.”¹²²⁶

According to a narration that Qabiṣa Ibn Hulb (ra) transmitted from his father, he said: “The Messenger of Allah (saw) used to lead us in prayer and hold his left hand with his right hand.”¹²²⁷ Sahl ibn Sa’d (ra) narrated: “People were commanded to put their right hands on their left hands while they were praying.”¹²²⁸

The way the hand is placed is as follows: The inside of the right hand is placed on the upper part of the left hand. Thus, a ring is made by the thumb and little finger over the wrist. Women, on the other hand, put both of their hands on their chest without making a ring. This situation is considered more suitable for covering the women’s *awrah*.

According to the Shafī‘is, it is *mustaḥab* to put both hands on the chest in the case of women and above the navel in the case of men. Since the heart of the human being is on the left, the hands are placed on the most honorable organ.

According to the Malikis, it is *mandūb* to leave the two hands solemnly to the sides in the ritual prayer. However, it is permissible to keep the hands clasped on the chest in supererogatory prayers. However, it is *makrūh* to clasp hands in obligatory prayers. This is because this position is like leaning on something. However, if it is done through the opinion that it is sunnah, it is not *makrūh*.¹²²⁹

5) To recite the invocation of *subḥanaka*. It is *sunnah* to recite the invocation of “*thanā*” after the opening *takbīr*. This invocation is as follows:

سُبْحَانَكَ اللَّهُمَّ وَبِحَمْدِكَ وَتَبَارَكَ اسْمُكَ وَتَعَالَى جَدُّكَ وَلَا إِلَهَ غَيْرُكَ

“Subḥanakallāhumma wa biḥamdika wa tabārakasmuka wa ta’ālā jadduka wa lā ilāha ghayruk”

1224. Muslim, Ṣalāh, 21, 25, 26; Abū Dawūd, Ṣalāh, 115; al-Tirmidhī, Ṣalāh, 76, 110.

1225. Al-Bukhari, Ṣalāh, 18, Adhān, 82, 128; Muslim, Ṣalāh, 62, 77, 86, 89.

1226. Abū Dawūd, Ṣalāh, 118; Aḥmad ibn Ḥanbal, I, 110; al-Zuhaylī, *ibid*, I, 687.

1227. Al-Bukhari, Istiṣqā, 19; Muslim, Jihād, 86; al-Nasā’ī, Ifitāh, 9; Ibn Maja, ‘Iqāmah, 3.

1228. Al-Bukhari, Adhān, 87, Ṣalāh, 88; Muslim, Ṣalāh, 55; al-Tirmidhī, Mawāqīt, 103, 104.

1229. Al-Zuhaylī, *ibid*, I, 687, 688.

Meaning: “Glorious You are O Allah, and with Your praise, and blessed is Your Name, and exalted is Your majesty, and none has the right to be worshipped but You.” The evidence of this invocation is the narration that Aisha (r. *anha*) reported that the Messenger of Allah recited the invocation of “*subḥanaka*” the invocation of praise at the beginning of the prayer.¹²³⁰

According to Shafi‘is, recitation of the invocation called *tawjīh* after the opening takbīr or saying “*wajjahtu wajhiya lilladhī faṭara as-samawāti wa l’arḍ*” is accepted as sunnah.¹²³¹

According to the Ḥanafis and the Hanbalis, it is sunnah to recite “*isti‘ādha-basmala*” silently before Fatiḥa and to recite *basmala* only before Fatiḥa in other cycles. The *isti‘ādha-basmala* are the following statements:

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

“*A’udhu billahi min ash-shayṭān al-rajīm*” (I seek refuge in Allah from the accursed Satan)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

“*Bismillāhirrahmānirrahīm*” (In the name of Allah, Most Gracious, Most Merciful.)

The evidence for reciting *isti‘ādha* is the following verse, “*When you read the Qur’an, seek Allah’s protection from Satan the rejected one.*”¹²³²

According to the Shafi‘is, while reciting *istiḥāḍa* is a sunnah, recitation of *basmala* is a *farḍ* for it is a verse from the chapter Fatiḥa. As for the Malikis, recitation of anything before the chapter Fatiḥa including *istiḥāḍa*, *basmala*, and other supplications is accepted as *makrūh*.

According to the Ḥanafis, there is no difference in this matter between an imam and a person who performs the prayer alone. However, since a person who follows the imam will not recite the Fatiḥa, he or she does not recite *istiḥāḍa-basmala* either.

According to another sound view, it is *wājib* to recite the *basmala* before the Fatiḥa in every cycle. However, the *basmala* is not recited at the beginning of the surahs to be recited after Fatiḥa. According to Imam Muhammad alone, *basmala* is recited at the beginning of the additional Qur’anic chapters in prayers that are performed silently.

6) It is sunnah to say “*amīn* (accept our prayers)” silently after Fatiḥa. According to a narration from Abu Hurayra, the Messenger of Allah said, “*Say, Amin, when the*

1230. Abū Dawūd, Ṣalāh, 120, Hadith No: 776; al-Tirmidhī, Ṣalāh, 65, Hadith No: 243; al-Nasā’ī, Iftitāh, 18, Hadith No: 898.

1231. Akyüz, *ibid*, vol. I, pp. 141-142.

1232. Al-Naḥl, 16: 98.

Imam says it and if the amīn of any one of you coincides with that of the angels then all his past sins will be forgiven."¹²³³

It is narrated by Abdullah Ibn Mas'ūd (r. *anhuma*) that he said, "There are four things that the imam does silently, recite *istiḥāḍa*, recite *basmala*, say *amīn*, and recite the *taḥmīd*, that is, to say *لَكَ الْحَمْدُ رَبَّنَا* *Rabbana laka 'l-ḥamd*."¹²³⁴

7) While it is *sunnah* for an imam to utter *takbīrs* and say the phrase "*sami'-Allahu liman ḥamidah* (Allah hears the praise of the one who praises him)" while standing up from *rukū'* and the salutation offered to both sides at the end of the prayer in a voice that can be heard by the congregation, it is also *sunnah* for those who follow the imam to say "*Rabbanā laka 'l-ḥamd* (O our Lord! Praise is only to You)" while standing up from *rukū'* and to utter their *takbīrs* silently.

A person who prays alone says both "*sami'-Allahu liman ḥamidah*" and "*Rabbanā laka 'l-ḥamd*" while standing up from bowing.

The minimum level of reciting aloud is to read in such a voice that it can be heard by those who are not near, for example, those in the first row. Moreover, one or two people's hearing is not considered sufficient. For a silent recitation, the minimum limit is being able to hear oneself or one or two people nearby.

8) *Takbīrs* recited while going down to and standing back up from *rukū'* and prostration is considered *sunnah*. It is *sunnah* to say "*Allahu Akbar*" when going down or coming up from prostration and going down to prostration again. It was narrated by Abdullah Ibn Mas'ūd (ra) that he said, "*I heard the Messenger of Allah (saw) utter takbīr every time he stood up and bowed, standing and sitting.*"¹²³⁵ However, when standing up from *rukū'*, instead of *takbīr*, "*sami'-Allahu liman ḥamidah*" is recited.

9) It is *sunnah* to recite while straightening from *rukū'* "*sami'-Allahu liman ḥamidah*" and then "*Rabbanā laka 'l-ḥamd*". The first of these is called "*tasmī'*" and the second is called "*taḥmīd*". The imam utters *tasmī'* aloud and *taḥmīd* silently. For the people who follow the imam, it is sufficient to silently say, "*Rabbanā laka 'l-ḥamd*". Whoever prays alone says both quietly.

It was narrated from Anas (ra) that the Messenger of Allah (saw) said, "*When Imam says 'sami'-Allahu liman ḥamidah, you say 'Rabbanā laka 'l-ḥamd.'*"¹²³⁶

10) It is *sunnah* to keep the two feet apart about four fingers while standing unless there is an excuse. This is because this position helps us to realize awe in prayer. Whereas, according to the Shafi'is, one should keep the two feet about one inch apart from each other.

1233. Al-Bukhari, Adhān, 111, 112; Da'āwāt, 64; Muslim, Ṣalāh, 72; al-Tirmidhī, Ṣalāh, 71; al-Nasā'ī, Ifitāḥ, 33.

1234. Ibn al-Humām, *Faṭḥ al-Qadīr*, I, 204.

1235. Al-Bukhari, Adhān, 116; Al-Tirmidhī, Ṣalāh, 74; al-Nasā'ī, Ṭaṭbīq, 34, 90, 94, Sahw, 70; al-Darīmī, Ṣalāh, 40.

1236. Al-Bukhari, Adhān, 52, 74, 82; Bad' al-Khalq, 7; Muslim, Ṣalāh, 71; Abū Dawūd, Ṣalāh, 140.

11) It is *sunnah* for men to hold their knees with their hands and between their fingers in the *rukū'* position. In this case, it is enough for women to put their hands on their knees. Again, it is *sunnah* for men to keep their legs straight, not to raise their head above the level of their back, not to bend it down, and not to let their biceps close to their sides in *rukū'*. Women's knees are kept slightly bent. In this position, their backs are found to be slightly upward inclined.

12) Praying in the position of *rukū'* and prostration is *sunnah*. It is *sunnah* to say "*subhana rabbiya'l-ʿaẓīm* (Glory is to my Lord, the Most Great)" three times in *rukū'*. This is because, when the Qur'anic verse "**Glorify the name of your Lord, the Most High**"¹²³⁷ was revealed, the Messenger of Allah said, "*Say this while bowing in your prayers.*"¹²³⁸ Furthermore, it is *sunnah* to recite, "*subhana rabbiya'l-a'lā* (Glory if to my Lord, the Most High)" three times during prostration. This is because, when the Qur'anic verse "**Sabbiḥ isma rabbika'l-a'lā (Glorify the name of your Lord, the Most High!)**"¹²³⁹ was revealed, it is reported that the Messenger of Allah said to his Companions, "*Say this in the state of prostration of your prayers*".¹²⁴⁰

Hudhayfa (*ra*) is reported to have said, "I prayed with the Prophet. He said "*subhana rabbiya'l-ʿaẓīm* (Glory is to my Lord, the Most Great)" in *rukū'* and "*subhana rabbiya'l-a'lā* (Glory is to my Lord, the Most High)" in prostration. When he recited a verse which mentioned mercy, he would ask for mercy; when he recited a verse that mentioned punishment he would pray for deliverance from it."¹²⁴¹ According to what Ibn Mas'ūd (*ra*) narrated, the Messenger of Allah (*saw*) said: "*When anyone of you bows, let him say in his bowing "subhana rabbiya'l-ʿaẓīm" three times. This number is the minimum.*"¹²⁴²

According to the Malikis, there is no limit to the number of *tasbihāt* in bowing and prostration.

13) It is *sunnah* to lay the left foot on the ground and to keep the right foot erect and to point the toes towards the *qibla* during the prostration and the *tashahhud* sittings. Women sit on the floor with their left foot flat on its right side. This sitting is called "*tawarruk*" because this helps the woman to cover up.

14) It is *sunnah* to put the knees down first, then the hands, and then the face to the ground when going down for prostration, and to raise the hands from the ground when getting up from the prostration by lifting the face first and then the knees. It is

1237. Al-Wāqī'a, 56: 96.

1238. See Abū Dawūd, Ṣalāh, 147; Ibn Maja, 'Iqāmah, 20; al-Darimī, Ṣalāh, 69; Aḥmad ibn Ḥanbal, IV, 155; Elmalılı, *ibid*, IX, 139.

1239. Al-A'lā, 87: 1.

1240. See Abū Dawūd, Ṣalāh, 147; Ibn Maja, 'Iqāmah, 20; al-Darimī, Ṣalāh, 69; Aḥmad ibn Ḥanbal, IV, 155; Elmalılı, *ibid*, IX, 139.

1241. Abū Dawūd, Ṣalāh, 147, 149; Ibn Maja, 'Iqāmah, 20.

1242. See al-Nasā'ī, Ṭaṭbīq, 9; Ibn Maja, 'Iqāmah, 20.

permissible for those who cannot do this due to disability to stand up with first their hands from the ground.

Wāil Ibn Hujr (*ra*) said: “*I saw that the Messenger of Allah (saw) put his knees on the ground before his hands when he prostrated and raised his hands before his knees when he got up.*”¹²⁴³

According to the Malikis, when going down to prostrate, first the hands and then the knees are placed on the ground. When getting up from the prostration, first the knees and then the hands are raised. Its evidence is the following hadith reported from Abu Hurayra, “*When one of you prostrates, he should not collapse like a camel, but let him put both his hands on the ground first and then his two knees.*”¹²⁴⁴

It is a lenience for the Muslims that some movements in the ritual prayer have been narrated from the Messenger of Allah in different ways. The believers who feel the need to lean on the ground with their hands due to their poor health may basically apply this second hadith.

15) It is a *sunnah* to put the hands on the thighs while sitting for *tashahhud* or during the sitting between prostration. The person who performs the prayer puts his right hand on his right thigh and his left hand on his left thigh while sitting in *tashahhud* and between prostration. The fingers are slightly spread and placed so that the fingertips are above the knees. Yet, according to the sound view, the kneecaps are not held with the hands because there is difficulty in doing so.

Wāil Ibn Hujr (*ra*) said in describing the prayer of the Messenger of Allah (*saw*), “*He then sat down and spread his left foot and placed his left hand on his left thigh, and kept his right elbow aloof from his right thigh.*”¹²⁴⁵

16) When saying “*lā ilāha*” while reciting *taḥiyyāt* in a sitting position, it is *sunnah* to raise the right hand’s index finger and lower it while saying “*illallāh*”. In this position, the thumb and middle finger should be connected like a ring and the other two fingers should be bent. By making this sign, one confirms that there is no god but Allah. The evidence for this is found in the continuation of the above-mentioned hadith narrated from Wāil Ibn Hujr (*ra*), “*The Messenger of Allah (while reciting the taḥiyyāt in prayer) closed two of his fingers and made a ring, then he raised his index finger and I saw that he was moving this finger, he was praying.*”¹²⁴⁶

17) According to the Ḥanafis, it is *sunnah* to recite Fatiḥa in the third and fourth cycles of the *farḍ* prayers according to sound opinion. There is no harm in adding a surah

1243. Al-Tirmidhī, Ṣalāh, 84; Abū Dawūd, Ṣalāh, 137; al-Nasā’ī, Ṭaṭbīq, 38, 93.

1244. Abū Dawūd, Ṣalāh, 137; Aḥmad ibn Ḥanbal, II, 381.

1245. Abū Dawūd, Ṣalāh, 115; al-Tirmidhī, Ṣalāh, 106; al-Nasā’ī, Ifṭitāh, 11, Sahw, 31, 34; Aḥmad ibn Ḥanbal, IV, 316, 318.

1246. Abū Dawūd, Ṣalāh, 115; al-Tirmidhī, Ṣalāh, 106; al-Nasā’ī, Ifṭitāh, 11, Sahw, 31, 34; Aḥmad ibn Ḥanbal, IV, 316, 318.

to it. This is because, in these two cycles, the recitation has been made legitimate without determining a limit. According to the majority other than the Ḥanafis, it is obligatory to recite Fatiḥa in all cycles.

The evidence on which the Ḥanafis rely is that the Fatiḥa is not specified in the ritual prayer and that it is sufficient to recite a part from the Qur'an in the prayer no matter from where it is. The verse "...**Recite, then, as much of the Qur'an as you may do with ease...**",¹²⁴⁷ as well as the statement mentioned in the ḥadīth about the man who improperly performed his prayer "...and then recite from the Qur'an what you know..."¹²⁴⁸ are the proofs of this ruling.

18) It is *sunnah* to send *ṣalawāt* to the Prophet and his family after the supplication of *taḥiyyāt* in the last sittings of the *farḍ* prayers, *witr* prayers, and *mu'akkad sunnah* prayers, and in every sitting of non-*mu'akkad sunnah* prayers and other supererogatory prayers.

Ka'b ibn 'Ujra (*ra*) describes the beginning of *ṣalawāt* in prayers, abbreviated as the supplications of "*ṣalli and bārik*", "*We asked Allah's Messenger (saw) saying, 'O Allah's Messenger (saw)! How should one (ask Allah to) send blessings on you, the members of the family, for Allah has taught us how to salute you (in the prayer)?' Thereupon he said: 'Say:*

اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ كَمَا صَلَّيْتَ عَلَى إِبْرَاهِيمَ وَعَلَى
آلِ إِبْرَاهِيمَ إِنَّكَ حَمِيدٌ مَجِيدٌ. وَبَارِكْ عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ كَمَا
بَارَكْتَ عَلَى إِبْرَاهِيمَ وَعَلَى آلِ إِبْرَاهِيمَ إِنَّكَ حَمِيدٌ مَجِيدٌ.

"*Allāhumma ṣalli 'alā Muḥammadin wa 'alā āli Muḥammadin, kamā ṣallayta 'alā Ibrāhīma wa 'alā āli Ibrāhīma, innaka ḥamīdun majīd.*

Wa bārik alā Muḥammadin wa 'alā āli Muḥammadin, kamā bārakta 'alā Ibrāhīma wa 'alā āli Ibrāhīma, innaka ḥamīdun majīd."

"O, Allah! Send Your Mercy on Muhammad and on the family of Muhammad, as You sent Your Mercy on Abraham and on the family of Abraham, for You are the Most Praise-worthy, the Most Glorious.

O, Allah! Send Your Blessings on Muhammad and the family of Muhammad, as You sent your Blessings on Abraham and on the family of Abraham, for You are the Most Praise-worthy, the Most Glorious."¹²⁴⁹

1247. Al-Muzzammil, 73: 20.

1248. Al-Bukhari, Adhān, 95, 122; Muslim, Ṣalāh, 45; al-Tirmidhī, Mawāqīt, 110.

1249. Al-Bukhari, Tafsīru surah, 33/10, Anbiya, 10, Da'āwāt, 31, 32; Muslim, Ṣalāh, 65, 66, 69; al-Tirmidhī, Tafsīru surah 33/23; Witr, 20; Abū Dawūd, Ṣalāh, 179; al-Nasā'ī, Sahw, 49, 50-54; Ibn Ḥanbal, I, 162, III, 47, IV, 118, 241.

It is considered *mandūb* to add the word “*sayyidinā*”, meaning “our master, our elder,” before the names of Muhammad and Ibrahim, in the prayers in which the supplications of *ṣalli* and *bārik* about the Prophet Ibrahim (*as*) are recited.

The special mention of Ibrahim (*as*) here is because of the convergence of mercy and blessings on him. As a matter of fact, in the Qur’an, the angels address Abraham’s family saying, “...*The grace of Allah and His blessings be upon you, O people of this house!...*”¹²⁵⁰

The Prophet Muhammad’s family is the tribe of the sons of Hashim and Abdulmuttalib. The family of Ibrahim (*as*) is Ismā’īl, Ishāq, and their sons.¹²⁵¹ It is not *wājib* to send *salawāt* to the Prophet outside of the ritual prayer, but it is *mandūb*. It is *fard* to say *salawāt* once in a lifetime, and it is *mustahab* to repeat it whenever the name of the Prophet Muhammad (*saw*) is mentioned.¹²⁵²

19) It is *sunnah* to invoke Allah after the supplications of *taḥiyyāt*, *ṣalli*, and *bārik* in the last sitting of all ritual prayers and before offering salutation to both the right and the left. It is more appropriate for this invocation to be chosen from the verses of the Qur’an or to resemble them. It is not appropriate to ask for such things in the invocation that are normally requested from people. For example, it is not permissible to say “O my Lord! Give me worldly goods, or give me this much money”. The most commonly recited invocation at the end of the ritual prayers is the following Qur’anic verse,

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

“*Rabbanā ātinā fī ad-dunyā ḥasanatan wa fī al-ākhirati ḥasanatan wa qinā adhāb an-nār*”

(Meaning: O our Lord! Grant us good in this world and good in the life to come, and keep us safe from suffering through the fire).¹²⁵³

20) At the end of the prayer, it is *sunnah* to turn the face first to the right and then to the left while offering salutation by saying “*as-salāmu ‘alaykum wa raḥmatullāh*”. While the person performing the prayer salutes to his right and left, he intends to greet the people, the jinn, and the angels on his right and left. The imam also intends to greet those who follow him. If the congregation is to the right of the imam, the congregation’s intention is to respond to the greeting of the imam in the first salutation, and if the congregation is to the left of the imam, the congregation’s intention is to respond to the greeting of the imam in the second salutation.

1250. Hūd, 11: 73.

1251. Ibn Abidīn, *Radd al-Mukhtār* I, 479; al-Zuhaylī, *ibid*, I, 719-721.

1252. Ibn Abidīn, *ibid*, I, 480; al-Zaylaī, *Tabyīn al-Haqāiq*, I, 108.

1253. Al-Baqara, 2: 201.

It was narrated that Sa'd Ibn Abi Waqqās (ra) said, "I used to see the whiteness of his cheek when the Messenger of Allah (saw) saluted to his right and left."¹²⁵⁴

The Malikis also add the word "*wa barakātuh*" to the salutation.

According to a narration from Aisha (r. *anha*), when the Messenger of Allah saluted at the end of the ritual prayer, he would not get up immediately but would say: "*Allāhumma anta 's-salāmu wa minka 's-salām. Tabārakta ya dha 'l-jalāli wa 'l-ikrām*"¹²⁵⁵ (Meaning: O Allah, You are As-Salam, From You is all peace, blessed are You O Possessor of majesty and honor!). Umm Salama (r. *anha*) reported that when the Messenger of Allah had performed the dawn prayer and saluted, he would invoke God with these words, "*Allāhumma innī as'aluka 'ilmān nāfi'an, wa rizqan tayyiban, wa 'amalan mutaqabbalan*"¹²⁵⁶ (Meaning: O Allah, I ask You for beneficial knowledge, goodly provision, and acceptable deeds).

21) It is *sunnah* to have a *sutrah* while praying. *Sutrah* means the thing put in front of the person praying in order to prevent others from passing in front of him.

The evidence on which the *sutrah* is based is the following hadith: "*When one of you prays, he should pray towards a sutra and stay close to this sutra and not allow anyone to pass in front of him. When anybody attempts to pass in front of him, he should not let him do that.*"¹²⁵⁷

For the imam or those who pray alone, it is *mandūb* to have a *sutrah* in obligatory or supererogatory prayers only if there is a fear of others passing through the place of prostration. The *sutrah* of the imam is also sufficient for the congregation. This is because the Prophet (saw) prayed towards a short stick in a place called Batha in Mecca. At that time the congregation did not have any *sutrah*.¹²⁵⁸ Moreover, there is no harm in not having a *sutrah* if the person performing the prayer is sure that no one will pass in front of him.

It is *makrūh* to pass in front of a person praying. While it was permissible to prevent such a person from passing in front of the person praying in the early periods of Islam, this provision was later abrogated.¹²⁵⁹

It is possible and permissible for the person performing the prayer to simply say "*subḥanallāh*" or to warn the others with the gesture of his hand, eye, or head in order to prevent anyone from passing in front of him. Moreover, the *sutrah* assists by preventing the eyes of the praying person from focusing on anyone else and helps him or her to focus their attention on the prayer.

1254. Abū Dawūd, Ṣalāh, 184; al-Nasā'ī, Ṭaṭbīq, 83; Aḥmad ibn Ḥanbal, I, 172, 181, 408, IV, 193.

1255. Ibn Maja, 'Iqāmah, 31, Hadith No: 924.

1256. Ibn Maja, 'Iqāmah, 32, Hadith No: 925.

1257. See al-Bukhari, Ṣalāh, 90; Abū Dawūd, Ṣalāh, 106, 107, 109; al-Tirmidhī, Mawāqīf, 133.

1258. Al-Zayla'i, *Naṣb al-Rāya*, I, 84.

1259. See al-Kāsānī, *Badā'iy*, I, 217; Ibn al-Humām, *ibid*, I, 287 ff.; Ibn Abidīn, *ibid*, I, 594; al-Zuhaylī, *ibid*, I, 752 ff.

F – MANNERS IN RITUAL PRAYER

Ādāb (manners) is the plural of the word *adab* and expresses the things that the Prophet sometimes did and sometimes abandoned. Although abandoning these acts, which are also called *mandūb* or *mustaḥab*, does not require condemnation, it is more virtuous to do them. Like praying *tasbiḥāt* more than three times in *rukūʿ* and prostration, and reciting certain readings longer than the required *sunnah* recitation. Hence, *ādāb* legitimates and completes the *sunnah* acts.

The manners (*mustaḥabs*) of the prayer are as follows:¹²⁶⁰

1) To be modest, calm, and at peace in terms of external appearance and the inner world while performing the ritual prayers.

2) To tidy up one's clothes. Such as lowering the folded shirts and trousers which are folded while performing ablution.

3) When men say *takbīr al-iftitāḥ*, allowing their hands out of their sleeves.

4) The imam and the congregation should stand up for the prayer when the muezzin says “*hayya ‘ala’l-falāḥ*” during the *iqāmah*.

5) The imam should start the prayer when the muezzin says “*qad qāmat aṣ-ṣalah*”. However, there is no harm for the imam to wait for the *iqāmah* to end and starting the prayer after the *iqāmah* is over. In fact, this is what is appropriate according to Abu Yusuf and the three schools, except for the rest of the Ḥanafis.

6) Men and women, who are in the state of prayer, should look at the place of prostration while standing, at their feet in *rukūʿ*, at both sides of the nose in prostration, at their laps and their thighs while sitting, and at their shoulders when offering salutations. While doing this, there should be an effort to pray with awe and attempt to be at the level of *iḥsān*. The Messenger of Allah (*saw*) described *iḥsān* as follows: “*It is worshipping Allah as if you were seeing Him. Because even though you don’t see Him, He sees you.*”¹²⁶¹

7) It is *mustaḥab* to try to stop, as much as possible, the coughing, yawning, and burping during a ritual prayer, and if one is unable to do so, one should at least cover the mouth with the back of one's right hand.

G – THE *MAKRŪḤ* (REPREHENSIBLE) ACTS OF PRAYER

Behaviors that are incompatible with prayer are divided into two types; *makrūḥ* acts of prayer and things that invalidate the prayer, according to the degree of this incompatibility or deficiency. Behaviors that are not tolerated in prayer are called “*makrūḥ* acts of prayer”. These are divided into two types as *tahriman* and *tanzihan*. It is *makrūḥ*

1260. Al-Zaylāʾi, *Tabayīn al-Ḥaqāiq*, I, 108, ff.; al-Shurunbulālī, *ibid*, p. 44; Ibn Abidin, *ibid*, I, 446; al-Zuhaylī, *ibid*, I, 726 ff.

1261. Muslim, *Imān*, 57; Abū Dawūd, *Sunnah*, 16; al-Tirmidhī, *Imān*, 4; Ibn Maja, *Muqaddimah*, 9.

tahriman to abandon a *wājib* act in prayer. It is *makrūh tanzihan* to abandon a *sunnah* act of the prayer. However, those who are *makrūh tanzihan* are also different in terms of their importance and closeness to those who are *makrūh tahriman*. For example, while abandoning a *mu'akkad sunnah* expresses a reprehensibility close to the level of abandoning a *wājib* act, abandoning a *mustahab* or *mandūb* act means abandoning what is better (*awlā*).

The main acts that are *makrūh* in ritual prayer are as follows:¹²⁶²

1) To deliberately abandon one of the *wājib* acts of prayer. For example, not reciting the Fatiḥa or reciting it openly in a prayer performed silently, and reciting it secretly in a prayer performed aloud. Although such a prayer, which is *makrūh tahriman*, is valid, it is *wājib* to perform it again. This is because, in such a situation, the defect is not based on a mistake (*sahw*), so the prostration of *sahw* is not sufficient.

2) To deliberately abandon one of the *sunnah* acts of the prayer. For example, abandoning the supplication of *subḥanaka*, *tasbiḥāt* in *rukū'* or in prostration, or raising the head or bowing excessively in the state of *rukū'*.

3) It is *makrūh* to recite longer in the second cycle than in the first cycle. According to the Ḥanafīs, it is not *makrūh* unless the excess amount is more than three verses.

4) It is *makrūh* to lean without a valid excuse on a place, a pole, a wall, or a walking stick while performing the ritual prayer.

5) It is *makrūh* to walk a few steps, if they are one after the other, in the ritual prayer without an excuse. However, it is not *makrūh* to walk a few steps because of an excuse such as killing a snake or scorpion. If the act that is not part of the prayer reaches the amount of '*amal al-kathīr* (to do a lot of deeds and actions), the prayer is invalidated. While praying, it is permissible to nullify the prayer to save someone from death or injury, or to prevent the loss of property even if it is little. Whether this property belongs to the person praying or not, does not change the ruling at all.

6) It is *makrūh* to recite the same chapter twice in one cycle or to repeat the same chapter after the Fatiḥa in two cycles in *farḍ* prayers. However, this is not *makrūh* in supererogatory prayers. It is also *makrūh* to constantly recite a certain chapter after the Fatiḥa in the ritual prayer.

7) It is *makrūh* not to follow the order of the chapters in the Qur'an in recitation. For example, reciting the chapter "Ikhlās (112)" in the first cycle, then reciting the chapter "Masad (111)" or "Kafirūn (109)". This is because it is narrated that the Messenger of Allah (saw) observed the order in his recitations.

1262. Al-Kāsānī, *ibid*, I, 215-220; Ibn al-Humām, I, 290-297; Ibn Abidīn, *ibid*, I, 597 ff.; al-Shirāzī, *Muḥadhdhab*, I, 88 ff.; Ibn Qudāmah, *Mughnī*, I, 495; al-Zuhaylī, *ibid*, I, 770 ff.; Bilmen, *ibid*, p. 224 ff.

8) It is *makrūh* to engage in something incompatible with the ritual prayer, such as playing with one's clothes, body, or beard, putting one's hand in one's mouth, or closing one's nostrils unnecessarily.

In a hadith narrated by Qudāī from Yahya Ibn Abi Kathir, the following is stated: *"Allah deems three things reprehensible for you: preoccupation with empty things in prayer, uttering obscene words during fasting, and laughing in the graveyard."*¹²⁶³

Accordingly, while it is not considered *makrūh* to do a normal deed such as wiping the sweat off one's face or yawning, deeds such as cracking fingers and playing with pebbles during the prayer are considered engaging in an idle work. However, it is permissible to remove pebbles in the place of prostration.¹²⁶⁴

It is *makrūh* to hold the child on the shoulders during the ritual prayer. It is reported that the practice that states that the Prophet (saw) took Umama (ra) on his shoulders and lowered him to the ground in every cycle was abrogated with the following hadith: *"In prayer, there is no doubt that it has its own occupation."*¹²⁶⁵

9) It is *makrūh* not without a valid excuse to put one's hands on the limbs determined by the *sunnah* while standing, bowing, and prostrating in prayer.

10) It is *makrūh* to try to catch or kill insects such as lice, fleas, and ants during the ritual prayer. However, there is no harm in catching them during the prayer and flinging them away if the person feels pain from their bite.

11) It is *makrūh* for men to lay their arms completely on the ground while prostrating.

12) It is *makrūh* to sit cross-legged or sit with one's knees up without an excuse in prayer.

13) It is *makrūh* to stretch or yawn in prayer. This is because stretching is considered an act of heedlessness and laziness. Yet, yawning is also caused by a full stomach and drowsiness. It is reported that the prophets were protected from yawning. If yawning predominates in prayer, the person should try to overcome it as much as possible. For the Messenger of Allah said, *"Yawning is from Satan and if anyone of you yawns, he should try to control his yawning as much as possible."*¹²⁶⁶

If it is not enough to close the mouth in case of yawning, the mouth should be covered with the back of the right hand during the ritual prayer, and with the back of the left hand outside the act of the ritual prayer.

14) It is *makrūh* to cough voluntarily in *ṣalāh*, without a necessity. It is more appropriate for the manners to stop coughing as much as possible.

1263. Al-Bukhari, Zakāt, 53; Muslim, 'Aqdiyah, 12, 13; Ahmad ibn Hanbal, II, 327, 360, IV, 246, 249. This hadith is "mursal" because it was transmitted by skipping the Companions.

1264. Ibn Abidin, *ibid*, I, 600; al-Shawkanī, *ibid*, II, 330.

1265. Al-Bukhari, 'Amal fi aṣ-Ṣalāh, 2, 15, Manāqib al-Anṣār, 37; Muslim, Masājīd, 34; Abū Dawūd, Ṣalāh, 166.

1266. Al-Bukhari, Bad' al-Khalq, 11, Adab, 127; Muslim, Zuhd, 56; al-Tirmidhī, Adab, 7, Ṣalāh, 156.

15) It is *makrūh* to respond to a given greeting by making a hand or head gesture during the *ṣalāh*.

16) It is *makrūh* to swallow during *ṣalāh* a piece of food smaller than the size of a chickpea that is remained between the teeth. However, if it is larger than a chickpea, the *ṣalāh* is considered invalidated.

17) It is *makrūh* to start the *ṣalāh* when the dinner is laid on the table. However, the fear that time is out is excluded from this rule. Moreover, being willing to eat or not does not change the ruling. The following is stated in the hadith, "*The ṣalāh of a person whose food is ready is not complete.*"¹²⁶⁷

18) It is *makrūh* to close the eyes or turn the eyes towards the sky, to look left and right, or to turn one's head to one side in the *ṣalāh*.

If the eye of the person praying is caught on something that keeps him occupied, then it can be closed to achieve awe. When the eyes are closed, the sunnah of looking at the place of prostration will be abandoned. Anas (*ra*) narrated that the Messenger of Allah said: "*What do the people who look towards the sky in ṣalāh think they are doing? They either put an end to it or Allah takes the light from their eyes.*"¹²⁶⁸ This is because turning the eyes to the sky constantly can lead to the belief that Allah Almighty is in the sky.

Looking to the right and left during the *ṣalāh* is also an obstacle to achieving awe and it means engaging in a vain act. On the other hand, the eyes can be closed in order not to see something that should not be seen in the ritual prayer or to achieve more awe. There is no harm in looking out of the corner of one's eye in case of a need.

19) It is *makrūh* to intertwine fingers, crack one's fingers, or put one's hands on the flanks. Such movements keep the one who prays from being in awe. The Prophet (*saw*) said, "*When one of you is in the mosque, he should not cross his fingers. Because such an act is from the devil. As long as one of you is in the mosque, he is in prayer until he goes out.*"¹²⁶⁹ Moreover, in another hadith narrated by Abu Hurayra, it is stated, "*The Prophet forbade cracking the fingers in prayer.*"¹²⁷⁰

20) It is *makrūh* to go down to *rukū'* or prostration before the imam and to raise one's head from *rukū'* or *sajdah* before that act of the imam. Moreover, if a person who follows the imam goes down to *rukū'* or prostration before the imam and raises his head before him, his prayer is invalidated. If that person repeats this bow or prostration before the imam offers his greetings at the end of the prayer, his *ṣalāh* will be considered complete.

21) It is *makrūh* to postpone *takbīrs* and *dhikrs* between standing, bowing, and prostration to a time after they are supposed to be recited. For instance, saying "*Allahu*

1267. Muslim, Masājīd, 67.

1268. Al-Bukhari, Adhān, 93; Muslim, Ṣalāh, 117; Al-Nasā'ī, Sahw, 9, 40; Ibn Maja, 'Iqāmah, 68; al-Darīmī, Ṣalāh, 67.

1269. Al-Shawkanī, *ibid*, II, 328, 330.

1270. Al-Shawkanī, *ibid*, II, 330.

Akbar” after saying “*sami’ allāhu liman ḥamidah*” after fully returning from *rukū’* to the standing position. In such a case, *takbīrs* and *dhikrs* are being recited after they are supposed to be recited.

22) It is *makrūh* to pray towards a burning fire. For praying in this way is to resemble the Zoroastrians. Burning hearth, stove, and fire-filled brazier are also considered “burning fire”. It is not *makrūh* to pray in front of a candle, oil lamp, or lamp. The heater core and electric heating tools are also of this nature. However, heating tools that burn directly by gas, petroleum gas, or natural gas should be considered like a fire stove.

On the other hand, there is no harm in praying towards a raised Qur’an or a sword for no one appears to have reported that these were ever worshiped.

23) It is *makrūh* to pray in front of a person’s face without a curtain in between. But there is nothing wrong with praying behind a person facing the other way. However, the possibility of being confused by the speech of such a person standing straight ahead is recognized as an exception.

24) It is *makrūh* to start the *ṣalāh* when needing to go to the restroom, or needing to break wind. The following is stated in the hadith, “*The prayer of those who restrain the urge to relieve themselves and who offer prayer while the meal is ready is not complete.*”¹²⁷¹

During the *ṣalāh*, if one feels the need to relieve oneself and this situation starts to occupy the mind then if the time is available, the *ṣalāh* should be stopped. Subsequently, after going to the restroom, ablution should be performed and the *ṣalāh* should be started again so that the prayer can be performed with peace of mind. Otherwise, the *ṣalāh* will be considered valid, but its spiritual rewards will be considered to be less.

25) It is *makrūh* to have *najāsāt* on one’s clothes, one’s body, or in the place where the *ṣalāh* is performed in the amount that does not interfere with the validity of the *ṣalāh*.

26) It is *makrūh* to stand on one foot and lean on another person. However, if this is carried out because of a valid excuse, it is not considered *makrūh*.

27) It is *makrūh* without a valid excuse not to wear one’s clothes but just put them on one’s shoulders and let them drape over the body.

28) It is *makrūh* to wear dirty clothes without a valid excuse while clean clothes are available. This is because Allah Almighty said, “***O Children of Adam! Wear your beautiful apparel at every time and place of prayer...***”¹²⁷² In the above Qur’anic verse, it is good to wear fine-looking clothes when going to pray and to appear in the presence of Almighty Allah in this way.

1271. Muslim, Masājid, 67.

1272. Al-A’rāf, 7: 31.

29) Unless it is due to a valid excuse, it is *makrūh* to pray only with one piece of clothing, for example, with only one shirt. Again, it is *makrūh* for men to pray without wearing anything from the navel to the upper part of the body even if it is a hot climate.

30) It is *makrūh* for men to pray wearing silk clothes unless there is a valid excuse.

31) It is *makrūh* to slowly pull the garment up while performing *rukū'* or prostration, in order to protect it from soiling, wearing of the knees, or wrinkling.

32) It is *makrūh* to leave the top of the head uncovered by wrapping a handkerchief, scarf, or cloth around its sides in *ṣalāh*.

33) It is *makrūh* to keep the head uncovered due to laziness or lack of paying attention in the ritual prayer. If there is an excuse, the head may be left uncovered.

On the other hand, it is permissible to keep the head uncovered for the purpose of humility and awe. This is because prayer is a state of humility and inward supplication in the presence of Allah. The one who prays must be at peace of mind, away from pride, arrogance, ostentation, and frivolity. Therefore, it is more appropriate to avoid clothing that will occupy the mind and separate the person from awe and tranquility during the *ṣalāh*.

It is narrated that the Prophet (*saw*) performed his prayers with his head covered. It is stated in a hadith, "*Pray as you see me praying*". This is more a matter of complying with the actual sunnah of the Prophet (*saw*) and being protected from resembling others, rather than a custom and habit. Keeping the head uncovered in *ihram* is based on another principle. It is a simulation of Judgment Day and the ritual prayer cannot be compared to the state of *ihram*. Moreover, the analogy does not apply to acts of worship.

Accordingly, it is more virtuous to cover the head with a suitable headgear that will not be an obstacle to prostration during prayer. In fact, if it is possible to wear the headgear again that has fallen from the head in prostration without making much movement, then it is considered more virtuous to put it back on the head during the prayer.

The reprehensibility and virtue in this matter are related to men. It is a requirement of the hijab for women to cover their heads in prayer. Having the head uncovered invalidates the prayer for women.

34) It is *makrūh* to perform prayers in clothes with pictures of people or animals or to prostrate on such a fabric. However, if something like a jacket, overcoat, or robe is worn over such a dress, there is no harm in performing the prayers in it.

As it is known, in ancient times, many tribes moved away from the creed of *tawḥīd* and fell into polytheism, made pictures and sculptures of their living or imaginary gods, worshiped them, and filled their temples with them.

Today, many societies that have advanced in science and technology still have not been able to save themselves from idol worshipping. In fact, this is a result of the need

for faith. There is no doubt that if these nations recognize the true religion of *tawḥīd*, they will realize that their beliefs are meaningless.

Abu Talha (ra) narrated that the Messenger of Allah (saw) said: “*Angels do not enter a house in which there is a dog or a picture or statue.*”¹²⁷³ It is reported that Anas (ra) said: “Aisha had a *qirām* (a thin marked woolen curtain) with which she had screened one side of her home. The Prophet (saw) said, “*Take away this qirām of yours, as its pictures are still displayed in front of me during my prayer (i.e. they divert my attention from the prayer).*”¹²⁷⁴

35) It is *makrūḥ* to have an embossed or pictured depiction of a living person above the head of the person performing the prayer, or on the wall, or the ceiling on the front, right or left sides. The reprehensibility of having them behind is considered to be less.

The presence of an image that is under the feet of the person performing the prayer or where he is sitting, or whose limbs are too small to be noticed when viewed from away, does not constitute a reprehensibility for the *ṣalāh*.

Pictures on documents such as identity cards, passports, driver’s licenses, and images depicted on paper money do not cause any problem either inside or outside the prayer, since these documents and money are kept closed in wallets, bags, or pockets. On the other hand, the purpose of such pictures affixed to official documents is to separate people from each other, to correct mistakes and injustices, to protect certain rights, and most importantly to ensure security.

There exists no objection to pictures or embossed depictions of inanimate objects and beings.

The fact that pictures and sculptures of living beings lead to idolatry is explained in the Qur’an. When the following was stated regarding the people of Nuh (as), “***And they have said (to each other), ‘Abandon not your gods: Abandon neither Wadd nor Suwa’, neither Yaguth nor Ya’uq, nor Nasr’ ‘They have already misled many, and grant you no increase to the wrong-doers but in straying (from their mark).***”¹²⁷⁵

It is narrated by Abdullah Ibn Abbas and Muhammad Ibn Qays (r. *anhum*) that they said, “The names of idols mentioned in this verse were the names of some righteous people of the tribe of Noah. After these people died, the devil advised people to build a statue of them and said, “You remember and do what they did by means of these statues.”. People who were deceived by this deception of Satan built statues of those righteous people. Sculptures, which used to be tools to remember the good deeds, change their qualities after a few generations and become idols that are worshiped. The pre-Islamic

1273. Al-Bukhari, Buyū’, 40; Muslim, Libās, 81, 82; Abū Dawūd, Ṭaḥārah, 89; al-Tirmidhī, Adab, 44.

1274. Al-Bukhari, Ṣalāh, 15, Libās, 93; Aḥmad ibn Ḥanbal, III, 151, 283.

1275. Nūḥ, 71: 23-24.

Arab society took over these idols with new additions and the sun of Islam rose while they were worshiping them.¹²⁷⁶

36) It is considered *makrūh* to pray in seven places. It was narrated by Ibn Umar (*r. anhumā*) that he said, “The Messenger of Allah (*saw*) forbade performing prayers in seven places: in garbage dumps, in places where animals are slaughtered, in graveyards, on the roadsides, in a bathhouse, in camel pens and on top of the House of Allah.”¹²⁷⁷

Dumpsters and slaughterhouses are close to dirt and there is always a chance of dirt. One can pray by spreading a clean mat in such places. According to Shafi‘i, it is *makrūh* to pray even when a clean cloth is spread where there is dirt found under it.

The reason for the ban on praying in the graveyard is the fear of the existence of the bodies of the dead under the ground and also resembling the Jews. The following is stated in the hadith, “*May Allah curse the Jews. They took the graves of their prophets as temples. Do not turn my grave into a prayer house after me.*”¹²⁷⁸

According to the Ḥanafis, it is *makrūh* to pray towards a grave in a graveyard. Because in this case, the grave can occupy the eye and heart of the believer. If the grave is located on the back or on the side, the reprehensibility is lifted. On the other hand, it is not generally *makrūh* to pray in places where the graves of the prophets are located.

It is *makrūh* to pray in a bath because baths are places where devils take shelter, where private parts are likely to be uncovered, and where dirty and used water is spilled in general.

It is *makrūh* to pray in camel pens because the urine and feces of these animals are considered impure. In addition, there is a possibility that animals may disturb the person praying. This also prevents awe. There is a consensus that it is permissible to pray in sheep pens by making sure to pay attention to cleanliness.

Praying on or on the side of the road is prohibited because people pass in front of it or because these places are not considered clean.¹²⁷⁹

H – THINGS THAT INVALIDATE THE PRAYERS

When one of the conditions or essential pillars of the prayer is not fulfilled, the prayer is invalidated and must be performed again. The *ṣalāh* can also be invalidated due

1276. Ibn Kathīr, *Mukhtaṣaru Tafsīr Ibn Kathīr*, 7th ed, Beirut 1402/1981, III, 554, In regards to making images see al-Bukhari, Libās, 39; al-Nasā’ī, Zīnat, 112-114; al-Sindī, *Ḥaṣhiya Sunan al-Nasā’ī*, 1st. 1931, VIII, 215; *Ṣamīl Islām Ansiklopedisi*, “Heykel” and “Resim”.

1277. Al-Tirmidhī said regarding this hadith that its *isnad* is not strong, there is a weak narrator in its chain. See al-Shawkanī, *ibid*, II, 138.

1278. Al-Bukhari, *Ṣalāh*, 43, Janā’iz, 62, 96, Anbiya, 50; Muslim, Masājīd, 19; Abū Dawūd, Janā’iz, 172; al-Nasā’ī, Janā’iz, 106.

1279. For details see al-Kāsānī, *ibid*, I, 115 ff.; Ibn Qudāmah, *Mughnī*, II, 67-76; al-Shirāzī, *Muhadhdhab*, 1, 63; al-Zuhaylī, *ibid*, I, 788 ff.

to some words, actions, and situations that occur during the prayer and are incompatible with the quality of the prayer. The concepts of being *fāsid* and being *bāṭil* are used synonymously in regards to the acts of worship. There is a consensus among the schools on this issue. Here we will use the word “invalidation” instead of the terms *fāsid* and *bāṭil*. However, according to the Ḥanafis, the terms *fāsid* and *bāṭil* were used with different meanings concerning contracts such as sale, marriage, and partnership.

In this section, we will make a list of the situations which invalidate the prayer and present an explanation of the points on which the schools have different views. The main situations that invalidate a prayer can be listed as follows:¹²⁸⁰

1) Speaking in prayer:

According to three schools other than the Malikis, all kinds of speaking in prayer intentionally, unintentionally, mistakenly, forgetfully, or as a result of getting scared invalidates the prayer. According to the Malikis, if speaking is carried out to correct the imam’s mistake, if it is not too much, and if the imam does not understand that he made a mistake when he was warned through phrases such as *subḥanallah*, the prayer is not invalidated.¹²⁸¹

Zayd Ibn Arkām (*ra*) said, “We used to talk in prayer, a person would talk to a friend next to him in prayer. When the verse “...and stand before Allah in a devout (frame of mind).”¹²⁸² was revealed, we were ordered to keep silent and were forbidden to speak during the prayer.”¹²⁸³

It is narrated from Jabir ibn Abdullah (*ra*) that he said, “I was with the Prophet (*saw*). He sent me somewhere for work. When I turned, I found him praying on his mount, with his face away from the *qibla*. I saluted him, but he did not respond to my greeting. When he concluded the prayer, he said, “Nothing but being in prayer would prevent me from responding to your greetings.”¹²⁸⁴

Muawiya ibn Hakam al-Sulami reports, “While praying with the Prophet, someone in the congregation sneezed. I said, “*yarḥamukallāh* (may Allah have mercy on you)”. The congregation then stared at me. I said, “What is wrong with you that you are looking at me like that?”. This time, they started hitting their hands on their thighs. I stopped when I realized that they wanted to silence me. When the Prophet completed the prayer, “May my parents be sacrificed for him, I have never seen a better teacher than him, neither before nor after him. I swear by Allah that he neither frowned upon me, nor

1280. See al-Kāsānī, *ibid*, I, 233-242; Ibn Abidīn, *ibid*, I, 574 ff.; al-Shurunbulālī, *ibid*, 52 ff.; al-Maydanī, *Lubāb*, I, 86 ff.; al-Shirāzī, *ibid*, I, 76-77; Ibn Qudāmah, *ibid*, II, 1-5, 44-62; Al-Zuhaylī, *ibid*, II, 5 ff.; Bilmen, *ibid*, 1st. 1985, p. 231 ff.

1281. Akyüz, *ibid*, vol. 1, pp. 122-123.

1282. Al-Baqara, 2: 238.

1283. Al-Bukhari, ‘Amal fi aṣ-Ṣalāh, 2; Muslim, Masājid, 35; al-Tirmidhī, Mawāqīt, 180; Aḥmad ibn Ḥanbal, I, 435, IV, 368.

1284. Muslim, Masājid, 37.

beat me, nor did he scold me, he just said, “*It is not appropriate to speak human words during this prayer. The ṣalāh is only a form of worship consisting of tasbīḥ, takbīr, and recitation of the Qur’an.*”¹²⁸⁵ On the other hand, the Messenger of Allah used to respond to greetings given to him even when he was praying before the migration to Abyssinia, after returning from the Abyssinian migration he began not to respond to the greetings during the prayer. In response to a question asked, he said, “*In prayer, there is no doubt that it has its own occupation.*”¹²⁸⁶

In the light of these hadiths, the words and sounds that are not considered speech while praying can be listed as follows:

a) Saying “*yarḥamukallāh*” to a person who sneezes or saying “*amīn* (O my Lord, accept)” after someone else says “*raḥimakallah*” invalidates the prayer. However, if a person who sneezes says “*yarḥamukallāh*” to himself, it does not invalidate the prayer. Because in the latter case, it does not consist of a situation where one is responding to someone else.

b) Crying loudly due to a calamity, such as the loss of a property or a friend, in such a manner that letters can be clearly heard and pronounced, or making sounds like “ah, uf, of” or making the sound of “uf, tuh” as a sign of boredom or to blow dust, all invalidates the prayer.

However, the groaning of the patient, who cannot control himself, does not invalidate the prayer. Because the groaning of the patient in this situation is like sneezing, coughing, and yawning for reasons that are out of one’s control. In such cases, because there is a necessity, even if some letters are pronounced, the prayer is not considered invalidated.

Crying, groaning, and saying “ah” out of fear of Allah or remembering Paradise or Hell does not invalidate the prayer.

c) The situation of the person who cries because he likes the imam’s recitation of the Qur’an may have varying rulings. If this is an act of awe, his prayer is not invalidated. However, if he cries because of the pleasure he gets from the beauty of his voice, his prayer is invalidated. Also, the prayers of the congregation who weep while the imam is reciting the Qur’an, remembering heaven or hell, and saying “*balā* (Yea)” or “*neam* (yes)” out of awe will not be invalidated.

d) Saying, “*innā lillahi wa innā ilayhi raji’ūn* (We came from Allah and we will return to Him in the end)”¹²⁸⁷ as a response to bad news heard while praying invalidates the prayer. Because this expression is in the nature of responding to the news outside the prayer.

1285. Al-Shawkanī, *ibid*, II, 314.

1286. Al-Bukhari, ‘Amal fī aṣ-Ṣalāh, 2, 15, Manāqib al-Anṣār, 37; Muslim, Masājīd, 34; Abū Dawūd, Ṣalāh, 166.

1287. Al-Baqara, 2: 156.

e) If one says, “*lā ḥawla wa lā quwwata illā billāh*” due to a satanic delusion that occurs in prayer if this delusion is about something related to the hereafter, the prayer is not invalidated, but if it is a mundane delusion, it will be invalidated. This is because delusion is a pain and an agony. In such a case, the word “*lā ḥawla*” would be said due to feeling worldly pain.

f) If the person performing the prayer says “*lā ilāha illallāh* (There is no god but Allah)” or “*jalla jalāluhu* (May his glory be glorified)”, intending to respond when he hears the name of Allah or respond with “*salawāt*” when the name of the Prophet is mentioned or if he utters words such as “*ṣadaqa Allāhu ‘l-aẓīm* (Allah has spoken the truth)” after the recitation of the imam, his prayer is considered invalid. However, if he does not mean to respond with these words to someone external to the ṣalāh, but perhaps to praise Allah and His Messenger and show respect to them, his prayer will not be considered invalid. This is because showing respect to Allah and sending blessings and greetings to His Messenger (*saw*) cannot be considered to be contrary to prayer.

g) If one says “*alḥamdulillāh*”, “*Allahu Akbar*” or “*subḥanallāh*” or increases his voice to inform that he is praying to someone who calls the person in prayer or asks his permission to enter, his prayer will not be considered invalidated.

h) To recite a supplication found in the Qur’an or in a hadith in ṣalāh does not invalidate the prayer. For instance reciting the supplications “*Allāhumma akrimnī* (O Allah! Bless me)”, “*Allāhumma an ‘im ‘alayya* (O Allah! Give me your bounties)”, and “*Allāhumma ‘ghfirli wa li walidayya wa li ‘l-mu‘minīna yawma yaqūm al-ḥisāb* (O Allah! Cover (us) with Your Forgiveness - me, my parents, and (all) Believers, on the Day that the Reckoning will be established!)”. However, a supplication like “*Allāhumma ‘ghfir li ‘ammī* (O Allah! Forgive my uncle)” or “*Allāhumma ‘ghfir li khalatī* (O Allah! Forgive my aunt)” invalidates the prayer. This is because such a form of prayer is found neither in the Qur’an nor in the hadiths. Outside the ṣalāh, it is possible and permissible to say any kind of prayer for legitimate requests, whether there is an example found in the Qur’an and in the sunnah or not.

Asking Allah something asked from people by similar expressions that people say, that is, something that is not found in the Qur’an and Sunnah invalidates the prayer. For instance, praying “*Allāhumma at ‘imnī laḥman* (O Allah! Give me meat)”, “*Allāhumma a ‘qid daynī* (O Allah! Pay my debt)”, and “*Allāhumma ‘rzuqnī zawjatan* (O Allah! Give me a wife).”

i) To greet someone out loud or to receive out loud the greeting of someone else or to greet someone by shaking hands invalidates the prayer. It does not matter whether such greetings are done knowingly or forgetfully or by error.

If a salutation is made with the hand or head, or if a gesture is made with the head, eyes, or eyebrows to signal something desired, the prayer will not be invalidated.

j) If the person praying is told to “go forward” or “give someone else some space in the row” and he acts in accordance with such an order, his prayer is considered invalidated. For in *ṣalāh*, he obeys the order of someone other than Allah. However, if someone by his own choice moves a little to open some space and offers room to someone else then this act does not invalidate the prayer.

k) Even though the prayer is not invalidated by looking at something written in prayer and understanding it, it is *makrūh* to do so. According to Abu Ḥanīfa, reading the text of the Qur'an while praying invalidates the prayer. This is because carrying the Qur'an, looking at it, and turning its leaves are “*amal al-kathīr* (too many actions)”. This is also similar to following the order of someone else from outside the prayer. According to Abu Yusuf and Imam Muhammad, the prayer is not invalidated, but such an act is only *makrūh*. This is because reading from the Qur'an is an act of worship and if it is done while praying, it is considered to be an addition to another worship. Yet, it is considered *makrūh* because it resembles the deeds of the People of the Book.¹²⁸⁸

l) If the imam makes a mistake in recitation or shows hesitation in recitation, it is permissible for the congregation to correct his mistake and remind him of the recited verses before transferring to another verse. However, the congregation should not rush to correct the imam's mistake. It would be *makrūh* to remind the imam as soon as he gets stuck in recitation. It is also *makrūh* for such an imam to seek help from the congregation. When the imam has difficulty in recitation, if he has recited enough for the prayer to be valid, he should either go down to *rukū'* or skip to another verse that he knows.

After the imam skips to another verse, the prayer of the congregation who corrects the previous mistake is invalidated. If the imam follows the person who corrects his recitation after he skips to other verses and continues to recite the corrected verses, the imam's prayer will also be invalidated. Because in such a case, there is a case of suggesting and accepting a suggestion without necessity.

Miswar ibn Yazīd al-Makkī (ra) said, “The Prophet led a prayer and skipped a verse while reading it. After the prayer, someone from the congregation told the Prophet, “O Messenger of Allah! You skipped such and such verses”, the Prophet said, “*I wish you reminded me.*”¹²⁸⁹

The second piece of evidence showing that it is permissible to correct the recitation errors in prayer is the following hadith narrated by Ibn Umar (ra), “The Prophet (*saw*) led the prayer and got stuck in a verse while he was reciting the Qur'an in the prayer. After the prayer, he asked my father: “*Were you with us in prayer?*” My father replied,

1288. Al-Kāsānī, *ibid*, I, 220-242; Ibn al-Humām, *Fath al-Qadīr*, I, 280-286; Ibn Abidīn, I, 574 ff.; al-Zuhaylī, *ibid*, II, 6 ff.; Bilmen, *ibid*, p. 231, 232.

1289. Aḥmad ibn Ḥanbal, IV, 74; al-Shawkanī, *ibid*, II, 322.

“Yes, I was”. Thereupon, the Messenger of Allah (saw), “*Then what prevented you from reminding me of the place that I got stuck?*”¹²⁹⁰

If a person corrects the mistake in recitation of a person other than his imam in prayer and helps him continue his recitation, his prayer will be invalidated. Because this is considered teaching and learning. Teaching and learning are regarded as dealing with too many deeds in the ritual prayer. However, if he recites the verses with the intention of recitation instead of correcting the imam’s mistakes, and as a result, the imam corrects his reading, his prayer will not be invalidated.

2) Eating - drinking:

Anything swallowed or drunk after starting the prayer invalidates the *ṣalāh*, even if it is a little. However, swallowing something stuck between the teeth because of something eaten before the prayer does not invalidate the *ṣalāh*, but swallowing something, big or small, and by chewing it in the mouth invalidates the prayer. Accordingly, chewing gum or swallowing a dissolving candy taken into the mouth before the prayer invalidates the prayer. This is because such acts, whether intentionally or unintentionally, are deeds external to the ritual prayer.

3) Doing too many deeds successively (*‘amal al-kathīr*):

Doing an excessive amount of deeds and actions that are not part of the *ṣalāh* and are not intended to make the *ṣalāh* better invalidates the prayer. A little work and action in prayer is called “*‘amal al-qalīl*” and does not invalidate the prayer. The acts that make an outsider have no doubt that the person who does that action is not in prayer is called too many deeds (*‘amal al-kathīr*). If a person observes a person doing such an action but is in doubt about whether he or she is performing the prayer or not, such an action is considered *‘amal al-qalīl*. Some of the actions that are considered *‘amal al-kathīr* are as follows:

a) If a person picks up a stone from the ground and throws it at a bird or an animal while he is praying, his prayer is invalidated. This is because such an act is accepted as *‘amal al-kathīr*. But if he throws a stone that he already has with one hand, it will not invalidate the prayer for it would be an *‘amal al-qalīl*. However, this person will have committed a bad deed because he became busy with something else during the *ṣalāh*.

b) If a person scratches his body once or twice successively, or once or twice in different cycles, his prayer is not considered invalid. However, if it is scratched three times successively in one cycle, it is considered invalid. It is important to note that scratching a limb several times without moving the hand away counts as scratching once.

c) Taking at least three steps one after the other without any excuse during the prayer invalidates the prayer. However, if one walks toward the *qibla* by taking a break after

1290. Al-Shawkanī, *ibid*, II, 322.

each step long enough to perform a *rukṇ* (enough to say *subḥanallah* three times), the prayer is not considered invalidated. Even if one walks for a long time in this manner, the prayer is not invalidated as long as the place does not change.

On the other hand, walking three steps from the place where the prayer is performed, against one's own will, for reasons such as being struck by a person or being removed from the place where the prayer is performed, also invalidates the prayer.

d) In prayer, without repeating it, lifting the turban or cap from the head with one hand and placing it on the ground or lifting it from the ground to the head does not invalidate the prayer. However, if taking it off the ground and putting it on the head requires a lot of action, the prayer will be considered invalidated.

e) If a person performing a prayer hits another person with a hand, a stick, or something similar, his prayer will be considered invalidated. This is due to the fact that this is an *'amal al-kathīr*. However, the *ṣalāh* is not invalidated if a person praying, sitting on an animal, hits the animal once or twice.

Again, moving one foot twice to make the animal walk does not invalidate the prayer. However, moving both legs invalidates it since two feet are like two hands.

f) Getting on an animal during the prayer invalidates the prayer, but dismounting from an animal does not. It is also possible to apply these provisions about animals to contemporary transportation vehicles.

g) Wearing even one shoe with both hands while praying invalidates the prayer. However, taking off the shoes effortlessly does not invalidate the prayer.

h) If a person knowingly or unknowingly eats something, little or big, drinks a little water, puts oil, cream, or something similar on one of his limbs or hair, combs his hair or braids, his prayer will be considered invalid. This is because these acts are accepted as *'amal al-kathīr*.

i) Picking up and breastfeeding a child during the *ṣalāh* invalidates the prayer. If the child comes and sucks on his own, and if he suckles only once or twice and no milk comes out, the prayer is not considered invalidated. However, if the milk comes out, or if the child suckles more than twice even without no milk coming out, the prayer is considered invalid.

j) The prayer of a man who is in prayer will not be invalidated by the kiss or caress of his wife. As long as it does not cause any lust in the man. However, a woman's prayer will be invalidated when her husband passionately caresses her or kisses her, whether or not she feels lust. This is because the husband is regarded as the active partner in sexual relations.

k) If a person, who is praying, counts with two or three fingers on one hand in a response to his own inquiry about how many cycles he has prayed, his prayer will not be regarded as invalidated.

4) Turning one's back towards the qibla:

According to the Ḥanafis and the Shafi'is, turning one's back towards the *qibla* without an excuse invalidates the prayer. If he turns his back towards the *qibla* due to an excuse, his prayer is not considered invalid for such acts are forgiven.

5) Uncovering the awrah:

Uncovering intentionally the parts of the body that need to be covered while performing a prayer, or if a woman's head cover slips due to wind or similar reasons, and if the head is uncovered for a period of time enough to perform a *ruk'n*, it invalidates the prayer. According to the Ḥanafis, uncovering at least one-fourth of a limb from the *awrah* is sufficient to invalidate the prayer.

6) Invalidation of the wuḍū' of a person who is praying:

If something involuntary like a nosebleed or vomiting, which will invalidate his or her *wuḍū'*, happens to a person who is praying, he or she has two choices. If she or he wishes, she or he can perform ablution and re-perform the prayer. That is the virtuous option. Or, if he or she wishes, he or she can perform ablution with the water in the nearest place without dealing with anything incompatible with the prayer, and if she or he is someone who prays alone, then she or he can complete the rest of the prayer at the place where she or he performed the ablution or come back to the place where he or she first started the prayer before and complete the prayer there. If he or she is praying with the congregation, he or she should return to the place where the congregation was and complete the prayer there. If the congregational prayer is finished, then he or she should act like a person praying alone. If such a person does not go to the nearest water source to perform *wuḍū'* and goes farther away, or if he or she recites the Qur'an on his or her way, or if his or her *awrah* gets uncovered during that time, she or he cannot build the rest of the prayer on the part that was previously performed, and she or he must perform it again. (See the section about "*lāhiq*").

It is permissible for an imam whose prayer is invalidated to be replaced by someone else. There is a consensus on this matter. This is done as follows: If the ablution of the imam is nullified for any reason such as a nosebleed, he will appoint someone suitable for the imamate to pass the prayer niche by pointing at him or by pulling at his clothes. If there is only one person together with the imam, and if this person is suitable for imamate, he will be designated to go to the prayer niche. If the imam leaves the mosque without appointing someone in his place, or if they are praying in an open field and the imam moves away from the rows, the prayer of the congregation will be invalid. In such a case, the imam will become like a person who prays alone. If he wants, he can perform

wuḍū and complete the rest of the prayer, or re-perform the prayer. If the congregation is mostly unable to understand the situation, it is more virtuous to perform the prayer again rather than to have someone else replace the imam. Otherwise, some confusion may arise among the congregation.

According to the Ḥanafis, the prayer is valid if the ablution is invalidated involuntarily, and it is after sitting the length of *tashahhud* in the last sitting. According to the other three madhhabs, the length of *tashahhud* in the last sitting is not sufficient to end the prayer, since salutation is one of the obligatory acts of prayer.

7) Laughing out loud:

According to the Ḥanafis, if the person performing the prayer laughs loud enough for only himself to hear, it only invalidates his prayer. If he laughs loud enough that other people can hear, it invalidates both his ablution and *ṣalāh*. Smiling does not invalidate the prayer. According to the other three schools, laughing, no matter how loud it is, invalidates only the prayer and does not affect the ablution.

It was narrated by Abu Musa al-Ash'arī (*ra*) that he said, "One day, while the Messenger of Allah (*saw*) was leading people in prayer, a man entered the mosque and fell into a pit inside the mosque. The man was blind. Most of the congregation at the prayer began to laugh at this event. Thereupon, the Prophet (*saw*) ordered those who laughed to re-perform their ablution as well as their prayers." In like manner, the Messenger of Allah said, "*Whoever among you laughs with laughter, let him repeat both the prayer and the ablution together.*"¹²⁹¹

8) Fainting, going insane, or dying:

In such cases, the prayer is invalidated because the human is either not conscious, unaware or simply no longer exists amongst the living.

9) Changing the intention in prayer:

If one intends to switch from one prayer that she or he is performing to another prayer and say *takbīr*, the previous prayer becomes invalid. For example, if, after performing one cycle of the noon prayer, one starts the afternoon prayer or a supererogatory prayer by uttering the *takbīr*, the first-noon prayer is considered invalid. If a person starts to perform the *farḍ* cycles of prayer alone, then says the opening *takbīr* again, intending to join the *ṣalāh* that just started to be performed by the congregation, or if he intends to become the imam for the women in the prayer that he already started, the first prayer he started will be considered invalid and the second prayer that he continues will have started.¹²⁹²

1291. Al-Zaylaī, *Naṣb al-Rāya*, I, 47-54.

1292. Ibn al-Humām, *Fatḥ al-Qadīr*, I, 285; Ibn Abidīn, *Radd al-Mukhtār*, I, 583; al-Zaylaī, *Tabayīn al-Ḥaqāiq*, I, 158.

10) To abandon a condition or an essential pillar of the prayer without an excuse:

Neglecting an essential pillar of the prayer without making it up will invalidate the prayer. For instance, not performing the prostration of one cycle of the prayer and saluting without making it up. Again, abandoning one of the conditions of the prayer without an excuse will invalidate the prayer. If there are no valid excuses, such as not being able to find a dress to cover the *awrah*, not being able to find water to clean the impurities of the body, or being too ill to turn towards the qibla, the prayer is invalidated due to the abandonment of the conditions of the prayer.

11) Performing a pillar before the imam:

If someone performs a pillar before the imam, even if it is done by mistake, and does not repeat the pillar with or after the imam, and if he offers greetings to the imam at the end of the prayer, his prayer is considered invalid. If he repeats this pillar with or after the imam and offers greetings together with the imam at the end of the prayer, then his prayer is considered valid.

According to the Shafi'is, the prayers of the congregation, without an excuse for forgetfulness, are not invalidated unless they actually perform two pillars before the imam.¹²⁹³

12) The man who prays in line with the woman without any space in between:

According to the Ḥanafis, praying men and women next to each other without having space between them enough for a person to pray or without having between them something such as a curtain, wall, railing, or similar obstacles invalidates the prayer. According to the other three schools, a man praying in line with a woman does not invalidate the prayer. (For details see the topic below titled "Man's prayer in a line with the woman").

13) If a person praying by performing *tayammum* sees water:

If a person praying by performing *tayammum* sees water and is able to use it, her or his prayer will be considered invalidated. For example, being able to hear the sound of water during the prayer. However, according to the Ḥanafis, the presence of water in the last sitting, after sitting the length of *tashahhud* does not invalidate the prayer for now the prayer is considered complete.

14) To deliberately salute before the completion of the prayer:

The prayer of a person who offers greetings at the end of the first sitting, by mistaking a four-cycle prayer for two without knowing it, is invalid. For instance, offering greetings in the first sitting by mistaking the *fard* cycles of night prayer for the *tarawīḥ*, and the *fard* cycles of the noon prayer for the Friday or dawn prayer. However, if one knows that

¹²⁹³. Al-Zuhaylī, *ibid*, II, 22.

the prayer consists of four cycles and which prayer is performed, but mistakenly offers greetings after the first sitting, the prayer will not be invalidated. As long as there is no deed or speech after the salutation, the rest of the prayer can be completed. However, due to the delay, the prostration of forgetfulness needs to be performed at the end.

15) Invalidation of the *ṣalāh* due to some things that happen unwillingly:

If the sun rises while performing the dawn prayer, if the *zawāl* time starts while performing the Eid prayer, or if the time of the late afternoon prayer starts when performing the Friday prayer, the prayer will be considered invalidated. However, if the time of the late afternoon prayer starts when performing the noon prayer, the noon prayer will not be invalidated. If the maximum time limit of wiping over the *khuffs* ends when the person is performing a prayer, his prayer will be invalidated. (Regarding the maximum time limits of wiping over the *khuffs* see the section about wiping over the *khuffs*).



VI – MAKING MISTAKES IN RECITATION (PRINCIPLES OF *DHALLAT AL-QĀRI*)

There is a consensus that if a word of the Qur'an is deliberately changed and the meaning is corrupted by it, such a recitation will invalidate the prayer. However, there is an exception if the word is about praising Allah and it is intentionally changed with another word to praise Allah Almighty. However, it is deemed impermissible to even have the audacity to do such a thing.

A mistake in recitation of the Qur'an is called “*dhallat al-qāri* (reciter's error)”.

The Ḥanafīs have two views on this issue. One of them is the opinion of the *mutaqaddimūn* (earlier jurists), and it is considered the view that is the most apt concerning the path of caution. The Shafī' is also adopted this view. The other is the opinion of the *mutaakhhirūn* (later jurists) and it is regarded as lenient.¹²⁹⁴ The Islamic jurists who lived until the middle of the eleventh century are called *mutaqaddimūn* (earlier jurists), and those who lived after this date and who interpret the Islamic rules according to new needs are known as *mutaakhhirūn* (later jurists).

A – THE PERIOD OF *MUTAQADDIMŪN* (EARLIER JURISTS)

The following types of recitation invalidate the prayer:

1) Any misreading that alters the meaning so much that it becomes blasphemous to believe in such a thing.

2) Every reading that is not found in the Qur'an.

3) The prayer is invalidated due to a recitation, which changes the meaning excessively in comparison to the original meaning. For example, using words with similar pronunciation but different in meaning such as saying “*hādha 'l-ghubār* (this dust)” instead of “*hādha 'l-ghurāb* (this crow)”. Moreover, the prayer is invalidated by a word that does not have any similar words in the Qur'an and that does not make any sense. For example, saying the meaningless word “*as-sarāil*” instead of “*as-sarāir*”, which means secrets. Furthermore, the word “*as-sarāil*” is not to be found anywhere in the Qur'an, either.

According to Abu Ḥanīfa and Imam Muhammad, the prayers are also invalidated by expressions that have similar words in the Qur'an, but whose meaning is far from the meaning of the original word, but which does not distort the meaning exorbitantly. According to Abu Yusuf, such a recitation does not invalidate the prayer. This is because

1294. Ibn Abidīn, *ibid*, I, 589-593; al-Zuhaylī, *ibid*, II, 20 ff.; Bilmen, *ibid*, 217 ff.

such recitations are generally recognized as being difficult. There is a common situation (*'umūm al-balwā*) in this matter. This is the view that the Ḥanafī school as a whole adopts.

If there is no word similar to the changed form in the Qur'an but the meaning is not changed by the erroneous recitation, contrary to the above issue, according to Abu Ḥanīfa and Imam Muhammad, the prayer is not invalidated. However, according to Abu Yusuf, it is invalidated. For example, saying "*Qayyamīn*" instead of the word "*Qawwāmīn*".

In this situation, Abu Ḥanīfa and Imam Muhammad took into account whether the meaning in the Qur'an changed excessively with the mistakenly misread wording. If the meaning changes too much, the prayer is considered invalidated. Otherwise, it is not considered invalidated. Moreover, whether or not the incorrectly recited word has a similar word in the Qur'an does not change the result. Abu Yusuf, on the other hand, took as a criterion whether there is a similar word in the Qur'an or not. He argued that if there is a similar word found in the Qur'an, even if there is an extreme change in meaning, the prayer will not be considered invalidated. However, if there is no similar word found in the Qur'an, the prayer will be invalidated even if there is no excessive change in meaning.

B – THE PERIOD OF *MUTAAKHKHIRŪN* (LATER JURISTS)

The conversion of societies to Islam that did not know Arabic led to the emergence of the problem of recitation and vowelizing the Qur'anic verses. By facing the difficulties in pronouncing the letters, and vowels, dividing the words from their appropriate places, and similar issues, the *mutaakhhirūn* (later jurists) introduced the following principles regarding those who made mistakes in recitation:

1) The mistake in the *'irāb* (the last vowel of a word that changes in accordance with the place of the word in the sentence) does not necessarily invalidate the prayer. Whether the meaning changed caused by this error entails blasphemy or not does not change the result. This is because most people cannot distinguish the *'irāb* aspects of the Quran from each other. For example, in the case of the verse "*wa izibtalā ibrahīma rabbuhu*" (al-Baqara, 2: 124) (When his Lord tried Abraham)", reciting the word *Ibrahīma* as Ibrahīmu, and the word *rabbuhu* as rabbahu. In the latter case, the meaning of the verse takes the form: "When Abraham tried his Lord...", and such a meaning is deemed inappropriate. In like manner reciting the word "*na 'budu* (We worship)" as "*na 'bidu*" is considered inappropriate and incorrect.

2) If a letter is erroneously read instead of another letter found in the Qur'an, the principle followed is that if two letters are close in terms of their articulation points, as in *kaf* (ك) and *qaf* (ق), or if their articulation points are same and if it is permissible to make *ibdāl* (convert one to the other) between them such as "like *sīn* (س) and *ṣād* (ص)", then such an act does not invalidate the prayer. The same applies to reading "*falā takhar* (فَلَا تَخْهَرْ)" instead of "*falā taqhar* (فَلَا تَقْهَرْ)" and "*as-samad* (سَمَد)" instead of "*aṣ-ṣamad* (صَمَد)" or "*fathun qarīb* (فَتْحٌ قَرِيبٌ)" instead of "*fathun qarīb* (فَتْحٌ قَرِيبٌ)".

3) In cases where it is possible to distinguish between two letters without any difficulty, reciting such another letter instead of the original does invalidate the prayer. For example, reading “*tā* (ت)” as in “*at-tāliḥāt* (التَّالِيَاتُ)” instead of “*ṣād* (ص)” in the word “*aṣ-Ṣāliḥāt* (الصَّالِحَاتُ - good deeds)” is unacceptable. Another example of such erroneous reading is the sentence “*Allahu aḥad* (اللَّهُ أَحَدٌ)” as “*Allahu aḥat* (اللَّهُ أَحَتْ)”.

4) If there is a difficulty in distinguishing between two letters read differently, the prayer is not invalidated by such a reading, according to the majority, since it is a common situation for the majority of the people. An example of this is reading with *sīn* (س) the word “*as-sirata* (سِرَاطُ)” instead of using the correct letter “*ṣād* (ص)” in the word “*aṣ-ṣirāṭa* (صِرَاطُ)”.

5) Even though there is no accord or closeness in articulation points between two letters, and if there is a common problem and it is difficult to distinguish between them, pronouncing one of them instead of the other does not invalidate the prayer according to many jurists. This means for instance reading “*dāl* (د)” instead of the letter “*dād* (ض)” or pronouncing the letter “*za* (ز)” or “*zi* (ظ)” instead of “*dhal* (ذ)”. The situation of the letters “*ṣād* (ص)” and “*sīn* (س)”, “*ṭi* (ط)” and “*ta* (ت)” is the same.

For example, reading “*wa lā z-zāllīn* (وَلَا الظَّالِمِينَ)” instead of “*wa lā ḍ-ḍāllīn* (وَلَا الضَّالِّينَ)”, that is, reading “*zi* (ظ)” or “*za* (ز)” instead of “*dād* (ض)” does not invalidate the prayer. However, there are other views on this matter. Moreover, anyone who is able to distinguish these letters is not allowed to do this alteration and knowingly reciting it in this way invalidates the prayer.

6) It does not invalidate the prayer to recite by error a letter with a *shadda* (ّ) without a *shadda*, and a letter without a *shadda* with *shadda*, to recite a long letter short, or a short one long, a letter with *idghām* without *idghām*, or a letter without *idghām* with *idghām*. For instance, reading the word “*iyyāka* (إِيَّاكَ)” as “*iyyāke* (إِيَّاكَ)”.

Reading a soft letter as hard and a hard letter as soft is also of this nature. For there is a common mistake in these matters. For example, reading “*Lā rayba* (لَا رَيْبَ)” (reciting the *ra* sound soft) instead of “*Lā rayba* (لَا رَيْبَ)” (reciting the *ra* sound hard).

7) The addition of a letter to any word from the Qur’an does not invalidate the prayer, either. In reading “*aṣ-ṣiraṭ alladhīna* (الصِّرَاطُ الَّذِيْنَ)” instead of “*ṣiraṭ alladhīna* (صِرَاطُ الَّذِيْنَ)”, the definite article (ال) added at the beginning does not invalidate the prayer, since it does not affect the meaning, even though it is not found in the text of the Qur’an.

8) The prayer is not invalidated by connecting the letters of one word to another in the Qur’an. For example, “*iyya kana ’budu* (إِيَّاكَ نَعْبُدُ)” where the original form of this phrase is “*iyyaka na ’budu* (إِيَّاكَ نَعْبُدُ)” (We only worship you). However, it is still important to pay attention to not pause between such words by interrupting the sound.

9) If a part of a word from the Qur’an is cut off in prayer, for example, saying only “*al* (ال)” then continuing with the word “*ḥamd* (حَمْدُ)” instead of “*al-ḥamdu* (الْحَمْدُ)”

due to forgetfulness or shortness of breath, or if a word to be read is not remembered and switched to another word, according to the majority, the prayer is not invalidated. This is because there is a necessity and a general problem in regards to forgetting or being short of breath. For example, if one recites just before the *rukū* ‘*maṭla’ il-fajr* (مَطْلَعُ الْفَجْرِ)” instead of “*maṭla’ il-fajr* (مَطْلَعُ الْفَجْرِ)” due to shortness of breath, the prayer is not considered invalid.

10) If a letter is added to a Qur’anic verse by mistake, and if the meaning does not change, the prayer will not be considered invalid. For example, reading “*yudhiluhum nāran* (يُدْخِلُهُمْ نَارًا - He puts them in the fire)” instead of “*yudhiluhu nāran* (يُدْخِلُهُ نَارًا - He puts him into the fire)”. But if the meaning changes, according to another view, the prayer is invalidated. For example, reading “*wa innaka la mina’l-mursalin* (وَإِنَّكَ لَمِنَ الْمُرْسَلِينَ - I swear that you are one of the sent prophets)” instead of “*innaka la mina’l-mursalin* (إِنَّكَ لَمِنَ الْمُرْسَلِينَ - You surely are one of the sent prophets)”. By adding this letter here, an oath is formed. However, other scholars say that the prayer will not be invalidated in this latter case.

11) If a letter of a word from the Qur’an is accidentally missed while reading if that letter is from the original word and the meaning changes, the prayer is invalidated according to Abu Ḥanīfa and Imam Muhammad. This is just like reading “*alnā* (عَلْنَا)” instead of “*wa ja’alnā* (وَجَعَلْنَا)” or “*mimmā zaqnāhum* (مِمَّا زَقْنَاهُمْ)” instead of “*mimmā razaqnāhum* (مِمَّا رَزَقْنَاهُمْ - out of what We have provided for them)”.

In like manner, although it is not from the original word, if a meaning that leads to disbelief occurs due to dropping a letter, the prayer is considered invalid. For instance, reading “*wa mā khalaka’dh-dhakara al-unthā* (وَمَا خَلَقَ الذَّكَرَ الْأُنْثَى)” instead of the correct reading “*wa mā khalaka’dh-dhakara wa’l-unthā* (وَمَا خَلَقَ الذَّكَرَ وَالْأُنْثَى)”.

If the dropped letter is not originally from the text or if the meaning does not change by dropping the letter even if it is originally part of the text, the prayer is not considered invalid. An example of this is the reading of the word “*al-Waqi’atu* (الْوَاقِعَةُ)” without the letter “*tā*” as “*al-Waqi’a* (الْوَاقِعُ)”.

12) If a word in the Qur’an is repeated in the ritual prayer, and if the meaning does not change with the repetition, the prayer is not considered invalid. However, according to some other jurists, it is invalidated. This is the sound view. For instance, reading “*rabbi rabbi’l-alamīn* (رَبِّ الْعَالَمِينَ - Lord of the Lord of the worlds)” instead of “*rabbi’l-alamīn* (رَبِّ الْعَالَمِينَ - Lord of the worlds)”. If a person knows that the meaning of the Qur’an verse will change with this, and he or she does it intentionally, the ritual prayer is considered invalid. However, if it is recited due to the effort of pronouncing the letters better or due to a slip of the tongue, it is more appropriate not to invalidate the ritual prayer.

13) Moreover, the prayer is not considered invalid as well if the meaning is not undone by mistakenly adding a word to the Qur'anic verses during the recitation, or dropping a word or a letter from the Qur'anic verses, or changing the place of a word or letter by moving it forward or later, or by altering the Qur'anic verse with another word or letter. For example, reading “تَعَالَى - *ta'āla*” by removing the letter “ya” from “*ta'ālā jaddu Rabinā* (تَعَالَى جَدُّ رَبِّنَا - And Exalted is the Majesty of our Lord)”, reciting “*infarajat*” instead of “*infajarat*”, or “*ayyāb*” instead of “*awwāb*”. As long as the meaning does not change, such recitations do not invalidate the ritual prayer.

If the word added to the Qur'anic verse by error is found in the Qur'an and does not change the meaning, then it does not invalidate the prayer. An example of this, for instance, is mistakenly adding the word “*wa birran* (and goodness)” to the end of the verse “لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا - *Lā ta 'budūna illallāha wa bi 'l-walidayni ihsānan* (Worship none but Allah; treat with kindness your parents.)”.

However, although the added word is in the Qur'an, if it changes the meaning in a way that causes disbelief, then it is considered to have invalidated the prayer. For example, adding the word “(*wa kafara* (and becomes a disbeliever))” after the word “*ṣāliḥan*” to the verse “مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَعَمِلَ صَالِحًا فَلَهُمْ أَجْرُهُمْ - *Man āmana billāhi wa 'l-yawmi 'l-akhiri wa amila ṣāliḥan falahum ajruhum* (Any who believe in Allah and the Last Day, and work righteousness, shall have their reward)”, reverses the meaning. Therefore, it invalidates the prayer.

If changing the places of the words does not cause a change in meaning, the prayer is not invalidated. For example, reading “*fihā shahīkun wa zaḥrūn*” instead of “*fihā zaḥrūn wa shahīkun*”. However, if the meaning changes, the prayer is considered invalid according to the majority of jurists.

In like manner, changing the places of the words *na 'īm* and *jahīm* in the verse of “وَأَنَّ الْفَجَّارَ لَفِي جَحِيمٍ . إِنَّ الْأَبْرَارَ لَفِي نَعِيمٍ - *Inna 'l-abrāra lafi na 'īm wa inna 'l-fujjāra lafi 'l-jahīm* (As for the Righteous, they will be in bliss; and the Wicked - they will be in the Fire)” also reverses the meaning and makes it sound like that a good person will go to hell.

14) The mistake made in a reading, which causes a lineage to be understood differently, also invalidates the prayer. For example, the prayer is invalidated by reading “*Maryam ibnatu Gaylān* (Mary, daughter of Gaylan)” or “*Isa ibn Luqmān* (Isa son of Luqman)”. This is because it is a theological premise that Jesus was born without a father and the previous attribution contradicts the Qur'an.

15) If a person who speaks with a lisp pronounces the letter “*ra*” as “*ga*” or “*lam*” or “*ya*”, his prayer will not be considered invalid. For example, saying “*labbi 'l-alamīn*” instead of “*rabbi 'l-alamīn*”. However, such a person should attempt to correct his or her pronunciation as best as possible and choose and read the verses that he or she will not have difficulty in reading. Such a person is considered to be an “*ummī* (illiterate)”.

Those who read the word “*al-ḥamdu lillāhi*” as “*al-hamdu*” or the verse “*qul hu-wallāhu aḥad*” as “*kul huwallāhu aḥad*” but cannot read it otherwise are like the person with a lisp.

If a person returns and corrects his recitation after making an exorbitant mistake in prayer, his prayer will become valid.

According to the Shafi‘is and the Ḥanbalis, an error in recitations other than Fatiḥa does not invalidate the prayer. However, if such a person deliberately misreads it in a way that distorts the meaning, his prayer and the prayer of the congregation that follows him will be considered invalid. Moreover, if a person misreads the Fatiḥa in a way that changes the meaning while performing a prayer, his prayer will be considered invalid whether he did the misreading knowingly or by mistake. This view is based on the principle that prayer without Fatiḥa is not permissible. This is because, according to these schools, it is *farḍ* to recite the Fatiḥa in prayer.¹²⁹⁵



1295. Ibn Qudāmah, *Mughnī*, II, 198; al-Zuhaylī, *ibid*, II, 21 ff.; Bilmen *ibid*, 221 ff.

VII – THE CONGREGATIONAL PRAYER

A – EVIDENCE AND VIRTUE OF THE CONGREGATIONAL PRAYER:

The congregation is the connection and spiritual unity that occurs between the imam and those who follow the imam. Islam has made several acts of worship and social relations a means for its members to come together and form large and small communities. Amongst them can be counted the performing of the five daily ritual prayers together, the performance of the Friday prayer together once a week, the Eid prayers carried out twice a year in larger groups in every town, and that Muslims from the whole Islamic world, who can afford to travel, gather together for pilgrimage in Arafat once a year.

The legitimacy of the congregational prayer is based on the evidence from the Qur'an, Sunnah, and *Ijma*.

Allah Almighty says in the Qur'an, ***“When you (O Messenger) are with them and stand to lead them in prayer, Let one party of them stand up (in prayer) with you, Taking their arms with them...”***¹²⁹⁶ In this verse, Allah commands us to pray in the congregation even in times of fear during a *jihad*. Yet, if the congregation is ordered to pray in times of fear, it becomes necessary to provide security for the congregation.

The Prophet (*saw*) encouraged the congregational prayer by saying, *“Prayer in congregation is twenty-seven degrees more virtuous than prayer performed alone.”* According to another narration, it is *“twenty-five degrees more virtuous.”*¹²⁹⁷ Another statement about the congregation prayer was, *“No man purifies himself, doing it well, then makes for one of those mosques without Allah recording a blessing for him for every step he takes raising him a degree for it, and effacing a sin from him for it.”*¹²⁹⁸

Except for the Friday prayer, the strongest congregation is deemed to be the congregation of the dawn prayer, then the congregation of the night prayer, and then the congregation of the late afternoon prayer. The evidence for this is the following two hadiths;:

According to what is narrated from Abu Hurayra (*ra*), the Prophet (*saw*) said, *“If the people knew the reward for pronouncing the adhān and for standing in the first row (in the congregational prayer) and found no other way to get it except by drawing lots they would do so, and if they knew the reward of offering the noon prayer early (in its*

1296. Al-Nisā, 4: 102.

1297. Al-Bukhari, Adhān, 30; Muslim, Masājid, 345; Al-Tirmidhī, Ṣalāh, 47; al-Nasā'ī, 'Imamah, 42; Ibn Maja, Masājid, 16; Al-Darimī, Ṣalāh, 56; Malik, *Muwaffā'*, Jamā'ah, 1.

1298. Muslim, Masājid, 257.

stated time), they would race for it and if they knew the reward for *'ishā* (night) and *fajr* (dawn) prayers in congregation, they would attend them even if they were to crawl.”¹²⁹⁹

Uthmān ibn Affān (ra) narrated that the Messenger of Allah (saw) said, “Whoever prays the night prayer in congregation, he will receive the reward of praying until midnight. If he performs the dawn prayer in congregation, he will receive the reward as if he had spent the whole night praying.”¹³⁰⁰

B – PROVISION OF PRAYING IN CONGREGATION

According to the Ḥanafīs and the Malikis,¹³⁰¹ performing the obligatory prayers in congregation other than the Friday prayer is a *mu'akkad sunnah* for sane men who are able. Therefore, it is not compulsory for women, children, the mentally ill, slaves, the lame, the sick, and the very old to go to the mosque to pray in a congregation. The congregational prayer's ruling being *sunnah* is based on the clear meaning of the hadith that states that “prayer in congregation is twenty-seven degrees more virtuous than that performed alone”.

According to the Shafī'is, continuing in the congregation for *farḍ* prayers is *farḍ al-kifāi* for those who are free and resident. In this way, performing the obligatory prayers in the congregation became a symbol of Islam. Accordingly, if the people of a town as a whole abandon the ritual congregation prayer, a war is allowed to be waged against them by the central government. The Prophet (saw) said: “If there are three men in a village or in the desert among whom prayer is not offered (in congregation), the devil has got the mastery over them. So observe (prayer) in a congregation, for the wolf eats only the straggling animal.”¹³⁰²

According to the Ḥanbalis,¹³⁰³ it is *farḍ al-'ayn* to pray in a congregation. The evidence on which this opinion is based is the Qur'anic verse that we mentioned earlier, meaning that “**When you (O Messenger) are with them, and stand to lead them in prayer...**”. Furthermore, the Qur'anic verse “**...bow down your heads with those who bow down (in worship).**”¹³⁰⁴ also supports this assertion. The Ḥanbalis also rely on other various hadiths. One of them is as follows: “By Him in Whose Hand my soul is I was about to order for collecting firewood (fuel) and then order someone to pronounce the *adhān* for the prayer and then order someone to lead the prayer then I would leave from

1299. Al-Bukhari, *Adhān*, 9, 32; Muslim, *Ṣalāh*, 129, 131; al-Tirmidhī, *Mawāqīt*, 53; al-Nasā'ī, *Mawāqīt*, 22; Malik, *Muwatta'ah*, *Jamā'ah*, 6.

1300. See Muslim, *Masājid*, 260; al-Bukhari, *Adhān*, 34; al-Tirmidhī, *Ṣalāh*, 51; Ibn Maja, *Masājid*, 18.

1301. Ibn al-Humām, *ibid*, I, 243; Ibn Abidīn, *ibid*, I, 515; al-Maydanī, *Lubāb*, I, 80; al-Zayla'ī, *Tabyīn al-Haqāiq*, I, 132; Ibn Rushd (Averroes), *ibid*, I, 136.

1302. Abū Dawūd, *Ṣalāh*, 47.

1303. Ibn Qudāmah, *Mughnī*, II, 176 ff; al-Zuhaylī, *ibid*, II, 150.

1304. Al-Baqara, 2: 43.

behind and burn the houses of men who did not present themselves for the (compulsory congregational) prayer."¹³⁰⁵

According to the Ḥanafis and the Shafi'is, the minimum number of the congregation is two people, an imam, and a follower. The second member can even be a child. This is because the Prophet (*saw*) served as an imam for Ibn Abbas (*ra*) in the *tahajjud* prayer when he was a child, and in one of his hadiths, he (*saw*) said, "Two persons or more is a congregation".¹³⁰⁶

C – WOMEN GOING TO MOSQUES

In the time of the Prophet, women paid attention to performing the five daily obligatory prayers in congregation with men in the Masjid an-Nabawi. However, there are hadiths stating that if they cannot come to the masjid, it is sufficient for women to pray at home. Some of the hadiths related to this issue are as follows:

*"Do not prevent women from going to mosques. But their house is better for them."*¹³⁰⁷, *"When your women ask your permission to go to the mosque at night, give them permission."*¹³⁰⁸, and *"When any one of you comes to the mosque, she should not apply perfume."*¹³⁰⁹

According to what was narrated from Umm Salama (*r.anha*), the Prophet said, *"The best of women is the one whose mosque is inside their house."*¹³¹⁰

On the other hand, the Messenger of Allah, upon a question, is seen encouraging women to attend the Eid prayer in the following hadith: *"Young girls who have not married yet, women living behind the curtain, and menstruating women should leave their homes and come to the place where the Eid prayer is performed so that they can witness the prayers of goodness and believers. However, menstruating women should stay away from the place where prayers are performed."*¹³¹¹

In general, it is considered more virtuous to perform the obligatory prayers in the mosque and the supererogatory prayers at home. The Messenger of Allah (*saw*) said, *"O people! Pray in your homes. Because, apart from the obligatory prayers, the most virtuous prayer is the one performed at home."*¹³¹² It is considered more virtuous to perform the

1305. Al-Bukhari, Adhān, 29, 34; Muslim, Masājīd, 251-254; Abū Dawūd, Ṣalāh, 46; al-Tirmidhī, Ṣalāh, 48; al-Nasā'ī, Imamah, 49.

1306. Al-Zayla'ī, *Naṣb al-Rāya*, II, 198; See al-Kāsānī, *ibid*, I, 156; Ibn Abidīn, *ibid*, I, 517; Ibn Qudāmah, *Mughnī*, I, 178.

1307. Muslim, Ṣalāh, 134-137; al-Shawkanī, *Nayl*, III, 148, 149.

1308. Muslim, Ṣalāh, 139; al-Shawkanī, *ibid*, III, 130.

1309. Muslim, Ṣalāh, 141, 142; Abū Dawūd, Ṣalāh, 52; Ibn Maja, Masājīd, 18; al-Darīmī, Ṣalāh, 28; Aḥmad ibn Ḥanbal, I, 58.

1310. Aḥmad ibn Ḥanbal, VI, 297, 301.

1311. Ahmed Naim, *Tecrid-i Sarih Tercemesi*, I, 234-235.

1312. Al-Tirmidhī, Ṣalāh, 203; Malik, *Muwaffā'*, Jamā'ah, 4.

farḍ prayer in the mosque since it is superior in terms of cleanliness and honor, it shows the power of Islam and Muslims, and it demonstrates the multitude of the congregation.

In the period immediately after the Prophet, women were encouraged to pray at home, on the grounds of “fear of *fitna* (mischief)”, and as a result, women withdrew from the congregational prayers. As a matter of fact, according to Abu Ḥanifa, there was no harm in only elderly women going to the masjid for dawn, evening, and night prayers because men with bad intentions were asleep or engaged in other pursuits. According to Abu Yusuf and Imam Muhammad, old women can go to the mosque for all their daily prayers. According to the later (*mutaakkhkhirūn*) Ḥanafī jurists, it was considered *makrūh* for women to attend Friday and Eid prayers, even if they were old, due to the “corruption of time and the emergence of schisms”.¹³¹³

According to the Shafī'is and the Ḥanbalis, it is *makrūh* for women, whether young or old, who are beautiful and ostentatious, to join congregations adhered by men, and according to the Malikis, it is *makrūh* even for old women to join congregations in whom men are not even interested.

Regarding the participation of women in the congregation, we would like to offer as a final conclusion on the topic the 21st article of the final declaration of the meeting on “Contemporary Religious Issues Consultation Meeting-I” organized by the Turkish Religious Affairs Directorate in May 2002: “Women can attend daily prayers, Eid, Friday and funeral prayers. Our commission, taking into account the practice during the Prophet’s time, is of the opinion that Friday and Eid prayers should be encouraged for women and children.”¹³¹⁴

D – THE ORDER OF THE ROWS AND MAN AND WOMAN PRAYING NEXT TO EACH OTHER IN A ROW (MUḤĀDHĀT):

If there is only one person in the congregation and that person is a male, he stands to the right of the imam but he does not stand right next to the imam but about one foot behind him. If there are two people and if they are male, according to the Ḥanafis, one of them stands on the right side of the imam, and the other stands to his left. According to Imam Shafī'ī and Imam Malik, they form a row behind the imam. According to the narration from Ali, the Prophet (*saw*) said, “*When there are two people, one of them should stand to the right of the other.*”¹³¹⁵ If there are more than two followers of the imam and if they all are male, they stand in a row behind the imam. If there is only one person in the congregation and if that person is a woman, she stands behind the imam. If

1313. Ibn al-Humām, *Fath al-Qadīr*, I, 529; *Al-Maydanī*, *Lubāb*, I, 83; Ibn Abidīn, *ibid*, I, 529.

1314. This meeting was held on May 15-18, 2002 in Istanbul Tarabya Hotel with the participation of more than 80 academicians from the Islamic sciences of tafsīr, hadith and fiqh, and about 30 scientists from the Diyanet and lasted for four days.

1315. Zayd b. Ali, *Musnad*, p. 104.

the male and female congregation are going to pray together, the row order is arranged in such a way that the men form their rows right behind the imam, then the boy's rows are formed behind the men's, and finally behind the boy's rows comes the women's rows. It is considered *sunnah* to follow the order between men and boys, and it is obligatory for women to follow this row order.

The row order in prayer is determined by the following hadiths. The Prophet (*saw*) said, "Place women in the back rows where Allah Almighty put them."¹³¹⁶ and "The best rows for men are the first rows, and the worst ones the last ones, and the best rows for women are the last ones and the worst ones for them are the first ones."¹³¹⁷ However, it is acceptable for a woman who is not praying to be found in front of a man who is praying. It was narrated from Aisha (*r. anha*) that she said, "My bed was in front of the place where the Prophet (*saw*) prayed."¹³¹⁸

According to the Ḥanafīs, for men to pray in line with women, without having any space between them or without having any obstacles such as walls, curtains, shoe racks, etc. between them, is one of the conditions that invalidates the prayer. This ruling does not change whether this woman is a non-*mahram* or she is from the relatives of the male such as his wife, daughter, or sister. Furthermore, certain other conditions need to exist for men's prayer side by side with women to invalidate the prayer:

- 1) The woman should be sane and adolescent or at the ages close to puberty,
- 2) The woman should be praying in front of a man or right next to him,

3) The man and woman should be performing the same prayer in terms of the opening *takbīr*. If they are performing two different prayers, it does not invalidate the prayer. For instance, if the man performs the prayer of the time, and the woman performs the *qaḍā* prayer, being in the same line does not affect the prayers.

4) The place where men and women pray should be in the same place. In other words, it should not be separated by a curtain or similar objects and there should not be any space between them. If the woman performs prayer at a high place and if the height between them is as tall as the man, even when they are in the same line does not harm the validity of the prayer.

5) According to Abu Yusuf, the duration of performing a ritual prayer side by side to invalidate it requires it to be long enough to actually perform an essential pillar-like bowing or prostration. According to Imam Muhammad, it is necessary to be in alignment for a period of time to fulfill one essential pillar (that is, long enough to say three *tasbīhāt*).

1316. Al-Zaylaī calls this hadith as *marfūʿ* and *gharīb*. It is narrated in *Muṣannaḥ* through the channel of ʿAbd al-Razzāq as a *mawqūf* hadith. See Al-Zaylaī, *Naṣb al-Rāya*, II, 36.

1317. See Muslim, Ṣalāh, 132; Abū Dawūd, Ṣalāh, 97; al-Tirmidhī, *Mawāqīt*, 52; al-Nasāʾī, *ʿImamah*, 32; Ibn Maja, *ʿIqāmah*, 52; al-Darimī, Ṣalāh, 52.

1318. Al-Bukhari, Ṣalāh, 107; Aḥmad ibn Ḥanbal, VI, 322.

When the above conditions are fulfilled, only the man's prayer is invalidated not the woman's. However, if the women following the imam were to form one full row in front of the men's row, the prayers of all the men in all rows behind them would be invalidated. If there are three women inside the men's row, the prayers of one man on both the women's right and left sides and three men from each and every row behind them will be invalid. If there are two women in the row, the prayers of one man next to them and only two men in the first line behind them will be invalidated, and the prayers of those in the other rows will not be affected by this. When there is only one woman in the row, the prayer of a man on the right and left side and a man behind her is invalidated. In these last two cases, men whose prayers are invalidated will serve as a curtain between women and other men, so the effect of invalidation will not pass on to the other rows. In the above cases, the invalidation of the prayer is due to not following the row order. As a matter of fact, if a man who follows the imam goes ahead of the imam, that man's prayer will be invalid because also violates the rule of the order of the rows.

Therefore, for safety sake women should avoid mixing with men in mosques or standing in line with men to pray. Women can pray by coming to the congregation and pray in the place reserved for them in the mosque. However, they are also encouraged in the hadiths to not go out to the congregation and pray at home. In fact, it is stated that the prayer they will perform at home is more virtuous.¹³¹⁹

According to the Shafi'i, performing the prayer side by side does not affect a man's prayer. However, it is considered *makrūḥ* because in such a case, the *sunnah* regarding the row order is not followed.

E – CONDITIONS CONSIDERED AS VALID EXCUSE FOR NOT ATTENDING THE CONGREGATION

Unless a valid excuse is found, one should attend the congregation to perform his prayers. It is permissible not to go to the congregation due to the following excuses:

1) Disease. Being ill or paralyzed to such an extent that *tayammum* is permissible. Health problems such as mild headache, mild fever, and paralysis that do not prevent walking are not considered valid excuses.

Evidence for considering illness as an excuse is the following Qur'anic verse, **“(Allah) has imposed no difficulties on you in religion.”**¹³²⁰ On the other hand, when the Messenger of Allah (*saw*) fell ill, he could not go to the mosque and said: **“Tell Abu Bakr to lead people in prayer.”**¹³²¹

1319. See Aḥmad ibn Ḥanbal, VI, 297, 301; Ibn al-Humām, *ibid*, I, 257 ff.; al-Zayla'i, *ibid*, I, 137 ff.; *Lubāb*, I, 82, 83; Ibn Abidīn, *ibid*, I, 514, 535-537; al-Zuhaylī, *ibid*, II, 22, 23, 241 ff., Bilmen, *ibid*, 151, 152.

1320. Al-Ḥajj, 22: 78.

1321. Al-Bukhari, Anbiya, 19; Adhān, 46, 47, 51; Itisām, 5; al-Nasā'i, 'Imamah, I, 17; al-Darīmī, Muqaddimah, 14; Aḥmad ibn Ḥanbal, I, 299; IV, 312, 313, V, 361, VI, 159, 202.

Moreover, people with contagious diseases, such as viruses, colds, flu, and tuberculosis should not go to the mosque or if they do, they should pay utmost attention to prevent infecting others.

2) Body defects. Disabilities such as blindness, crippling, old age, and paralysis make it permissible not to attend the congregation.

3) Fear. A person who fears that his property, life, or honor will be harmed if he goes to the mosque may not attend the congregation. The Prophet said, *"Whoever hears the call for prayer and does not come (to the mosque for prayer), his prayer will not be accepted from him unless he has a (legitimate) excuse."* Upon this statement, one of the Companions asked what the legitimate excuse was, Allah's Messenger (saw) said, *"Fear and illness."*¹³²²

4) Bad weather conditions. Weather conditions such as rain, mud, heavy snow and hail, severe cold, severe heat, strong wind at night, and pitch dark nights are also excuses for not attending the Friday prayers as well as daily congregational ritual prayers. It was narrated by Abdullah ibn Umar (ra) that he said: *"When we were with the Prophet on a journey, at nights when it was dark or muddy, a caller would say: 'Perform the prayer next to your mounts'."*¹³²³

5) When there is an urgent need to relieve oneself. This is because this situation prevents the prayer from being performed in awe and peace. As a matter of fact, it becomes *makrūh* to perform the prayer alone or in a congregation, when the meal is ready in case of hunger and thirst to such an extent that the meal occupies one's heart. For those who are fasting, hunger and thirst are not excuses for not attending the congregation, because eating and drinking should not occupy the fasting person's heart.

6) Eating a raw food that smells and when its smell cannot be eliminated. Anyone who eats raw food such as onions and garlic should not go out to the congregation until the odor vanishes. The following is stated in the hadith, *"Whoever eats garlic or onion should keep away from our mosque or should remain in his house."*¹³²⁴

7) Being imprisoned in a place. Allah Almighty says: ***"On no soul doth Allah Place a burden greater than it can bear..."***¹³²⁵

8) Studying the sciences that are necessary for everyone or obligatory for enough people in the Islamic society and being busy with their education is also considered an excuse for not joining the congregation. However, it would be appropriate for those who

1322. See Ibn Maja, Masājid, 17; al-Tirmidhī, Mawāqīt, 48; Aḥmad ibn Ḥanbal, III, 348. There is a *mudallis* narrator in the chain of this hadith.

1323. Al-Shawkanī, *ibid*, III, 155.

1324. Al-Bukhari, Adhān, 160; I'tisām, 24; Muslim, Masājid, 73; Aṭ'ima, 49; Abū Dawūd, Aṭ'ima, 40; Aḥmad ibn Ḥanbal, III, 400.

1325. Al-Baqara, 2: 286.

do scientific work not to leave the congregation altogether and to join the congregation as much as possible.

In the Islamic state, a discretionary (*ta'zīr*) penalty is applied to a person who constantly leaves the congregation simply because of laziness and indifference, and his testimony is not accepted.

A person who wishes to continue to go to the congregation but is regularly deprived of attendance due to a valid excuse will also receive the spiritual rewards of attending the congregation due to his sincere intention.

In conclusion, the Ḥanafīs have gathered together the valid excuses for not going to the congregation under eighteen points: rain, cold, fear, darkness, imprisonment, being blind, being paralyzed, having amputated hands and feet, illness, being disabled, being bedridden, mud, weakness, old age, dealing with the science of *fiqh*, having a meal ready that one craves, going on a journey, caring for the sick, and strong wind at night. The strong wind blowing during the day was not considered a valid excuse because it was deemed possible to protect oneself against the danger of the wind with the help of daylight.

F – REPEATING THE CONGREGATIONAL PRAYER IN A MOSQUE:

It is *makrūh* to re-perform a prayer in congregation with a second *adhān* and *iqāmah* after performing the prayer with an original *adhān* and an *iqāmah* in the neighborhood mosque, which has an imam and regular congregation. This is because the formation of more than one congregation in normal times disrupts the unity of the congregation and may lead to slackness with thoughts such as attending the next congregation.

However, it is permissible for those who come to that mosque to make a second congregation without reciting a second *adhān* and *iqāmah* in the following situations.

- 1) A group of travelers who are not residents of that neighborhood prays in a congregation inside a mosque.
- 2) The residents of that neighborhood perform prayer in the congregation by reciting the *adhān* silently.
- 3) The residents of the neighborhood may perform the prayer in a second congregation without reciting *adhān* and *iqāmah*.
- 4) If the mosque is a *masjid* on a road.
- 5) The *masjid* does not have a permanent imam and muezzin, and it is a *masjid* where people pray separately.

The fact that it is *makrūh* to repeat the congregation in the same mosque is based on the following evidence: When the Messenger of Allah (*saw*) came out to perform the night prayer one-third of the night, he saw the scarcity of the congregation and said, “

[I swear] by the One Who holds my soul in His hand, I am about to give orders to have firewood brought, to have the prayer performed and the call to prayer sounded, and to assign a man to lead the people in prayer [in my place], then to take issue with [certain] men and bum their houses down! By the One Who holds my soul in His hand, if one of these men knew that he would find a rich piece of meat or a couple of handsome hunting arrows [at the mosque], he would attend the evening prayer!" It is also reported that the Messenger of Allah said this hadith about those who did not attend the Friday prayer.¹³²⁶

If it was permissible to form a second congregation in a normal mosque, the prayer with one congregation should not have been emphasized in this way. At one time it is recorded that the Prophet (saw) went to reconcile a community that had disagreements. Later, when he returned to the mosque, he saw that the congregation had already prayed. Thereupon, he returned home and gathered his family, and led the prayer. If it was permissible to repeat the congregation in a mosque, the Messenger of Allah would not have preferred praying in his house instead of praying in the mosque.¹³²⁷

All people are equal when it comes to praying in congregations in the mosques built on the roadsides, gas stations, and accommodation places. Therefore, there is no harm in repeating the congregation in such places.

It is also *makrūh* to pray in the congregation before the imam in a mosque with an appointed imam. The Ḥanbalis even said that it is *ḥarām* because the imam in charge is like the owner of the house. It is his right to lead prayers in the congregation. This is because the Messenger of Allah (saw) said, "No one should lead the prayer as an imam in another's house, except with the permission of the owner of the house."¹³²⁸



1326. Al-Bukhari, Adhān, 29, 34, Ḥusūmāt, 5, Aḥkām, 52; Muslim, Masājīd, 251-254; Abū Dawūd, Ṣalāh, 46; al-Tirmidhī, Ṣalāh, 48; al-Nasā'ī, 'Imamah, 49; Ibn Maja, Masājīd, 17; al-Darīmī, Ṣalāh, 54; Malik, *Muwatta'*, Jamā'ah, 3; Aḥmad ibn Ḥanbal, I; 394, 402, 422, 449, 450.

1327. Al-Zuhaylī, *ibid*, II, 163, 164.

1328. Al-Shawkanī, *ibid*, III, 159; Ibn Abidīn, *ibid*, I, 516; Ibn Qudāmah, *ibid*, I, 80; al-Shirazī, *Muḥadhdhab*, I, 95.

VIII – IMAMATE (PRAYER LEADERSHIP)

A person who is followed in a good or bad deed is called an imam. The following is stated in the Qur'an: **“and made them leaders who would guide [others] in accordance with Our command.”**¹³²⁹, and **“And we made them (but) leaders inviting to the Fire...”**¹³³⁰

The Imamate is divided into two types; *imamah al-kubrā* (grand imamate, the head of the Islamic State) and *imamah al-sughrā* (prayer leadership). The grand imamate is to have general guardianship authority over the society. Or, this imamate is the general presidency on both religion and world affairs as the caliph to the Prophet. The famous Muslim jurist of public law, al-Mawardī (d. 450/1058) said the following on this subject: “The imamate is a position set for the caliph of the prophet in order to protect religion and manage the worldly affairs.”¹³³¹ To be qualified for this position, the following conditions must be met: Being Muslim, intelligent, adolescent, male, knowledgeable, and just. It was considered *makrūh* to bring a sinner to the presidency, and the dismissal of such a person was examined within the context of whether there would be mischief or not.¹³³² Since our main subject is the imamate of prayer, we will explain this in detail below.

A – REQUIREMENTS OF PRAYER LEADERSHIP

1) *Being a Muslim:*

There is a consensus that the imamate of an unbeliever or an apostate is not valid. If this is identified after the ritual prayer, the congregation must perform the prayer again.

2) *Being Sane:*

Prayer to be performed behind a mentally ill person is not valid. This is because the prayer that a mentally ill person performs by himself is not considered valid. If the insanity comes and goes in seizures, the prayer when the person is sane is considered valid. However, it is *makrūh* to follow such a person. A senile and drunk is like a mentally ill person, and since their prayers are not valid, the prayers performed behind them will not be valid, either.

3) *Being Adolescent:*

1329. Al-Anbiya, 21: 73.

1330. Al-Qaṣaṣ, 28: 41.

1331. al-Mawardī, *al-Aḥkām as-Sultāniyya*, p. 3.

1332. For more information regarding *imamat al-kubrā* see Abū YA'īlā, *al-Aḥkām as-Sultāniyya*, p. 4 ff.; al-Mawardī, *el-Aḥkām es-Sultāniyye*, trans., Ali Şafak, İst. 1976, p. 6 ff.; al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, VI, 702 ff.; al-Kattanī, *Tarātib al-Idariyya*, I, 2 ff.; *Şamil İslam Ansiklopedisi*, “Ehl-i hal ve'l-akd” and “Hilafet”.

According to the majority of the Ḥanafis, it is not valid for a child who has not reached puberty to be an imam for people who have reached the age of puberty in obligatory or supererogatory prayers. According to the Malikis and the Ḥanbalis, this is not valid for obligatory prayers only. It is permissible in supererogatory prayers such as solar eclipse and *tarawīḥ* prayers. According to the Shafi'is, it is permissible for an adult to follow a boy who has reached the age of discernment between the age of seven and puberty in any obligatory prayer except the Friday congregational prayer. Involuntary prayers, by contrast, an adult may follow the leadership of a boy who has reached the age of discernment according to all of the schools except the Ḥanafis. This is because it was narrated from Amr Ibn Salama (*ra*) that he said: *"I led the prayers as imam during the time of the Prophet (saw) when I was seven years old."*¹³³³

4) Maleness:

Another condition for the validity of prayer leadership is confirmed maleness; hence, a woman may not validly serve as the prayer leader, nor may a hermaphrodite if those being led in prayer are men. However, if those being led in prayer are women, the imam doesn't need to be a male. Rather, it is permissible for a woman to act as an imam for other women or for hermaphrodites according to the Shafi'is and the Hanbalis.

According to Ḥanafis, it is *makrūḥ* for women to pray alone in a congregation without men, even if it is *tarawīḥ* prayer. If women pray in congregation among themselves, the woman who will be the imam stands between them and does not stand in front of the row, which is *makrūḥ*. Only the funeral prayer can be performed by a women's congregation, for it is a prayer that is not repeated.

That it is *makrūḥ* for women to pray in congregation in a women's community behind a female imam is based on the following hadith: *"It is more excellent for a woman to pray in her house than in her courtyard, and more excellent for her to pray in her private chamber than in her house."*¹³³⁴

On the other hand, there are also hadiths stating that women can perform the obligatory prayer with the imamate of a woman. Ali (*ra*) narrates, one day we went to Umm Salama's house with the Messenger of Allah (*saw*). Women were praying at home. The Messenger of Allah asked what prayer they were praying. When Umm Salama said that they were performing the obligatory prayer, he said, *"O Umm Salama! Shouldn't you be the imam for them?"* Umm Salama said, "Yes, that would be more appropriate." The Prophet (*saw*) said: *"In that case, you will not stand in front of or behind them in the row, but in the middle of them. So that they will be on your right and on your left."*¹³³⁵

According to the Malikis, it is not permissible for a woman or for a hermaphrodite to serve as an imam for anyone, man or woman regardless of whether the prayer being

1333. Al-Shawkanī, *ibid*, III, 165.

1334. Abū Dawūd, Ṣalāh. 53, 199.

1335. Zayd b. Ali, *Musnad*, compiled by al-Baghdādī, Dār al-Kutub al-'ilmiyya, Beirut (n.d.), p. 111, 112.

performed is obligatory or voluntary. Rather, they hold that maleness is always a condition for valid prayer leadership regardless of the gender of those being led in prayer.¹³³⁶

Women's call to prayer is also not permitted. Because the *adhān* is to call the congregation. If it were not *makrūh* for women to pray in congregation behind a female imam, it would be permissible for them to call the *adhān*. Again, based on the same principle, it is permissible for women to go to prayer regularly during the day when they are safe from the danger of mischief (*fitna*).

It is also *makrūh* for a man to lead an all-female congregation in a house where there is no other man other than himself, or a *mahram* such as his wife, sister, or aunt. If one of these mentioned women is among the women's community or if a man leads women in prayer in the mosque, being an imam for such a congregation is not *makrūh*. This is because the Messenger of Allah (*saw*) forbade men to be alone with *non-mahram* women.¹³³⁷

5) *To be in the state of wuḍū and to be clean:*

If an imam later realizes that he has led the prayer being in the state of minor or major impurity, he and the congregation who have been informed about this situation must perform the prayer again. Because, according to a narration from 'Amr Ibn Dinār, it is reported that Ali (*ra*) led a prayer in the state of major impurity (*janabah*) or in the state of minor impurity (without being in the state of *wuḍū*) and that he and the congregation performed this prayer again.¹³³⁸ According to the majority of jurists, whether a person knows about this situation or not, does not affect the result. According to another view, if the imam cannot inform the congregation about this situation, it will be sufficient for him to perform it again.

6) *Not Being the Congregation of Someone Else:*

According to the Ḥanafis when a person who follows an imam after missing some cycles (*masbūq*) gets up to complete the cycles that he missed, it is not permissible for someone else to follow him. For this person was actually a part of a congregation of someone else in prayer. In other words, he constructed his opening *takbīr* upon the opening *takbīr* of that imam.¹³³⁹ According to the Malikis, if someone prays behind another person who arrived in time to perform one cycle with the imam, his prayer will be considered invalid regardless of whether the person following the other arrived late or not.

According to the Shafi'i, it is not permissible to pray behind another worshiper as long as the latter is himself being led in prayer. However, if one worshiper prays behind another as his imam after the latter's imam has concluded his prayer, or after he has made it his intention to part with his imam - given that the intention to part with one's imam is permissible in the Shafi'i view-it will be permissible for him to pray behind him as

1336. Jaziri, *ibid*, p. 539.

1337. Al-Maydanī, *Lubāb*, I, 82; Ibn Abidīn, *ibid*, I, 528 ff.; al-Zayla'i, *Tabyīn al-Ḥaqāiq*, I, 13.

1338. Al-Tahanawī, *I'lā as-Sunan*, IV, 288, Hadith No: 1275-1277, Aḥmad ibn Ḥanbal, I, 88, 99.

1339. Ibn al-Humām, *Fath al-Qadīr*, I, 277.

his imam. This ruling applies to all ritual prayers other than the Friday congregational prayer. Like the Shafi'is, the Hanbalis hold that it is not permissible to pray behind another worshiper who is being led in prayer as long as the latter is himself being led in prayer. However, if this worshiper arrived late for the prayer, it will be permissible for someone else to follow him once his imam has concluded his prayer. The only exception to this ruling is that in the Friday congregational prayer it is not permissible for one person who arrived late to follow another person who arrived late as his imam.¹³⁴⁰

7) *Not to have any chronic problem which invalidates his state of ablution:*

According to the Ḥanafīs and the Ḥanbalīs, the imam should not have chronic problems invalidating his state of ablution such as constant nosebleeds, constantly passing gas, and not being able to hold his urine. A person with such a chronic state can only act as an imam for people who have such chronic problems like himself. This is because the Prophet (saw) implicitly led his Companions in prayer on a rainy day. After all, they could not prostrate on the ground.¹³⁴¹ Based on this tradition if the chronic problems of the imam and the congregation are different, the prayer is not permissible. For example, if a person who has an incessant urine flow problem follows an imam who has the same urine flow problem, the prayer is considered valid. However, if the imam has another chronic problem as well such as constantly passing wind, the person with only one excuse cannot comply because the imam has two chronic problems, and the person who follows him has only one.

As for the Shafi'is, they hold that if the condition from which the imam suffers does not require him to repeat a given prayer, his prayer leadership will be valid even if the person being led in prayer is free from such a condition.¹³⁴²

8) *The Imam should be literate:*

In order for prayer leadership to be valid, the prayer leader must be literate if the person being led in prayer is literate. Hence, it is not permissible for an illiterate person to lead a literate person in prayer, the fundamental condition for 'literacy' being that the imam is able to recite those words and phrases without which the prayer itself will be invalid. Thus, for example, if the imam of a given village is able to recite those words and phrases without which the prayer would not be valid, it is permissible for an educated person to pray behind him. However, if the imam is illiterate, he may only serve as a prayer leader to someone who is illiterate as he is, regardless of whether there is a literate person who would be able to lead them in prayer or not. This is the view of the Shafi'is, the Ḥanafīs, and the Ḥanbalīs. According to the Malikīs, it is not permissible for an illiterate person who is unable to recite the Fatiḥa to be led in prayer by someone like

1340. Jaziri, *ibid*, pp. 543-544.

1341. Al-Tirmidhī, *Mawāqīt*, 176; Aḥmad ibn Ḥanbal, V, 174; Ibn Abidīn, *ibid*, I, 541.

1342. Ibn Abidīn, *ibid*, I, 541; al-Zuhayfī, *ibid*, II, 179.

him if there is a literate person available; rather, both of them should follow the literate person in prayer and if they fail to do so, their prayer is considered invalid.¹³⁴³

9) *The sitting and standing status of a person being led in prayer behind his imam*

Another condition for the validity of prayer leadership is that the person being led in prayer does not stand or sit behind his imam; if this happens, both the prayer and the prayer leadership associated with it will be invalid. This ruling is agreed upon by the Shafi'is, the Ḥanafis, and the Hanbalis. According to the Malikis, following someone else as one's imam does not require that the person or persons being led in prayer not move ahead of the imam. Rather, even if one or all of those being led in prayer were to move ahead of the imam, their prayer would remain valid according to the most widely acknowledged view among the Malikis. At the same time, however, it is considered undesirable to move ahead of the imam unnecessarily.¹³⁴⁴

B – WHO IS MOST ENTITLED TO SERVE AS IMAM

Since it was accepted that the leadership of people in many matters, including prayer, belonged to the administrators within the Islamic societies during the historical process, the imamate of prayer was also left to them, and when the most qualified people to be imams were listed in classical sources of Islamic law, the ones who were listed at the top of the list were the administrators of that region. If this order is applied to today's administrative structure, the worthiest people to be imams are the governor, district governor, police chief, and judges respectively. However, since the prayer leadership and muezzin have become a profession today, although the symbolic priorities of the specified rulers continue, the imam, who is now the official office of that mosque, leads the prayer in the mosque.

If prayer is to be performed outside the mosque or in a *masjid* without an appointed imam, then there will be a need to determine the person who is qualified to be an imam.

Even though there are slight differences among the schools of Islamic law regarding the preferred criteria of prayer leadership, the following principles are usually counted when determining who will be the imam for the congregation:¹³⁴⁵

1. If a congregational prayer is to be performed in a house, the owner of the house or the person to whom he gives permission should be the imam.

2. The most knowledgeable of the rulings on ritual prayer with respect to its validity and/or invalidity, and the most skilled at Qur'anic recitation. The Prophet (*saw*) said,

1343. Jaziri, *ibid*, pp. 539-540.

1344. Jaziri, *ibid*, p. 545.

1345. Al-Kāsānī, *ibid*, I, 157 ff.; Ibn al-Humām, *ibid*, I, 245, 248; Al-Maydanī, *Lubāb*, I, 81 ff.; Ibn Abidīn, *ibid*, I, 520-522.

*“Let the one who knows the book of Allah best lead the congregation. If they are equal in reading, let the imam who knows the sunnah best, act as imam.”*¹³⁴⁶

3. To prefer the one who avoids doubtful things the most and is the most pious and conscientious person (*taqwā*). The characteristic of *taqwā* is achieved by avoiding *ḥarām*, *makrūh* or doubtful things and paying attention to *fard*, *wājib*, *sunnah*, and *mustaḥab*. The Messenger of Allah (*saw*) said,

*“If you want your prayer to be accepted, let your scholars lead you. For they are the messengers between you and your Lord.”*¹³⁴⁷

4. Preferring the older ones as imams. Because the old one has more fear of Allah and causes the congregation to increase. The Prophet (*saw*) said to Ibn Abi Mulayka (*ra*): *“the oldest one amongst you should lead the prayer.”*¹³⁴⁸

5. The morally superior, that is, the one who gets along well with the community, has the right of priority. If there is equality in this matter, the one with the more beautiful face is preferred. What is meant by this is the one who performs *tahajjud* prayers a lot. For the face of the person who performs *tahajjud* prayer is considered to be bright and beautiful.

6. Preferring the one with beautiful lineage, voice, and cleanliness of clothes.

If the head of the Islamic State is among the congregation, the head of state is put forward, then the governor, then the judge, and then the owner of the house. Even if this person is not an owner but a tenant, this is the rule.

On the other hand, if the owner of the house or the imam in charge is among the congregation, they are preferred to others even if they do not have the required qualifications. A person who will pray alone in someone else’s house should also get permission from the owner, this is the virtuous way to act.

All these principles show the importance given to the imamate. This is why the first four caliphs and in the following centuries, high-ranking public officials fulfilled this honorable duty.¹³⁴⁹

C – PERSONS WHO ARE CONSIDERED AS *MAKRŪḤ* TO SERVE AS IMAM

Since the imam leads the prayer on behalf of the congregation, in a way, he stands before Allah Almighty for both himself and his congregation. Therefore, the weakness

1346. Al-Zaylāī, *Naṣb al-Rāya*, II, 24.

1347. This hadith was narrated in al-Tabarānī’s *Mu’jam* and by Ḥakīm. However, Ḥakīm narrated the sentence “Let the best of you be the imam for you.” and did not say anything about the following hadith. Al-Zaylāī, *Naṣb al-Rāya*, II, 26.

1348. Al-Bukhari, *Adhān*, 17, 18, 49, 140; *Jihād*, 43, *Adab*, 27; Muslim, *Masājīd*, 292, 293; Ibn Maja, *‘Iqāmah*, 46.

1349. For a detailed list of each school’s list for prayer leadership see Jaziri, *ibid*, p. 563 ff.

of certain beliefs and the lack of certain deeds in him also affect the prayer of the congregation.

Those who are considered as *makrūh* to be imams are as follows:¹³⁵⁰

1) Imamate of a *Fāsiq*: A person who abandons the *farḍ* acts or commits *ḥarām* is called a *fāsiq* (immoral or sinner) or an *ʿāṣī* (rebel or disobedient). According to the Ḥanafīs and the Shafīʿīs, it is considered *makrūh* for a *fāsiq* to be an imam even if he knows the rules of prayer well. However, it is permissible for him to lead a community. The fact that the imamate of a *fāsiq* is *makrūh* is based on the following hadith, “No woman should be appointed as imam over a man, no Bedouin should be appointed as imam over a Muhajir, no immoral person should be appointed as Imam over a (true) believer unless that is forced upon him and he fears his sword or whip.”¹³⁵¹ However, the prayer led by a *fāsiq* person is still accepted as valid. It is reported that Abdullah Ibn ʿUmar (r. *anhuma*) continued to pray behind Hajjaj. The Messenger of Allah (*saw*) said, “Perform prayers behind anyone who is pious or impious.”¹³⁵²

According to the Hanbalīs, the prayer leadership of *fāsiq* is invalid even if those whom he leads in prayer are like him in this respect. As for the Malikīs, the prayer leadership of a *fāsiq* is undesirable even if those being led in prayer are like him in this respect.

2) Imamate of a person who instigates a *bidʿah* (heresy): It is agreed upon by all four schools that a heretic shouldn’t lead others in prayer if the heresy (*bidʿah*) which he initiated does place him outside the circle of believers. *Bidʿah* means a person whose belief is contrary to the belief of Ahl al-Sunnah. A person who turns to the Muslims’ *qibla* (that is, performs prayer) cannot be called a disbeliever because of a *bidʿah* based on doubt. However, if the heretic denies one of the essential aspects of religion, he or she becomes a disbeliever. For instance, calling Allah an object like other objects or denying that Abu Bakr (*ra*) was a companion of the Prophet (*saw*). For in such a case, that person denies the Qur’anic verse “*he said to his companion (Abu Bakr), ‘Have no fear, for Allah is with us.’*”¹³⁵³

The leadership of a *fāsiq* or a heretic in prayer is *makrūh taḥriman*. This is because a *fāsiq* does not take religious matters seriously and attentively. According to Imam Muhammad and Imam Malik, it is basically not permissible to follow such people in prayer.

3) Imamate of the blind: According to the Ḥanafīs, the Malikīs, and the Ḥanbalīs, it is *makrūh tanzihan* to follow a blind person in prayer. This is because such a person cannot pay enough attention to cleanliness. However, the Ḥanafīs made an exception

1350. Al-Kāsānī, *ibid*, I, 156 ff.; Ibn Abidīn, *ibid*, I, 522-531; al-Shurunbulālī, *Marāq al-Falah*, 49; Ibn al-Humām, *ibid*, I, 247-249; Ibn Qudāmah, *Mughnī*, II, 193-198, 209-211; al-Zuhaylī, *ibid*, II, 186 ff.

1351. Ibn Maja, ‘Iqāmah, 78.

1352. Al-Zaylaʿī, *Naṣb*, III, 26-27; al-Shawkanī, *Nayl*, III, 162.

1353. Al-Tawba, 9: 40.

for the blind person being the most knowledgeable of the congregation. In such a case, it would be more appropriate to prefer him for the prayer leadership.

The Shafi'is, on the other hand, considered the imamate of a blind person permissible without reprehensibility, and they used the fact that Abdullah Ibn Umī Maktūm (*ra*), who was a believer, sometimes served as an imam.¹³⁵⁴

4) The imamate of a person whom the congregation does not want: It is *makrūh tahriman* for a person to be the imam of a congregation that deems him rightfully disgraceful. For it is stated in the following hadith, “Allah will not accept the prayer of a person who becomes imam and takes the lead of a congregation, although they do not want him.”¹³⁵⁵

However, if there is a situation that requires reprehensibility or if there is no one who is more qualified to be an imam, the congregation's disapproval is not taken into account. For in such a case, it is not legitimate for the congregation to refuse.

5) Prolonging the prayer: It is *makrūh* to prolong the recitation, *tasbīh*, *dhikr*, and supplications in the prayer more than the amount found in the *sunnah*. Whether or not the congregation consents to it does not change the rule.

It was narrated from Abu Hurayra (*ra*) that the Prophet (*saw*) said, “When any one of you leads the people in prayer, he should be brief for among them are the young and the aged, the weak and the sick. But when one of you prays by himself, he may (prolong) it as he likes.”¹³⁵⁶

On the other hand, it is *makrūh* for the imam to keep the *rukū'*, prostration, and sitting positions so short that the *tasbīh*, *tashahhud*, and supplications cannot be completed in accordance with the Sunnah, and it is *makrūh* to extend the *rukū'* in order to make the congregation that comes later to catch up.

6) The imamate of the one who recites the Qur'an incorrectly: It is *makrūh* for a person who misreads the Qur'an to the extent that it does not change the meaning, to become an imam when there is someone who can recite it better. For example, reading the word “*al-ḥamdu*” as “*al-ḥamdi*”; or the word “*lillah*” as “*lallāh*”; or the phrase “*Rabbi'l-alamīn*” as “*Rabba'l-alamīn*”. It is also *makrūh* to appoint a person who cannot clearly read letters such as “*dāl*” and “*qāf*” as the imam of the ritual prayer.

7) Imamate of an illegitimate child and slave is also *makrūh*. For ignorance is the dominant characteristic in such people. However, if they are knowledgeable, they can become imams.

1354. Al-Shawkanī, *ibid*, III, 160.

1355. Abū Dawūd, Ṣalāh, 62. Al-Tirmidhī reported the following hadith from Abū 'Umama: “There are three people whose prayers do not go beyond their ears. One of them is a person who leads the congregation even though they do not want him.” See al-Shawkanī, *ibid*, III, 176.

1356. Al-Bukhari, 'Ilm, 28, Adhān, 62; Muslim, Ṣalāh, 183-186; al-Tirmidhī, Ṣalāh, 61; al-Nasā'ī, 'Imamah, 35.

8) According to the Ḥanafis, it is permissible for a woman to be an imam for other women despite it being reprehensible. A woman who will lead an entirely female congregation stands among the women and does not stand in front of the rows.¹³⁵⁷

9) It is *makrūḥ* for the imam to stand in a place that is at least one cubit higher or lower than the congregation and lead the prayer. However, it is an exception if there are a couple more people from the congregation standing with him in the same place.

10) According to Abu Ḥanīfa and Abu Yusuf, it is *makrūḥ taḥriman* for the congregation to recite aloud and silent prayers while following the imam. This is because the imam's recitation means the recitation of the congregation (see "*qirā'ah*" for further details). However, Imam Muhammad views it as permissible for the congregation to recite prayers in silence such as the noon and the late afternoon prayers.

According to Imam Malik and Ahmad Ibn Ḥanbal, in silent prayers, the one who follows the imam silently recites. On the other hand, if any of the congregation does not hear what the imam is reciting openly, the congregation also recites, this is obligatory, but if they can hear, it is not permissible for them to recite. According to Imam Shafī'i, in silent prayers, the one who follows the imam recites verses other than Fatiḥa, and in openly recited prayers, the one who follows the imam must recite the Fatiḥa silently. However, as an exception, if there is a fear of missing the cycle if he recites the Fatiḥa he is allowed to let it go.

D – CONDITIONS FOR THE CONGREGATION TO FOLLOW THE IMAM:

While praying in the congregation, following the imam is called "*iqtidā*", and the one following the imam is called "*muqtadī*". In order for a person to follow the imam, the following conditions must be met.

1) The person who follows the imam must intend to both perform the prayer and follow the imam while starting to pray.

2) An individual who follows the imam should not stand behind the imam, and should not be in the same line with him or in front of him. This is due to the statement of the Messenger of Allah (*saw*), "*The Imam is appointed so that he should be followed*".¹³⁵⁸ In the above situations, if the imam and the congregation are in line, the congregation's prayer is permissible despite being reprehensible. This is the view of three schools excluding the Malikis. As mentioned earlier, standing ahead of the imam is not considered a problem causing the invalidity of the prayer according to the Malikis.

1357. Regarding the views of other schools see above for the section on the requirements of prayer leadership.

1358. Al-Bukhari, Ṣalāh, 18; Adhān, 51, 74, 82, 128, Taqṣīru's-Ṣalāh, 17, Sahw, 9; Muslim, Ṣalāh, 77, 82, 86, 89; Abū Dawūd, Ṣalāh, 68.

Moreover, according to the Ḥanafis and the Ḥanbalis, it is permissible for the congregation to be standing ahead of the imam while praying around the Ka'ba.

3) Depending on the type of the ritual prayer performed, the prayer of the imam and the congregation should be the same, or the ritual prayer of the imam should be superior to the prayer of the congregation. Based on this principle, according to the Ḥanafis and the Malikis, a person who performs supererogatory prayers can follow the imam who is performing obligatory prayers, but a person who performs obligatory prayers cannot follow an imam who is performing supererogatory prayers. According to the Shafi'is and the Ḥanbalis, this is permissible. The evidence is that Muadh (*ra*) went and led his people after having performed the night prayer behind the Prophet (*saw*).

A person who performs the noon and night prayers by himself can then follow the imam who leads the congregation. In this case, the prayer that he performs in the congregation turns into a supererogatory and it is hoped that he will receive the spiritual reward of the congregation. This is because it is permissible to perform supererogatory prayers after these prayers. As a matter of fact, the Messenger of Allah said to the Companion who performed the noon prayer at home and then came to Muhammad (*saw*) and did not follow him while he was leading this prayer in the congregation, “*Even though you came to us, what is preventing you from performing this prayer?*”¹³⁵⁹

It is not permissible for a person who performed the dawn, late afternoon, and evening prayers by himself to follow later the imam who leads the congregation. This is because these prayers that will be performed for the second time with the imam will turn into supererogatory prayers but it is *makrūh* to perform supererogatory prayers after the dawn and late afternoon prayers, and there is no three-cycle supererogatory prayer similar to the three *farḍ* cycles found in the evening prayer.¹³⁶⁰

Moreover, it is not valid for a person who attends the congregation of an imam who performs the *farḍ* cycles of the noon prayer to make up the *farḍ* cycles of another day's noon prayer.

He who performs supererogatory prayers can follow the imam who leads the *farḍ* prayer. Because here, the weak one (supererogatory) is built on the strong one (obligatory). The opposite of this is not permissible. However, according to the sound view, it is not valid to follow the imam who performs an obligatory prayer with the intention of performing the *tarawīḥ* prayer. This is because the *tarawīḥ* prayer is a sunnah prayer performed in a special way.

It is permissible for a person who performs supererogatory prayers to follow the imam who performs supererogatory prayers like himself. It is also valid for the person who performs the votive prayer to follow the imam who also leads the votive prayer. A person who accepts the *witr* prayer as *wājib* can follow an imam who accepts it to be a sunnah.

1359. Aḥmad ibn Ḥanbal, IV, 215.

1360. Abū Dawūd, Ṣalāh, 56; al-Tahanawī, *I'lā as-Sunan*, IV, 267, Hadith No: 1263- 1266, 287, Hadith No: 1273.

It is valid for a person in the state of ablution to follow a person who has performed dry ablution, a person who washes his feet to follow a person who wipes over his *khuffs* or wound dressing when performing ablution; or a person who can stand to follow a person who bows down and prostrate while sitting, and a person who has straight back to follow another person who has a hunch back to the degree of *rukū'*. However, Imam Muhammad is of the opposite opinion on these issues. He argues for instance that a person who prays by gestures can only be an imam for a person who prays by gestures.

If there are women in the congregation, the imam should also make an intention to lead the women or make his intention general so that he becomes an imam for everyone who follows him.¹³⁶¹

4) The distance between the imam and the congregation that follows him must be a reasonable distance. Otherwise, the connection between the imam and the congregation that follows him will be broken and the following of the congregation will not be considered valid.

Accordingly, if there is a river, a public road where people and cars are passing by, an empty land between the imam and his followers, or if there is enough space between the imam and the follower to fit two or more rows in a very large mosque such as the Jerusalem mosque, then following the imam in such cases is not valid. However, it will no longer be an obstacle when the rows cover the road or the bridge over the river and fill the vacant lot. On floors with separate entrances and no other connection between them, if the congregation overflows the floors, a connection may be created between the floors. It is reported that Umar (*ra*) said, "The prayer of a person who has a road, a river or a row of women between him and the imam is not valid."¹³⁶²

Again, if there is a distance between the imam and the congregation or between the congregation and the front row, the situation should be examined: If the prayer is performed outside the mosque and the distance between them is small enough for one row, it is valid to follow the imam. Otherwise, following the imam will not be considered valid. However, if the prayer is performed inside the mosque, this distance does not cut off the connection between the imam and the congregation. However, according to some jurists, it is not permissible to follow the imam in very large mosques by standing in the farthest part of the mosque without connecting the rows.

If the problem of not hearing the *takbīrs* of the imam due to a curtain or wall is solved by means of a transmitter or a loudspeaker in between, then following the imam becomes valid.

1361. Ibn al-Humām, *ibid*, I, 261-265; al-Maydanī, *ibid*, I, 84; Ibn Abidīn, I, 514, 550-552; al-Zuhaylī, *ibid*, II, 221 ff.

1362. Al-Kāsānī, *ibid*, I, 145 ff.; Ibn Abidīn, *ibid*, I, 514, 547-549; al-Zuhaylī, *ibid*, II, 229.

If a person walking on foot follows the imam on the mount, or if exactly the opposite is done, or if he or she follows the imam on another mount, this will not be considered valid since the place where the prayer is being performed will be considered separate places.

5) The congregation must follow the imam in performing the *farḍ*, *wājib*, and *sunnah* prayers. This occurs in three ways.

a) Proximity in acts; The acts of the person following the imam should be close to the acts of the imam. For example, opening *takbīr*, bowing and prostrations must be close to the actions of the imam.

b) To follow the imam; The actions of the follower of the imam must have been done after the imam's actions.

c) There should be no delay or time interval between the act of the imam and the act of the one who follows him. When the imam does an act, the congregation does the same by following.

Following the imam in one of the three ways mentioned above becomes *farḍ*, if it is about one of the *farḍ* acts of the prayer. It becomes *wājib*, if it is about one of the *wājib* acts of the prayer, and it becomes *sunnah* if it is about one of the *sunnah* acts of the prayer. If a person abandons the *rukūʿ* or the prostration by performing *rukūʿ* before the imam or performing the *rukūʿ* too long after the imam's *rukūʿ*, or by prostrating before or after the imam without being a cooperating with the imam, this cycle will be considered invalid because he does not follow the imam and, for that reason, he has to make up that cycle after the imam ends the prayer with salutation. If he does not make it up, his prayer will be considered invalid. The Prophet said, "*The Imam is appointed to be followed. So recite takbīr when he recites it, and bow down when he bows down.*"¹³⁶³

In four places, the congregation is not required to follow the imam. Firstly, the imam knowingly adds a prostration to the prayer, secondly, he says the Eid *takbīrs* more than required, thirdly, he recites the *takbīrs* of the funeral prayer more than he should have, and fourthly, he erroneously stands up for the third or fifth cycle in the obligatory prayer after the last sitting to pray one more cycle. If the imam turns back and sits down after the congregation's warning, the prayer is valid but at the end of the prayer, it is necessary to perform a prostration of forgetfulness. If the imam performs the prostration of the additional cycle, the congregation does not follow him and offers salutes of their own. If the imam stands up before the last sitting and also performs the prostration of this cycle, both the imam's and the congregation's prayers will be considered invalid and must be performed again. For at this point, it becomes certain that the obligatory last sitting has been abandoned.

1363. See al-Bukhari, Ṣalāh, 18; Adhān, 51, 74, 82, 128, Taqṣīr uṣ-Ṣalāh, 17, Sahw, 9; Muslim, Ṣalāh, 77, 82, 86, 89; Abū Dawūd, Ṣalāh, 68.

The person who follows the imam does not follow the imam in the following nine matters and does these things himself:

1) Raises the hands in the opening takbīr, 2) Recites the supplication *subḥanaka*, 3) Recites the *takbīrs* of *rukū'*, 4) Recites the *takbīrs* of prostration, 5) Recites the *tasbīḥs* in *rukū'* and prostration, 6) Recites "*sami' allāhu liman ḥamidah*" when getting up from *rukū'*, 7) Recites the supplication of *taḥiyyāt*, 8) Offers greetings, and 9) Says *takbīrs* of *tashrīq* on the days of Eid-al-Aḍḥā.

The five issues that when the imam abandons them, those who follow him should also abandon them are:

a) Eid *takbīrs*, b) First sitting in three or four-cycle *fard* prayers, c) Prostration of recitation, d) Prostration of forgetfulness, and e) Supplications of *qunūt*. However, the supplications of *qunūt* are abandoned when there is a danger of missing the *rukū'*.

If the congregation completes the supplication of *taḥiyyāt* before the imam, it is more virtuous to offer greetings together with the imam. If the person following the imam has not completed the supplication of *taḥiyyāt*, he completes it and then salutes. It is also permissible to offer greetings together with the imam before completing the supplication of *taḥiyyāt*. However, the congregation does not delay the greeting just to recite the supplications of *ṣalli* and *bārik*.

In the *witr* prayer, if the imam goes down to *rukū'* before the congregation finishes the recitation of *qunūt*, the congregation also goes down to *rukū'*. However, if the congregation has not recited any part from the *qunūt* yet, they recite such an amount that makes it possible to do at least a part of the *rukū'* together with the imam.

If the imam forgets to recite the supplications of *qunūt* and goes down to *rukū'*, if the congregation does not follow him, and the imam stands back from the *rukū'* and after reciting the supplications of *qunūt* goes down to *rukū'* again, the congregation's prayer will be invalid when the congregation follows him.

It is *makrūḥ* for a member of the congregation to follow the imam alone, even though there is some space in the front row.

If a person who finds the imam in the position of *rukū'* is afraid that he will miss the cycle if he goes to the first row, he can stand on the last row and follow the imam. Even if he is sure that he will miss the cycle, he cannot stand alone in the back and follow the imam without joining one of the rows.

6) Praying in line with women in a row, even if she is one of his close relatives, causes the prayer of the person from the right and left of the woman and one person from behind to be invalid.

7) Being the adherent of different schools (*madhḥabs*) does not prevent one from following an imam. According to the Ḥanafis and the Shafi'is, the imam's prayer must

also be valid according to the school of the congregation. For example, if a person from the Ḥanafī school performs prayers behind a Shafī'ī imam who he sees does not perform ablution after a nosebleed, or if a person of the Shafī'ī school follows a Ḥanafī imam who touches a woman's hand, his prayer will be invalid. This is because the congregation believes that the imam's prayer is invalid. However, according to their own school, the prayer of the congregation will not be harmed if they do not see this situation, which is considered to invalidate the imam's state of ablution.

According to the Maliki and the Ḥanbalis, only the school to which the imam adheres is taken into account in matters that are essential for the validity of prayer. This is because if the prayer of the imam is valid, the prayer of the congregation is also valid.¹³⁶⁴

In conclusion, it is more virtuous for every Muslim to follow the imam of his own madhhab. When this is not possible, following an imam from another school who observes the obligatory acts of prayer is more virtuous than praying alone.



1364. Ibn Abidīn, *ibid*, I, 526; Ibn Qudāmah, *Mughnī*, II, 190; al-Zuhaylī, *ibid*, II, 180 ff.

IX – HOW TO PERFORM THE FIVE DAILY PRAYERS

A – HOW TO PRAY ALONE

Prayers are divided into *farḍ*, *wājib*, *sunnah*, *mustahab*, and *nāfila* types. These prayers, taking into account the *farḍ*, *wājib*, and *sunnah* acts and manners explained earlier, are performed as follows.

1) The *Fajr* (Dawn) Prayer

According to the Ḥanafis, in order to perform the two-cycle *sunnah* of the dawn prayer, one expresses the intention to perform the *sunnah* cycles of today's dawn prayer, and raises his hands up to the point where his thumbs come to the lobes of his ears and says “*Allāhu Akbar*”.

After that, he clasps his hands together, according to the Ḥanafis, and recites the following supplication: “*Subḥānaka Allāhumma wa bi ḥamdika wa tabarakasmuka wa ta’āla jadduka wa lā ilaha ghayruka*”. According to the Shafi’is, the invocation called *tawjīh* “*wajjahtu wajhiya lilladhī faṭara as-samawāti wa ‘l-‘arḍ*” is recited in this position. Then follows the statements, “*audhu billāhi mina ‘sh-shaytan ‘irrajīm* (I seek refuge in Allah from the devil who was expelled from divine mercy) – and *bismillahi ‘r-ramāni ‘r-raḥīm* – (I begin in the name of Allah, Most Gracious, Most Merciful)” and recites the chapter of Fatiḥa. According to the Malikis, since recitation of anything, before the *sura* Fatiḥa is considered *makrūh*, none of the above-mentioned supplications and sentences are recited after the opening *takbīr* but rather he or she directly starts the recitation of Fatiḥa. At the end of Fatiḥa, he or she says “*amīn* (accept it, O our Lord)”. After that, she or he reads some additional verses from the Qur’an. What is meant here by additional Qur’anic verse after Fatiḥa is the recitation of at least one chapter or three short verses or one verse that is as long as three short verses.

After that, the worshipper bows down saying “*Allāhu Akbar*” while doing the *rukū’*. According to the Shafi’is and the Hanbalis, it is recommended to raise the hands up to the level of the shoulders before *rukū’* and while standing back up from the *rukū’*. While in the position of *rukū’*, he says “*subḥāna rabbiya ‘l-‘azīm* (Glory be to my Lord Almighty)” at least three times. Then he stands back up from the *rukū’* saying “*sami ‘ Allāhu liman ḥamidah* (Allah hears the praise of the one who praises Him.)”, and the second part, “*Allāhumma Rabbanā laka ‘l-ḥamd* (O Allah! O our Lord, the praise belongs only to You)” while standing. After that, he goes down to prostrate by saying “*Allāhu akbar*”. While in prostration, he says “*subḥāna rabbiya ‘l-‘ala* (Glory be to my Lord, the Most High)” three times. He then rises from prostration to the sitting position by saying “*Allāhu Akbar*”, after, sitting for a short while, and then does the second prostration by

saying “*Allāhu Akbar*” again. Like in the first prostration, he again says “*subhāna rabbiya’l-‘ala*” three times in the second prostration. With this, the first cycle of the ritual prayer becomes complete.

After this second prostration, the second cycle is commenced with saying “*Allāhu Akbar*” and rising to the standing position. In the standing position, this time only *basmala* and *Fatiḥa* and some additional verses from the Qur’an are recited, and then the bowing and the prostrations are performed just as in the first cycle. After the second prostration, the worshipper sits in the sitting position. This sitting is the last sitting in a two-cycle prayer. In this sitting position, the supplications of *taḥiyyāt*, *ṣalli* and *barik*, and “*rabbanā ātinā fi’d-dunyā ḥasanatan...*” are recited. Finally, he or she offers greetings to the right by turning the face to the right and saying “*as-salāmu ‘alaykum wa raḥmatullāh* (peace and blessings of Allah be upon you)”, and then turning the face to the left saying again, “*as-salāmu ‘alaykum wa raḥmatullāh*”. With these salutations, the believers, the angels, and the believing jinns on the right and left sides are all greeted. This completes a two-cycle ritual prayer.

All the *takbīrs*, *tasbiḥāt*, and recitations are carried out silently, i.e. in a low voice whereby the person performing the prayer can hear herself or himself.

How men and women raise and clasp their hands in the ritual prayer, and the bodily postures that they do in bowing, prostration, and sitting have been explained earlier under the subjects of “Sunnah acts and the manners of ritual prayer”.

The two obligatory cycles of the dawn ritual prayer are performed as follows:

First, the *iqāmah* is recited exclusively by men, then the intention is made to “perform the *farḍ* cycles of today’s dawn prayer” and the prayer is performed as already explained in the *sunnah* cycles of the dawn prayer except for the slight differences mentioned below.

A minor difference between performing the *sunnah* cycles and the *farḍ* cycles of the dawn prayer is that it is *sunnah* to recite the Qur’an a little bit more after the *Fatiḥa* in the *farḍ* cycles. The minimum amount of this *sunnah* is about forty verses but, it is also permissible to recite three short verses. Moreover, the recitation is kept brief if one fears that the time of prayer will end. In fact, it is sufficient to even only recite the *Fatiḥa* with only a couple of Qur’anic verses. According to Abu Ḥanīfa, the lower limit of the obligatory recitation is a Qur’anic verse with at least six letters. As in the verses “*thumma naẓar* (then he looked round)” and “*lam yalid* (He begets not)”.¹³⁶⁵

It is important to note that a person praying alone can recite the *takbīrs*, the chapter *Fatiḥa*, the additional chapter or verses, and the sentence “*sami‘ Allāhu liman ḥamidah*” aloud while performing the *farḍ* cycles.

1365. See al-Kāsānī, *ibid*, I, 110; Ibn al-Humām, *ibid*, I, 193, 205, 322 ff.; Ibn Abidīn, *ibid*, I, 415; al-Zayla‘ī, *Tabyīn al-Ḥaqāiq*, I, 104 ff.; Bilmen, *ibid*, p. 153 ff.

2) The *Zuḥr* (Noon) prayer

The first two cycles of the four *sunnah* cycles of the noon prayer are performed exactly like the two cycles of the dawn prayer with two exceptions. First, the intention should be made by saying “I intend for the sake of Allah to perform the first *sunnah* cycles of today’s noon prayer” and second since the sitting after the second cycle is not the last sitting, but the first sitting, only supplication of “*taḥiyyāt*” is recited in that sitting, then the third cycle is started by saying “*Allāhu Akbar*” while standing up for the third cycle. During the third cycle of standing the person reads *sura* Fatiha and some additional verses from the Qur’an without the recitation of the supplication of *subḥānaka*. Afterward, the worshipper goes to *rukū* and prostration as stated above. Afterward, one stands up by saying “*Allāhu Akbar*” for the final fourth cycle. In the fourth cycle, one goes down to bowing and prostration exactly as in earlier cycles after reciting the *basmala*, *sura* Fatiha, and some additional verses from the Qur’an, and then sits for the second and last sitting. In this position, the prayers of “*taḥiyyāt*”, “*ṣalli and barik*” and “*rabbanā ātinā...*” are recited and greetings are offered to both sides. This completes the four *sunnah* cycles of the noon ritual prayer.

The four *farḍ* cycles of the noon prayer are performed exactly as the four *sunnah* cycles explained above except for the following differences: after the *sunnah*, one stands up without dealing with anything contrary to the prayer, and the *iqāmah* is recited. The intention for the *farḍ* cycles is expressed by saying “I intend for the sake of Allah to perform the *farḍ* cycles of today’s noon prayer.” After completing the first two cycles and standing up to the third cycle by saying “*Allāhu Akbar*”, only the *basmala* and chapter Fatiha are recited in the third and fourth cycles. After the last sitting, the *farḍ* cycles of noon prayer are completed by offering greetings to both sides.

The number and length of the verses to be recited in the *farḍ* cycles of noon prayer are usually less than the Qur’anic verses recited in the dawn prayer.

The last two *sunnah* cycles of the noon prayer are performed by intending, “I tend for the sake of Allah to perform the last *sunnah* cycles of today’s noon prayer” and are performed exactly like the two *sunnah* cycles of the dawn prayer. It is *mustaḥab* to perform this last *sunnah* in four cycles. In this case, either a salutation is given in every two cycles, or a greeting is said at the end of the four cycles. In the latter case, in the first sitting both the supplications of “*taḥiyyāt*” and “*ṣalli and barik*” are recited, whereas the supplication “*rabbanā ātinā...*” is not recited, and when standing up by saying *takbīr* for the third cycle, the supplication “*subḥānaka*” is again recited, and these last two cycles are performed like the previous two cycles.

A person who performs the *sunnah* cycles and *farḍ* cycles of the noon prayer reads the whole of the ritual prayer silently.

3) The ‘Aṣr (late afternoon) prayer

The four *sunnah* cycles of the late afternoon prayer is a *ghayr mu’akkad* sunnah. Both cycles are performed like independent prayers. Therefore, each two-cycle of the four cycles is performed like the two sunnah cycles of the dawn prayer. First, the intention is made to “perform the sunnah cycles of today’s late afternoon prayer.” The first two cycles of this prayer are performed like the sunnah cycles of the dawn prayer. This means the last sitting. For this reason, the prayers of “*ṣalli* and *barik*” are read together with “*taḥiyyāt...*”, but not the prayer of “*rabbanā ātinā...*”. Then the third cycle commences with saying “*Allāhu Akbar*” and standing. After “*subḥānaka*” and “*aūdhu-basmala*”, the Fatiḥa and some more verses from the Qur’an are recited, and after bowing and prostrations, the person stands up for the fourth cycle by reciting a *takbīr*, followed by “*basmala*”, the Fatiḥa and some more verses from the Qur’an. The rest of the fourth cycle is performed exactly as the last cycle of any one of the prayers described above.

Performing the *farḍ* cycles of the late afternoon prayer is done exactly like the *farḍ* cycles of the noon prayer with only one difference. The intention is stated by saying, “I intend for the sake of Allah to perform the *farḍ* cycles of today’s late afternoon prayer”.

A person who performs the *sunnah* and *farḍ* cycles of the late afternoon prayer alone should perform them silently, just like the noon prayer.

4) The Maghrib (Evening) prayer

The three cycles of the evening prayer are performed like the first three *farḍ* cycles of the noon and late afternoon prayers. Moreover, in the *farḍ* cycles of the evening prayer, short *suras* are recited due to the time constraint of this ritual prayer.

Performing the *sunnah* cycles of the evening prayer is performed exactly like the *sunnah* cycles of the dawn prayer except for the phrases of intention. It is *mustaḥab* to perform it in six cycles. In this case, it is performed with one greeting by performing all six cycles, or by dividing the six cycles into two or three portions by two or three greetings. If a greeting is given in two cycles, both cycles are performed like the *sunnah* of the dawn prayer. However, it can also be performed like the *sunnah* cycles of the late afternoon prayer by giving a greeting at the end of four cycles. This additional four-cycle or all six-cycle prayer is called the “*Awwābīn Prayer*”.¹³⁶⁶

A person who performs the *farḍ* cycles of the evening prayer alone can it alone can perform it by reciting it aloud, just like the *farḍ* cycles of the dawn prayer.

Even if a person who has already performed the evening prayer by himself sees that it is being performed in a congregation, he cannot perform it again by following the imam. This is because if he was to do this, his second prayer in the congregation would be deemed a supererogatory prayer, but there is no such thing as a three-cycle

1366. See al-‘Isrā, 17: 25; al-Haythamī, *Majma’ al-Zawāid*, Egypt (n.d.) II, 230.

supererogatory prayer. Therefore, it is not possible for him to repeat the evening prayer that is being performed in a congregation.

5) The *'Ishā* (night) prayer

According to the Ḥanafis, the first four-cycle sunnah of the night prayer is a *ghayr mu'akkad* sunnahs. It is performed exactly like the four sunnah cycles of the late afternoon prayer. Its four *farḍ* cycles are performed exactly like the *farḍ* cycles of the noon and late afternoon prayers. As for its last two *sunnah* cycles, it is performed exactly like the two-cycle *sunnahs* of the dawn and evening prayers. In these, only the intentions change based upon them being *farḍ* or sunnah prayers of the night prayer.

The last *sunnah* of the night prayer can also be performed in four cycles.¹³⁶⁷ In this case, it is performed like the first four cycles of the late afternoon prayer. However, it can also be performed by offering greetings at the end of two cycles. In this case, since both cycles will be independent prayers, supplications of “*taḥiyyāt*”, “*ṣalli and barik*” and “*rabbānā ātinā...*” are recited in the last sittings. The best thing to do in supererogatory prayers at night is to offer greetings every two cycles in this way.

A person who prays alone can also pray the *farḍ* cycles of the night prayer aloud.

A person who has already performed the noon and night prayers by himself is allowed to later follow an imam who leads a congregation. In this case, the prayer that he performs in the congregation turns into a supererogatory prayer and it is hoped that he will receive the reward of the congregation. The reason for this is that it is permissible to perform supererogatory prayers after these prayers. However, it is not permissible for a person who has already performed dawn, late afternoon, and evening prayers by himself later to follow an imam who leads a congregation. This is because these prayers that will be performed for the second time with the imam will turn into supererogatory prayers. This is because it is *makrūh* to perform supererogatory prayers after the dawn and afternoon prayers, and since there is no three-cycle supererogatory prayer similar to the evening prayer, one cannot attend a congregation to perform the *farḍ* cycles of the above-mentioned prayers.¹³⁶⁸ On the other hand, the Messenger of Allah (*saw*) did say to a Companion in the mosque who had already performed the noon prayer at home and who did not follow the Messenger of Allah in prayer while he was leading this prayer in a congregation: “*What prevents you from performing this prayer even though you have come to us?*”¹³⁶⁹

B – *WITR* PRAYER

Witr means “odd” numbers in Arabic, the opposite of even numbers. The Prophet (*saw*) recommended and encouraged the last prayer of the day to be an odd one (*witr*)

1367. See al-Zaylaī, *Naṣb al-Rāya*, II, 145 ff.; al-Shawkanī, *Nayl al-Awṭār*, III, 18; al-Shurunbulālī, *Marāq al-Falaḥ*, p. 64.

1368. Abū Dawūd, *Ṣalāh*, 56; al-Taḥanāwī, *I'la al-Sunan*, IV, 267, Hadith No: 1263- 1266, 287, Hadith No: 1273.

1369. Aḥmad ibn Ḥanbal, IV, 215.

and stated that those who are certain that they can wake up a little before the time of the dawn prayer can perform this prayer,¹³⁷⁰ and those who are worried that they will not be able to wake up at night,¹³⁷¹ may perform it after the night prayer before going to bed.¹³⁷² However, according to Imam Shafi'i, Imam Malik, and Ahmad ibn Hanbal, the *witr* prayer can be performed after the dawn, as long as one has not been performing the dawn prayer yet.

The *witr* prayer is based on hadiths.¹³⁷³ The Prophet (saw) said, “O people of the Qur'an! Perform the *witr* prayer. Because Allah is one and loves one.”¹³⁷⁴, “There are three things that are obligatory upon me, but not obligatory upon you. Mid-morning prayer, sacrifice and *witr* prayer”¹³⁷⁵, and “Allah has added one more prayer for you. This prayer is the *witr* prayer. Perform the *witr* prayer between the night (*ishā*) and the dawn (*fajr*).”¹³⁷⁶ According to Abu Ḥanīfa, the command “to perform” in this hadith expresses requirement, and for that reason, he considered *witr* a *wājib* act.

According to Abu Yusuf, Imam Muhammad, and the imams of the other three madhhabs, the *witr* prayer is a *mu'akkad sunnah*.

According to the Ḥanafis, the *witr* prayer consists of three cycles, like the evening prayer, performed with the final greetings. The evidence is the following hadith narrated by Aisha, “The Prophet would perform *witr* in three cycles and salute at the end of the three cycles.”¹³⁷⁷ Its difference from the evening prayer is that in each cycle of it, *Fatiḥa* is recited, followed by some additional verses from the Qur'an, and in the last cycle, hands are raised by saying *takbīr* before going down to *rukū'* and the supplication of *qunūt* is recited. According to Abu Ḥanīfa, recitation of the supplication of *qunūt* is *wājib*, but according to Abu Yusuf and Imam Muhammad, it is a *sunnah*.

According to the Malikis, the *witr* prayer is a one-cycle prayer. After the *farḍ* cycles of the night prayer, two cycles of *sunnah* are performed, and one cycle of *witr* prayer is added to it after offering greetings. According to the Ḥanbalis, *witr* is a one-cycle prayer, but if three or more cycles are performed, there is no harm in doing so.

According to Shafi'i, the minimum of the *witr* prayer is one cycle, and the maximum is eleven cycles. If it is to be performed in more than one cycle, the intention is

1370. Muslim, *Musāfirīn*, 53.

1371. Al-Tirmidhī, *Witr*, 12; Abū Dawūd, *Witr*, 8.

1372. Muslim, *Musāfirīn*, 53.

1373. Al-Kāsānī, *ibid*, I, 270-274; Ibn al-Humām, *ibid*, I, 310 ff.; al-Shirazī, *Muḥadhdhab*, I, 83; Ibn Qudāmah, *Mughnī*, II, 150, 165.

1374. Al-Bukhārī, *Da'awāt*, 69; Muslim, *Dhikr*, 5, 6; Abū Dawūd, *Witr* 1; al-Tirmidhī, *Witr*, 2; al-Nasā'ī, *Qiyām al-layl*, 27.

1375. Al-Zayla'ī, *Naṣb al-Rāya*, II, 105.

1376. Aḥmad ibn Ḥanbal, II, 180, 206, 208, V, 242, VI, 7; See al-Tirmidhī, *Witr*, 12; Abū Dawūd, *Witr*, 8; Muslim, *Ṣalāt al-Musāfirīn*, 53.

1377. This hadith was narrated by al-Hakim and said that it complies with the conditions of al-Bukhari and Muslim. Al-Nasā'ī narrated it with the addition of the following sentence “The Prophet (pbuh) did not greet in two cycles in *witr* prayer.” See al-Zayla'ī, *Naṣb*, II, 118 ff.

made for two cycles and the greetings are given at the end of the two-cycle. Then, one intends for one cycle of *witr* and ends it with the greetings.¹³⁷⁸

The different interpretations of the imams of the madhhab regarding the number of cycles and the application of the *witr* prayer are based on the following hadiths found below.

*“The witr is a duty for every Muslim so if anyone wishes to observe it with five cycles, he may do so; if anyone wishes to observe it with three, he may do so, and if anyone wishes to observe it with one, he may do so.”*¹³⁷⁹ The following is stated in the hadith narrated by Ibn Hibban, *“The Prophet used to separate two cycles of sunnah and the witr (with greetings).”*¹³⁸⁰ It was narrated from Aisha that she said, *“The Messenger of Allah (saw) would not perform supererogatory prayers more than eleven cycles during and outside Ramadan.”*¹³⁸¹ In a hadith narrated by Muslim, again from Aisha, it is stated that the Messenger of Allah (saw) offered greetings after every two-cycle of the eleven cycles that he performed until the dawn after the night prayer, and he performed the last one as a single one cycle.¹³⁸² Abdullah Ibn ‘Umar and Abdullah Ibn Abbas (*r. anhum*) said, *“The witr prayer is the only cycle performed at the end of the night.”*¹³⁸³

Some Issues Regarding the *Witr* Prayer:

1) The *witr* prayer is performed in congregation only in Ramadan. The imam leads this prayer with a loud voice. According to the preferred view, both the imam and the congregation recite the supplication of *qunūt* silently in the third cycle. Except in Ramadan, it is considered *makrūh* to perform *witr* in the congregation.

2) A person who catches up with the imam after the first cycle recites the supplication of *qunūt* together with the imam, and does not recite the *qunūt* again while making up the cycles that he missed.

3) If a person who performs the *witr* prayer doubts whether he is in the second or third cycle, should recite the *qunūt* in the current cycle, perform one more cycle after bowing and prostrating, and recite the *qunūt* again in that cycle. Moreover, he or she should perform *tashahhud* after the *rukū‘* and prostrate and then complete the prayer with greetings. If there are any such doubts in the first cycle, the supplication of *qunūt* should be recited in the cycle that is thought to be the third.

1378. Al-Kāsānī, *ibid.* I, 270 ff.; al-Maydanī, *Lubāb*, I, 78; Ibn Qudāmah, *Mughnī*, II, 150; al-Zuhaylī, *ibid.*, I, 820 ff.

1379. Abū Dawūd, *Witr*, 3; al-Nasā‘ī, *Qiyām al-Layl*, 40; Ibn Maja, ‘*Iqāmah*, 123; Aḥmad ibn Ḥanbal, V, 357.

1380. Aḥmad ibn Ḥanbal, VI, 84.

1381. Al-Bukhari, *Taḥajjud*, 3, 16.

1382. See Ibn Maja, ‘*Iqāmah*, 125, 181; Abū Dawūd, *Ṭaṭawwū‘*, 26; Aḥmad ibn Ḥanbal, I, 170; Malik, *Muwaffā‘*, Ṣalāt al-Layl, 8; Muslim, *Musāfirīn*, 121.

1383. Muslim, Ṣalāt al- *Musāfirīn*, 153; Abū Dawūd, *Witr*, 3; al-Nasā‘ī, *Qiyām al-Layl*, 34.

4) According to the Ḥanafis, the supplication of *qunūt* is not recited in prayers other than *witr*. Yet, the *qunūt* can be recited in the *farḍ* cycles of the dawn prayer but only during times of troubles, strife, and mischief.

According to the Shafi‘is and the Malikis, the supplication of *qunūt* is recited standing (in the position of *qawma*) after *rukū‘* in the *farḍ* cycles of the dawn prayers every day. The recitation of *qunūt* in dawn prayer is *mustaḥab* according to the Malikis and *sunnah* according to the Shafi‘is. On the other hand, according to Shafi‘is, it is *mandūb* to recite the supplication of *qunūt* after the *rukū‘* in the last cycle of the *witr* prayer in the second half of Ramadan.¹³⁸⁴

5) When a Ḥanafī follows a Shafi‘ī or a Maliki imam who recites the supplication of *qunūt* in the dawn prayer, he remains silent and does not recite the *qunūt*. If he reads it, he should read it silently.

The supplication of *qunūt*, which is narrated from Umar and his son Abdullah (*r. anhumā*) and preferred by the Ḥanafis and the Malikis, is as follows:¹³⁸⁵

اللَّهُمَّ إِنَّا نَسْتَعِينُكَ وَنَسْتَغْفِرُكَ وَنَسْتَهِدُكَ وَنُؤْمِنُ بِكَ وَنَتُوبُ إِلَيْكَ وَنَتَوَكَّلُ
عَلَيْكَ وَنُثْنِي عَلَيْكَ الْخَيْرَ كُلَّهُ نَشْكُرُكَ وَلَا نَكْفُرُكَ وَنَخْلَعُ وَنَتْرُكُ مَنْ
يَفْجُرُكَ. اللَّهُمَّ إِيَّاكَ نَعْبُدُ وَلَكَ نُصَلِّي وَنَسْجُدُ وَإِلَيْكَ نَسْعَى وَنَحْفِدُ نَرْ
جُوا رَحْمَتَكَ وَنَخْشَى عَذَابَكَ إِنَّ عَذَابَكَ بِالْكَفَّارِ مُلْحِقٌ.

“*Allāhuma! Innā nasta’īnuka wa nastaghfiruka wa nastahdīk; wa nu’minu bika wa natūbu ilayka wa natawakkalu ‘alayka wa nusnī ‘alayka al-khayra kullahū nashkuruka, wa lā nakfuruk; wa nakhlau ‘ wa natruku man yaffuruk.*

Allāhuma! Iyyāka na’budu wa laka nuṣallī wa nasjudu wa ilayka nas’ā wa nahfidu narjū raḥmatāka wa nakhshā adhābak. Inna adhābaka bi’l-kuffāri mulḥiq.”

“O, Allah! We implore You for help and beg forgiveness of You and believe in You and rely on You and extol You and we are thankful to You and are not ungrateful to You and we alienate and forsake those who disobey You.

O, Allah! You alone do we worship and for You do we pray and prostrate to and we betake to please You and present ourselves for the service in Your cause and we hope for Your mercy and fear Your chastisement. Undoubtedly, Your torment is going to overtake those who reject the faith, O Allah!”

1384. Al-Zaylāī, *Naṣb al-Rāya*, II, 123; Al-Zuhaylī, *ibid*, I, 826 ff.

1385. Al-Kāsānī, *ibid*, I, 273 ff.; Ibn al-Humām, *ibid*, I, 309 ff.; Al-Maydanī, *ibid*, I, 78 ff.; Ibn Abidīn, *ibid*, I, 626; Al-Zuhaylī, *ibid*, I, 810.

In addition to the above-mentioned supplication, the following version of the supplication of *qunūt* is also preferred by Shafi'is and Hanbalis with slight differences:

"Allahumma ihdinā fiman hadayt, wa 'afina fiman 'āfayt, wa tawallinā fiman tawallayt, wa bārik lanā fīmā a'tayt, wa qinā sharra ma qaḍayt, innaka subḥānuka taqḍi wa la yuqḍā 'alayka, innahu lā yadhillu man wālayt, wa la ya'izzu man 'ādayt, tabarakta rabbana wa ta'ālayt"

Allahumma na'ūdhu bi riḍāka min sukḥṭika, wa bi 'afwika min 'uqubatika, wa bika minka, wa la nuṣḥī thanā'an 'alayka, anta kama athnayt 'ala nafsik"

"O Allah, guide us with those You have guided, grant us wholeness with those to whom You have granted wholeness, watch over us with those You have watched over, bless us in that which You have given, and protect us from the evil of what You have decreed, for You alone are the One who decrees and disposes. No one to whom You grant your succor will be disgraced, nor will anyone whom You oppose enjoy honor and glory.

O Allah, we seek refuge from Your displeasure in Your favor, we seek refuge from Your chastisement in Your pardon, and we seek refuge from You in You! To You do we offer boundless praise, for Yours are all the praiseworthy attributes with which You have described Yourself"

A person who does not know the supplication of *qunūt* recites the supplication of "*rabbanā atinā*" prayer or says "*Allāhummaghfirli* (O Allah! Forgive me)" three times or "*Yā Rabbī* (O my Lord)" three times.

C – HOW TO PERFORM THE PRAYERS IN CONGREGATION:

Those who perform the prayer in the congregation act as follows:

1) Each of the congregation must make an intention to follow the imam, for example, he makes an intention by saying, "I intend to perform the *farḍ* cycles of today's dawn prayer, and to follow the imam". Then the imam starts the prayer by raising his hands and saying loudly "*Allāhu Akbar*". The congregation also raises their hands and silently says "*Allāhu Akbar*" and starts the prayer together with the imam. According to the Ḥanafīs, the imam and the congregation recite the "*subḥānaka*" silently, then the congregation does not recite anything further and awaits silently. It was narrated from Abdullah Ibn Umar (r. *anhuma*) that he said, "*When one of you prays behind the imam, the imam's recitation is sufficient for him. When he prays alone, let him recite.*"¹³⁸⁶ The Imam silently recites "*Audhu*" and "*Basmala*", and leads the prayer as follows:

In the first two cycles of the dawn prayer, evening and night prayers, and in all three cycles of the *witr* prayer, and in all cycles of the Friday and Eid prayers, he recites loudly, that is, in a voice that the congregation can hear, the *Fatiḥa* and the additional

1386. Malik, *Muwaffā'*, Ṣalāh, 10, Hadith No: 43.

verses from the Qur'an, the other *takbīrs*, *tasmī's* (saying “*sami‘ Allāhu liman ḥamidah*”) and the final greetings. In the third and fourth cycles of the evening prayer and the night prayer, and in all the cycles of the noon and afternoon prayers, he recites the *takbīrs*, *tasmī's*, and greetings loudly, but recites the supplication of “*subḥānaka*”, Fatiḥa and additional Qur’anic verses silently.

2) The imam should keep the verses that he will recite in the first cycle of the dawn prayer longer than the verses he will recite in the second cycle. This is considered a sunnah. Moreover, this may help the congregation catch up with the first cycle.

3) The congregation recites the *takbīrs* silently. As the imam gets up from *rukū‘*, he says loudly “*sami‘ Allāhu liman ḥamidah*” and “*rabbanā laka ‘l-ḥamd*” silently. According to another narration from Abu Ḥanīfa, the imam does not say “*rabbanā laka ‘l-ḥamd*”. Only the congregation silently says this phrase. And again, together with the imam in *rukū‘*, the congregation silently says “*subḥāna rabbiya ‘l-‘azīm* (Glory be to my Lord Almighty)” three times, and in each prostration, they say silently “*subḥāna rabbiya ‘l-‘ala* (Glory is to my Lord, the Most High)” three times.

4) In their first sitting, the imam and the congregation silently recite only the supplication of “*tahiyyāt*”, and they silently recite the supplications of “*ṣalli* and *barik*” and “*rabbanā atinā...*” together with “*tahiyyāt*” in their second sitting. When the imam offers his greetings loudly, first to the right and then to the left, the congregation also silently offers greetings together in this way.

In regards to saying *amīn* after Fatiḥa in congregational prayers, there are differences of opinion among the schools of Islamic law. According to the Shafī‘is and the Hanbalis, the word *amīn* should be uttered silently in the prayer that is being performed silently, and aloud in the prayer that is being performed aloud. However, according to the Ḥanafis, one should utter the word *amīn* silently regardless of whether the prayer is being performed silently or aloud. According to the Malikis, on the other hand, the utterance of the word *amīn* is recommended for both those praying alone and those being led in prayer regardless of whether the prayer is being performed silently or aloud. As for the imam, it is recommended that he utters it only when he has been reciting silently. Those being led in a prayer being performed aloud should say *amīn* when they hear the imam utter the final words of the Fatiḥa; as for those being led in a prayer being performed silently, they should say *amīn* when they hear themselves utter the final words of the Fatiḥa.¹³⁸⁷

5) After the imam offers his greetings, the muezzin loudly says;

اللَّهُمَّ أَنْتَ السَّلَامُ وَمِنْكَ السَّلَامُ تَبَارَكْتَ يَا ذَا الْجَلَالِ وَالْإِكْرَامِ

“*Allāhumma, anta ‘s-salāmu wa minka ‘s-salām. Tabārakta yā dha ‘l-jalālī wa ‘l-ikrām.*”

1387. Jaziri, *ibid*, p. 325.

Meaning: “O Allah, You are peace, peace comes from You. Blessed are You O Possessor of Glory and Honor”

After the *fard* cycles, if there are any *sunnah* cycles, they are performed, and then blessings and greetings are sent to the Prophet (*saw*). Either the muezzin loudly recites the Verse of the Throne or each one of the congregation together with the imam, silently recites it.¹³⁸⁸ Then they say “*subhānallah*”, “*al-ḥamdulillāh*”, and “*Allāhu Akbar*” thirty-three times each. The number of these phrases can be counted by means of the fingers of the right hand, or with the beads of the rosary, as long as there is no mistake done in the number.

6) After “*subhānallah*”, “*al-ḥamdulillāh*”, and “*Allāhu Akbar*” thirty-three times each as mentioned above, the muezzin says with a loud voice,

لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى
كُلِّ شَيْءٍ قَدِيرٌ، سُبْحَانَ رَبِّيَ الْعَلِيِّ الْأَعْلَى الْوَهَّابِ

“*Lā ilāha illallāhu waḥdahū lā sharīka lah, lahu 'l-mulku wa lahu 'l-ḥamdu wa huwa 'alā kulli shay'in qadīr, subhāna Rabbiya 'l-'aliyyi 'l-a 'la 'l-wahhāb*”.

“None has the right to be worshipped but Allah; He is One and has no partner. All the kingdoms are His, and all the praises are for Him, and He is Omnipotent. Glory is to my Lord, the Most High, the Bestower.”

After this prayer, the imam and the congregation rub both their hands on their faces.

Those who pray alone also recite all these supplications. These are the *mustahab* acts of the ritual prayer, and those who practice them earn a great reward in the hereafter.

7) The ritual prayers should be performed by observing their times, essential pillars, and cycles. Not only have these been conveyed from the Prophet through *tawatur*, but also there has been a consensus among the *ummah* for centuries on these matters. The Messenger of Allah (*saw*) said, “*Perform the prayers as you have seen me performing.*”¹³⁸⁹ For that reason, a ritual prayer that contradicts the prayers performed by Muhammad (*saw*) is not considered valid according to the Islamic understanding.

D – INVOCATIONS AND *ADHKĀR* RECITED AFTER PRAYER

It is *sunnah* to remember Allah, to recite supplications, and to ask for Allah’s forgiveness after prayers. These invocations and *adhkār* are recited after the obligatory prayers, as in the dawn and afternoon prayers, or after completing the last *sunnah* cycles, as in the noon, evening, and night prayers. This is because asking forgiveness of Allah

1388. See al-Baqara, 2: 255.

1389. Al-Bukhari, Adhān, 18, Adab, 27, Aḥad, 1.

remedies the shortcomings of the ritual prayer and also because making supplications is a way of getting a share of the rewards and goodness.

In principle, invocations and *adhkār* at the end of the prayer are recited silently. However, the imam can loudly recite invocations and *adhkār* in order to teach the congregation. At the end of the ritual prayer, the imam turns towards the congregation and turns his left side slightly towards the prayer niche. It is reported that Samura (ra) said, “*When the Prophet (saw) led the prayer, he would turn his face towards us.*”¹³⁹⁰ Furthermore, Bara ibn Āzib (ra) said, “*When we prayed behind the Prophet, we wanted to stand on his right side. Because when that happened, his face would be turned towards us.*”¹³⁹¹

The main invocations and *adhkār* made by the Messenger of Allah (saw) after the ritual prayers are as follows:

1) To say three times

اَسْتَغْفِرُ اللهَ الْعَظِيمَ الَّذِي لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ وَآتُوبُ إِلَيْهِ

“*Astaghfirullāh* (I ask forgiveness from Allah)” or saying three times “*Astaghfirullah al-aẓīm alladhī lā ilāha illā huwa, al-hayya l-qayyūma wa atūbu ilayh*”

“I ask forgiveness from Allah, the Almighty, there is no god but Him, who is *Hayy* and *Qayyūm* (Living with life without beginning and end, and the Subsisting with His essence and perfection, that is, the sole absolute ruler in the administration and protection of His creatures at all times).

This is based upon the following hadith reported from Thawbān (ra): “When the Prophet greeted us at the end of prayer - when he finished his prayer - he would say “*astaghfirullāh* (I seek the forgiveness of Allah)” three times and then would say:

“*Allāhumma, anta’s-salāmu wa minka’s-salām. Tabārakta yā dha’l-jalāli wa’l-ikrām.*”

“O Allah, You are peace, peace comes from You. Blessed are You O Possessor of Glory and Honor”¹³⁹²

He would then say:

اَللّٰهُمَّ اَعِنِّيْ عَلٰى ذِكْرِكَ وَشُكْرِكَ وَحُسْنِ عِبَادَتِكَ

“*Allāhumma a’innī ‘alā dhikrīka wa shukrika wa husnī ‘ibādatik.*”

1390. Al-Bukhari, Adhān, 156, Janā’iz, 93; Abū Dawūd, Ṭahāra, 65; al-Tirmidhī, Janā’iz, 59; al-Nasā’i, 28, 147, Sahw, 25, 102.

1391. Ibn Maja, Muqaddimah, 6, Manāsik, 13; Aḥmad ibn Ḥanbal, II, 541, III, 5, 65.

1392. Muslim, Masājid, 135, 136; Ibn Maja, ‘Iqāmah, 32, Hadith No: 927; al-Shawkanī, *ibid*, II, 300.

“O, Allah! Help me in remembering You, thanking You, and worshiping You well.” The Prophet (saw) advised Muadh ibn Jabal to say this prayer at every ritual prayer or at the end of every ritual prayer.¹³⁹³

2) Reciting *Ayat al-Kursī* (Verse of the Throne): In a report narrated from Abu Umāma (ra), it is said, “Whoever recites the verse of *ayat al-kursī* and chapter *al-ikhlas* after the obligatory prayer, there will be no obstacle for him to enter Paradise.”¹³⁹⁴

3) To glorify Allah after prayers: Saying 33 times “*subḥānallah* (I declare that Allah is free from all deficiencies)”, 33 times “*alḥamdulillāh* (all praise is due to Allah)”, and 33 times “*Allāhu Akbar* (I declare that Allah is exalted above all).” On the hundredth time, it is stated, “*Lā ilāha illallāhu waḥdahū lā sharīka lah, lahu’l-mulku wa lahu’l-ḥamdu wa huwa ‘alā kulli shayin qadīr*”

The proof of this is the following hadith reported by Abu Hurayra: “If anyone extols Allah after every prayer thirty-three times, praises Allah thirty-three times, and declares His Greatness thirty-three times, ninety-nine times in all, and says to complete a hundred: “There is no god but Allah, having no partner with Him, to Him belongs sovereignty and to Him is praise due, and He is Potent over everything,” his sins will be forgiven even If these are as abundant as the foam of the sea.”¹³⁹⁵

The narration from Abu Dhar (ra) is as follows: “It was said to the Prophet (saw) and perhaps (one of the narrators) Sufyan said: I said: O Messenger of Allah! Those who have property and wealth have surpassed us in reward. They say the same as we do, and they spend but we do not spend.’ He said to me: ‘Shall I not tell you something which, if you do it, you will catch up with those who have surpassed you and you will excel over those who come after you? Praise Allah (by saying *alḥamdulillāh*) after every prayer, and glorify Him (by saying *Subḥanallāh*) and extol Him (by saying *Allāhu Akbar*), thirty-three, thirty-three, and thirty-four times.’” Sufyan said: “I do not know which of them was to be recited thirty-four times.”¹³⁹⁶

4) Afterward, the person performing the ritual prayer and the imam both ask Allah for the goodness of the world and the hereafter for himself and his Muslim brothers and sisters. The most virtuous of the invocations are the ones that are narrated in the Sunnah. One of them was narrated by Ṣa’d Ibn Abi Waqqās (ra), “Ṣa’d (ra) taught his sons the following words as if he were teaching children how to write, and said: “The Messenger of Allah (saw) took refuge in Allah with the following invocation after each prayer.”¹³⁹⁷

1393. Aḥmad ibn Ḥanbal, V, 247.

1394. Al-Ṣan’ānī, *Subul al-Salām*, I, 200.

1395. Muslim, *Masājid*, 144-146.

1396. Ibn Maja, ‘Iqāmah, 32, Hadith No: 927. The narrator Sufyān hesitated which one was the thirty-fourth.

1397. See al-Bukhari, *Adhān*, 149; Muslim, *Dhikr*, 50, 52, *Masājid*, 134, Abū Dawūd, *Ṣalāh*, 149, 179; al-Nasā’ī, *Sahw*, 64.

اَللّٰهُمَّ اِنِّىْ اَعُوْذُ بِكَ مِنَ الْبُخْلِ وَ اَعُوْذُ بِكَ مِنَ الْجُبْنِ
وَ اَعُوْذُ بِكَ مِنْ اَنْ اُرَدَّ اِلٰى اَرْذَلِ الْعُمْرِ وَ اَعُوْذُ بِكَ مِنْ
فِتْنَةِ الدُّنْيَا وَ اَعُوْذُ بِكَ مِنْ عَذَابِ الْقَبْرِ

“Allāhumma innī aūdhu bika mina ‘l-bukhli wa aūdhu bika mina ‘l-jubni wa aūdhu bika min an uradda ilā ardhalī ‘l-‘umuri wa aūdhu bika min fitnati ‘d-dunyā aūdhu bika min adhābi ‘l-qabri.”

“O, Allah! I seek refuge in You from miserliness. I seek refuge in You from cowardice. I seek refuge in You from a depressed and needy old age. I seek refuge in you from the trial of the world. I seek refuge in you from the torment of the grave.”

Manners of Saying Invocations

In prayer, the hands are raised up to shoulder level. If there is difficulty in this, they are raised up as much as possible. Hands should be kept at a natural distance from each other.

The prayer begins with praising Allah and sending peace and blessings to His Messenger and ends by saying “al-Ḥamdulillāh” again. This is because Allah Almighty says in the Qur’an, *“(This will be) their cry therein: ‘Glory to You, O Allah!’ And ‘Peace’ will be their greeting therein! and the close of their cry will be: “Praise be to Allah, the Cherisher and Sustainer of the worlds!”*¹³⁹⁸ As a matter of fact, the end of the prayers is concluded with the following verse in accordance with this meaning:

سُبْحَانَ رَبِّكَ رَبِّ الْعِزَّةِ عَمَّا يَصِفُونَ، وَسَلَامٌ عَلَى الْمُرْسَلِينَ،
وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

“Subhāna Rabbika Rabbi ‘l-Izzati ‘ammā yasifūn wa salamun ‘ala ‘l-mursalin wa ‘l-ḥamdu lillahi Rabbi ‘l-alamīn.”

“Glory to your Lord, the Lord of Honor and Power! (He is free) from what they ascribe (to Him)! And Peace on the messengers! And Praise to Allah, the Lord, and Cherisher of the Worlds.”¹³⁹⁹



1398. Yunus, 10: 10.

1399. Al-Ṣaffāt, 37: 180-182.

X – FRIDAY PRAYER

The reason why the Friday prayer is given this name is that Muslims on that day during the noontime gather together to perform this prayer. According to one view, it got this name because of the good deeds gathered on this day.

Before the advent of Islam, the Arabs called Friday “Arūba”. It is reported that it was only when the Quraysh in Mecca started meeting on Friday that Ka‘b Ibn Luayy first called this day *Jumu‘ah* (Meeting, Friday).¹⁴⁰⁰ It is well documented that Friday prayers were not performed in Mecca before the emigration to Medina. However, according to al-Dāraqutnī’s report, the Messenger of Allah (*saw*) sent Mus‘ab Ibn ‘Umāyr (d. 3/625) to Medina as a teacher after the Aqaba allegiances and informed him in writing that they should meet on Friday and pray two cycles at noon.¹⁴⁰¹ Thereupon, Muslims gathered in As‘ad Ibn Zurāra’s (d. 1/622) land outside of Medina and started to perform the Friday prayers. According to the narration from Ibn Sirīn, the people of Medina performed this prayer before the Messenger of Allah (*saw*) migrated there and before the Qur’anic verse about Friday was revealed. It is said that it was them that called that day “Friday”. The narrative goes that the native Muslims of Medina (*Anṣār*) were one day talking among themselves and it was said, “Jews have a day when they gather and pray. Christians also have one. Let us set a day to remember Allah and pray together, and this will be the day of Arūba”.¹⁴⁰²

Taking into account that the Qur’anic verse stating that Friday prayer¹⁴⁰³ is obligatory was revealed in Medina and that the Prophet (*saw*) led the first Friday prayer in the Rānūna valley of the Sons of Salim ibn ‘Awf during the migration, the prayer described led by Mus‘ab or As‘ad must have taken place before the time that the Friday prayer was declared obligatory.¹⁴⁰⁴

In Islam, Friday has a significant place and value that extends back to the chronological beginning of the world to its end, and even to the hereafter. It is said that in other monotheistic religions attention was drawn to Friday but they abandoned it and turned to other days.

1400. Al-Qurṭubī, *Aḥkām al-Qur‘ān*, Cairo, 1967, XVIII, 97, 98.

1401. Al-Ṣuyūṭī, *al-Durr al-Manthūr*, Beirut, n.d. VI, 218, Transmitted from al-Daraqutnī; Ibn Ṣa‘d, *Ṭabaqāt*, Beirut, n.d., III, 118.

1402. Ibn al-Humām, *Fath al-Qadīr*, Egypt 1898, I, 409; Ibn Ṣa‘d, *ibid*, III, 118; al-Haythamī, *Majma al-Zawāid*, Beirut 1967, II, 176.

1403. Al-Jum‘a, 62: 9.

1404. Ibn Maja, ‘Iqāmah, 78; Ahmed Naim, *Tecrid-i Sarih ter*. Ankara 1980, III, 4-8.

Various hadiths have been narrated regarding the importance of Friday and the meaning of choosing it as a day of congregational worship. Some of these can be listed as follows:

*“We (Muslims) are the last (to come) but (will be) the foremost on the Day of Resurrection though the former nations were given the Holy Scriptures before us. And this was their day (Friday) the celebration of which was made compulsory for them but they differed about it. So Allah gave us the guidance for it (Friday) and all the other people are behind us in this respect: the Jews’ (holy day is) tomorrow (i.e. Saturday) and the Christians’ (is) the day after tomorrow (i.e. Sunday).”*¹⁴⁰⁵ *“The best day on which the sun has risen is Friday; on it, Adam was created. On it he was made to enter Paradise, on it he was expelled from it. And the last hour will take place on no day other than Friday.”*¹⁴⁰⁶

In another hadith, it is reported that there is a time (the time of acceptance of invocations) when the prayers made on Friday will be accepted. It is narrated that the Messenger of Allah said, *“I knew which moment was the time of acceptance, but like the night of power, I was made to forget.”*¹⁴⁰⁷ The purpose of this concealment is to make people turn to Allah throughout the day. As a matter of fact, it is stated in the hadiths that the sins committed between two Fridays by a person who continuously prays the Friday prayers will be forgiven,¹⁴⁰⁸ and it is stated that the heart of anyone who neglects three consecutive Friday prayers without a valid excuse will be sealed.¹⁴⁰⁹

A – THE TEXTUAL EVIDENCE ABOUT THE FRIDAY PRAYER

Friday prayer is based on the proofs found in the Qur’an, sunnah, and the consensus of the Muslim jurists.

1) The sixty-second chapter of the Qur’an is named ‘al-Jumu‘ah’ because it mentions the Friday prayer. Allah Almighty says in this chapter, ***“O you who believe! When the call is proclaimed to prayer on Friday (the Day of Assembly), hasten earnestly to the Remembrance of Allah (dhikr’ullāh), and leave off business (and traffic): That is best for you if you but knew!”***¹⁴¹⁰ The expression “dhikr’ullāh” mentioned in this verse has been interpreted as Friday prayer and Friday sermon.¹⁴¹¹

2) Proof from the Sunnah: Various hadiths have been narrated about the virtue of the Friday prayer, for instance, it being a strong *fard*, and the fact that it is considered a major sin to abandon this prayer without an excuse. The following are some of these hadiths:

1405. Al-Bukhari, Jum‘a, 1, I, 211; Muslim, Jum‘a, 22. The wording in Muslim is slightly different.

1406. Muslim, Jum‘a, 17,18; al-Bukhari, Jum‘a, 4; Abū Dawūd, Witr, 26; al-Tirmidhī, Jum‘a, 1, 2; al-Nasā’ī, Jum‘a, 3, 5; Aḥmad ibn Ḥanbal, II, 311.

1407. Ḥākim, I, 279.

1408. Al-Bukhari, Jum‘a, 6, 19; Muslim, Jum‘a, 26; Abū Dawūd, Ṣalāh, 202, 203.

1409. Abū Dawūd, Ṣalāh, 204.

1410. Al-Jum‘a, 62: 9.

1411. Jaṣṣāṣ, *Aḥkām al-Qur‘ān*, V, Cairo, n.d., p. 338, 339; al-Kāsānī, *Badāyī al-Ṣanā‘i*, I, Beirut, 1974, p. 256.

"Five prayers and from one Friday prayer to (the next) Friday prayer is an expiation (of the sins committed in between their intervals) if major sins are not committed."¹⁴¹², and "He who leaves the Friday prayer (continuously) for three Friday on account of slackness, Allah will print a stamp on his heart."¹⁴¹³ In another hadith transmitted by Samura bin Jundab (ra), it is stated that a person who abandons the Friday prayer without an excuse should give one dinar (approximately 4 grams of gold coin) as expiation, and if he cannot afford it, half a dinar as charity.¹⁴¹⁴ Furthermore, another hadith states, "People must cease to neglect the Friday prayer or Allah will seal their hearts, and then they will be among the negligent."¹⁴¹⁵

3) Proof from *ijma*: Muslim scholars are unanimous on the fact that the Friday prayer is *fard*. However, there were differences of opinion on the conditions of its performance.¹⁴¹⁶ We will examine the conditions for Friday being *fard* and the validity of its performance and especially focus on that which caused differences of opinion such as the conditions of the place, the permission of the state, and the number of people needed in the congregation.

B – CONDITIONS FOR FRIDAY PRAYER TO BE OBLIGATORY (FARD)

Just like the words *ṣalat*, *ṣawm*, *hajj*, and *zakāt*, the phrase *jumu'a* prayer is also a term with the feature of "closed expression" in terms of the methodology of Islamic jurisprudence. Therefore, its form and conditions require explanations by the Qur'anic verses, hadiths, and the Companions. This is because the Messenger of Allah said, "Perform the prayer as you have seen me performing".¹⁴¹⁷

For the Friday prayer to be obligatory upon a person, distinct from the daily prayers, a number of conditions must also be met.

In a hadith narrated by Jabir ibn Abdullah, the following is stated: "Friday prayer is obligatory upon those who believe in Allah and the Last Day. However, travelers, slaves, children, women, and the sick are exempt from this."¹⁴¹⁸ Other than these exceptions, every Muslim man is obligated to perform this prayer. Accordingly, we can list the conditions as follows.

1412. Muslim, Ṭaḥāra, 14-16; Abū Dawūd, Ṭaḥāra, 127, Ṣalāh, 229; Al-Tirmidhī, Ṣalāh, 46.

1413. Abū Dawūd, Ṣalāh, 204; Ibn Maja, 'Iqāmah, 93; al-Tirmidhī, Jum'a, 7; al-Nasā'ī, Jum'a, 2.

1414. Ibn Maja, 'Iqāmah, 93, Hadith No: 1128; al-Nasā'ī, Jum'a, 3.

1415. Muslim, Jum'a, 12; al-Nasā'ī, Jum'a, 2.

1416. Al-Sarakhsī, *Mabsūt*, Beirut, 1978, II, 22.

1417. Al-Bukhari, Adhān, 18, Adab, 27.

1418. Abū Dawūd, Ṣalāh, 208, 209, I, 644, Hadith No: 1067; al-Daraqutnī, II, 3; al-Baghawī, *Sharḥ al-Sunna*, I, 225. Abū Dawūd stated that the narrator Ṭāriq b Shihāb saw the Prophet (saw) but did not hear anything from him. Ḥākim al-Nisābūri stated that Ṭāriq b Shihāb narrated this hadith from Abū Musa al-Ash'arī. See al-Bayḥaqī, Sunan, II, 3; Ibn Hajar, *Talḥīṣ al-Khabīr*, IV, 603 ff.

1) Maleness

The Friday prayer is obligatory upon Muslim men who have no disability living in a town that meets certain conditions. Women, on the other hand, are free to attend the Friday prayer or not. However, if they attend the Friday prayer and pray in the congregation, this is sufficient for them and they do not have to perform the noon prayer again.¹⁴¹⁹ It is necessary to examine in the light of the non-linguistic aspects whether the verse that commands us to perform the Friday prayer includes women or not into the scope of addressing men. The Prophet (*saw*) encouraged women to perform the five daily obligatory prayers, Friday and Eid prayers in the congregation. Moreover, it was encouraged to let them join the congregation at night if they wanted, and a request was made not to hinder them. The following words of Abdullah Ibn Mas'ūd addressing the women show the approach of the Companions of that day, "If you, women, perform the Friday prayer with the imam, perform two cycles with him. If you perform it alone, perform four cycles."¹⁴²⁰ As a matter of fact, al-Baghawī said, "Those who are not obligated to be present at the Friday prayer, if they perform the Friday prayer, the obligation of noon prayer will be dropped from them". Accordingly, it is possible and permissible for them to attend and benefit from this worship, if the circumstances are appropriate and if the mosques are built in an architectural style that women can also benefit from. The fact that the Friday prayer takes the place of the noon prayer for women proves this.

As a matter of fact, in the 21st article of the final declaration of the "Contemporary Religious Issues Consultation Meeting-I" organized by the Presidency of Religious Affairs in May 2002, the following resolution was issued regarding the participation of women in Friday prayers: "Women may participate in daily prayers, Eid, Friday and funeral prayers. Taking into account the practice during the Prophet's time, Our commission is of the opinion that Friday and Eid prayers should be encouraged for women and children."¹⁴²¹

2) Being free

According to the majority of jurists, historically slaves and captives who had lost their freedom were not obliged to perform the Friday prayer. This is because it may not have been possible for slaves and captives to go to Friday prayers freely. Today such may be presumed to be the situation of convicts in prisons. However, if an appropriate environment for these people to perform the Friday prayer is created, the prayer they will perform will be sufficient in place of the noon prayer.

1419. Al-Sarakhsī, *ibid*, II, 22, 23; Ibn Abidīn, *Radd al-Mukhtār*, I, 591, 851-852.

1420. Al-Baghawī, *Sharḥ al-Sunan*, IV, 225.

1421. This meeting was held between the dates May 15-18, 2002 in Istanbul Tarabya Hotel with the participation of more than 80 academicians from the branches of *tafsīr*, hadith and *fiqh* and about 30 scholars from the Directorate of Religious Affairs and lasted for four days.

3) Being a resident

The Friday prayer is not obligatory for a traveler. This is because the traveler generally encounters difficulties on his travels. For instance, he may not be able to find a place to put his belongings or he may lose his fellow travelers. For this reason, some conveniences have been recognized for travelers. Nevertheless, according to some mujtahids such as Zuhri and Ibrahim an-Nahaī, the traveler is obliged to perform the Friday prayer while he is staying at a place where the Friday prayer is performed. Moreover, according to the Zahirites, the Friday prayer is also obligatory for the traveler.

4) Absence of an excuse that would prevent performing the Friday prayer

a) Illness: Friday prayer is not obligatory upon those who fear that their illness will get worse or prolonged when they go to the prayer. The same rule applies to very old people who cannot walk, and to the caregiver who is afraid that his patient will suffer harm if he goes to the mosque for the Friday prayer. Therefore, it is sufficient to perform the noon prayer instead of in situations such as serving as a soldier, a police officer, a security guard, or doing a job that requires uninterrupted work. However, if these people do attend the Friday prayer in the congregation then it will suffice as a prayer for that time period.¹⁴²²

b) Being Blind and crippled: According to Abu Yusuf, Imam Muhammad, and the Ḥanbalis, the Friday prayer is obligatory upon the blind who has someone to take him to the Friday prayer. According to the majority, it is not *farḍ*. Whereas, there is a consensus that Friday prayer is not obligatory upon him if there is no one to take him to the Friday prayer. Moreover, the Friday prayer is not obligatory for people whose legs are paralyzed or amputated and for bedridden patients.

c) Unsuitable weather and road conditions: In case of heavy rain, snow, extreme heat, and cold, which will cause significant harm or distress to the person if he attends the Friday prayer, the obligation to perform the Friday prayer is dropped.¹⁴²³

d) Fear: The Friday prayer is not obligatory upon a person whose property, life, or chastity will be in danger if he attends the Friday prayer.

C – REQUIRED CONDITIONS FOR THE VALIDITY OF THE FRIDAY PRAYER

The conditions associated with the Friday prayer are the same as those associated with the regular noon prayer as well as all other ritual prayers. However, the Friday prayer has additional conditions associated with it as well, which we shall list below:

1422. Al-Sarakhsī, *ibid*, vol. II, p. 22, 23; Ibn al-Humām, *Fath al-Qadīr*, I, p. 417.

1423. Al-Bukhari, *Jum'a*, 14, 17.

1) The place where Friday will be performed should be a city or have the status of a city

This condition is based on some narrations and practices of the Companions. It is reported from Ali (ra) that he said, “Friday prayers, *takbīrs of tashrīq*, Eid prayers in Ramadan and Eid al-Adḥa are performed only in crowded cities or towns”. Ibn Ḥazm (d. 456/1063) demonstrated that this report is sound, and Abdurrazzāq narrated the same hadith from Ali (ra) through Abū Abdirrahmān as-Sulamī. Ali’s statement is considered sufficient evidence by the Muslim jurists.

The phrase “crowded city” mentioned in the narrations reported on this subject has been described by Muslim jurists as follows:¹⁴²⁴

According to Abu Ḥanīfa (d. 150/767), settlements that have governors, judges, streets, bazaars, and neighborhoods are called “crowded cities”. While Abu Yusuf (d. 182/798) considers the places that are too crowded to fit into the largest mosque as cities, Imam Muhammad (d. 189/805) considers the places accepted by the rulers as cities to be cities.

Imam Shafi‘i (d. 204/819) and Aḥmad Ibn Ḥanbal (d. 241/855) establish the criterion on the number of the population in this matter. According to them, a settlement where at least 40 sane, adolescent, free, and resident men live without immigrating to another town in summer and winter is considered cities, and Friday prayer becomes obligatory for them.¹⁴²⁵

According to Imam Malik (d. 179/795), every settlement with a mosque and market is considered a city. In this case, the words village and city are considered synonymous. Moreover, the provision does not change whether the population is small or large.

The evidence of those who say that Friday prayers can be performed in small settlements is as follows:

a) When Abu Hurayra (d. 58/677) was on duty in Bahrain, he asked ‘Umar about the status of the Friday prayer. He replied, “Perform the Friday prayer wherever you are.”

b) ‘Umar Ibn Abdulaziz (d. 101/720), in a letter he wrote to his commander ‘Adiy Ibn Adī, said, “Whenever you come to a village (whose people) do not reside in a tent, appoint an officer who will lead the Friday prayer for its people”.

c) Imam Malik reports that the Companions performed the Friday prayer between Mecca and Medina, and further said that there no cities were found in those regions.¹⁴²⁶

1424. Abdurrazzāq, *Muṣannaḥ*, III, 167, 168, Hadith No: 5175, 5177; Ibn Abi Shayba narrated this from ‘Ab-bād Ibn Awwām, similarly from Ḥasan Basri, Ibn Sirīn and Ibrahim Nahaī. Ibn al-Humām, *ibid*, I, 409.

1425. Al-Sarakhsī, *ibid*, II, p. 24, 25; al-Kāsānī, *ibid*, I, 259; al-Jazirī, *Kitāb al-Fiqh ‘ala al-Madhāhib al-‘Ar-ba ‘a*, Egypt n.d. I, 378, 379; Abdullah al-Mawṣilī, *Ikhtiyār*, Cairo n.d., I, 81.

1426. Al-Sarakhsī, *ibid*, II, 23; Ahmed Naim, *ibid*, III, 45, 46.

d) Ibn Abbas said that after the Prophet's Mosque in Medina, the first Friday prayer was performed in a village (*qarya*) called "Juwāsā" in Bahrain.¹⁴²⁷

Muslim jurists, who were of the opinion that the Friday prayer would be performed in large settlements, interpreted the above-mentioned evidence as follows:

aa) 'Umar's statement has been understood as "pray Friday prayer no matter which city you are in" since the Companions already knew that Friday prayers could not be performed in deserts or in the fields.

bb) 'Umar Ibn Abdulazīz's statement was evaluated as a personal opinion and was not considered evidence.

cc) From the places about which it is reported that the Friday prayer was performed, "Ayla" was an important pier on Bahr Kulzūm, and "Juwāsā" was a castle belonging to Abdulqays in Bahrain. Even if these places were "villages (*qarya*)", they were considered to be in the status of cities because they had administrators and municipal police forces appointed by the states.¹⁴²⁸ The fact that Juwāsā was called a "village" in the words of Ibn Abbas does not prevent it from being considered a "city" in those times. This is because, in their language, the word *qarya* was also used in the sense of a city. It is also used in this sense in the Qur'an, **"And they say, too, 'Why was not this Qur'an bestowed from on high on some great man of the two cities?'"**¹⁴²⁹ What is meant by the "two cities (*qaryatayn*)" in this Qur'anic verse is Mecca and Taif. Moreover, the city of Mecca was given the name "Umm al-Qurā (mother of cities)" and there is no doubt that Mecca is a city.¹⁴³⁰ Since there was a castle in Juwāsā, it was known to have a ruler, administrator, and scholar. That is why al-Sarakhsī [d.490/1097] uses another synonym of the word "city (*miṣr*)" for Juvāsā.¹⁴³¹ Abdurrazzāq states that Ali (*ra*) accepted Basra, Kufa, Medina, Bahrain, Egypt, Damascus, Jazira, and perhaps Yamama as well as Yemen as cities (*miṣr*).¹⁴³²

Abu Bakr al-Jaṣṣāṣ (d. 370/980) says, "If it were permissible to perform Friday prayers in villages, it would be transmitted through *tawatur* because of people's needs, just as in the case of the city" and reports via Ḥasan that Hajjāj stopped the performance of Friday prayer in the cities but had it performed in the villages.¹⁴³³

While Ibn Umar (d. 74/693) says that "places close to the city are like cities", Anas Ibn Malik (d. 91/717) sometimes would come to the Friday prayer, and sometimes he would not when he was in Iraq since he lived in a place two leagues away from Basra

1427. Al-Bukhari, Jum'a, 11, I, p. 215; al-Baghawī, *ibid*, IV, 218; Ibn al-Humām, *ibid*, I, 490.

1428. Ahmed Naim, *ibid*, III, 46.

1429. Al-Zukhruf, 43: 31.

1430. Al-Shūrā, 42: 7.

1431. Al-Sarakhsī, *ibid*, II, 23.

1432. Abdurrazzāq, *ibid*, III, 167.

1433. Jaṣṣāṣ, *ibid*, V, 237, 238.

(1 league is about 5544 m.). This indicates that they consider Friday only permissible in city centers.¹⁴³⁴

Examples from the Application:

a) During the lifetime of the Messenger of Allah, the Friday prayer was performed only in the city center of Medina, and the people around came to the center to pray.

It is narrated from Aisha (d. 57/676) that she said: “*In the time of the Prophet, The people used to attend the Friday prayer from their houses (manzil) and from the suburbs (awālī) of Medina.*”¹⁴³⁵ Manzil means the houses in the vineyard - gardens around Medina. *Awālī*, on the other hand, refers to small settlements around Medina, between 2-8 miles (approximately 3700- 14784 m.) from Medina towards the Najd direction. Since the Companions came to Friday prayers in turns from these places, it is understood that Friday prayer was not obligatory upon them. Otherwise, they would have had to perform the Friday prayer in the congregation in their own settlement or all of them would have had to come to Medina. On the other hand, it is reported that the Messenger of Allah (*saw*) ordered the residents of Qubā’ to be present at the Friday prayer in Medina.¹⁴³⁶ That is because Qubā’ is about two miles (3700 m.) from the center of Medina. Abdullah Ibn Umar narrated that the Prophet (*saw*) said: “*Friday prayer is obligatory upon every one who hears the adhān.*”¹⁴³⁷

b) When some countries were conquered during the period of Rightly Guided Caliphs (*Khulafā al-Rashidūn*), Fridays were only performed in the city centers. This practice shows that they regarded performing Friday prayers in a “city (large settlement)” as a valid condition. Hence, since the noon prayer is obligatory, abandoning it due to the Friday prayer may be possible only with a definite textual proof (Qur’anic verse-hadith). The definitive textual proof is in the form of performing Friday prayers in city centers and the Friday prayer is considered one of the greatest Islamic symbols. Therefore, this can be best observed in the cities.¹⁴³⁸

In the light of the information given in the sources, it is possible to clarify the issue as follows:

aa) Cities and towns:

Every settlement with a governor, a mufti, a judge who has the power to enforce the rules and enforce the penal code, and a police officer to ensure security is accepted as a “city”. There is no emphasis on the feature of “having roads, villages, bazaars and markets” in the books of later Muslim jurists. This is because a city or town already has these features. Friday prayers can be performed both in the mosque of such a town and in

1434. Al-Bukhari, Jum‘a, 15; Jaṣṣās, *ibid*, V, 237, 238.

1435. Abū Dawūd, Ṣalāh, 205, 206, Hadith No: 1055.

1436. Al-Tirmidhī, Jum‘a, 8, Hadith No: 501.

1437. Abū Dawūd, Ṣalāh, 205, 206, Hadith No: 1056.

1438. Al-Sarakhsī, *ibid*, II, 23; al-Kāsānī, *ibid*, I, 259; Ibn al-Humām, *ibid*, II, 51.

places called “*muṣallā (namazgāh)*”. There is a consensus on this matter.¹⁴³⁹ According to this definition, the centers of the provinces and districts are considered cities. Their situation is similar to that of Mecca and Medina, which are beyond a shadow of a doubt acknowledged as cities.

bb) Places that are in the status of the cities:

The settlement centers, whose population is so crowded that its largest mosque cannot accommodate those who are responsible for the Friday prayer, are also considered within the status of “cities”. This is per Abu Yusuf’s description of the city. Most of the later Muslim jurists based their *fatwas* on this view. These places, when an official is appointed, also fit Imam Muhammad’s definition of the city.¹⁴⁴⁰ According to this criterion, township centers and large villages are also in the status of the cities.

2) Obtaining a state permit:

The problem of “getting the permission of the representative of the state” in order for the Friday prayer to be valid has also been discussed by Muslim jurists. While some say that this permission is necessary, others argue the opposite. We will try to evaluate both opinions by giving their evidence in detail below.

a) The Ḥanafis’ view:

According to Ḥanafī jurists, state permission is required for the Friday prayers. The proof they rely on is the following hadith reported from Jabir Ibn Abdullah and Ibn Umar, “*Whoever abandons the Friday prayer, whether during my lifetime or after I am gone, whether he has a just or an unjust ruler, whether he takes it lightly or denies (that it is obligatory), may Allah cause him to lose all sense of tranquility and contentment, and may He not bless him in his affairs.*”¹⁴⁴¹ In this hadith, it is expected that a just or an unjust ruler must be present for the Friday prayer to be obligatory. Since the Friday prayer will be performed with a large congregation and the public will be addressed in the sermon, it is closely related to social order. If the condition relating to obtaining permission from the state is not sought after, mischief may emerge in society. For the performance of the Friday prayer and the reading of a sermon may be considered an accolade, and due to that rivalry may arise. The strife and passions of some people may hinder the congregation’s prayer. The fact that every group in the mosque may want to lead the prayer may destroy the projected benefit from the Friday prayer. If a group performs it and the others do not, the goal will still not be achieved, either. In short, wisdom and social psychology also require that Friday prayer be under certain state supervision.

1439. Ibn Abidīn, *ibid*, I, 546, 547 ff.

1440. Al-Sarakhsī, *ibid*, II, 23, 24; al-Kāsānī, *ibid*, I, 259, 260; al-Mawṣilī, *ibid*, I, 81; al-Jazirī, *ibid*, I, 378, 379.

1441. Ibn Maja, ‘Iqāmah, 78. Ibn Majah considers its chain of transmitters weak because of Ali Ibn Zayd and Abdullah Ibn Muhammad Adawi, who are part of the chain of the narrators of this hadith. After narrating a similar hadith, al-Haythamī said: “al-Ṭabarānī narrated this hadith in his *Awṣaṭ* and there is Musa Ibn Aṭiyya al-Bahilī in its chain of the transmitters. I couldn’t find his biography. The rest of the narrators are reliable.” See *Majma al-Zawāid*, II, 169, 170.

However, if the ruler is indifferent to the Friday prayer and wants to forbid Muslims from praying without any significant reason, then the Muslims may gather behind an imam and perform the Friday prayers. Imam Muhammad cites the following proof in this regard: While Uthman (*ra*) was under siege in Medina, the Companions outside gathered behind Ali (*ra*) and he led the Friday prayer.¹⁴⁴² Bilmen states that this application is possible and permissible in *dār al-ḥarb* (Land of War).¹⁴⁴³

Is it necessary for the head of state or the governors to lead the Friday prayers personally? Ibn al-Mundhir says, “All along, the practice has been that the Friday prayer has been led by the head of state or by a person who was authorized to lead by his order. If these are not found, the people should perform the noon prayer.”¹⁴⁴⁴ However, over time this practice was gradually abandoned and the imams and preachers replaced the rulers. It is stated in al-Fatawā al-Hindiyya, “The truth is that in our time, the chief of police, the governor, or the judge does not lead the Friday prayer. This is because they were not commissioned for this job. If the duty of leading the Friday prayer is found in their decrees or it is written in their edicts, then this situation would be exceptional.”¹⁴⁴⁵

When Uthmān became the caliph, he was speechless with excitement during the sermon of the first Friday prayer; Thereupon, he stated that he wanted to rule the people and that eloquent orators could be on the pulpit in the future.¹⁴⁴⁶ It is clear that the principle of performing a Friday prayer by the ruler of the state in person cannot be applied if the ruler is a woman or a slave. Yet, in such a case, the prayer performed at their command is considered valid.¹⁴⁴⁷

b) The opinion of the majority:

According to Imam Shafi‘i, Malik, and Ahmad Ibn Ḥanbal, the permission of the state is not a condition for Friday prayer to be valid, it is a *mustahab*, that is, good conduct. The evidence they rely on is “analogy”. They compared the Friday prayer to the five daily prayers. Just as permission is not required to perform the obligatory prayers in the congregation, it is not required for Friday. Another proof is that when Uthmān was under siege, Ali (*r.anhum*) led the Friday prayer without his permission.¹⁴⁴⁸

According to the Ḥanafīs, Ali led this prayer because people gathered among themselves and it was not possible to get permission from the head of state. This application does not mean that Friday prayer can always be performed without getting state permission.¹⁴⁴⁹

1442. Al-Kāsānī, *ibid*, I, p. 261; *Fatawā al-Hindiyya*, I, p. 146; Ibn Abidīn, *ibid*, I, 540.

1443. Bilmen, *Büyük İslam İlmihali*, İstanbul, 1985, p. 162.

1444. Ahmed Naim, *ibid*, III, 48.

1445. al-Fatawā al-Hindiyya, I, 145.

1446. Al-Sarakhsī, *ibid*, II, 30, 31.

1447. Ibn al-Humām, *ibid*, I, 413 ff.; Ibn Abidīn, *ibid*, II, 137.

1448. Al-Kāsānī, *ibid*, I, 261; *Tecrid-i Sarih Terc*, III, 48.

1449. Ibn al-Humām, The Commentary of ‘Inayah in the margins of *Fatḥ al-Qadīr*, I, 411, 412.

As a result, it is implicit that the Ḥanafis attach great importance to social order in this regard.

3) Number of congregates in a congregation

There is also a difference of opinion on the minimum number of men in the congregation required for the Friday prayer to be valid.

a) According to Abu Ḥanīfa, there must be at least three men besides the imam, and according to Abu Yusuf and Imam Muhammad, two men must be present. Their proof is the use of the plural form in the verse “...*Hasten earnestly to the Remembrance of Allah (Friday prayer)*”.¹⁴⁵⁰ Abu Ḥanīfa accepted three and the others two as plural.

b) According to the famous view of Shafi‘i and Ahmad Ibn Ḥanbal, there must be forty intelligent, free, adolescent, and resident (settled) men. The Friday prayers cannot be performed in places that do not have such a settled population. Their evidence is the presence of forty people in the first Friday prayer led by As‘ad ibn Zurāra in the Harra of the Bani Bayada tribe in Medina.¹⁴⁵¹

c) Imam Malik does not give a specific number. The Friday prayers can be performed with a congregation of less than forty, for example, twelve people. The evidence is this: While the Prophet was giving a Friday sermon in Medina, during a time of famine, the caravan of food items expected from Damascus arrived. Hearing this, the congregation dispersed and twelve people remained in the mosque. The following verse was revealed regarding this incident,¹⁴⁵² “*But when they see some bargain or some amusement, they disperse headlong to it and leave you standing. Say: ‘The (blessing) from the Presence of Allah is better than any amusement or bargain! and Allah is the Best to provide (for all needs).*’”¹⁴⁵³

Since the Friday prayers were performed in congregations with various numbers in the practices of the Prophet and the Companions, instead of limiting it to one number, it seems more appropriate to be content with the minimum number that expresses “community (community)” as Ḥanafis say. This is because the numbers encountered in practice might be a happenstance.

4) To perform the Friday prayer in more than one place in a city

Since the Friday prayer was only performed in city centers and in a mosque during the time of the Prophet and his Companions, there was a difference of opinion on this issue as well.

a) According to Abu Ḥanīfa and Imam Muhammad, Friday prayers can be performed in more than one place in a town. “Al-Hindiyya” indicates that this is the sound view of

1450. Al-Jum‘a, 62: 9.

1451. *Tecrid-i Sarih Tercümesi*. III, 46.

1452. Al-Bukhari, Jum‘a, 38; Muslim, Jum‘a, 36; al-Baghawī, *ibid*, IV, 220; al-Jum‘a, 62: 11.

1453. Al-Jum‘a, 62: 11.

the Ḥanafis. The opposite view has also been reported from Abu Ḥanīfa. Abu Yusuf is of the opinion that the Friday prayer can only be performed in two mosques in a town during unavoidable situations.¹⁴⁵⁴

b) While Imam Shafi‘ī was of the opinion that the Friday prayers can only be performed in a single mosque in a town, he remained silent when he saw that Friday prayers were performed in various mosques in Baghdad.

The proofs of those who say that Friday prayers can be performed in more than one place in a city are as follows:

Just as when Uthman (*ra*) was under siege, Ali (*ra*) led the Friday prayer outside of Medina, he also led the Eid prayers in a field outside of Medina, and the old and weak people who could not come there prayed in the city center. Eid prayer is like the Friday prayer in terms of being performed in the congregation. Moreover, an absolute expression was used in the hadith “*The Friday prayer can only be performed in a crowded city*”,¹⁴⁵⁵ and it was not stated that it had to be performed in a single mosque in such a city. When the city is large, it is difficult for the congregation to gather in a single mosque.¹⁴⁵⁶ The following is stated in these Qur’anic verses, “*On no soul does Allah place a burden greater than it can bear.*”¹⁴⁵⁷, and “*He has imposed no difficulties on you in religion.*”¹⁴⁵⁸

5) Time

The time of the Friday prayer is the time of the noon prayer. It is narrated from Anas Ibn Malik that he said, “*The Messenger of Allah used to perform the Friday prayer when the sun passed the meridian.*”¹⁴⁵⁹ When the Prophet sent Mus‘ab Ibn ‘Umayr to Medina as a teacher before the migration, he (*saw*) instructed him to lead the Friday prayer when the sun tended to the west. If the Friday prayer is not performed on time, the noon prayer of that day is made up. According to the Ḥanbalis, the time for the Friday prayer begins when the sun has risen one spear’s length in the morning sky and ends when the length of each object’s shadow is equal to the object’s height, not including the length of the shadow cast at high noon.¹⁴⁶⁰ According to the Malikis, the time for the Friday prayer extends from high noon until sundown such that if someone performs this prayer to completion together with the Friday sermon before sundown, he will have fulfilled his obligation in this regard.¹⁴⁶¹

1454. Al-Kāsānī, *ibid*, I, 260, 261; Ibn al-Humām, *ibid*, I, 411; *al-Fatawā al-Hindīyya*, I, 145; Ibn Abidīn, *ibid*, I, 542; Al-Sarakhsī, *ibid*, II, 120.

1455. Abdurrazzāq, *Muṣannaḡ*, III, 166.

1456. Al-Sarakhsī, *ibid*, II, 121, 122.

1457. Al-Baqara, 2: 286.

1458. Al-Ḥajj, 22: 78.

1459. Al-Bukhari, Jum‘a, 16; Abū Dawūd, Ṣalāh, 216, 217; Ibn Maja, ‘Iqāmah, 84.

1460. Al-Sarakhsī, *ibid*, II, 24; Ibn al-Humām, *ibid*, I, 412, 413; Abū Dawūd, Ṣalāh, 216, 217. Regarding the hadith that Ḥanbalis use as proof, Abū Dawūd said that it was ‘*mursal*’.

1461. Jaziri, *ibid*, p. 492.

6) Sermon (*Khuṭba*)

What is meant by the “the Remembrance of Allah (*dhikrullāh*)” mentioned in the Friday verse “*hasten earnestly to the Remembrance of Allah*” is the Friday prayer and the sermon. The Prophet did not lead any Friday prayer without a sermon. If the sermon had not been necessary, he would have sometimes abandoned it and shown that it is not obligatory. It is reported from Ibn Umar (*r.anhuma*) and Aisha (*r.anha*) that the Friday prayer is performed in two cycles due to the sermon.¹⁴⁶² The sermon (*khuṭba*) means to address someone and say something. The purpose of the sermon is to inform the believers, who gather in a place once a week, about religion and world affairs, by the highest-level administrator or a knowledgeable imam in that region, as well as to express the majesty and superiority of Allah. According to the Ḥanafis, after the Friday time commences, it is necessary to recite the sermon in the presence of at least one person. If there is no congregation during the sermon and the congregation comes and prays later, their prayers will not be considered valid.

The congregation does not need to hear the sermon since presence is sufficient. It is considered sufficient to have present one legally competent man during the sermon even if he is a traveler.

According to Abu Ḥanīfa, the essential pillar of the sermon consists of remembering Allah. Therefore, the condition of a sermon becomes fulfilled by saying only “*alḥamdu-lillāh*” or “*subḥānallāh*” or “*lā ilāha illallāh*” with the intention of delivering a sermon. For, in the verse “Hasten to the remembrance of Allah”, no distinction is made between a little and a lot of such remembrances. When Uthman became the caliph, he got speechless after saying “*alḥamdulillah*” in the first Friday sermon, and got down from the pulpit and led the Friday prayer. However, in general, it is *makrūh* to be satisfied with saying this amount as it would contradict common good practice.

According to Abu Yusuf and Imam Muhammad, a sermon should be delivered that is long enough to be called a sermon. This should include praises, *ṣalawāt*, and supplication for Muslims as long as the supplication of “*taḥiyyāt*”.

According to the Ḥanafis, a sermon does not have to be in Arabic, since it includes not only praise, *ṣalawāt*, and supplication, but also advice. It should be used in the language that each society understands so that people can understand the information and the advice delivered by the sermon. According to the Shafi‘is and the Malikis, it is a condition of validity of the Friday prayer that the sermon be in the Arabic language.

According to Imam Shafi‘i, there are five essential pillars (*arkān*) of a sermon: Praising Allah in both sermons, sending *ṣalawāt* to the Prophet, recommending *ṭaqwā*, preferably reciting a Qur’anic verse in the first sermon, and praying for the believers

1462. Al-Sarakhsī, *ibid*, II, 24.

in the second sermon. According to the Hanbalis, apart from the last item, the essential pillars of the khutbah are like the Shafi'is.

According to Imam Malik, the essential pillar of the sermon is that it consists of statements of good news or warning addressed to the community of believers.

The *wājib* acts of the sermon are: a) To recite the sermon standing up and facing the people,¹⁴⁶³ b) To be cleansed of minor and major ceremonial impurities,¹⁴⁶⁴ and c) To cover the *awrah*.

The *sunnah* acts of the sermon are to divide the sermon into two sections and to sit between these sections for a duration to say a *tasbīḥ* or recite three Qur'anic verses. That is why it is called two sermons. Each of these two sermons should contain *ḥamd*, the testimony of faith (*kalima al-shahadah*), and the sending of peace and blessing to the Prophet. Moreover, the first sermon should include a recitation of a Qur'anic verse and an admonition, and the second sermon should include a supplication for the believers.¹⁴⁶⁵ In this second sermon, the orator's voice should be lower than in the first one. These are considered the *sunnah* acts of the sermon.

Furthermore, it is *sunnah* not to prolong both sermons. It is *makrūḥ* to do long recitation by choosing from any of the chapters called *Ṭiwāl al-Mufaṣṣala*, that is, from *suras* like "al-Hujurāt (49)" to "al-Burūj (85)", and this even more emphasized in case of winter. Moreover, the community should not be made to hate the Friday sermons.¹⁴⁶⁶

When the orator ascends the pulpit and sits down, a muezzin must call the *adhān* while being in front of him. This is the *adhān* that was recited in the time of the Prophet. Sāib ibn Yazīd (*ra*) said, "The first *adhān* used to be when the Imam sat on the pulpit on Friday, at the time of the Messenger of Allah (*saw*) and Abu Bakr and Umar. During the caliphate of Uthman, when the number of people increased, Uthman commanded that a further *adhān* be given on Friday, so that *adhān* was recited from the top of az-Zawra', and that is how it remained."¹⁴⁶⁷

After the first *adhān*, the preacher gets up,¹⁴⁶⁸ recites the *audhu* silently, praises and glorifies Allah openly, and delivers his sermon to the congregation. In a town taken by force, the orator reads his sermon by holding a sword in his left hand. This practice is a symbol of the power and dominance of Islam and shows the strength that the Muslim soldiers rely on. When the sermon is over, the *iqāmah* is recited. These are the *sunnah* acts of the sermon.

1463. Abū Dawūd, Ṣalāh, 219-222.

1464. Al-Bukhari, Jum'a, 1-6.

1465. Muslim, Jum'a, 33, 60; Al-Tirmidhī, Jum'a, 11, Hadith No: 506.

1466. Al-Kāsānī, *ibid*, I, 263 ff.; Ibn al-Humām, *ibid*, I, 421; Ibn Abidīn, *ibid*, I, 758, ff.; *al-Fatawā al-Hindiyya*, I, 146 ff.

1467. Al-Nasā'ī, Jum'a, 15, Hadith No: 1390; al-Shawkanī, *ibid*, III, 262.

1468. Al-Jum'a, 62: 11; al-Nasā'ī, Jum'a, 18.

Just as it is *makrūh* to abandon the sunnah acts of the sermon, it is also *makrūh* to speak and warn the speaker while the sermon is being delivered. It is also considered *makrūh* for those who listen to the sermon to look around and greet each other. According to the narration from Abu Huraira, the Prophet (saw) said, “Whoever says to his companion on Friday, when the imam is delivering the khutbah, ‘Listen attentively,’ has engaged in idle talk.”¹⁴⁶⁹ Salmān (ra) narrated that the Prophet (saw) said to him, “There is no man who purifies himself on Friday as he is commanded, then comes out of his house to the Friday prayer, and listens attentively until he finishes his prayer, but it will be an expiation for what came before it the week before.”¹⁴⁷⁰ In the narration of Abu Hurayra, it is stated that the sins committed by this person between the two Fridays and in the additional three days will be forgiven.¹⁴⁷¹

Some Issues About The Friday Prayer:

The Friday prayers have long been allowed in many villages. If a villager goes to a city on a Friday and intends to stay there until the time of Friday prayer, the Friday prayer becomes obligatory upon him. However, if he intends to leave before the Friday prayer time, it will not be obligatory. If he intends to leave the city after the Friday prayer time commences, according to the preferred view, the Friday will still not become *farḍ* upon him. It is permissible for him to return to his village without waiting for Friday, for reasons such as the early departure of the vehicle to the village and the absence of a second passenger vehicle. In such a case, it is sufficient for him to perform the noon prayer.

It is permissible to leave in the morning on Friday. However, it is *makrūh* to set out after the *zawāl* time without performing the Friday prayer.

It is *makrūh* for those who are excused or imprisoned to perform the noon prayer in the congregation on Friday before or after the Friday prayer. It is *mustaḥab* for them to perform the noon prayer after the Friday prayer.

If a person performs the noon prayer at home before performing the Friday prayer without an excuse, even if this prayer is valid, he will be a sinner for abandoning the Friday prayer. However, if that person then turns to the mosque to perform the Friday prayer, according to Abu Ḥanīfa, even if he does not reach the Friday prayer, his previous prayer will turn into *naḥīlah*. If he cannot reach the Friday prayer of that day, he has to perform the noon prayer again. According to Abu Yusuf and Imam Muhammad, his noon prayer is not invalid unless he goes and starts the Friday prayer. However, Abu Ḥanīfa and these two imams are of the same opinion that running to Friday prayer after the imam completes the Friday prayer does not invalidate the noon prayer.

1469. Al-Nasā'ī, Jum'a, 22; Abū Dawūd, Ṣalāh, 228, 229, Hadith No: 1112; Ibn Maja, 'Iqāmah, 86, Hadith No: 1110; Al-Tirmidhī, Jum'a, 16, Hadith No: 512.

1470. Al-Nasā'ī, Jum'a, 23.

1471. Muslim, Jum'a, 26; Ibn Maja, 'Iqāmah, 81, Hadith No: 1090.

It is *mustaḥab* to say *takbīr*, to bathe, to wear perfume, to use *miswak*, and to put on beautiful clothes on Friday. It is obligatory for those who do not have an excuse and are obliged to perform the Friday prayer when the call to prayer is called from the minaret. They should stop everything else and go to the mosque immediately.

It is *mandūb* to go to the mosque early on Friday, to perform the two-cycle *taḥiyyātu'l-masjid* prayer, and to recite or listen to the recitation of chapter al-Kahf.

A person who enters the mosque on Friday can find for himself a place close to the preacher if he has not started the *khutbah* and as long as it does not cause any trouble or harm to others. Otherwise, he should sit down in the first place where he finds adequate space. However, if he cannot find a place and there is a vacant place in the front lines, he should move to that place.

When the orator ascends to the pulpit, the congregation must remain silent, not greet each other or perform voluntary prayers. If the first sunnah cycle of the Friday prayer has commenced, it should be completed hastily by observing its *wājib* acts without prolonging it. According to the Ḥanafīs, a person who enters the mosque after the sermon starts should sit down and not pray the first sunnah cycle. According to Imam Shafi'ī and Ahmad Ibn Ḥanbal, he should perform the two-cycle sunnah prayers. This is because, according to the narration from Jabir Ibn Abdallah and Abu Sa'īd al-Khudrī (*r. anhumā*), while the Prophet was delivering the Friday sermon, he asked the person who entered the room whether he had prayed or not and told him to get up and perform it. That person thus performed a two-cycle prayer.¹⁴⁷² In the case of the *khutbah*, even when the blessed names of the Messenger of Allah (*saw*) are mentioned in the *khutbah*, it is more virtuous not to send peace and blessings to him and just listen to the sermon. However, according to an opinion from Abu Yusuf, in such a case, the greeting of peace and blessings should be said silently.

It is more appropriate for the person who delivers the Friday sermon to lead the Friday prayer as well. A person who follows the imam before the Friday prayer ends, completes this prayer. If he catches up with the imam in *tashahhud* or prostration of forgetfulness, he is considered to have reached the prayer. According to Imam Muhammad, a person who catches up with the imam after the *rukū'* of the second cycle completes the noon prayer, not the Friday prayer.

***Zuḥr al-Akhir* Prayer:**

The *Zuḥr al-Akhir* prayer means the last noon prayer. Since the Friday prayer is performed at the time of the noon prayer and takes its place, what is the meaning of performing such a prayer and its place in Islam?

There is no mention of a ritual prayer called the *zuḥr al-akhir* prayer among the narrations from the Prophet and from the first period of Islam. This is a prayer that has

1472. Muslim, Jum'a, 54; al-Tirmidhī, Jum'a, 15, Hadith No: 510.

come to the fore when the validity conditions of Friday prayer, especially the requirement of performing Friday prayer in a single mosque in a settlement, started to be violated due to the increase in the population of cities and towns, and the emergence of a necessity to perform Friday prayers in several places in a city. Due to the difference of opinion of the jurists on this issue, some jurists considered it recommended to perform a four-cycle prayer called *ẓuḥr al-akhir* after the Friday prayer.

The *ẓuḥr al-akhir* prayer is performed after the four sunnah cycles during the Friday prayer, and it is performed as four cycles just like the four cycles of the noon prayer or the four cycles of its sunnah, with the intention of “the last noon prayer whose time has started and has not dropped on me yet”. When it is performed like the sunnah cycles, a chapter or some Qur’anic verses added to the Fatiḥa recited in the last two cycles will not harm its validity.

According to the Ḥanafī school’s view, the Friday prayers can be performed in more than one place in a city in order to eliminate such difficulty. This is because in big cities today it is no longer possible to gather the entire congregation into one mosque. Otherwise, great difficulties will arise and the path of those who will come on Friday will be very long and difficult. Therefore, not performing Friday prayers in small mosques where there is no need, and performing Friday prayers in fewer places in cities where it is needed is more suitable and identifiable with the understanding of the Friday prayers during the time of the Prophet and the four Rightly Guided Caliphs.

Due to the above historical reasons, performing the *ẓuḥr al-akhir* prayer was recommended by many scholars, and even many Shafī’ī jurists deemed it appropriate. This is because, according to Imam Shafī’ī, the Friday prayer that is first to be performed in a city becomes valid, while the others do not. When this is the case, those who have started the Friday prayer late were advised to perform the noon prayer. Imam Malik, on the other hand, took the Friday prayer performed in the oldest mosque on Friday as the basis and did not consider the prayers performed in the other mosques to be valid at all.

However, since the issue is based on *ijtihād*, Imam Shafī’ī did not object to the many simultaneous Friday prayers he saw being performed in various mosques in Baghdad.

It is important to note that after stating that there is no robust evidence to prevent the performance of Friday prayers in more than one place, Ibn Rushd (d. 520/1126) writes, “Otherwise, the Messenger of Allah (*saw*) would not have kept silent on such an important issue, but would have made an explanation” and he ended his discussion by quoting the two following Qur’anic verses, “*We have sent down unto you (also) the Message; that you may explain clearly to men what is sent for them.*”¹⁴⁷³, and “*And We sent down the Book to you for the express purpose, that you should make clear to them those things in which they differ.*”¹⁴⁷⁴

1473. Al-Naḥl, 16: 44.

1474. Al-Naḥl, 16: 64; See Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 154; Ibn Abidīn, *ibid*, I, 755 ff.; Ibn Qudāmah, *Mughnī*, II, 334 ff.; Bilmen, *ibid*, p. 164, 165.

Sunnah Prayers in Friday Prayer:

As in the noon prayer, the four-cycle supererogatory prayers are performed before and after the Friday prayer. The first four cycles are performed exactly like the sunnah of the noon prayer and it is intended as “the first sunnah cycles of the Friday prayer”. After the internal call to prayer and the sermon in the mosque, the *iqāmah* is recited and the two *fard* cycles of the Friday are performed in the congregation. After these *fard* cycles, like the first four-cycle *sunnah*, the last four-cycle *sunnah* of the Friday prayer is performed. After that, the four-cycle “*ẓuḥr al-akhir*” prayer, which we have explained above, is performed. After that, two more cycles of prayer are performed. It is performed just like the *sunnah* cycles of the dawn prayer, with the intention of “*sunnah* cycles of the time”.

The evidence on which these supererogatory prayers are based is as follows:

According to the narration from Abdullah Ibn Abbas (*ra*), he said: “The Prophet (*saw*) would pray four cycles before the Friday prayer and four cycles after the Friday prayer, and he would not separate the cycles.”¹⁴⁷⁵ According to what the community apart from Bukhari, narrated from Abu Hurayra, the Prophet (*saw*) said: “*When one of you performs the Friday prayer, he should perform four cycles after that.*”¹⁴⁷⁶

The minimum of the prayer performed after the Friday prayer is two cycles. It is reported that Abdullah ibn Umar (*ra*) saw a person who was praying two cycles at the place where Friday prayer was being held, and asked, “Are you performing the Friday prayer as four cycles?” This is because Ibn Umar used to pray two cycles in his house after the Friday prayer and he related that the Messenger of Allah (*saw*) did the same.¹⁴⁷⁷ However, in certain versions of Ibn Umar’s narrations, it is not mentioned where the Prophet performed these two-cycle supererogatory prayers which he performed after the Friday prayer.¹⁴⁷⁸ On the other hand, there is a piece of advice offered in *fiqh* that the time between the *fard* cycles of the Friday prayer and these two-cycle supererogatory prayers should not be separated by an action such as speaking or leaving the mosque.¹⁴⁷⁹ Perhaps this can be explained by the fact that the Prophet and Ibn Umar performed this prayer at home.



1475. Ibn Maja, ‘*Iqāmah*, 94, Hadith No: 1129; al-Zaylaī, *Naṣb* II, 206. The four narrators in the chain of narrators of this hadith are weak, and the hadith is seriously weak. See al-Zuhaylī, *ibid*, II, 305.

1476. Muslim, *Jum’a*, 67-69; Abū Dawūd, *Ṣalāh*, 237; al-Tirmidhī, *Jum’a*, 24; Al-Nasā’ī, *Jum’a*, 42; Ibn Maja, ‘*Iqāmah*, 95, Hadith No: 1132.

1477. Abū Dawūd, *Ṣalāh*, 236-238, Hadith No: 1127, 1128; Ibn Maja, ‘*Iqāmah*, 95, Hadith No: 1130, 1131.

1478. Muslim, *Jum’a*, 72; Al-Bukhari, *Jum’a*, 39; al-Tirmidhī, *Jum’a*, 24. About the separation of the *fard* cycles of the Friday prayer and these two-cycle supererogatory prayers with an action such as talking and leaving the mosque see Muslim, *Jum’a*, 70, 71, 73.

1479. Muslim, *Jum’a*, 70, 71, 73.

XI – EID AND EID PRAYERS

Eid means the day of joy and happiness. Every year, Allah gives people various blessings during the holidays. Counted among such blessings during the Eid days is the freedom to eat and drink after a month's prohibition, the giving of alms, going on pilgrimage, completing the obligatory circumambulation around the Ka'ba, eating sacrificial meat, and visiting and socializing with, spouses, relatives, and friends.

The Eid prayer was made legitimate in the first year of Hijrah. It is narrated that Anas (ra) said, *“When the Messenger of Allah (saw) came to Medina, the people had two days on which they engaged in games. He asked: What are these two days (what is the significance)? They said: We used to engage ourselves with them in the pre-Islamic period. The Messenger of Allah (saw) said: Allah has substituted for them something better than them, the day of sacrifice and the day of the breaking of the fast.”*¹⁴⁸⁰

The legitimacy of Eid prayers is based on the evidence from the Qur'an, Sunnah, and the consensus of the Muslim jurists. In the Qur'an, it is commanded, ***“Therefore to your Lord turn in Prayer and Sacrifice.”***¹⁴⁸¹ What is meant by the prayer in this verse is the Eid al-Adhā prayer and sacrifice.

It is confirmed by reports narrated by the level of *tawātur* that the Messenger of Allah (saw) led both Eid prayers. The first Eid prayer led by the Prophet was the *Eid al-Fiṭr* prayer in the second year of Hijra. Ibn Abbas (ra) describes an Eid prayer that he performed with the Prophet (saw) with the following words, “I participated in the Fiṭr prayer with the Messenger of Allah (saw) and Abu Bakr, Umar and Uthman, and all of them observed this prayer before the sermon, and then he (the Holy Prophet) delivered the sermon. Then the Messenger of Allah (saw) descended (from the pulpit) and I (observed) seeing him as if he was commanding people with his hand to sit down. He then made his way through their (assembly) till he came to the women. Bilal was with him. He then recited (this verse): ***“O Prophet! When believing women come to you to take the oath of fealty to you, that they will not associate in worship any other thing whatever with Allah, that they will not steal, that they will not commit adultery (or fornication), that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey thee in any just matter, then do you receive their fealty,***¹⁴⁸² ***and pray to Allah for the forgiveness (of their sins): for Allah***

1480. Abū Dawūd, Ṣalāh, 239; Aḥmad ibn Ḥanbal, III, 103, 235, 250.

1481. Al-Kawthar, 108: 2.

1482. *Bay'ah* means “the oath of allegiance” to the highest ruler, and the six articles above are the conditions of this oath. According to the narration, this verse was revealed on the day of the conquest of Mecca. The Prophet took an oath of allegiance from the women after the men. This verse and practice show that Islam grants women the “right to choose”. See al-Bukhari, Tafsīr, 60/ 2, 3).

is *Oft-Forgiving, Most Merciful*.¹⁴⁸³ and then said, ‘Do you conform to it (what has been described in the verse)? Only one woman among them replied, ‘Yes, O Messenger of Allah’, but no one else replied. He (the narrator) said it could not be ascertained who she was in actuality. He (the Holy Prophet) exhorted them to give alms. Bilal stretched his cloth and then said, ‘Come forward with alms. Let my father and mother be taken as ransom for you. And they began to throw rings and ringlets in the cloth of Bilal.’¹⁴⁸⁴ In another narration, Ibn Abbas explained the reason why the Prophet went to the women’s side as “his voice could not be heard by them”.¹⁴⁸⁵

Umm Atiyya (*r.anha*) informs us that the Messenger of Allah encouraged women to perform Eid prayers with the following words, “The Messenger of Allah (*saw*) commanded us to bring out on Eid al-Fiṭr and Eid al-Aḍḥā young women, menstruating women and screened away ladies, and the menstruating women kept back from the prayer, but participated in goodness and supplication of the Muslims. I said, ‘Messenger of Allah, one of us does not have an outer garment (to cover her face and body)’. He said, ‘Let her sister cover her with her outer garment.’”¹⁴⁸⁶

It was narrated from Abu Saïd al-Khudri (*ra*) that he said, “The Messenger of Allah (ﷺ) used to go out on the day of Adha and on the day of Fiṭr and commence the prayer. And after having observed his prayer and pronounced the salutation, he stood up to face the people as they were seated at their places of worship. And if he intended to send out an army he made mention of it to the people, and if he intended any other thing besides it, he commanded them (to do that). He used to say (to the people), ‘Give alms, give alms, give alms’, and the majority that gave alms were women.”¹⁴⁸⁷

It is also reported from Ibn Abbas that the prophet (*saw*) said: “The Prophet led the Eid prayers without *adhān* and *iqāmah*.”¹⁴⁸⁸

According to the Ḥanafis, the validity conditions of the Eid prayer are the same as those of the Friday prayer, except for the sermon. While the sermon is a condition for the validity of the Friday prayer, it is a *sunnah* for the Eid prayer. Moreover, the sermon is given before the performance of the prayer in the case of Friday prayer, but in the case of the Eid prayer, it is offered after performing the Eid prayer. Finally, the ruling for the Friday prayer is *farḍ*, whereas the ruling for the Eid prayer is *wājib*.

According to the strongest opinion in the Ḥanbali school, the ruling for Eid prayer is *farḍ al-kifāyah*, and according to the Shafī‘is and the Malikis, it is a *mu’akkad sunnah*.¹⁴⁸⁹

1483. Al-Mumtahina, 60: 12.

1484. Muslim, Ṣalāt al-‘Idayn, 1.

1485. Muslim, Ṣalāt al-‘Idayn, 2.

1486. Muslim, Ṣalāt al-‘Idayn, 13; Abū Dawūd, Ṣalāh, 238-241; *Tecrid-i Sarih Tercemesi*, I, 234-235.

1487. Muslim, Ṣalāt al-‘Idayn, 9; al-Ṣan‘ānī, *Subul al-Salām*, II, 68.

1488. Muslim, Ṣalāt al-‘Idayn, 5,6; Abū Dawūd, Aḍāhī, 7, Adab, 112, 155; al-Nasā‘ī, Ḍaḥāyā, 4; Ibn Maja, Aḍāhī, 12, Jihād, 13.

1489. Ibn al-Humām, *ibid*, I, 422; Ibn Abidīn, *ibid*, I, 774; al-Zayla‘ī, Tabyīn al-Ḥaḳāiq, I, 233 ff.; al-Shurunbulālī, *ibid*, p. 89; Ibn Qudāmāh, *ibid*, II, 367; Rāzī, *ibid*, I, 118; Al-Zuhaylī, *ibid*, II, 363.

According to the Shafi'i, it is more virtuous to perform the Eid prayer in a congregation. However, it can also be performed by oneself without a sermon. Therefore, both passengers and women can also perform this prayer by themselves.

The first time of the Eid prayer is when the sun rises from the horizon by one or two spears. Its time starts approximately 50-55 minutes after sunrise and continues until the time before the noon prayer time starts. (See the subject of the *makrūh* prayer times.)

Each Eid prayers are two-cycle prayer. According to the Ḥanafis, it is performed aloud in the congregation. However, the *adhān* and the *iqāmah* are not recited. The imam intends it by saying "I intend to perform two cycles of Ramaḍān or Eid al-Aḍḥā prayer and lead the congregation for the sake of Allah", and the congregation individually does their intentions by saying "I intend to perform Eid prayer and follow the imam for the sake of Allah". The opening *takbīr* is uttered by saying, *Allāhu Akbar*. The hands are clasped together, and the imam and the congregation silently recite the supplication of "subḥānaka" together. Subsequently, the imam with a loud voice and the congregation following silently say "*Allāhu Akbar*" three times. In each *takbīr*, the hands are raised up, then released to the sides, and in between each *takbīr* they say "*subḥānallah*" three times. After the third *takbīr*, hands are again clasped together below the navel. After silently reciting *aūdhu* and *basmalah* the imam recites the Fatiḥa and some additional verses from the Qur'an. He and the congregation then perform the bowing, and prostration, and complete the rest of the cycle like any other daily prayer. Then, they stand up for the second cycle by saying *takbīr*. The imam recites openly the Fatiḥa and some additional verses again after silently reciting "*basmala*". After the recitation, the imam with a loud voice utters the *takbīrs* three times by raising the hands as in the first cycle. After that, the imam says the fourth *takbīr* before bowing. The rest of the prayer is performed just like the two-cycle daily prayer.

Therefore, according to the Ḥanafis, there are three additional *takbīrs* in each cycle of the Eid prayers, and these *takbīrs* are also *wājib*.

According to the other three madhhabs except for the Ḥanafis, these *takbīrs* are recited before the recitation in both cycles. The number of additional *takbīrs* also differs among the schools. According to Imam Malik and the Ḥanbalis, six *takbīrs* are recited in the first cycle, five *takbīrs* in the second one, and according to Imam Shafi'i, seven *takbīrs* are recited in the first cycle and five in the second one.¹⁴⁹⁰

After the Eid prayer, the imam ascends to the pulpit and starts to deliver a sermon without sitting down. He delivers two sermons just as in the case of the Friday prayer. In place of praises found in the Friday sermon, the Eid sermons start with the *takbīr* as follows, "*Allāhu akbar, Allāhu akbar; lā ilāha illallāhu wallahi akbar. Allāhu akbar wa lillāhi 'l-ḥamd*", and the congregation accompanies the imam in reciting these *takbīrs* with

1490. Al-Zayla'i, *Naṣb al-Rāya*, II, 214; al-Maydanī, *Lubāb*, I, 117 ff.; al-Kāsānī, *ibid*, I, 277; al-Zuhaylī, *ibid*, II, 373 ff.; Bilmen, *ibid*, p. 167.

a loud sound. The imam informs the congregation about the *zakāt al-fīṭr* in the sermon of Eid al-Fiṭr, and about sacrifice and *takbīrs* of *tashrīq* in the sermon of Eid al-Aḍḥā. The sunnah acts in the Friday sermons are also sunnah acts for the Eid sermons. Similarly, the acts that are *makrūh* for the Friday sermon are also *makrūh* for the Eid sermon. Furthermore, it is considered *makrūh* to read the Eid sermons before the Eid prayer.

If the imam forgets the Eid *takbīrs* in the first cycle and remembers them after reciting the Fatiḥa partially or completely, he immediately utters the *takbīrs* and recites the Fatiḥa again. However, if he remembers only after finishing the recitation of the Fatiḥa and the additional Qur’anic verses, then he can feel content with saying the *takbīrs* only. At this juncture, it is not necessary to re-read the Fatiḥa and the additional Qur’anic verses.

If a person who starts to follow the imam, who is in the *rukū’* state of the first cycle of the Eid prayers, is certain that he will catch up with the *rukū’*, he should silently recite the opening *takbīr* while standing and then add the additional *takbīrs* according to his own school, and then move on to the *rukū’*. However, if he is afraid that he will miss the *rukū’*, he should perform the *rukū’* straight after the opening *takbīr*. Afterward, while in the position of *rukū’* he should recite the additional *takbīrs* without raising his hands. When the imam stands up, he should also stand up, even if he has not finished the additional *takbīrs*. In this case, the remaining *takbīrs* will no longer be mandatory for him. When saying the *takbīrs* with the imam, the worshipper follows the imam and does not say any less or more *takbīrs* even if it is against his or her own *madhhab*. However, if the number of *takbīrs* uttered by the imam exceeds the number narrated from the Companions, then it is not necessary to follow the imam.

The worshipper who catches up with the congregation in the second cycle of the Eid prayers recites silently the additional *takbīrs* after the “*basmala*”, the “Fatiḥa” and the additional sura when making up the first cycle. This person follows her or his own *madhhab* in the number of *takbīrs* that she or he will say by herself or himself when making up the first cycle. For this person at this point is acting alone when making up the first cycle of the prayer.

If an Eid prayer and a funeral prayer coincide, the Eid prayer is performed first, but the funeral prayer is performed before the Eid sermon.

According to the Ḥanafis, a person who misses the entire Eid prayer cannot perform the Eid prayer on his own. If he wants, he may perform a four-cycle voluntary prayer that replaces a mid-dawn prayer.

It is *mustaḥab* to perform the Eid al-Aḍḥā prayer without delay but also to delay the Eid al-Aḍḥā prayer a little.

Eid prayers can be performed in a city, in an open area, in a general prayer place prepared for prayer, or in more than one mosque.

It is *mustaḥab* to wake up early on Eid days, to take a bath and brush one's teeth with a miswak, to apply perfume to oneself, to wear the most beautiful clothes, to display happiness and contentment, to thank Allah for His blessings, to offer a smile to the believing brothers and sisters, to give alms, and to revive the nights of Eid with worship. These are all accepted as recommended acts.

In Eid al-Fiṭr, it is *mustaḥab* to eat something sweet like dates before going to the Eid prayer, whereas before the Eid prayer in Eid al-Aḍḥā it is *mustaḥab* to not eat anything.

It is narrated from Burayda (*ra*) that he said, "*The Messenger of Allah (saw) would not leave the house without eating during the Eid al-Fiṭr. On Eid al-Aḍḥā, he would not eat anything until he performed the prayer.*"¹⁴⁹¹ The reason for not eating before the Eid al-Aḍḥā is to wait to eat from the meat of the sacrificial animal if an animal is slaughtered by the household. However, whether or not an animal is sacrificed by the household does not change the ruling. However, there is no reprehensibility in eating something before the Eid al-Aḍḥā prayer.

It is *mandūb* for a person who is going to sacrifice an animal to delay cutting his nails and hair in the first ten days of Dhu'l-Hijjah in order to resemble those performing the Hajj. This is because the Messenger of Allah said: "*When any one of you intending to sacrifice the animal enters the month (of Dhu'l-Hijjah) he should not get his hair or nails touched (cut).*"¹⁴⁹²

The most virtuous thing is to cut the nails and the excess part of the mustache once a week, remove the excess hair, and take care of the cleanliness of the body by washing. At the least, these should be done every fortnight. Abandoning such acts of hygiene for more than forty days cannot be excused.

On the morning of the Eid, one goes to the mosque with calmness and dignity. It is *mandūb* to say *takbīr* silently when going to the Eid prayer during the Eid al-Fiṭr and aloud when going to the Eid prayer during the Eid al-Aḍḥā, and if possible, to return to the house by another path after the Eid prayer.

The Takbīrs of Tashrīq:

The first day of Eid al-Aḍḥā is called "*yawm al-naḥr* (day of sacrifice)" and the other three days are called "*ayyām al-tashrīq* (*tashrīq* days)". The day before the feast is called "*yawm al-arafa* (Day of Arafah or Eve of the Eid)" and this is the ninth day of Dhu'l-Hijjah.

From the dawn prayer on the day of Arafah (9th of Dhu'l-Hijjah) to the late afternoon prayer of the fourth day of the Eid (13th of Dhu'l-Hijjah), the following statement is recited

1491. See Aḥmad ibn Ḥanbal, III, 232; al-Zayla'ī, *Naṣb*, I, 208.

1492. Muslim, Aḍāḥī, 42; Abū Dawūd, Aḍāḥī, 2; al-Nasā'ī, Ḍaḥāyā, I.

after the twenty-three obligatory prayers, “*Allāhu akbar, Allāhu akbar; lā ilāha illallāhu wallahu akbar. Allāhu akbar wa lillāhi 'l-ḥamd*”, which is called “*takbīr of tashrīq*”.¹⁴⁹³

The meaning of this statement is: “*Allah is the Greatest, Allah is the Greatest. There is no god but Allah. There is none worthy of worship besides Allah. Allah is the Greatest and Praise be to Allah.*”

Reciting the *takbīrs* 23 times is based upon the opinion of Abu Yusuf and Imam Muhammad. This is also the Ḥanafī school’s as well as the Hanbalis’ view. According to Abu Ḥanīfa, the *takbīrs* of *tashrīq* are uttered after the eight obligatory prayers, from dawn prayer on the day of Arafa to the late afternoon prayer on the first day of Eid.

According to the Malikis, the *takbīrs* of *tashrīq* are uttered after fifteen obligatory prayers, regardless of whether they have been performed alone or in a community and regardless of whether the worshiper is from a metropolitan area or elsewhere. The time for the utterance of *takbīrs* begins after the noon prayer on the first eid day and ends with the dawn prayer on the fourth day of the eid.

According to the Shafi’is, these *takbīrs* are uttered on the days of *tashrīq*, i.e. 11th, 12th, and 13th days of Dhu’l-Hijjah. It is sunnah to utter these *takbīrs* after both voluntary and obligatory prayers (even after funeral prayers.) The Malikis, on the other hand, consider it undesirable to utter these *takbīrs* after the voluntary prayers or after compensatory prayers performed in place of missed prayers regardless of when they were missed.

The *takbīrs* of *tashrīq* is *wājib* according to many Ḥanafī jurists. Some say that they are sunnah. According to Abu Yusuf and Imam Muhammad, these *takbīrs* are *wājib* for a person who is obliged to perform the obligatory prayers. In this regard, those who pray alone, those who follow the imam, the traveler and the resident, the villager and the city dweller, the man, and the woman are equal. Thus, these *takbīrs* can be said in the congregation or alone and it can also be for a compensatory prayer. Men utter the *takbīr* aloud whereas women do it silently. These *takbīrs* are not uttered at the end of the *witr* and the Eid prayers. In regards to the utterance of these *takbīrs*, the Hanbalis hold similar views to the Ḥanafis except for two points. First, they regard these *takbīrs* as an emulation of the sunnah and the second point is that it is sunnah only upon men, but not for the women.

According to Abu Ḥanīfa, for the *takbīrs* of *tashrīq* to be *wājib*, the person must be a resident, free, and male, and the prayer must be an obligatory prayer performed in the congregation. Therefore, these *takbīrs* are not *wājib* upon the travelers, slaves, women, and those who pray alone. However, if these people follow an imam, they should say the *takbīr* together with the congregation. In small settlements where Friday and Eid prayers are not performed, the *takbīr* of *tashrīq* is not uttered. Moreover, it is not *wājib* upon the people with chronic problems who perform the noon prayer in the congregation on Friday.

1493. In the dictionary, *tashrīq* means breaking up the meat and leaving it under the sun. The reason for the usage of this term is that it is customary to cut and distribute meat on the days of Eid-al-Aḥḥā.

According to the Ḥanafis, if a prayer that is missed on the *tashrīq* days of a year is made up on one of the *tashrīq* days of the same year, the *takbīr* of *tashrīq* is uttered at the end, but if it is made up on other days or on the *tashrīq* days of another year, the *takbīr* of *tashrīq* is not uttered.

If the prostration of forgetfulness and *takbīr* of *tashrīq* and *talbiyah* coincide in the ritual prayer, first the prostration of forgetfulness is performed, then the *takbīr* is recited, and finally, the *talbiyah* is recited. If *talbiyah* is done first, the others are dropped.¹⁴⁹⁴

It is *mandūb* for Muslims to congratulate each other on the Eid days, shake hands with each other, and pray to Allah for each other such as “*ghafarallāhu lanā wa lakum* (May Allah forgive us and you)” or “*takabballāhu minna wa minkum* (May Allah accept from us and you)”.



1494. For information about *talbiyah*, see the chapter on pilgrimage.

XII - SUPEREROGATORY PRAYERS

The prayers that are not *farḍ* or *wājib* and where there are narrations informing us that the Messenger of Allah (*saw*) performed them are collectively called “*nāfilah*”. These are also divided into two *nāfilahs* which are *sunnah* and *nāfilahs* which are *mandūb*. *Nāfilahs* that are *sunnah* are deeds that the Messenger of Allah continued to do and rarely abandoned. In fact, sometimes the reason behind why he did not always do these actions was to simply convey to his followers that these acts are not obligatory. Whereas the *nāfilahs* that are *mandūb*, are acts that the Prophet sometimes did and sometimes abandoned.¹⁴⁹⁵

According to another classification, *nāfilah* prayers that have an appointed time are called “*rawātib sunnahs*”. They got this name because they are performed together with the five daily obligatory prayers or the Friday prayers in a certain order. Some of them are *mu’akkad* (emphatically enjoined) and some are *ghayr-mu’akkad* (not emphatically enjoined) *sunnah*. In the Ḥanafī literature, *mu’akkad* supererogatory prayers are called “*sunnah*”, and those that are not *mu’akkad* are called “*mustaḥab* or *mandūb*”. Since the *tarawīḥ* prayer is performed after the night prayer, it is included in the scope of *rawātib*.

A – MU’AKKAD SUNNAHS

Some of the prayers performed in conjunction with the five daily prayers and Friday prayers are *mu’akkad sunnah*. These are reported as follows in a hadith narrated by Umm Habiba, Aisha, Abu Hurayra, Abu Musa al-Ash’arī, and Ibn Umar (*r. anhum*), “*The Messenger of Allah (saw) said: ‘Whoever prays twelve cycles during the day and at night, apart from the obligatory prayers, Allah will build a house for him in Paradise. These are the following prayers: two cycles before the dawn prayer, four cycles before the noon, two cycles in the late afternoon, two cycles after the evening, and two cycles after the night prayer.’*”¹⁴⁹⁶

Upon the question of Abdullah ibn Shaqīq (*ra*), Aisha (*r.anha*) explained the daily supererogatory prayers that the Messenger of Allah (*saw*) performed daily, apart from the obligatory prayers with these words, “*Before the noon prayer, he would pray four cycles in my house, then go out and lead the people in prayer, then return to my house and pray two cycles. He would lead the people in the sunset prayer, then return to my house and pray two cycles. Then he would lead the people in the night prayer, and enter*

1495. Ibn al-Humām, *ibid*, I, 314 ff.; al-Maydanī, *ibid*, I, 94 ff.; al-Zaylaī, *Tabyīn al-Ḥaqāiq*, I, 171 ff.; al-Mawṣilī, *Ikhtiyār*, I, 65 ff.; Ibn Abidīn, *ibid*, I, 630 ff.; al-Zuhaylī, *ibid*, II, 46 ff.

1496. Al-Tirmidhī, Ṣalāh, 189, Hadith No: 415, Ṣalāh, 203, Hadith No: 433; Ibn Maja, ‘Iqāmah, 100, Hadith No: 1140-1142; Abū Dawūd, Ṭaṭawwū’, I, Hadith No: 1250; al-Nasā’ī, Qiyām al-Layl, 66, Hadith No: 1792-1801. In the first hadith narrated by al-Nasā’ī, there is the expression “whoever performs these prayers will enter Paradise”.

my house and pray two cycles. He would pray nine cycles during the night, including *witr* (prayer). At night he would pray for a long time standing and for a long time sitting. When he recited the *Qur'an* while standing, he would bow and prostrate from the standing position, and when he recited while sitting, he would bow and prostrate from the sitting position, and when dawn came he prayed two cycles, then he would come out and lead the people in the dawn prayer."¹⁴⁹⁷

We can list *mu'akkad sunnahs* attached to prayers as follows:¹⁴⁹⁸

1) A two-cycle *sunnah* performed before the dawn prayer: This prayer is one of the strongest *sunnahs*. The Messenger of Allah (saw) said, “Even if horses chase you, do not abandon the two-cycle *sunnah* of the dawn prayer.”¹⁴⁹⁹, and “The two-cycle *sunnah* of the dawn prayer is better than the world and everything in it.”¹⁵⁰⁰ Moreover, Aisha (r.anha) said, “The Prophet (saw) never left the four cycles before the noon prayer and the two cycles before the dawn prayer.”¹⁵⁰¹ Hafsa also reported that when the call for dawn prayer was recited, the Messenger of Allah (saw) would pray two brief cycles before going to the prayer.¹⁵⁰² Furthermore, it was reported that on his return from the Battle of Khaybar, the Messenger of Allah (saw) performed a two-cycle prayer first and then led the *farḍ* prayer after the sun came up at their campsite.¹⁵⁰³

Based on the above-mentioned and similar hadiths, a person who misses the dawn prayer makes up the *sunnah* of the dawn prayer together with the *farḍ* cycles before the *zawāl* time on the same day.

If the congregation commences the *farḍ* cycles before a person gets a chance to complete the *sunnah* cycles of the dawn prayer, and if he or she believes that the *farḍ* can be caught up to even if it is in the second cycle, he or she should perform the *sunnah*. However, if the worshipper thinks that he or she will not be able to catch it up even in the second cycle of the *farḍ*, then the *sunnah* should be abandoned and instead follow the imam. Moreover, in this case, the *sunnah* cycles are not made up after the *farḍ*. According to the Ḥanafis, it is more virtuous to perform the dawn prayer close to the sunrise.

2) The four cycles performed before the noon prayer: This prayer is one of the *mu'akkad sunnahs*. Aisha (r. anha) reported that the Prophet (saw) never stopped performing

1497. Abū Dawūd, *Ṭaṭawwū'*, 1, Hadith No: 1251.

1498. There are not many differences regarding the names of the *sunnah* prayers among the schools of Islamic law, but they differ about the number of their cycles and how they categorize those cycles. Since this is a very detailed subject, we mostly take the Ḥanafis views here and mention only the significant differences for the sake of brevity. For more details in this matter see, Jaziri, *ibid*, p. 427 ff.

1499. Aḥmad ibn Ḥanbal, II, 405; Abū Dawūd, *Ṭaṭawwū'*, 3, Hadith No: 1258.

1500. Muslim, *Musafirin*, 96, 97; al-Tirmidhī, *Ṣalāh*, 190.

1501. Abū Dawūd, *Ṭaṭawwū'*, 1, Hadith No: 1253.

1502. Al-Nasā'ī, *Qiyām al-Layl*, 57, Hadith No: 1758.

1503. Abū Dawūd, *Ṣalāh*, 11, Hadith No: 435, 443; al-Nasā'ī, *Mawāqīt*, 54, 55; Aḥmad ibn Ḥanbal, IV, 444; al-Taḥānāwī, *I'la al-Sunan*, II, 126.

the four cycles before the noon prayer and two cycles before the dawn prayer.¹⁵⁰⁴ It is narrated from Ali (ra) that he said, “*The Prophet (saw) used to pray four cycles before the noon prayer and two cycles after the (fard) cycles.*”¹⁵⁰⁵

3) A two-cycle prayer after the noon prayer: These two cycles are *sunnah mu’akkad*, and it is *mandūb* to complete it in four cycles.

Abdullah Ibn Umar (ra) said: “*I prayed two cycles before noon and two cycles after the noon with the Prophet (saw).*”¹⁵⁰⁶ The following is stated in another hadith: “*Whoever prays four cycles before the noon prayer and four cycles after the noon prayer, Allah will forbid his body from entering the fire of Hell.*”¹⁵⁰⁷

4) A two-cycle prayer after the evening prayer: This is one of the twelve cycle *mu’akkad sunnah* prayers that the Messenger of Allah (saw) continuously performed.

5) A two-cycle prayer performed after the night prayer: Evidence for this is the hadith narrated by various Companions stating that “whoever prays twelve cycles during the day and at night, apart from the obligatory prayers, Allah will build a house for him in Paradise”. Two of the twelve cycles are the last *sunnah* of the night prayer.¹⁵⁰⁸

6) **The Tarawīḥ prayer:** *Tarawīḥ* is the plural form of the Arabic word *tarwīḥa* and means “relaxing, resting”. The sitting at the end of each four cycles of this prayer, which is performed after the night prayer, especially in the month of Ramaḍān, is called *tarwīḥa*, and later, the plural of this word, “*tarawīḥ*”, became the name of this super-erogatory prayer that is performed during the nights of Ramaḍān. The *tarawīḥ* prayer is *mu’akkad sunnah* for both men and women. It is a *sunnah kifāi* to perform *tarawīḥ* in the congregation.

The Prophet performed the *tarawīḥ* prayer alone, except for a few nights, and encouraged his Companions to perform this prayer as follows, “*Whoever revives the month of Ramaḍān by believing and expecting his reward from Allah, his past sins will be forgiven.*”¹⁵⁰⁹ According to the narration from Aisha, she said, “The Prophet (saw) prayed in the mosque (after the night prayer in Ramaḍān), and people prayed like him. In the morning, people talked to each other about this prayer. The next night, a larger group formed and they prayed with him. In the morning, they talked about this prayer among themselves again. On the third night, the congregation became even more crowded. The Messenger of Allah (saw) came out and prayed, and people prayed like him. On the fourth night, people waited for the Prophet to come out, but he did not appear. When he performed the dawn prayer, he turned to the congregation and said, “*I saw you gathered*

1504. Abū Dawūd, Ṭaṭawwū’, 1, Hadith No: 1253; al-Nasā’ī, Qiyām al-Layl, 56.

1505. Al-Tirmidhī, Ṣalāh, 198, H.no: 424.

1506. Al-Tirmidhī, Ṣalāh, 199, Hadith No: 425.

1507. Ibn Maja, ‘Iqāmah, 108; al-Nasā’ī, Qiyām al-Layl, 67.

1508. Al-Tirmidhī, Ṣalāh, 189, Hadith No: 415; Ibn Maja, ‘Iqāmah, 100, Hadith No: 1140-1142; Abū Dawūd, Ṭaṭawwū’, 1, Hadith No: 1250, al-Nasā’ī, Qiyām al-Layl, 66, Hadith No: 1792-1801.

1509. Al-Bukhari, Ṣalāt at-Tarawīḥ, 1; Muslim, Musāfirīn, 174.

last night, there was no obstacle for me to lead this prayer for you, but I was afraid that it would become obligatory for you and it would be difficult.” The practice continued in this way until the death of the Messenger of Allah (saw).”¹⁵¹⁰

The *tarawīḥ* prayer is performed after the night prayer and before the *witr*. It is *mustaḥab* to delay this prayer until after midnight or one-third of the night. A *tarawīḥ* prayer that is missed cannot be made up but this prayer can be performed alone. However, it is considered more virtuous to perform it in a congregation.

The *tarawīḥ* prayer consists of twenty cycles and since the congregation rests at the end of each four cycles, these four cycles are called “*tarwīḥa*”. There are five *tarwīḥas* prayers in a *tarawīḥ* prayer.

Intention for this prayer is made by saying “For the sake of Allah, I intend to perform the *tarawīḥ* prayer”, “the sunnah of the time” or “night prayer”. According to many jurists, it is also permissible to intend for an absolute prayer without any specifications or *nāfilah*.

It is more virtuous to finish the *tarawīḥ* prayer with ten salutations by offering greetings once in every two cycles. A greeting can also be given in four cycles. It is also permissible to offer greetings every eighth, tenth, or even at the end of twenty cycles but this is not free from reprehensibility.

If the *tarawīḥ* prayer is performed by offering greetings at every two cycles, it is performed like the two-cycle *sunnah* of the evening prayer, and if the greetings are offered after four cycles, it is performed like the four-cycle *sunnah* of the night prayer. Hence the way to perform the *tarawīḥ* prayer varies based on the views of the schools and regarding which supplications and Qur’anic chapters from the Qur’an are recited in each cycle. For example, according to the Ḥanafis, at the beginning of the *tarawīḥ* prayer and at the beginning of every two cycles of it, supplications of “*subḥānaka*”, “*aūdhu-basmala*” is recited, and the supplications of “*taḥiyyāt*”, and “*ṣalli and bārik*” are recited in each sitting at the end of the two cycles. The views of other schools can be found under the section on how to perform the five daily prayers.

When the *tarawīḥ* prayer is performed in congregation, the congregation should intend to both follow the performance of the *tarawīḥ* prayer and to follow the imam. The imam leads the *tarawīḥ* prayer aloud like the *farḍ* cycles of the dawn prayer.

According to the Ḥanafis, the number of cycles of the *tarawīḥ* prayer and its performance regularly in the congregation is based on Umar’s practice. According to the narration from Abdurrahman ibn Abd al-Qāri (*ra*), he said, “One night of Ramaḍān, I went to the Masjid an-Nabawi with Umar (*ra*). People were in a dispersed state. Some prayed alone, others in small groups. Umar (*ra*) said, “it would be better if I gathered them behind an imam (*qāri*)” and then assigned Ubay ibn Ka’b to lead the *tarawīḥ* prayers.

1510. Al-Bukhari, *Ṣalāt at-Tarawīḥ*, 1; Muslim, *Musāfirīn*, 178; Abū Dawūd, *Shahru Ramaḍān*, 1, Hadith No: 1373; Malik, *Muwaffā’*, *Ṣalāt fi Ramaḍān*, 2, Hadith No: 3.

During another night, when we went out with Umar (*ra*), he saw people praying behind their imams and said, “What a wonderful innovation! Those who do not attend this prayer and sleep now are better than those who pray.”¹⁵¹¹ What Umar (*ra*) was referring to with this last sentence were the Companions who would sleep in the evening and wake up and perform the *tarawīḥ* prayer at the time of the *tahajjud* prayer.¹⁵¹²

Accordingly, no one objected to performing the *tarawīḥ* prayers of twenty cycles in congregation in the *Masjid an-Nabawi*, both during and after the caliphate of Umar and the other rightly guided caliphs. The Messenger of Allah (*saw*) said, “*After me, do not deviate from my Sunnah and from the Sunnah of the rightly guided caliphs.*”¹⁵¹³ On the other hand, it is narrated that Ibn Abbas (*r. anhumā*) performed the *tarawīḥ* prayer of twenty cycles individually during Ramaḍān followed by the three cycles of *witr* prayer.¹⁵¹⁴ According to what Imam Malik narrated from Yazīd ibn Rūmān, the *tarawīḥ* prayer was performed in twenty cycles during the period of Umar apart from the *witr* prayer.¹⁵¹⁵

When Abu Ḥanīfa was asked about the practice of Umar, he said, “The *tarawīḥ* is a strong sunnah. Umar did not invent anything new in this matter. He did this only on the basis of evidence that he knew. He made it as an oath to the Messenger of Allah (*saw*).”¹⁵¹⁶

Some hadith scholars have concluded that the Messenger of Allah (*saw*) performed eight cycles of the *tarawīḥ* prayer during Ramaḍān. The evidence on which this is based is the following hadith narrated by Bukhari and others from ʿĀisha (*r. anha*), “The Messenger of Allah (*saw*) did not observe either in Ramadan or in other months more than eleven cycles (of the night prayer). He (in the first instance) observed four cycles. Ask not about their excellence and their length (i.e. these were matchless in perfection and length). He again observed four cycles, and ask not about their excellence and their length. He would then observe three cycles (of the *witr* prayer). Aisha again said, ‘Messenger of Allah, do you sleep before observing the *witr* prayer?’ He said, ‘*O Aisha, my eyes sleep but my heart does not sleep.*’”¹⁵¹⁷ Again, Ibn Ḥibban narrated the following hadith from Jabir (*ra*) in his *Ṣaḥīḥ*, “The Prophet (*saw*) led the *witr* prayer after he led them through eight cycles.”¹⁵¹⁸

Accordingly, there is no doubt that the eight cycles of the *tarawīḥ* prayer are *muʾakkad sunnah*. Some scholars such as Ibn al-Humam maintain that more than eight cycles

1511. Al-Bukhari, Ṣalāt al-Tarāwīḥ, 1; Malik, *Muwattaʿ*, Ṣalāt fi Ramaḍān, 2, H. No:3.

1512. Malik, *Muwattaʿ*, Ṣalāt fi Ramaḍān, 2, H. No:3 footnote.

1513. Abū Dawūd, Sunnah, 5; Al-Tirmidhī, ʿIlm, 16; Ibn Maja, Muqaddimah, 6; Al-Darimī, Muqaddimah, 16; Aḥmad ibn Ḥanbal, IV, 126, 127.

1514. This hadith was narrated by al-Bayhaqī and said: Only Abu Shayba Ibrahim Ibn Uthmān narrated this hadith. Abu Shayba is weak. See al-Shawkānī, *ibid*, III, 53.

1515. Malik, *Muwattaʿ*, Ṣalāt fi Ramaḍān, 2, H. No:5.

1516. Al-Zuhaylī, *ibid*, II, 44.

1517. Al-Bukhari, Taḥajjud, 16, Tarawīḥ, 2; Muslim, Musāfirīn, 125; al-Tirmidhī, Mawāqīt, 208; Malik, *Muwattaʿ*, Ṣalāt al-Layl, 9.

1518. Al-Shawkānī, *ibid*, III, 53.

are *mustaḥab*. This is similar to the fact that it is recommended to perform four cycles of supererogatory prayers after the night prayer, the first two cycles of which become *mu'akkad sunnah*.¹⁵¹⁹

7) The sunnah of four cycles performed before and after the Friday prayer and two cycles performed after the *ẓuhr al-ākhir* prayer are also listed among the *mu'akkad sunnah* prayers. However, there are different narrations about how long the Prophet (*saw*) continued these prayers, the number of their cycles, and the place where they were performed.¹⁵²⁰

B – GHAYR MU'AKKAD (MANDŪB) SUNNAHS

Sunnahs that the Prophet (*saw*) performed at most times but sometimes abandoned are as follows:

1) As mentioned above, two cycles of prayer are performed in addition to the two-cycle *mu'akkad sunnah* performed after the *farḍ* of the noon prayer.

2) A four-cycle prayer is performed with a single greeting before the late afternoon prayer. The Messenger of Allah (*saw*) said about this prayer, “*May Allah have mercy on a person who prays four cycles before the late afternoon prayer.*”¹⁵²¹

3) Four-cycle prayer performed before the night prayer. The evidence for this is the following hadith reported by Aisha (*r. anha*): “The Messenger of Allah (*saw*) used to perform four cycles before the night prayer, then pray four more cycles after the night prayer, and then go to bed.”¹⁵²²

These are supererogatory prayers that are attached to the obligatory prayers. The independent *nāfilah* prayers will be explained below.

C – MANDŪB (INDEPENDENT) PRAYERS

Apart from the *sunnah* cycles attached to the five daily obligatory prayers, some other supererogatory prayers are called *mustaḥab*, *mandūb*, or *ṭaṭawwu'*.

1) The *Tahajjud* Prayer

The word *tahajjud* means “to both sleep and wake up”. As a term, it means “to wake up in the middle of the night and perform a prayer as well as the midnight prayer”. The supererogatory prayer to be performed after *'ishā* (night) prayer without sleeping or after sleeping a short time is generally called “mid-night prayer (*Ṣalāt al-Layl*)”. If, after sleeping for a while, one wakes up after midnight and performs the prayer until true dawn, then this prayer is called “*tahajjud*”. The number of cycles of *tahajjud* prayer

1519. Ibn al-Humām, *Fatḥ al-Qadīr*, I, 333, 334.

1520. For details and evidence, see “Sunnah prayers in Friday prayers”.

1521. Al-Tirmidhī, *Ṣalāh*, 301.

1522. See al-Zaylāī, *Nasb*, II, 145 ff.; al-Shawkanī, *ibid*, III, 18.

varies from two cycles to eight cycles. It is more virtuous to offer greetings at the end of every two cycles.

The following is stated in the Qur'an regarding the *tahajjud* prayer, ***“(O Muhammad!) rise from your sleep and pray during part of the night [as well], as a free offering from you, and your Lord may well raise thee to a glorious station (in the life to come).”***¹⁵²³

Some various Qur'anic verses and hadiths encourage believers to pray *tahajjud*. Allah Almighty says, ***“O Muhammad! Surely your Lord does know that you stand forth (to prayer) nigh two-thirds of the night, or half the night, or a third of the night, and so does a party of those with you.”***¹⁵²⁴ In other verses, Allah Almighty explains the situation of those who wake up for the night prayer as follows, ***“Their limbs do forsake their beds of sleep, the while they call on their Lord, in Fear and Hope...”***¹⁵²⁵, ***“And the servants of (Allah) Most Gracious are those who walk on the earth in humility, and when the ignorant address them, they say, ‘Peace!’; Those who spend the night in adoration of their Lord prostrate and standing”***¹⁵²⁶, and ***“They were in the habit of sleeping but little by night, And in the hour of early dawn, they (were found) praying for Forgiveness.”***¹⁵²⁷ In another verse, it is stated that those who attain *ṭaqwā* (piety) are those who seek forgiveness from Allah at the time of dawn.¹⁵²⁸ The dawn time is the last one-sixth of the night. However, according to the Ḥanafis when the time for the dawn prayer comes, it is *makrūh* to perform any supererogatory prayer other than its *sunnah*.

Abdullah Ibn Umar (*r. anhumā*) narrates an event that happened to him as follows, Ibn Umar sees himself in a hell hole in a dream. An angel approaches and says, “do not be afraid, you will get out of this hole”. Upon conveying the dream to the Messenger of Allah, the Prophet (*saw*) said: ***“What a good servant Abdullah is! But it would be better if he got up and made it a habit to pray at night!”*** Abdullah Ibn Umar reduced his night sleep after this incident. According to this narration, it is understood that every individual who sincerely continues the *tahajjud* prayer deserves to be called a “good servant”.¹⁵²⁹

Bilal (*ra*) narrated that the Messenger of Allah (*saw*) said: ***“Hold fast to qiyām al-layl, for it is the practice of the righteous before you, and indeed qiyām al-layl is a means of nearness to Allah, a means of prevention from sin, an expiation for bad deeds, and a barrier for the body against disease.”***¹⁵³⁰ The following is stated in another hadith, ***“The most excellent prayer after what is prescribed is prayer during the night.”***¹⁵³¹

1523. Al-Isrā, 17: 79.

1524. Al-Muzzammil, 73: 20.

1525. Al-Sajda, 32: 16.

1526. Al-Furqān, 25: 63-64.

1527. Al-Dhariyat, 51: 17-18.

1528. Āl 'Imrān, 3: 16, 17.

1529. Al-Zabidī, *Sahih-i Buhari Mukhtaṣarī, Tecrid-i Sarih Tercemesi*, 7th ed, 1982, Ankara, IV, 29, 30, Hadith No: 576.

1530. Al-Tirmidhī, Da'awāt, 101, Hadith No: 3549.

1531. Muslim, Ṣiyām, 202; al-Tirmidhī, Mawāqīt, 207; al-Nasā'ī, Qiyām al-Layl, 6; Aḥmad ibn Ḥanbal, II, 344.

Upon Abdullah Ibn Umar's question, Aisha (*r. anha*) described the nighttime ritual of the Messenger of Allah (*saw*) as follows, "One night, he (*saw*) asked for permission and performed ablution, prayed, recited the Qur'an, cried for a long time, and then Bilal (*ra*) came for the dawn prayer. When asked why he was so sad even though his past and future sins had been forgiven, the Prophet (*saw*) said, "Shouldn't I be a grateful servant? Moreover, this night, Allah revealed the last ten verses of the chapter Āl 'Imrān," and added, "Woe to those who read these verses or chew them between their jaws and do not think about them!"¹⁵³²

Abdullah Ibn Abbas (*r. anhumā*) also described the night worship of the Messenger of Allah when he stayed as a guest in the house of Maymūna (*r. anha*), his aunt and the wife of the Messenger of Allah, with the following words, "In the last third of the night, the Prophet (*saw*) got up, looked at the sky, recited the last ten verses of chapter Āl 'Imrān, performed ablution, I did what he did, he wept, and performed thirteen cycles, including twelve cycles in twos and a cycle of *witr* prayer, then when Bilal recited the *adhān*, he performed two cycles, then went out and led the morning prayer."¹⁵³³ In another narration, it is stated that he got up at midnight or a little before or after midnight, recited ten verses from the end of chapter Āl 'Imrān, then performed *wuḍū'* and prayed thirteen cycles, then leaned on the bed until the muezzin came.¹⁵³⁴

Furthermore, it is considered *mandūb* to spend the nights of the last ten days of Ramaḍān in order to revive the night of Qadr, the fifteenth night of the month of Sha'ban, the nights of Ramaḍān and Eid al-Aḍḥā. This can be done in the form of worship that involves the whole night or most of the night and there are various hadiths about this subject.¹⁵³⁵

It is also considered *mandūb* to recite the following supplication, which is called *sayyid al-istighfār* (the Master Supplication for Seeking Forgiveness) at the time of dawn.

اللَّهُمَّ أَنْتَ رَبِّي لَا إِلَهَ إِلَّا أَنْتَ خَلَقْتَنِي وَأَنَا عَبْدُكَ وَأَنَا عَلَى عَهْدِكَ
وَوَعْدِكَ مَا اسْتَطَعْتُ. أَعُوذُ بِكَ مِنْ شَرِّ مَا صَنَعْتُ أَبُوءُ لَكَ بِنِعْمَتِكَ
عَلَيَّ وَأَبُوءُ بِذَنْبِي فَاغْفِرْ لِي فَإِنَّهُ لَا يَغْفِرُ الذُّنُوبَ إِلَّا أَنْتَ

"Allāhumma anta Rabbī lā ilāha illā anta. Khalaqtanī wa ana 'abduka wa ana 'alā aḥdika wa wa 'dika ma 'staṭa'tu. Aūdhu bika min sharri m ṣana'tu, abūu laka bi ni'matika ('alayya) wa abūu bi dhanbī, faghfirli, fa innahū lā yaghfiru 'dh-dhunūba illā anta."

1532. See al-Bukhari, Taḥajjud, 6; Muslim, Munafiqūn, 79-81; al-Tirmidhī, Ṣalāh, 187.

1533. Al-Bukhari, Tafsīr, Surah 3, bab:17, 18.

1534. See al-Bukhari, Tafsīr, Surah 3, bab:19, 20.

1535. See al-Zuhaylī, *ibid*, II, 47, 48, footnote, 1.

“O, Allah! You are my Lord! None has the right to be worshipped but You. You created me and I am Your slave, and I am faithful to my covenant and my promise as much as I can. I seek refuge with You from all the evil I have done. I acknowledge before You all the blessings You have bestowed upon me, and I confess to You all my sins. So, I entreat You to forgive my sins, for nobody can forgive sins except You”¹⁵³⁶

It is *makrūh* to gather in mosques or gather in a place other than the mosques in order to spend the nights mentioned above with such acts of worship. For neither the Prophet (*saw*) nor his Companions did this in their lifetime. There is no special worship specific to these nights. However, making up missed prayers and performing night prayers as much as desired, reciting the Qur’an, and keeping oneself busy with the remembrance and glorification of Allah, contemplation, and supplication are among the possible acts of worship for such nights.

2) *Ḍuḥā* (Mid-Morning) Prayer

The midmorning prayer is called “*ḍuḥā* prayer”. Various hadiths have been reported that the Prophet prayed between two cycles and twelve cycles in the mid-morning period and encouraged the believers to perform this prayer. In a hadith narrated by Abu Huraira, it is stated, “*Whoever continues to perform the two-cycle mid-morning prayer, his sins will be forgiven, even if they are as much as the foam of the sea.*”¹⁵³⁷ Anas Ibn Malik narrated that the Prophet (*saw*) said, “*Whoever prays twelve cycles of the mid-morning prayer, Allah will build a mansion in Paradise for him.*”¹⁵³⁸ To Abdullah ibn Shaqīq’s question whether the Prophet (*saw*) used to perform the mid-morning prayer, Aisha (*r. anḥā*) gave the following response, “No, he did it only when he returned from a journey.”¹⁵³⁹ To a question about how many cycles of mid-morning prayer the Prophet (*saw*) performed, Muādh’s (*r. anḥā*) replied by saying, “The Messenger of Allah (*saw*) used to observe four cycles in the forenoon prayer and he sometimes observed more as Allah pleased.”¹⁵⁴⁰ Umm Hani bint Abī Talīb (*r. anḥā*) reported that the Prophet (*saw*) performed the mid-morning prayer as eight cycles on the day of the conquest of Mecca, and that no one saw him performing this prayer afterwards.¹⁵⁴¹

It is *mustaḥab* to perform the mid-morning prayer, and it can be performed within the period from when the sun rises the length of a spear, that is, 45-50 minutes after sunrise, until the time of *zawāl*.

1536. Al-Bukhari, Da’awāt, 2, 16; al-Tirmidhī, Da’awāt, 15; Istiādha, 57.

1537. Ibn Maja, ‘Iqāmah, 187, Hadith No: 1382. The same hadith was also narrated by Abu Hurayrah. See al-Tirmidhī, Witr, 15, Hadith No: 476.

1538. Ibn Maja, ‘Iqāmah, 187, Hadith No: 1380; al-Tirmidhī, Witr, 15, Hadith No: 473. Al-Tirmidhī called this hadith “*gharīb*”.

1539. Muslim, Musāfirīn, 75, 76.

1540. Muslim, Musāfirīn, 75, 76; Ibn Maja, ‘Iqāmah, 187, Hadith No: 1381.

1541. Muslim, Musāfirīn, 80-83.

3) *Awwābīn* Prayer

Awwāb means “repentant, one who seeks refuge”. *Awwābīn*, which is the plural of the word *awwāb*, means the prayer of those who repent and seek refuge in Allah. This prayer is at least two and at most six cycles and is performed after the evening prayer by breaking the six cycles into one, two, or three salutations. The word “*awwābīn*” is mentioned in the Qur’an as follows, “**Your Lord knows best what is in your hearts: If you do deeds of righteousness, verily He is Most Forgiving to those who turn to Him again and again (in true penitence) (*awwābīn*).**”¹⁵⁴² The following hadith is reported from ‘Ammār ibn Yāsir (r. *anhuma*), “Whoever prays six cycles after the evening prayer, Allah will forgive his sins, even if they are as much as the foam of the sea.”¹⁵⁴³

It is reported that the Prophet (saw) performed a six-cycle prayer after the evening prayer and informed the people that the person who performed this prayer would be counted among the *awwābīn*.¹⁵⁴⁴ Abu Hurayra (ra) narrated that the Messenger of Allah (saw) said, “Whoever prays six cycles after the maghrib (evening) prayer and does not speak evil between them, this prayer will be made equivalent for him to twelve years worship.”¹⁵⁴⁵

4) Greeting the Masjid (*Taḥiyyat al-Masjid*) Prayer

Taḥiyya means to offer greetings. *Taḥiyyat al-Masjid* means to greet the mosque. For those who enter a mosque, it is *mandūb* to perform a two-cycle prayer in order to greet and glorify Allah, the owner of the mosque. It is sufficient for a person who enters the mosque several times in a day for reasons such as education, training, cleaning, and repair to perform this prayer once.

Taḥiyyat al-Masjid prayer should be performed in a mosque before sitting down. That is the virtuous way. however, it can also be performed after sitting down. Narrated from Abū Qatada, the Messenger of Allah (saw) said, “When one of you enters a mosque, he should pray two cycles before sitting down.”¹⁵⁴⁶ However, the *Masjid al-Ḥarām* is an exception, because *tawāf* around the Ka’ba is the *taḥiyya* for the *Masjid al-Ḥarām*.

According to the Ḥanafis and the Malikis, it is *makrūḥ* for a person who enters the mosque to perform this prayer at times of *karāḥa*. However, according to the Shafi‘is, it is *mustaḥab* to perform *taḥiyya* prayer whenever one enters the mosque.

1542. Al-‘Isrā, 17: 25.

1543. Al-Haythamī, *Majma al-Zawā‘id*, II, 230.

1544. Al-Isrā, 17: 25; See Ibn Kathīr, *Tafsīr*, Istanbul, 1985, V, 64, 65; Al-Shawkanī, *Nayl*, III, 64.

1545. Ibn Maja, ‘Iqāmah, 185, Hadith No: 1374; al-Tirmidhī, Ṣalāh, 204, Hadith No: 435. Al-Tirmidhi called the Abu Hurayra’s hadith “*gharīb*” because regarding ‘Umar Ibn Has’am existing in the chain of this hadith’s narrators, M. Ibn Ismail said “*munkar al-ḥadīth*” and considered it seriously weak.

1546. Al-Bukhari, Ṣalāh, 60, Taḥajjud, 25; Muslim, Misafirin, 69, 70; al-Tirmidhī, Ṣalāh, 118; al-Nasā’ī, Masājīd, 37; Ibn Maja, ‘Iqāmah, 57; Malik, *Muwatṭā’*, Safar, 57.

It is recommended that a person who enters the mosque during normal times and cannot perform *tahīyyat al-masjid* due to his busyness or due to reasons such as time-lapse, should recite the following prayer instead:

سُبْحَانَ اللَّهِ وَالْحَمْدُ لِلَّهِ وَلَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ

“*Subhānallāhi wa ‘l-ḥamdu lillāhi wa lā ilāha illallāhu wallāhu akbar*”

“Allah is free from all kinds of deficient attributes and imperfections. All praise belongs to Allah, there is no god but Allah. Allah is the Greatest.”

On the other hand, according to the Ḥanafis, entering a mosque with the intention to perform any ritual prayer in a congregation or to perform a *fard* prayer in a mosque is also considered a replacement for the *tahīyyat al-masjid* prayer.

5) Prayer after *Wuḍū’* and *Ghusl*:

According to the Ḥanafis, if there is enough time, it is *mandūb*, and according to the Shafi‘is, it is *sunnah* to perform a two-cycle prayer after *wuḍū’* or *ghusl* before the wetness of the limbs dries.

On the other hand, if another *sunnah* or *obligatory* prayer is to be performed immediately after performing *wuḍū’*, this also replaces the ablution prayer. This is similar to the situation to the first *sunnah* cycles of the obligatory prayers performed in the *masjid* replacing the *tahīyyat al-masjid* prayer.

The Prophet said, “*If a person performs ablution well, then gets up and prays two cycles in awe, his past sins will be forgiven.*”¹⁵⁴⁷ Here, attention is drawn to the greatness of the reward. In the narration of Muslim, “*If any Muslim performs ablution well, then stands and prays two cycles setting about them with his heart as well as his face, Paradise would be guaranteed to him.*”¹⁵⁴⁸ In another hadith, it is stated that when an obligatory prayer is performed after ablution, it will be an expiation for minor sins between prayers, as long as no major sin is committed.¹⁵⁴⁹

Moreover, one day at the time of the dawn prayer the Prophet (*saw*) asked Bilal, “*Tell me of the best deed you did after embracing Islam, for I heard your footsteps in front of me in Paradise.*” Bilal replied, “I did not do anything worth mentioning except that whenever I performed ablution during the day or night, I prayed after that ablution as much as was written for me.”¹⁵⁵⁰

It is recommended to perform a two-cycle prayer in order to enter the state of *ihrām*.

1547. Al-Bukhari, *Wuḍū’*, 24; Muslim, *Ṭahāra*, 5, 6, 17; Abū Dawūd, *Ṭahāra*, 65.

1548. Muslim, *Ṭahāra*, 17.

1549. Muslim, *Ṭahāra*, 7.

1550. Al-Bukhari, *Taḥajjud*, 17.

6) Prayer Performed at the Setting out on a Journey and upon Returning

It is *mandūb* for a Muslim to pray two cycles when he sets out or returns from a journey. It is more virtuous to pray at home when setting out on the journey, and in a mosque when returning from it. The Prophet (*saw*) would return from his journey in mid-morning, go to Masjid an-Nabawi, pray two cycles and sit there for a while.¹⁵⁵¹

The purpose of this prayer is in a way to invoke Almighty Allah to make things easier on the journey and to bring the person home safely. Performing it after returning home is a type of expression of gratitude to Allah.

7) Prayer Performed for the Fulfillment of a Need (*Ṣalāt qaḍā al-khawā'ij*):

A person who has a worldly and otherworldly need performs ablution, prays two or four cycles, or twelve cycles according to another view, after the night prayer, then praises Allah Almighty and sends blessings upon the Messenger of Allah (*saw*). He beseeches Allah for the fulfillment of his need.

According to a *marfū* hadith, in the first cycle of this prayer, Fatiḥa is recited once and the Verse of the Throne (2:255) is recited three times. In each of the remaining three cycles, the chapter Fatiḥa and then the chapters of al-Ikhlās (112), al-Falaq (113), and al-Nās (114) are recited once.

According to what al-Tirmidhi and Ibn Majah narrated from Abdullah Ibn Abi Awfā (*ra*), the Messenger of Allah (*saw*) said, “Whoever needs something from Allah, or from one of the sons of Adam, then let him perform *Wuḍū'*, performing it well, then pray two *rak'ah*, then praise Allah and send peace and blessings upon the Prophet (*saw*). Then let him say,

لَا إِلَهَ إِلَّا اللَّهُ الْحَلِيمُ الْكَرِيمُ، سُبْحَانَ اللَّهِ رَبِّ الْعَرْشِ الْعَظِيمِ. الْحَمْدُ لِلَّهِ
رَبِّ الْعَالَمِينَ، نَسْأَلُكَ مُوجِبَاتِ رَحْمَتِكَ، وَعَزَائِمَ مَغْفِرَتِكَ، وَالْغَنِيمَةَ
مِنْ كُلِّ بَرٍّ، وَالسَّلَامَةَ مِنْ كُلِّ إِثْمٍ لَا تَدْعُ لِي ذَنْبًا إِلَّا غَفَرْتَهُ وَلَا هَمًّا إِلَّا
فَرَجْتَهُ وَلَا حَاجَةً هِيَ لَكَ رِضًا إِلَّا قَضَيْتَهَا يَا أَرْحَمَ الرَّاحِمِينَ

“*Lā ilāha illallāhu 'l-ḥalīmu 'l-karīm. Subhānallāhi Rabbi 'l-'arshi 'l-'aẓīm. al-Ḥamdu lillāhi Rabbi 'l-ālamīn. Allāhumma, innī as'aluka mūjibāti raḥmatika wa 'aẓāima maghfiratika wa 'l-ghanīmata min kulli birrin, wa 's-salāmata min kulli ithmin. Lā tada 'lī dhanban illā ghafartahū, wa lā hamman illā farrajtahū, wa lā ḥājatan hiya laka riḍan illā qaḍaytahā. Yā arḥama'r-rāḥimīn.*”

1551. See al-Bukhari, Ṣalāh, 59; Jihād, 198; Muslim, Musāfirīn, 72-74; al-Tirmidhī, Da'awāt, 42, Hadith No: 3440, 3441.

“None has the right to be worshiped but Allah. Al-Halim (the Forbearing) Al-Karim (the Generous). Glorious is Allah, Lord of the Magnificent Throne. All praise is due to Allah, Lord of the worlds. I ask You for that which warrants Your mercy, and that which will determine Your forgiveness, and the spoils (fruits) of every righteous deed, and safety from every sin; do not leave a sin of mine without forgiving me for it, nor a worry without relieving it. Or a need that pleases you without granting it. O Most-Merciful of the merciful.”¹⁵⁵²

According to another narration transmitted from Uthmān ibn Ḥunayf (*ra*), a blind man came to the Prophet (*saw*) and asked him to pray to Allah for his recovery. Messenger of Allah said, “*If you wish to store your reward for the Hereafter, that is better, or if you wish, I will supplicate for you.*” The man said: “Supplicate.” So Allah’s Messenger (*saw*) told him to perform ablution and do it well, to perform a two-cycle prayer, and to say the following supplication:

“*Allāhumma! Innī as’aluka, wa atawajjahu ilayka bi Muḥammedin Nabīyyi’-rahmah. Yā Muḥammadu! Innī qad tawajjahtu bika ilā Rabbī fī ḥajātī ḥādhihi li tuqḍā. Allāhumma! Fa Shaffi ‘hu fiyya.*”

“O Allah, I ask of You and I turn my face towards You by virtue of the intercession of Muhammad the Prophet of mercy. O Muhammad, I have turned to my Lord by your intercession concerning this need of mine so that it may be met. O Allah, accept his intercession concerning me”¹⁵⁵³

It is reported that at the end of this prayer and supplication, the Companion’s eyesight was restored.

8) The Prayer to Request for Divine Guidance (Ṣalat al-Istikhāra)

Istikhāra means asking for what is good. *Istikhāra* prayer is a two-cycle prayer that is performed in order to seek spiritual guidance in permissible matters about which one does not know what would be the correct action. It is *sunnah* for a person to consult with people who are knowledgeable and trusted about important matters that he has to decide about. The Qur’an states: “**...and consult them in affairs (of the moment). Then, when you have taken a decision put your trust in Allah. For Allah loves those who put their trust (in Him).**”¹⁵⁵⁴, and “**...Those who (conduct) their affairs by mutual Consultation.**”¹⁵⁵⁵ If at the end of the consultation it is concluded that a certain way of action will be appropriate and beneficial, there will be no need for *istikhāra*. In such a case, consultation takes precedence over *istikhāra*. However, if a decision cannot be reached at the end of the consultation, then *istikhāra* is carried out. However, it is also possible to employ both consultation and *istikhāra* together. It is *mustahab* to recite the

1552. Al-Tirmidhī, Witr, 17, Hadith No: 479. Ibn Maja, 189, Hadith No: 1384.

1553. Ibn Maja, ‘Iqāmah, 189, Hadith No: 1385. Ibn Maja characterized this hadith as “*ṣaḥīḥ*.”

1554. Āl ‘Imrān, 3: 159.

1555. Al-Shūrā, 42: 38.

surah “al-Kafirūn (109)” in the first cycle of the *istikhāra* prayer and the surah “al-Ikhlās (112)” in the second cycle. After the prayer, the special supplication of “*istikhāra*” is recited, then the person goes to bed facing the qibla. Seeing white or green in a dream is good and indicated a good choice whereas if black or red is seen, it indicates evil. The evidence for the *istikhāra* prayer and supplication is the following hadith:

According to what was narrated from Jābir Ibn Abdillāh (*ra*), he narrated as follows, “The Messenger of Allah (*saw*) used to teach us the supplication for *istikhāra* (seeking what is beneficial from Allah) as he would teach us a surah (chapter) from the Qur’an. He would tell us, When one of you intends to do a work, he should offer two supererogatory cycles of prayer, and then say (at the end of the prayer):

اَللّٰهُمَّ اِنِّى اَسْتَخِيْرُكَ بِعِلْمِكَ وَاسْتَقْدِرُكَ بِقُدْرَتِكَ وَاسْأَلُكَ مِنْ فَضْلِكَ الْعَظِيْمِ. فَاِنَّكَ تَقْدِرُ وَلَا اَقْدِرُ وَتَعْلَمُ وَلَا اَعْلَمُ وَاَنْتَ عَلَّامُ الْغُيُوْبِ. اَللّٰهُمَّ اِنْ كُنْتَ تَعْلَمُ اَنَّ هَذَا الْاَمْرَ خَيْرٌ لِّىْ فِىْ دِيْنِىْ وَمَعَاشِىْ وَعَاقِبَةِ اَمْرِىْ (اَوْ) قَالَ: عَاجِلِ اَمْرِىْ وَاجِلِهٖ) فَاقْدِرْهُ لِّىْ وَيَسِّرْهُ لِّىْ ثُمَّ بَارِكْ فِيْهِ لِّىْ وَاِنْ كُنْتَ تَعْلَمُ اَنَّ هَذَا الْاَمْرَ شَرٌّ لِّىْ فِىْ دِيْنِىْ وَمَعَاشِىْ وَعَاقِبَةِ اَمْرِىْ (اَوْ) قَالَ: عَاجِلِ اَمْرِىْ وَاجِلِهٖ) فَاصْرِفْهُ عَنِّىْ وَاصْرِفْنِىْ عَنْهُ فَاقْدِرْ لِّىْ الْخَيْرَ حَيْثُ كَانَ ثُمَّ اَرْضِنِىْ بِهٖ قَالَ: وَيُسَمِّىْ حَاجَتَهُ عِنْدَ قَوْلِهٖ: «هَذَا الْاَمْرُ»

“*Allāhumma, innī astakhīruka bi ‘ilmika, wa astaqdiruka bi qudratika. Wa as’aluka min faḍlika ‘l- ‘aẓīm. Fa innaka taqdiru wa lā aqdiru. Wa ta ‘lamu wa lā a ‘lamu wa anta ‘allāmu ‘l-ghuyūb. Allāhumma, in kunta ta ‘lamu anna hādha ‘l- amra khayrun lī fī dīnī wa ma ‘āshī wa ‘āqibati amrī (aw qāla ‘ājili amrī wa ‘ājilihī) faqdirhu lī wa yassirhu lī, thumma bārik fīhi lī. Allāhumma wa in kunta ta ‘lamu anna hādha ‘l- amra sharrun lī fī dīnī ma ‘āshī wa ‘āqibati amrī (aw qāla ‘ājili amrī wa ‘ājilihī) faṣrifhu ‘annī waṣrifnī ‘anhu, faqdir lī al-khayra haythu kāna, thumma raḍḍinī bihi.*”

“O Allah, I seek Your choice on the better (of the two matters) based upon Your knowledge, and I seek Your decree based upon Your power, and I ask You for Your great bounties. For Indeed, You are the One Who Decrees, and I do not decree, and You know, and I do not know, and You are the Knower of the Unseen. O Allah, if you know this, and You are the Knower of the Unseen. O Allah, if you know this - here he should name exactly what he wishes - is better for me with regard to my religion, and my life, and my afterlife, and the end result of my affairs - Another version goes: “If the work is good immediately or subsequently” - then decree it to me, and make it easy for me, and

bless me on it. O Allah, and if You know this to be evil for me - and he says just as he said the first time - then avert it for me, and avert me from it. And decree for me good wherever it might be, then make me content with it.”¹⁵⁵⁶

If *istikhāra* is done sincerely, hope is given that Allah will grant the best, and it can be divulged into the heart. If comfort and relief are felt in the heart with certain signs, it is interpreted that the intended action will be beneficial, whereas if distress and tightness are felt, it will be the opposite. If no sign is felt during the first time, it can be repeated three times or seven times. This supplication can be recited in Arabic as well as in the native language. If a person cannot do *istikhāra* through performing two cycles of supererogatory prayer, then he or she can do the *istikhāra* by only reciting the above invocation.

9) Prayer of Repentance

A Muslim must refrain from committing acts deemed sinful and disagreeable. However, it is often not possible for a person to completely abstain from sinning. For this reason, it is stated in the Qur'an and the Sunnah that a person should repent immediately by not insisting on continuing the sin and that Allah will accept sincere repentance. Even a person who thinks he has no sin may repent. As a matter of fact, the Prophet repented seventy times a day and prayed until he got tired, even though it is known that all his past and future sins were forgiven.

Although there is no specific time and place for repentance, particularly blessed days and nights, times of pre-dawn and after prayers should be preferred for repentance due to the hope given that supplications are accepted at these times.

In a hadith narrated by Abu Huraira (ra), the Messenger of Allah (saw) said, “*Our Lord, the Blessed and the Exalted, descends every night to the lowest heaven when one-third of the latter part of the night is left and says: Who supplicates Me so that I may answer him? Who asks Me so that I may give to him? Who asks Me forgiveness so that I may forgive him?*”¹⁵⁵⁷ In other narrations, it is stated that this descent occurs “after the first third or two-thirds or half of the night”.¹⁵⁵⁸ Since the expression of the last “one-third” is unanimous, the majority of Islamic scholars are of the opinion that the times of pre-dawn covers the period from the last third of the night until the time of true dawn.

Moreover, that repentance is accepted when it is accompanied by ritual prayer and hope. This is reported together in a hadith as follows, “*If a servant commits a sin, then gets up, performs ablution well and prays two cycles and asks Allah for forgiveness, Allah will definitely forgive him.*”¹⁵⁵⁹ After that, the Prophet recited the following verse,

1556. Al-Bukhari, Taḥajjud, 25; Da'awāt, 49, Tawḥīd, 10; Abū Dawūd, Witr, 31, Hadith No: 1538; al-Tirmidhī, Witr, 18, Hadith No: 480; Ibn Maja, 'Iqāmah, 188, Hadith No: 1383; Aḥmad ibn Ḥanbal, III, 344. Al-Tirmidhī called the hadith narrated by Jābir as “*ḥasan, ṣaḥīḥ, gharīb*”.

1557. Muslim, Musāfirīn, 168.

1558. See Muslim, Musāfirīn, 169-172.

1559. See Muslim, Ṭaḥāra, 5-16.

*“And those who, having done something to be ashamed of, or wronged their own souls, earnestly bring Allah to mind, and ask for forgiveness for their sins, and who can forgive sins except Allah? and are never obstinate in persisting knowingly in (the wrong) they have done.”*¹⁵⁶⁰

10) The *Tasbīḥ* Prayer

The *tasbīḥ* prayer is recommended for a worshipper to pray at least once in a lifetime. It can be performed alone or in a congregation.

One day, the Prophet said to his uncle, Abbas Ibn Abdilmuṭṭalib, “*Abbas, my uncle, shall I not give you, shall I not present to you, shall I not donate to you, shall I not produce for you ten things? If you act upon them, Allah will forgive you your sins, first and last, old and new, involuntary and voluntary, small and great, secret and open.*”, then he advised him of the *tasbīḥ* prayer and taught him how to perform it. When Abbas (*r.a*) said that they could not do this every day, the Prophet (*saw*) stated that it would be sufficient to perform this prayer once a week, once a month, once a year, or once in a lifetime.”¹⁵⁶¹

The *tasbīḥ* prayer consists of four cycles. In each cycle, the chapter Fatiḥa and an additional surah are recited. It is completed with one or two greetings. According to a narration by Abu Wahb from Abdullah ibn Mubarak, the way of performing this prayer is as follows: One begins the prayer with the intention of performing it for the sake of Allah. After the supplication of *subḥānaka*, the following supplication of *tasbīḥ* is recited “*subḥānallāhi wa’l-ḥamdu lillāhi wa lā ilāha illallāhu wallāhu akbar*” 15 times. After reciting *aūdhu-basmala*, chapter Fatiḥa and an additional surah, this supplication of *tasbīḥ* is recited 10 times, followed by 10 times when carrying out the *rukū’*, 10 times when standing up from *rukū’*, 10 times during the first prostration, 10 times when standing up from the prostration, and 10 times during the second prostration. Thus, the supplication of *tasbīḥ* is recited 75 times in the first cycle. In each of the remaining three cycles, the supplication of *tasbīḥ* is recited 15 times when standing up, ten times after the Fatiḥa and the additional surah, and 10 times in the other positions, which makes a total of 75 *tasbīḥs* in each cycle and the number of the *tasbīḥs* in the whole prayer reaches three hundred. Abu Wahb stated that the supplication of *tasbīḥ* will be recited after the utterance of normal *tasbīḥs* recited in the position of *rukū’* and prostration three times.¹⁵⁶²

In the narrations of *tasbīḥ* prayer by Ibn Abbas and Abu Rafi’ (*r. anhumā*), although the number of the supplication of *tasbīḥ* and the way it is performed are the same, the place of reciting the supplication of *tasbīḥ* for the first 15 times is after the Fatiḥa and the

1560. Āl ‘Imrān, 3: 135. This verse, together with the previous two verses, covers the summary of Islamic morality.

1561. See Abū Dawūd, Ṭaṭawwū’, 14, Hadith No: 1297; Ibn Maja, ‘Iqāmah, 190, Hadith No: 1386, 1387; al-Tirmidhī, Witr, 19, Hadith No: 481.

1562. See al-Tirmidhī, Witr, 19, Hadith No: 481.

additional *surah*, and when one raises the head from the second prostration, there is the additional supplication of *tasbīḥ* for 10 times. The total number is again three hundred.¹⁵⁶³

If one makes a mistake in the *tasbīḥ* prayer, it is no longer necessary to recite these additional *tasbīḥs* during the prostrations. If the one who prays can remember these *tasbīḥs*, he or she will not count them with his fingers. If the imam leads the *tasbīḥ* prayer, he recites it aloud and repeats the *tasbīḥs* aloud as well. A woman can also lead the *tasbīḥ* prayer in a women's congregation by standing in the middle of the first row.

11) The Prayer for Rain (*ʿIstisqā*)

The prayer for rain is carried out in certain situations such as no rain, little rain, cessation of groundwater, and the emergence of the need for water for agriculture and animals. This is because people become heedless of their Lord and sins spread among them, and Allah Almighty sometimes creates droughts to test people. To change this situation, it is necessary to repent and seek forgiveness from Allah. As a matter of fact, the Qur'an mentions the supplication of the prophets such as Noah, Moses, and Hud (*alayhimu 's-salām*) to provide rain to their people.

For instance, Noah (*as*) tells Allah about his people with the following words, ***“Further I have spoken to them in public and secretly in private, saying, ‘Ask forgiveness from your Lord’; for He is Oft-Forgiving; He will send rain to you in abundance; Give you increase in wealth and sons, and bestow on you gardens and bestow on you rivers (of flowing water).”***¹⁵⁶⁴ Speaking of Moses, Almighty Allah says, ***“And remember Moses prayed for water for his people; We said: ‘Strike the rock with thy staff.’ Then gushed forth therefrom twelve springs.”***¹⁵⁶⁵

According to the Shafi'is, the prayer for rain consists of two cycles which are to be performed in the congregation. The manner in which the prayer for rain is to be performed is like that of the Eid prayers. In this regard, the Hanbalis have a similar view and they hold the view that the prayer for rain is performed in exactly the same way as the Eid prayers. According to the Malikis, the prayer for rain is performed in the same manner as the Eid prayers with the exception that, unlike the Eid prayers, the prayer for rain does not involve any additional utterances of the phrase *Allāhu Akbar*. On this point, the Malikis are in agreement with the Ḥanafis and in disagreement with the Shafi'is and the Hanbalis.

According to Abu Ḥanīfa, it is not *sunnah* to perform the prayer of rain in a congregation. If people pray separately in the prayer of rain, it will be permissible without reprehensibility. This is because *ʿistisqā* (prayer for rain) consists of supplication and asking for forgiveness. Therefore, this prayer is performed without a congregation and without a sermon.

1563. See Abū Dawūd, *Ṭaṭawwū*, 14, Hadith No: 1297; Ibn Maja, *ʿIqāmah*, 190, Hadith No: 1386, 1387.

1564. Nūḥ, 71: 9-12.

1565. Al-Baqara, 2: 60.

According to Abu Yusuf and Imam Muhammad, it is *mandūb* to perform the prayer for rain, if needed, by residents and travelers. This prayer is established by the *sunnah* of the Messenger of Allah (*saw*) and the practices of the righteous caliphs. If it does not rain, the prayer for rain is repeated several times throughout the day. This is because Allah loves those who are persistent in prayer.¹⁵⁶⁶

Anas Ibn Malik (*ra*) narrates, “A man entered the mosque through the door on the side of Dār al-Qaḍā during the Friday (prayer) and the messenger of Allah (*saw*) was delivering the sermon while standing. He came and stood in front of the Messenger of Allah (*saw*) and said,

‘Messenger of Allah, the camels died and the passages were blocked; so supplicate Allah to send down rain upon us.’

The Messenger of Allah (*saw*) raised his hands and then said:

اللَّهُمَّ اسْقِنَا، اللَّهُمَّ اسْقِنَا

“Allāhumma, asqinā! Allāhumma, asqinā! Allāhumma, asqinā!”

‘(O Allah, send down rain upon us; O Allah, send down rain upon us; O Allah, send down rain upon us.)’

Anas said, By Allah, we did not see any cloud or any patch of it, and there was neither any house or building standing between us and the hillock. There appeared a cloud in the shape of a shield from behind it, and as it came high in the sky it spread, and then there was a downpour of rain. By Allah, we did not see the sun throughout the week. Then that same man came on the next Friday through the same door while the Messenger of Allah (*saw*) was standing and delivering the sermon. He stood in front of him and said, ‘O Messenger of Allah, our animals died and the passages blocked. Supplicate Allah to stop the rain for us.’ The Messenger of Allah (*saw*) again raised his hands and said:

اللَّهُمَّ حَوَالَيْنَا وَلَا عَلَيْنَا. اللَّهُمَّ عَلَى الْكَامِ وَالضَّرَابِ
وَبُطُونِ الْأَوْدِيَةِ وَمَنَابِتِ الشَّجَرِ

“Allāhumma hawalayna wa lā ‘alayna. Allāhumma! ‘ala’l-ākām wa’q-ḍirāb wa buṭūni’l-awdiya wa manābiti’sh-shajar.”

‘O Allah, let it (rain) fall in our suburbs and not on us, O Allah (send it down) on the hillocks and small mountains and the riverbeds and at places where trees grow.’

1566. See al-Kāsānī, *ibid*, I, 282; Ibn al-Humām, *Faṭḥ al-Qadīr*, I, 437; Ibn Abidīn, *ibid*, I, 790 ff.; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, II, 209.

The rain stopped, and as we stepped out we were walking in the sun-shine.”¹⁵⁶⁷

The prayer of the Messenger of Allah (saw) for rain, which is mentioned in the sources of hadith, is as follows:

اللَّهُمَّ اسْقِنَا غَيْثًا مُغِيثًا مَرِيئًا طَبَقًا مَرِيئًا غَدَقًا عَاجِلًا غَيْرَ رَائٍ اللَّهُمَّ
اسْقِ عِبَادَكَ وَبَهَائِمَكَ وَأَنْشُرْ رَحِمَتَكَ وَأَخِي بَلَدَكَ الْمَيِّتَ

“Allāhumma, asqinā ghaysan, mughīṣan, marī’an ṭabaqan, marī’an ghadaqan, ‘ājilan ghayra rāithin. Allāhumma, asqi ‘ibādaka wa bahāimaka wa’nshur raḥmataka wa aḥyi baladaka al-mayyita.”

“O Allah, send upon us all abundant, wholesome rain, productive and plentiful, sooner rather than later. Provide water for Your servants and Your cattle, display Your mercy and give life to Your dead land.”¹⁵⁶⁸

The rain prayer is performed aloud like the Friday prayer. After the prayer, the sermon is delivered like the Eid sermon, but the orator does not go up to the pulpit, but stands on the ground, and leans on something like a sword, arrow, or walking stick.

If it does not start raining the people wear old clothes and bring their families out to the countryside together with children, and domestic animals. The children and cubs are taken away from their mothers for a while, and the weak and the old are asked to pray. Thus, it is hoped that Allah’s mercy and compassion will be summoned.

Prayer for rain is not an obstacle to taking some natural and technical measures to irrigate and provide abundant water. Actions such as planting trees in the countryside, building dams, extracting groundwater, and using sea water for irrigation can be counted among such technical measures.

12) The *Kusūf* Prayer

A solar eclipse is called “*kusūf*” and a lunar eclipse is called “*khusūf*”. When the sun is eclipsed, the imam who leads the Friday prayer in a town leads at least a two-cycle prayer without calling the *adhān* or the *iqāmah*. According to the Shafi‘is, the Hanbalis, and the Malikis, the prayer performed for the solar eclipse consists of only two cycles. If one completes these two cycles before the eclipse is over, one is to utter supplications to God until it has passed. Moreover, each cycle of this prayer consists of two bows and twice returning to a standing position rather than the usual one bow and one return to a standing position in each cycle.

1567. Al-Bukhari, *Istiṣqā*, 6; Muslim, *Istiṣqā*, 2, 8.

1568. Ibn Maja, *Iqāmah*, 154; Abū Dawūd, *Istiṣqā*, 2; Aḥmad ibn Ḥanbal, IV, 395.

The Ḥanafis, by contrast, hold that the prayer for the solar eclipse is not valid if each cycle contains two bows and twice returning to a standing position; rather, they insist that each cycle should be restricted to a single bow and a single return to a standing position just as in all other voluntary prayers. According to Abu Ḥanīfa, in each cycle, the extended recitation is done silently, but according to Abu Yusuf and Imam Muhammad, it is done aloud. There is no sermon in the *kusūf* prayer

It is stated in a hadith transmitted by Abu Dawūd, “There was an eclipse of the sun in the time of the Prophet (*saw*). He stood for a long time, accompanied by the people. He then bowed, then raised his head, then he bowed and then he raised his head, and again he bowed and prayed two cycles of prayer. He performed the prayer until the sun became bright. then he said: *“The sun and the moon are not eclipsed on account of anyone’s death or on account of anyone’s birth, but they are two of Allah’s signs, He produces dread in His servants by means of them. When they are eclipsed, perform a prayer just like the last prayer you performed.”*¹⁵⁶⁹ Ibn al-Humam said the last prayer of the Companions was the dawn prayer since the *kusūf* prayer was performed during the sun rising two spear lengths.¹⁵⁷⁰

It is an emulation of the Sunnah to prolong the recitation of the Qur’an, to do the bows, and the prostrations in the *kusūf* prayer.

Regarding the moon and the sun, Allah Almighty says: **“Among His Signs are the Night and the Day, and the Sun and the Moon. Do not prostrate to the sun and the moon, but prostrate to Allah, Who created them, if it is Him ye wish to serve.”**¹⁵⁷¹ The command “prostrate” in this verse refers to performing prayers when the sun and moon are eclipsed.

The Prophet (*saw*) said on the eclipse of the sun on the day his son Ibrahim died, *“The sun and the moon are two of God’s signs, and neither of them is eclipsed due to anyone’s birth or death. If you see either of them in eclipse, perform ritual prayer and call upon God in supplication until the event passes.”*¹⁵⁷² When some of the Companions had said that the sun had joined in the Prophet’s sadness and that he had been in mourning, the Messenger of Allah said these words to change this false way of thinking.

It is more virtuous to perform the *kusūf* prayer in a large mosque. It can also be performed in a square or in a field outside the settled areas. The reason why the *khusūf* and *kusūf* prayers are not obligatory even though they are established by sound hadiths is the hadith mentioned in the previous subjects in which the Bedouin asked the Prophet, “Is

1569. See al-Bukhari, *Kusūf*, 1, 17; Abū Dawūd, *Istiṣqā*, 4, 9, *Sunnah*, 9; al-Nasā’ī, *Kusūf*, 5, 12, 14, 16, 24; Ibn Maja, *‘Iqāmah*, 152.

1570. See al-Kāsānī, *ibid*, I, 280; Ibn al-Humām, *ibid*, I, 432; Ibn Abidīn, *ibid*, I, 788 ff.

1571. *Fussilat*, 41: 37.

1572. Al-Bukhari, *Kusūf*, 1, 15; Abū Dawūd, *Istiṣqā*, 4; Aḥmad ibn Ḥanbal, II, 222, III, 318, V, 62, 428.

there any obligation other than the five daily prayers?” and in response to this question, the Prophet said, “No, except if you perform it as *nāfilah*.”¹⁵⁷³

After the *kusūf* prayer, the Imam supplicates standing facing the *qibla* or sitting facing the opposite direction of the congregation until the sun rises and the congregation says “*amīn*”. If there is no imam, everyone prays alone in their own individual houses.

According to the Ḥanafīs, the Hanbalīs, and the Malikīs, it is not permissible to deliver a sermon during the prayer for the solar eclipse. According to Imam Shafi‘ī and some hadith scholars, it is *mustaḥab* to deliver a sermon after the prayer.

13) *Khusūf* Prayer

When the moon is eclipsed, it is *mandūb* for Muslims to perform a two or four-cycle prayer in their homes, one by one, with recitation, like the *kusūf* prayer, either silently or aloud. This is called the “*khusūf* prayer”. According to Abu Ḥanīfa, it is not a sunnah to perform this prayer in a congregation in the mosque. However, if it is done, it will be considered permissible. Perhaps since the lunar eclipse may be at night, it is difficult for the congregation to gather in the mosque and perform it in a congregation.¹⁵⁷⁴

According to Imam Shafi‘ī and Aḥmad Ibn Ḥanbal and some hadith scholars, it is performed in congregation. According to Imam Malik, it cannot be performed in congregation.

It is also considered appropriate to perform prayers such as *kusūf* and *khusūf* prayers in times of fear such as earthquakes, lightning strikes, strong winds, darkness during the day, fear of light spreading at night, falling stars, continuous rain and snow, epidemics, fear of the enemy and similar fearful times. In this regard, a comparison is made to the *kusūf* prayer.¹⁵⁷⁵ It is narrated that the Messenger of Allah (*saw*) invoked as follows when a strong wind blew, “O Allah, indeed, I ask You for its good, the good of what is in it, and the good of what it has been sent with. And I seek refuge in You from its evil, the evil of what is in it, and the evil of what it has been sent with.”¹⁵⁷⁶ The value of this invocation of the Messenger of Allah (*saw*) can be better understood when one thinks about the severe hurricanes, typhoons, and tornadoes that are common in some countries today and cause the death of thousands of people. In the case of such a disaster, there is nothing left to do but seek refuge in Allah. However, it is also necessary to take all kinds of measures and precautions for protection and rescue before and after the storm.

1573. See al-Bukhari, Imān, 34, Ṣawm, 1, Shahadāt, 26; Muslim, Imān, 8; Abū Dawūd, Ṣalāh, 1; al-Tirmidhī, Zakāt, 2; Al-Nasā‘ī, Ṣalāh, 4.

1574. Al-Kāsānī, *ibid*, I, 282; al-Shurunbulālī, *Marāq al-Falaḥ*, 92.

1575. See al-Kāsānī, *ibid*, I, 282; al-Shurunbulālī, *ibid*, 92; Qudama, *Mughnī*, II, 429; al-Zayla‘ī, *Naṣṣu’r-Raya*, II, 234-235.

1576. Al-Tirmidhī, Da‘awāt, 48, 88; Muslim, Istiṣqā, 15.

D – BLESSED DAYS AND NIGHTS

1) The day of 'Āshūra

The tenth day of Muharram, which is the first month of the lunar calendar, is the day of 'Āshūra. The word *āshūr* comes from the Hebrew word *ashūr*, and the day of *āshūra* is a day known in earlier divine religions and the people fasted on that day considering it holy. It is used for the day of penance in the Jewish belief.¹⁵⁷⁷

When the Prophet (saw) came to Medina, he saw that the Jews were fasting on the day of 'Āshūra and asked what fast it was. In response, they said: "Today is a good day. God saved the Children of Israel from the persecution of Pharaoh today, so Moses fasted for gratitude today. We fast it too." Thereupon, the Prophet said, "*We are closer to the Sunnah of Moses than you,*" and he fasted that day and told his Companions to fast.¹⁵⁷⁸ Aisha (r. anha) describes the practice of fasting as follows, "In the days of ignorance, the Quraysh used to fast on the day of 'Āshūra. Before the Hijra, the Messenger of Allah used to fast, too. He continued this fast after he migrated to Madinah. The following year, when Ramaḍān fasting was made obligatory, he stopped fasting on the day of 'Āshūra."¹⁵⁷⁹

While the rule of 'Āshūra fasting was obligatory according to Hanafis and sunnah *mu'akkad* according to Shafi'is in the early days of Islam, this fast started to be considered *mustahab* after Ramaḍān fasting was made obligatory. On the other hand, it is considered good to fast on the ninth, tenth and eleventh day of Muharram in order not to resemble the Jews.

There are various historical events reported in relation to the tenth day of Muharram. It is among these narrations that it is said that on that day Adam's repentance was accepted, Noah's ship ran aground, and Jacob was reunited with his son Yusuf. The origin of the Turkish dessert called '*āshūra* is also based on one of these reports. It is said that those in Noah's ark mixed the leftover food in the hold of the ark after the ark run aground and cooked a meal to celebrate that day. This is accepted as the root of the custom of cooking '*āshūra* and offering it to friends and family.

Those in the Shia-Imāmiyya school consider the tenth day of Muharram a "mourning day" because it coincides with the day that Hussein was martyred in Karbala, and they do not laugh, eat meat, wear a new dress, or start a new job between the first and tenth day of Muharram. According to them, the tenth day of Muharram is a day of lamentation and mourning.

Before the advent of Islam, people mourning a deceased person would go to extreme lengths. Mourning included crying and screaming loudly, tearing clothes, hiring professional weepers, keeping the deceased's wife out of the house for a year, not wearing

1577. See al-Bukhari, Ṣawm, 1; Torah, Leviticus, 16, 29.

1578. Al-Bukhari, Ṣawm, 69; *Tecrid-i Sarih Tercemesi*, VI, 308, 309.

1579. Al-Bukhari, Ṣawm, 69; *Tecrid-i Sarih Tercemesi*, VI, 307, 308.

perfume, and not even washing and keeping clean. The religion of Islam rationalized the mourning inherent in man's nature and forbade extremism. The criterion in this matter is expressed in the hadiths as follows, *"He who slaps the cheeks tears the clothes, and follows the tradition of the Days of Ignorance is not from us."*¹⁵⁸⁰ When the Prophet cried and tears came down his eyes after the death of his son Ibrahim and his grandson, the Companions asked about this situation. Allah's Messenger (saw) said, *"It is mercy which Allah has lodged in the hearts of His slaves, and Allah is merciful only to those of His slaves who are merciful (to others)."*¹⁵⁸¹, and *"The eyes are shedding tears and the heart is grieved, and we will not say except what pleases our Lord"*¹⁵⁸² According to Islam, the period of mourning is three days. However, the woman whose husband died mourns for four months and ten days and spends this time at her husband's house.

2) The Night of Raghāib

The first Friday night of the month of Rajab, which is the first one of the three months, is known as the "The Night of Raghāib". It is reported that on this night, the Messenger of Allah was blessed with various spiritual manifestations and performed twelve cycles of prayer for gratitude. The narration that Muhammad was conceived in his mother's womb on this night does not seem to be fully compatible with the date of his birth. Perhaps, the mother of the Messenger of Allah, Amina, learned that night that she was pregnant.

3) The Night of Mi'raj (Ascension)

The 27th night of Rajab is the night of Mi'raj (Ascension). On this night, Muhammad (saw) was taken from Mecca as a miracle, and he made a journey to the Masjid al-Aqsa in Jerusalem, from where he ascended to the heavens. He had many manifestations that night. The incident of the Mi'raj took place about a year and a half before the hijra and five daily prayers were made obligatory on that night.

The Mi'raj's first part that happened on earth is described in the Qur'an as follows, ***"Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque, whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who hears and sees (all things)."***¹⁵⁸³

There was no other mosque at that time beyond the Masjid al-Aqsa, which was named *Bayt al-Maqdis*. As a matter of fact, the name of this mosque is used in the hadith about Isrā. *"I got on Buraq and arrived at Bayt al-Maqdis."*¹⁵⁸⁴, and *"Allah has blessed the area between the Arish and the Euphrates and has made Palestine especially holy."*¹⁵⁸⁵

1580. Al-Bukhari, Janā'iz, 36.

1581. Al-Bukhari, Janā'iz, 33.

1582. Al-Bukhari, Janā'iz, 44.

1583. Al-'Isrā, 17: 1.

1584. Al-Bukhari, Bad' al-khalq, 6; Muslim, Imān, 259, 264; al-Nasā'i, Ṣalāh, 10.

1585. Muslim, Imān, 282; al-Munāwī, *Taysīr*, I, 248.

It was David (*as*) who built Masjid al-Aqsa because this region and its surroundings were prosperous and fertile places where the prophets received revelations, worshiped, and were places with rivers and fruit trees. From Jabir Ibn Abdillāh, "I heard the Prophet (*saw*) say: *'When the Quraish disbelieved me (concerning my night journey), I stood up in al-Hijr (the unroofed portion of the Ka'ba) and Allah displayed Bayt al-Maqdis before me, and I started to inform them (Quraish) about its signs while looking at it.'*"¹⁵⁸⁶

On the night of Mi'raj, the Prophet ascended to the seven heavens and had a direct conversation with Allah, and the five daily prayers were declared obligatory on this night. Moreover, the last two verses of chapter al-Baqara were revealed on this night.

4) The Night of Berat

Berat is the 15th night of Sha'ban, and the word *berat* is the Turkified form of the Arabic word *barā'a-barā'ah* meaning to be acquitted from sins. It is reported that the decrees pertaining to the creatures' sustenance in a year, whether they will be rich or poor, holy or disgraced, their lifespan, and the number of pilgrims will be conveyed to the angels in charge to implement those decrees by Allah Almighty during this night.¹⁵⁸⁷

In the third verse of chapter al-Dukhān (44), it is stated that the Qur'an was sent down on a blessed night. Although the majority said that this night was the night of power (Laylat al-Qadr), Ikrima and a group of scholars said that it was the "Night of Berat". According to those who hold this view, the Qur'an descended from *Lawḥ al-Mahfūz* to the world sky on the night of Berat, and it was started to be revealed piece by piece on the night of Power in Ramaḍān, and this revelation was completed in 23 years. As a matter of fact, Ibn Abbas gave the following answer to the question about it, "The Qur'an descended from the *Lawḥ al-Mahfūz* to the *Bayt al-Ma'mūr*, which is the heaven of the world. Then, it was revealed according to the events and situations."¹⁵⁸⁸

Ali narrated that the Prophet (*saw*) said, "*When it is the night of the middle of Sha'ban, spend its night in prayer and observe a fast on that day. For Allah descends at sunset on that night to the lowest heaven and says: 'Is there no one who will ask Me for forgiveness, that I may forgive him? Is there no one who will ask Me for provision, that I may provide for him? Is there no one who is afflicted by trouble, that I may relieve him?' And so on, until dawn comes.*"¹⁵⁸⁹

According to a narration from Aisha (*r. anha*), on the 15th night of the month of Shaban, the Prophet (*saw*) left the house and went to the Baqi cemetery. She followed him and when he saw Aisha watching him, he said, "*Indeed Allah, Mighty, and Sublime is He, descends to the lowest Heavens during the night of the middle of Shaban, to grant*

1586. Al-Bukhari, *Tafsīr*, 17/3.

1587. See Ebussu'ūd, *Tafsīr*, VIII, 58.

1588. Fakhr al-Rāzi, *Tafsīr*, XXVII, 240; al-Alūsī, *Tafsīr*, XIII, I/ 111; al-Qurṭubī, *Jamī'*, XVI, 126; Elmalılı, *al-Dukhān*, 44: 3.

1589. Ibn Maja, *Iqāmah*, 191. The chain of narrators of this hadith is considered weak.

forgiveness to more than the number of hairs on the sheep of (Banu) Kalb. ”¹⁵⁹⁰ He also explained the reason for his leaving silently as follows, “Gabriel came to me when you saw me. He called me and he concealed it from you. I responded to his call, but I too concealed it from you (for he did not come to you), as you were not fully dressed. I thought that you had gone to sleep, and I did not like to awaken you, fearing that you may be frightened. He (Gabriel) said: Your Lord has commanded you to go to the inhabitants of Baqi’ (to those lying in the graves) and beg pardon for them. I said: Messenger of Allah, how should I pray for them (How should I beg forgiveness for them)? He said: Say, Peace be upon the inhabitants of this city (graveyard) from among the Believers and the Muslims, and may Allah have mercy on those who have gone ahead of us, and those who come later on, and we shall, God willing, join you.”¹⁵⁹¹

It is said that there are five features on the Night of Berat: 1) Every wise thing is separated on this night. 2) The virtue of worshipping that night is great. On this night, it is recommended to help the poor and to perform *qaḍā*, *tahajjud*, and *tatawwū*’ prayers. 3) Allah’s mercy descends. 4) It is the night of forgiveness. It is stated in a hadith, “Allah Almighty forgives all Muslims on this night. Except for those who are soothsayers, magicians, those who hold grudges, those who are fond of alcohol, those who cut off their relations with their parents, or those who are fond of adultery.”¹⁵⁹² 5) On this night, the entire authority of intercession was given to Muhammad. It is stated in a hadith, “Muhammad prayed on the 13th night of Sha’ban, and he was given one-third of the intercession, one-third of the intercession on the 14th night, and the whole right of the intercession was given to him with the prayer he made on the 15th night. However, those who run away from Allah like a camel run away are excluded from this intercession.”¹⁵⁹³

5) The Night of Power (Laylat al-Qadr)

The characteristics of the night of power are described as follows in the Qur’an, “***We have indeed revealed this (Message) in the Night of Power: And what will explain to you what the night of power is? The Night of Power is better than a thousand months. Therein come down the angels and the Spirit by Allah’s permission, on every errand: Peace!... This until the rise of morn!***”¹⁵⁹⁴

There are different reports given regarding the reason for the revelation of this *surah*. According to the narration from Mujāhid, when the Prophet (saw) said that a soldier from the Children of Israel took up arms in the way of Allah for a thousand months, the Companions belittled their own deeds, and this *surah* was revealed.¹⁵⁹⁵ Whereas,

1590. Al-Nasā’ī, ‘Iqāmah, 191; al-Tirmidhī, Ṣawm, 39. Al-Tirmidhī, considered this hadith weak.

1591. Muslim, Janā’iz, 103; al-Nasā’ī, Amr bi’l-Istighfār, 103.

1592. Aḥmad ibn Ḥanbal, II, 176; *Targhīb wa Tarhīb*, II, 118.

1593. Al-Alūsī, *Tafsīr*, XIII, 112; For more information about intercession see H. Döndüren, *Açıklamalı Meal*, Al-Zumar, 39: footnote 44.

1594. Al-Qadr, 97: 1-5.

1595. Al-Bayḥaqī, *Sunan*, IV, 306.

according to Imam Malik, this *surah* was revealed when the Prophet was worried about the lack of action, thinking that the period of his ummah was going to be a short one.¹⁵⁹⁶

The Prophet stated that the Night of Power should be sought in the odd days of the last ten days of Ramaḍān.¹⁵⁹⁷ Ubay Ibn Ka'b (*ra*) narrated that it was the 27th night of Ramaḍān, based on the signs reported by the Messenger of Allah. There is also a narration from Muawiya regarding this issue.¹⁵⁹⁸ Abu Talha reported that Nu'aym Ibn Bashīr said from the pulpit of Homs, "Together with the Messenger of Allah (*saw*), we engaged in worship until the first third of the 23rd night of the month of Ramaḍān, half of the 25th night, and almost until the time of dawn on the 27th night."¹⁵⁹⁹ The Ḥanafīs took this view as a basis. Imam Shafi'ī, on the other hand, saw the narration about the 21st night of Ramaḍān to be stronger.¹⁶⁰⁰ However, keeping it secret appears to be to encourage the revival of all the other nights.

Regarding the virtue of the Night of Power, Allah's Messenger said, "*Whoever revives the Night of Power by believing in its reward and expecting its reward from Allah, his past sins will be forgiven.*" This hadith is narrated in al-Bukhari, Muslim, Abu Dawūd, al-Tirmidhi from Abu Huraira, and in al-Nasāī from Aisha.¹⁶⁰¹

The narrations stating various things such as searching for the Night of Power in the odd, or even, or in the last ten days of Ramaḍān, or in the whole Ramaḍān, are due to the different answers given by the Prophet to the questions on this subject. As Ibn Malak said, it is possible that it will occur on the odd nights in one year and on the even nights in another year.

However, it is a fact that since it is reported that the Qur'an was revealed in the month of Ramaḍān in accordance with the verse 185 of al-Baqara and that the night of Qadr is the night when the Qur'an was revealed, there is no doubt that that night will coincide with a night in that blessed month and Allah Almighty knows the truth.¹⁶⁰²

According to this, there is no doubt that a person who spends the day of Ramaḍān fasting, and performs the night prayers, dawn prayers, and *tarawīḥ* prayers during the nights will benefit from its blessings by his or her actions coinciding with this night, even if he or she is unaware of what night it is that is transpiring.

As a result, there is no special supererogatory prayer related to these blessed nights. However, performing compensatory or supererogatory prayers, reciting the Qur'an, and

1596. Malik, *Muwaffā'*, I'tikāf, 15.

1597. Al-Tirmidhī, Ṣawm, 72.

1598. Abū Dawūd, Shahrū Ramaḍān, 2, 3, 6, Hadith No: 1378, 1386; al-Tirmidhī, Ṣawm, 72, Hadith No: 792.

1599. Al-Nasā'ī, Kiyamū Şehri Ramaḍān, 5, Hadith No: 1603.

1600. Malik, *Muwaffā'*, I'tikāf, 6, Hadith No: 9; al-Bukhari, I'tikāf, 1, Muslim, Şiyām, 213; Abū Dawūd, Shahrū Ramaḍān, 2, 3, Hadith No: 1378, 1382; Al-Tirmidhī, Ṣawm, 72, Hadith No: 792.

1601. Al-Bukhari, Imān, 25, Ṣawm, 6, Laylat al-Qadr, 1; Muslim, Musāfirīn, 175, 176; Abū Dawūd, Ramaḍān, 1; al-Tirmidhī, Ṣawm, 1; al-Nasā'ī, Qiyām al- Layl, 3, Şiyām, 39.

1602. See al-Qurtubī, Ibn Kathīr, Elmalılı, Çantay, surah al-Qadr, 97: 1-5.

engaging in supplication, *dhikr*, and knowledge by making use of these nights bring great rewards to the person. As a matter of fact, the Messenger of Allah (*saw*) advised Aisha, who asked how she should pray on the Night of Power, to say:

اللَّهُمَّ إِنَّكَ عَفُوفٌ تُحِبُّ الْعَفْوَ فَاعْفُ عَنِّي

“*Allāhumma, innaka afuwzun, karīmun, tuḥibbu’l- ‘afwa, fa’fu ‘anni.*”

(O Allah, indeed You are Pardoning, Generous, You love to pardon, so pardon me)¹⁶⁰³

One should continue to make this supplication as much as possible on these blessed nights.



1603. Al-Tirmidhī, *Da‘awāt*, 84; Ibn Maja, *Du‘a*, 5; Aḥmad ibn Ḥanbal, *Musnad*, I, 419, 438, VI, 171, 182, 183, 208, 258.

XIII – THE STATES OF THOSE WHO FOLLOW AN IMAM IN RITUAL PRAYER

If a person joins the imam in even a part of the ritual prayer - for example, if he arrives only in time for the end of the final sitting before the concluding greetings of peace, or utters the opening *takbīr* immediately before the imam concludes his prayer and without sitting down with him – his prayer will count for him as a congregational prayer. This ruling is agreed upon by the Ḥanafīs, the Hanbalīs, and the Shafī'īs, however, the Shafī'īs make an exception for the Friday congregational prayer, since they hold that in order for this prayer to count as communal prayer, a worshiper must perform an entire cycle with the imam. As for the Malikīs, a worshiper only gains the merit associated with praying communally by performing an entire cycle with the imam. However, there are different types of states of those who attend a congregation, and these details will now be explained below.

A – FOLLOWING AN IMAM FROM THE BEGINNING OF A PRAYER: (MUDRIK)

The word *mudrik* means “understood, brought up, reached”. A person who performs the entire prayer together with an imam is called a *mudrik*. The person who catches up with the imam in the *rukū'* of the first cycle at the latest is deemed to have caught up to that cycle and appropriates the name *mudrik*. If this person recites the *takbīr* of *iftitāh* in a standing position and does the *rukū'* while the imam is still in the position of *rukū'*, the cycle is considered performed.

Since the reward of performing the prayer in the congregation is twenty-seven degrees higher than performing it alone, so in the following case, the ritual prayer being performed alone is abandoned to follow the imam.

So, if a person commences an obligatory prayer alone, and then the congregation begins to perform the same prayer in the same place, and if he has not done the first prostration yet, he stops the prayer immediately and attends the ritual prayer with the congregation. This is considered *mustaḥab*. Someone who encounters such a situation does not need to offer salutes to end the individual prayer, but there are those who say that it would be appropriate to offer salutations to the right side. On the other hand, if the worshiper has reached the prostration of the first cycle in the ritual prayer that he was performing alone, the situation is varied. If the ritual prayer he offers is the dawn or evening prayers, he will still abandon the individual prayer and attend with the congregation. However, if he has already gone down for the prostration of the second cycle of these ritual prayers, he does not stop and completes the ritual prayer by himself, and after offering salutations, he can no longer follow the imam, even if the congregation has

not finished the ritual prayer. This is because the prayer to be performed with the imam will be considered a supererogatory one, and no supererogatory prayer can be performed after the *fard* cycles of the dawn prayer, and there is no such thing as a three-cycle supererogatory prayer.

If the ritual prayer that he has commenced and where the prostration of the first cycle is a four-cycle obligatory prayer, such as noon, late afternoon, and night prayers have been made, then he adds one more cycle to one cycle, performs the *tashahhud*, salutes, and then follows the imam. For the two cycles, that he has performed, will be considered supererogatory.

If the worshipper performs the third cycle of such a ritual prayer and has not yet reached its prostration, he immediately leaves the prayer standing or sitting, follows the imam, and the two cycles already performed alone will be considered supererogatory. However, if he has performed the prostration of the third cycle of this prayer, he completes it and fulfills the *fard*. However, if this prayer is the noon or night prayer, he can still follow the imam after completing this *fard* prayer individually. The prayer performed with the imam will be considered supererogatory. However, if the ritual prayer performed was a late afternoon prayer, he cannot follow the imam because it is *makrūh* to perform a supererogatory prayer after the *fard* cycles of the late afternoon prayer.

If a person starts a supererogatory prayer and the congregation starts to perform a prayer, he performs the supererogatory as two cycles, then offer the salutes and attends with the congregation. If he gets up for the third cycle of the supererogatory prayer, he does not stop it until he completes it with the fourth cycle. However, if a person who starts the *naflah* prayer is afraid of missing a funeral prayer that has been started, he should stop the *naflah* prayer immediately, follow the imam for the funeral prayer, and then make up the *naflah* prayer later because there is no making up for the funeral prayer.

If a person sees that the dawn prayer is being performed in the congregation, and if he thinks that he will be able to reach the congregation, he quickly performs the *sunnah* cycles of the morning prayer and, if necessary, leaves the supplication of *subhānaka* and *aūdhu* and the additional verses from the Qur'an, and can be content with only *Fatiḥa*, one *tasbih* in *rukū'* and one *tasbih* in each prostration. After that, he attends the congregation. However, if he thinks that he will not be able to catch up with the imam, he does not start the *sunnah* cycles and follows the imam immediately, and he does not make up the *sunnah* cycles. However, if he has commenced the *sunnah* cycles, he completes them.

A person who sees that the noon, late afternoon, and night ritual prayers are started to be performed in the congregation follows the imam without performing their *sunnah* cycles, then he makes up the four-cycle *sunnah* of the noon, and does not make up the *sunnah* cycles of the late afternoon because of the reprehensibility of the time. If he wishes, he can make up the four-cycle *sunnah* of the night prayer because it is a non-*mu'akkad sunnah*, or he does not.

B – THE PERSON WHOSE *WUḌŪ'* IS INVALIDATED IN PRAYER IN CONGREGATION AND WHO COMPLETES THE PRAYER AFTER RE-PERFORMING *WUḌŪ'* (*LĀḤIQ*)

A person who cannot perform all or part of the prayer together with the imam, despite starting the ritual prayer with the imam, is called a "*lāḥiq*". For example, a person who starts to perform a ritual prayer together with an imam but then misses performing all or some of the cycles of the prayer with the imam due to an excuse such as inattention, sleep, discomfort, the nullification of the *wuḏū'* or without an excuse such as bowing and prostrating before the imam has to make up the cycles that he missed performing behind the imam.

According to the Ḥanafis, a person who has to interrupt his prayer in congregation due to an excuse, when this excuse disappears, if he does not talk and does not deal with worldly affairs, and if his state of *wuḏū'* is nullified, he performs *wuḏū'* again as soon as possible and continues his prayer from where he left off.

The ruling about *lāḥiq* with regard to the parts of prayer that he misses is the same as that which applies to anyone else being led in prayer from beginning to the end. Hence, he must not recite when making up the cycles he has missed, since, according to the Ḥanafis, someone being led in prayer is forbidden to recite behind his imam, nor should he perform a prostration of forgetfulness for anything he neglects while making up these cycles since a worshiper being led in prayer is not required to perform a prostration of forgetfulness for anything he neglects while praying behind his imam, nor does the number of cycles required of him increase from two to four by his intending to stay in one place if he has been on a journey.¹⁶⁰⁴

When the excuse is removed, the *lāḥiq* first makes up the missed cycles or essential pillars, if possible, and then follows the imam and offers his greetings at the end. For example, if a person who follows the imam sleeps during the standing of the first cycle and wakes up while the imam is in prostration, he immediately does the *rukū'*, then reaches the prostration and catches up with the imam. If the *lāḥiq* realizes that he cannot catch up with the imam, he immediately follows the imam and makes up the cycles or essential pillars that he missed after the imam ends the prayer.

For example, if a person who follows the imam bleeds in the fourth cycle, he leaves the row, immediately goes and performs ablution without dealing with anything that may invalidate the prayer, and comes back and starts to follow the imam as soon as possible. If the imam has already offered the salutations, he completes this fourth cycle as if he were praying behind the imam without reciting anything on his own. This is because the *lāḥiq* is considered to have performed his ritual prayer behind the imam.

If the ablution of the one who follows the imam is nullified in the third cycle, and if he catches up with the imam in the fourth cycle after reperforming the *wuḏū'*, he first

1604. Jaziri, *ibid*, p. 578.

performs the third cycle without a recitation. After that, he starts following the imam and salutes by performing the fourth cycle with him. However, if he realizes that he will not be able to catch the imam in this way, he immediately follows the imam, and when the imam salutes, he gets up, performs the third cycle without recitation, and ends the prayer with salutation.

If the imam has a prostration of forgetfulness to perform, the *lāḥiq* should not perform it with the imam, he first makes up everything he missed and then performs the prostration of forgetfulness by himself.

On the other hand, a person who cannot catch up with the imam in the first cycle becomes a *masbūq* for the cycles that he cannot reach but he may also become a *lāḥiq* due to an excuse that will happen in one of the cycles he has caught up. In this case, the ruling of *masbūq* and *lāḥiq* is united in the same person. He completes the missing cycles or essential pillars by observing the provisions of the *masbūq* and *lāḥiq*.

Even though in order not to be deprived of the spiritual rewards of the congregation, it is beneficial to follow the rules of a *lāḥiq*, but because there are some difficulties in paying attention to the details of the rulings, it is considered more appropriate for a person in this situation to start his ritual prayer again.

According to the Malikis, if a person misses part of the prayer after he begins praying with the imam due to some valid excuse, such as crowding or drowsiness which would not invalidate the ritual ablutions, he will be in one of three situations:

(1) He will have missed a bow or the rising from a bow. This will happen either in the first cycle or in some other cycle of the prayer concerned. If it takes place in the first cycle, he should follow his imam in whatever part of the prayer he is presently performing and cancel the first cycle due to (a) him not being considered as following the imam in prayer any longer if he misses bowing with him and (b) the cycles have not been ‘confirmed’ to have been done with the imam if a worshiper misses rising from the bow with him. The worshiper concerned must then make up the cycle that was canceled after the imam utters his final greeting of peace. If, on the other hand, the bow or the rise from the bow is missed in some other cycle of the prayer and if the worshiper has reason to believe that if he bowed or rose from the bow, he would be able to perform as much as a single prostration with the imam, he should perform whatever actions he has missed in order to catch up with the imam. If the worshiper’s expectation is not confirmed if, for example, it happens that as soon as he bows, the imam raises his head from the second prostration-he should cancel what he has done and follow the imam in whatever he is doing at the present, then make up a cycle after the imam’s final greeting of peace. If, however, the worshiper does not expect to be able to perform any prostration with the imam, he should cancel this cycle. Subsequently, he should make it up after the imam’s final greeting of peace. Lastly, if the worshiper goes against what he has been instructed and makes up for what he missed, and if he manages to perform some of the prostrations

with the imam, his prayer will be considered valid and the cycle will count. Otherwise, his prayer will be invalidated due to him having violated what he was instructed to do, i.e. having not followed the imam and, instead, making up what he missed.

(2) He will have missed one or both prostrations. The ruling here is that if the worshiper has reason to believe that he can catch up with the imam before he raises his head from the bow of the following cycle, he should perform what he has missed, then catch up with the imam, in which case the cycle will be counted as for him. Otherwise, he should cancel the cycle, follow the imam in what he is presently doing, then perform a cycle after the imam has uttered his final greeting of peace. In this situation, the worshiper is not required to perform a prostration of forgetfulness after the final greeting of peace on account of the addition of the cycle which he canceled, since the imam takes responsibility for such actions on his behalf.

(3) He will have missed one or more cycles. The ruling on it is that he should make up what he missed after the imam has uttered his final greeting of peace in the same form in which it was missed with respect to recitation and the prayer of obedience, whereas with respect to actions, he should build on what he did before. A worshiper might miss part of the prayer before commencing the prayer with the imam, after which he misses another cycle after joining the imam due to crowding or other causes. For example, a worshiper might begin praying with the imam in the second cycle of a four-cycle prayer, after which he completes the second and third cycles with him, then misses the final cycle as well. He has now missed two cycles of the four-cycle prayer i.e. one before he began praying with the imam, and one afterward. The ruling on such a situation is that after the imam has uttered his final greeting of peace, the worshiper should first make up the second cycle that he missed, which was the imam's fourth cycle. In making up this cycle, the worshiper should recite the Fatiḥa silently without any other passage from the Qur'an even if it is a ritual prayer, which is performed with audible recitation, then sit down in the sitting position following it because it is the imam's final cycle. He should then stand up again to make up the first cycle that he missed; in so doing, he should recite both the Fatiḥa and another passage from the Qur'an since it is the first cycle of the prayer, and he should recite it aloud if it is a prayer that requires audible recitation. Finally, he should sit down in the sitting position afterward since it is his own final cycle, and then utter the final greetings of peace.¹⁶⁰⁵

C – CATCHING UP TO THE CONGREGATION AFTER THE FIRST CYCLE: (*MASBŪQ*)

A person who follows the imam not at the beginning of the prayer, but after the *rukū'* of the first cycle, in the second, third, or fourth cycles, is called "*masbūq*". Whoever follows the imam after the *rukū'* of the last cycle misses all the cycles.

1605. Akyüz, *ibid*, pp. 41-42.

According to the Hanbalis, if a person has missed part of the prayer with the imam, regardless of whether he joined the imam at the very beginning of the prayer or after one or two cycles, he is accepted as *masbūq*. If someone joins the imam from the beginning of the prayer, then falls behind him by an entire pillar due to some excuse, such as inattention or falling asleep (though not to the degree that would invalidate ritual ablutions), he must perform what he missed whenever the extenuating circumstance passes if he can do so without having reason to fear missing the following cycle by virtue of his not performing its bow with the imam and in this case, the cycle will be counted as performed. However, if the worshiper fears missing the following cycle with the imam, he must follow the imam in whatever action he is presently performing and cancel the cycle, then make up the canceled cycle after the imam has uttered his final greeting of peace.

If a person falls behind the imam by one or more cycles due to any of the aforementioned extenuating circumstances or conditions, he should follow his imam in whatever he is doing presently, then makeup whatever parts of the prayer he missed by falling behind after he has completed the prayer with the imam. The parts of the ritual prayer that were missed must be made up in their original form. This means that if, for example, what the worshiper missed was the first cycle of the prayer, he should make it up by reciting those things which are required in the first cycle, such as the prayer of commencement, the prayer for divine protection, the Fatiḥa and some other passage of the Qur'an. If what the worshiper missed was the second cycle, he should make it up by reciting another passage of the Qur'an after the Fatiḥa, whereas if it was the third or fourth cycle, he should recite only the Fatiḥa.

The Shafi'is divide those who are being led in prayer into two categories: (1) *masbūq*, that is, those who have not prayed with the imam long enough to recite the Fatiḥa at a moderate pace, even if they managed to complete the first cycle. The notion of the *masbūq* category appears in one of three situations: (1) He will have joined the imam while the latter was bowing; (2) He will have joined the imam while the imam was standing but, as soon as he uttered the opening *takbīr*, he bowed with the imam; or (3) He will have joined the imam while the latter was standing up but close enough to bowing that the person being led in prayer was only able to recite part of the Fatiḥa. In the first two situations described here, the ruling on the worshiper being led in prayer is that he must bow with the imam, but he is exempted from the requirement to recite the Fatiḥa. The cycle will count for him if he pauses with the imam in the bow; otherwise, however, the cycle will not count and instead, he must perform another cycle after the imam's final greeting of peace. In the third situation, the worshiper must recite as much as he can of the Fatiḥa before the imam's bow, after which he is exempted from reciting any more of it. It is recommended that such a worshiper omit the prayer of commencement and the prayer for divine protection since if he occupies himself with either of these, he must remain standing until he has recited a portion of the Fatiḥa which takes as much time as it took him to recite either the prayer of commencement or the prayer

for divine protection. Moreover, if he paused with the imam in the bow, the cycle will count for him; otherwise, it will not. However, his prayer will be valid and he will not be required to intend to part way with the imam unless he continues to be occupied with the recitation required of him until the imam has gone down to prostration, in which case he must intend to part way with the imam; if he does not make this his intention, his prayer will be invalidated due to his having lagged behind his imam, without a valid excuse, by two action-based pillars.

(2) *Muwāfiq*, that is, those who, after their utterance of opening *takbīr* and before the imam's bow, pray with the imam long enough to recite the Fatiḥa, even if this was during the final cycle of the prayer. Both *masbūq* and *muwāfiq* in the senses described above may be considered to be in the category of *masbūq*, that is to say, they may both have missed some cycles of the prayer with the imam. The ruling on this is that the beginning of the prayer performed by the worshiper, in this case, is what he performed with the imam; hence, if he performs only the second cycle with the imam, then rises to make up what he missed, the cycle which he performed with the imam will be counted for him as his first even though it was the imam's second cycle. Hence, it is an emulation of the Sunnah for him to utter the prayer of obedience in the cycle that he makes up since it is his second, even if he already uttered the prayer of obedience in the cycle that he performed with the imam.

Lastly, the *masbūq* whose imam did not recite the Fatiḥa on his behalf must make certain that his prayer includes a passage of the Qur'an after the Fatiḥa; thus, for example, if the person joins the imam in the third cycle of the noon prayer and if he then makes up what he missed after the imam has finished praying, it is an emulation of the Sunnah for him to recite a verse or surah of the Qur'an after the Fatiḥa as he makes up what he missed.

According to the Ḥanafis, the ruling of *masbūq* is like a person who performs the ritual prayer alone after he starts to make up the missed cycles. He recites the supplication of *subḥānaka*, the *aūdhu - basmala*, and then Fatiḥa and some additional verses from the Qur'an. This is because in terms of recitation, this person makes up the beginning of the ritual prayer and, if he abandons the recitation, his prayer will be considered invalid.

The moment to recite the supplication of *subḥānaka* varies according to different situations; if the prayer is a silent prayer like the noon and late afternoon prayers, the supplication of *subḥānaka* is recited after the opening *takbīr*. If it is an audibly recited ritual prayer and the imam is caught up while he was in the middle of recitation, according to the sound opinion, the person who catches the congregation does not recite the supplication of *subḥānaka* and listens to the imam's recitation, recites *subḥānaka* when he stands up for the cycle or cycles that he will make up by himself, and recites *aūdhu - basmala* before the recitation, in line with those who pray the ritual prayer alone.

Examples of Applications related to *masbūq* based on the Ḥanafī School:

1) *Masbūq* who follows the imam in the second cycle of the dawn prayer utters *takbīr* and stays silent, recites only the supplication of *taḥiyyāt* with the imam in the last sitting, and when the imam salutes, he stands up and starts to perform the first cycle that he missed. After *subḥānaka*, *isti'ādha*, and *basmala*, he recites parts from the Qur'an along with chapter Fatiḥa. After *rukū'* and prostrations, he sits down and recites the supplications of *taḥiyyāt*, *ṣalli - bārīk*, and *Rabbanā ātinā*.

2) A person who follows the imam in the second cycle of the evening prayer also acts in this way for the first cycle.

The person who follows the imam in the last cycle of the evening prayer recites *subḥānaka*, performs that cycle with the imam, sits down for *tashahhud*, then gets up. He recites *subḥānaka* and *aūdhu- basmala*, reads a little more Qur'an with Fatiḥa, sits down after bowing and prostrations, recites only the supplication of *taḥiyyāt*, then stands up by saying “*Allāhu akbar*”, recites *basmala* and a little more Qur'an with the Fatiḥa. After reciting the Qur'an, he performs the bowing, the prostrations, and the last sitting, finishing the prayer with salutations. In such a case, he will have sat down for three times. However, if the *masbūq* does not sit down by error at the end of the second cycle, it is not necessary to perform the prostration of forgetfulness. This is because, in a way, this cycle is in the place of the first cycle.

3) A person who follows the imam in the last cycle of a four-cycle prayer gets up after sitting down with the imam, recites *subḥānaka*, *aūdhu-basmala*, Fatiḥa, and some more of the Qur'an, sits down after bowing and prostrating, gets up after reciting only *taḥiyyāt*, and utters the *basmala*. He recites the Fatiḥa and some more of the Qur'an, followed by bows and prostrations, and without sitting down gets back to the standing position, and makes the last sitting after having performed one more cycle with *basmala* and the Fatiḥa. He ends with offering greetings after reciting *taḥiyyāt*, *ṣalli - bārīk*, and *Rabbanā ātinā*.

4) A person who follows the imam in the third cycle of the four-cycle prayer, carries out his first sitting with the last sitting of the imam, recites only the *taḥiyyāt* when the imam gives the salutation, gets up, recites *subḥānaka*, *aūdhu - basmala*, the Fatiḥa, and a little more from the Qur'an followed by bowing and prostration. Then he again stands up to the standing position, recites the *basmala* and the Fatiḥa and a little more from the Qur'an, again bows and prostrates, sits down for the final sitting, and completes the prayer with salutation after reciting the supplications of *taḥiyyāt*, *ṣalli - bārīk* and *Rabbanā ātinā*.

5) A person who follows the imam in the second cycle of a four-cycle prayer performs the three cycles together with the imam, gets up after the *tashahhud*, recites *subḥānaka*, *aūdhu - basmala*, the Fatiḥa, and an additional surah followed by *rukū'* and prostration.

A person who catches up with the imam in the Rukū' of the first cycle becomes a *mudrik*, not a *masbūq*, that is, he is considered to have reached the beginning of the prayer. However, a person who catches up with the imam after *rukū'* misses that cycle and becomes a *masbūq*. Even if he performs prostrations together with the imam after the *rukū'* he missed a cycle and therefore must stand up after the imam salutes and make up this cycle as a whole.

Situations in which *masbūq* can stand up before the imam salutes:

After sitting for the amount of *tashahhud*, it is considered *makrūh* for the *masbūq* to stand up to make up the missed cycles before the imam salutes. However, if the *masbūq* has a valid excuse such as if the time is tight, the sun will rise or the time for prayer is about to end or if the *masbūq* needs to go to the restroom, he can get up and complete his prayer without waiting for the imam to salute according to the Ḥanafis.

If a person who follows the imam in the cycles after the first cycle cannot remember how many cycles he missed when he gets up to make up for the missed cycles, it will not harm the validity of his prayer if he observes another *masbūq* who joined the congregation at the same time in order to see how many cycles need to be performed.

According to Abu Ḥanīfa, the *masbūq* utters the *takbīrs* of *tashrīq* together with the imam on Eid al-Adḥā, then stands up and completes the missed cycles. On the other hand, according to Abu Ḥanīfa, a person who prays alone is not responsible for these *takbīrs*. In this regard, the *masbūq* is not like a person who prays alone but is like a person who follows the imam.

When the *masbūq* finishes reciting the *taḥiyyāt* before the imam salutes, according to one view, he continues to repeat the *kalima al-shahādah*, and according to another, he remains silent. The appropriate action for him to do in this regard is that the *masbūq* recites the supplication of *taḥiyyāt* slowly.

If the imam gets up for the fifth cycle by mistake, and the *masbūq* stands up by following it, if the imam is sitting in the fourth cycle, the prayer of the *masbūq* will be invalid with this standing. However, if the imam does not sit in the fourth cycle, the prayer of the *masbūq* will not be invalidated until he reaches prostration in the fifth cycle.¹⁶⁰⁶



1606. See Ibn al-Humām, *Fath al-Qadīr*, I, 277 ff.; Ibn Abidīn, *ibid*, I, 555-560; al-Zaylaī, *Tabyīn al-Ḥaqāiq*, III, 137 ff.; *al-Fatawā al-Hindiyya*, Bulak, 1310/1892, I, 119 ff.; al-Zuhaylī, *ibid*, II, 209; ff.; Bilmen *ibid*, p. 183 ff.

XIV – ISSUES RELATED TO *SAJDAS* (PROSTRATIONS)

Prostration is the most advanced expression of respect and glorification to Allah Almighty. It is the state in which the servant comes closest to his Lord. *Sajda* is an important pillar that is repeated twice in every cycle in all ritual prayers except the funeral prayer. The prostration performed at the end of the prayer in order to make up some of the errors that occurred during the performance of prayer is called *sajda al-sahw* (prostration of forgetfulness) and the prostration performed when one of the verses of prostration is recited is called *sajda al-tilāwah* (prostration of recitation) and the prostrations performed to thank Allah Almighty for His blessings are called the “*sajda al-shukr* (prostration of gratitude)”. We will explain these three types of prostration below.

A – THE PROSTRATION OF FORGETFULNESS

1) The Definition, Ruling, and Form of the *Sajda al-Sahw* (Prostration of Forgetfulness)

The word *sahw* which is rendered variously as ‘inattention’, ‘distraction’, ‘oversight’ etc., means to neglect or omit something unknowingly, and there is no essential difference, linguistically speaking, between this term and ‘forgetfulness’ (*nisyān*). According to all schools of Islamic law, two prostrations need to be performed at the end of the prayer due to certain deficiencies that may take place during the ritual prayer. However, there are several disagreements among them regarding what is the exact moment to perform two prostrations, and for what kind of deficiencies they need to be performed.

According to the Ḥanafis, when one of the essential pillars (*arkān*) of the prayer is delayed, or if one of the *wājib* acts is delayed, or if one of the *wājib* acts is neglected, are called the “*sujūd al-sahw* (prostrations of forgetfulness)”. The way it is done is as follows: When an essential pillar of ritual prayer is delayed or when a *wājib* act of prayer is delayed or neglected, the person recites only the *taḥiyyāt* in the last sitting, then offers greetings to both sides. Subsequently, two prostrations are performed by saying “*Allāhu akbar*” just as when performing the prayer. After performing the two prostrations, the worshipper sits back up by saying “*Allāhu akbar*”. After reciting the supplications of *taḥiyyāt*, *ṣalli - bārīk*, and *Rabbanā atinā*, he offers salutes to both sides one more time and completes the prayer.

It is the view of Abu Ḥanīfa and Abu Yusuf to greet both sides before the *sajda al-sahw*. According to Imam Muhammad, it is more virtuous and more prudent to perform *sajda al-sahw* only after saluting to the right side. As a matter of fact, in order to prevent accidental dispersal of the people, it is deemed necessary to perform *sajda al-sahw* only after saluting to the right side in the congregational prayers.

According to Imam Shafi'ī and Ahmad Ibn Ḥanbal, the *sajda al-sahw* is performed before the final greeting of peace and after the recitation of the supplications of *taḥiyyāt*, and *ṣalli - bārīk* with an inward intention. According to the Hanbalis, *sajda al-sahw* can also be performed after the salutation.

According to Imam Malik, if the *sajda al-sahw* is carried out because of a deficiency in the prayer, it is done before the salutation, if it is done because of excess, it is carried out after the salutation. If it is to be carried out because of both deficiency and excess, then the *sajda al-sahw* is done before the salutation. Deficiency in prayer occurs by abandoning one *mu'akkad sunnahs* or at least two *non-mu'akkad sunnahs*. The excess in the prayer is done by adding a small amount of action that does not invalidate the prayer, no matter whether the added act is something of the type of prayer or not, for example, bowing twice and prostrating three times in one cycle. In cases where it is done before the final greeting of peace, it is carried out after the recitation of the supplication of the *taḥiyyāt*, but before the recitation of the invocations of *ṣalli* and *bārīk*. In addition, the Malikis hold that if the prostration of forgetfulness precedes the final greeting of peace, it requires no intention because one's initial intention to perform ritual prayer suffices for this prostration as well. If, on the other hand, the prostration follows the final greeting of peace, it does require an intention since it may no longer be considered an integral part of the prayer itself.

According to the sound view of the Ḥanafis, performing the prostration of forgetfulness is *wājib*, and according to other schools of Islamic law, it is a *sunnah*.¹⁶⁰⁷

The Ḥanafis say the following about this issue: A person who performs the ritual prayer will be a sinner by abandoning this prostration, but his prayer will not be invalid. For the *sajda al-sahw* is compensation for something left out. Compensation for something can only be *wājib*. The *sajda al-sahw* removes the sin arising from performing *wājib* acts such as reciting *tashahhud* and saluting, but it does not remove the deficiency that arises from not performing an essential pillar, such as a *rukū'*.

The *sajda al-sahw* is necessary for the imam and for those who pray alone. If a person who follows the imam makes a mistake in his prayer, he does not need to perform the *sajda al-sahw*. The mistake of the imam, on the other hand, necessitates the *sajda al-sahw* for himself and his congregation. The person who follows the imam -whether he starts following the imam at the beginning of the prayer or joins the congregation after the first cycle-when the imam performs the *sajda al-sahw*, he must join this prostration with him. If the imam does not perform the *sajda al-sahw*, the responsibility to perform this prostration will also fall on the congregation. This is because the congregation must follow the imam. However, the *masbūq* follows the imam only in prostrations, not in

1607. See Ibn al-Humām, *ibid*, I, 355, 374; al-Kāsānī, *ibid*, I, 163-179; al-Maydanī, *ibid*, I, 95-100; al-Shurunbulālī, *ibid*, p. 79-81; Ibn Qudāmah, *ibid*, II, 12 ff.; al-Zuhaylī, *ibid*, I, 87 ff.

salutations, i.e. he performs the prostrations together with the imam, but does not salute when the imam salutes.¹⁶⁰⁸

The *sajda al-sahw* becomes necessary when the time is convenient to perform the prayer. For example, if the sun rises after saluting while performing the dawn prayer, or if the redness of the sun on the horizon becomes clear while performing the late afternoon prayer, the *sajda al-sahw* discontinues from that person.

If there is a large congregation during Friday and Eid prayers, it is more appropriate to abandon the *sajda al-sahw* in order to avoid confusion. If a person makes a mistake while performing the *sajda al-sahw*, he does not need to do another *sajda al-sahw*.

2) Evidence on which the *sajda al-sahw* is based

The *sajda al-sahw* is based on the evidence from the sunnah. In a hadith reported from Abdullah ibn Mas'ūd (ra), the following is stated, *"If one of you has doubts in his prayer, he should search for the truth and complete his prayer according to his opinion, then he should salute and perform the prostration of forgetfulness, that is, he should make two more prostrations because he erred."*¹⁶⁰⁹ Moreover, Abu Sa'īd al-Khudrī (ra) said, *"The Messenger of Allah (saw) said; 'If any of you doubts whether he has prayed four or three cycles, let him clear his doubts and complete the prayer based on what he knows for sure. Let him make two prostrations before saluting. If he has performed five cycles, these prostrations will intercede for his prayer, if he has performed it completely, these two additional prostrations will be instrumental in driving Satan away from him.'"*¹⁶¹⁰

It is narrated from Abdullah Ibn Juhayna that he said, "Allah's Messenger (saw) once led us in a prayer and offered two cycles and got up (for the third cycle) without sitting (after the second cycle). The people also got up with him, and when he was about to finish his prayer, we waited for him to finish the prayer with salutation but he said *tabkīr* before salutation and performed two prostrations while sitting and then finished the prayer with salutation."¹⁶¹¹ On another occasion, Allah's Messenger (saw) offered five cycles at the noon prayer, and somebody asked him whether there was some increase in the prayer. Allah's Messenger (saw) said, "What is that?" He said, "You have offered five cycles." So Allah's Messenger (saw) performed two prostrations of forgetfulness after the salutation.¹⁶¹² According to a narration from Abu Hurayra, while performing the noon or late afternoon prayers, the Messenger of Allah saluted after two cycles. When a Companion asked, "O Allah's Messenger (saw)! Has the prayer been reduced?" The Prophet (saw) asked his Companions whether their friend had spoken the truth and they

1608. See states of those who follow an imam. The subjects of *mudrik*, *masbūk*, and *lāḥiq*.

1609. Al-Bukhari, Ṣalāh, 31; Muslim, Masājid, 88, 89; Abū Dawūd, Ṣalāh, 190, 191, 193; al-Nasā'ī, Sahw, 24, 25; Ibn Maja, 'Iqāmah, 132, 133; Malik, *Muwatta'*, Nida, 61, 62, 63; Aḥmad ibn Ḥanbal, *Musnad*, I, 190, 193, 204-206.

1610. Al-Bukhari, Sahw, 6, 7; Muslim, Ṣalāh, 19, 20; Aḥmad ibn Ḥanbal, III, 12, 37, 42.

1611. Al-Bukhari, Sahw, 1.

1612. Al-Bukhari, Sahw, 2.

confirmed what he said. So Allah's Messenger (*saw*) offered two more cycles and then performed two prostrations of forgetfulness.¹⁶¹³

The fact that the Prophet and his Companions performed the prostration of forgetfulness demonstrates that this prostration is necessary. Just as when one of the *wājib* acts of the pilgrimage is left out, a sacrifice needs to be offered to make up for it, the prostration of forgetfulness is needed to be performed to make up for the deficiencies in the prayer.

3) Situations that require performing the prostration of forgetfulness:

As it is known, there are *fard* acts in prayer such as recitation, bowing, and prostration, as there are *wājib* acts such as reciting the Fatiḥa and the added Qur'anic verses, observing the order of the ritual prayer, and *sunnah* acts such as reciting the supplications of *ṣalli - bārīk* while in the sitting position. A prayer performed by observing all of these fully will be a complete and perfect prayer. In the event that these requirements of the prayer are not followed, it is important to know the ways and methods of mending this omission or addition. For trying to perform the prayer all over again due to every defect would only lead a person to a dead end.

Below, we will explain the ways to eliminate the deficiencies that may take place during the ritual prayer:

The Shafi'i list six situations in which the prostration of forgetfulness is to be performed:

First, the imam or someone who is praying alone omits one of the emphatically enjoined Sunnah-based practices called *ab'āḍ*. Such as the recitation of the supplications of *taḥiyyāt* and *qunūt*. Second, the person suspects that he may have added something to the prayer. If he has doubts about the number of cycles he has performed, he should build on the number he is certain to have completed, finish the prayer, then perform a prostration of forgetfulness due to the possibility that he prayed more than the required number of cycles. Third, the person has unintentionally done something that does not invalidate prayer unless it is done deliberately. Examples of such actions include the prolongation of a short pillar, remaining still in a standing position, remaining seated momentarily between two prostrations, or speaking briefly due to inattention. Fourth, performing a verbal pillar out of place. This includes, for example, repeating the recitation of the Fatiḥa in whole or in part, while sitting down, or performing a verbal Sunnah-based practice, such as the recitation of a passage from the Qur'an after the Fatiḥa, out of place (during the bow, for example, rather than before it). Fifth, the person suspects that he left out a particular *ab'āḍ sunnahs* of the ritual prayer. Finally, sixth is that the person has prayed behind someone whose prayer has a flaw in it, even if the flaw is only suspected by the person being led in prayer. This includes, for example, following someone who omitted

1613. Al-Bukhari, *Sahw*, 3.

the recitation of the supplication of *qunūt* in the dawn prayer, or someone who utters the supplication of *qunūt* before bowing.

The Hanbalis list three reasons for which a prostration of forgetfulness needs to be performed, namely: (1) addition, an example of this would be for a worshiper to stand up or sit down an additional time, even if the sitting lasts only for as long as what is referred to as the “sitting of repose” which some jurists support. (2) Omission, an example of this would be for a worshiper unintentionally to omit a bow, a prostration, or the recitation of the Fatiḥa, and (3) uncertainty concerning some part of the prayer, provided that the suspected error was unintentional. If the error occurs deliberately, one should not perform a prostration of forgetfulness; rather, the prayer is invalidated if the part of prayer concerned was an action, though it is not if it was an utterance that was made out of place.

The Malikis also specify three reasons for which the prostration of forgetfulness needs to be performed: Firstly, the worshiper has left out a Sunnah-based practice associated with ritual prayer. The Sunnah-based practice that was left out is an integral part of the prayer, such as the recitation of a passage from the Qur’an following the Fatiḥa. In order for prostration of forgetfulness to be required as a result of omitting a Sunnah-based practice, three conditions must be met: (a) The practice omitted must be an emphatically enjoined Sunnah-based practice. Otherwise, for example, if one were unintentionally to omit one of the utterances of *allāhu akbar*, which are made while bowing or prostrating, or a recommended practice such as utterance of the supplication of *qunūt* during the dawn prayer, no prostration of forgetfulness is required. (b) The Sunnah-based practice that was omitted must be an integral part of ritual prayer. If someone omits a Sunnah-based practice that is external to prayer, such as the wearing of appropriate attire, he is not to perform a prostration of forgetfulness on this account if it was a result of inattention. (c) The worshiper must have omitted the practice out of forgetfulness. If someone deliberately omits an emphatically enjoined Sunnah-based practice, which is an integral part of prayer, there is disagreement as to whether his prayer remains valid or not. Secondly, the worshiper has added an action that is not part of the prayer, such as unintentionally eating a small amount, or speaking, or adding an action-based pillar such as a bow, a prostration, or a ‘part’ of prayer such as one or two cycles. If what is added is an utterance and if the added utterance is not obligatory - for example, if the person unintentionally adds a passage from the Qur’an in the last two cycles of a four-cycle prayer-no prostration of forgetfulness is required. Thirdly, the worshiper has both omitted a Sunnah-based practice from the prayer and added something to it. Hence, if a worshiper neglects to recite aloud the Qur’anic passage following the Fatiḥa and if he unintentionally adds a cycle to the prayer, he has made an omission and even made an addition.

According to the Ḥanafis if one of the *farḍ* acts of the prayer is abandoned, if it is possible to make up for it during the prayer, it will be made up and an additional prostration will be performed at the end of the prayer due to the delay of the *farḍ* act(s). For instance, performing an omitted prostration in the next cycle. Without making up for

the omitted *farḍ* act or a cycle, knowingly or unknowingly, the prayer becomes invalid and must be performed again. This is because the absence of a *rukṇ* or condition that constitutes the main pillar of prayer cannot be completed with the prostration of *sahw*.

Even though deliberately abandoning or delaying a *wājib* act in prayer is a bad deed and it is more appropriate to perform such a prayer again. The prostration of forgetfulness is not necessary. However, in case of intentionally or mistakenly abandoning the chapter Fatiḥa or the first sitting, the prostration of forgetfulness is deemed necessary. Intentionally or mistakenly abandoning a *sunnah* does not require the prostration of *sajdah*, but deliberately abandoning it is a defect that causes deprivation of merit and virtue of the ritual prayer.

According to the Ḥanafīs, the reasons for the prostration of forgetfulness are as follows:

1) In case of delay in one of the essential parts of the prayer, the prostration of forgetfulness is required. In the case of reciting *ṣalli - bārīk* prayers in the first sitting of the four-cycle *farḍ* prayers, it becomes obligatory to make the prostration of forgetfulness at the end since the *farḍ* acts in the third and the fourth cycles will be delayed.

2) When mistakenly abandoning one of the *wājib* acts of prayer the prostration of forgetfulness is required. This may happen either by having abandoned that *wājib* act completely, delaying it, performing it earlier than its proper time, adding something to the prayer, or omitting something that consists of eleven *wājibs*, and these are as follows:

a) To abandon all or most of the chapter Fatiḥa in the first two cycles of the obligatory prayers.

b) To abandon reciting at least three short verses or a long verse after Fatiḥa in the first two cycles of obligatory prayers.

c) To act against the principle of reciting aloud or silently in prayers. If a person recites it aloud during the prayers that require silent recitation such as the noon and late afternoon prayers, or if the imam recites silently in the prayers that he must recite aloud, such as the evening, night, and morning prayers, he must perform the prostration of forgetfulness at the end of the prayer. If most of the Fatiḥa is recited aloud where it needs to be recited silently, the rest of it should be recited silently. On the contrary, if a part of the Fatiḥa is recited silently in a prayer that needs to be recited aloud, then it should be recited aloud from the beginning. Thus, silent and aloud recitation should not be found together in one cycle. According to another view, it is not recited from the beginning, but the rest is recited aloud.

d) To abandon reciting *taḥiyyāt* in the first sitting of three or four-cycle prayers.

e) To abandon reciting *taḥiyyāt* in the last sitting.

f) Not following the order of doing the acts that need to be repeated in a cycle. For example, if a person makes a mistake and stands up for the next cycle after the first prostration instead of performing the second prostration, and after performing the next cycle with two prostrations, he remembers the prostration he omitted in the first cycle and performs that prostration, too, at the end of the prayer, it will be wājib for that person to perform the prostration of forgetfulness because of not following the order.

A person who does *rukūʿ* after the opening *takbīr*, and then realizes that he has made a mistake, turns back and recites the Fatiḥa and additional verses from the Qurʾan, performs *rukūʿ* again, and he has to perform the prostration of forgetfulness because of not observing the order among the acts of prayer. Similarly, not performing the prostration of recitation in its proper place and leaving it requires the prostration of forgetfulness.

On the other hand, changing the place of a *farḍ* or postponing it, as in the case of sitting without an excuse instead of standing in prayer, or standing up instead of sitting, also requires the prostration of forgetfulness.

g) To abandon *taʿdil al-arkān* in *rukūʿ* and prostration. According to the authentic view, it becomes wājib to perform the prostration of forgetfulness upon a person who mistakenly abandons *taʿdil al-arkān*.

h) Changing the place of the recitation in *farḍ* prayers. For example, in cases such as reciting the Fatiḥa after the additional verses or reciting the additional verses in the last two cycles of the four-cycle prayers, it becomes necessary to perform the prostration of forgetfulness.

i) To abandon the *qunūt* in the *witr* prayer. This can happen by performing *rukūʿ* without reciting the *qunūt*. A person who omits the recitation of the *qunūt* performs the prostration of forgetfulness.

j) To abandon the *takbīr* before the supplication of *qunūt*.

k) It is necessary to perform the prostration of forgetfulness in cases such as abandoning all or some of the *takbīrs* of Eid prayer or abandoning the *rukūʿ takbīr* of the second cycle of the Eid prayer. Because these are wājib *takbīrs*. The *rukūʿ takbīr* of the first cycle is not in this category.

3) Adding something that is not part of the prayer:

Like bowing twice. In such a case, the prostration of forgetfulness is required at the end of the prayer.

4) Going back to the act that was omitted by mistake:

If a person does not do the first sitting by mistake, there might be different situations if he remembers this sitting: If he is closer to the sitting position, he needs to go back and sit and recite the supplications. If it is closer to the standing state, he cannot go back and sit. At the end of the prayer, he needs to perform the prostration of forgetfulness.

If the person makes a mistake in the last sitting and stands up for the fifth cycle without sitting if he has not performed the prostration of the fifth cycle, he turns back and sits down, and at the end, he performs the prostration of forgetfulness. If that person has performed the prostration of the fifth cycle, the prayer will be invalidated. Now, the entire prayer he performs turns into *naflah*. It is *mandūb* for such a person to add one more cycle and complete it to a six-cycle prayer. This ruling is according to Abu Ḥanīfa and Imam Muhammad.

If, after sitting in the amount of *tashahhud* in the last sitting, he erroneously stands up without saluting assuming that this sitting was his first sitting, there can be different situations: If he did not perform the prostration of the fifth cycle, he sits down again. If he has made the prostration of the fifth cycle, he adds one more cycle to this prayer as is recommended. The *fard* prayer performed by this person is complete because the last sitting was performed properly. As for the two cycles performed in excess, it will be considered supererogatory for that person.

5) Doubting the number of cycles in prayer:

If a person has doubts and does not remember whether he has prayed three or four cycles, if this is the first time that such doubt has happened to that person, that is, if such doubts have not become a regular habit of that person, he should perform the prayer again. The more appropriate way to do this is to sit down and salute. For the Messenger of Allah said, “*If one of you has doubts about how many cycles he has performed, let him perform the prayer again.*”¹⁶¹⁴

If such a person often experiences such doubts, he continues his prayer according to his stronger opinion. Whichever, three cycles or four cycles, his opinion outweighs the doubt and he should prefer that view for there are difficulties in repeating the prayer of a person who has frequent doubts. The Prophet (*saw*) said, “*When one of you doubts, let him seek the truth and complete his prayer.*”¹⁶¹⁵

A person who has doubts in the prayer and cannot come to a definite conclusion about how many cycles he has performed continues his prayer based on the fewest cycles. For the information about the least is certain. Such a person should sit wherever he thinks it is necessary to sit, in such a way that he does not abandon a *fard* or *wājib* sitting. For example, in a four-cycle prayer, a person who doubts whether the cycle he is performing is the first or the second acts according to his opinion. If his opinion does not yield any results, he continues the prayer based on the minimum number of cycles that he thinks he has performed. However, due to the possibility of this being the second cycle, he sits down because it is obligatory to sit in the second cycle. Then he gets up, performs another cycle, and sits down.

1614. Al-Zaylaʿī called this hadith *gharīb*. See *Naṣb al-Rāya*, II, 173.

1615. Al-Bukhari, *Sahw*, 6, 7; Muslim, *Ṣalāh*, 19, 20; Aḥmad ibn Ḥanbal, III, 12, 37, 42.

The proof of the necessity of acting based on the least is the following hadith narrated by Abu Sa'īd al-Khudrī, “If one of you doubts his prayer if he does not know whether he has prayed three or four, let him stop doubting and continue his prayer based on the fewest cycles.”¹⁶¹⁶

If a person makes an error in the prayer twice or more, it is sufficient for all of them to perform one prostration of forgetfulness (two prostrations) at the end of the prayer. This is because the Messenger of Allah (saw) said. “When one of you is mistaken, let him prostrate twice.”¹⁶¹⁷ This hadith includes making mistakes more than once.

On the other hand, this last hadith also includes the making of mistakes in all obligatory, *sunnah* and other supererogatory prayers with *rukūʿ* and prostrations.

According to a view among the Ḥanafīs, the prostration of forgetfulness is not necessary for the person who prays alone due to mistakes related to audible and silent recitation. However, instead of it being recited silently, for example, if one deliberately recites it aloud in the noon prayer, it is considered a bad deed.

It is *makrūh* for a person who prays alone to recite aloud in supererogatory prayers performed during the daytime.

If the imam recites the Fatiḥa silently, for example, in the dawn prayer by mistake and remembers it later, he recites the additional verses aloud, he does not need to recite the Fatiḥa again.

In the first sitting of the four or three-cycle farḍ or *witr* prayers, saying “*Allāhumma ṣalli ala Muhammad wa ‘alā āli Muhammad*” by mistake after reciting the supplication of *taḥiyyāt* requires prostration of forgetfulness. However, reciting from the Qurʾan and invocations after *taḥiyyāt* in the last sittings does not require the prostration of forgetfulness. This is because the last sitting is the place of invocation and praising and the Qurʾan consists of invocation and praising.

Reciting the *dhikr*, invocations, and *taḥiyyāt* aloud in the ritual prayer does not require prostration of forgetfulness. When the imam makes a mistake, the Messenger of Allah said the following about how the congregation should warn him, “In such a situation, men should say *subhānallah* and women should clap their hands.”¹⁶¹⁸

B – THE PROSTRATION OF RECITATION:

The prostration, which a person who reads or listens to one of the verses of prostration mentioned in fourteen places in the Qurʾan, must do is called the “prostration of recitation (*sajda al-tilāwah*)”. It is reported that the Prophet prostrated when he recited a chapter containing a verse of prostration, and the companions prostrated with him.

1616. Al-Zaylāʾī, *ibid*, II, 174.

1617. Ibn Maja, ‘Iqāmah, 129.

1618. Al-Bukhari, *Sahw*, 9; al-Shawkanī, *ibid*, II, 320 ff.

1) Evidence on which the prostration of recitation is based

Allah Almighty says: *“What then is the matter with them, that they believe not? And when the Qur'an is read to them, they fall not prostrate, but on the contrary, the Unbelievers reject (it).”*¹⁶¹⁹ One is only blamed for not fulfilling a *wājib* act. Since this prostration is a prostration performed in prayer it becomes *wājib* like the regular prostrations of prayer. Abdullah Ibn 'Umar (*ra*) said, “The Prophet (*saw*) used to recite the verse of prostration when we were with him, then prostrate, and we would prostrate with him. So much so that some of us could not find a place to put their forehead for prostration because of the rush!”¹⁶²⁰

The Prophet recited the chapter al-Najm (53) in Mecca in the community of the polytheists and prostrated to Allah when he recited the 19th and 20th verses. Since the idols named Lāt, 'Uzza', and Manāt are mentioned in these verses, the polytheists also prostrated at this point, thus creating a unity of action based on different intentions between the believers and the polytheists. This incident is called in history the Incident of Gharānīq. Meanwhile, 'Umayya ibn Khalaf did not prostrate, took a handful of stones or earth and raised it to his face, and said, “This is sufficient for me.” It is narrated that he was later killed as a non-believer.¹⁶²¹ The verse of prostration in chapter al-Najm is the 72nd verse, which is the last verse of the chapter. Therefore, it is also possible that the Prophet skipped to the 72nd verse immediately after reading the verses in which the names of the idols were mentioned. It would be appropriate to understand Zayd ibn Thābit (*ra*)'s following statement in this context, “I recited the chapter al-Najm before the Prophet, yet he did not perform a prostration”¹⁶²² during the reading of the 19th and 20th verses.

According to the narration from Abu Hurayra, the Prophet (*saw*) said, *“When the son of Adam recites the verse of prostration and then falls down in prostration, the Satan goes into seclusion and weeps and says, ‘Woe unto me, the son of Adam was commanded to prostrate, and he prostrated and Paradise was permitted to him and I was commanded to prostrate, but I refused and I am doomed to Hell.’”*¹⁶²³

Based on the above evidence, the Ḥanafis said that the prostration of *tilāwah* is *wājib* (compulsory). According to the other three schools, the prostration of *tilāwah* is *sunnah*. The evidence of the majority is the hadith narrated by Zayd ibn Thabit (*ra*), “I recited the chapter al-Najm before the Prophet, yet he did not perform a prostration.”¹⁶²⁴ and the narration that when 'Umar (*ra*) recited the verse of prostration in the chapter of Nahl on the second Friday, he left the congregation free to prostrate or not. He said:

1619. Al-Inshiqāq, 84: 20-22.

1620. Al-Bukhari, Sujūd, 8, 9, 12.

1621. Al-Bukhari, Sujūd, 1, 4, 5.

1622. Al-Bukhari, Sujūd, 6.

1623. Muslim, Imān, 133.

1624. See al-Bukhari, Sujūd, 6; Muslim, Masājīd, 106; al-Tirmidhī, Jum'a, 52; al-Nasā'ī, Iftitāh, 50; al-Shawkanī, *ibid*, III, 101.

“Whoever prostrates gains rewards, but there is no sin on those who do not prostrate.” ‘Umar (*ra*) did not prostrate himself at this point. There is the following addition in the narration of Abdullah ibn ‘Umar (*r. anhumā*), “Allah has not made the prostration of recitation compulsory but if we wish we can do it.”¹⁶²⁵

2) The reason and the execution of the prostration of recitation

When the fourteen verses of prostration are examined carefully, we see that some of these verses speak about how the polytheists did not obey Allah and avoided prostrating. In some others, believers/addressees of the verses are commanded to prostrate directly. Accordingly, a person who recites or hears the verses of prostration performs prostration both in order to comply with Allah’s command and to react to the disobedience of the polytheists. Even if those who follow the imam do not hear the verse of prostration, they must prostrate with the imam.

The way to perform the prostration of recitation is as follows:

The person who will perform this prostration must be in the state of *wuḍū’*, clean his or her body and clothes, and cover his or her *awrah*. He or she turns to the *qibla* with the intention to perform the prostration of recitation, and without raising the hands, goes down to the prostration by saying “*Allāhu akbar*”. After saying “*subhāna rabbiya ‘l-‘ala* (Glory is to my Lord, the Most High)” three times, he or she gets up from prostration by saying “*Allāhu akbar*” again. The essential pillar (*rukṇ*) of this single prostration is to put the face down on the ground in order to glorify Allah. However, in the event that the verse of prostration coincides with the end of the recitation in prayer, the *rukū’* of the prayer or the head gestures of those who cannot perform prostration due to an excuse is accepted in place of the prostration of recitation.

It is *mustaḥab* to go down to prostration from a standing position, and to stand up after performing the prostration, by saying “*ghufranaka rabbanā wa ilayka ‘l-maṣīr* (We seek Your forgiveness, our Lord, and to You is the end of all journeys.)”. The *takbīrs* uttered while going down to the prostration for recitation and while standing up are also *mustaḥab*. According to the Ḥanafīs, the prostration itself is *wājib*.¹⁶²⁶

3) Issues related to the prostration of recitation:

According to the Ḥanafīs, the timing of the prostration to be performed due to the prostration verse read outside of the prayer is unlimited, and it can be done any time in the future. However, it is *makrūḥ* to delay it without an excuse. According to Abu Yusuf, outside the prayer, this prostration must be done immediately after the recitation. The one who reads the Qur’an must be human, awake, and sane. Therefore, it does not change the

1625. Al-Bukhari, *Sujūd*, 10; al-Shawkanī, *ibid*, III, 102.

1626. See al-Kāsānī, *ibid*, I, 179-195; Ibn al-Humām, *ibid*, I, 380-392; Ibn Abidīn, *ibid*, I, 715-730; al-Maydanī, *ibid*, I, 103-105; Ibn Qudāmah, *ibid*, I, 616-627; al-Shirbīnī, *Mughni al-Muḥtāj*, Egypt, n.d., I, 214 ff.; al-Zuhaylī, *ibid*, II, 109 ff.

provision even if the reciter is in the state of ceremonial impurity (*janābah*), menstruating or having post-partum bleeding, an unbeliever, or a child at the age of discernment, or drunk. This is because their recitation is acknowledged as a valid reading. A person in the state of ceremonial impurity (*janābah*) or drunk, who is a Muslim, is also obliged to prostrate because of a verse of prostration that is read or heard. Yet, he has to perform the prostration when he is clean and sober.

To be responsible for the prostration of recitation, first of all, one must know that the verse listened to is a verse of prostration. Accordingly, a person who does not know that there is a verse of prostration among the verses he listens to does not have to prostrate. Again, if the verse of prostration is heard while passing by, for instance, it is heard while the recitation of the Qur'an is on an instrument such as tape, radio, or television, and the listener does not know that it is a verse of prostration, it would not be appropriate to expect him or her to prostrate as well. However, if the reciter warns the listeners about this, or if the person who reads or watches the translation of the Qur'an understands that there is a verse of prostration, she or he must prostrate. If the verse of prostration is heard from a child under the age of discernment (under the age of seven), according to the soundest view, the prostration of recitation is not compulsory. This is because, for a valid recitation, the reader must have the ability of discernment.

However, it is not required for menstruating women or women with postpartum bleeding to perform the prostration of recitation for neither the recitation nor for listening to a verse of prostration since she is not obliged to pray in such a state.

For a prostration verse to be recited during the prayer, the prostration of recitation becomes obligatory immediately. This is because it has become a part of the ritual prayer, and it cannot be made up outside the prayer.

If the verse of prostration is recited while standing up during the ritual prayer, if no more than three verses are recited after the recitation of the prostration verse, the prostration for recitation will also be fulfilled by the regular bowing or prostrating for the prayer. It does not change the result whether the intention is made to prostrate for recitation or not. However, if more than three verses are to be recited, it is necessary to immediately bow down or prostrate independently of the order of the ritual prayer because of the recitation of the prostration verse. It is more virtuous to prostrate than to bow down. In this case, the responsibility of performing a prostration of recitation does not drop from the person by performing the regular bowing and prostrations of the ritual prayer.

The person who recites the verse of prostration in the prayer immediately goes down to the prostration of *tilāwah* by saying "*Allāhu akbar*", regardless of the number of verses recited afterward. It is sufficient for him or her to prostrate with the intention of performing a prostration of recitation. After that, he or she gets up again, reads a few more verses, and then goes down to the regular *rukū'* and the prostrations of the ritual prayer. In other words, he or she continues to perform his or her prayer. If the *surah*

recited is completed when going down for the prostration of recitation, the worshipper recites a few more verses from another *surah* after standing up. This is because it is *makrūh* to bow down and prostrate without again reciting a few more Qur'anic verses after getting up from the prostration of recitation.

If it is outside the ritual prayer, prostration for recitation cannot be performed by bowing alone. This is because the glorification of Allah cannot be done by only bowing down except through the ritual prayer.

If the verse of prostration is recited in more than one place in the ritual prayer, one prostration of recitation is sufficient according to the sound opinion. This is because the place where the ritual prayer is completed is considered one place. Repeating the verse of prostration in separate cycles does not change the ruling. This is according to Abu Yusuf. According to Imam Muhammad, if it is recited in different cycles the place of the ritual prayer itself will be deemed to have changed, and for that reason, the prostration must be performed as many as the number of verses of prostration recited.

When the imam recites the verse of prostration and goes down to prostration, if the congregation goes down to bowing or prostration assuming that the imam has gone down to regular bowing and prostration, their prayers will not be invalidated by this. But if they do one more prostration, their prayer will be considered invalid.

It is *makrūh* for the imam to recite the verse of prostration on Friday and Eid prayers and in the ritual prayers that are performed silently. The reason for this is that it can cause confusion for the congregation that may make mistakes. However, if the prostration verse coincides with the end of the recitation, this problem will be eliminated. In such a case, the imam should not intend the *rukū'* of the ritual prayer and the prostration of recitation.

If a person recites the verse of prostration while performing a ritual prayer while bowing, prostrating, and sitting, or reciting the verse of prostration while following an imam, neither himself nor the other congregation following the imam is required to perform the prostration of *tilāwah*. This is because the worshippers who are praying are prohibited from carrying out recitation in these places of their ritual prayer and for that reason any of their recitations will be considered invalid. However, it becomes necessary to perform a prostration of recitation to those who hear this recitation from outside the ritual prayer.

It is *mustaḥab* to recite the verse of prostration audibly if the listeners are prepared for prostration, and silently if they are not. There is compassion for the congregation in this act.

It is *makrūh* to recite a *surah* and skip the verse of prostration existing in that *surah*. There is no reprehensibility in reciting only the verse of prostration and not reciting the other verses. However, it is *mustaḥab* to recite one or more verses together with the verse of prostration. When the verse of prostration is recited, if it is not possible to

prostrate immediately, it is *mustaḥab* for the reader and the listener to say, “*sami ‘nā wa aṭa ‘nā, ghufuranaka rabbanā wa ilayka ‘l-maṣīr*” (We hear, and we obey: we seek Your forgiveness, our Lord, and to You is the end of all journeys.).

4) Repeating the verse of prostration

If the same verse of prostration is repeated more than once in an assembly, one prostration of recitation is sufficient. It is better to perform the prostration after the first recitation. According to another view, it is more appropriate to leave this prostration at the end of the recitations.

However, if the same prostration verse is repeated in separate places and assemblies, the prostration must be repeated.

A person who recites several Qur’anic verses in which there are several prostrations must perform a separate prostration of the recitation for each verse, whether the assembly is one or separate.

The unity of the assembly in the open field and on the road changes by walking three steps, that is, by going from one place to another. A change of place does not occur by moving from one corner to another in the hall of a house or by changing places in a large mosque. However, although the reader is in the same place, if the listener changes the place, such as going out of the mosque to perform ablution, the requirement of performing the prostration is reiterated for him.¹⁶²⁷

5) Places of the verses of prostration

According to Ḥanafīs, the chapters with prostration verses and their verse numbers in fourteen places in the Qur’an are as follows: al-A’raf, 7: 206; al-Ra’d, 13: 15; al-Naḥl; 16: 50; al-Iṣra, 17: 109; Maryam, 19: 58; al-Hajj, 22: 18; Furqān, 25: 60; al-Naml, 27: 25; al-Sajda, 32: 15; Ṣād, 38: 25; Fussilat, 41: 38; al-Najm, 53: 62; al-Inshiqāq, 84: 21 and al-Alaq, 96: 19

According to the Shafi’i and the Ḥanbalis, the number is also fourteen. However, while they consider the prostration in the chapter of Ṣād as “prostration of gratitude”, they accept the existence of two verses of prostration in the chapter al-Hajj. According to the Malikis, the number is eleven. They do not consider the verses in the chapters of al-Najm, al-Inshiqāq, and al-Alaq as verses of prostration.¹⁶²⁸

It is narrated that Allah will suffice for the worldly and otherworldly desires, troubles, and sorrows of a person who reads these fourteen prostration verses in one assembly and makes either one prostration as he recites each one of them, or does fourteen prostrations altogether after reciting all of them.

1627. Ibn Abidīn, *ibid*, I, 726-728; al-Shurunbulālī, *ibid*, 84 ff.

1628. See al-Maydanī, *ibid*, I, 103; al-Shirbinī, *ibid*, I, 214 ff.; al-Zuhaylī, *ibid*, II, 120, 121.

6) Situations that invalidate the prostration of recitation

Anything that invalidates the prayer also invalidates the prostration for recitation. Such as, according to the Ḥanafis, nullifying the state of *wuḍū'* before getting up from the prostration of recitation, talking, or laughing loudly. However, laughing loudly during this prostration does not invalidate the state of *wuḍū'*, and being in line with women does not affect this prostration.

C – THE PROSTRATION OF GRATITUDE

The prostration of gratitude (*Sajda al-Shukr*) is a prostration performed like the prostration of *tilāwah* by turning to the *qibla* and saying the *takbīr* because of attaining a blessing or getting rid of trouble or affliction.

According to the narration from Abu Bakr, “When the Prophet (*saw*) received good news or was given good news, he would prostrate himself.”¹⁶²⁹

According to the majority of schools except for Malikis, it is *mustaḥab* to perform a prostration of gratitude. According to Malikis, it is *makrūḥ* to perform it. Ḥanafis also consider it *makrūḥ* to do it right after a ritual prayer. This is because those who do not know the nature of the action may think that it is a part of the ritual prayer. Any permissible deed that may lead to such a belief is considered *makrūḥ*. Moreover, the prostration of gratitude should be performed outside of the times where performing prayer is considered *makrūḥ*.¹⁶³⁰



1629. Ibn Maja, 'Iqāmah, 192.

1630. Ibn Abidīn, *ibid*, I, 344, 731; al-Shurunbulālī, *ibid*, 85 ff.

XV – THE PRAYER OF FEAR (ṢALĀT AL-ḤAWF)

According to Abu Ḥanīfa and Imam Muhammad, it is permissible to perform the prayer of fear in times of fear such as an enemy attack or flood. According to Abu Yusuf, this prayer was specific to the time of the Prophet.

The following is stated in the Qur'an: ***“When you (O Messenger) are with them and stand to lead them in prayer, Let one party of them stand up (in prayer) with you, Taking their arms with them: When they finish their prostrations, let them take their position in the rear. And let the other party come up which hath not yet prayed - and let them pray with you, taking all precaution, and bearing arms: the unbelievers wish, if you were negligent of your arms and your baggage, to assault you in a single rush. But there is no blame on you if you put away your arms because of the inconvenience of rain or because you are ill, but take (every) precaution for yourselves. For the unbelievers, Allah has prepared a humiliating punishment.”***¹⁶³¹

It is reported that the Prophet led the prayer of fear in four places. These are the events of “Dhātu'r-Riqā”, “Baṭn al-Naḥla”, “Uṣfān” and “Dhūqarad”. After the Prophet, Ali, Abu Musa al-Ash'arī and Hudhayfa (r. *anhum*) also led the fear prayer.

According to Ibn Rushd, there are seven different ways of performing this prayer due to the variations in the reports about it. According to the Ḥanafis, the way of performing the fear prayer is as follows: A group of people who are in a state of war stand against the enemy, and another group comes and follows the imam; the group that comes to perform the prayer performs the first cycle of a two-cycle prayer and the first two-cycle of a three- or four-cycle prayer together with the imam; After the second prostration or *tashahhud* in the first sitting, this group goes to the enemy front, the other group comes and follows the imam. The second group performs the remaining cycles with him and goes to face the enemy again. The imam offers the greetings by himself and leaves the ritual prayer. The first group returns and completes their ritual prayer without recitation, salutes, and goes back to the enemy front for this group is in the position of “*lāḥiq*”. Then the second group comes, completes their prayers with recitation, and returns to their positions on the enemy front because they are in the state of “*masbūk*”. If there is difficulty in coming and going, these people can also complete their prayers wherever they are situated.

Performing the prayer in the congregation in this way is to enable them to pray behind a respected and virtuous imam. Otherwise, it is more virtuous for each group to perform their prayers behind different imams as in normal times.

1631. Al-Nisā, 4: 102.

For the prayer of fear to be valid, these groups who follow the imam must not be fighting with the enemy during the prayer, must not be riding an animal, or change their position, in short, they must not do anything that conflicts with the ritual prayer. Otherwise, their ritual prayer with the imam is considered invalid.

When the intensity of the war increases, if the soldiers cannot get down from their mounts, they should perform their prayers with gestures on their mounts towards the direction they can turn. If this is not possible, they should postpone their ritual prayers. As a matter of fact, the noon, late afternoon, and evening prayers in the “The Battle of Trench” were postponed and made up later.

According to the majority, other than the Ḥanafis, it is permissible to perform the ritual prayer with gestures, even in sword warfare, when the battle is most heated.¹⁶³²



1632. For more information see Ibn al-Humām, *ibid*, I, 441; al-Maydanī, *ibid*, I, 124; Ibn Abidīn, I, 792; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 327; al-Zuhaylī, *ibid*, II, 431 ff.

XVI – THE PRAYERS OF THE ILL (ṢALĀT AL-MARĪḌ)

Islam is the religion of ease. No one is burdened with more than they can bear. The ill are provided with facilities in terms of their acts of worship as much as they are able to do.

An ill person is obliged to pray according to his strength. For example, a patient who is unable to stand or if it is known that standing will cause the prolongation of his illness or worsen it can pray by sitting, or if he is unable to sit, he can pray by lying on his side or his back, depending on the situation.

The proof of this ease is based on the following hadith:

When Imrān Ibn Ḥusayn (ra), who had hemorrhoids, asked the Messenger of Allah (saw) how to perform his ritual prayer, the Messenger of Allah (saw) said, “*Stay standing, if you are not able to do so, sit down, and if you are not able, perform it by leaning.*”¹⁶³³

When it is not possible to perform bowing and prostration in a normal way, the ritual prayer is performed with gestures. Praying with gestures means bowing the head in prayer as a sign of *rukūʿ* and prostration. Praying with gestures can be done standing up or sitting down, lying on one’s side, or on one’s back.¹⁶³⁴



1633. Al-Bukhari, Taqṣīr, 19; Abū Dawūd, Ṣalāh, 175; al-Tirmidhī, Ṣalāh, 157; Ibn Maja, ‘Iqāmah, 139. The Prophet (saw) on this subject cited the beginning of the 286th verse of al-Baqara (2) as evidence.

1634. For more information, see the topics of the pillars of prayer, “*qiyām*” and “those with chronic excuses”.

XVII – TRAVEL AND THE PRAYER OF THE TRAVELER

A – THE NATURE OF TRAVEL

The Arabic words *safar* and *musāfara* mean journey, travel. In Islamic terminology, *safar* refers to traveling a certain distance, to travel to a distance of three days, or eighteen hours, with a moderate walk. This is also called the “three encampments”.

The moderate walk means traveling at the pace at which a camel travels and/or at which one may walk. As regards to the voyage in the seas, it refers to a three-day voyage with a sailing ship.

Such a walk on land and eighteen hours on a sailing ship in mild weather on the seas is considered a “travel time”. Only the going distance of a travel is taken as the basis of calculations, the round-trip distance is not taken into account. Even if the traveler makes much speed and covers this distance in a shorter time, as in the case of modern means of transportation today, one is still considered a traveler and performs the prayers in a shortened way.

A person residing in his homeland or in a place that is legally considered as homeland is called a “resident”, and a person who has left this place and started to travel a distance of at least eighteen hours is called a “traveler (*misāfir*)”.

The shortest time or distance required to be considered a traveler:

a) *Opinion which takes a three-day trip as the basis:*

According to the Ḥanafis, the shortest distance in travel is a three-day journey, traveling at the pace at which a camel travels and/or at which one may walk on the shortest days of the year. The proofs on which they rely are as follows, Allah Almighty says in the Qur’an, ***“When you travel through the earth, there is no blame on you if you shorten your prayers, for fear the Unbelievers may attack you...”***¹⁶³⁵ There is no restriction mentioned regarding travel in this verse. However, it is clear that to be considered a traveler, it is necessary to move away from the residential area and travel a certain distance. For that reason, those who go to the cemetery, the industrial zone, and similar places on the outskirts of settlements are not called “travelers” in people’s custom. The following Qur’anic verse also requires a certain amount of distance for travel, ***“... but if any of you is ill, or on a journey, the prescribed number (should be made up) from days later.”***¹⁶³⁶ The Prophet’s instruction to the Meccans to perform the prayer in full on their journey to a place closer to Uṣfān gives us an idea of the shortest distance

1635. Al-Nisā, 4: 101.

1636. Al-Baqara, 2: 184.

of the journey. This is because Uṣfān is at a distance of four-encampment (*barīd*) from Mecca, which is approximately 88,704 km.¹⁶³⁷

The Ḥanafīs base it on the following hadiths when determining the shortest distance traveled for a three-day journey, “*A resident wipes over his khuffs for a full day and night, and a traveler for three days and three nights.*”¹⁶³⁸, and “*It is not permissible for a woman to travel longer than three days unless she is accompanied by her husband or a maḥram.*”¹⁶³⁹ Al-Kasānī (d. 587/1191) said the following on this subject, “If the travel had not been determined with a distance of three days, it would not make sense to specify the travel with the three days mentioned in the hadiths. These two hadiths are narrated by many transmitters and famous. If one says that the limitation of the absolute expression in the verse, “***When you travel through the earth, there is no blame on you if you shorten your prayers.***”¹⁶⁴⁰ is an abrogation, it is permissible to abrogate the rulings of the Qurʾān by a famous hadith. On the other hand, these hadiths defined the term travel in the expression “*on a journey*” in the verse.”¹⁶⁴¹

The state of travel is generally a state of difficulties and troubles. Therefore, the religion of Islam has brought some conveniences for travelers. It is not possible to continue the journey day and night without lodging. Rest is also needed. Therefore, the daily travel time has been determined as six hours. Based on the five kilometers of distance covered per hour, the travel distance becomes a total of 90 km. The fact that some journeys can be done comfortably, effortlessly, and in a very short time does not change the ruling. For the ruling will take place not according to the individual situations, but according to the genus, that is, it is applicable to all travel situations. On the other hand, according to the Ḥanafīs, the effective cause of the conveniences provided for the journey is based upon merely being on a journey for a certain distance. Removing the difficulty and hardships is the wisdom of this ruling.

According to Abu Yusuf, the journey distance is two full days and most of the third day. As a matter of fact, some Ḥanafī jurists counted a distance of five parasangs a day or 15 parasangs in three days, or three encampments, as “distance of travel”. According to this calculation, 1 parasang = 3 miles, 1 mile = 1848 meters. when it was 15 parasangs x 3 miles x 1848 m. = 83,060 km. constitutes the distance of travel.

Ibn al-Humām (d. 861/1457) explains the relationship between *parasangs* and three days of travel as follows, “According to some, the distance of travel was determined as 21, 18 or 15 *parasangs*. Each of those who determine these amounts agree that the distance

1637. Al-Sarakhsī, *Mabsūt*, I, 235.

1638. Muslim, Ṭahāra, 85; Abū Dawūd, Ṭahāra, 61; al-Nasāʾī, Ṭahāra, 98; Ibn Maja, Ṭahāra, 86; al-Zaylaʿī, *Naṣb al-Rāya*, II, 183.

1639. Al-Bukhārī. Taqṣīr, 4; Muslim, Ḥajj, 413; Abū Dawūd, Manāsik, 2.

1640. Al-Nisā, 4: 101.

1641. Al-Kāsānī, *Baḍāyī*, I, 94.

is three.”¹⁶⁴² Ibn Abidīn (d. 1252/1836) explains the difference between the number of parasangs as follows, “These are according to the variances of the countries. Each of the scholars has tried to calculate the shortest, middle, or longest day in their own country. This is the reason for the difference of opinion in the amounts of *parasangs*. However, it is clear that these measures mean regular walking on certain days.”¹⁶⁴³

Therefore, *parasangs* should not be considered as a measure in this regard. However, when the *parasang* is taken as the basis of calculations, the solution to so many issues becomes easier.

For example, in journeys made by train or plane, the number of *parasangs* to be covered is taken into account. When a distance of at least eighteen *parasangs* has been covered, the duration of the travel has come to pass and the rulings regarding the travel begin to be applied. It is no longer considered whether the land or sea vehicle is a fast-moving one.

b) Opinion based on distance:

The Shafi‘i, the Maliki, and the Ḥanbali schools took the criterion of “distance” as the basis for determining travel. Namely;

There are six different views attributed to Imam Shafi‘i regarding the distance of the travel. These are 40, 46, 48 miles, two days and two nights or one day and one night. However, according to his *jadīd* (latest or newest) view, the travel distance is 4 *barīd* or 48 miles, which is 48 miles x 1848 meters. = 88,704 km. According to the Shafi‘is, this distance is the limit, and for any distance shorter than that, the provision of travel will not be applicable.¹⁶⁴⁴ The evidence on which they base this is the fatwa of Ibn Abbas that the prayer can be shortened during the journeys between Mecca and Jeddah, between Mecca and Uṣfān, and between Mecca and Taif,¹⁶⁴⁵ together with the reports that Ibn Abbas and Ibn ‘Umar shortened their prayers and did not fast in 4 *barīds* or more.¹⁶⁴⁶ These distances are approximately 4 *barīds*, that is, 88,704 km. away.¹⁶⁴⁷

The travel distance for the Malikis is 4 *barīds* or two days. 4 *barīd* = 48 miles = 48 x 1848 m. = 88.704 km. Their proof is when Abdullah Ibn ‘Umar went from Medina to Raym, he shortened his prayers there.¹⁶⁴⁸ Raym is a valley at a distance of 4 *barīds* from Medina. On the other hand, the Prophet (saw) said, “O people of Mecca! Do not shorten the prayer when traveling to a place closer than the distance between Mecca

1642. Ibn al-Humām, *Faṭḥ al-Qadīr*, II, 30.

1643. Ibn Abidīn, *Radd al-Mukhtār*, III, 253, 254.

1644. Al-Nawawī, *al-Majmū’*, IV, 322, 323.

1645. Abdurrazzāq, *Muṣannaḥ*, II, 524.

1646. Al-Bukhari, *Taqṣīr*, 4.

1647. In today’s maps, the distance between Mecca and Jeddah = 79 km, between Mecca and Taif = 88 km. See Mehmet Erkal, *Seferilik ve Hükümleri*, Ensar Neşr. (Bildiriler), İstanbul 1997, p. 166.

1648. *Muwaṭṭā’*, Qaṣr, 3; Ibn Rushd (Averroes), *Bidāya*, I, 168.

and Usfān. This is a place four *barīds* away.”¹⁶⁴⁹ It is reported that Ibn Abbas and Ibn ‘Umar shortened the prayer at a distance of 4 *barīds* and did not fast.¹⁶⁵⁰ The distance is not limited by the Malikis, and ritual prayers can be shortened if it is up to 8 miles less than the above-mentioned distance. On the other hand, the people of Mecca, Mina, Muzdalifah, and Muḥassab are exceptionally considered travelers when they go to Arafat during the pilgrimage.¹⁶⁵¹

For the Ḥanbalis, the journey distance is 4 *barīds* or 16 *parasangs* or two days’ journey. This is 16 parasangs x 3 miles x 1848 m. = 80 704 km. Their proof is a hadith narrated from Abdullah Ibn ‘Umar as *marfū* stating that ritual prayers should not be shortened on journeys shorter than the distance between Mecca and Usfan.¹⁶⁵² Moreover, 1 or 2 miles less than the above distance does not change the ruling about travel distance.

As a result, the views regarding the travel distance among the imams of the schools seem to be based on the distance of Usfān, Jeddah, and Taif to Mecca of that day, and the distance between Suwayda and Raym valley to Medina. These distances are approximately 4 *barīd* = 48 miles = 88 704 km. Accordingly, the views of the schools seem to intersect at approximately 90 km.¹⁶⁵³ Traveling this distance in a shorter time with today’s fast-moving vehicles such as cars, trains, helicopters or planes does not eliminate the reasons and wisdom on which the facilities provided for travel are based. For this reason, the opinion of Elmalılı Hamdi Yazır (d. 1358/1939) that the passenger cannot benefit from the facilities provided for travel unless the fast-moving vehicles like a train travels six hours a day, three days, that is at least eighteen hours in normal speed, is inconsistent with the practices of the Prophet and the Companions.¹⁶⁵⁴ For being on a travel is a process that continues for up to 15 days not only during the actual journey but also while staying at the destination.

If there are two different roads to go to a place by land, only those who go there by the road which fulfills the requirement of travel distance can benefit from the conveniences provided for travel.

B – STARTING PLACE OF THE PROVISIONS OF BEING ON A JOURNEY

In order for a person to be considered a traveler, it is not enough to intend to go to a place that is at least as far away as the travel distance, but it is also necessary to actually

1649. Al-Sarakhsī, *ibid*, I, 235; al-Daraqutnī reported this hadith from Ibn Abbas. According to al-Khattabī, this hadith is the strongest of the two narrations reported from Ibn Umar. According to the Ḥanbalis, the word of the Companions is a proof, especially if it is contrary to *qiyās* (general principle).

1650. Al-Bukhari, *Taqṣīr*, 4.

1651. See Erkal, *ibid*, p. 163.

1652. Al-Daraqutnī, I, 387.

1653. Mehmet Erkal, *Seferilik ve Hükümleri*, Ensar Neşr. (Bildiriler), İstanbul 1997, p. 162-166.

1654. Elmalılı, *Hak Dini Kur'an Dili*, VIII, p. 381, Zaman Neşri, I, 519, 520; Hamdi Döndüren, *Seferilik ve Hükümleri*, (Bildiri), p. 175, 176.

set out on a journey in order to benefit from the conveniences of being on a journey. Accordingly, the journey starts as soon as one leaves the residential area (where there are homes) of the city, town, or village where he lives and intends to go to a place for at least a travel distance away. For this reason, the journey will not have started until the settlements on the edge of the city, the villages integrated with the city, or for those who set out from the village, until the additions of the village such as the harvest place, cemetery, and barns called “*fīnā al-miṣr*” are passed. As a matter of fact, the Prophet (*saw*) who performed the noon prayer as four cycles in Medina while setting out from Medina for the Farewell pilgrimage, performed the late afternoon prayer as two cycles in Dhulḥulayfa, which is 5.5 km away from Medina.¹⁶⁵⁵ While Ali (*ra*) was on his way from Basra to Kufa, he used to pray the noon prayer in four cycles, and then, when reed huts were seen in front of them, he would say, “If we had passed these huts, we would have shortened the prayer.”¹⁶⁵⁶

Areas such as factories, organized industrial establishments, wholesale markets, vineyards, gardens, and animal and poultry farms outside the settlement area of the city or village are not counted as part of the city.

C – PROVISIONS RELATED TO THE TRAVEL

Some conveniences and concessionary rules have been introduced for those who are on a journey. It is permissible for a person traveling in Ramadan to postpone the fasting to a time after Ramadan. The period for wiping over khuffs for the traveler is three days and three nights. The traveler performs the four-cycle farḍ prayers as two cycles. This is called “*qaṣr aṣ-ṣalāt*”. We will focus on these concessionary rules below.

1) Performing a four-cycle prayer in two cycles

Based on the evidence from the Qur’an, Sunnah, and the consensus of Muslim jurists, it is permissible to shorten the four-cycle obligatory prayers and perform them as two cycles while traveling.

Allah Almighty says, “*When you travel through the earth, there is no blame on you if you shorten your prayers, for fear the unbelievers may attack you.*”¹⁶⁵⁷ Attaching the permission to shorten the prayers to the condition of fear in this verse is to establish the circumstances of that day. For most of the journeys of the Messenger of Allah (*saw*) were not without fear. Yaḥyā ibn Umayya (*ra*), one of the Companions of the Prophet, said to ‘Umar, “Allah had said: ‘You may shorten the prayer only if you fear that those who are unbelievers may afflict you’, whereas the people are now safe. Why do we pray by shortening the prayers?’ He replied: ‘I wondered about it in the same way as you

1655. *Ṭabaqāt*, II, 125.

1656. Al-Sarakhsī, *Mabsūt*, I, 236.

1657. Al-Nisā, 4: 101.

wonder about it, so I asked the Messenger of Allah (*saw*) about it and he said, “*It is an act of charity which Allah has done to you, so accept His charity.*”¹⁶⁵⁸

Reports stating that the Prophet shortened the prayers during his journeys for umrah, hajj, or war are at the level of *tawatur*. Abdullah Ibn ‘Umar (*ra*) said, “I was accompanied by the Prophet (*saw*). He would not pray more than two cycles on his journeys. Abu Bakr, ‘Umar, and Uthmān used to do the same.”¹⁶⁵⁹ It was narrated that ‘Umar said, “Allah enjoined the prayer upon the tongue of your Prophet (*saw*): Four cycles while one is a resident and two-cycle when traveling.”¹⁶⁶⁰

Is it obligatory for the traveler to shorten the four-cycle obligatory prayers? Or is the traveler free to choose between shortening and performing it fully?

According to the Ḥanafis, it is not a concessionary rule (*rukḥṣah*) for a traveler to perform a four-cycle *farḍ* prayer as two cycles, but rather it is an *aẓīmah*. If the traveler performs the full prayer intentionally, he will have committed a bad deed and the last two cycles will be considered supererogatory prayer. It is narrated that Aisha said, “The prayer was prescribed as two cycles, two cycles both in the journey and at the place of residence. The prayer while traveling remained as it was (originally prescribed), but an addition was made in the prayer (observed) at the place of residence.”¹⁶⁶¹ It is narrated that Ibn Abbas (*ra*) said, “Allah has prescribed the prayer through the word of your Prophet (*saw*) as four cycles when resident, two when traveling.”¹⁶⁶²

If the traveler performs two-cycle prayers as a four-cycle and performs *tashahhud*, and then performs two more cycles, he will be performing the obligatory prayer and the last two cycles will be considered supererogatory. However, he is considered to have committed a bad deed because of delaying the salutation. However, if he abandons the first sitting or does not recite in the first two cycles, he will not be considered to have fulfilled the *farḍ*. As a matter of fact, this is the case in the dawn and Friday prayers.

According to the Shafi‘is and the Ḥanbalis, the original form of the *farḍ* is four cycles, and shortening it while traveling is a concessionary rule. Their proof is the verse stating that prayers can be shortened while traveling indicates that the prayer is full and shortening it is not stated in the style of “command”. Again, the expression “shortening is a charity” conveyed by ‘Umar, and the fact that Aisha sometimes performed her prayers without shortening during the journey are also supporting evidence in this regard. Imam Shafi‘i also compared this issue to Ramadan fasting. However, according to the Ḥanbalis, shortening is more virtuous. According to the view preferred by the

1658. Muslim, *Misafirīn*, 4; al-Tirmidhī, *Ṭaḥāra*, 4, 20; al-Nasā‘ī, *Taqṣīr*, 1; Ibn Maja, ‘*Iqāmah*, 73.

1659. Al-Bukhari, *Taqṣīr*, 11.

1660. Ibn Maja, ‘*Iqāmah*, 73, 124.

1661. Al-Bukhari, *Ṣalāh*, 1; Muslim, *Misafirīn*, 1; Abū Dawūd, *Safar*, 1; al-Nasā‘ī, *Ṣalāh*, 3; Malik, *Safar*, 3.

1662. Muslim, *Misafirīn*, 5, 6; Abū Dawūd, *Safar*, 18; al-Nasā‘ī, *Ḥawf*, 4; Ibn Maja, ‘*Iqāmah*, 75.

Malikis, it is a *mu'akkad sunnah* to shorten the prayers on a journey because that was the practice of the Prophet.¹⁶⁶³

2) Combining two prayers while traveling (*Jam ' aṣ-Ṣalatayn*)

According to the Ḥanafis, it is necessary to perform the five daily prayers within their own time for “time” is one of the conditions of the ritual prayer.¹⁶⁶⁴ However, during the pilgrimage, noon and late afternoon prayers are performed together at noon in Arafat on the day of Arafah, and evening and night prayers are performed together at night prayer time in Muzdalifah. This is based on the authentic sunnah. During the journey, as the Prophet did during the Battle of Tabuk, it is permissible to perform the noon prayer in its last moments and then the late afternoon prayer in its earliest moments; and to delay the evening prayer to its latest moments, and to perform the night prayer at its earliest time. This is called “*jam ' al-sūrī* that is, combining in appearance”. Yet, every prayer here is performed in its own time.

According to the majority of schools, it is permissible during the journey to combine noon and late afternoon, and evening and night prayers in each other's time. They relied on the hadiths stating that the Prophet combined these prayers on a journey or in rainy weather.^{1665 1666}

3) Postponing Ramadan fasting to a later time

If the traveler wishes, he or she may not fast during Ramadan and postpone it until later. The following is stated in the Qur'an, “**(Fasting) for a fixed number of days; but if any of you is ill, or on a journey, the prescribed number (should be made up) from days later...**”¹⁶⁶⁷ Aisha (r. anha) traveled with the Messenger of Allah (saw) from Medina to Mecca to perform *umrah* and when they arrived in Mecca she said, “O Messenger of Allah! I prayed the prayers sometimes short and sometimes full. Sometimes I fasted and sometimes I did not.” The Messenger of Allah (saw) said, ‘*You did well*’, and he did not condemn me.”¹⁶⁶⁸

4) Wiping over *khuffs* for three days

The period of wiping over the *khuffs* is one day and one night for a resident, and three days and three nights for a traveler. This was the practice of the Prophet. However,

1663. Al-Sarakhsī, *ibid*, I, 239; Ibn Rushd (Averroes), *ibid*, I, 161; al-Shirāzī, *Muhadhdhab*, I, 101; Ibn Qudāmah, *Mughnī*, II, 267-270; al-Zuhaylī, *ibid*, II, 313-315.

1664. Al-Nisā, 4: 103; Hūd, 11: 114.

1665. See al-Bukhārī, *Taqṣīr*, 15, 16; Muslim, *Musāfirīn*, 46; al-Tirmidhī, *Jum' a*, 42; al-Nasā'ī, *Mawāqīt*, 42, 44, 45.

1666. For more information, see the subject of “To perform two prayers together”.

1667. Al-Baqara, 2: 184. See also verse 185.

1668. Al-Rāzī, *Tafsīr*, Istanbul 1257, II, 18.

even if this period does not expire, the *khuffs* must be removed due to ceremonial impurity (*janābah*).¹⁶⁶⁹

5) Status of supererogatory prayers on the journey

According to the Ḥanafis, if there is security and comfort in the accommodation during the journey, it is necessary to perform *mu'akkad sunnahs* attached to the *fard* prayers. In the hadith, it is commanded, "Even if horses chase you, do not abandon the two-cycle sunnah of the dawn prayer."¹⁶⁷⁰ When returning from the Battle of Khaybar, the believers could not get up for the dawn prayer in their camps and they first performed the two sunnah cycles of dawn prayer after the sun had risen, and then the Messenger of Allah led the *fard* cycles.¹⁶⁷¹ As a matter of fact, it is also reported that the Prophet prayed supererogatory prayers on his mount with gestures no matter which way the mount turns..¹⁶⁷² it is not necessary to perform the supererogatory prayers if there are difficulties, such as fear, time constraints, etc. during traveling.¹⁶⁷³ It was narrated from Abu Musa (*ra*) that the Messenger of Allah (*saw*) said, "*When a slave falls ill or travels, then he will get a reward similar to that he gets for good deeds practiced at home when in good health.*"¹⁶⁷⁴

According to the majority of the imams of the schools, it is not necessary to perform supererogatory prayers other than the *sunnah* of the dawn prayer while traveling. The evidence is the following hadith reported from Abdullah ibn 'Umar, "We were with Ibn 'Umar on a journey, and he led us in prayer. Then we finished with him and he finished turning around and saw some people praying. He said: 'What are these people doing?' I said: 'Glorifying Allah.' He said: 'If I wanted to glorify Allah (perform voluntary prayer) I would have completed my prayer. O son of my brother! I accompanied the Messenger of Allah (*saw*) and he never prayed more than two cycles when he was traveling, until Allah took his soul. Then I accompanied Abu Bakr and he never prayed more than two cycles (when he was traveling), until Allah took his soul. Then I accompanied 'Umar and he never prayed more than two-cycle, until Allah took his soul. Then I accompanied 'Uthman and he never prayed more than two cycles, until Allah took his soul. Allah the Exalted said: **"Surely there is a good example for you in the Messenger of Allah."**¹⁶⁷⁵ Nawawi (d. 676/1277) commented regarding this hadith by saying, "Perhaps Ibn 'Umar did not see the supererogatory prayers (*rawātib*) because he performed them on his mount or in his tent!"¹⁶⁷⁶

1669. Al-Nasā'ī, Ṭaḥāra, 98; Ibn Maja, Ṭaḥāra, 86; al-Tirmidhī, Da'āwāt, 98; Aḥmad ibn Ḥanbal, VI, 240.

1670. Aḥmad ibn Ḥanbal, II, 405; Abū Dawūd, Ṭaṭawwū', 3, Hadith No: 1258.

1671. Abū Dawūd, Ṣalāh, 11, H.No: 435, 443; al-Nasā'ī, Mawāqīt, 54, 55; Aḥmad ibn Ḥanbal, IV, 444; al-Ṭaḥanawī, *I'lā as-Sunan*, II, 126.

1672. See al-Bukhari, Taqṣīr, 7-9.

1673. Ibn Abidīn, *ibid*, II, 270; Ibn Qudāmah, *ibid*, II, 271.

1674. Al-Bukhari, Jihād, 56, Hadith No: 134; Abū Dawūd, Janā'iz, 20, Hadith No: 3091.

1675. Muslim, Musāfirīn, 8; Ibn Maja, 'Iqāmah, 75, Hadith No: 1071; al-Nasā'ī, Taqṣīr, 5, Hadith No: 1456.

1676. See *Ṣaḥīḥu Muslim bi Sharḥ an-Nawawī*, Egypt 1349, Musāfirīn, 8; al-Zuhaylī, *ibid*, II, 349.

D – SEVERAL ISSUES RELATED TO THE JOURNEY

According to the Ḥanafis, regardless of the purpose of the journey, the concessionary provisions remain. It does not affect the result if the traveler intends to commit a *ḥarām* or a *makrūḥ* act or do something permissible. Accordingly, it is permissible to shorten prayers and not to fast during Ramadan during any kind of travel. For example, anyone who travels to intercept a road, have an illegal party, or commit another *ḥarām* can also benefit from concessionary provisions of travel. The proof of this view is the absolute expression of the verse¹⁶⁷⁷ that states that prayers can be shortened while traveling. It is analogous to the fact that shopping to be done during the Friday prayer¹⁶⁷⁸ is considered valid even though it is *makrūḥ*.¹⁶⁷⁹

According to the majority of Muslim jurists, other than the Ḥanafis, concessionary rules such as shortening the prayers, combining them, breaking the fast, wiping over the *khuffs* for three days, and performing supererogatory prayers on the mount are not permissible for a person who sets out to commit sins such as cutting roads, trading wine and other *ḥarām* acts. Because such people are considered to have traveled to rebel against Allah. The principle on this subject is as follows, “Concessionary rules cannot be used as a basis for committing malice and evil.” Again, Allah has attached the permission to eat the meat of dead animals to the condition of “*without willful disobedience, nor transgressing due limits*”.¹⁶⁸⁰

According to the Ḥanafis, when a traveler intends to stay in a town for more than fifteen days, he becomes a resident and performs his prayers full. If he intends to stay less than fifteen days, his state of travel will continue. The evidence of this view is compared to the cleaning period of women. The period of cleansing requires returning to the regular performance of prayer and fasting that is ineffective on the woman during the period of menstruation. Being in the place of residence also requires returning to the performance of some of the duties that are ineffective on the person due to travel. Therefore, just as the cleaning period is limited to fifteen days, the minimum residence period should be established as fifteen days. This view is based on the following statement from Ibn Abbas and Ibn ‘Umar (*r. anhum*), “If you enter a town while you are on a journey and intend to stay in this town for fifteen days, perform your prayers fully. If you do not know when you will travel from there, shorten your prayers.”¹⁶⁸¹

A person who goes to a place far enough to be a traveler waits to take care of a certain need there and if he stays for a long time without intending to stay there, thinking that “I will leave today, I will leave tomorrow”, he will continue to benefit from the

1677. Al-Nisā, 4: 101.

1678. Al-Jum‘a, 62: 9.

1679. Ibn al-Humām, *ibid*, I, 405 ff.; Ibn Abidīn, *ibid*, I, 733, 736; al-Zayla‘ī, *Tabyīn al-Ḥaqqāiq*, I, 215 ff.

1680. Al-Baqara, 2: 173; See Ibn Rushd (Averroes), *ibid*, I, 163; al-Shirbinī, *ibid*, I, 268; Ibn Qudāmāh, *ibid*, III, 261; Al-Zuhaylī, *ibid*, II, 323 ff.

1681. Al-Kāsānī, *Badā‘iy*, I, 97; al-Aṣḡalanī, *Bulūgh al-Marām*, II, 111; al-Zuhaylī, *ibid*, II, 323.

provisions of being on a travel. As a matter of fact, Sa'd Ibn Abi Waqqāṣ (d. 55/675) stayed in the village of Nishapur for two months, Abdullah Ibn 'Umar stayed one month in Azerbaijan, and Alqama (d. 62/681) stayed in Harzem for two years and they all shortened the prayers.¹⁶⁸²

Even if the Muslim army enters a town and intends to stay there for more than fifteen days, Muslim soldiers shorten their prayers. This is because there is a possibility of both staying there and being defeated and withdrawing, so the intention regarding the duration is not valid.

According to the Shafi'is and the Malikis, if a traveler intends to stay in a place for four or more days, he performs his prayers in full. This is because the sunnah states that staying in one place for less than four days will not invalidate the state of traveling. As a matter of fact, when the Prophet (saw) performed *umrah*, he stayed in Mecca for three days and shortened his prayers.¹⁶⁸³

According to the Hanbalis, if a person intends to stay for more than four days or more than twenty prayers, he performs his prayers in full. If it is less than that, he shortens it.¹⁶⁸⁴

In matters of travel and residence, the intention of the person who is being followed, for example, a commander, and not the intention of the person who follows, for example, a soldier, is valid. Therefore, the soldier becomes a traveler or resident based on the commander's intention; the employee becomes a traveler or resident based on the intention of the employer; the student becomes a traveler or resident based on the intention of the instructor's intention, and the wife becomes a traveler or resident based on the intention of her husband.

Travel provisions do not apply to a child who has not yet reached the age of puberty. However, according to the Shafi'is, the intention of the child to travel is valid and he can pray by shortening his prayers.

If a traveler does not know where the person whom he is following is going and how long they will stay there and does not get an answer to his questions, he performs his prayers fully in places within the minimum distance of travel and then begins to shorten them.

If the head of a Muslim nation travels for a while in his country without intending to travel, he performs his prayers in full, but if he intends to travel for the duration of the journey, he shortens his prayers. That is the right action.

The missed prayers of the resident do not change when he goes on a journey and the missed prayers of the traveler do not change when he intends to stay. Therefore,

1682. Al-Kāsānī, *Badā'iyi*, I, 97; Ibn al-Humām, *ibid*, I, 397; al-Shirāzī, *ibid*, I, 103; Ibn Rushd (Averroes), *Bidāya*, I, 63.

1683. Al-Shawkanī, *ibid*, III, 207 ff.

1684. For more information see Hamdi Döndüren, *Seferilik ve Hükümleri*, (Bildiri), Neşr. Ensar, İstanbul 1997, pp. 171-196.

the person performs the missed prayers during travel as two cycles even after returning from the travel and a traveler performs his missed prayers during his residence as four cycles even when traveling.

When the prayer is performed in the congregation, the resident may follow the traveler and the traveler may follow the resident. If the resident follows a traveler, when the traveling imam offers his salutes at the end of the two cycles, the resident ones in the congregation do not offer their greetings and return to a standing position and complete the prayer in four cycles. Since he has prayed from the beginning of the prayer with the imam and the obligatory recitation has been fulfilled, this person -according to sound opinion- completes the prayer without any other recitation, and if he is mistaken, it is not necessary to perform the prostration of *sajdah* because this resident is in the state of *lāḥiq*.¹⁶⁸⁵ It is *mustaḥab* for the traveler who becomes an imam to say and warn the congregation before the prayer, “I am a traveler, do not forget to complete your prayers”.

On the other hand, the traveler can only follow a resident imam during the time of the ritual prayer. In such a case, he performs a four-cycle farḍ prayer exactly like a resident. By following the imam within the time of the prayer, the obligatory prayer turns from two cycles to four cycles. Ibn Abbas was asked, “What do you think about the traveler’s situation? He performs two cycles when he performs alone and four cycles when he follows a resident imam.” and he replied, “It is in accordance with the sunnah to do so.”¹⁶⁸⁶ Nāfi’ said, “When Ibn ‘Umar was on a journey, he would perform the prayers in four cycles when he prayed with an imam, and in two cycles when he prayed alone.”¹⁶⁸⁷

A person cannot follow a resident imam in a four-cycle prayer that he has missed while he was a traveler because this prayer was previously established upon him as two cycles.

E – THE END OF THE STATE OF BEING ON A JOURNEY

The state of traveling ends by returning to the homeland (*waṭan al-aṣlī*). Even if one does not intend to stay there, the result does not change. If one is returning to his temporary residence (*waṭan al-iqāmah*), intention to stay is required.

There are three types of residence:

a. **Waṭan al-aṣlī**: The place where a person was born and raised, or married and wants to live in, or where he intends to live in and does not want to take another place as his homeland, is called “*waṭan al-aṣlī*”.

1685. See the subject of “*Lāḥiq*”.

1686. Al-Zuhaylī, *ibid*, II, 335.

1687. Al-Zuhaylī, *ibid*, II, 335.

b. *Waṭan al-iqāmah*: The place where a person wants to stay for more than fifteen days but without being the place where he was born, married, and settled is called "*waṭan al-iqāmah*".

c. *Waṭan al-suknā*: The place in which a traveler wishes to stay for less than fifteen days is his own "*waṭan al-suknā*". This last one does not have any effect on rulings. With this, neither the original homeland nor the place of temporary residence will be changed.

With regard to the rules of traveling, these residences are invalidated with their own like or with a residence in a higher status, not with the lower ones. Therefore, the place, which is the original homeland of a person will not change by other temporary residences, no matter if it is a place stayed in for more than the duration of travel or not. In other words, a person who is in his temporary residence does not become a traveler by returning to his original homeland. When a person arrives at the place where he was born and settled or where his wife settled, he does not become a traveler. If this place is more than 90 km away, he will become a traveler only during the journey, but when he reaches the destination, his state of being a traveler ends.

If a person moves from his *waṭan al-aṣlī* to another place in order to settle permanently, the place he goes to turns into his *waṭan al-aṣlī*, the first place ceases to be his *waṭan al-aṣlī*. For when the Prophet (*saw*) went to Mecca, he considered himself a traveler and said "*we are on a journey*".¹⁶⁸⁸

Waṭan al-aṣlī does not change by *waṭan al-iqāmah*. When a person leaves the place where he was born or where his wife is located, for reasons such as education, military service, or labor, with the intention to stay for more than fifteen days, this does not change the status of his *waṭan al-aṣlī*. Even when he returns to his *waṭan al-aṣlī* to stay for three days, it is not considered a journey because *waṭan al-iqāmah* does not change the status of *waṭan al-aṣlī*.

If a person lives in one city and marries in another city without moving his relatives, both cities will be *waṭan al-aṣlī* for him. Whichever city he goes to, he is considered a resident. *Waṭan al-iqāmah*, on the other hand, is changed by going to another *waṭan al-iqāmah* or leaving there and going on a journey, or returning to *waṭan al-aṣlī*. In other words, if a person who leaves *waṭan al-iqāmah* comes back there to stay there for less than fifteen days, he is considered a traveler.

Waṭan al-suknā, which is a place one stays in for less than fifteen days, is of no importance. The person is considered to be a traveler there. This type of residence does not have the power to change the status of other types of residences. A person is considered to be a traveler from the moment he leaves the residential areas of his city while being in the place where he traveled, and in all his journey that lasts less than fifteen days and is further than 90 km. This status continues until he returns.

1688. Al-Shawkanī, *ibid*, III, 207.

XVIII – MAKING UP THE MISSED PRAYERS (*QADĀ*)

A – MAKING UP THE MISSED PRAYERS AND THE EVIDENCE ABOUT ITS LEGALITY

Performing a prayer within its prescribed time limits is called “*adā*”, and performing it after its time passes is called “*qadā*”. A prayer that cannot be performed within its time limits is called “*fāita*” and its plural is “*fawāit*”.

Making up the five obligatory prayers that are not performed on time becomes *fard*, and making up the *witr* prayer becomes *wājib*. Only a few types of supererogatory prayers need to be made up when missed. That is, if the *sunnah* cycles of a dawn prayer along with its *fard* cycles are not performed on time, this *sunnah* is made up together with the *fard* cycles 50-55 minutes after the sunrise all the way till a little before the noon prayer time. It cannot be made up before mid-morning time or after the meridian time. According to Imam Muhammad, even if this *sunnah* alone is not performed on time (that is the *fard* cycles were performed), it will still be made up between mid-morning and the time of *istiwā*. The proof of this is that according to the narration from Abu Hurayra (*ra*), the Prophet (*saw*) and his companions stopped on the way while returning from the Khaybar campaign and while they slept they left Bilāl Ḥabashī on guard. However, they could not get up for the dawn prayer because Bilāl, who was exhausted, also fell asleep. After the sun rose, they performed ablution, Bilāl recited the *adhān*, after performing the two *sunnah* cycles, he recited the *iqāmah* and two obligatory cycles of the dawn prayer were performed in the congregation.¹⁶⁸⁹

On the other hand, if while praying the first four *sunnah* cycles of the noon prayer is abandoned in order to catch up with the congregation, it is made up after the *fard* cycles, before the last two *sunnah* cycles. Thus, this *sunnah* will not be delayed twice (once after the *fard* cycles and once after the last two *sunnah* cycles) in its time. This is the basis of the preferred view in the Ḥanafī school. However, it can be made up after the last two cycles, and some jurists find the latter way appropriate so that the order of the prayer does not change twice. The first four cycles of the Friday prayer are also performed according to this method of bringing forward or delaying it. There is no need to make up for the other abandoned supererogatory prayers. However, a *sunnah* that was abandoned for some reason after it has been started or a *naḥilah* prayer that has been invalidated must be made up according to Ḥanafīs. For example, if a person who

1689. Abū Dawūd, Ṣalāh, 11, Hadith No: 435, 443; al-Nasāʾī, Mawāqīt, 54, 55; Aḥmad ibn Ḥanbal, IV, 444; al-Taḥānāwī, *Iʿla al-Sunan*, II, 126.

has started the last sunnah of the noon prayer leaves this *sunnah* in order not to miss a funeral prayer, he or she has to make up for it later.

If a person who performs a ritual prayer with an obstacle, other than an action that will invalidate it, performs it all over again then this is called "*i'ādah*". For example, it is *wājib* to re-perform a prayer performed in a *makrūh tahrīman* manner. Moreover, it is *mandūb* to perform it after the prayer time ends. On the other hand, it is sufficient to complete the deficiency that occurs in the form of delaying a *farḍ* act, or abandoning or delaying a *wājib* act by performing the prostration of forgetfulness (*sajda as-sahw*) at the end of the prayer. If the *sajda as-sahw* is abandoned, although a bad deed, the prayer is still considered complete.¹⁶⁹⁰

The ritual prayer without a valid excuse should not be left only so as to be made up later. Allah Almighty says, ***"But when you are free from danger, re-establish regular prayer. Indeed, prayer has been enjoined upon the believers a decree of specified times."***¹⁶⁹¹ Furthermore, the sin of leaving the prayer without a valid excuse only to be made up later does not elapse by making that prayer up, it is also necessary to repent for such an action.

In the Qur'an, the punishment for those who do not pray is mentioned as follows, ***"(They will be) in Gardens (of Delight): they will question each other, And ask of the Sinners: 'What led you into Hell Fire?' They will say: 'We were not of those who prayed; Nor were we of those who fed the indigent.'"***¹⁶⁹²

The following is also said about those who do not perform the prayer on time and then make up for it with compensatory prayer and repentance, ***"But after them there followed a posterity who missed prayers and followed after lusts soon, then, will they face destruction, except those who repent and believe, and work righteousness: for these will enter the Garden and will not be wronged in the least."***¹⁶⁹³

Some hadiths suggest that supererogatory prayers performed outside of the obligatory prayers are included in the context of repentance and good deeds. In a hadith from Abu Hurayra, the following is stated, ***"Indeed the first deed by which a servant will be called to account on the Day of Resurrection is his ritual prayer. If it is complete, he is successful and saved, but if it is defective, he has failed and lost. So if something is deficient in his obligatory (prayers) then the Lord, Mighty, and Sublime says: 'Look! Are there any voluntary (prayers) for my worshipper?' So with them, what was deficient in his obligatory (prayers) will be completed. Then the rest of his deeds will be treated like that."***¹⁶⁹⁴

1690. See the subject of "the Prostration of Forgetfulness".

1691. Al-Nisā, 4: 103.

1692. Al-Muddaththir, 74: 40-44.

1693. Maryam, 19: 59-60.

1694. Al-Tirmidhī, Ṣalāh, 188; Abū Dawūd, Ṣalāh, 145; al-Nasā'ī, Ṣalāh, 9; Ibn Maja, 'Iqāmah, 202.

In this regard, The following hadith from Ṭalḥa b. Ubaidullah is also remarkable,

‘A bedouin with unkempt hair came to Allah’s Messenger (saw) and said, ‘O Allah’s Messenger (saw)! Inform me what Allah has made compulsory for me as regards the prayers.’ He replied, ‘*You have to offer perfectly the five compulsory prayers in a day and night (24 hours) unless you want to pray voluntarily.*’ The bedouin further asked, ‘Inform me what Allah has made compulsory for me as regards fasting.’ He replied, ‘*You have to fast during the whole month of Ramadan unless you want to fast more as supererogatory.*’ The bedouin further asked, ‘Tell me how much *zakah* Allah has enjoined on me.’ Thus, Allah’s Messenger (saw) informed him about all the rules (i.e. fundamentals) of Islam. The bedouin then said, ‘By Him Who has honored you, I will neither perform any supererogatory nor will I decrease what Allah has enjoined on me. Allah’s Messenger (saw) said, ‘*If he is saying the truth, he will succeed (i.e. he will be granted Paradise).*’”¹⁶⁹⁵

There is no harm in leaving the ritual prayer to be made up later due to a legitimate excuse. Fear of enemies, prolonged surgery by a doctor, and the midwife’s inability to leave a woman who is given birth can be counted among such valid excuses. As a matter of fact, the Prophet delayed his prayers in the Battle of the Trench. Abdullah Ibn Mas’ūd (ra) describes the situation as follows, “The idolaters kept Allah’s Messenger (saw) distracted from four prayers on the Day of al-Khandaq (the battle of the Trench) until as much as Allah willed of the night had passed. So he ordered Bilal to call the *adhān*, then he called the *iqāmah* for the *ṣuḥr* prayer, then he called the *iqāmah* to perform the *‘aṣr* prayer, then he called the *iqāmah* to perform the *maghrib* prayer, and then he called the *iqāmah* to perform the *‘ishā* prayer.”¹⁶⁹⁶

A person who does not perform the ritual prayer on time because of laziness knowingly becomes a sinner and it becomes *wājib* upon him or her to make up this prayer. The Prophet said, “*If one of you does not perform an obligatory prayer because of sleep or forgetfulness, let him offer it immediately when he remembers it*”¹⁶⁹⁷ because Allah Almighty has said, ‘**and be constant in prayer, so as to remember Me!**’”¹⁶⁹⁸ On this topic, Bukhari’s narration from Anas Ibn Malik is as follows, “*If anyone forgets a prayer he should perform that prayer as soon as he remembers it. There is no expiation except to pray the same.*”¹⁶⁹⁹

In the hadiths, two excuses are listed as valid excuses for leaving the ritual prayer in its time and making it up later, sleeping, and forgetfulness. However, some scholars

1695. Al-Bukhari, Ṣawm, 1; Ḥiyāl, 3; al-Nasā’ī, Ṣiyām, 1; al-Darimī, Ṣalāh, 208.

1696. Al-Tirmidhī, Ṣalāh, 18; Aḥmad ibn Ḥanbal, I, 375; Tirmidhi said that there is nothing wrong with the chain of narrators of this hadith. See al-Zayla’ī, *Naṣb al-Rāya*, II, 164-166.

1697. Muslim, Masājid, 316; Malik, *Muwattā’*, Wuqūṭ, 26; Aḥmad ibn Ḥanbal, III, 184, 216; See al-Tirmidhī, Ṣalāh, 16; al-Nasā’ī, Mawāqīt, 53; Ibn Maja, Ṣalāh, 10.

1698. See Ta Ha, 20: 14. The addressing in this verse is to the Moses and it is among the speeches on Mount Sinai.

1699. Al-Bukhari, Mawāqīt, 37; Muslim, Masājid, 314; Abū Dawūd, Ṣalāh, 11; Aḥmad ibn Ḥanbal III, 219.

concluded that these excuses are very limiting and argued that it is not necessary to make up the prayers in case they are intentionally not performed or due to laziness. They instead maintained that such a person should repent and seek forgiveness. Ibn Ḥaẓm (d. 456/1063), a Zahirite jurist, was of this opinion. The evidence that he relied upon is the principle that when the time requirement disappears, the stipulation attached to time also ceases.¹⁷⁰⁰

However, the jurists who constitute the majority, including the Ḥanafis, argue that if it is necessary to make up the prayer even for an excuse such as sleep or forgetfulness which is out of the hand of the person, in case of intentionally not performing it must be necessary to make up for it all the more.¹⁷⁰¹ It is also based on the general meaning of the following hadith, "*The debt owed to Allah is worthier to be fulfilled.*"¹⁷⁰² It is obligatory and a debt upon a person who deliberately abandons the prayer, and the debt does not cease until it is paid.¹⁷⁰³

A person who misses the prayer due to an excuse such as sleep or forgetfulness does not become a sinner. For it is narrated from Abu Qatada (ra), "The Prophet said to those who complained that they could not perform the prayer due to sleep, '*There is no negligence when one sleeps, rather negligence is when one is awake. If any one of you forgets a prayer or sleeps and misses it, let him pray it when he remembers it.*'"¹⁷⁰⁴

However, it should be the motto of a believer to take precautions to wake up on time in order not to miss the ritual prayer and to be cautious against forgetfulness.

B – VALID EXCUSES THAT DISCHARGE THE OBLIGATION TO PRAY

For women, the case of menstruation and postpartum bleeding discharges the obligation to perform the ritual prayer. Aisha (r. anha) said, "*The Prophet (saw) did not order women to make up the prayers that they did not perform during their menses, but commanded them only to make up the obligatory fast that they could not observe.*"¹⁷⁰⁵ According to the Ḥanafis, in the event of mental illness, fainting, or coma that continues throughout the time of five daily prayers or more, the obligation upon the person to perform those ritual prayers is relinquished.

However, if these conditions continue for five prayer times or less, there may be different situations. If there is enough time left to perform *wuḍū'* and utter the opening *takbīr* when the person gains consciousness, he has to make up the prayer of that time. As for a person who converts out of Islam and then converts back to Islam, it is not

1700. Al-Taḥānāwī, *I'la al-Sunan*, VII, 143.

1701. See al-Maydanī, *ibid*, I, 88; al-Shirbinī, *Mughni al-Muḥtāj*, I, 127; Al-Shirazī, *ibid*, I, 5; Ibn Qudāmah, *Mughnī*, II, 108; Ibn Rushd (Averroes), *ibid*, I, 175; al-Zuhaylī, *ibid*, II, 130.

1702. Al-Bukhari, *Ṣawm*, 42; Muslim, *Ṣiyām*, 154, 155.

1703. Al-Shawkanī, *Nayl*, I, 326; al-Taḥānāwī, *ibid*, VII, 143.

1704. Muslim, *Masājid*, 311; Abū Dawūd, *Ṣalāh*, 11; al-Tirmidhī, *Mawāqīt*, 16; al-Nasā'ī, *Mawāqīt*, 53.

1705. Al-Bukhari, *Ḥayḍ*, 19, 20; Muslim, *Ḥayḍ*, 15, 69; al-Tirmidhī, *Ṭahāra*, 93, 97.

necessary for this person to make up the ritual prayers that he did not perform during his or her apostasy or before the apostasy. The Shafi‘is hold the opposite view and deem it necessary for such a person to make up all the prayers that he or she missed. In contrast, if she or he performed the pilgrimage before the apostasy, then she or he must re-perform it again. Yet, a person who converts to Islam in a non-Muslim country is excused until she or he learns that prayer is obligatory for Muslims. This is because ignorance about religious commands and prohibitions in a non-Muslim country is considered an excuse.¹⁷⁰⁶

According to the Shafi‘is and the Malikis, a woman in menstruation and puerperium does not pray and does not have to make up for it. If a mental illness, fainting, coma, and the loss of consciousness in a permissible way continuous for one prayer time, it relinquishes the responsibility to perform that prayer. However, a person who becomes drunk intentionally without a valid excuse through something *ḥarām*, then he or she must make up the prayers that were performed while intoxicated.

C – HOW TO MAKE UP THE PRAYERS THAT CANNOT BE PERFORMED ON TIME

The performance of a missed prayer is carried out exactly the way it is performed in its normal time. For example, a person who misses a four-cycle prayer while on a journey will make it up as two cycles, whether he makes it up on a journey or after returning to his homeland. A person who misses a prayer that must be performed in full in the state of residence will also make up for it in complete cycles regardless if he is at home or on a journey.

The recitation when making up the prayers performed by silent recitation is done silently. If the prayer normally performed aloud is made up in the congregation, it should be performed aloud regardless of when it is made up during the day. If it is made up alone and not in a congregation, then the person who makes it up has the option to choose to perform it aloud or silently.¹⁷⁰⁷

According to the Shafi‘is and the Ḥanbalis, when making up ritual prayers, the place and time need to be taken into account. A person who is traveling makes up four-cycle prayers as two cycles. The fact that this prayer has been missed while traveling or while in residence does not change the ruling. It is performed in four cycles when it is made in the state of residence. This is because the original ruling in prayers is to perform them in complete form. This is because the state of being on a journey that makes the shortening permissible has disappeared.

Is it necessary to observe a sequence while making up the ritual prayers? If the person who is making up the prayer is called *ṣāhib al-tartīb*, then it is necessary to follow the

1706. Ibn Abidīn, *ibid*, I, 330, 688; Hamdi Döndüren, *Delilleriyle İslam Hukuku*, Istanbul 1983, p. 142, 143.

1707. Ibn al-Humām, *ibid*, I, 405; al-Maydanī, *ibid*, I, 110.

order between the missed ritual prayer and the current ritual prayer. If he is not a *ṣāḥib al-tartīb*, he can perform other prayers without making up the missed prayer.

For a person to be considered as *ṣāḥib al-tartīb*, he should not have more than six prayers missed. When the six daily prayers, i.e. including the *witr* prayer, are missed, the person is no longer considered *ṣāḥib al-tartīb*. The person who is not a *ṣāḥib al-tartīb* is no longer required to observe an order between making up the missed prayers, nor between the missed prayers and the daily prayers.

If a *ṣāḥib al-tartīb* misses a *farḍ* prayer or the *witr* prayer, which is *wājib* according to Abu Ḥanīfa, without an excuse or due to an excuse that does not relinquish the responsibility of the ritual prayer, such as menstruation and post-partum bleeding, he or she must make up the missed prayer before performing the first prayer.

For example, if a *ṣāḥib al-tartīb* falls asleep during the dawn prayer, he has to make up this prayer before performing the noon prayer of that day. If he performs the noon prayer first, this prayer will be invalid according to Imam Muhammad, since the order is not observed. According to Abu Yusuf, the performed noon prayer ceases to be *farḍ* and turns into supererogatory. According to Abu Ḥanīfa, it becomes temporarily invalid. In other words, if, after that, he or she performs five more daily prayers without making up the dawn prayer, all of these six times will be valid. However, if he misses the dawn prayer before performing the five daily prayers, his prayers will be invalid and they must be performed again.

If the missed prayers are varied and there is only enough time to perform the time prayer and only some of the missed prayers, according to sound opinion, the obligation to observe the order of the ritual prayers is dropped.

Evidence for the requirement for a *ṣāḥib al-tartīb* to observe order between the ritual prayers is as follows; When the Messenger of Allah (*saw*) could not perform the four daily prayers in the Battle of the Trench, he put them in order and performed them before performing the current ritual prayer. Another evidence is the saying of Ibn Umar (*r. anhumā*), “Whoever among you cannot perform a prayer but remembers it while praying with the imam, let him complete his prayer. After that, let him perform the forgotten prayer and then let him re-perform the prayer that he performed with the imam.”¹⁷⁰⁸

Three reasons for relinquishing the obligation to observe the order:

- a) If the number of missed prayers is six or more, excluding the *witr*,
- b) If the recommended time is not enough to perform both making up the missed prayer and performing the prayer of the time together,
- c) Forgetting the missed prayer while performing the current ritual prayer because forgetfulness is a valid excuse.

1708. Al-Zaylaī, *ibid*, II, 162.

According to Imam Shafi‘i, it is not necessary to observe the order between the missed prayers and the current prayers, but perhaps it can be considered *mustaḥab*.

Moreover, when there are many missed prayers, it is not necessary to make an intention by specifying them because there is much difficulty in doing so. For example, it is sufficient to intend to perform the first or the last dawn prayer or the noon prayer that was missed.

If a person does not know how many ritual prayers have been missed, he or she acts according to her or his predominant opinion. If such a decision cannot be made, he or she has to perform the missed prayers until he or she is satisfied that the debt of performing the missed ritual prayers has been paid.

If a person doubts whether he has performed a prayer or not and if the time has not ended yet, he needs to perform it again, and if he doubts after the time ends, nothing further is required. For the allocated time, which is the cause of the *farḍ*, has ended. A Muslim needs to perform his or her ritual prayer on time.

If the congregational prayer has commenced in the presence of the person performing a missed prayer, he does not attend the congregation until he completes performing the missed prayer.

Making up the missed prayers belonging to the same time can also be performed in the congregation.

It is more appropriate to make up the missed prayers at home. For revealing one’s bad deed may be considered an affront against Allah Almighty and may set a bad example for others.

Missed prayers can be made up at any time during the day other than the three prohibited times. These three prohibited times were determined as follows in a hadith narrated by Uqba Ibn Amir, “There are three times when the Prophet forbade us to pray and to put our deceased in the graves. These are the time of sunrise, the time when the sun is at its zenith, and the time of sunset.”¹⁷⁰⁹

Other than these three times, even after performing the obligatory cycles of late afternoon and dawn prayers, missed prayers can be made up.

If a woman makes a vow to perform the ritual prayers or fast tomorrow, but she starts to menstruate that day, she has to make up those ritual prayers or fast after her menses ends.

Making up missed prayers is more important than performing supererogatory prayers. However, the *sunnah* cycles attached to the five daily prayers are exempt from this rule, whether they are *mu’akkad* or not. In other words, it is not appropriate to abandon these *sunnah* cycles with the intention to make up missed prayers in their place. On the

1709. Muslim, Misafirīn, 293; Abū Dawūd, Janā’iz, 51; al-Tirmidhī, Janā’iz, 41.

contrary, it is more appropriate to intend to perform these *sunnahs*. Even prayers about which there are hadiths, such as the mid-morning prayer and the *tahajjud* prayer, are upheld within the same principle. It is more appropriate to perform them in this way as *nafileh*. This is because these *sunnah* prayers complete the obligatory prayers, and there is no compensation for them at any other time. Since there is no specific time to make up the missed prayers, they can be compensated.

According to the Ḥanafis, it is not appropriate for a person who commits a sin by leaving the obligatory prayer to make it up later, to neglect the *sunnahs* in order to get rid of that sin. How can it be appropriate for such a person to abandon some of the *sunnahs* and supererogatory practices that would be instrumental in the manifestation of the Prophet's (*saw*) intercession, when he should be seeking refuge in Allah's forgiveness by worshipping more? Would it not be a twice-over error to leave both the *fard*s to be made up later and to isolate the daily prayers from their *sunnahs*? Therefore, this is the preferred view of the Ḥanafis.



XIX – *İŞQĀṬ* AND *DAWR*

İşqāṭ means to fulfill the debt and to get out of debt. *İşqāṭ* in acts of worship refers to the process of paying monetary compensation to the poor in order to drop the responsibility of a person who dies without fulfilling or making up certain acts of worship such as prayer, fasting, sacrifice, votive acts, and atonements. In Islamic legal texts, mostly the terms *işqāṭ aṣ-ṣalat* and *işqāṭ aṣ-ṣawm*, which mean to drop the debts of prayer and fasting, are used. In such places, the term *fidya* refers to the in-kind or cash payments to be made to the poor from the inheritance of such a person after his or her death, in order to drop the responsibility of such acts of worship from the person who did not fulfill them while he or she was alive. The term *dawr* is used to refer to the process done to increase the total amount allocated for *işqāṭ* when it is less than the amount calculated to cover the *fidya*.

The processes of *işqāṭ* and *dawr* apply to the obligatory or *wājib* prayers that were not fulfilled while the person was in good health. The five daily obligatory prayers, *witr* prayers, Ramadan fasting, sacrifice, and votive acts are of this nature.

Is it possible for a person who dies with the debt of many obligatory or *wājib* prayers that he did not perform due to excuse or just because of laziness, even though he could perform them by gestures, to be freed from the responsibility of such prayers by giving charity out of his wealth? According to some jurists, if such a person makes a will while he is alive, one-third of his estate can be paid as a *fidya* for each unfulfilled obligatory prayer and *witr* prayer, and an invocation is made to Allah Almighty for that person to be forgiven. The amount of *fidya* paid for *işqāṭ* is equal to the *fidya* paid to compensate for unobserved fasting, which is half a *ṣā'* of wheat (according to the religious dirham, 1 *sā'* is equal to 2.917 kg; and according to customary dirham, it is equal to 3.333 kg.) However, basically, a *fidya* should be equivalent to the daily cost of eating and drinking for a poor person.

If the deceased has not left a bequest for *işqāṭ aṣ-ṣalat*, the donations made by his sane and adolescent heirs can be treated as *işqāṭ aṣ-ṣalat*. The spiritual rewards of the charity to be made by a stranger on behalf of the dead are also recorded in the account of the dead.

A person cannot pay *fidya* for unobserved ritual prayers while he or she is still alive. This is because it is possible for him or her to make up these missed prayers. However, if the person makes a will, taking into account that he or she will not be able to make them up, this will is fulfilled from one-third of his or her inheritance if he or she has heirs, or from the whole inheritance if he or she has no heirs.

If the money allocated for the *fidya* to be paid for unobserved prayers is not sufficient, it can be given to ten poor people by means of *dawr* or to one or more poor people in this way.

The concept of *dawr* works as follows: For example, if a person who has the debt of unobserved prayers for a year dies, the number of prayers in one month with *witr* prayer is 180 prayer times, and the total number for a year reaches 2160 times. If the *fidya* amount of that year is 20 TL, the total amount needed for *işqāt aş-şalat* will be 43,200 TL. If there is, for example, 4320 TL reserved for *işqāt aş-şalat*, 4320 TL will be donated to ten poor people as 432 liras each. The poor will donate the money back to the heir of the dead. When this mutual donation is done 10 times, the total amount of *fidya* for one year's prayer will be reached. Or, all of the money can be given to one of the ten poor people, and it is considered to be multiplied ten times when they circulate the money by donating it to each other ten times.

However, the process called *dawr*, which is applied as a formality, without meaning is a far cry from sincerity. This is because the ritual prayer is a bodily act of worship. With such formalism without true meaning, there is no definitive proof that the believer will be freed from the debt of unfulfilled ritual prayers.

On the other hand, the guardian of the deceased cannot fast and perform the missed ritual prayers on behalf of the deceased. However, he or she can donate the spiritual rewards of the acts of worship that he or she performs to a dead Muslim. It is hoped that the dead will benefit from such rewards.

Evidence of *işqāt aş-şalat* is based upon the fact that those who cannot fast pay the *fidya* instead.¹⁷¹⁰ A group of Companions, including Ibn Abbas, Ibn 'Umar, Ibn Mas'ūd, Muadh Ibn Jabal, and Salama Ibn Aqwā, stated that until the verse **"Hence, whoever of you lives to see this month shall fast throughout it"**¹⁷¹¹ was revealed during the lifetime of the Messenger of Allah (*saw*), he who wished to fast fasted and he who wished to break it broke it and fed a needy person as an expiation. However after this verse was revealed, the provision to pay *fidya* was abrogated for those who were able to fast and remained as a concessionary rule only for the ill and the elderly.¹⁷¹² The practice of the Prophet (*saw*) and the Companions was also indicative to be in this direction. There is a consensus among scholars on this issue. The practices related to *işqāt aş-şalat* and *işqāt aş-şawm*, which emerged in the Muslim nations and exceeded its purpose, basically extended the provision of the verse, which is basically limited only to those who cannot fast because of illness or old age without hope of recovery, to all ritual prayers and fasts that were not performed or made up due to laziness, with strained interpretations and thoughts.

Based on the above principles, some Hanafi jurists compared the ritual prayer to fasting based on the evidence of *istihsān* (juristic preference). In fact, ritual prayer is more important than fasting. Therefore, it is good to take precautions and seek forgiveness from Allah Almighty by paying *fidya* for the missed ritual prayers that could not be made up.

1710. Al-Baqara, 2: 184.

1711. Al-Baqara, 2: 185.

1712. Muslim, Şiyām, 149, 150; Jaşşās, *Ahkām al-Qur'ān*, I, 218; Heyet, *İlmihal* I, T.D.V. neşri, p. 371.

Imam Muhammad said in his book “*Ziyādāt*” that “Insha’Allah it will be enough” regarding the payment of *fidya* to cover the unobserved ritual prayers. If it was based on textual evidence or analogy that the payment of *fidya* would be able to relinquish the responsibility, he would have used a more confident expression. Leaving the matter to Allah’s will shows that this is nothing but hopefulness. On the other hand, Ibn al-Humām says in his work “*Fath al-Qadīr*”, that according to the *istihsān* (juristic preference) of the Ḥanafī imams, prayer is similar to fasting and that the relation between fasting and *fidya* is also applicable between prayer and *fidya*. If this similarity is established, the purpose is achieved. Otherwise, payment of *fidya* for the unfulfilled prayers will be in the nature of good deed and charity. Good deeds and charity remove the evil and the following is stated in a verse, “**For, verily, good deeds drive away evil deeds.**”¹⁷¹³

After performing the process of *dawr* for the *fidya* of prayers, it is performed also for the atonements of fasting, sacrifice, and broken oaths. A certain amount of “*dawr*” is also performed for supererogatory prayers that have been invalidated and not made up for, votive prayers, and unoffered sacrifices.

In conclusion, if the *fidya* is to be given after the death of the person for debts such as prayers, fasts, oaths, and vows, it must be realistic. While still being alive, a believer should determine the obligatory and *wājib* acts of worship that he could not perform, and if possible, he should make up for them while he is alive. If this is not possible, he or she should sincerely allocate up to one-third of his wealth for the payment of *fidya* for his or her unfulfilled obligations by issuing a will. If the wealth allocated is not enough to cover the payment of *fidya*, then it is hoped that Allah Almighty will forgive the unpaid amount.

We will finish this subject by mentioning the ease that the Messenger of Allah (*saw*) showed to the poor Companions in the expiation of fasting. According to a narration from Abu Hurayra (*ra*), the Messenger of Allah (*saw*) said, “A man came to the Messenger of Allah (*saw*) and said; ‘I am ruined.’ The Prophet asked, ‘What is it that ruined you?’ The man said: ‘I had sexual intercourse with my wife during Ramadan.’ The Messenger of Allah (*saw*) said, ‘Free a slave.’ The man replied, ‘I can’t find any slaves’. The Prophet said, ‘Fast two consecutive months.’ When the man said, ‘I cannot do that,’ the Prophet said, ‘Feed sixty poor people.’ When the man said, ‘I cannot do that,’ then dates enough to feed sixty poor people were brought. The Messenger of Allah informed him to distribute the dates as charity to the poor. When the man said that there was no one poorer than him in Medina, the Messenger of Allah (*saw*) smiled and said, ‘Go eat these with your family.’”¹⁷¹⁴



1713. Hūd, 11: 114; For more information, see Ibn Abidīn, *ibid*, I, 685 ff.; al-Shurunbulālī, *Marāq al-Falaḥ*, 24 ff.

1714. Al-Shawkanī, *ibid*, IV, 214. A basket (*zanbil*) is a scale of fifteen *ṣā'* and 1 *ṣā'* is about 3 kg. Al-Tabaranī states in his *Awṣat* that the date brought in this incident was twenty *ṣā'*s, that is, approximately 60 kg.

XX – FUNERAL AND ITS RITUAL PRAYER

A – RECOMMENDED ACTS BEFORE DEATH AND DURING DEATH

The event of death is basically a transfer from one realm to another. In this sense, death is not annihilation, but the separation of the soul from the body. According to the majority of scholars of Islamic theology, the soul is a sublime being intertwined with the body, like water penetrating a wet tree. According to the *Ahl al-Sunnah* creed, the soul is interminable, so it does not disappear. The meaning of Allah Almighty's verse, ***"It is Allah who takes the souls (of men) when they die"***¹⁷¹⁵ means that this takes place "when their bodies die". Allah has given a great value to the human being and has ordained a life that extends to eternity for him or her. In fact, human life can be divided into four phases: a) The time between the creation of the spirits and the time when the spirit is blown into the body, b) the life in this world, c) the life in the grave (*barzakh*), and d) the life in the hereafter that extends to eternity.

Remembering death and preparing for it is recommended for every Muslim. As a matter of fact, the Messenger of Allah (saw) said, *"Increase in remembrance of the severer of pleasures (i.e. death)"*¹⁷¹⁶, and *"Remember death and the decay of bones and corpses after death. Whoever desires the life of the hereafter abandons the adornments of the life of this world."*¹⁷¹⁷ Even if a believer is very pious or sinful, his wish for death is not welcomed. According to a narration from Abu Hurayra, the Messenger of Allah (saw) said, *"None of you should wish for death. Either he is a doer of good, so perhaps he may do more good, or he is an evildoer but perhaps he will give up his evil ways."*¹⁷¹⁸ The narration from Anas Ibn Malik is as follows, *"None of you should wish for death because of some harm that befalls him, rather he should say: O Allah, keep me alive so alive so long as life is good for me, and cause me to die when death is good for me."*¹⁷¹⁹

Visiting the ill is a sunnah and Barā' ibn 'Āzib (ra) said: "The Messenger of Allah (saw) ordered us to attend funerals and visit the ill."¹⁷²⁰ In a hadith narrated by Abu Hurayra (ra) that is *marfū'*, it is stated, *"A Muslim has six rights over another Muslim: a) Greet when you meet him, b) Attend to his invitation when he invites, c) Give advice when he asks for advice, d) When he sneezes and says alḥamdulillāh", say "yarḥamuh"*

1715. Al-Zumar, 39: 42.

1716. Al-Tirmidhī, Zuhd, 4; Qiyāmah, 26; al-Nasā'ī, Janā'iz, 3; Ibn Maja, Zuhd, 31.

1717. Al-Tirmidhī, Qiyāmah, 24; Aḥmad ibn Ḥanbal, I, 387.

1718. Al-Nasā'ī, Janā'iz, 21, Hadith No: 1818, 1819.

1719. Al-Nasā'ī, Janā'iz, 21, Hadith No: 1818-1821.

1720. Al-Bukhari, Marḍā, 4.

kallāh (May Allah have mercy on you), e) Visit him when he is ill, and f) When he dies, attend to his funeral."¹⁷²¹ When Umm al-‘Alā (r. anha), the aunt of Ḥākim Ibn Ḥizām got ill, the Prophet (saw) went to visit her and said to her, “*Be glad, Umm al-‘Alā! For Allah removes the sins of a Muslim for his illness as fire removes the dross of gold and silver.*”¹⁷²² It was narrated from Abu Musa (ra) that the Messenger of Allah (saw) said, “*When a slave falls ill or travels, then he will get a reward similar to that he gets for good deeds practiced at home when in good health.*”¹⁷²³

Some supplications that can be read next to a patient are reported in the hadiths. It is considered *mustaḥab* to recite the following supplication mentioned in the following hadith seven times. The Prophet (saw) said: “*If anyone visits a sick whose time (of death) has not come and says with him seven times: ‘as’alullāh, Rabba’l-‘arshi’l-‘azīm an yushfika (I ask the Almighty Allah, Lord of the Great Throne to heal you)’ Allah will cure that person’s illness.*”¹⁷²⁴

In like manner, during the visit of a patient, it is considered *mustaḥab* to recite the surahs of Ya-Sin (36), al-Mulk (67) or al-Ra’d (13), and the surahs of al-Fatiḥa (1), al-Ikhlās (112) and Muawwizatayn (113-114) in the presence of the patient.

The patient should be told things about death that will please and make him or her happy. Even if nothing can reverse the decree of Allah, it is necessary to please the heart of the patient.¹⁷²⁵ The patient is encouraged to repent and make his will because the Messenger of Allah said, “*It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him.*”¹⁷²⁶ Everyone who gets sick or encounters a calamity should be encouraged to be patient because Allah Almighty commands patience: “***And do you be patient, for your patience is but from Allah.***”¹⁷²⁷ It is reported that a sick woman came to the Prophet (saw) and said, “O Messenger of Allah! Pray Allah and so He heals me. Thereupon, the Prophet said: “*If you wish, I pray to Allah, He will heal you. Or be patient if you wish, then there will be no questioning for you.*” The woman said, “So let me be patient and there won’t be any questioning for me.”¹⁷²⁸ Abu an-Naḍr as-Sulamī (ra) narrated that the Messenger of Allah (saw) said: “*If three of a Muslim’s children die, and he remains content with Allah’s decree, they will be a protection for him from the Fire.*” A woman

1721. Al-Bukhari, Libās, 36, 45, Janā’iz, 2, Nikāḥ, 71, Ashriba, 28.

1722. Abū Dawūd, Janā’iz, 20, Hadith No: 3092.

1723. Al-Bukhari, Jihād, 56, Hadith No: 134; Abū Dawūd, Janā’iz, 20, Hadith No: 3091.

1724. Abū Dawūd, Janā’iz, 8; al-Tirmidhī, Ṭibb, 32; Aḥmad ibn Ḥanbal, I, 236, 352, II, 441. Al-Tirmidhī characterized this hadith as ‘*ḥasan-gharīb*’.

1725. Al-Tirmidhī, Ṭibb, 35.

1726. Al-Bukhari, Waṣayā, 1, Muslim, Waṣiyya, 1, 4.

1727. Al-Naḥl, 16: 127; See Hūd, 11: 110; al-Kahf, 18: 28.

1728. Aḥmad ibn Ḥanbal, I, 347.

who was with the Messenger of Allah (saw) said, 'How about two children, O Messenger of Allah?', and he said, 'Or two.'"¹⁷²⁹

B – THINGS TO BE DONE ON THE DEATH BED

The dying person should be laid on his right side and turned towards the *qibla*. For the Prophet (saw) said regarding the House of Allah "*it is the qibla of your living and dead.*"¹⁷³⁰ When her illness got worse Fatima (r. anha) said to Rafī's mother, "Turn me towards the *qibla*."¹⁷³¹ If it is not possible to turn the patient to the *qibla* due to space constraints, the patient is placed on her or his back, and the face and feet are turned towards the *qibla*. If this cannot be done, the body can be left as it is. When a person is on the death bed, water is given to the person's mouth with a spoon or cotton ball.

In a hadith, it is stated that "*Whoever's last word is lā ilāha illallah (There is no god but Allah), that person will enter Paradise.*"¹⁷³² For this reason, *kalima al-tawḥīd* is inculcated in a person who is about to die.¹⁷³³ However, the patient should not be put under pressure by forcing him or her to say it. It would suffice to recite the *kalima al-tawḥīd* and *kalima al-shahadah* to the ear of the dying and it is enough for the dying person to say these statements only once. Inculcation should be made by those whom the patient loves. Moreover, the inculcation can also include repentance as follows, "*Astagḥfirullāh al- 'aẓīm alladhī lā ilāha illā huwa, al-Ḥayy al-Qayyūma wa atūbu ilayh* (I ask forgiveness from Allah, the Supreme whom no god exists but He, the Living, and the Self-Subsistent)"

According to what Ṣaīd ibn al-Musayyab reported from his father, the Prophet (saw) was present at the death of his uncle Abu Ṭālib. Abu Jahl and Abdullah ibn Abi Umayya ibn al-Mugira were also there. The Messenger of Allah (saw) said to Abu Talib, "*My uncle! Say, 'Lā ilāha illallāh (There is no god but Allah)' so that I can testify for you in the presence of Allah,*" but Abu Jahl and Abdullah put pressure on him by saying, "O Abā Ṭālib! Will you return from Abdulmuṭṭalib's religion?" The Prophet did not continue his offer and eventually, Abu Ṭālib died while talking about Abdulmuttalib's religion. Thereupon, the Prophet (saw) said, "I will ask Allah's forgiveness for you until a ban is imposed on you." However, the following verse was revealed to limit calling such invocations, "***It is not fitting, for the Prophet and those who believe, that they should pray for forgiveness for pagans, even though they be of kin after it is clear to them that they are companions of the Fire.***"¹⁷³⁴

1729. Malik, *Muwaffā'*, Janā'iz, 39.

1730. Abū Dawūd, *Waṣayā*, 10.

1731. Al-Zaylāī, *Naṣb al-Rāya*, II, 250.

1732. Muslim, Janā'iz, 1-2; Abū Dawūd, Janā'iz, 16; al-Nasā'ī, Janā'iz, 4.

1733. Muslim, Janā'iz, 1.

1734. Al-Tawba, 9: 113; al-Bukhari, Janā'iz, 81; al-Nasā'ī, Janā'iz, 102, Hadith No: 2033.

In various hadiths, it is advised to say when hearing of a person's death or facing a calamity, *"Innā lillāhi wa innā ilayhi raji'ūn* (Verily we belong to Allah, and verily to Him do we return)" and invoke Allah for the calamity by saying, *"O Allah, I expect reward from You from this affliction, so give me reward for it, and give me a better compensation."*¹⁷³⁵ This is because Abraham had promised his father before that would he would ask Allah's forgiveness for him, but when he realized that his father was an enemy of Allah, he stopped supplicating.¹⁷³⁶

According to the narration from Umm Salama (*r. anha*), the Messenger of Allah (*saw*) said, *"Whenever you visit the ill or the dead, supplicate for good because angels say 'Amīn' to whatever you say."* Umm Salama (d. 20/640) asked the Prophet how to pray for her husband Abu Salama (d. 4/625) when he died, and the Messenger of Allah told her to pray as follows, *"O Allah! Forgive me and him (Abu Salama) and give me a better substitute than he."*¹⁷³⁷ When the Messenger of Allah was informed that Umm Salama hired a weeping woman for her deceased husband, he said to her, *"Do you intend to bring the devil into a house from which Allah has twice driven him out?"*¹⁷³⁸

According to a narration from Anas ibn Malik, the Prophet met a woman who was crying at a grave for her little child who had passed away. He said to her, *"Fear Allah and show endurance."* She (not recognizing him) said, *"You have not been afflicted as I have been."* When he (the Holy Prophet) had departed, it was said to her that he was the Messenger of Allah (*saw*), and she was mortally shocked. She came to his door and she did not find doorkeepers at his door. She said: *"O Messenger of Allah. I did not recognize you. He said: 'Endurance is to be shown at the first blow, or at the first blow.'"*¹⁷³⁹ When Umar was injured and his condition worsened, his daughter Hafsa (*r. anha*) began to cry at his bedside. Umar (*ra*) said: *"O my daughter! Do you not know that the Messenger of Allah said: 'Because of the crying of family members, the dead are punished.'"*¹⁷⁴⁰ However, jurists have said that normal tears are allowed and permissible for reasons such as love, affection, and pity for the dead, without excessiveness such as screaming, pulling out hair, tearing at clothes, or excessive crying at the will of the deceased.¹⁷⁴¹

When the patient dies, his eyes are closed and his jaw is tied with a cloth. Hands are brought to his sides. While doing this, the following prayer can be recited:

1735. See Muslim, Janā'iz, 3, 4; Abū Dawūd, Janā'iz, 18; al-Tirmidhī, Da'āwāt, 83; Malik, *Muwattā'*, Janā'iz, 42; See al-Baqara, 2: 156.

1736. Al-Tawba, 9: 114.

1737. Muslim, Janā'iz, 6. Abu Salama was the son of the Prophet's foster brother and aunt, Barra bint Abdilmuṭṭalib, and was one of the first Companions to embrace Islam and migrated to Medina. He died as a result of the worsening of the wound he received in Uhud.

1738. Muslim, Janā'iz, 10.

1739. Al-Bukhari, Janā'iz, 32; Muslim, Janā'iz, 15.

1740. Muslim, Janā'iz, 16.

1741. Muslim, Janā'iz, 16. See for the hadiths al-Bukhari, Janā'iz, 33-46.

“Bismillāhi wa ‘alā millati rasulillah. Allahumma yassir ‘alayhi amrahu wa sahhil ‘alaihi ma ba’dahu wa as’idhu bi likāika waj‘al ma kharaja ilayhi khayran mimma kharaja ‘anhu.

(In the name of Allah and in accordance with the religion of Allah’s Messenger, O my Lord! Ease his affair. Render easy his end. Make him happy to meet You. Make the place he will arrive at better for him than the place he has left behind.)

Then, the clothes of the deceased are taken off, a cloth is placed over him, and something of iron, like a knife, is placed on his belly so that the corpse does not swell. His hands are stretched out to his sides, and something fragrant is kept with him. It is *makrūh* to recite the Qur’an next to him until the body is washed. There is no harm in reciting the Qur’an aloud or silently in another room.

C – DEATH OF THE PROPHET

According to the narration from Aisha, when the “Surah al-Naṣr (110) had been revealed to the Prophet (*saw*) he did not offer any prayer except that he said therein, ***“Subḥānaka Rabbanā! wa biḥamdika, Allahumma’ghfirli*** (Hallowed be Allah and with His Praise, I seek forgiveness of Allah and return to Him)”¹⁷⁴² When he was asked why, the Prophet (*saw*) said, *“My Lord informed me that I would soon see a sign in my Ummah, so when I see it I often recite (these) words: Hallowed be Allah and with His Praise, I seek forgiveness of Allah and return to Him.”*¹⁷⁴³

When the chapter of Naṣr was revealed, the Prophet delivered a sermon and said: *“Allah gave a choice to His servant that he may opt the beauties of the world or that which is with Him, and the servant chose that which was with Him.”*¹⁷⁴⁴ Abu Bakr understood what these words meant and said, “May our lives, property, ancestors, and children be sacrificed for you!” Abbas (*ra*) wept and he said, “That is the sign of the death of Allah’s Messenger (*saw*) which Allah informed him of”, and the Messenger of Allah replied, “Yes, as you have stated”.¹⁷⁴⁵ After the Qur’anic verse that was revealed during the Farewell Pilgrimage in the tenth year of the Hijra which declared that the religion was completed,¹⁷⁴⁶ the Prophet (*saw*) returned to Medina after he had finished the “Farewell Sermon” by repeating three times: “Be careful, did I convey you the message?” He was glorifying Allah with praise. Finally, the following verse was revealed, ***“And fear the Day when you shall be brought back to Allah. Then shall every soul be paid what it earned, and none shall be dealt with unjustly.”***¹⁷⁴⁷ The Messenger of Allah lived eighty

1742. Al-Bukhari, Tafsīr, 110/1-2.

1743. Muslim, Ṣalāh, 221; Ibn Maja, Ḥudūd, 29; al-Darīmī, Riqāq, 15; Aḥmad ibn Ḥanbal, II, 282, 341, 450, III, 10.

1744. Al-Bukhari, Manāqib al-Anṣār, 45, Ṣalāh, 80; Faḍāil aṣ-Ṣaḥāba, 3; Muslim, Faḍāil aṣ-Ṣaḥāba, 2.

1745. Al-Bukhari, Tafsīr, 110/3; al-Darīmī, Muqaddimah, 14; Aḥmad ibn Ḥanbal, I, 217, 344, 356.

1746. Al-Mā’ida, 5: 3.

1747. Al-Baqara, 2: 281.

more days after the Farewell Pilgrimage. At the end of the month of Safar, he got ill with a headache and could not go to the mosque for the last three days of his life. Whenever the *adhān* was recited, he commanded, “Tell Abu Bakr to lead the people in prayer.” According to a narration from Aisha, on Monday the 12th of Rabi‘ al-Awwal (which was the day he was born), he dipped his blessed hand into a glass in front of him and wiped his face with the water and said, “O Allah, help me to bear the agonies of death.”¹⁷⁴⁸ It was mid-morning time, then his situation got worse. Aisha (*r. anha*) took him in her arms and closed his eyes to this mortal world. His last words were “O Allah! Excuse me and bestow Your Mercy on me and let me join with Raḥīq al-A‘lā (the Highest Companion).”¹⁷⁴⁹

D – WASHING THE DECEASED

It is *mustaḥab* for the deceased to be washed and shrouded as soon as possible and to be buried with the performance of the funeral prayer. The deceased is washed as follows:

The one who washes the deceased, intending to wash the body, recites the following supplication after saying *basmala*, “*Ghufrānaka yā Raḥmān* (This deceased is now with Your forgiveness and mercy, forgive him, O Most Merciful Allah!)” until the washing is finished. Those who wash the body need to be in a state of minor ablution.

The corpse, whose clothes are taken off and covered with a cloth between the knees and the navel, is laid on a wooden ottoman called *teneşir* for washing, with its feet facing the *qibla*. Men wash the dead men and women wash the dead women. Someone helps the person washing the dead by pouring water.

According to the Ḥanafis, if most of the body of a dead Muslim including his head is found, his body is washed, shrouded, and prayed over. However, if there is half of the body without the head or if most of the body is lost, then the body is not washed, prayed over, but just wrapped with a piece of cloth and buried.

According to the Malikis, two-thirds of the body of the deceased, including the head, must be found in order for it to be washed. If two-thirds of the body is not found, it is considered *makrūḥ* to wash it.

According to Imam Shafi‘i, Imam Ahmad Ibn Ḥanbal, and Ibn Hazm, even if a small piece of the dead body of a Muslim is found, it is washed, shrouded, and prayed over. Imam Shafi‘i bases his view upon the following evidence: In the incident of the camel, a bird brought a severed hand to Mecca and dropped it. The Meccans recognized whose hand it was and they prayed by washing this hand. The incident took place in the presence of the Companions and there was no opposition to this act. Ahmad Ibn Ḥanbal

1748. Ibn Maja, *Janā‘iz*, 64; al-Tirmidhī, *Janā‘iz*, 7.

1749. See *Āl Imran*, 3: 149; al-Bukhari, *Marḍā*, 19, *Faḍāil aṣ-Ṣaḥāba*, 5, *Maghāzī*, 83, 84; Muslim, *Faḍāil*, 85, 46; *Faḍāil*, 85, 87; al-Tirmidhī, *Da‘āwāt*, 76; Malik, *Muwattā’*, *Janā‘iz*, 46; Elmalılı, *NAṣr*, 110: 3.

says, “Abu Ayyub prayed over a corpse that had only one foot, while Umar prayed over a corpse that had only a bone.”

Washing the dead means performing major ablution (*ghusl*) on the dead. Therefore, anyone who knows how to perform major ablution can wash the body of the deceased. There is no additional knowledge and supplication required for washing the dead.

After the person who is going to wash the body wraps a cloth in his hand, he washes and cleans the private parts of the corpse. After that, he makes the dead person perform a major ablution. While performing *ghusl* over the body, he does not give water to the corpse’s mouth and nose but wipes them with his fingers. He washes the corpse’s face and arms, wipes the head, and washes the feet.

After that, water is poured over the dead body, and the head and body are washed with a fragrant herb called *khatmī* or soapy water, then turned to the left side and the right side is washed. After that, it is turned to the right side and the left side is thoroughly washed. It is *sunnah* to wash each limb at least three times. While washing the organs where water can hardly reach, they should be washed by rubbing. After that, the person who washes raises the corpse close to a sitting position and rubs the corpse’s stomach by leaning it towards himself. If anything comes out from under it, he just washes and cleans it, does not repeat the *ghusl*, and does not wash the whole body again. Thus, the washing process is finished, and the body is dried with a towel or similar things and shrouded. Then, nice fragrances are applied to his head, face, and beard, and camphor is poured on the limbs of prostration.

While washing the body, the beard of the dead is not combed, and his hair and nails are not cut. If the deceased is not circumcised, he is not circumcised. It is better to wash the dead in a closed place.

The dead person should be washed by someone close to him or her and someone with good character and who knows how to wash a corpse.

According to the Ḥanafis, a woman can wash her deceased husband because while the woman is waiting for the death period of four months and ten days, it is accepted that the bond of her marriage still continues. But the husband cannot wash his dead wife. This is because the man does not have to wait for *iddah*, when his wife dies, the marriage bond between them is considered to be broken. According to the other three schools, the husband can also wash his wife. If there is no woman to wash, the husband may perform *tayammum* on his dead wife.

If there is a close male relative (*maḥram*) of a woman who dies among men, that male relative can perform *tayammum* on the woman’s body. If there is no *maḥram*, a non-*maḥram* man can wrap a cloth around his hand and perform *tayammum* on the woman’s body without looking.

A man can wash a little girl who has not yet reached puberty if there is no female washer, or a woman can wash a minor boy in the same situation when necessary.

A person who has drowned in water is washed by moving it in the water three times. However, a dead body being found in the water does not free other Muslims from fulfilling the obligation to wash the dead body.

When there is no water, *tayammum* is performed on the corpse.

Simply pouring water is sufficient on a corpse that is swollen and about to disperse and cannot be touched.

According to the Ḥanafis and the Malikis, the stillborn child as a result of miscarriage is not washed and is wrapped in a piece of cloth and buried. According to the Shafi'is, if a fetus is miscarried before the pregnancy is, legally speaking, "complete" (that is before the mother has completed six months and two moments of her term), it will either be known to have been alive, in which case it must be washed as if it was alive, or it will not be known for certain to have been alive. If it is uncertain whether the fetus had been alive and if its bodily features are recognizable, it must be washed but not prayed over; but if its bodily features are not yet recognizable, it is not necessary to wash it. The Hanbalis hold that if a fetus is miscarried before it has been in its mother's womb for four entire months, it must be ritually washed, whereas if it has been in its mother's womb for any less than this, its ritual washing is not required.¹⁷⁵⁰

Even if all relatives of a deceased Muslim are non-Muslims, his body is not given to them. This is because it is the duty of the Muslims to bury him in the Muslim cemetery by carrying out all funeral requirements and enshrouding the body.

E – ENSHROUDING THE DECEASED

It is a collective obligation upon Muslim society to enshroud the deceased man or woman in such a way as to cover their bodies. The cloth that the corpse is wrapped in after washing and drying are called the "shroud".

According to the Ḥanafis, the man's shroud consists of three layers of cloth, one without sleeves and collars, with a seamless circumference, one to hold the place for the shirt (*qamīs*), one for the pants and skirt (*izār*), and one for the place of the wrap (*lifāfa*). The woman's shroud consists of five layers of cloth. In addition to the above-mentioned three layers, there is a headcover and a chest cover. These are necessary pieces for enshrouding according to *sunnah*. In principle, the shroud should be suitable for the wealth of the deceased. If these pieces of cloth cannot be found, it can be satisfied with only *izār* and *lifāfa* for men and a head covering to be added to these two for women. This is called sufficient shrouding. If this amount cannot be found, then only one layer of cloth is enough for men and women. In this case, the dead are buried by wrapping them in

1750. Jaziri, *ibid*, pp. 670-671

one piece of cloth, which is called necessary shrouding. As a matter of fact, some of the Companions were enshrouded in their own clothes and buried due to necessity.¹⁷⁵¹

Qamīs is a cloth in place of a shirt that extends from the neck to the feet. *Izār* is a piece of cloth that stretches from head to toe, in place of a pant or skirt. *Lifāfa* works as a wrap and is a cloth that extends from head to toe, knotted by the head and foot. Therefore, it is slightly longer than the *izār*.

It is more virtuous if the shroud is made of white cotton cloth. It does not have to be new or washed. It is customary to smoke the shroud several times with incense before wrapping the dead body.

According to the Shafi'is, the shrouds consist of three robes for both males and females. Each robe should cover the entire body with the exception of the head of a man who was in a state of ritual consecration for the major pilgrimage, and the face of a woman who was in such a state. If the deceased is a man, an additional shirt may be placed on the body under the three robes mentioned above, as well as a turban on his head. However, it is preferable that only the three robes be used. If the deceased is a female, the ideal practice is for her grave clothes to consist of five pieces: (1) an *izār*, (2) a *qamīs*, (3) a veil, and (4) two 'wrappers'.

According to the Malikis, it is recommended that the grave clothes be placed over a single robe for both men and women. They hold that it is preferable for a man to be wrapped in five items: (1) a tunic with sleeves, (2) an *izār*, (3) a turban with a tassel which is one cubit (about 46 cm) in length and which is cast over his face, and (4) two wrappers. As for the woman, her body is to be wrapped in seven items: (1) an *izār*, (2) a tunic, (3) a veil, and (4) four wrappers. The Hanbalis distinguish two types of grave clothes: (1) obligatory, and (2) Sunnah-based. The obligatory type of grave clothes consists of a robe that conceals the entire body of the deceased regardless of his or her gender. As for the Sunnah-based type of grave clothes, they differ according to the deceased. If the deceased is a man, it is an emulation of the Sunnah for him to be wrapped for burial in three white cotton wrappers. Adult females are to be wrapped in five white, cotton items, namely: (1) an *izār*, (2) a veil, (3) a tunic, and (4) two wrappers.¹⁷⁵²

The woman's hair is to be plaited into two braids, which are then placed on her chest over the tunic according to the Ḥanafis, and to be allowed to fall behind her according to the Malikis. Upon the tunic, the headscarf is wrapped covering her face as well. Then the *izār* is wrapped around it and the chest cover is tied over the *izār*. Then, the *lifāfa* is wrapped.

The shroud is a continuation of a person's *hijāb* (covering certain parts of the body), required for the person when he or she is alive. The cost of the shroud should be covered by the deceased person's own wealth. If he or she has no wealth, his or her relatives are

1751. See al-Bukhari, Janā'iz, 19-29; Abū Dawūd, Janā'iz, 29-32.

1752. Jaziri, *ibid*, pp. 686-688.

required to provide his or her subsistence. If there is no such person, it will be necessary for other Muslims to cover the costs of enshrouding and other funeral-related expenses. A public office or an institution such as a foundation may also cover such expenditures on behalf of the Muslim community.

Whether a woman who dies while she is married has any wealth or not, the cost of her enshrouding belongs to her husband. This is the view preferred by the Ḥanafis. According to Imam Muhammad and Imam Shafi'i, the funeral expenses of the woman who does not leave any property are covered by her relatives who are required to provide her subsistence.

F – FUNERAL PRAYER

The funeral prayer is a prayer that does not have *rukū'* or prostration, it starts with *takbīr* and ends with the salutation, it can be performed standing and facing the *qibla* and in the state of ritual purity (*wuḍū*) at any time except sunrise and sunset. It is a communal obligation upon Muslims living in the town where the funeral is located, to perform the funeral prayer and to say the last prayer for a believer who is washed and shrouded. In other words, when some Muslims in the town perform this prayer, the obligation is removed from all others. If the funeral prayer is not performed at all, all Muslims in that town are responsible and sinful.

The condition of the funeral prayer is intention. In this intention, the gender of the deceased whether it is a minor boy or a girl is stated. A person who leads the funeral prayer starts it by intending to pray for the deceased for the sake of Allah and to invoke for the deceased. Also, he does not have to intend to lead the congregation. Each one of the people in the congregation intends to perform that funeral prayer for the sake of Allah, to invoke for the deceased, and to follow the imam. If the deceased is a man, it is intended with the following words, "for this man", and if for a deceased woman it is "for this woman". The intention also takes into account if the deceased is a child. If a member of the congregation does not know whether the deceased is male or female, he intends by saying, "pray and invoke with the imam for the deceased on whom the imam will pray and invoke."

The essential pillars of the funeral prayer consist of *takbīrs* and standing (*qiyām*). There is no *rukū'* and prostration in funeral prayer, and there is no reciting of the Qur'an or *tashahhud*. Its conditions are six: The deceased must be Muslim; the place where the deceased is placed must be clean; the deceased must be placed in front of the congregation; most of the body parts or half of the body must be present; the deceased must be placed on the earth; the person who will pray must be standing on the ground, not sitting on a mount, or standing on it.

It is not necessary to have a large congregation at the funeral prayer. Yet, if only a man or a woman performs this prayer, the obligation is fulfilled. If only women lead the

congregation, that would also be considered sufficient. Since women also have the right to join the congregation like men, they have the right to attend the congregation at the funeral.¹⁷⁵³ As a matter of fact, it is reported that Uthmān, Ibn Umar, and Abu Hurayra performed the funeral prayers in Medina with the congregation of men and women. In such a case, it would be per the sunnah for women to stand in the back rows. However, if the lines extend backward, women's passing to the back row may create difficulties at the funeral. In such a case, it is permissible for women to be on the right or left sides of the congregation, leaving a space in between. As a matter of fact, in the prayers performed in the Ka'ba, women perform their prayers in separate groups, in front of the men or to their sides, leaving a gap in between.

The greater the number of congregations in the funeral prayer the greater the spiritual rewards. Aisha (r. anha) narrated that the Messenger of Allah (saw) said: "*If a hundred Muslims perform the funeral prayer of a deceased and all of them seek intercession for him, intercession will be allowed for that person.*"¹⁷⁵⁴

Ibn Abbas (ra) narrated that the Messenger of Allah (saw) said, "*If any Muslim dies and forty men who associate nothing with Allah stand over his prayer (they offer prayer over him), Allah will accept them as intercessors for him.*"¹⁷⁵⁵

The sunnah acts of the funeral prayer are four:

a) The deceased should be placed at the level of the imam's chest,

b) To recite the supplication of "*subḥānaka*" with the addition of the sentence "*wa jalla thanāuka*" after the first *takbīr*. It is also permissible to recite surah Fatiḥa with the intention of making *du'ā* after the first *takbīr*. However, according to the Shafi'is and the Ḥanbalis, reciting the Fatiḥa is an essential part of the funeral prayer. The evidence is that Ibn Abbas recited the Fatiḥa in the funeral prayer and said that "this is sunnah".¹⁷⁵⁶ According to the Malikis, reciting the Fatiḥa is *makrūḥ tanzihan*.

c) After the second *takbīr*, reciting the supplications of "*ṣalli - bārīk*",

d) To pray for the dead himself and other Muslims after the third *takbīr*. Although there is no condition other than that the prayer should be related to the hereafter, it is better to make the following prayer compiled from the prayers of the Prophet.

اللَّهُمَّ اغْفِرْ لِحَيِّنَا وَمَيِّتِنَا وَشَاهِدِنَا وَغَائِبِنَا وَذَكَرِنَا وَأَنْثَانَا وَصَغِيرِنَا وَكَبِيرِنَا.
اللَّهُمَّ مَنْ أَحْيَيْتَهُ مِنَّا فَأَحْيِهِ عَلَى الْإِسْلَامِ وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى
الْإِيمَانِ وَخُصَّ (هَذِهِ) هَذَا الْمَيِّتَ بِالرُّوحِ وَالرَّاحَةِ وَالْمَغْفِرَةِ وَالرِّضْوَانِ.

1753. Malik, *Muwaffā'*, Janā'iz, 24.

1754. Muslim, Janā'iz, 59.

1755. Muslim, Janā'iz, 52.

1756. Al-Bukhari, Janā'iz, 66.

اَللّٰهُمَّ اِنْ كَانَ مُحْسِنًا فَزِدْ فِيْ اِحْسَانِهٖ وَاِنْ كَانَ مُسِيًّا فَتَجَاوَزْ عَنْهُ وَلَقَّهٖ
الْاَمْنَ وَالْبُشْرٰى وَالْكَرَامَةَ وَالزُّلْفٰى بِرَحْمَتِكَ يَا اَرْحَمَ الرَّاحِمِيْنَ

“Allāhumma’ghfir li ḥayyīnā wa mayyitīnā wa shāhidīnā wa ghāibīnā wa zakarīnā wa unthānā wa saghīrīnā wa kabīrīnā. Allāhumma man aḥyaytahū minnā fa aḥyihī ‘alā’l-Īslām, wa man tawaffaytahū minnā fa tawaffahū ‘alā’l-imān. Wa ḥuṣṣa ḥādha’l-mayyita bi’r-rawḥi wa’r-rāḥati wa’l-maghfirati wa’r-riḍwān. Allāhumma in kāna muḥsinan fa zid fī iḥsānihī, wa in kāna mustān fa tajāwaz anhu, wa laqqihī’l-amna wa’l-bushrā wa’l-karāmata wa’z-zulfā, bi rahmatika yā arḥama’r-rāḥimīn.”

“O Allah, forgive those of us who are living and those of us who are dead, those of us who are present and those of us who are absent, our male and our female, our young and old ones. O, Allah! To whomsoever of us You give life, grant him life as a believer, and whomsoever of us You take in death take him in death as a follower of Islam. O, Allah! Give ease and comfort to this dead person, forgive him. O, Allah! If this person was a good person, increase his goodness; if he was an evildoer, forgive his sins. Bring him closer to your trust, glad tidings, bounties, and mercy. O Allah, the Most Merciful of those who show mercy!”¹⁷⁵⁷

If the deceased is female, the pronouns after “*wa ḥuṣṣa*” are read accordingly in the female form. Such as “*Hādhihi’l-mayyita... in kānat muḥsinatan fa zid fī iḥsānihā wa in kānat mustātan fa tajāwaz an sayyiatihā wa laqqīha’l-amna...*”

Those who do not know these prayers by heart can also recite other suitable prayers that come easily. The supplication of “*Rabbanā ātinā*” is one of them. He can also say the following supplication, “*Allāhummaghfir lī wa lahu wa li’l-mu’minīna wa’l-mu’mināt*” (O Allah! Forgive me, this dead person and all believers)

For the mentally ill and young children, there is no need to ask for forgiveness from Allah for they have no sin. For them, the following supplication is added after “*fa tawaffahū ‘alā’l-imān*” to the funeral supplication:

“Allāhumma’j’alhu lanā faratan, Allāhumma’j’alhu lanā ajran wa zuhran, Allāhumma’j’alhu lanā shaft’an mushaffa’an”

“O, Allah! You make him a means of reward for us sent before us, O Allah! Make him a means of reward for us and the provision of the hereafter. O, Allah! Make him an intercessor for us whose intercession is accepted in the hereafter”

After the recitation of these supplications, the imam utters the fourth *takbīr*, then offers greetings first to the right and then to the left, and the congregation ends the prayer by offering greetings silently. With this *wājib* salutation, the intention is to greet the

1757. Abū Dawūd, Janā’iz, 54, 56, Hadith No: 3201; al-Nasā’i, 38, 77; Ibn Maja, Janā’iz, 23.

deceased, the congregation, and the imam. A person who cannot reach the beginning of the funeral prayer immediately says the opening *tabbīr* and starts to follow the imam and continues to say the other *tabbīrs* together with the imam. After the imam salutes, he utters the *tabbīrs* one after the other, and no supplications are recited after these *tabbīrs*.

If there are several funerals, it is better to perform the funeral prayer for each of them separately. The prayer of the one brought first is performed first. If all of them are brought together, the funeral prayer of the one who is more virtuous in the eyes of the people is performed first. It is also sufficient to perform one single prayer for all of them. In such a case, the corpses are arranged in a wide row and the imam stands in front of the chest level of one of them and leads the prayer. Or, the bodies can be placed in a single row, longitudinally towards the *qibla*.

The funeral prayer is not performed at three times of the day when it is *makrūh* to perform prayers, that is when the sun rises, when it is at the meridian, and when it sets.¹⁷⁵⁸ However, if it is performed at these times, it is not necessary to make it up. Funeral prayers are not performed in the cemetery or the mosque however, it is okay for some of the congregation to perform the prayer outside the mosque and some of them inside the mosque. Things that invalidate the prayer also invalidate the funeral prayer.

A person who dies while in the state of *iḥrām* during minor and major pilgrimage is washed, shrouded, incensed, and the funeral prayer is performed, but he is buried with his head uncovered. This is because the Messenger of Allah informed us that this person will rise from his grave on the Day of Judgment saying the *talbiyah*.¹⁷⁵⁹

The child who was born alive and then dies is named, washed, shrouded, and prayed over. The stillborn child is also named, washed, wrapped in a piece of cloth, but buried without the performance of a funeral prayer. If a child in the womb of a deceased pregnant woman moves then the woman's belly is cut and the child is taken out.

According to the Ḥanafis, funeral prayers are not performed for those who deliberately kill their mother or father, and for bandits and hijackers killed during a conflict. However, the bodies of those who die as a result of the application of a religious punishment are washed and their prayers are performed over them. The funeral prayer of a person who leaves Islam is not performed and he is not buried in a Muslim cemetery. The prayer of the person who commits suicide is performed. However, according to Abu Yusuf, the prayer of a person who intentionally commits suicide is not performed unless it is accidentally or due to unbearable pain.¹⁷⁶⁰

Allah's Messenger (saw) said, "*Whoever attends the funeral procession till he offers the funeral prayer over it, will get a reward equal to one qīrāt, and whoever accompanies*

1758. Abū Dawūd, Janā'iz, 50, 51.

1759. Abū Dawūd, Janā'iz, 78-80, Hadith No: 3238, 3241.

1760. See Muslim, Janā'iz, 107.

it till burial, will get a reward equal to two qīrāts.” It was asked, “What are two qīrāts? He replied, “Like two huge mountains.”¹⁷⁶¹

“Hurry up at the burial. If this dead person is righteous, it is better for you to bring him to the grave as soon as possible. If the dead person was not a good person, it is also an evil. You will have it off your shoulders as soon as possible”¹⁷⁶², and “When a funeral is ready and the men carry the deceased on their shoulders, if it was pious then it will say, ‘Present me quickly’, and if it was not pious, then it will say, ‘Woe to it (me), where are they taking it (me)?’ And its voice is heard by everything except mankind and if mankind heard it they would fall unconscious.”¹⁷⁶³

As it can be understood from the hadiths quoted above, it is necessary to bury the deceased as soon as possible without waiting. Allah Almighty accepts the good or bad testimony to be made about the dead. Therefore, it is sunnah to remember the dead with goodness. It is stated in a hadith, “Remember your deceased with kindness and cover their bad deeds.”¹⁷⁶⁴ In the contemporary world, the imam leading the funeral prayer asks the congregation, “How do you know this dead person?” and the congregation gives good testimony by saying, “We know him or her well”. However, it should be noted that asking the congregation to forgive their rights does not include material rights such as receivables, compensation, and inheritance belonging to this worldly life. Even if the congregation forgives their rights, they will not be dropped until they are paid.

The Prophet said that “paradise became necessary” for those who were remembered with goodness, and “hell became necessary” for those who were remembered for their bad deeds.” When the Companions asked the reason for this, he (saw) replied, “Angels are the witnesses of Allah in the sky, and you are the witnesses of Allah on earth.” During his caliphate, Umar (ra) said similar words about the funeral following the testimonies of the congregation, and said, “If four people testify that the deceased is good, Allah will take him to Paradise”. When the Companions asked what would happen if the number of witnesses is three or two people, it is reported that he replied, “even if it’s three or two people, it will suffice.”¹⁷⁶⁵

According to what is reported from Abu Hurayra, the Prophet (saw) informed the people that the Negus of Abyssinia had passed away on the day he died, then went out to the prayer hall with his Companions, formed a row, and led the funeral prayer by uttering *takbīr* four times.¹⁷⁶⁶

1761. Al-Bukhari, Janā’iz, 52.

1762. Al-Bukhari, Janā’iz, 52; Abū Dawūd, Janā’iz, 45, 46.

1763. Al-Bukhari, Janā’iz, 53.

1764. Abū Dawūd, Adab, 42; al-Tirmidhī, Janā’iz, 34.

1765. Muslim, Janā’iz, 60; al-Nasā’ī, Janā’iz, 50, Hadith No: 1930-1932; al-Tirmidhī, Janā’iz, 63, Hadith No: 1058, 1059.

1766. Al-Bukhari, Janā’iz, 55, 57.

The Negus in this report was the Abyssinian emperor, Ashama, who died in the ninth year of the Hijra, and the Messenger of Allah performed the funeral prayer for him in his absence in Medina. This practice took place out of necessity. According to the Ḥanafis and the Malikis, it is not permissible to perform the funeral prayer for a body that is not present.

For the deceased who is buried before the funeral prayer is performed, the funeral prayer can be performed next to the grave before the body decays. According to the narration from Ibn Abbas, when the Prophet came to the grave of a small child who was buried at night, he asked why he had not been informed, and when the Companions said, "We buried him in the dark of the night, we did not want to wake you," he formed rows and led the funeral prayer.¹⁷⁶⁷ In like manner, when the Messenger of Allah could not find a black woman who used to clean the mosque in Medina, he asked about her. When he was informed that she had died, he said, "Didn't you have time to inform me?" and went to her grave and led the funeral prayer and said: "*No doubt, these graves are filled with darkness for their owners. Allah illuminates their graves with this prayer and invocation of mine.*"¹⁷⁶⁸

According to the Ḥanafis and some jurists, it is permissible to inform one's relatives and friends about the death. Today, this announcement in Turkey, for example, is made by calling out the "*salāh*" from the mosques.

G – CARRYING AND BURIAL OF THE DECEASED

Carrying the deceased to the grave is one of the last services to be done to a believer. This transport is also an act of obedience. Therefore, if the cemetery is close, carrying the deceased on the shoulders brings great reward to the congregation.

According to the *sunnah*, four people carry the body from all four sides of the coffin. It is *mustaḥab* to carry it ten steps from all four sides of the coffin. There are many rewards for carrying it further. The corpse is carried first from the right front and then from the right rear. Then it is passed to the left side and shouldered from the left front and left back. Thus, one moves forty steps, ten steps from each side. It is also *mustaḥab* to take the deceased to the grave in haste because if he is a good person, he will be brought to the welfare that he will encounter in the grave as soon as possible. If he is a bad person, then the congregation will be freed from his evil and burden as soon as possible.

Those who watch the funeral should not talk to each other unnecessarily and loudly on the road. Even the remembrances of Allah and the Qur'an are not read aloud. One should contemplate about death and the hereafter. When the body is lowered into the grave, those who are present in the funeral procession can sit down.

1767. Al-Bukhari, Janā'iz, 56, 60; Abū Dawūd, Janā'iz, 52, 54.

1768. Muslim, Janā'iz, 71; Abū Dawūd, Janā'iz, 555, 57, Hadith No: 3203.

When a funeral procession is passing, the person sitting by the roadside should stand up until the funeral passes. This is a way of showing respect to people. Just as the Prophet (saw) stood up for a Muslim funeral, he also stood up for a Jewish funeral he came across. When the Companions informed him that he was a Jew, he said, “Isn’t he a human?”¹⁷⁶⁹ However, in the narrations from Ali and Ibn Abbas (r. *anhum*), it is understood that there is also a permission not to stand up for funeral processions of non-Muslims.¹⁷⁷⁰

While the body is being lowered into the grave, a few people who have stepped down into the grave take the dead body and lay it on its right side facing the *qibla* and its head towards the west. Meanwhile, they say “*Bismillāhi wa ‘alā millati Rasūlillāh*” (in the name of Allah and on the nation (religion) of the Messenger of Allah). They untie the bonds tied over the shroud’s head and feet side. It is more appropriate for a close male relative to bring the female down to the grave.

Things like stones and wood are placed behind the corpse to protect it from the compression of the soil. Then the grave is filled with soil and covered. In the meantime, some chapters from the Qur’an can be read at the head of the grave. Generally, chapters of al-Mulk, al-Wāqia, al-Ihlās, al-Falaq, and al-Nās, and the chapters of al-Fātiha and the first five verses of the chapters of al-Baqara are recited. The spiritual rewards of the recitation are donated to the souls of the dead and other believers. Although the Prophet did not do these things, he would stay behind while the congregation was dispersing and say: “*Seek forgiveness from Allah Almighty for your brother, and beg steadfastness for him, for he will be questioned now.*”¹⁷⁷¹

Inculcation (*talqīn*): When the dead body is placed in the grave and the congregation disperses after the recitation and invocations, the act of reminding the principles of the faith by speaking loudly to the dead at the head of the grave is called “inculcation (*talqīn*).” It is narrated that the Prophet (saw) said, “*Inculcate “lā ilāha illallāh” to your dead.*”¹⁷⁷² Most scholars interpreted the word “to your dead” in the hadith as “to your patients who were about to die”, but some Ḥanafī jurists adopted the view that such an inculcation can be made at the head of the grave, considering that there is no prohibition for inculcation after the dead is buried.

According to the Shafi‘is and some Ḥanbali jurists, it is *mustaḥab* to inculcate. According to the Malikis, it is *makrūh* to make inculcation after the deceased is buried.

Inculcation is made as follows: after the corpse is buried, a righteous person stands towards the face of the deceased and calls him three times by name, “Oh so and so...” and then says: “O son of (or daughter of) so-and-so! Remember your testimony that you stated while you were in this world by saying ‘There is no god but Allah, Muhammad

1769. Muslim, Janā’iz, 73-81; Al-Nasā’i, Janā’iz, 45, Hadith No: 1912-1918.

1770. Muslim, Janā’iz, 82-84; Al-Nasā’i, Janā’iz, 47, Hadith No: 1921-1927.

1771. Abū Dawūd, Janā’iz, 67-69.

1772. Muslim, Janā’iz, 1.

is the messenger of Allah. It is right to be resurrected after death. Doomsday will surely come. Allah will resurrect those in the graves. You were pleased with Allah as your Lord, with Islam as your religion, with Muhammad as your prophet, with the Qur'an as your guide, with the Ka'ba as your qibla, and with the believers as your brothers'. Say: 'There is no god but Allah. I trust in him. He is the owner of the Great Throne. O servant of Allah!' Say: 'There is no god but Allah.' Say: 'My Lord is Allah, my religion is Islam, my Prophet is Muhammad *alayhi's-salām*. O, Lord! Don't leave him alone. You are the best of those who give property.'"

It is hoped that such inculcations will benefit the dead and serve as a warning to the living.

It is sunnah to offer food in the house of the deceased, to express condolences to the relatives of the deceased, and to visit the graves from time to time.

Condolences should be offered to the family of the deceased. It is *makrūh* to offer condolences for more than three days in order not to refresh the grief of the relatives of the deceased. However, those who cannot be present at the funeral can offer condolences after three days. The Messenger of Allah allowed mourning for up to three days and said: "*It is not permissible for a woman who believes in Allah and the Last Day to mourn for more than three days for a deceased relative. However, four months and ten days of mourning period of a woman or her waiting period ('iddah for her deceased husband is an exception.*"¹⁷⁷³

It is unanimously accepted permissible to weep for the dead before or after burial. However, one should not raise his or her voice and speak words of rebellion against destiny. This is because when the Messenger of Allah cried when his son Ibrahim died, and when the son of his dying daughter was presented to him, tears came down his eyes, he was asked why he was crying and he said, "*It is mercy which Allah has lodged in the hearts of His slaves, and Allah is merciful only to those of His slaves who are merciful (to others).*"¹⁷⁷⁴



1773. Al-Shawkanī, *ibid*, VI, 292.

1774. See al-Bukhari, Janā'iz, 44, Tawḥīd, 25; Muslim, Janā'iz, 12, 106; Abū Dawūd, Janā'iz, 77; Ibn Abidīn, *ibid*, I, 841; al-Shirbinī, *Mughni al-Muhtāj*, I, 355 ff.; al-Shirazī, *ibid*, I, 139.

XXI – BEING A MARTYR IN THE WAY OF GOD

A – MARTYRDOM AND VIRTUE

Martyrdom is a great status. A Muslim who sacrifices his life in the way of Allah is called a “*shahīd* (literally one about whom being witnessed)” or martyr. The reason why a person is given this title is because it is witnessed that he or she is in Paradise for it is known that the martyr is alive in the presence of his Lord, or perhaps because the angels are witnesses and ready at the time of his death.

According to the Ḥanafis, the following are considered martyrs: Those who are killed by the enemy during the war or killed by rebels, bandits, or hijackers, or killed by thieves who broke into their house day or night using a heavy object or a sharp tool. In like manner, a person who is found on the battlefield in a state of blood flowing from his eyes and ears with wounds such as fractures, burns, or cuts, or the person who is killed unjustly by a Muslim with a cutting tool, is also considered a martyr.

The martyr must be a Muslim, sane and adolescent, not menstruating, not having post-partum bleeding, and not being in the state of ceremonial impurity, and must die immediately after having been shot. Martyrs who are listed above are complete martyrs, and are martyrs both in this world and in the hereafter. They are also called “true martyrs”. True martyrs are not washed or shrouded, and they are buried in their clothes. According to Ḥanafis, their funeral prayers are held.¹⁷⁷⁵

All the sins of the martyrs are considered forgiven, except for the financial debts owed to others. It is confirmed by the verses and hadiths that he has been prepared for great ranks and positions in Paradise.

Allah Almighty says: ***“Think not of those who are slain in Allah’s way as dead. Nay, they live, finding their sustenance in the presence of their Lord; They rejoice in the bounty provided by Allah: And with regard to those left behind, who have not yet joined them (in their bliss), the (Martyrs) glory in the fact that on them is no fear, nor have they (cause to) grieve. They glory in the Grace and the bounty from Allah, and in the fact that Allah suffers not the reward of the Faithful to be lost (in the least). Of those who answered the call of Allah and the Messenger, even after being wounded, those who do right and refrain from wrong have a great reward.”***¹⁷⁷⁶ Masruk (*ra*) asked Abdullah about the status of the martyrs mentioned in this verse, and he replied: we asked the same question to the Messenger of Allah (*saw*) and he said, *“The souls of the martyrs live in the bodies of green birds who have their nests in chandeliers hung*

1775. Ibn Abidīn, *ibid*, I, 848; al-Shurunbulālī, *ibid*, p. 103; al-Maydanī, *ibid*, I, 135-137; al-Shirbinī, *ibid*, I, 350.

1776. Āl ‘Imrān, 3: 169-171.

from the throne of the Almighty. They eat the fruits of Paradise from wherever they like and then nestle in these chandeliers."¹⁷⁷⁷

The Prophet (saw) said: "Nobody who enters Paradise will (ever like to) return to this world even if he were offered everything on the surface of the earth (as an inducement) except the martyr who will desire to return to this world and be killed ten times for the sake of the great honor that has been bestowed upon him."¹⁷⁷⁸, and "By Allah in whose hand is Muhammad's soul, I would like to fight in the way of Allah and be killed, then fight and be killed again, then fight again and be killed."¹⁷⁷⁹

B – PROVISIONS FOR THE MARTYRS

There are different rulings about martyrs' funerals from other funerals in terms of washing, shrouding, praying, and burial procedures.

The martyr is shrouded in his or her clothes, his or her blood is not washed, and his or her fur, overcoat, jacket, gun, khuffs, and similar additional clothes are taken off and buried in that state. The Messenger of Allah (saw) said: "Do not wash the martyrs. Because every wound and every drop of blood will spread the smell of musk on the Day of Judgment."¹⁷⁸⁰ In fact, by the order of the Messenger of Allah (saw), the martyrs of Uhud were buried with their blood on their bodies and they were neither washed nor was a funeral prayer offered for them.¹⁷⁸¹

Martyrs killed by infidels on the battlefield are not washed, they are only shrouded in clothes suitable for shrouding. If the clothes are not sufficient, it is completed. On the other hand, the clothing more than the sunnah shrouding is taken off. The martyrs are buried with their blood. According to the Ḥanafis, funeral prayers are performed for the martyrs.

As for those who are in the state of ceremonial impurity (*janābah*), menstruating, and having post-natal bleeding, if they are killed on the battlefield, according to Abu Ḥanīfa, they are washed just like children and mentally ill people. The evidence is based on the following hadith regarding Hanzala: "When Hanzala ibn Abī Amir (*ra*) was martyred in Uhud, the Prophet (saw) said: "Angels are washing your companion Hanzala." His wife was asked about this and his wife said that Hanzala had joined the army while he was in the state of *janābah* before he had time to perform ablution. At that, the Messenger of Allah (saw) said, "That was why the angels washed him."¹⁷⁸²

1777. Muslim, 'Imāra, 121; Abū Dawūd, Jihād, 25; al-Tirmidhī, Tafsīru Surah, 3: 19; Ibn Maja, Janā'iz, 4, Jihād, 16.

1778. Al-Bukhari, Jihād, 6; Muslim, 'Imāra, 108, 109; al-Nasā'ī, Jihād, 33.

1779. Al-Bukhari, Imān, 26; Muslim, 'Imāra, 103, 107; al-Nasā'ī, Jihād, 18, 30.

1780. Aḥmad ibn Ḥanbal, III, 299.

1781. Aḥmad ibn Ḥanbal, III, 299, V, 431; al-Nasā'ī, Janā'iz, 82, Jihād, 37.

1782. Al-Shawkanī, *Nayl al-Awṭār*, IV, 29.

According to Abu Yusuf and Imam Muhammad, the person who became a martyr, even if he or she is in the state of *janābah*, menstruating, postpartum bleeding, or Muslim child, he or she is not washed. If washing were obligatory, it would have been made obligatory for all the sons of Adam and it would not have been enough for the angels to wash it.

According to the majority of jurists, except the Ḥanafīs, a martyr is not washed or shrouded, and a funeral prayer is not performed over him. However, if there is an impurity other than blood, it is sufficient to wash that impurity, because the following is stated in the narration of Jabir (*ra*):

“He ordered the martyrs of Uhud to be buried with their blood on their bodies and they were neither washed nor was a funeral prayer offered for them.”¹⁷⁸³

A hypocrite who is killed by the enemy while fighting in the ranks of the Muslims in the war, although he does not really carry belief in his heart, is treated as a martyr only in terms of this world. This is also called “*shahīd hukmī* (legally martyr)”. They are not washed, a funeral prayer is not offered over them, and they are buried with their clothes.

According to the Shafī‘is, a Muslim who joins the war just for booty or to show off or steals from the booty is considered a “martyr of this world” when he is killed during the war. The fact that he fought for “*i’lā kalimatullāh*” (to glorify Allah’s name) at the same time does not change the ruling. By considering the outward appearance, that person is treated as a martyr.

Some deceased are considered martyrs only in terms of the judgment in the hereafter. For example, a Muslim who was killed by mistake and whose heirs should be given blood money, a Muslim who was injured during war or in conflict with rebels, but dies after the end of the conflict after a little eating, drinking, talking, or sleeping or taking medicine or after a prayer time passes, will only be treated as a martyr in the hereafter. They are washed, shrouded, and buried after performing the funeral prayer over them, like other deceased people.

On the other hand, Muslims who drown in water, burn to death due to a fire, die under an avalanche, landslide, or under a building, die from an illness or epidemic such as the plague, or die from a scorpion sting, or die in a foreign country while seeking knowledge, or die on a Friday night, are also accepted to be under the same category. This is also the case when a Muslim woman dies due to labor pains. They are also called “true martyrs”.

Some of those who die outside the war and were considered martyrs are mentioned in hadiths. For example, dying because of plague, cholera, suffocation, falling on something,

1783. Al-Bukhari, Janā’iz, 72, 75, 78; Maghāzi, 26; Abū Dawūd, Janā’iz, 62; Ibn Maja, Janā’iz, 28.

dying in a fire, dying while having post-natal bleeding, and dying from lung disease can be listed among these.¹⁷⁸⁴

Martyrdom is considered a great blessing. It is the greatest goodness and happiness for a Muslim to live as a Muslim and eventually die as a martyr. It is a great and positive investment for the Hereafter. However, because martyrdom is in the destiny of very few people or there are few opportunities for it, it is considered sufficient to have such consciousness in the heart of the believer. The Prophet said: *“Those who sought martyrdom with sincerity will be ranked by Allah among the martyrs even if he died on his bed.”*¹⁷⁸⁵



1784. See al-Bukhari, Adhān, 32, Jihād, 30; Muslim, ‘Imāra, 164; al-Tirmidhī, Janā’iz, 65, Faḍāil al-Jihād, 14; Aḥmad ibn Ḥanbal, I, 22, 23, II, 325, 523.

1785. Muslim, Imāra, 156, 157; Abū Dawūd, Istighfār, 26; al-Nasaī, Jihād, 36; Ibn Māja, Jihād, 15.

XXII – LIFE IN THE GRAVES AND VISITING THE GRAVES

A – LIFE IN THE GRAVE

The place where the deceased is buried is called *qabr* meaning grave. Its plural is “*qubūr*”. This place is also called a *mazār*. The life that begins with death and continues in the grave until the resurrection is called “life in the grave” or “*barzakh*”. The human being is a living being that consists of a soul and body. The creation of the soul precedes the body. Accordingly, the phases of human life can be divided into four:

a) The phase of souls: It is the period from the time the soul was created until it is blown into the body. The fetus is biologically alive during the period of up to 4 months and 10 days in the mother’s womb. After this period, the soul is blown into the body and the process of vitality begins. The collective creation of souls and their questioning are mentioned in the Qur’an as follows: ***“When your Lord drew forth from the Children of Adam - from their loins - their descendants, and made them testify concerning themselves, (saying): ‘Am I not your Lord (who cherishes and sustains you)?’ They said: ‘Yea! We do testify!’ (This), lest you should say on the Day of Judgment: ‘Of this, we were never mindful’”***¹⁷⁸⁶

b) The life of this world: The life in this world, which begins with the soul’s entry into the body and birth, is a period that continues until the soul leaves the body. The purpose of life in this world is to test how people will act and behave in this world and to see the consequences.¹⁷⁸⁷

c) Life in the grave: It begins with death and continues until the Day of Judgment.

d) Life in the next world: It is the life in the hereafter that begins with the end of the world and will last forever.

We will now offer some information about the third period, life in the grave, below.

Whether the deceased is buried in a grave or lost in the sea, whether he is burned in the fire, his ashes are scattered, or he is torn into pieces by animals, the phase of life in the grave begins on its own terms for every human being. Building graves and cemeteries have continued throughout history in all nations and lands as a continuation of the dwelling in this world as a sign of the importance given to the human being and the respect for him.

There are various verses and hadiths about life in the grave. We will give a few. The following is stated in the Qur’an: ***“In front of the Fire will Pharaoh and his men be***

1786. Al-A’rāf, 7: 172.

1787. See al-Mulk, 67: 2; Al-Baqara, 2: 55.

brought, morning and evening: And (the sentence will be) on the Day that Judgment will be established: 'Cast you the People of Pharaoh into the severest Penalty!'"¹⁷⁸⁸ This verse speaks of the existence of torment before the end of the world. This was interpreted as torment in the grave. As a matter of fact, according to the hadiths narrated by al-Tirmidhi and others, the first communication with the next world will begin in the grave as follows: When a person dies and is put in the grave, two angels named Munkar and Nakir come to him and ask him various questions such as "Who is your Lord?" "Who is your Prophet?", and "What is your religion?" When the one who has faith and good deeds answers them correctly, his grave will be expanded to seventy by seventy cubits then it is illuminated for him. Then it is said to him: 'Sleep.' So he says: 'Can I return to my family to inform them?' They say: 'Sleep as a newlywed, whom none awakens but the dearest of his family.' Until Allah resurrects him from his resting place. If he was a hypocrite or a disbeliever, he would not answer the questions. So the earth is told: 'Constrict him.' So it constricts around him, squeezing his ribs together. He continues being punished like that until Allah resurrects him from his resting place.¹⁷⁸⁹

The Prophet (saw) once passed by two graves and said, "They (the deceased persons in those graves) are being tortured not for a great thing that could have been avoided." And then added, "Yes, (they are being punished for a big sin), for one of them used to go about with calumnies while the other never saved himself from being soiled with his urine." Then he took a green leaf of a date palm and split it into two pieces and fixed one piece on each grave and said, "May their punishment be abated till these (two pieces) get dry."¹⁷⁹⁰ The tradition of planting trees next to graves is based on this hadith. Cypress tree planting has been preferred in Turkey because of the fact that it does not cover the side of the graves, that there is no risk of the branches getting into each other, and because of its steep growth above the grave.

In some hadiths, the grave is described as follows: "*The grave is either a garden from the gardens of Paradise or a pit from the pits of Hell.*"¹⁷⁹¹, and "*The grave is the first of the stops of the hereafter. Whoever escapes that stop, passes the next stops more easily. If he cannot escape, it will be more difficult to pass the next stops.*"¹⁷⁹²

The following is stated in the Qur'an regarding the life in the graves of martyrs: "**Think not of those who are slain in Allah's way as dead. Nay, they live, finding their sustenance in the presence of their Lord.**"¹⁷⁹³, and "**And say not of those who are slain in the way of Allah: 'They are dead'. Nay, they are living, though ye perceive (it) not.**"¹⁷⁹⁴

1788. Al-Ghāfir, 40: 46.

1789. See al-Baqara, 2: 154; Āl 'Imrān, 3: 169; al-Ghafir, 40: 46; al-Tirmidhī, Janā'iz, 70; al-Bukhari, Tafsīru surah, 14, Janā'iz 86.

1790. Al-Bukhari, Janā'iz 82, 89; Muslim, Imān, 34; Abū Dawūd, Ṭahāra, 26.

1791. Al-Tirmidhī, Qiyāmah, 26.

1792. Al-Tirmidhī, Zuhd, 5; Ibn Maja, Zuhd, 32.

1793. Āl 'Imrān, 3: 169.

1794. Al-Baqara, 2: 154.

According to Abu Ḥanīfa, prophets, martyrs, and children do not face the questioning and torment of the grave. However, Abu Ḥanīfa left unanswered a question about the life in the grave and the afterlife life of the children of the people of disbelief.¹⁷⁹⁵ As a matter of fact, in the hadiths from Ibn Abbas and Abu Hurayra, the Prophet (saw) gave an unclear answer to such a question by saying, “*Allah knows better what action they would have done if they had lived.*” However, following these hadiths, al-Bukhari transmitted a hadith from Abu Hurayra, “*Every child is born with a true faith (i.e. to worship none but Allah Alone) but his parents convert him to Judaism or to Christianity or to Magainism.*”¹⁷⁹⁶ Since the responsibility starts after the age of puberty, it would be more appropriate to accept the spirit of the hadith above and the unlimited mercy of Allah Almighty and to construe this to mean that children who die before this age die in accordance with the nature of Islam.

The issue of whether the torment in the grave will be applied only to the soul, the body, or both is controversial among scholars. The view that this torment will be applied to both the soul and the body seems preferable. Moreover, the nature of the soul is also not fully explained. The following is stated in the verse: “**Say: ‘The Spirit (comes) by command of my Lord: of knowledge, it is only a little that is communicated to you, (O men!)’**”¹⁷⁹⁷

B – GRAVES AND CEMETERIES

The cemetery is the place where a buried person will stay the longest. For this reason, the religion of Islam wanted the places where the graves are found to be organized, clean, and green. However, this respect for the graves is basically related to the importance given to human beings. As a matter of fact, it is stated in a hadith: “*Remember your dead with goodness and cover their bad deeds.*”¹⁷⁹⁸

It is essential that the graves should be simple and unpretentious, and that they are covered with earth.

It is stated in the Qur’an that the beginning of idolatry began with the erection of monuments to the demise of a few loved ones in the society and the worship of them by the next generations. “**And they have said (to each other), ‘Abandon not your gods: Abandon neither Wadd nor Suwa’, neither Yaguth nor Ya’uq, nor Nasr’**”¹⁷⁹⁹ These were righteous people who were loved very much among the people of Noah (as). When they passed away, their monuments were built with the inculcations of the devil, their names were given, and then, when no one knew them, new generations began to worship them.¹⁸⁰⁰

1795. Aliyyū’l-Karī, *Fikh-ı Ekber Şerhi*, Trans. Y. V. Yavuz, Ist. 1979, p. 259.

1796. See al-Bukhari, Janā’iz, 93.

1797. Al-’Isrā, 17: 85.

1798. Abū Dawūd, Adab, 42; al-Tirmidhī, Janā’iz, 34.

1799. Nūh, 71: 23.

1800. Al-Alūsī, *Tafsīr*, XXIX, 95; Elmalılı, *Hak Dini Kur’an Dili*, Azim edition, VIII, 356.

Aisha (*r. anha*) narrated that the Messenger of Allah (*saw*) said during his fatal illness: "Allah cursed the Jews and the Christians because they took the graves of their Prophets as places for praying." Aisha added, "Had it not been for that, the grave of the Prophet (*saw*) would have been made prominent but I am afraid it might be taken as a place for praying."¹⁸⁰¹ The narration that Muslim narrated from Jundab (*ra*) is as follows: "*Beware of those who preceded you and used to take the graves of their prophets and righteous men as places of worship, but you must not take graves as mosques; I forbid you to do that.*"¹⁸⁰² Again, Aisha said, "When Umm Ḥabiba and Umm Salama mentioned a church that they had seen in Ethiopia, in which there were images, the Messenger of Allah (*saw*) said: "*Those people if there was a righteous man among them, when he died they built a place of worship over his grave and made those images. They will be the most evil of creation before Allah on the Day of Resurrection.*"¹⁸⁰³ In short, when the Jews and Christians began to prostrate themselves to the graves of their prophets, to honor their glory, to attain them as their *qibla*, and regard them as idols, Allah cursed them and forbade Muslims from doing similar acts. However, a person who acquires a mosque in the vicinity of a pious person does not mean glorification, and to attain him as *qibla* but only aims for a blessing in approaching Allah should not be thought of as being within this scope.¹⁸⁰⁴

It is permissible to transfer a grave to another place in cases of necessity such as crossing a road, flooding, property belonging to someone else, or fear of the enemy destroying the grave. Jabir Ibn Abdillah (*ra*) narrates: "*My father, who was the first martyr in Uhud, was buried with a man (Amr Ibn al-Jumūh) in the same grave. I had a desire at heart for that (place for my burial). So I took him out after six months. I did not find any change (in his body) except a few hairs that touched the earth.*"¹⁸⁰⁵

It is *mandūb* to bury the dead body in the cemetery of the place where he died. However, there is no harm in transporting it to a distance of one or two miles. As a matter of fact, although the cemetery of Medina was close, the martyrs of Uhud were buried where they were martyred, and the Companions who were martyred while conquering Damascus were buried next to the gates of the city. Some consider it permissible to transfer the corpse to another place due to a necessity or need before the burial.¹⁸⁰⁶

After the body of the person in the grave decays and disappears, this grave can be opened and someone else can be buried in its place. The bones that may belong to the previously buried body are wrapped in a clean cloth and buried at the foot of the grave.

1801. Al-Bukhari, Janā'iz, 42, 96, II, 90, 91; Muslim, Masājid, 22.

1802. Muslim, Masājid, 23.

1803. Al-Nasā'ī, Masājid, 13.

1804. See al-Nasā'ī, Masājid, 13. Footnote, Çağrı neşri, II, 41.

1805. Abū Dawūd, Janā'iz, 73, Hadith No: 3232.

1806. Ibn Abidīn, *Radd al-Mukhtār*, III, 495.

Some say that it is not *makrūh* to build a building on the grave if the deceased is from the Sufi masters, scholars, and prominent men. After stating that this is permissible only in a cemetery which is not an endowment and that some people did not see any harm in this, Ibn Abidin made the following statement: According to a narration from Abu Ḥanīfa, it is *makrūh* to build a house, a dome or a similar building over the grave. Because it is reported by Jabir Ibn Abdullah (*ra*) as saying that the Messenger of Allah (*saw*) forbade the plastering of graves with lime, writing on them, constructing buildings, and sitting on them.¹⁸⁰⁷

However, in some towns, Muslims choose to lay stones or adobe bricks or made the edges of the graves concrete in order to protect them from being robbed or collapsing and to make it easy for people to find their places. Provided that it is not too extravagant and a means of showing off, such acts should be deemed within the scope of the following hadith, “*What Muslims consider beautiful is also beautiful in the sight of Allah.*”¹⁸⁰⁸ As a matter of fact, it is reported that the Prophet (*saw*) brought a stone and placed it at the head of Uthmān Ibn Maẓ‘ūn’s grave and said, “*I will recognize my brother’s grave with it and I will bury the deceased from my family next to it.*” Today, writing certain information on the gravestones is also a way of finding the graves. However, it is *makrūh* to write a verse of the Qur’an on the graves.¹⁸⁰⁹

The graves of the people of *dhimma* (Jews and Christians) living in the Muslim land are also under the protection of the Muslim society. Just as they cannot be tortured while they are alive, their graves are also inviolable after their death. However, in a place that Muslims have recently conquered, if necessary, the graves of the enemy can be opened, the bones can be gathered somewhere and this place can be used for another purpose, such as building a Muslim cemetery or a mosque.¹⁸¹⁰

C – VISITING THE GRAVES

In general, visiting graves is considered as recommended for men and permissible for women. It is *mandūb* to visit the graves of righteous people, parents, and close relatives. It is also necessary for women to follow the rules of visiting the grave and not to show excessive mourning. As a matter of fact, the Prophet recommended patience to a woman who was crying over her child’s grave and did not forbid her from visiting.¹⁸¹¹ It is also reported that Aisha visited the grave of her brother Abdurrahman Ibn Abi Bakr.¹⁸¹²

The fact is that the Prophet forbade visiting the graves at a time when the belief in divine decree had not yet taken root and the habits of ignorance had been prevalent, and

1807. Al-Tirmidhī, *Janā’iz*, 58, Hadith No: 1052; Muslim, *Janā’iz*, 94- 98; Ibn Abidīn, *ibid*, III, 491, 492.

1808. Ahmad b. Hanbal, I, 379.

1809. Ibn Abidīn, *ibid*, III, 492.

1810. *al-Fatawā al-Hindiyya*, Beirut 1980, I, 165-167; Bilmen, *ibid*, 1st. 1985, p. 259 ff.

1811. Al-Bukhari, *Janā’iz*, 7, Aḥkām, 11; Muslim, *Janā’iz*, 15.

1812. Al-Tirmidhī, *Janā’iz*, 61.

women lamented and wailed at funerals. However, later it was permitted with the following hadith. *"I forbade you to visit graves. From now on, visit the graves. Because this visit reminds you of death."*¹⁸¹³ It was narrated from Abu Hurayra (ra): "The Messenger of Allah (saw) visited his mother's grave and wept and cause those around him to weep. The Messenger of Allah (saw) then said: *'I asked my Lord's permission to pray for forgiveness for her, but I was not allowed. I then asked His permission to visit her grave, and I was allowed. So visit graves, for they make one mindful of death.'*"¹⁸¹⁴ The Prophet's parents were from families that had a decent life in the pre-Islamic period. It is better not to comment and to leave it to Allah Almighty the situation of those who are not known to have shown openly the signs of disbelief and polytheism. For among them, there may be those who follow an earlier divine religion, such as Waraqa ibn Nawfal, as well as those who are considered to be from the *hanif* religion and those who will be treated as in the period of interregnum because they did not get a divine message through a prophet.

It is not permissible to invoke Allah for those who are clearly known to have died as polytheists. As a matter of fact, Ali (ra) warned a Companion who asked for forgiveness from Allah for his parents who died as polytheists, and when this Companion said that Ibrahim also asked forgiveness for his pagan father, Ali (ra) asked the Messenger of Allah (saw) about the situation. Thereupon, the following verse was revealed: ***"And Abraham prayed for his father's forgiveness only because of a promise he had made to him. But when it became clear to him that he was an enemy to Allah, he dissociated himself from him: for Abraham was most tender-hearted, forbearing."***¹⁸¹⁵ Moreover, it is also known that after the death of Abu Talib, the uncle of the Prophet (saw), he was forbidden from invoking Allah for his uncle with the two verses revealed to him.¹⁸¹⁶

The hadiths stating that the Prophet cursed the women who visited graves frequently¹⁸¹⁷ go back to the period when visiting graves was prohibited.¹⁸¹⁸ Al-Tirmidhi made this clear. Aisha and Ibn Abdilbarr are of the same opinion. According to the sound view of the Ḥanafis, a woman's visit to the grave is permissible provided that it does not contain excessive acts because the permission about visiting graves in the hadiths also includes women.¹⁸¹⁹

Visiting the graves reminds us of the hereafter, leads people to asceticism and piety, and prevents excessive worldly greed and committing *ḥarām*. Moreover, visiting the graves of the Prophet and righteous people gives relief to the souls and helps us

1813. See Muslim, Janā'iz, 106, Aḍāḥī, 37; al-Tirmidhī, Janā'iz, 7, 60; Abū Dawūd, Janā'iz, 77, Ashriba, 7; al-Nasā'ī, Janā'iz, 100; Malik, *Muwaffā'*, Ḍaḥāyā, 8.

1814. Abū Dawūd, Janā'iz, 75-77, Hadith No: 3234; Muslim, Janā'iz, 105, 106; al-Nasā'ī, Janā'iz, 101, Hadith No: 2032.

1815. Al-Tawba, 9: 114; al-Nasā'ī, Janā'iz, 102, Hadith No: 2034.

1816. See al-Tawba, 9: 113 and al-Qaṣaṣ, 28: 56; al-Nasā'ī, Janā'iz, 102, Hadith No: 2033.

1817. See al-Tirmidhī, Ṣalāh, 21, Janā'iz, 61; al-Nasā'ī, Janā'iz, 104; Ibn Maja, Janā'iz, 49.

1818. Al-Tirmidhī, Janā'iz, 60.

1819. Al-Tirmidhī, Janā'iz, 60, 61; Ibn Abidīn, *ibid*, 1st. 1984, II, 242.

to strengthen our spiritual feelings. It would be *mandūb* to travel for such a visit. The following is stated in a hadith: “Whoever visits me after I die, it will be as if he visited me while I was alive.”¹⁸²⁰

At the beginning of every year, the Prophet (saw) would come to the graves of the martyrs of Uhud and say: “*as-Salāmu ‘alaykum bi-mā ṣabartum fa ni ‘ma uqba’d-dār*” (Peace be upon you for what you have been patient with! This is the best result in the world!) Again, the Messenger of Allah (saw) would go to the Medina cemetery to visit the dead and would say: “*as-Salāmu ‘alaykum ya dāra qawmin mu’minīn wa innā inshā-Allāhu bikum lāhikūna, as’alullāha li wa lakum ‘l-āfiyata*.” (O inhabitants of the land of the believers! Greetings to you. We will meet you, God willing. I pray to Allah for us and you, well-being and salvation from the fears and troubles of the hereafter.)¹⁸²¹ Ibn Abbas narrated that the Messenger of Allah once stopped by the Medina cemetery, turned his face to the graves, and said: “*As-Salāmu ‘alaykum, yā ahla’l-kubūr! Yagfirullāhu lanā wa lakum. Antum Salāfunā wa nahnu bi’l-asari*.” (O people of the graves! Peace be upon you! May Allah forgive us and you. You went before us, and we will follow you.)¹⁸²² Aisha came to the Medina cemetery one night, following the Messenger of Allah. Seeing her, the Prophet (saw) said: “Your Lord has commanded you to go to the inhabitants of Baqi’ (to those lying in the graves) and beg pardon for them.” Aisha said: “Messenger of Allah, how should I pray for them (How should I beg forgiveness for them)?” He (saw) said: “*as-Salāmu ‘alā ahli’d-diyār mina’l-mu’minīn wa’l-muslimīn wa yarḥamullāhu al-mustaqdimīna minna wa’l-musta’khirīn, wa innā inshā’llahu, bikum lalāhukunā*.” (Peace be upon the inhabitants of this land (graveyard) from among the Believers and the Muslims, and may Allah have mercy on those who have gone ahead of us, and those who come later on, and we shall, God willing, join you.)¹⁸²³

It is *makrūh* to pray towards a grave during a visit. It is not permissible to acquire plants, candles, and other things to burn on graves.¹⁸²⁴ However, it is permissible to do such things to illuminate the environment around the graveyard.

It is *makrūh* to sleep next to graves, to pollute the environment, to pluck out fresh grass, flowers, and trees. For it is hoped that such greenery will cause the torment of the dead to be alleviated.

It has been narrated from Ali (ra) and Anas ibn Mālik (ra) that when the chapter Ya-Sin is recited next to the grave, Allah will give ease to the dead and that the reciter will be given as many benefits as the number of the dead found in the graveyard.¹⁸²⁵

1820. Ali Nasif, Tajjī, *al-Jāmi’ al-‘Uṣūl*, II, 190.

1821. Muslim, Janā’iz, 104; Al-Nasā’i, Janā’iz, 103; Ibn Maja, Janā’iz, 36; Aḥmad ibn Ḥanbal, II, 375, 408.

1822. Al-Tirmidhī, Janā’iz, 59, Hadith No: 1053.

1823. Muslim, Janā’iz, 103; Al-Nasā’i, Janā’iz, 103, Hadith No: 2035.

1824. Muslim, Janā’iz, 97, 98; Abū Dawūd, Ṣalāh, 24; al-Tirmidhī, Ṣalāh, 236.

1825. Bilmen, *ibid*, p. 265.

CHAPTER FIVE

FASTING

- Definition and History of Fasting
- Fasting and Its Benefits
- Evidence about the Obligation of Fasting
- Types of Fasting
- Time of Fasting and Confirming the Commencement of Ramadan
- Conditions of Fasting
- Things that are *Mustahab* for a Fasting Person
- Things that are Reprehensible for a Fasting Person
- Invalidating the Fast, Making it up, and Its Atonement
- Types of Atonement
- Types of Oath
- Votive and Types of Votive
- *I'tikāf*

I – FASTING AND ITS BENEFITS

A – DEFINITION AND HISTORY OF FASTING

The term *oruç* is the Turkish equivalent of the Persian word “*rūza*”. As an Arabic infinitive, “*ṣawm* and *ṣiyām*” literally means “to stay away from something, to hold oneself against something, to prevent it, to fast”. In Islamic legal terminology, it refers to the intention of those who are qualified to fast to keep themselves away from things that invalidate the fast from the second dawn (true dawn) until sunset. In short, fasting is consciously abstaining from eating, drinking, and sexual intercourse for a certain period of time.

The time of fasting is the period from the second dawn (true dawn) until sunset. The starting time of fasting is called “*imsāk* (lit. holding)”. With the commencement of this time with the true dawn, the time for the night prayer ends and the time for the dawn prayer starts. The time when the prohibitions of fasting ends is called *ifṭār* time. This is the time when the sun sets on the horizon, and with it, the time for the evening prayer begins.

In the verse, the start and end times of fasting are stated metaphorically as follows, “**...and eat and drink, until the white thread of dawn appears to you distinct from its black thread; then complete your fast till the night appears ...**”¹⁸²⁶ The word “*ḥayṭ*” (thread) in this verse is used metaphorically. This word signifies the border between the whiteness of the day and the blackness of the night.¹⁸²⁷ During the lifetime of the Prophet, two *adhāns* were recited to show the time of the *saḥūr* meal and the beginning of the fast. The following is stated in the hadith, “*Do not let Bilal’s call for prayer deceive you, because he calls it at night. Therefore, you eat and drink until the Abdullah Ibn Ummi Maktūm’s adhān.*”¹⁸²⁸ Bilal (*ra*) used to call the *adhān* at the beginning of the *saḥūr* to wake up those who slept and remind those who were awake. On the other hand, because Abdullah ibn Ummu Maktūm (*ra*) was blind, someone else would inform him that it was *imsāk* time, so he would recite the call for the dawn prayer and the fasting would commence.¹⁸²⁹

When the Prophet emigrated to Medina, he ordered fasting for three days every month in addition to one day of Ashura fasting. Fasting in Ramadan was made obligatory on the tenth of the month of Sha‘bān, one and a half years after the Migration. After

1826. Al-Baqara, 2: 187.

1827. Al-Bukhari, Ṣawm, 16; Muslim, Ṣiyām, 33-35.

1828. Al-Bukhari, Adhān, 11, 13, Shahadāt, 11, Ṣawm, 17; Muslim, Ṣiyām, 36-39; al-Tirmidhī, Ṣalāh, 35; al-Nasā’ī, Adhān, 9, 10.

1829. Muslim, Ṣiyām, 38-44.

Ramadan fasting was made obligatory, the obligation of the previous types of fasting was made optional, in other words, believers were encouraged to fast in times of the year other than the month of Ramadan, for example, the fasting carried out in the months of Rajab and Sha'bān. However, these remained *mandūb* fasts.¹⁸³⁰

It is stated in the Qur'an that fasting had been made obligatory upon the previous nations as well.¹⁸³¹ However, first, the Jews abandoned it and reduced it to one day a year. Christians, in a very hot year, changed the season of this fast to the spring with the consensus of the clergy. They added ten days to expiate this change and ten more days for the recovery of their rulers who fell ill or for the prevention of epidemics, increasing the number of the days to fifty, calling it "abstinence".

In regions where day and night do not occur normally, the fasting time is determined on the basis of the regions closest to these regions and where night and day are normally formed.

B – THE VIRTUES AND BENEFITS OF FASTING

The purpose of fasting is to accustom the believer to obey Allah's commands and avoid His prohibitions. It is among the most rewarding acts of worship since there is very little opportunity of mixing fasting with hypocrisy.

There is a close relationship of virtue between fasting and the month of Ramadan. That is, in a hadith narrated by Abu Hurayra, the Messenger of Allah said, "*When the month of Ramadan starts, the gates of the heaven are opened and the gates of Hell are closed and the devils are chained.*"¹⁸³² It would be more appropriate to understand this hadith that in the month of Ramadan, the gates of mercy that will deliver the believer to paradise are opened. He also stays away from the actions that may lead him to hell, so the power of the devil to affect the people weakens. As a matter of fact, in another narration from Abu Hurayra, the expression "gates of mercy" is used instead of "gates of Paradise".

The importance of the month of Ramadan is based on the fact that the Qur'an was first revealed in this world on the night of power in this month and the first verses of the chapter al-Alaq were revealed to the Messenger of Allah in the Cave of Hira on that night. Fasting in Ramadan means a kind of celebration of the revelation of the Qur'an, welcoming the coming of revelation in a way similar to angelic life. This is because angels do not eat or drink.¹⁸³³

The following is stated in a sacred hadith, "*Every (good) deed of the son of Adam would be multiplied, a good deed receiving a tenfold to seven hundredfold reward. Allah,*

1830. Al-Bukhari, Tafsīr, 1/24.

1831. See al-Baqara, 2: 183.

1832. Muslim, Şiyām, 1, 2.

1833. See al-Dukhān, 44: 3; al-Qadr, 97: 1.

the Exalted and Majestic, has said: *With the exception of fasting, for it is done for Me and I will give a reward for it.*"¹⁸³⁴

In other hadiths, the following is stated, "*whoever fasts in the month of Ramadan out of sincere faith, and hoping for a reward from Allah, then all his previous sins will be forgiven.*"¹⁸³⁵, and "*There are two pleasures for the fasting person, one at the time of breaking his fast, and the other at the time when he will meet his Lord; then he will be pleased because of his fasting.*"¹⁸³⁶

Fasting trains a person to be patient. A person who is patient in the face of daily incidents will also gain a lot for the world and the hereafter. The following is stated in the Qur'anic verses, "***O you who believe! Seek help with patient perseverance and prayer; for Allah is with those who patiently persevere.***"¹⁸³⁷, and "***...those who patiently persevere will truly receive a reward without measure!***"¹⁸³⁸ In a hadith, it is stated that "*Fasting is half of patience*"¹⁸³⁹ and in another one "*Fasting is a shield.*"¹⁸⁴⁰ By fasting, the right to enter Paradise is obtained through the special gate called "*rayyān*" which is reserved only for fasting people.¹⁸⁴¹ Fasting is an atonement for minor sins committed in the previous year. Fasting leads to *ṭaqwā*, which consists of following Almighty Allah's orders and avoiding His prohibitions. Allah Almighty says: "***O you who believe! Fasting is prescribed to you as it was prescribed to those before you, that you may (learn) self-restraint.***"¹⁸⁴²

Fasting has many religious, spiritual, health, social, economic, and pedagogical benefits. First of all, fasting is done for the purpose of obedience and worship to Allah. The material and spiritual benefits that it will provide follow this process.

Fasting is like resting and taking care of the human body, which has become tired after a year. Especially the stomach and digestive organs find the opportunity to rest due to fasting. Therefore, the Messenger of Allah said, "*Fast and find health*".¹⁸⁴³

Fasting is a shield in training the lower self and breaking the lust and desires of the lower self. The Messenger of Allah (*saw*) recommended fasting, especially to young people who could not find the opportunity to marry, and said: "*O community of young people! He who can afford to marry should marry, because it will help him refrain from looking at other women, and save his private parts from committing illegal sexual*

1834. Al-Bukhari, Ṣawm, 2, 9; Muslim, Ṣiyām, 30, 164; al-Nasā'ī, Ṣiyām, 42.

1835. Al-Bukhari, Ṣawm, 6.

1836. Al-Bukhari, Ṣawm, 9.

1837. Al-Baqara, 2: 153.

1838. Al-Zumar, 39: 10.

1839. Al-Tirmidhī, Da'āwāt, 86.

1840. Al-Bukhari, Ṣawm, 9; al-Tirmidhī, Imān, 8.

1841. See al-Nasā'ī, Ṣiyām, 43; Aḥmad ibn Ḥanbal, V, 225.

1842. Al-Baqara, 2: 183.

1843. Abu Nuaym narrated this hadith from Abu Hurayra (*ra*) under the subject of medicine. The hadith is classified as *ḥasan*.

relation; and he who cannot afford to marry is advised to fast, as fasting will diminish his sexual power."¹⁸⁴⁴

After stating that fasting is made obligatory because of its many benefits, Ibn al-Humām (d. 861/1457) mentions three of them that he considers important:

a. The lower self, which constantly strives to lure the person into evil, finds peace with fasting, and its desire to commit *ḥarām* is broken.

b. Fasting teaches compassion and mercy towards the poor. For when the lower self tastes the pain of hunger, it understands the plight of the poor and gets a good reward in the sight of Allah with the charities it will provide.

c. The fasting person experiences the hardships of the poor and understands their predicaments better. This prompts him to focus on their problems and seek solutions. Thus, a person gains a degree in the sight of Allah.¹⁸⁴⁵



1844. Al-Bukhari, *Ṣawm*, 10, *Nikāḥ*, 2; Abū Dawūd, *Nikāḥ*, 1; al-Nasā'ī, *Ṣiyām*, 43; Ibn Maja, *Nikāḥ*, 1.

1845. Ibn al-Humām, *Fath al-Qadīr*, II, 43 ff.

II – EVIDENCE ABOUT THE OBLIGATION OF FASTING

Fasting in Ramadan is one of the five pillars of Islam. The proofs on which it is based are the Qur'an, sunnah, and the consensus of Muslim jurists.

Allah Almighty says: *“O you who believe! Fasting is prescribed to you as it was prescribed to those before you, that you may (learn) self-restraint, (Fasting) for a fixed number of days; but if any of you is ill, or on a journey, the prescribed number (should be made up) from days later. For those who can do it (with hardship), is a ransom, the feeding of one that is indigent. But he that will give more, of his own free will, it is better for him. And it is better for you that ye fast, if ye only knew.”*¹⁸⁴⁶, *“... So every one of you who is present (at his home) during Ramadan should spend it in fasting...”*¹⁸⁴⁷, and *“...and eat and drink, until the white thread of dawn appears to you distinct from its black thread; then complete your fast till the night appears...”*¹⁸⁴⁸

Fasting is one of the five pillars of Islam. These are listed in the hadith as follows: *“Islam is based upon five: the testimony of Lā ilāha illallāh, and that Muhammad is the Messenger of Allah, the establishment of the ritual prayer, giving the zakāt, fasting (the month of) Ramadan, and performing Hajj to the House of Allah upon those who can afford it.”*¹⁸⁴⁹

According to the narration from Talha ibn Ubaydullāh (ra), a bedouin with unkempt hair came to Allah's Messenger (saw) and said,

“O Allah's Messenger (saw)! Inform me what Allah has made compulsory for me as regards the prayers.”

He replied:

“You have to offer perfectly the five compulsory prayers in a day and night (24 hours) unless you want to pray *nawāfil*.”

The bedouin further asked,

“Inform me what Allah has made compulsory for me regarding fasting.”

He replied,

“You have to fast during the whole month of Ramadan unless you want to fast more as *nawāfil*.”

The bedouin further asked,

1846. Al-Baqara, 2: 183-184.

1847. Al-Baqara, 2: 185.

1848. Al-Baqara, 2: 187.

1849. Al-Bukhari, Imān, 34, 40, 'Ilm, 25; Muslim, Imān, 19-22; al-Tirmidhī, Imān, 3; al-Nasā'ī, Imān, 13.

“Tell me how much *zakāt* Allah has enjoined on me.”

Thus, Allah’s Messenger (*saw*) informed him about all the rules (i.e. fundamentals) of Islam.

The bedouin then said,

“By Him Who has honored you, I will neither perform any *nawāfil* nor will I decrease what Allah has enjoined on me.

Allah’s Messenger (*saw*) said, “*If he is saying the truth, he will succeed (or he will be granted Paradise).*”¹⁸⁵⁰

Muslim jurists are unanimous on the obligation of fasting in the month of Ramadan.



1850. Al-Bukhari, Imān, 34, Ṣawm, 1, Hiyal, 3; Muslim, Imān, 8; Abū Dawūd, Ṣalāh, 1; al-Tirmidhī, Zakāt, 2.

III – TYPES OF FASTING

According to the Ḥanafis, fasting is divided into three types *farḍ*, *wājib*, and *nāfilah* as in other acts of worship. The concept of “*wājib*” in the other three schools includes the categories of *farḍ* and *wājib* amongst the Ḥanafis. *Nāfilah* is the general name of religious duties other than *farḍ* and *wājib*.

A – *FARḌ* (OBLIGATORY) FASTING

According to all schools, the first thing that comes to mind in regards to obligatory fasting is Ramadan fasting, which is a prescribed and known fast. If it cannot be observed with or without an excuse, it is obligatory to make it up later.

In like manner, according to all schools, fasting that is observed as atonement for Ramadan fasting is also considered *farḍ*. Fasting as atonement includes the fasting as an atonement for unobserved fasts during the month of Ramadan, which is invalidated intentionally, the atonement of *ḡihār*, accidentally or mistakenly killing someone, shaving before its prescribed time while in the state of *iḥrām* during the pilgrimage, and fasting as atonement for broken oaths. Since fasting of atonement means punishment or compensation for an error, it is not an obligation determined at the beginning, but an obligation that may arise in case of a deficiency that leads to it. For this reason, Ramadan fasting is described as “specified (*mu‘ayyan*) obligatory” and the other fasting is indicated as “unspecified (*ghayr mu‘ayyan*) *farḍ*”.

Making up Ramadan fasting can be observed on any other permissible day after Ramadan. However, considering Imam Shafi‘i’s view that the missed Ramadan fast should be made up in the same year, it would be appropriate to attempt to make up the obligatory fast as soon as possible after the month of Ramadan.

B – *WĀJIB* FASTING

According to the Ḥanafis, observing a votive (*nadhṛ*) fast and making up an untimely broken voluntary fast that has already started are *wājib*. A person making it an obligation to perform an act of worship that he is not religiously responsible for is called a “vow (*nadhṛ*)”. If the day of fasting is determined while making a vow, for instance vowing to fast on such and such days of such and such month, it becomes a specified (*mu‘ayyan*) *wājib*, and the fast must be observed on that determined day. Since the votive fasting of the *i‘tikāf* will be held on a certain day, it is included in the scope of a specified (*mu‘ayyan*) fast. If the day of fasting has not been determined, it becomes an unspecified (*ghayr mu‘ayyan*) *wājib*, and it can be observed on any day when it is permissible to fast.

According to the Malikis, the Shafi'is, and the Hanbalis, observing the votive fasting is a *fard*.

When a *nāfilah* fast is broken untimely, it is *wājib* to make it up according to the Ḥanafis and it is *fard* according to the Malikis. According to Imam Shafi'i and another narration from Imam Malik, it is not required to make up a fast for an untimely broken supererogatory fast.

C – NĀFILAH (SUPEREROGATORY) FASTING

Such fasting, which is observed in addition to *fard* and *wājib* types of fasting, is generally called supererogatory fasting. Supererogatory fasting can be observed on any day permissible to fast. However, fasting on some days is considered more virtuous, and fasting on these days is considered *sunnah* or *mandūb*. These are the days when the Prophet (*saw*) himself frequently fasted and also encouraged the believers to fast.

Days when Fasting is *Mandūb*:

1) Fasting of Dawūd (*as*): The most virtuous of voluntary fasts is to fast every other day. The Messenger of Allah (*saw*) said: “*The most virtuous fast is the one of Dawūd (as). Dawūd (as) used to fast for one day and take a break the following day.*” When Abdullah Ibn Umar said, “I have the strength to do more than that”, the Prophet said, “There is nothing better than this.”¹⁸⁵¹

2) Fasting for three days in every lunar month: It is recommended to fast especially on the 13th, 14th, and 15th days of each lunar month. According to the lunar calendar, these days are called “*ayyām biḍḍ* (white days)”. According to what was narrated from Abu Dharr (*ra*), the Messenger of Allah (*saw*) said, “*When you fast for three days in every month, fast on the 13th, 14th, and 15th days.*”¹⁸⁵² Aisha (*r. anha*) reported that the Prophet (*saw*) fasted three days in every lunar month.¹⁸⁵³ According to the Malikis, it is *makrūḥ* to intend specifically to fast on “*ayyām biḍḍ* (white days)”.¹⁸⁵⁴

3) Fasting on Mondays and Thursdays: According to what is narrated from Usāma ibn Zayd (*ra*), the Prophet (*saw*) used to fast on Mondays and Thursdays. When he was asked why he preferred these days, he said: “*The deeds of the servants are presented to Allah on Mondays and Thursdays. I like to fast while my deeds are presented to Allah.*”¹⁸⁵⁴

4) Fasting in the month of Shawwāl: According to the lunar calendar, the month that comes after Ramadan is Shawwāl. It is *mustaḥab* to fast for six days during this month. Although they can be observed on separate days, it is more virtuous to observe them one after the other right after the Eid. If making up a fast, votive fast, etc. is

1851. Muslim, *Ṣiyyām*, 192, 203; Ibn Maja, *Ṣiyyām*, 43; al-Nasā'ī, *Ṣiyyām*, 76, 77; Aḥmad ibn Ḥanbal, II, 225.

1852. Al-Bukhari, *Anbiya*, 37, *Ṣawm*, 56, 58; Muslim, *Ṣiyyām*, 181; Aḥmad ibn Ḥanbal, II, 158, 188, 189, 194.

1853. Al-Ṣan'ānī, *Subul al-Salām*, II, 168.

1854. Abū Dawūd, *Ṣawm*, 60; Ibn Maja, *Ṣiyyām*, 42.

observed on these days, the same reward will be obtained. In a hadith narrated by Abu Ayyub, it is stated, “Whoever fasts in Ramadan and then adds six days from Shawwāl, it will be as if he fasted the whole year.”¹⁸⁵⁵ It has been narrated that Ramadan fasting is equivalent to ten months and six days of Shawwāl fasting is equivalent to 60 days, with ten times the reward for one day, so that the whole year will be considered to have been spent fasting.¹⁸⁵⁶ For it is stated in the Quran, “Whoever shall come before Allah with a good deed will gain ten times the like thereof...”¹⁸⁵⁷ Moreover, the fact that women, who have missed Ramadan fasting due to menstruation and who fast for six days in the month of Shawwāl, on average can make up those missed days and also earn this reward demonstrates the appropriateness of these six days.

5) Fasting on the day of Arafa: It is *mustahab* for those who are not performing the pilgrimage to fast on the ninth day of Dhu’l-Hijjah. The Messenger of Allah (*saw*) said, “It is hoped from Allah that fasting on the day of Arafa will cover the sins of one year before and after that.”¹⁸⁵⁸

6) Fasting in the month of Dhu’l-Hijjah: It is recommended to fast in the first nine days of Dhu’l-Hijjah. However, it is considered *makrūh* for those who are on a pilgrimage to fast on the day of Arafa, as it may cause fatigue. Hafsa (*r. anḥā*) said, “The Prophet (*saw*) never abandoned four things: Fasting on the day of Ashura, fasting on the first nine days of Dhu’l-Hijjah, fasting for three days of each month, and performing two cycles of prayer before the obligatory cycles of the dawn prayer.”¹⁸⁵⁹

7) Fasting on the day of Ashura: The tenth day of Muharram is called the “day of Ashura”. It is recommended to fast not only on this day but also the day before or the day after or all three days. According to what is reported from Ibn Abbas (*ra*), when the Messenger of Allah (*saw*) migrated to Medina, he saw the Jews fasting on the day of Ashura and asked about the meaning of this fast, that is, why it was observed. When Jews told him that it was a great day when Allah saved Moses and the Children of Israel from their enemies on this day, and that is why Moses fasted on this day, he (*saw*) said, “I am closer to Moses than you are,” and ordered fasting on this day.¹⁸⁶⁰ It is reported that the Arabs practiced the Ashura fast during the pre-Islamic period, and the Prophet (*saw*) ordered the observation of this fast before the Ramadan fast was made obligatory.¹⁸⁶¹ As a matter of fact, later, when Ramadan fasting was made obligatory, the fasting of Ashura no longer became an obligation, but it was instead recommended and continued therefore as a *mustahab* or *sunnah*.

1855. Ibn Maja, *Ṣiḡām*, 33; al-Tirmidhī, *Ṣawm*, 52.

1856. Al-Zuhaylī, *al-Fiḡh al-Islāmī wa Adillatuh*, Damascus 1405/1985, II, 589.

1857. Al-An’ām, 6: 160.

1858. Aḥmad ibn Ḥanbal, V, 196, 297, 304, 307, VI, 128.

1859. Al-Nasā’ī, *Ṣiḡām*, 83; Aḥmad ibn Ḥanbal, *Musnad*, VI, 287.

1860. Al-Bukhari, *Ṣawm*, 69, Anbiya, 24; Ibn Maja, *Ṣiḡām*, 41; Malik, *Muwatṭā’*, *Ṣiḡām*, 128.

1861. Muslim, *Ṣiḡām*, 116.

8) Fasting in the *ḥarām* months: It is *mandūb* to fast on Thursdays, Fridays, and Saturdays of the “*ḥarām* months” which are Dhu'l-Qa'dah, Dhu'l-Hijjah, Muḥarram and Rajab.

9) Fasting in the month of Sha'bān: Fasting in Sha'bān is considered *mustaḥab*. Aisha said, “The Prophet did not fast in any month more than he did in the month of Sha'bān. He used to fast almost the entire month of Sha'bān.”¹⁸⁶²

D – THE DAYS WHEN FASTING IS PROHIBITED

According to the Ḥanafis, *makrūḥ* fasts are of two types: *Makrūḥ taḥriman* and *makrūḥ tanzihan*.

1) Fasting which is *makrūḥ taḥriman*: According to the Ḥanafis, fasting on the first day of Eid al-Fitr and four days of Eid-al-Adha is *makrūḥ taḥriman*. This is because the first day of Ramadan is a kind of collective *ifṭār*, eating, drinking, and festive day. Eid-al-Adha is also the feast day when sacrifices are offered. The Messenger of Allah (*saw*) stated that the days of *tashrīq* are the days of eating, drinking, and remembering Allah.¹⁸⁶³ However, a person who fasts on these days is considered a sinner, although his or her fast is considered valid. However, when such a fast is broken, there is no need to make up for it for something unlawful has been committed. According to another view, it should be made up.

According to the Malikis, fasting on the Day of Fast breaking, the Day of Sacrifice, and the two days following the Day of Sacrifice is prohibited except in the case of someone who, before performing the major pilgrimage, first completes the minor pilgrimage, then remains in the sacred Meccan precinct until the days of hajj and, while still there, reenters a state of *iḥrām* for the hajj, as well as in the case of someone who performs both the umrah and the hajj with a single ritual consecration. In these two cases, it is permissible to fast the two days following the Day of Sacrifice. As for fasting on the third day following the Day of Sacrifice, it is deemed undesirable. According to the Shafi'is, fasting on the Day of Fast breaking, the Day of Sacrifice and the three days following the Day of Sacrifice is not only forbidden but invalid as well. According to the Hanbalis, fasting is forbidden on the Day of Fast breaking, the Day of Sacrifice, and the three days following the Day of Sacrifice except in the two cases described above in connection with the Malikis' ruling on this matter.¹⁸⁶⁴

2) Fasting which is *makrūḥ tanzihan*: Fasting only on the day of Ashura, according to some, fasting only on Friday, fasting only on Saturday, and fasting on the days of Nawrūz and Mihrājān (spring and autumn festivals) is considered *makrūḥ tanzihan*.

1862. Muslim, Ṣalāh, 176; Abū Dawūd, Ṣawm, 58; al-Tirmidhī, Ṣawm, 36; al-Nasā'ī, Ṣiyām, 34-36, 70; Ibn Maja, Ṣiyām, 4, 30; Aḥmad ibn Ḥanbal, VI, 80, 89, 294, 300, 311.

1863. See al-Bukhari, Ṣawm, 67; Abū Dawūd, Ṣawm, 50.

1864. Jaziri, *ibid*, p. 745.

However, if one fasts on these days because they coincide with the days that one would have fasted anyway out of routine, then there is no harm in doing so. The fact that it is *makrūh* to devote only Friday to fasting is based on the following hadith, “Do not set aside only Friday night among the nights for worship. However, if one of you fasts, as usual, this is an exception.”¹⁸⁶⁵

It is also *makrūh* to fast for two or three consecutive days without breaking the fast at night. This is called “*wiṣāl* fasting.” It was narrated from Aisha that she said, “The Messenger of Allah forbade the believers to fast continuously (to practice *wiṣāl* fasting), out of mercy to them. When they said to him, “But you practice *wiṣāl*?” He said, “I am not similar to you, for my Lord gives me food and drink.”¹⁸⁶⁶

It is *makrūh* to fast on the day of *shak*. If there is doubt as to whether the day after the twenty-ninth of Sha‘bān belongs to the month of Sha‘bān or to the month of Ramadan due to reasons such as cloudy weather, then that day is called the “day of doubt (*yawm al-shak*)”. However, if the sky is clear and the crescent is not seen, this day is not considered the day of *shak*.

According to the Ḥanafīs, fasting on the day of *shak* with the intention of Ramadan or any other obligatory fast is *makrūh*. It is even *makrūh* to fast for one or two days before the month of Ramadan. The Messenger of Allah (saw) said, “Do not meet Ramadan by fasting a day or two before. However, if a person fasts these days because it is his custom, he should keep it.”¹⁸⁶⁷ The reason for this reprehensibility is the fear of adding to the Ramadan fast. There is no reprehensibility in fasting on the day of *shak* with the intention of voluntary fasting unrelated to any other fasting. This is because if the day of *shak* is included in Ramadan, this fast is considered a Ramadan fast, otherwise, it will remain as a *nāfilah*. According to the Shafī‘īs, it is prohibited to fast on the day of *shak*.

On the day of *shak*, if one makes the intention saying “if it is the month of Ramadan, then I will be regarding it as fasting, otherwise I will be regarding it as non-fasting”, he or she will not be considered to have fasted because the intention to fast must be based on certitude.

According to the Ḥanafīs, even if it is *makrūh*, if one intends to fast on the day of *shak*, and if it is later found out that it is Ramadan, this fast is considered a Ramadan fast. Otherwise, it will be considered a voluntary fast. However, if it is intended for a *wājib* fast, it will be valid in the name of that *wājib*. However, if the day remains doubtful, the intended *wājib* fast will not be valid on behalf of that *wājib* because there is a possibility that it may be a day from Ramadan.

1865. Al-Shawkanī, *ibid*, IV, 249.

1866. See al-Bukhari, Ṣawm, 49, Tamannī, 8; Muslim, Ṣiyām, 55-58; Abū Dawūd, Ṣawm, 24; al-Darīmī, Ṣawm, 14.

1867. Al-Bukhari Ṣawm, 5, 11, 14; Muslim, Ṣiyām, 21; Abū Dawūd, Ṣawm, 10; al-Tirmidhī, Ṣawm, 2, 4, 38.

It is more virtuous for Muslims who are knowledgeable about the above-mentioned provisions about the day of *shak* to fast without letting people know, and for other people to avoid situations that invalidate the fast until the sun reaches the meridian due to the possibility of clarification of the situation at a later time.

Fasting on the day of *shak* is more virtuous for a person who fasts throughout the month of Sha'bān or fasts in the last three days of the month of Sha'bān.

According to the Ḥanafīs, it is *makrūḥ tanzihan* for a woman to fast without her husband's permission. Her husband can also make her break this fast. The woman then makes up for it when her husband gives her permission or at times when her husband is not present. The Prophet said, "*It is not lawful for a woman to fast without his permission while her husband is with her.*"¹⁸⁶⁸

However, if her husband does not need his wife, it is permissible for a woman to observe voluntary fasting. If the husband is far from the woman's place or if he has entered the state of *iḥrām* for hajj or umrah, he cannot prevent his wife from fasting voluntarily. For in such cases, it is not possible to benefit from the sexual aspects of the spouse.

According to the Shafī'īs and the Malikis, a married woman is forbidden to perform a supererogatory fast without her husband's permission or without knowing whether he agrees or not; this prohibition applies unless he is not in need of her because he is absent, for example, in a state of *iḥrām*, or secluding himself in the mosque for *i'tikāf*. The Hanbalis hold that as long as a woman's husband is present, she may not fast without his permission even if he is in a condition that would prevent him from having sexual relations with her such as being in *i'tikāf*.

A person who works for someone else for a wage or salary cannot do voluntary fasts without the employer's permission if it will interfere with his work. However, if there is no such harm, he can fast regardless of the employer's permission.

It is permissible for a person who is indebted for fasting days for the month of Ramadan to perform voluntary fasts on days permissible to fast except during the month of Ramadan, which is specifically reserved for that year's Ramadan.

It is *makrūḥ* for pilgrims to fast on the 8th (*tawriyah*) and 9th (*arafah*) days of Dhu'l-Hijja if they are likely to become weak and tired if they fast. This is because performing the pilgrimage in a fit and lively state is better than performing a voluntary fasting before performing the pilgrimage.¹⁸⁶⁹



1868. Al-Bukhari, Nikāḥ, 84, 86; Muslim, Zakāt, 84; Abū Dawūd, Ṣawm, 73.

1869. Ibn al-Humām, *ibid*, I, 53 ff.; Ibn Abidīn, *ibid*, II, 114 ff.; al-Shurunbulālī, *ibid*, p. 106, 107.

IV – TIME OF FASTING AND CONFIRMING THE COMMENCEMENT OF RAMADAN

A – TIME OF FASTING

The time of fasting is the period from the second dawn (true dawn) to sunset. According to some jurists, the first birth of the second dawn is taken as a starting point for it is the most cautious act. According to others, it is valid when the light extends and starts to disperse. This is more suitable for those who are fasting. In short, according to the first view, it is necessary to start fasting from the first break of the second dawn, and according to the second view, when the light begins to disperse with the break of dawn. The time to start fasting is called “*imsāk* time”. Today, people who fast are freed from the burden of making such observations, since *imsāk* times according to cities and towns are published on calendars in hours and minutes based on astronomical observations and calculations made in advance.

A person who does not know the exact time of *imsāk* tries to determine the second dawn by following the eastern horizon according to his own observation, and if he is in doubt about the dawn, it is more virtuous to stop eating and drinking. However, in such a situation if he continues to eat and drink, his fast will still be considered complete. If it is found out later that he ate and drank after the dawn, he has to make up for that day’s fast.

Confirming the commencement of the fasting in Ramadan can be either by sighting the crescent when the weather is clear or, when the sky is not free of such obstructions, by completing the month of Sha‘bān in thirty days. For Allah Almighty says in the Qur’an, “**Hence, whoever of you lives to see this month shall fast throughout it...**”¹⁸⁷⁰ The Prophet also said, “*The month (of Ramadan) may consist of twenty-nine days; so when you see the new moon, observe the fast and when you see (the new moon again at the commencement of the month of Shawwāl) then break it, and if the sky is cloudy for you, then calculate it (and complete the month of Sha‘bān to thirty days).*”¹⁸⁷¹ In another narration of Bukhari, it is stated, “*The month of Ramadan may consist of twenty-nine days. So do not fast till you have sighted it (the new moon) and if the sky is cloudy for you, then calculate.*” Another version narrated by Muslim is as follows, “When the Prophet was talking about the month of Ramadan, he said that “the month is thus, and thus, and thus,” and he flapped his hands with all their fingers twice. but at the third turn, folded his right thumb or left thumb (in order to give an idea of twenty-nine), “*Observe*

1870. Al-Baqara, 2: 185.

1871. See al-Bukhari, Ṣawm, 5, 11; Muslim, Ṣiyām, 4, 7, 8, 17-20; Al-Nasā’ī, Ṣiyām, 8, 9, 10, 11; Abū Dawūd, Ṣiyām, 7; Ibn Maja, Ṣiyām, 7.

fast on sighting it (the new moon) and break it on sighting it. But if (due to clouds) the actual position of the month is concealed from you, you should then count thirty (days in the month of Sha'bān and Shawwāl)." Two, three, or four months of the lunar year can have twenty-nine days.

If a fasting person doubts whether the sun has set or not, it is not permissible to break the fast. If it is not possible to understand the truth of the matter after breaking his or her fast, he or she has to make up for it. If he or she finds out that he or she broke his or her fast before the sun sets, according to the Ḥanafīs, atonement is also required.

It is permissible for a fasting person to make *saḥūr* and *iftār* based on individual research. If such a person cannot find another means, he will have *saḥūr* according to his strongest opinion, and when he is satisfied with the break of the dawn, he begins his fast and he can break his fast by researching about the sunset, again according to his strongest opinion. However, it is a precaution that a person who cannot predict whether the dawn has risen or not should start fasting as soon as possible, and a person who cannot predict whether the sun has set or not, should not immediately break his fast.

In order to start or break the fast with other customarily used signs such as the sound of cannons or drums or the lighting of lamps on the minarets, care must be taken to ensure that they are reliably regular and can be seen and heard from all sides. In places where the beginning of the fast (*imsāk*) is announced together with a call for the dawn prayer, it is also necessary to recite the call for the prayer on time. Taking into account that the *adhān* may be delayed, the time should also be checked from a reliable calendar and clock.

B – SIGHTING THE RAMADAN CRESCENT

Beginning from the twenty-ninth day of Sha'bān, research for sighting the crescent commences. In order to end the month of Ramadan, it is also necessary to observe the crescent of the month of Shawwāl. If the crescent of Ramadan is seen, the Ramadan fast begins the next day, and if the weather is cloudy, the days of Sha'bān are completed to thirty days. Then the fasting begins. The Shawwāl crescent is observed after the twenty-ninth day of Ramadan. If the crescent is sighted, the next day, Ramadan Feast commences. If not, Ramadan is observed for thirty days.

The beginning of each lunar month is confirmed either by seeing the crescent or by completing the days of the previous month to thirty.

Anyone who sees the crescent must utter *takbīr* three times. According to what was narrated from Ibn Umar (*ra*), he said: "When the Prophet saw the new moon, he used to say the following supplication:

اَللّٰهُمَّ اِهْلِهِ عَلَيْنَا بِالْيَمْنِ وَالْاَيْمَانِ وَالْاَمْنِ وَالْاَمَانِ وَالسَّلَامَةِ رَبِّيْ وَرَبُّكَ اللهُ

*“O, Allah! Bring it (this crescent) over us with blessing, faith, security, and peace for us. (O crescent), my Lord and your Lord is Allah.”*¹⁸⁷²

It is valid to see the new moon after sunset. According to Abu Ḥanīfa and Imam Muhammad, if the crescent is seen before or after the *zawāl* time, neither the fast starts nor does the fast break on that day. Perhaps this crescent is the crescent of the next night. According to Abu Yusuf, the crescent seen after *zawāl* belongs to the next night, and the crescent seen before the sun at the meridian belongs to the previous night. So with this, Ramadan or Eid becomes certain. For, unless a crescent is two-night old, generally it cannot be seen before the sun at the meridian.

According to the Shafi‘is, the Malikis, and the Ḥanbalis, the crescent seen during the day is not important for this crescent definitely belongs to the next night. In this regard, the words of experts in astronomical calculations cannot be taken into account, either. Besides, the new moon must be seen at night.

The method of confirming the crescent of Ramadan:

a – When the sky is clear, a large crowd must see the crescent to confirm Ramadan or Eid. It has been left to the Muslim state to determine the number of the crowd. A single person from a large community in the open-air saying, “I sighted the crescent” creates suspicion.

According to a narration from Abu Ḥanīfa, when the weather is clear, the testimony of two just witnesses is enough to confirm the sighting.

b – If the sky is not clear; If there are things that prevent vision, such as fog, clouds, and dust, the testimony of one just, intelligent, adolescent Muslim is sufficient. It is necessary to start fasting by stating that he has seen the crescent moon. The measure of being just is that a person’s good deeds are greater than his bad ones or, according to the sound view, no bad deed is known from him. Whether that person is a man or a woman does not change the ruling because the issue of sighting the crescent is a religious order and is similar to conveying the news. In this case, it is not necessary for the person to say “I testify”. The witnessing of the person who sights the crescent is done before the judge, and in the regions where there is no judge, it is done in the village or neighborhood mosque, in the presence of the people. Based on his testimony, people start fasting.

It is also valid for someone else to testify before the judge based on the testimony of someone who sighted the crescent. If the head of the Muslim state or the judge does not accept the testimony of the person who sighted the crescent, the person who sighted it must fast alone. If he does not fast that day, he will make up for it. There is no need for atonement because it is possible that what he sighted was not the crescent, but his or her own imagination.

1872. See al-Bukhari, Ṣawm, 11; Muslim, Ṣiyām, 7, 17, Aḍāḥī, 41; Abū Dawūd, Adab, 102.

According to the Shafi'is, fasting becomes obligatory for all people with the judgment of the judge, even if it is based on the testimony of only one just witness confirming that he sighted the crescent. As a matter of fact, Abdullah Ibn Umar (*ra*) saw the crescent and informed the Prophet about it. Based on this, the Prophet (*saw*) both fasted and ordered people to fast.¹⁸⁷³ Therefore, the judgment of the judge removes the negative aspect and fasting becomes necessary for the adherents of other schools in that town.

The beginning of the month of Ramadan can also be confirmed indirectly. For example, if a creditor applies to the court for a debt to be paid on the first day of Ramadan and proves that the month of Ramadan commenced based on the testimonies of two witnesses who sighted the crescent, this decision will also constitute the beginning of fasting for Muslims.

The new moons of the months of Shawwāl and Dhu'l-Hijja are confirmed by the testimony of two just men or a man and two women when the weather is cloudy. In addition, the witnesses' characters should also be cleared. There is a difference of opinion on whether or not the expression "testify" must be used and whether questioning is required or not.

In a settlement where there is no judge or governor, if two just people report that they have sighted the Shawwāl crescent even though it is cloudy, there will be no harm for the people to break their fast and commence the Eid.

If only the judge sights the crescent of Ramadan on a cloudy day, if he wishes, he can appoint someone else as deputy and testify that he has sighted the crescent, or if he wishes, he directly announces to the people to fast. However, in confirming the crescent of the Eid, witnessing by only one person is not adequate because through such an act of witnessing an act of worship will come to an end. Moreover, the meaning of testimony is connected to the rights of people so the testimony from anyone that is less than two people is not considered sufficient.

According to the preferred view of the Shafi'is, the testimony of one just person is also sufficient in confirming the new moon of Shawwāl, and when the judge decides on it, the celebration of the feast begins.

If Shawwāl's new moon has not been sighted, Ramadan must continue for a full thirty days. If, after a full thirty days of Ramadan, Shawwāl's new moon is still not sighted and if the sky is clear, the fast may not be ended on that night; rather, the following day fasting continues as well and the witnesses who testified to seeing the new moon at the beginning of Ramadan must be judged not to have been reliable. If, on the other hand, the sky is not clear, the fast must be broken that night, and that day must be considered to belong to Shawwāl. This is the view of the Ḥanafis and the Malikis. The Shafi'is hold that if people began fasting based on the testimony of someone known to be of good

1873. Al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, II, 601.

character and if they have fasted Ramadan for a full thirty days, then properly speaking, they must bring their fast to an end after this, whether the sky is clear or not. As for the Hanbalis, they hold that if the beginning of the Ramadan fast was based on the testimony of two witnesses of proven good character, if a full thirty days of Ramadan have been fasted, and if the Shawwāl new moon is not seen on the eve of the 31st day, the fasting must end. If, on the other hand, the beginning of the Ramadan fast was based on the testimony of a single witness known to be of good character or based on an estimation that the month of Sha‘bān was 29 days due to cloud cover and the like, the 31st day must be fasted as well.¹⁸⁷⁴

C – DIFFERENCE OF THE RISING PLACES OF THE MOON: (IKHTILĀF AL-MAṬĀLI‘)

The moon and the sunrise differ from town to town and from continent to continent. Therefore, the opinion of the jurists on whether it is *farḍ* for all Muslims in the east and the west to start fasting on the same day is divided into two groups:

1- According to the majority of jurists, the differences in the rising places of the moon are not taken into account and all Muslims should start fasting at the same time. This is also the preferred view of the Ḥanafis.

Accordingly, if the Muslims in the west were to sight the crescent of Ramadan, it would become obligatory to fast for the people of the east who heard about it. However, for this, the testimonies of the community that sighted the crescent must be subject to the decree of the judge. Otherwise, the report of a mere opinion will not be binding for the people of the town who do not sight the crescent. The communication of the news happens as follows: Two just people come before the town judge and say, “We bear witness that the crescent has been sighted in such and such a town, and that the judge of that town decreed the commencement of Ramadan in accordance with its procedure”.

Regarding the different rising places of the moon, it does not rely on the news given beforehand by the calculus and astronomy experts. For the Messenger of Allah (*saw*) said: “*Start fasting on seeing the crescent (of Ramadan) and give up fasting on seeing the crescent (of Shawwāl), and if the sky is overcast (and you cannot see it), complete thirty days of Shaan.*”¹⁸⁷⁵ This hadith attaches the obligation of fasting upon all Muslims to the condition of seeing the crescent. For this reason, it would be sufficient to see the new moon by a community or a person whose testimony is accepted.

On the other hand, the majority of scholars compare countries that are far away in this regard to countries that are close to the place where the new moon is seen. Distinguishing between these countries is rather a strained interpretation and is not based on any evidence.¹⁸⁷⁶

1874. Jaziri, *ibid*, pp. 741-742.

1875. Al-Bukhari, *Ṣawm*, 5, 11; Muslim, *Ṣiyyām*, 4, 7, 8, 17-20; Abū Dawūd, *Ṣiyyām*, 7; Ibn Maja, *Ṣiyyām*, 7.

1876. Ibn Abidin, *ibid*, II, 131-132; al-Shurunbulālī, *ibid*, p. 109; al-Ṣan‘ānī, *ibid*, II, 151; Bilmen, *ibid*, p. 282 ff. .

2 – According to the Shafi'is, when a crescent is seen in a town, it's ruling only binds the towns close to it, not the distant ones. According to the sound view, this differs according to the rising places of the moon. However, this difference does not occur at a distance of fewer than twenty-four leagues.¹⁸⁷⁷

The Shafi'is rely on the evidence of *sunnah*, analogy, and reason, considering the different rising places of the moon.

In a hadith transmitted from Kurayb (*ra*), the following is stated, “Umm Faḍl, daughter of Ḥārith, sent Kurayb ibn Abi Muslim (d. 98/716) to Mu'awiya (d. 60/679) in Syria. Kurayb said, “I arrived in Syria, and took care of Umm Faḍl's needs for her. It was there in Syria that the month of Ramadan commenced. I saw the new moon (of Ramadan) on Friday. I then came back to Medina at the end of the month. Abdullah b. Abbas (*ra*) asked me (about the new moon of Ramadan) and said: “When did you see it?” I said: “We saw it on the night of Friday.” He said, “Did you see it yourself?” I said: “Yes, and the people also saw it and they fasted and Mu'awiya also fasted,” whereupon he said: “But we saw it on Saturday night. So we will continue to fast till we complete thirty (fasts) or we see the new moon of Shawwal.” I said, “Is the sighting of the moon by Mu'awiya not valid for you? He said, “No; this is how the Messenger of Allah (*saw*) has commanded us.”¹⁸⁷⁸

This hadith indicates that Abdullah Ibn Abbas (*ra*) was not content with the sighting of the crescent by the people of Damascus and that sighting the crescent by the people of one city is not binding for the people of another city.

Another proof in this regard is the following hadith narrated by Abdullah Ibn Umar: “*The month of Ramadan may consist of twenty-nine days. So do not fast till you have sighted it (the new moon) and do not break fast, till you have sighted it (the new moon of Shawwal), and if the sky is cloudy for you, then calculate.*”¹⁸⁷⁹ This hadith also shows that the obligation for fasting depends on seeing the crescent but what is meant by this is not that all members of society must have seen the crescent, but it should have been seen by a part of them.

The Shafi'is also compared the moon to the sun. When the sunrises are different, the prayer times are different, and when the moon's rising places are different, the beginning and the end of Ramadan must be different.

Of the two views above, the view of the majority is worthier of preference in that it unites the Muslims and removes the differences between them. The science of astronomy

1877. One league is 5544 meters, 24 yards x 5.544 = 134 km. According to Imam Shafi'i's last view, the travel distance is 4 barids = 48 miles = 88.704 km. See al-Nawawī, *al-Majmū'*, IV, 322, 323.

1878. Muslim, *Ṣiḡām*, 28; Abū Dawūd, *Ṣawm*, 9; al-Tirmidhī, *Ṣawm*, 9; al-Nasā'ī, *Ṣiḡām*, 7; Aḥmad ibn Ḥanbal, I, 306.

1879. Al-Bukhari, *Ṣawm*, 11, *Mazalim*, 25, *Ṣalāh*, 18, *Aymān*, 20, *Nikāḥ*, 83, 91, 92; Muslim, *Ṣiḡām*, 5, 6, 7, 9, 11, 14, 22, 24, 25. Raḍā', 97; al-Tirmidhī, *Ṣawm*, 6; al-Shawkanī, *Nayl al-Awṭār*, IV, 189 ff.

has revealed that the time difference between the birth of the moon in a Muslim country and the birth of the moon in a Muslim town, which is the farthest from this town, is only nine hours. That is why all Muslim countries are common in parts of the night. In these countries, it is possible for the persons who are in charge of observing the crescent to convey the news of sighting the new moon to each other at the same time, with today's technical means. The fact that all Muslim countries worship on the same day and celebrate joyful holidays on the same day strengthens the spirit of unity.¹⁸⁸⁰

On the other hand, if the movements of the crescent are determined by astronomical calculations in advance or the crescent is observed with instruments that are not affected by obstructions such as clouds, the beginning of Ramadan is based on the fact that the crescent remains above the western horizon after the sunsets. However, when the crescent is observed with the naked eye if the sun sets within 15 or 20 minutes after it, it disappears in the sunlight and cannot be seen. In such a case, it becomes possible to see the moon with the naked eye only the next day. As a result of this, there may be a day difference between those who apply the principle of observation with the naked eye and the places based on advanced calculations or observations by instrument.

It is possible to calculate this from the magnitude of the angle formed by the moon with the horizon as the sun sets on the second day. Accordingly, a conclusion must be reached by taking into account that if the moon sets just after sunset (within about 15 or 20 minutes), it cannot be seen with the naked eye. In this regard, an average method can be followed and the principle of the moon being at a visible point above the horizon can be taken as a basis. For the Messenger of Allah (*saw*) and his Companions accepted the actual sighting of the moon as the beginning of Ramadan, and in case the moon was not seen or there was an obstruction that prevented vision, such as clouds, they chose to complete the month of Sha'bān to thirty.



1880. See Ibn Abidīn, *ibid*, II, 131 ff., Reail, I, 253; al-Shurunbulālī, *ibid*, p. 109; Ibn Rushd (Averroes), *ibid*, I, 278; Al-Qurṭubī, Jamī', II, 296; Al-Zuhaylī *ibid*, II, 606, ff.; al-Shawkani, *ibid*, IV, 189 ff.

V – CONDITIONS OF FASTING

A – CONDITIONS FOR FASTING TO BE OBLIGATORY UPON THE PERSON

For a person to be considered responsible for fasting, he or she must be Muslim, sane and adolescent, as well as be healthy enough to perform this type of worship and not be on a journey. We will briefly describe them below:

1 – Being a Muslim

Fasting is obligatory for a Muslim. Non-Muslims are not liable for the commands and prohibitions of Islam. After converting to Islam, they do not have to make up for the acts of worship of the previous years, such as prayers and fasting. According to the Ḥanafis, there is only one reason for punishment for non-Muslim in the Hereafter, and this is the punishment for their disbelief. Imams of the other schools add the penalty of not fulfilling the commands of Islam.

A person who converts to Islam in the month of Ramadan fasts the remaining days. Past sins are forgiven. Allah Almighty says, ***“Say to the Unbelievers, if (now) they desist (from Unbelief), their past would be forgiven them...”***¹⁸⁸¹

2 – Being Sane and Adolescent

Fasting is not obligatory for a child, a mentally ill person, an unconscious person, or a drunk person. Since they are not qualified to fast, they are not the addressee of the order. The Prophet said, *“The pen has been lifted from three; for the sleeping person until he awakens, for the boy until he becomes a young man, and for the mentally insane until he regains sanity.”*¹⁸⁸²

According to the Ḥanafis, the Shafi‘is, and the Ḥanbalis, parents should order their boys and the girls who have reached the age of seven, are able to fast, and have the power to distinguish between good and bad to fast. Their fasting is valid as their prayer is, and the reward belongs to the parents. The purpose of this is to accustom children to fasting. However, since fasting is a difficult act of worship, the child must have the ability to observe it. According to the Malikis, fasting is different from prayer. The child becomes responsible for this act of worship only when he or she reaches the age of puberty.

1881. Al-Anfāl, 8: 38.

1882. Al-Bukhari, Ṭalāq, 11, Ḥudūd, 22, Abū Dawūd, Ḥudūd, 17; al-Tirmidhī, Ḥudūd, 1; al-Nasā‘ī, Ṭalāq, 21; Ibn Maja, Ṭalāq, 15.

If mental illness and fainting occur at short intervals, it does not prevent fasting from being obligatory and to be made up when it is missed. However, according to the Ḥanafis, a mental illness that continues throughout the month of Ramadan removes the obligation of fasting of that year, and no making up for the missed Ramadan is required. If it is part of Ramadan, the missed days must be made up later. According to the other three schools, if mental disability caused by an illness continues for one whole day, it removes the responsibility for that day.¹⁸⁸³ On the other hand, fainting does not remove the obligation of fasting and making it up when necessary because it is rare that the state of fainting lasts for a long time. Being intoxicated is like fainting.

According to the famous view of the Malikis, mental illness, in principle, requires making the missed fasts up. The evidence on which they based this is the hadith stating, *“The pen has been lifted from the mentally insane until he regains sanity.”*

3 – Being able to fast and being a resident

Fasting is not obligatory for the ill and the travelers. However, if they fast, their fast is valid. If they do not fast, they will make up for the days they could not fast. The following provisions regarding sickness and travel are expressed in the Qur’an, *“(Fasting) for a fixed number of days; But whoever of you is ill, or on a journey, shall fast instead for the same number of other days; and in such cases, it is incumbent upon those who can afford it a ransom as a substitute of feeding a needy person. And whoever does more good than he is bound to do does good unto himself thereby; for to fast is to do good unto yourselves if you but knew it.”*¹⁸⁸⁴

Fasting is not obligatory for those who are not able to do it due to old age, and it is not obligatory for women who are in menstruation or postpartum bleeding, or for pregnant or lactating women who are in danger of harming themselves or their children. The elderly offer ransom instead of fasting, and the others make the missed days up. For the traveler to not fast, the travel distance must be more than a certain limit, that is, a distance that requires him to perform shortened prayers.¹⁸⁸⁵

On the other hand, a person who converted to Islam in a land of disbelievers must have learned that fasting is obligatory for not knowing in such places is a valid excuse.¹⁸⁸⁶

B – THE EXCUSES THAT MAKE IT PERMISSIBLE NOT TO FAST

The obligations imposed by Islam are limited by the abilities of the human being. For this reason, certain concessions and facilities are granted to the responsible believers

1883. Akyüz, *ibid*, vol. 2, p. 356.

1884. Al-Baqara, 2: 184.

1885. The views regarding travel distance can be found above in the related section.

1886. See al-Kāsānī, *Badāyi al-ṣanāʾiʿ*, II, 87 ff.; Ibn al-Humām, *ibid*, II, 87 ff.; al-Shurunbulālī, *ibid*, 108 ff.; Ibn Abidīn, *ibid*, II, 145 ff.; *Lubāb*, 172 ff.; Ibn Rushd (Averroes), *ibid*, I, 288.

in cases of difficulties and times of hardships. In accordance with this principle, in some cases, the right to postpone the obligatory fast or even not to fast at all is recognized.

The valid excuses that make it permissible not to fast in Ramadan or to break a fast that has already started are as follows:

1 – Being on a Journey (*Safar*)

Anyone who goes to a place as far as at least three days, that is, eighteen hours, during Ramadan, has the option not to intend to fast before dawn. Thus, when he sets off that day, he will not be fasting. However, if a person goes on a journey during the day after starting the fast, this journey is not an excuse to break the fast for that first day. He must continue and complete his fast. However, if this person breaks his fast, only a make up fast is required, not atonement. This is because he broke his fast based on the excuse of being on a journey.

Allah Almighty says about the fasting of those who are sick and traveling in Ramadan, ***“But whoever of you is ill, or on a journey, shall fast instead for the same number of other days.”***¹⁸⁸⁷

It is more virtuous for the traveler to fast if he will not be harmed because, in the last part of the above verse, it is said, ***“for to fast is to do good unto yourselves if you but knew it.”*** If the traveler’s friends are fasting or the travel expenses are not shared, it is more virtuous for him to fast as well. However, if most of his friends do not fast or share the expenses, it is more appropriate not to fast.

According to the Shafi‘i and the Hanbalis, a traveler can also break the fast that he intended the night before. The evidence is the following hadith reported from Ibn Abbas (*r.anhuma*), ***“The Prophet set out for the conquest of Mecca in the month of Ramadan. He fasted until he reached the place called Qadīd. He and other people broke their fast there.”***¹⁸⁸⁸

2 – Being ill

If a person fears that he will die or that his illness will get worse or prolonged or his mind will be harmed, he may not fast or break his fast. Later, when he gets well, he should make it up.

It is not permissible to break the fast if the illness is one of the diseases that will not harm the person when he fasts, as in itchy skin, toothache, finger pain, boils, etc. A Muslim specialist doctor should be consulted about whether fasting poses a danger to the health of the patient.¹⁸⁸⁹

1887. Al-Baqara, 2: 184, See “Traveler’s Prayer.”

1888. Al-Bukhari, Ṣawm, 34, 38, Maghāzi, 47; Muslim, Ṣiyām, 87-90; al-Nasā’i, Ṣiyām, 49, 54, 55, 61; al-Darimī, Ṣawm, 15; Malik, *Muwatta’*, Ṣiyām, 21.

1889. Among the health problems that make it permissible to break the fast, medical professionals have mentioned the following diseases: Severe heart disease, severe tuberculosis, liver inflammation, cancers, extreme kidney inflammation, those with stones in the urinary tract and those who are passing it, atherosclerosis, severe diabetes.

The concession provided to the patients regarding not to fast is based on the following verse, ***“But whoever of you is ill, or on a journey, shall fast instead for the same number of other days.”***

A person who is healthy during the month of Ramadan, but who is known to get ill when he fasts, or who is known according to medical data, is also considered to be ill.

3 – Pregnancy and Breastfeeding

Pregnant or lactating women during Ramadan may not fast if they fear that harm will come to themselves or their children. Later they should make up their missed days. In the case of breastfeeding someone else’s child, there should not be anybody who could breastfeed the child, or even if there is another woman available, the child should be refusing to be breastfed by that woman.

The proof that it is permissible for pregnant and lactating women not to fast is to compare her to the ill and the traveler. Another proof is the following hadith of the Prophet, *“Allah, the mighty and sublime, has waived fasting and half of the prayer for the traveler and for pregnant and breastfeeding women.”*¹⁸⁹⁰

4 – Old age

It is permissible by consensus for very old men and women, who are incapable of fasting in all seasons of the year, not to fast. It is not necessary for them to make up their fast, either. Instead, they must offer a monetary compensation (*fidya*) adequate to feed the poor for every day they could not fast. The following is stated in the Qur’an, ***“and in such cases, it is incumbent upon those who can afford it a ransom as a substitute of feeding a needy person.”***¹⁸⁹¹ Ibn Abbas (*ra*) said that this verse is about very old men and women who cannot fast. They need to feed a poor person in place of each day that they could not fast.¹⁸⁹²

The ill with no hope of recovery are treated like the elderly. Because Allah Almighty says: ***“Allah has imposed no difficulties on you in religion.”***¹⁸⁹³ However, those who do not have the strength to fast in Ramadan but are able to make it up later, do not pay the monetary compensation and make up for the fasts they could not observe in Ramadan. According to the Malikis, those who are too old to fast and those who are too ill to fast with no hope of recovery, do not have to pay monetary compensation for the fast they could not observe, but its payment is considered *mustaḥab*.

The monetary compensation for fasting can be given at the beginning or at the end of Ramadan. The *fidya* for thirty days can be given to various poor people as well

1890. Al-Nasā’ī, Ṣiḡām, 50, 51, 62; Ibn Maja, Ṣiḡām, 3, 50; al-Tirmidhī, Aḍāḥī, 10; Aḥmad ibn Ḥanbal, II, 183.

1891. Al-Baqara, 2: 184.

1892. Al-Bukhari, Tafṣīrū surah 2/25; Abū Dawūd, Savm. 3; al-Tirmidhī, Aḍāḥī, 10; Aḥmad ibn Ḥanbal, II, 183; Ibn Maja, Ṣiḡām, 50.

1893. Al-Ḥajj, 22: 78.

as the whole amount can be given to one poor person. According to Abu Yusuf, one day's *fiḍya* can also be distributed among a few poor people. It is also permissible to offer food (*ibāḥa*) equal to the amount of *fiḍya* instead of giving it to the poor. That is, it is sufficient for a poor person to have enough food to be satiated in the morning and evening to compensate for the fasting of each day.

If a person who gives the *fiḍya* for fasting due to old age or an incurable disease gets better and is able to fast later, payment of the *fiḍya* will be considered invalid. He has to fast and make up for those days.

5 – Being in a Fight with the Enemy

A Muslim soldier who fights the enemy in Ramadan does not have to fast if he fears that he will become weak in the face of the enemy. Even if the battle does not actually take place, he will only need to make those days up later.

6 – Breaking the Fast under Duress and Intimidation

A person who is threatened with harm to his life or a limb may break his fast. He then makes it up. However, if a person who is not a traveler or ill were to be killed because of not breaking the Ramadan fast under coercion, he would not be considered a sinner. Perhaps he will gain a great reward for showing his devotion to his religion. However, if the traveler and the ill do not break their fast and are killed under duress, it will be considered a sin because there is already a concession provided to them to break their fast. It would not be right for them not to benefit from this concessionary rule in the face of compulsion. If a fasting woman has sexual intercourse forcibly or while she is asleep, she will need to make up her fast later.

7 – Severe Hunger and Thirst

If a fasting person fears that he or she will perish due to extreme hunger or thirst, that his physical and mental health will seriously be affected, or if such a thing is highly probable according to experiences or medical data, it is permissible for him or her to break the fast. It must be made up later. In fact, if the danger of death is certain, it becomes *ḥarām* to fast, because Allah, the Exalted says, “*make not your own hands contribute to (your) destruction*”¹⁸⁹⁴, and “*Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!*”¹⁸⁹⁵

8 – Being Invited to a Banquet

Giving a banquet or being invited to a banquet can only be considered an excuse for breaking a voluntary fast. A person who gives a banquet or is invited to a feast can break his voluntary fast, and he can make it up later. For if he continues to fast it is possible that he may offend a Muslim brother.

1894. Al-Baqara, 2: 195.

1895. Al-Nisā, 4: 29.

On the other hand, according to the soundest view, a banquet is an excuse for the guest or host until noon.

Fasting must continue after *zawāl*, but it can be broken only if there is disobedience against the parents because by the afternoon the ruling on completing the fast has gained strength.

The feast is not a valid excuse for neither *fard* nor *wājib* fasts.

9 – Menstruation or Postpartum Bleeding

If a woman starts to menstruate during the day of Ramadan or gives birth to a child, her fast will be broken. Then, it is not permissible for her to fast on the days of menstruation and during post-partum bleeding.

If a woman's menstruation days have lasted exactly ten days and her menstruation stops at night during Ramadan, she starts fasting the next day. However, if it lasts less than ten days, and if there is enough time left for her to bathe and some more time until the time of *imsāk* after her period has stopped, she will start fasting. If there is not enough time, for example, if it is *imsāk* time immediately after performing the *ghusl*, she will not start fasting that day. Because, for those who have less than ten days of menstruation, the duration of performing *ghusl* is also counted from the time of menstruation.

10 – Working Demanding Jobs

Sickness, traveling and not being able to fast are mentioned in the Qur'an as excuses that make it permissible to not fast.¹⁸⁹⁶ In principle, it is not the proper behavior for a believer to work or be employed in demanding and difficult work that will prevent him from fasting. This situation is also incompatible with the freedom of religion and conscience of the person. If the Muslim society cannot provide better job opportunities to a believer who has to work at such heavy jobs during Ramadan, and if it is certain or highly probable that he will have financial difficulties if he quits his job, then he may choose to not fast in Ramadan. A person who has to work temporarily in such difficult work may choose to not fast if he is afraid that if he fasts, his mental or physical health will be harmed. Such people make up for the fasts they could not observe.

If the hard worker actually gets harmed due to hunger or thirst, it is obligatory for him to break the fast. Allah Almighty says, ***“O you who believe! ... Do not kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!”***¹⁸⁹⁷

In conclusion, even if a fasting believer, who works at a job, knows that he will get ill due to work, it is not permissible for him to break his fast or not start fasting before he is ill.

1896. Al-Baqara, 2: 184, 185.

1897. Al-Nisā, 4: 29. For more information see al-Kāsānī, *ibid*, II, 94-97; Ibn Abidīn, *ibid*, II, 158-168; al-Shurunbulālī, *ibid*, p. 115-117; Ibn Rushd (Averroes), *ibid*, I, 285-288; Ibn Qudāmah, *Mughnī*, III, 99 ff.; al-Buhūti, *Kashshāf*, II, 361; Bilmen *ibid*, p. 300 ff.

Even when a person cannot fast due to one of the above-mentioned excuses, it is one of the good manners of Muslim character not to show it to people as much as possible out of respect to the fast, the fasting people, and the month of Ramadan.

Among the above-mentioned people, the child who has reached puberty and the person who has converted to Islam in the month of Ramadan do not have to make up for that day's fast for they were not responsible at the time of *imsāk*. As for anyone else, they have to make it up.¹⁸⁹⁸

C – CONDITIONS FOR THE VALIDITY OF FASTING

For a fast to be valid, three conditions must be met. Not to be menstruating or in the period of postpartum bleeding, to make the intention to fast, and to stay away from the situations that invalidate fasting.

1 – Not to be menstruating or in the period of postpartum bleeding

The fasting of a woman who is in menstruation or the period of postpartum bleeding is not valid. Such a woman makes up for the fasts that she could not observe in Ramadan later.

There is a consensus among the jurists that being purified from the state of ceremonial impurity (*janābah*) is not a condition for the validity of fasting for it is possible to be cleansed from ceremonial impurity. In addition, the state of *janābah* generally happens at night, and may sometimes happen involuntarily during the day. According to a narration from Aisha and Umm Salama (*r. anhumā*), "In the month of Ramadan, the Prophet would wake up in the morning in the state of *janābah* due to having sexual intercourse without having seminal discharge in a dream and then continue his fast."¹⁸⁹⁹ It was also narrated from Umm Salama (*r. anha*) that she said, "The Messenger of Allah (*saw*) used to wake up in the state of *janābah* not because of having a wet dream but because of having sexual intercourse, then he would neither break his fast nor would he make up for it."¹⁹⁰⁰ However, it should not be forgotten that the Messenger of Allah delayed his major ablution for it to be easy for his followers. When possible, it is more virtuous to perform *ghusl* at night or before the time of *saḥūr*.

If a person who sleeps through the night in the state of *janābah* and does not perform *ghusl* or a woman who has not had time and opportunity to perform *ghusl* before the time of *imsāk*, although her menstruation and postpartum bleeding ends before the time of *imsāk*, the fast of that day will be valid if he or she performs *ghusl* in the morning.¹⁹⁰¹

1898. Al-Kasānī, *ibid*, II, 102 ff.; al-Shurunbulālī, *ibid*, 114; al-Zuhaylī, *ibid*, II, 649; Bilmen, *ibid*, p. 303.

1899. Aḥmad ibn Ḥanbal, *Musnad*, VI, 34, 36, 38, 67.

1900. Muslim, *Ṣiyām*, 77.

1901. Ibn Abidīn, *ibid*, II, 116 ff.; al-Shurunbulālī, *ibid*, 105; al-Shirbinī, *ibid*, I, 423, 432; al-Zuhaylī, *ibid*, II, 616 ff.

2 – Intention for Fasting

Making intention in the heart is sufficient for any fast. If a person thinks that tomorrow is Ramadan and that he will fast this month, or if he gets up to have *saḥūr* before dawn, such acts are considered an intention. However, because expressing this intention made in the heart with the tongue means confirming it, it is considered *mandūb*.

Whether fasting is obligatory or supererogatory, the intention is essential for all forms of fasting for fasting is an act of worship. In order to separate an act of worship from a customary one, the intention is required. The Prophet said, “*The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended.*”¹⁹⁰²

a) Time of intention

For all kinds of fasting, it is most virtuous to make the intention before dawn or at night, whenever possible. Thus, the intention will exist at the beginning of the fasting. As a matter of fact, it is not permissible to intend to fast after the break of the second dawn for the types of fasting that are a debt upon the person such as the compensatory (*qadā*) fasting.

According to the Ḥanafis, the time of intention is divided into two groups according to the type of fasting:

1. Fasts that can be intended from the sunset until the mid-morning time of the next day. The intention for Ramadan fasting, supererogatory fasts, and votive fasts which are specified to be held on a certain day and date can be made from the sunset until the mid-morning time of the next day and even just before the time of the noon prayer. However, from the time the sun moves west from its zenith until the evening, no intention of fasting can be made. In this regard, there is no difference between a resident and a traveler, or a patient and a healthy person.¹⁹⁰³

However, making an intention for such fasts before noon depends on not doing anything that invalidates fasting, such as not eating and drinking anything after the second dawn. When such a thing happens knowingly or unknowingly, it is no longer permissible to intend to fast.

There are hadiths showing that one can intend to perform a supererogatory fast before noon. In one of such hadiths, it is stated that the Messenger of Allah (*saw*) fasted one day after he asked Aisha (*r. anha*) whether she had prepared anything to eat and she replied that she had nothing to eat.¹⁹⁰⁴

1902. Al-Bukhari, *Bad' al-waḥy*, 1; Muslim, *Imāra*, 155.

1903. Al-Kāsānī, *ibid*, II, 85; Ibn al-Humām, *ibid*, II, 43-50, 62; al-Shurunbulālī, p. 106; al-Maydanī, *Lubāb*, I, 163.

1904. The hadith was narrated by al-Dāraqutnī who stated that its chain of transmission is “*ṣaḥīḥ*.”

According to the Malikis, for the intention to be valid, it must be made from the sunset until the last part of the night or at the time of dawn. Even if fasting is supererogatory, intention cannot be made until the time of *zawāl*. For when the intention is not made before dawn, it becomes certain that that day will be spent without fasting. On the other hand, both fasting and non-fasting cannot coexist in one day.¹⁹⁰⁵

According to Shafi'is, it is necessary to intend for Ramadan fasting, compensatory fasting, and votive fasts at night. However, it is permissible to intend for a supererogatory fast until before the time of *zawāl*.¹⁹⁰⁶

2. The fasts that should be intended from the sunset until the *imsāk* time at the latest. These are the fasts that are a debt upon a person. Making up Ramadan fasting, and making up a supererogatory fast that has been broken untimely after it started, the fasts of atonement with all its varieties, and the absolute votive fasts with no specific date to observe are included in this group.

It is obligatory to make the intention for such fasts at night or at the beginning of the second dawn at the latest. It is also necessary to specify them in the intent made. Therefore, if the intention is made for any of them after the second dawn or if the type of fasting is not specified by heart, such fasts are not considered valid. This is because there is no specific day for these fasts predetermined by Islam. Therefore, it must be determined by the intention of the fasting person.

On the other hand, deciding to fast in the evening or waking up for *sahūr* before dawn are also accepted as intentions. However, if a fast that is a debt on the person is observed with an intention made after the second dawn, that fast turns into a voluntary fast.

b) Form of Intention for Fasting:

The absolute intention is sufficient for Ramadan fasting, specified votive fasting, or any supererogatory fasting. For example, the intention can be made as follows "to fast tomorrow" "to observe the tomorrow's fasting" or "perform a voluntary fasting tomorrow". However, It is more virtuous to make intentions for them at night and specify them by saying, "I intend to observe tomorrow's Ramadan fasting".

According to the majority of jurists, it is necessary to make a separate intention for each day of Ramadan. For each day's fasting is an act of worship in itself and has nothing to do with fasting on other days. As a matter of fact, if one day's fast is broken, the fast of the other days will not be affected.

According to the Malikis, one intention at the beginning is sufficient for fasts that must be observed consecutively without a break. The fasts that must be performed one after the other such as the fasting of Ramadan and its atonement, the atonement of murder, or the atonement of *ẓihār*, are of this nature. However, if these fasts are interrupted

1905. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, Egypt (n.d.), I, 284; al-Zuhaylī, *ibid*, II, 619, 620.

1906. See al-Shirbinī, *ibid*, I, 423 ff.; al-Zuhaylī, *ibid*, II, 620.

due to compulsory reasons such as travel, illness, menstruation, or postpartum bleeding, re-intention is required after the obstacle is removed. It is *mandūb* to make intention every night in fasts for which a single intention is sufficient. The evidence on which this ruling is based is the Qur'anic verse, ***“Whoever of you lives to see this month shall fast throughout it”***. The month is the name given to a single duration of time. Therefore, fasting during the month is a single act of worship. This can be done with a single intention, similar to prayer and pilgrimage.¹⁹⁰⁷

c) Some Matters Related to Intention:

If an intention is made for a compensatory fast after the second dawn, the fast will turn into a supererogatory one, since the compensatory fasting will not be valid with such intention. According to the Ḥanafis, if this fast is to be broken, it must be made up. This is because it is not permissible to abandon an act of worship that has already begun.

If a person intends “to fast tomorrow” before the sun sets, he will not be fasting until he confirms his intention before the next *zawāl* time. However, the intention made after sunset is sufficient.

It is possible for a person, after intending to fast at night, to give up his intention before the second dawn. In like manner, if a fasting person intends to break his fast but does not break it, his fast will not be broken with such an abstract intention that he has thought or verbally expressed.

If a person knows that the month of Ramadan has commenced but intends neither to fast nor not to fast - according to the clear narration - he will not be fasting.

The intention should not be hesitant or conditional. For example, making the intention by saying “I intend not to fast if I am invited to a party tomorrow, and to fast “if I am not invited” is not considered valid. One cannot start fasting with such an uncertain intention. However, making the intention by saying, “God willing I intend to fast tomorrow” is considered valid.

In the case of the fasts for which it is permissible to intend before noon, if the intention is made during the day, the intention must include fasting from the beginning of that day. Otherwise, if one intends to fast from the moment it is intended, it will not be valid.

If a person who faints or suffers from mental illness during the night or day of Ramadan gets up before the time of *istiṭwā* and makes an intention to fast, his or her fasting is considered valid.

If a person intends to perform another obligatory fast in the month of Ramadan, he will be deemed to have made his intention for the Ramadan fast. According to Abu Yusuf and Imam Muhammad, there is no difference between a resident and a traveler

1907. Al-Kāṣānī, *ibid*, II, 85; Ibn Rushd (Averroes), *ibid*, I, 282 ff.; Ibn Qudāmah, *Mughnī*, III, 93; al-Shirbinī, *ibid*, I, 424.

in this regard. According to Abu Ḥanīfa, in this case, the traveler will be fasting for the obligatory fast he intended because he is not obligated to perform Ramadan fasting.

If one intends to perform voluntary fasting, according to the sounder view, it will be intended for Ramadan fasting. Such intentions of an ill person, according to sound opinion, will be made for Ramadan fasting.

The absolute intentions of the traveler and the ill will also be accepted as intentions for the Ramadan fast.

If fasting is intended on the day of a specified votive fast with the intention of another obligatory fasting, such as atonement or the making up Ramadan fasting, this fast -according to sound opinion- will be accepted for the obligatory fasting, while the specified votive fasting has to be made up.

If one intends to do both atonement and voluntary fasting at the same time, it will be accepted as atonement. However, if one intends for both compensatory and atonement of a broken oath, none of them will be considered valid because these two fasts are equivalent in terms of obligation to fulfill them. Such a fast turns into a voluntary fasting.

While making up for one or more Ramadan fasts, it is more appropriate to intend to "fast that which is necessary to make up first". However, it is sufficient to intend the make up of a Ramadan fast alone without specifying it.

If a woman intends to fast at night while she is still menstruating, her fast will be valid if she is cleansed before the second dawn.

If people who are taken captive or are in prison have doubts about whether the month of Ramadan has begun, they fast for a month, according to the conclusion they have reached as a result of individual research. This is similar to searching for the *qibla* and prayer times. If these fasts coincide with Ramadan or if they are observed with the intention made at night after the month of Ramadan or after the Eid days when fasting is not permissible, it will still be considered permissible. If all days of Ramadan are not fasted, the missing days are made up. However, if the fasts coincide with the days before the month of Ramadan, they are not regarded as permissible, and they will be accepted as voluntary fasting.

If one intends to fast after sunset, eating, drinking, and having sexual intercourse until the second dawn will not harm the fast. This is because the intention made from the night is made for the fasting that will start after the second dawn. As a matter of fact, it is possible to withdraw this intention and decide not to fast until before the second dawn.¹⁹⁰⁸

1908. See al-Kāsānī, *ibid*, II, p. 83 ff.; Ibn al-Humām, *ibid*, II, p. 43 ff.; al-Shurunbulālī, p. 106; al-Sarakhsī, *Mabsūt*, 3rd ed., Beirut 1398/1978, III, p. 128 ff.; *al-Fatawā al-Hindiyya*, 3rd ed., Bulak 1393/1973, I, 194 ff.; al-Zuhaylī, *ibid*, II, p. 624 ff.; Bilmen, *Büyük İslam İlmihali*, p. 285 ff.

3 – Avoiding Things that Invalidate the Fast

For the fast to be valid, it is necessary to avoid the pleasures of eating, drinking, and having sexual intercourse between the time of *imsāk* and the time when the sun sets. It includes eating and drinking everything that is customary to eat and drink. Smoking and tobacco-based smoky substances such as cigarettes, hookahs, and all substances taken as a matter of addiction are included in the prohibition of fasting, as well as all kinds of drugs taken orally. The provision of getting an injection for treatment is controversial, and we will explain this and a few other issues under the heading “Prohibitions of Fasting” below.



VI – THINGS THAT ARE *MUSTAḤAB* FOR A FASTING PERSON

Although not directly related to the validation of fasting, the Prophet had some recommendations in order to facilitate fasting and increase the worldly and otherworldly benefits of fasting.

We can list the acts and behaviors considered *mustaḥab* for the person who is fasting as follows:

1) To wake up to have a *saḥūr* meal: The last one-sixth of the night is called *saḥūr*. This meal that is eaten at the time of dawn, before the time of *imsāk*, is called “*saḥūr*”. It is appropriate to have *saḥūr*, even if it is only a sip of water, and trying to take a *saḥūr* meal should as much as it is possible coincide with the last parts of the night. The purpose of getting up for *saḥūr* is to gain strength for the day of fasting and to benefit from the reward and virtue of the dawn. There are various hadiths of the Prophet (*saw*) that encourage and recommend people to get up for *saḥūr*. Some of them are, “*Get up for saḥūr as there are blessings in the saḥūr meal.*”¹⁹⁰⁹, “*Those who want to fast should eat something at saḥūr.*”¹⁹¹⁰, and “*Seek help by having saḥūr for fasting that day, and by taking a brief rest at midday (qaylūla) for tahajjud at night.*”

It is also *mustaḥab* to delay the *saḥūr* close to dawn. The Messenger of Allah (*saw*) said, “*My people will remain on goodness as long as they hurry the iḥṭār and delay the saḥūr.*”¹⁹¹¹

2) To hasten *iḥṭār* before the evening prayer: It is *mustaḥab* to rush to break the fast so that it does not occupy the heart. However, if the weather is cloudy, even if the call to prayer is recited, one should not rush to have *iḥṭār*. A person who is in a high place cannot break his fast until he sees the sunset. It is *mustaḥab* to have *iḥṭār* with a date or similar food or with water. Because this is how the Messenger of Allah (*saw*) used to break his fast.¹⁹¹² The hasty fasting of *iḥṭār* is based on the following hadith, “*The people will remain upon goodness as long as they hasten to break the fast.*”¹⁹¹³

3) It is Sunnah to say prayers while breaking the fast and below is an example of a prayer compiled from the hadiths:

اللَّهُمَّ لَكَ صُمْتُ وَعَلَى رِزْقِكَ أَفْطَرْتُ وَعَلَيْكَ تَوَكَّلْتُ فَتَقَبَّلْ
مِنِّي فَاعْفُزِلِي إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

1909. Al-Bukhari, Ṣawm, 20; Muslim, Ṣiyām, 45; al-Tirmidhī, Ṣawm, 17; al-Nasā’ī, Ṣiyām, 18, 19.

1910. Aḥmad ibn Ḥanbal, III, 367, 379.

1911. Al-Bukhari, Ṣawm, 45; Muslim, Ṣiyām, 48; al-Tirmidhī, Ṣawm, 13.

1912. Al-Shawkanī, *Nayl al-Awṭār*, IV, 220

1913. Al-Bukhari, Ṣawm, 45; Muslim, Ṣiyām, 48; al-Tirmidhī, Ṣawm, 13.

“Allahumma laka şumtu wa ‘alā riżqika aftaru wa ‘alayka tawakkaltu, fa taqabbal minnī, fa’ghfirli, innaka anta’s-samī‘u’l-‘alīm”

O Allah, for You I have fasted, and with Your provision, I have broken my fast and in You, I have put my trust, so accept from me, so forgive me, for You are the All-Hearing, All-Knowing.”¹⁹¹⁴

4) To offer *iftār* for a fasting person: It is *mustahab* for the wealthy Muslims to offer *iftār* to those who are fasting, especially those who are not well off. The most perfect one of such acts is to offer an *iftār* meal to fasting people. The following is stated in the hadith, “A person who gives *iftār* to a fasting person will receive as much reward as the fasting person will receive, and there will be no decrease in the reward of the fasting person.”¹⁹¹⁵ The Messenger of Allah was the most generous of people in doing charity, he would increase his donations, even more, when the month of Ramadan commenced.¹⁹¹⁶ The purpose of increasing the benevolence and treats in Ramadan is to meet the needs of those who fast and worship and to ease their hearts.

5) A person who is in the state of *janābah*, whose menstruation or post-partum bleeding period has ended, should perform ablution before dawn: In order to be clean at the beginning of the fast, it is recommended that these people perform major ablution before *imsāk*, if possible. That is the virtuous way to act. However, if it is not possible to perform *ghusl* or if there is no time left to perform *ghusl*, it is valid for these people to intend to fast. Accordingly, if a woman whose menstruation and post-partum bleeding ends before *imsāk*, intends to fast before she has an opportunity to perform major ablution, and if the person who is in the state of ceremonial impurity starts fasting without performing *ghusl*, these fasts will still be valid.

The following is stated in the Qur’an,

“Permitted to you, on the night of the fasts, is the approach to your wives. They are your garments and ye are their garments. Allah knows what you used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them, and seek what Allah has ordained for you, and eat and drink, until the white thread of dawn appear to you distinct from its black thread; then complete your fast till the night appears; but do not associate with your wives while you are in retreat in the mosques. Those are Limits (set by) Allah: Approach not nigh thereto. Thus does Allah make clear His signs to men: that they may learn self-restraint.”¹⁹¹⁷

The expression “night” in this verse covers the period from sunset to *imsāk* time in the month of Ramadan. Moreover, Aisha and Umm Salama (*r. anhumā*), the wives of

1914. See Abū Dawūd, *Şawm*, 22; Ibn Maja, *Şiyām*, 48.

1915. Al-Tirmidhī, *Şawm*, 82; Ibn Maja, *Şiyām*, 45; al-Darīmī, *Şawm*, 13; Aḥmad ibn Ḥanbal, IV, 114, 116, V, 192.

1916. Al-Bukhari, *Bad’ al-waḥy*, 5, *Şawm*, 7, *Bad’ al-khalq*, 6, *Faḍā’il al-Qur’ān*, 7; Muslim, *Faḍā’il*, 50.

1917. Al-Baqara, 2: 187.

the Prophet, said, "In the month of Ramadan, the Prophet would wake up in the morning in the state of *janābah* due to a wet dream without seminal discharge and then continue his fast."¹⁹¹⁸ In like manner, according to the narration from Aisha, one day a man came to the Messenger of Allah and said, "O Messenger of Allah, I get up in the morning as *junub*, in a state of major ritual impurity, and want to fast," and the Messenger of Allah (saw) said, "*I too get up in the morning as junub and want to fast, so I perform ghusl and fast.*" The man said to him, "You are not the same as us. Allah has forgiven you all your wrong actions that have gone before and those that have come after." The Messenger of Allah (saw) got upset and said, "*By Allah, I hope that I am the most fearful of you with respect to Allah and the most knowledgeable of you in how I have taqwa.*"¹⁹¹⁹

6) It is *mustahab* for the fasting person to protect his tongue from unnecessary and useless talks. Moreover, he should also avoid behaviors such as gossip, carrying tales, and lying even more at this time than at other times of the year.

The Prophet (saw) said, "*Whoever does not give up false statements (i.e. telling lies), and evil deeds, and speaking bad words to others, Allah is not in need of his (fasting) leaving his food and drink.*"¹⁹²⁰ In another hadith, the following is stated, "*There are people who fast and get nothing from their fast except hunger and thirst, and there are those who pray at night and get nothing from their prayer but a sleepless night.*"¹⁹²¹

On a day of Ramadan, if someone taunts, abuses, or tries to fight a fasting person, it is sunnah for the fasting person to remind that person that he is fasting. As a matter of fact, the Messenger of Allah said, "*None of you should say bad words or shout while fasting. Even to someone who says harsh words to him, he should only say 'I am fasting.'*"¹⁹²² A person who is fasting in times other than Ramadan should say this in his heart and calm himself. For it is more virtuous to hide a supererogatory worship in order to protect oneself from hypocrisy.

7) To benefit more from the spiritual atmosphere of the month of Ramadan, it is *mustahab* to read the Qur'an during this month, try to learn the knowledge that one feels is lacking, and increase prayer and remembrance of Allah. In the meantime, in order to reach the knowledge contained in the Qur'an, its translation should be read along with its original text and one should also benefit from scholarly circles. As a matter of fact, the Messenger of Allah "would meet Gabriel (as) every night in the month of Ramadan, and would discuss and learn the Qur'an from him."¹⁹²³ Furthermore, it is stated in another

1918. For various narrations see Aḥmad ibn Ḥanbal, VI, 34, 36, 38, 67; Ibn Maja, Ṣiyām, 27; Malik, *Muwaffā'*, Ṣiyām, 10, 12.

1919. Malik, *Muwaffā'*, Ṣiyām, 9.

1920. Al-Bukhari, Ṣawm, 8, Adab, 51; Abū Dawūd, Ṣawm, 25; al-Tirmidhī, Ṣawm, 16; Ibn Maja, Ṣiyām, 21.

1921. Ibn Maja, Ṣiyām, 21.

1922. Al-Bukhari, Ṣawm, 2; Muslim, Ṣiyām, 160; Abū Dawūd, Ṣawm, 29; al-Nasā'ī, Ṣiyām, 42; Malik, *Muwaffā'*, Ṣiyām, 57.

1923. Al-Bukhari, Bad' al-Wahy, 5, Bad' al-khalq, 6, Manaqib, 23; al-Nasā'ī, Ṣiyām, 2; Aḥmad ibn Ḥanbal, I, 288, 367, 373, VI, 130.

hadith that allocating an hour a night for knowledge is better than reviving that whole night with supererogatory worship.¹⁹²⁴

8) It is *mustaḥab* for a fasting person to retreat in seclusion (*i'ṭikāf*), especially in the last ten days of Ramadan. This is because entering *i'ṭikāf* protects the lower self from prohibitions, and increases the possibility and hope of encountering the night of power. Aisha said, "When the Messenger of Allah (*saw*) entered the last ten days of Ramadan, he would revive the whole night with acts of worship, wake up his family and stay away from women."¹⁹²⁵

During the month of Ramadan, one should avoid the deeds that make the body excessively weak to perform fasting. If possible, one should work until noon and then rest. If possible, someone else should be hired to do some work for a comparable fee.¹⁹²⁶



1924. Al-Darimī, *Muqaddimah*, 27.

1925. Muslim, *I'tiqād*, 8; Al-Tirmidhī, *Ṣawm*, 72; Ibn Maja, *Ṣiyām*, 57; al-Darimī, *Ṣawm*, 52; Aḥmad ibn Ḥanbal, VI, 82, 123, 256, V, 40.

1926. For the *mustaḥab* acts see al-Kāsānī, *ibid*, II, 105-108; Ibn Abidīn, *ibid*, II, 157 ff.; al-Shurunbulālī, *ibid*, p. 115; Al-Shirbinī, *ibid*, I, 434-436; Ibn Qudāmah, *Mughnī*, III, 103, 169 ff.; al-Zuhaylī, *ibid*, II, 631 ff.

VII – THINGS THAT ARE REPREHENSIBLE FOR A FASTING PERSON

1) It is *makrūh* to feel the taste of something and chew something without an excuse. For there is a danger of swallowing something taken into the mouth. However, if the husband is ill-tempered due to the cooked food or if there is a danger of being deceived due to a food item to be bought, then the food may be tasted. However, it is imperative to feel the taste only by tongue and make certain that nothing goes into the throat.

2) It is *makrūh* for a fasting person to chew a pre-chewed, non-sweet, white, non-breakable gum. It is also not permissible to chew a new gum because a person who chews gum can be accused of not fasting by society. Moreover, by the first chewing of gum, which is mixed with a significant amount of sweetener, fasting is broken due to swallowing this type of sugar and sweetener.

In fact, chewing gum is considered inappropriate for men, even when they are not fasting. However, covertly chewing due to an excuse is excluded.

3) It is *makrūh* for the spouses who do not have a strong will to kiss or hug each other. For this behavior may lead to committing an act that will break the fast. In principle, kissing one's spouse does not harm the fast. As a matter of fact, Aisha reported that the Messenger of Allah (*saw*) kissed and joked with his wives while fasting.¹⁹²⁷ However, it is *makrūh* for a fasting person to hug his wife when they are naked, whether they have a strong will or not. This is called "*fāḥish mubāsharat* (excessive closeness)".

4) It is *makrūh* to do things that may weaken a person's body, such as having blood drawn from a vein or bloodletting (*ḥajamat*) treatment. Yet, it is not considered *makrūh* if it does not weaken the body. However, it is more appropriate to delay it until after *ifṭār*.

5) According to the majority of the Ḥanafīs, it is appropriate for a fasting person to clean their teeth with wet or dry *miswak*. According to Abu Yusuf, it is *makrūh* to use a *miswāk* moistened with water.¹⁹²⁸

Mouth and teeth cleaning are done for the purpose of removing the residue of the eaten food or drink. After the *saḥūr* meal, cleaning the mouth and teeth with a *miswāk* or brush may be sufficient until the evening. Because it is out of the question for a fasting person to put anything in his mouth, yet, it is sunnah to draw water to the mouth three times each time one performs *wuḍū*. A fasting person should just be careful not to swallow sweeteners existing in the toothpaste.

1927. Ibn Maja, *Ṣiḡām*, 19; *Muwatṭā'*, *Ṣiḡām*, 13; Aḥmad ibn Ḥanbal, VI, 463.

1928. See Ibn Abidīn, *ibid*, II, 153-155; al-Shurunbulālī, *ibid*, p. 114 ff.; al-Zuhaylī, *ibid*, II, 636 ff.

According to Shafi‘is, it is *makrūh* to use a *miswāk* from the time of *zawāl* until sunset. The evidence is the following hadith, “By Him in Whose Hands my soul is, the smell coming out from the mouth of a fasting person is better in the sight of Allah than the smell of musk.”¹⁹²⁹ This smell is related to the time after the zenith because the smell of the mouth before noon is the result of food, and the one after the *zawāl* time is the result of the act of worship.¹⁹³⁰

6) If a fasting person wakes up in the morning in the state of *janābah* or has a wet dream during daytime sleep, it does not harm the fast. However, it is more virtuous to perform *ghusl* at night if possible. For by doing this, the fasting commences in a ritually clean state.

7) Washing to cool off or being wrapped in a wet cloth does not harm fasting according to Abu Yusuf. This is the preferred view of the Ḥanafī school for it helps to do worship. According to Abu Ḥanīfah, it is *makrūh* to draw water into the mouth or nose to cool off or to wash with cold water.

8) It is not *makrūh* for a fasting person to smell something like rose, musk, and essence. Yet, according to the three schools except for the Ḥanafīs, it is *makrūh* to put on perfume to smell it.¹⁹³¹

9) Having blood drawn or cupping does not invalidate the fast, but it is *makrūh* if it breaks the fasting person’s resistance and causes him weakness. It is reported that the Prophet had blood drawn and cupping done while he was in the state of *iḥrām* and fasting.¹⁹³²



1929. Al-Bukhari, *Ṣawm*, 2, 9, Libās, 78; Muslim, *Ṣiyām*, 162-164; al-Tirmidhī, *Ṣawm*, 54; al-Nasā‘ī, *Ṣiyām*, 41-43.

1930. Al-Shirbinī, *Mughni al-Muḥtāj*, I, 431, 436.

1931. Al-Shirbinī, *ibid*, I, 431, 436; Ibn Qudāmah, *Mughnī*, III, 106-110; al-Zuhaylī, *ibid*, II, 638, 639.

1932. Al-Bukhari, *Ṭibb*, 11, *Ṣayd*, 11, *Ṣawm*, 22; Abū Dawūd, *Ṣawm*, 28, 29, 30; al-Tirmidhī, *Ṣawm*, 59, 61; Ibn Maja, *Ṣiyām*, 18.

VIII – INVALIDATING THE FAST, MAKING IT UP, AND ITS ATONEMENT

A – SITUATIONS THAT INVALIDATE THE FAST AND REQUIRE MAKING IT UP ONLY

It is possible to amass the situations that only require making up the broken fast in three points.¹⁹³³

1) Eating or drinking something that has no nutritional or therapeutic purpose invalidates the fast and requires only one day of making it up. These are things that human nature does not usually incline towards as it is not customary to eat and drink such things. For example, this is like eating uncooked rice, uncooked millet, lentils, raw dough, flour, or raw fruit, or swallowing nuts, almonds, and walnuts with their shells. Although these are food items, it is not normal to eat them in this way. Similar is the ruling about eating a lot of salt at once. Even if a little of the above-mentioned types of foods are deliberately eaten, the fast will be broken but only one-day compensatory fasting is required. Eating a small amount of salt, on the other hand, requires both making it up and atonement, as eating a little salt provides nourishment.

Swallowing the rain, snow, and hail that enters the mouth willingly is like drinking water and invalidates the fast, but rain, snow, and hailstones falling into the mouth without the intention of the person do not invalidate the fast.

Fasting is not broken by eating or drinking something or having sexual intercourse if the person forgets that he or she was fasting. There is no difference between *fard* and *wājib* or supererogatory fasting in this regard. For errors and forgetfulness are exonerated in acts of worship. The Messenger of Allah (*saw*) said that if anyone forgets that he is fasting and eats or drinks, he should complete his fast, for it is only Allah Who has fed him and given him drink.¹⁹³⁴ However, the ruling of eating and drinking by mistake is different from this, and according to the Ḥanafis, it invalidates the fast. For example, if a person accidentally eats or drinks something, even though he is aware that he is fasting, his fast is broken, and making it up is required. Swallowing water while performing *wuḍū* or swallowing water while swimming in the sea are of this nature.

According to the Shafi'is, since there is no intention to break the fast, a person who eats or drinks something by mistake does not break the fast. According to the Malikis,

1933. Al-Kāsānī, *ibid*, II, 94-102; Ibn al-Humām, *Fatḥ al-Qadīr*, II, 64-77; al-Maydanī, *Lubāb*, I, 165 ff.; Ibn Abidīn, II, 132 ff.; al-Shurunbulālī, *ibid*, p. 109 ff.; al-Zaylāī, *Tabyīn al-Ḥaqāiq*, I, 322 ff.; *Fatawā al-Hindiyya*, I, 202 ff.; al-Zuhaylī, *ibid*, II, 652 ff.

1934. Al-Bukhari, *Ṣawm*, 26; Muslim, *Ṣiyām*, 17.

in such a case, the fast is broken and it has to be made up for *imsāk*, which is the pillar of fasting, is transgressed.

If one sees that the fasting believer is eating, the situation can have various rulings; If this person is old or weak, it is permissible not to warn that person. If he is able to fast, not reminding him that he was fasting is considered *makrūh* and close to *ḥarām*, according to the Ḥanafis' preferred view.

In case of bleeding of the gums, if blood equal to or more than the saliva goes into the throat, it breaks the fast. Less does not, because it is difficult to avoid.

If one vomits intentionally, it does not break the fast. If it is done deliberately and if it is a mouthful, the fast is broken.

According to Abu Ḥanīfa and Imam Muhammad, spitting a mouthful of phlegm does not break the fast.

The evidence of the above issues is the following hadith, *"If one has a sudden attack of vomiting while he or she is fasting, making it up is not required, but if he or she vomits intentionally he or she must make it up."*¹⁹³⁵

It does not invalidate the fast if something that is not usually eaten and that which is impossible to avoid, goes inside the throat. For example, the smoke of a fire, the smoke dispersed in the air, and the dust from the things that are ground or beaten with a mallet do not break the fast. Such is the case with a fly entering into the nose or mouth. However, if a medicine, for example, a clove put on a tooth, goes inside the throat, it invalidates the fast.

Since medicine dripped into the ear or nose can reach the stomach through the throat, it invalidates the fast. However, water that enters or spills into the ear does not break the fast. A medicine dropped into the eye does not break the fast even if it is felt in the throat. Kohl applied to the eye does not harm the fast, even if its color and texture can be seen in the saliva. For the connection of the eye to the throat is indirect since the penetration of eye drops or kohl is considered to have occurred through the skin pores.

Putting medicine on a woman's genitals or the anus of both sexes with a syringe invalidates the fast, necessitating making that day up.

Using medication, vaccination, and injection: A sick person may fast if he or she is able to endure the fast. In such a case, what happens if there are medications that need to be taken at certain times on a daily basis? There is a consensus among Muslim scholars that food, drink, medicine and similar things to be taken while fasting through normal ways such as mouth, nose, front and back will invalidate the fast. That is because drugs such as oral pills, syrups, lozenges, etc. break the fast.

1935. Abū Dawūd, *Ṣawm*, 33; al-Tirmidhī, *Ṣawm*, 24, 25; Ibn Maja, *Ṣiyām*, 16; Al-Darimī, *Ṣawm*, 25; Malik, *Muwattāʾ*, *Ṣiyām*, 47; al-Shawkanī, *ibid*, IV, 204.

According to Abu Ḥanīfa, when drugs are applied to deep wounds close to the abdomen or the brain reach the abdominal cavity or the brain, the fast is broken and requires one day of making it up. Accordingly, a medicine injected under the skin, into the muscle, or into the vein by means of a vaccine or injection invalidates the fast. For the drug, serum, or vaccine taken in this way is fully infused and spreads throughout the body. In addition, it is applied at the request of the fasting person and is deemed suitable for the health of the body. The penetration of the drug in this way is not in the nature of water penetrating through the skin pores. Accordingly, it is more prudent to offer a vaccine or injection after *ifṭār* in cases where there is no necessity.

According to Imam Muhammad and Abu Yusuf, the fast does not break unless something enters through the normal ways. This is because fasting is defined as “holding oneself from not taking anything inside through a normal limb such as the mouth or nose”. In this respect, penetration of medicine placed in a deep wound to the abdomen or the brain is disregarded. Because this penetration did not occur in a normal way. Accordingly, vaccination and injection should not invalidate the fast. In the *fetvahane* in the past and in the *fatwa* commission of Azhar University in 1948, the following *fatwa* was issued, “Anything that enters the body from a place outside the normal holes of the body does not break the fast.”¹⁹³⁶

Today, the use of the pills, injections, serums, etc., which did not exist in the era of mujtahid imams and which would quench hunger, thirst, or provide resistance to the body while fasting may detract from the purpose of fasting. This is because many drugs can also come in the form of injections instead of tablets. While ruling that taking the tablet form orally, the fast is broken, but if the same drug is injected into the muscle as a liquid with a syringe does not break the fast causes an obvious contradiction. Therefore, it would be more prudent for patients who have to take medication during the day to leave the fast to be made up later, and for those with mild conditions to have the injection done after *ifṭār*.

2) The fasting person's taking food or medicine as an excuse requires only one day of making it up. Illness, travel, being forced, making an error, neglect, or doubt are among the religious excuses. Eating or drinking something or using medicine due to such reasons breaks the fast and requires it to be made up. However, it does not require atonement. For example,

- a) Swallowing water while performing *wuḍū* by mistake,
- b) When treating a deep wound on the head or abdomen, the drug penetrates the brain or abdominal cavity,
- c) Making a sleeping person drink water,

1936. See al-Kāsānī, *ibid*, II, pp. 94-102; Ibn al-Humām, *ibid*, II, p. 64 ff.; Ibn Abidīn, *ibid*, II, p. 132 ff., (Trans. A. Davudoğlu, Istanbul 1985, IV, p. 294 ff.); al-Shirbāsi, *Yas 'alūnaka fi 'd-Dīn wa 'l-Ḥayāt*, I, 144, 145; Bilmen, *ibid*, pp. 292-293; Hayrettin Karaman, *Günün Meseleleri*, Istanbul, 1982, I, p. 502, II, p. 32.

d) Breaking the fast out of fear that he will be harmed and get sick while working a heavy job,

e) After eating, drinking, or having sexual intercourse by forgetting, eating, drinking, or having sexual intercourse again deliberately for the rest of the day assuming that the fast was broken in the first instance.

f) Eating and drinking after not intending at night but intending during the day, believing that this intention is insufficient,

g) If a person who intends to fast as a resident during the night and starts a journey during the day eats, drinks, or has sexual intercourse while on a journey, believing that it is permissible to break the fast,

h) The traveler who intends to fast at night eats after intending to reside,

i) If a person who is in doubt as to whether the dawn time has commenced or not continues to eat and drink, but realizes that the second dawn has already broken, only one day of making it up is required, and no atonement is necessary. For while the break of dawn is not known for certain, it is primarily assumed that the night continues.

j) If a fasting person breaks his fast by thinking that the sun has set, but then realizes that the sun has not set, only one day of making it up is required and no atonement.

If a person enters the *imsāk* time while eating and stops eating immediately, he can continue the fast of that day.

3) If a fasting person satisfies his lust in a way other than sexual intercourse, it is required that this day is made up, but no atonement is required.

If a person breaks his or her fasting outside the month of Ramadan by eating, drinking, or having sexual intercourse, making it up is required, but no atonement since there is no violation of the month of Ramadan.

B – SITUATIONS THAT INVALIDATE FASTING AND REQUIRE BOTH MAKE UP AND ATONEMENT

At the top of the list of the situations that break the fast and require both make up and atonement is sexual intercourse while fasting on the day of Ramadan. There is no direct provision in the Qur'an about atonement for fasting. The Prophet also ruled for atonement for fasting in a sexual intercourse incident that took place at that time. The only example for the application of the atonement of fasting is as follows:

A man came to the Prophet (*saw*) and said, "I am ruined."

The Prophet asked him,

"What has happened to you?"

He said:

"I had intercourse with my wife in Ramadan while I was fasting."

The Prophet asked,

"*Can you set a slave free?*" He said:

"No."

He again asked:

"*Can you fast for two consecutive months?*"

He said:

"No." He asked:

"*Can you provide food for sixty poor people?*" He said:

"No."

Allah's Messenger said: "*Sit down.*"

Then a huge basket containing dates was brought to the Prophet (*saw*). He then said to the man:

"*Give this as charity.*"

The man said,

"O Messenger of Allah, there is no poorer family than mine between the two lave plains of Medina."

The Messenger of Allah (*saw*) laughed so that his eye-teeth became visible, and said:

"*Give it to your family to eat.*"¹⁹³⁷

This ruling of atonement regarding Ramadan fasting is the same as the *ḡihār* atonement in the Qur'an. In the period of ignorance, *ḡihār* was a kind of oath by which a husband would make his wife unlawful to himself by resembling his wife to his mother or a close female relative (for instance, by saying "for me you are like my mother"). In the fourth or fifth year of the Hijra, Khawla (*r. anha*)'s husband, Aws Ibn Sāmit, made such a *ḡihār*. Khawla came to the Messenger of Allah (*saw*) and demanded that this custom of ignorance be abolished. Upon the Prophet's statement that there was no revelation on this issue, she stood in front of the door and started to pray and complain to Allah. Thereupon, the first verses of the chapter "al-Mujadila", meaning "the struggling woman", were revealed and the issue of *ḡihār* was resolved.

Thereupon, the Prophet called Khawla bint Malik and said that her husband, according to the verse, a) should free a slave if he could, b) If he could not, fast for two months without interruption, and c) If he could not do this, he should feed sixty poor

1937. Al-Bukhari, Ṣawm, 30 Hiba, 20, Nafaqāt, 13, Kaffarāt, 2-4; Muslim, Ṣiyām, 81; Abū Dawūd, Taḥāra, 123, Ṣawm, 37; al-Tirmidhī, Ṣawm, 28; Ibn Maja, Ṣiyām, 14.

people,¹⁹³⁸ and only after that would the sexual barrier between them would be lifted. When Khawla said that her husband would not be able to free a slave, nor fast for two months, nor feed sixty poor people, the Messenger of Allah gave him a measure of dates, and Khawla added another measure from herself, thus ending the *zihār* process by feeding sixty poor people.¹⁹³⁹

Allah's Messenger (saw) said, "*Whoever intentionally breaks his fast in the month of Ramadan, upon him is the ruling (atonement) required for the person who makes zihār.*"¹⁹⁴⁰ Since the form of breaking the fast is not mentioned here, according to the Ḥanafīs, atonement is also required for a fast broken through deliberate eating and drinking. On the other hand, the hadith narrated by Aisha (r. anha), "*Fasting is broken only by the one who enters, and it is not broken by the one who leaves*"¹⁹⁴¹ has a general meaning about how the fast is broken.

According to this, if the fasting person deliberately eats and drinks something that is habitually eaten or drunk, or uses a drug for the purpose of treatment within the measures stated above in a way that breaks the fast, both making it up and atonement are required. However, if an excuse arises that makes it permissible not to fast, such as illness, menstruation, post-partum bleeding, travel, being forced, intimidation, and mistake, then only making it up will suffice, and atonement will not be required.

However, it should be noted that atonement for fasting is a punishment for deliberately breaking the obligatory Ramadan fasting, which has been started with intention, without a valid excuse. Therefore, in case of breaking the compensatory, votive, sunnah, or other supererogatory fasts intentionally or unintentionally, it is sufficient to make it up in one day in place of the broken day. However, it is necessary to ask for forgiveness from Allah Almighty for the untimely interruption of a worship that had been started.

According to the Shafī'is, since the atonement of fasting is related to the atonement of *zihār*, atonement is required only for the fast broken deliberate through sexual intercourse.

C –MAKE UP (QADĀ) FASTING

There is a consensus that those who do not fast for one or more days of Ramadan should make up for them. It may occur due to illness, travel, menstruation, postpartum bleeding, and similar excuses, or by intentionally or mistakenly abandoning the intention.¹⁹⁴² The evidence is the following verse: "*But whoever of you is ill, or on a journey, [shall*

1938. Al-Mujadala, 58: 3, 4; See also al-Ahزاب, 33: 4.

1939. See Abū Dawūd, Talāq, 17; Aḥmad ibn Ḥanbal, VI, 411; al-Shawkanī, *Nayl*, VI, 262; Hamdi Döndüren, *Delilleriyle Aile İlmihali*, Istanbul 1995, p. 442-445.

1940. Ibn al-Humām, *Fatḥ*, II, 70.

1941. Al-Zaylaī, *Naṣb al-Raya*, II, 253.

1942. Ibn al-Humām, *ibid*, II, p. 80 ff.; Ibn Rushd (Averroes), *ibid*, I, 288, Ibn Qudāmah, *Mughnī*, III, 135.

fast instead for the same] number of other days."¹⁹⁴³ This verse means that those who are sick or traveling but cannot fast should fast for the same number of days to make them up.

In a *hadith* narrated by Aisha, the following is stated, "*During our menses in the time of the Messenger of Allah (saw) we were commanded to make up the abandoned fast, but were commanded to make up the abandoned prayer in the time of the Prophet.*"¹⁹⁴⁴

A person who does not fast in Ramadan without an excuse becomes a sinner. This is because the Messenger of Allah (saw) said: "*Whoever does not fast one day in Ramadan without having a concession allowing that, fasting for a lifetime will not make up for that.*"¹⁹⁴⁵

According to the Ḥanafis and the Malikis, just like making up the Ramadan fast, it is required to make up the atonement, votive, or voluntary fasts that were started and broken untimely. While the Shafi'is do not consider it necessary to make up for a super-erogatory fast that was started but not completed, the Malikis consider it necessary only to make up for a voluntary fast that is broken intentionally.

Making up Ramadan fasting is possible for a lifetime, with or without an excuse. According to the Shafi'is, it should be made up until the next Ramadan. Otherwise, both making it up and monetary compensation (*fidya*) are required after the month of Ramadan.

It is not appropriate to fast on prohibited days such as Eid days, on days specified for a votive fasting day, and on the days of Ramadan. This is because these days do not accept any fast other than the fasts allocated to them.

There is no requirement for these days to be in a row or to make haste to make up the Ramadan fasting. A person can fast on separate or consecutive days if he or she wishes. This is because the Qur'anic verse that states compensatory fasting has absolute meaning.¹⁹⁴⁶

Is it permissible for the guardian of a dead person to perform the make-up fasts in place of a deceased person?

There are two situations for a person who owes a Ramadan fasting:

1) According to the majority of jurists if the fasting person dies before he can make up his missed fasts due to an excuse such as time constraint, illness, travel, excessive old age, or permanent illness, this fasting debt is deemed to have been waived. This is because he has no fault in the emergence of this impossibility. The responsibility of these fasts will be dropped without any requirement, as in the case of pilgrimage. They do not have to be made up either because there was no time and opportunity to fulfill them.

1943. Al-Baqara, 2: 184.

1944. See Abū Dawūd, Ṭaḥāra, 104; al-Bukhari, Ḥayḍ, 20; al-Tirmidhī, Ṣawm, 67; al-Nasā'ī, Ḥayḍ, 17, Ṣiyām, 64; Ibn Maja, Ṭaḥāra, 119.

1945. Ibn Maja, Ṣiyām, 14; al-Darīmī, Ṣawm, 18; Aḥmad ibn Ḥanbal, I, 92, II, 386, 442, 458, 470.

1946. Ibn al-Humām, *ibid*, II, 81; al-Maydanī, *Lubāb*, I, 171; al-Shurunbulālī, *ibid*, p. 116; Ibn Rushd (Averroes), *ibid*, I, 289.

2) If the person who owes fasting dies after he has had the opportunity to make up for his fasts, his guardian cannot fast for him. It is not permissible to do this either while he is alive or after death. Abdullah Ibn Umar narrated that the Messenger of Allah (saw) said, “*Whoever dies owing to the fasts of a month, one poor person should be fed on his behalf for each day.*”¹⁹⁴⁷

According to the Ḥanafis and the Malikis, if the deceased person has left a will regarding the payment of monetary compensation for the days he could not fast, his guardian gives half a *ṣāʿ* (in the amount of *fiḍya*) dates or barley to a poor person for each day because the deceased was incapable of fasting in the last part of his life, so he is considered like an old person.¹⁹⁴⁸

D – ATONEMENT OF FASTING

The penalty for intentionally breaking a Ramadan fast that started in the month of Ramadan is the necessity of atonement in addition to making it up. The atonement of fasting, as in the atonement of *ṣihār*, is carried out in one of the three ways respectively, a) Freeing a slave, b) Fasting for two consecutive months, and c) Feeding sixty poor people. Since there is no more slavery, it is necessary to take one of the second or third ways as a basis. Here, it is essential to follow the order between the two ways. A person who thinks that he cannot fast for two months feeds sixty poor people at once or on separate days and if he is unable to do so, he should repent to Allah Almighty and ask forgiveness. Accordingly, the ruling on atonement fasting is obligatory only because of intentionally breaking a fast that started in the month of Ramadan. There is no need for atonement for breaking any fast except Ramadan, but it requires only *qaḍā*.

The reason for the atonement is to violate the dignity of the month of Ramadan and for ignoring it. However, atonement is not required for a person who breaks the fast out of forgetfulness, unknowingly or based on speculative knowledge. According to the Ḥanafis and the Malikis, breaking the fast, which requires atonement, occurs in Ramadan with acts such as intentional sexual intercourse and eating and drinking.

According to the Malikis, *kaffarah* is obligatory in one of the above-mentioned three ways. Following the order is not required. If a person wishes, he can feed sixty poor people, which is the most virtuous, or fast for sixty days, or free a slave.

If the atonement fast is interrupted by a valid excuse such as menstruation, post-partum bleeding, and Eid, it is not necessary to start over again, it is continued from where it left off.

1947. Ibn Maja, *Ṣiyām*, 50; See also al-Tirmidhī, *Ṣawm*, 23; Malik, *Muwattaʿ*, *Ṣiyām*, 53.

1948. Ibn al-Humām, *ibid*, II, 83 ff.; al-Maydanī, *ibid*, I, 170; Ibn Rushd (Averroes), *ibid*, I, 290; al-Shirbinī, *ibid*, I, 43 ff.; Ibn Qudāmah, *ibid*, III, 142 ff.

It is sufficient to pay a single atonement for breaking the fast on different days before the atonement is paid for intentionally breaking the fast. Even if this situation belongs to two separate Ramadans, this is the case according to the sound view. If an atonement payment has intervened, according to a sound narration, a single atonement will not be sufficient.

A person who is incapable of paying *kaffarah* will not owe atonement. He will do it in whatever form of payment he can afford.

Atonement becomes invalid due to the emergence of an excuse such as menstruation, postpartum bleeding, or an illness that makes it permissible to break the fast on the day the fast is broken. For the same day does not acknowledge disintegration for atonement, both in terms of being determined and not determined.¹⁹⁴⁹

E – MONETARY COMPENSATION (*FIDYA*) FOR FASTING:

The following is stated in the Qur'an regarding the monetary compensation of fasting, ***“And upon those who are able to fast, but with hardship - a ransom as a substitute of feeding a poor person each day.”***¹⁹⁵⁰ Ibn Abbas (*ra*) said, “This verse was revealed to make it easy for old people. Fasting is *farḍ*. It is permissible for a *farḍ* to fall by making it up, as well as by payment of monetary compensation.”¹⁹⁵¹ The expression “who are able to fast, but with hardship” includes the destitute elderly, as well as the sick who have no hope of recovery. The proof of this is the following verse: ***“Allah has not placed upon you in the religion any difficulty.”***¹⁹⁵² Accordingly, the verse stipulates that the elderly, who cannot fast, and the sick who have no hope of recovery, give *fidya* in place of fasting that they cannot observe, and explains the amount of the *fidya* as “feeding a poor person” each day.

The sick and the elderly, whose body is weakening day by day, can feed a poor person for each day they could not observe, or they can give the *fidya* enough to feed a poor person in cash or goods at the beginning or end of the month of Ramadan. If they cannot pay this *fidya* in their lifetime, they must bequeath it to be paid after their death. If such a will is made and one-third of the inheritance is sufficient to fulfill it, the heirs must pay this *fidya* to the poor. If there is no will or one-third of the inheritance property does not cover it, it is recommended that the heirs pay it as a donation. According to the Shafi‘i, *fidya* must be paid out of the entire inheritance whether there is a will left or not.

The form of compensation for fasting by means of *fidya* is reserved for those who cannot fast due to constant illness and old age and does not include those who do not

1949. Al-Kāsānī, *ibid*, II, 98 ff.; Ibn Abidin, *ibid*, II, 150 ff.; Ibn Rushd (Averroes), *ibid*, I, 289, ff.; al-Shurunbulālī, *ibid*, p. 112; al-Zuhaylī, *ibid*, II, 678 ff.

1950. Al-Baqara, 2: 184.

1951. See Ibn Kathīr, *Muṭaṣṣar Tafsir*, 7th ed., Beirut 1402/1981, I, 159, 160; al-Zuhaylī, *ibid*, II, 687.

1952. Al-Ḥajj, 22: 78.

fast on time, with or without an excuse, except for these two situations. However, if these people die without making up for the fasting they owed, it is permissible and even *mandūb* for the heirs to give *fidya* for these fasts in the same way. Because although the responsible worshiper shows a deficiency in delaying making up the fasting, death eliminates the possibility to make up the fasts owed and it turns out to be a kind of “inability to make it up”.

The *fidya* of the fasts that cannot be observed can be given to many poor people, as well as the total amount of the *fidya* can be given to one poor person. According to Abu Yusuf, it is also possible to divide a single *fidya* among several poor.

Since it was impractical to actually feed the poor through *fidya*, it initially needed to be paid in the form of a certain amount of food. According to the Ḥanafis, the amount of *fidya*, which is equal to a poor person’s satisfaction, is half a *ṣāʿ* of wheat and one *ṣāʿ* of barley, dates, or raisins.¹⁹⁵³ The amount of the *fidya* for fasting is equal to the amount of the *zakāt al-fiṭr*. Today, the money or monetary value that can feed the poor for a day should be determined as the minimum amount, taking into account the social and economic level of the society, and the responsible worshiper should consider his own social status when determining his own amount above this minimum limit.

According to the majority of jurists other than the Ḥanafis, those who show negligence in Ramadan fast by not making it up within one year are required to make it up together with the payment of *fidya* within the following period. Here, the situation is compared to a person who intentionally breaks his fast. For both of them underestimated the dignity of fasting. Those who delay the making up of fasting to sometime after the next Ramadan due to excuses such as illness, travel, mental illness, menstruation, and postpartum bleeding do not have to pay *fidya*.



1953. One *ṣāʿ*, in comparison to the religious *dirham*, is 2.917 kg, and, in comparison to the customary *dirham*, is 3.333 kg.

IX – TYPES OF (*KAFFĀRAH*) ATONEMENT

Kaffārah (atonement) means the ways of redeeming in Islam done for the forgiveness of some sins committed by mistake, on purpose, or as a result of coercion. The general meaning of this term expresses the forgiveness for some sins due to good acts and deeds carried out. As a matter of fact, there is such an understanding of atonement in the verses such as “*Indeed, good deeds do away with misdeeds.*”¹⁹⁵⁴, and “*Except for those who repent, believe, and do righteous work. For them, Allah will replace their evil deeds with good.*”¹⁹⁵⁵ In like manner, the act of forgiving is declared as a kind of atonement in favor of the person who forgives the punishment of retaliation in killing and wounding.¹⁹⁵⁶ Furthermore, many examples in this regard are given in the *hadiths*, besides the general declaration that “good deeds are atonement for sins.” Among these, five daily prayers and Friday prayers are atonement for (minor) sins committed in between,¹⁹⁵⁷ fasting is considered atonement,¹⁹⁵⁸ *hadd* punishments,¹⁹⁵⁹ illnesses¹⁹⁶⁰, and calamities encountered are also accepted as an atonement for sins and mistakes.

Atonement is both a form of worship and a worldly punishment for believers who commit certain acts. There are five types of atonement in Islamic law.

Special types of atonement in the Qur’an and Sunnah:

There are five types of special atonement, the amount and types of which are explained in the Qur’an and the Sunnah, and they are as follows: Atonement for Fasting, atonement for killing a believer by mistake, atonement for *ḡihār*, atonement for shaving while in *iḥrām* on pilgrimage, and atonement for breaking an oath.

A – ATONEMENT FOR FASTING

A person who intentionally breaks the Ramadan fast that he has started without any valid excuse must make up for it as well as fast for two months of atonement. There is no direct mention of atonement for fasting in the Qur’an. However, the Prophet applied the same ruling for fasting by making an analogy with *ḡihār* (the process of making one’s wife unlawful by likening her to a close relative). It is stated in a *hadith*, “*Whoever intentionally breaks his fast in the month of Ramadan, upon him is the ruling (atonement)*

1954. Hūd, 11: 114.

1955. Al-Furqān, 25: 70.

1956. See al-Mā’ida, 5: 45.

1957. See al-Bukhari, Ṭaḥāra, 14, 15, Mawāqīt, 4, 6; al-Tirmidhī, Mawāqīt, 46; Abū Dawūd, Ṣalāh, 229.

1958. Al-Bukhari, Ṣawm, 3.

1959. Al-Tirmidhī, Ḥudūd, 12; Ibn Maja, Ḥudūd, 33.

1960. Al-Tirmidhī, Ḥajj, 111.

required for the person who makes *ḡihār*.¹⁹⁶¹, and the atonement for *ḡihār* is to free a slave, to fast for two consecutive months, or to feed sixty poor people. Since there is no slavery today, the worshipper will fulfill either fasting consecutively for two months or feeding sixty poor people respectively, depending on his or her conditions.

Allah Almighty says, ***“O you who believe! let not your [good] deeds come to naught!”***¹⁹⁶²

If any fast other than Ramadan is broken intentionally, only making it up is required, no atonement is required. The atonement of fasting has been explained in its own section above.

B – ATONEMENT OF BREAKING AN OATH

Yamīn (oath) literally means power and strength. Its plural form is “*aymān*”. *Yamīn* as a legal term refers to the oath taken in the name of Allah to strengthen the word about doing or not doing something. For example, saying, “By God, I am going to do this or I am not going to do this”. The oath can be made specifically by using the name “Allah”, as well as by using another name of Allah such as “Raḥmān and Raḥīm”, or to one of the essential Divine attributes such as “His divine power and might”. No oath can be taken with the name of prophets, angels, or the Ka’ba or by life or death. Making something *ḥalāl* as something *ḥarām* is also considered an oath. For example, “If I do such and such, let that food be forbidden to me”. If a person swears by saying “If I do this, I will become a person of disbelief or a Jew or a Christian”: If he has done this with the awareness that he will leave the religion, he should repent and seek forgiveness, and if he is married, he should renew his marriage. If he said such a statement only with the intention of an abstract oath, atonement is required when his oath is broken.

The Qur’an states the following regarding the oaths,

“Allah will not call you to account for what is futile in your oaths, but He will call you to account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths you have sworn. But keep to your oaths. Thus doth Allah make clear to you His signs, that ye may be grateful.”¹⁹⁶³

In this verse, the oath and its rulings are regulated. According to a narration from Aisha (*r.anha*), Abu Bakr (*ra*) would never break his oath until the Qur’anic verse stating the atonement of the oath was revealed. However, when the above verse was revealed,

1961. Ibn al-Humām, *Fatḥ*, II, 70: For the subject of *ḡihār* see al-Mujadala, 58: 1-4.

1962. Muḥammad, 47: 33.

1963. Al-Mā’ida, 5: 89; See al-Baqara, 2: 225; al-Nahl, 16: 91.

he started to prefer concessionary rule in this matter, seeking the benefit of the poor and deeming it better.”¹⁹⁶⁴

The oath is divided into three types:

a) *Yamīn al-laghḥw*: It is an oath that is made unintentionally, either by mistake or by thinking it is correct, or by habit. It is mentioned in the above verse that there is no responsibility for such an oath.

b) *Yamīn al-ghamūs*: It is an oath made deliberately on a false basis. Although a person has not paid his debt, he takes an oath in the court that he has paid and the oath made by a false witness is of this nature. Such an oath is one of the major sins, and according to the Ḥanafis, it requires repentance and forgiveness, but it does not require atonement. According to Imam Shafi‘ī, atonement is also required for *yamīn al-ghamūs*.

c) *Yamīn al-Mun‘aqid* oath: It is an oath made about something that is possible and may happen in the future. For example saying “By Allah, I will pay my debt tomorrow”. If one does not fulfill the requirement of that oath, atonement is required. This is the type of oath for which atonement is prescribed in the verse above. On the other hand, if an oath is taken to do something unlawful in Islam, such as “If I do not do this, I swear I will drink alcohol or I will not talk to my parents”, it becomes necessary to break the oath immediately and fulfill the atonement. For, the following is stated in the hadith, “If a person swears an oath then sees that something else is better than it, he should do that which is better and offer expiation for his oath.”¹⁹⁶⁵

The Atonement of Breaking an Oath:

A person who breaks an oath that he has sworn must fulfill the appropriate one of the following atonement types respectively, according to his own social and economic situation.

a) Feeding ten poor people: The person who breaks his oath has to feed ten poor people (*ibāḥa*) in the morning and evening or give a food item or its price (*tamlīk*) enough to feed them in the morning and evening, from the average of what his family is fed. According to Abu Ḥanīfa, the measure of this is the amount of *zakāt al-fīṭr* for each poor; half a *ṣā‘* of wheat (1 *ṣā‘* equals 2.917 kg) and one *ṣā‘* from the other *zakāt al-fīṭr* items. According to Imam Shafi‘ī, it is one *mudd* (1 *mudd* equals 832 gr) of a food item.

b) Or to clothe ten poor people: To clothe ten poor people with a garment (*kiswah*) that can cover the body parts that must be covered according to Islam.

c) Or to free a slave.

d) Fasting for three days: A person who cannot afford one of the three above fasts for three consecutive days. The Ḥanafis adopted this view since the expression “*mutatabi‘āt*

1964. Al-Bukhari, Tafsīr, 5/8.

1965. Muslim, Aymān, 15, 16; al-Bukhari, Aymān, 1.

(in succession)” is found in Ibn Mas‘ūd’s recitation of the Qur’an. According to Imam Shafi‘i, this fast does not have to be one after the other.

The cloths to be given to the poor for the atonement of an oath must be in such a way as to cover all or most of the body. It is better if the cloth consists of two or three pieces. However, even if a cloth is short, it can be given in place of food.

The atonement must be fulfilled after the oath is broken. The Prophet said, *“If a person swears an oath then sees that something else is better than it, he should do that which is better and offer expiation for his oath.”*¹⁹⁶⁶

C – ATONEMENT FOR KILLING A BELIEVER BY MISTAKE

A person who accidentally kills a believer is obliged to pay blood money. In addition, atonement is also required, which is to free a believing slave and if he is unable to do so, to fast for two consecutive months. Allah Almighty says,

“Never should a believer kill a believer; but (If it so happens) by mistake, (compensation is due): If one (so) kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased’s family, unless they remit it freely. If the deceased belonged to a people at war with you, and he was a believer, the freeing of a believing slave (Is enough). If he belonged to a people with whom you have treaty of mutual alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, (is prescribed) a fast for two months consecutively: by way of repentance to Allah: for Allah has all knowledge and all wisdom.”¹⁹⁶⁷

This verse was revealed in Uhud after Hudhayfa (ra)’s father, who had converted to Islam before, was killed by mistake. The penalty for killing someone by error, for example, thinking that he was a game or an enemy, is a payment of blood money and freeing a believing slave. The amount of blood money, in the first period of Islam, was applied as either one hundred camels or about 4 kg of gold or 28 kg of silver. Certain relatives of the murderer, called *āqila*, pay this in equal installments within three years. State treasury undertakes the blood money of the person whose killer is unknown or who has no *āqila*. If one cannot afford to free a slave, it is necessary to fast for two consecutive months. This last one is an atonement for the removal of the sin of accidental killing that one will face in the hereafter.

In the 93rd verse of the chapter al-Nisa, it is stated that the one who kills someone deliberately “will stay in Hell forever”, and there is no mention of freeing a slave or atonement of two months of fasting. Therefore, according to the Ḥanafis, atonement is not required for deliberate killing. As a matter of fact, in another verse, it is stated, ***“And***

1966. Muslim, Aymān, 15,16; al-Bukhari, Aymān, 1.

1967. Al-Nisā, 4: 92.

there is no sin upon you for that in which you have erred."¹⁹⁶⁸ Accordingly, since sin is removed from the one who makes a mistake, the one who kills is not burdened with sin. However, atonement is required for a sin that may arise due to negligence.

According to Imam Shafi'ī, those who kill intentionally must also be punished by atonement. Imam Shafi'ī compared deliberate killing to accidental killing, and based on the following evidence, *"Verily the killing of them is a great sin."*¹⁹⁶⁹ According to a narration from Wāila ibn al-Asqā, once a man who killed someone intentionally was brought to the Prophet, and he said (*saw*) about the man, *"Free a slave for him, for each organ of this slave, Allah Almighty will free one of the killer's organs from Hell."*¹⁹⁷⁰

D – ATONEMENT FOR ṢIHĀR

The word *ṣihār* is an infinitive from the root "*ṣahr*" meaning back, and it is a type of divorce expressed by a husband that he makes his wife *ḥarām* for himself by saying to her, "You are like my mother's back to me, that is, you are forbidden to me like my mother." According to this custom, which dates back to the period of ignorance, *ḥarām* used to become an occurrence, and the spouses could no longer return to each other. It was a kind of permanent separation. In the fourth or fifth year of the Medinan period in Islam, Khawla bint Malik's husband, Aws Ibn Samit from the Anṣār, had started the process of "*ṣihār*" by saying to her, "You are like my mother's back to me" while they argued. Claiming that her husband was old and poor, and her little girls would be devastated, Khawla asked the Prophet (*saw*) to find a solution. The Messenger of Allah informed her that he did not receive any revelation regarding this matter and that she should treat Aws, her uncle's son, well. However, Khawla, who insisted on her request, also complained to Allah Almighty and demanded that this tradition of ignorance be abolished. Following this incident, the following four verses brought a new regulation to the issue of "*ṣihār*".

"Allah has indeed heard (and accepted) the statement of the woman who pleads with thee concerning her husband and carries her complaint (in prayer) to Allah: and Allah (always) hears the arguments between both sides among you: for Allah hears and sees (all things)."

"If any men among you divorce their wives by ṣihār (calling them mothers), they cannot be their mothers: None can be their mothers except those who gave them birth. And in fact, they use words (both) iniquitous and false: but truly Allah is one that blots out (sins), and forgives (again and again)."

"But those who divorce their wives by ṣihār, then wish to go back on the words they uttered, (It is ordained that such a one) should free a slave before they touch

1968. Al-Aḥzāb, 33: 5.

1969. Al-'Isrā, 17: 31.

1970. Aḥmad ibn Ḥanbal, IV, 447; al-Sarakhsī, *Mabsūt*, XXVII, 85.

each other: Thus are you admonished to perform: and Allah is well-acquainted with (all) that you do.”

*“And if any has not (the wherewithal), he should fast for two months consecutively before they touch each other. But if any is unable to do so, he should feed sixty indigent ones, this, that you may show your faith in Allah and His Messenger. Those are limits (set by) Allah. For those who reject (Him), there is a grievous Penalty.”*¹⁹⁷¹

When these verses were revealed, the Prophet called Khawla bint Mālik and informed her that they would be able to make peace with her husband. However, when Khawla said that her husband would not be able to free a slave, nor fast for two months, nor feed sixty poor people, the Messenger of Allah gave him a measure of dates, and Khawla added another measure from herself, thus ended the *ḡihār* process by feeding sixty poor people.¹⁹⁷²

As understood from these verses, the penance of *ḡihār* is the same as the atonement of fasting. It is not permissible for a man who has resorted to *ḡihār* against his wife to have sexual intercourse with her unless he fulfills the atonement. The person who commits *ḡihār* has lied, and in fact, he is making something that is *ḡalāl* as *ḡarām* for himself.

If the husband who wants to stop the *ḡihār* process cannot find a slave to free, he fasts for two consecutive months. If he is not able to fast, he will feed sixty poor people. The order of the options must be observed.

If a man uses the phrase “you are like my mother to me or you are like my mother” to his wife, the following possibilities arise. If by this he meant the goodness of his wife, nothing is necessary. If he meant *ḡihār*, the provisions of *ḡihār* are applied. If he meant divorce, according to Ḥanafis, a *bain talaq* occurs. If he did not have any intention at all, a ruling does not come into existence with just saying these words.¹⁹⁷³

E - ATONEMENT OF SHAVING WHILE IN THE STATE OF *IḡRĀM* IN HAJJ

The rules that a person who enters the state of *iḡrām* for hajj must follow are determined by Qur’anic verses and hadiths. Not to shave as long as the person is in the state of *iḡrām* is also among these rules.

If a person in the state of *iḡrām* shaves a quarter or more of his head or a quarter of his beard, the punishment of offering a sacrifice is required. If he shaves less than a quarter, he gives alms. This consists of giving half a *ḡā’* of wheat or its price to a poor person.

1971. Al-Mujadala, 58: 1-4.

1972. See Abū Dawūd, *Talāq*, 17; Aḡmad ibn Ḥanbal, VI, 411; al-Shawkanī, *Nayl*, VI, 262; Hamdi Döndüren, *Delilleriyle Aile İlmihali*, Istanbul 1995, p. 442-445.

1973. Al-Mawḡilī *ibid*, III, 162, 163.

If a person in *iḥrām* has his hair shaved before its due time due to a valid excuse, he fasts for three days as atonement. This fast does not have to be consecutive.¹⁹⁷⁴

The provisions regarding this atonement are explained in the following Qur'anic verse:

“And complete the Hajj or ‘Umra in the service of Allah. But if ye are prevented (From completing it), send an offering for sacrifice, such as ye may find and do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill, or has an ailment in his scalp, (necessitating shaving), (He should) in compensation either fast, or feed the poor, or offer sacrifice...”¹⁹⁷⁵



1974. For details see the subject of Hajj.

1975. Al-Baqara, 2: 196.

X – VOTIVE (*NADHR*) AND TYPES OF VOTIVE

A – NATURE OF THE VOTIVE

Nadhr means to determine to do something that is permissible with the purpose of worshiping Allah, to make it obligatory upon oneself, and to make a promise to Allah in this matter. “*Nadhr*” is an Arabic word and its plural form is “*nudhūr*”.

Vowing to do the deeds that are considered worship for the sake of Allah is a means of gaining rewards. For example, saying “It is my vow that I vow to fast tomorrow for the sake of Allah” or “that I vow to give such amount of money to the poor.”

However, vows made for a worldly cause are not acceptable. For instance, saying “I vow to fast for three days if my so-and-so business works out” or “I vow to give the poor that much money” is not acceptable.

This is because an act of worship and obedience carried out for a worldly purpose is not based on a lofty purpose, but a worldly desire. Therefore, this would be inconsistent with the sincerity required to exist in acts of worship. Moreover, such a vow cannot change fate and whatever is written in destiny will take place.

Perhaps it would be more appropriate to do more acts of worship, acts of obedience, goodness, and goodwill to thank Allah in case one attains some blessings in the world or remove obstacles.

However, it is obligatory to fulfill the vows made within the dimensions and conditions detailed below.

In fact, votive worship had a place in previous divine religions as well. In the Qur’an, the story about Mary is mentioned as follows, “***Behold! a woman of ‘Imran said: ‘O my Lord! I do dedicate unto You what is in my womb for Your special service: So accept this of me: For You hear and know all things.’***”¹⁹⁷⁶ In like manner, Mary was addressed as follows, “***And if you do see any man, say, ‘I have vowed a fast to (Allah) Most Gracious, and this day will I enter into not talk with any human being’***”¹⁹⁷⁷

Allah Almighty says, “***Let them fulfill their vows***”¹⁹⁷⁸ and “***O you who believe! Why do you say what you do not do?***”¹⁹⁷⁹ The Prophet (saw) also said regarding vows made to do something lawful, “*Whoever vows that he will be obedient to Allah, should*

1976. Āl ‘Imrān, 3: 35.

1977. Maryam, 19: 26.

1978. Al-Hajj, 22: 29.

1979. Al-Šāff, 61: 2.

remain obedient to Him; and whoever made a vow that he will disobey Allah, should not disobey Him."¹⁹⁸⁰

B – CONDITIONS OF THE VOTIVE ACT

For the vow to be valid according to Islamic rules, the following conditions must be met:

1) There must be a *farḍ* or *wājib* act of worship in the kind of thing that is vowed. If a person makes a vow to "fast for three days", "to pray ten cycles" or "to offer a sacrifice", it will be obligatory for him to fulfill such votives. This is because there are *farḍ* or *wājib* acts of worship of their kind. However, it is not necessary to fulfill certain vows such as "to visit the sick" or "to organize a *mawlid* program" since such acts do not exist as *farḍ* or *wājib*.

2) The person who vows must be sane and adolescent. The vow made by a minor or a mentally ill person is not obligatory to fulfill.

3) The *farḍ* or *wājib* act, which is the kind of thing that is vowed, should not be dependent on another act but should be an act of worship on its own. For example, while a vow made to "perform two cycles of prayer" is valid, a vow to "perform ablution" or "perform the prostration of recitation" is not valid. This is because the ablution and the prostration of recitation are not performed for the purpose of worship on their own. Perhaps this is because they are means to fulfill actual acts of worship.

4) The votive act should not be a *farḍ* or *wājib* act required to be performed now or in the future.

Vows made by a rich and resident believer, such as "I vow to perform the dawn prayer tomorrow", "I vow to perform the *witr* prayer", or "to sacrifice on the Eid al-Aḍḥā this year" will not be considered valid.

5) The votive act should not be in the nature of disobedience against Allah and His Messenger (*saw*). For example, a vow made saying "If my job becomes successful, I vow to sacrifice myself in the way of Allah" is not considered valid.

However, it is valid to vow to do something that is normally lawful but becomes prohibited for some other reason. For example, if a person vows to fast on the first day of Eid al-Fiṭr or the four days of Eid-al-Aḍḥā. However, because fasting is prohibited on those days if he does not fast and then makes them up later the fasting is permissible. However, if he fasts on those days, his vow will be fulfilled.

According to Abu Yusuf and Imam Shafi'i, the vow made by saying "I vow to sacrifice my son for Allah if my job becomes successful" is not valid. For this is an unlawful

1980. Al-Bukhari, Aymān, 28, 31; Abū Dawūd, Aymān, 19, al-Tirmidhī, 2; al-Nasā'ī, Aymān, 27, 28; Ibn Maja, Kaffarāt, 16.

votive. According to Abu Ḥanīfa and Imam Muhammad, in such a case, a sheep must be sacrificed. This is because Ibrahim (*as*) was ordered to make such a sacrifice in place of sacrificing his son Ismail (*as*).

6) It should not be impossible to fulfill the votive vow. For example, if a vow is made by saying, “I vow to fast for the sake of Allah yesterday or the day before”, nothing is required. For it is impossible to fulfill such an act of worship.

If a vow is made to “fast on the day when such and such person comes” and if that person comes at night or comes in the daytime after the sun passes the meridian, it is not possible to fast anymore. If one spends the morning without doing anything that invalidates fasting, it becomes possible for him to fast by making intentions before the *zawāl* time.

7) If the votive is about giving property as a charity, the votive property must not exceed the wealth of the person who vows it or it should not belong to someone else. For the person who makes the vow will only be able to make a donation of as much as his property. Moreover, it is not valid to vow someone else’s property as charity.

C –TYPES OF VOTIVE

The vow is generally divided into two types, conditional and unconditional.

1) Conditional Votive

These are also called “*mu‘allaq* votives” that are divided into two kinds:

a) Vows attached to a condition that is desired to happen. For example, a vow made for “if my illness gets better, I vow to fast for so many days” or “to make a sacrifice” is a conditional votive. If the disease in question is cured, it will be *wājib* to fulfill the vow. However, it is not possible to make a vow based on a wish for healing made in an unlawful way. For example, a vow that is made by saying “O blessed person! If you heal my disease or make my job successful or give me a child or return my lost property, I vow to spend such amount of money for your tomb” will be considered invalid. Whereas, if the wish for healing, in this case, is done by asking it from Allah, then the vow will be considered valid.

b) Vows attached to a condition not desired to happen. For example, if a person smokes again after making a vow to forbid himself from smoking, saying, “If I smoke from now on, I vow to fast for a month”, this person will be free. If he wishes, he fulfills this vow, that is, he fasts for a month or if he wishes, he performs the atonement of an oath. Because the condition of not smoking is not something he wants. This vow is a kind of an oath.

A conditional vow is not fulfilled prior to the realization of that condition. For example, in a vow made by saying, “I vow to fast for three days when my son is discharged

from the military,” the vow will not be fulfilled if he fasts before his son is discharged. When his son comes, he has to fast again.

2) Unconditional Votive

These are called *muṭlaq* (absolute) vows. It is divided into two:

a) Definite (*mu'ayyan*) vows: It is a votive to be made at a certain time without any condition. For example, to make a vow by saying “I vow to fast on the last day of this month.”

If a date has been set for the votive sacrifice, it should be sacrificed on that date. If there is no such date, it can be slaughtered at an appropriate time. However, slaughtering the votive sacrifice on the day of Arafah (the day before the Eid al-Adḥā) may lead people to misunderstand that normal sacrifices can be slaughtered the day before. Therefore, if the votive sacrifice is to be sacrificed together with other sacrifices, it should be preferred on the days of Eid-al-Adḥā.

According to Ḥanafī jurists other than Imam Zufar, it is null and void to determine the place, time, certain amount of money, and the poor in an absolute vow. These do not need to be fulfilled. For example, in vows made by saying, “I vow to fast on Friday”, “I vow to perform such prayers in the Ka’ba”, and “I vow to give this money to such and such poor people in such and such a town”. If the person fasts on another day or prays that many cycles in another mosque, or if he gives that amount of money to another poor in another town, he will have still fulfilled his vow.

In short, restrictive conditions such as place, person, time and similar conditions might cause hardships and difficulties to fulfill so they are not required to be complied with in this case. Some of these are meaningless conditions. It is meaningless to be forced to give a certain amount of money and to keep it for a long time as a votive. Instead, another amount of the same value would be able to fulfill the job.

b) Indefinite (*ghayr mu'ayyan*) vows: These are absolute vows made without any condition or time. A vow made to “fast for three days” or “to slaughter a sacrifice” are of this nature.

Unconditional vows must also be fulfilled. A vow made at a certain time can be fulfilled on another day. The specified place and person can also be changed.

If the subject of the vow is a sacrifice, it should be chosen from animals that are lawful to be sacrificed. Like ram, cattle, and camel. However, chicken, rooster, turkey, rabbit, deer, etc., are animals that are not normally sacrificed, they should not be made the subject of sacrifice.

It is necessary to fast for only one day for a person who vows by saying “let the fasting be obligatory upon me.” Without determining the amount, if a person vows to

“fast for many days”, he must fast for ten days according to Abu Ḥanīfa, and seven days according to Abu Yusuf and Imam Muhammad.

It is not permissible to say, “I vow so much money to such and such person”, “I vow to light candles at such and such tomb” or “I vow to sacrifice an animal for such and such a person to come”.

The one who vows a sacrifice cannot eat the meat of the votive himself, nor can his wife, ascendants, and descendants, that is, his parents, grandparents, children, and grandchildren. He should give it as charity to the poor. If they eat from it, they have to give as a charity the value of the amount that they ate.

If a vow or the atonement of an oath is not fulfilled, it cannot be enforced by the judge because these are only related to the religion and are duties towards the responsible believer himself.¹⁹⁸¹



1981. Al-Shurunbulālī, *Marāq al-Falaḥ*, p. 117 ff.; al-Zuhaylī, *ibid*, II, 690 ff.; Bilmen, *ibid*, p. 318 ff.

XI – I‘TIKĀF

I‘tikāf means staying in a place, waiting there, and self-imposed confinement. In Islamic legal terminology, it refers to retreating to seclusion for a while in a mosque or a place with the intention of *i‘tikāf*.

I‘tikāf is divided into three types *wājib*, *sunnah*, and *mustahab*. If it is vowed, *i‘tikāf* becomes *wājib*; *i‘tikāf* performed in a mosque for a while with the intention of performing *i‘tikāf* in the last ten days of Ramadan is a *kifāi sunnah*, and *i‘tikāf* performed at other times in a mosque with the intention of worship is *mustahab*.¹⁹⁸²

A – EVIDENCE OF THE LEGALITY OF *I‘TIKĀF*

I‘tikāf is based on the evidence from the Qur’an, Sunnah, and the consensus of Muslim jurists.

The evidence from the Qur’an is the following verses,

“And do not have relations with them as long as you are staying for worship (*i‘tikāf*) in the mosques.”¹⁹⁸³ **“And We charged Abraham and Ishmael, saying, ‘Purify My House for those who perform Tawaf and those who are staying there for worship and those who bow and prostrate in prayer.’”**¹⁹⁸⁴

In the first verse, *i‘tikāf* is attributed to the mosques where worship is done. On the other hand, abandoning permissible sexual intercourse during *i‘tikāf* shows that it is an act of worship.

Evidence from the Sunnah is the following hadith narrated by Ibn Umar, Anas, and Aisha, “After the Prophet migrated to Medina, he would perform *i‘tikāf* in the last ten days of Ramadan until his death.”¹⁹⁸⁵

Purpose of *i‘tikāf*: Sincere *i‘tikāf* is an honorable act of worship. By this act, it is meant to turn to Allah, devote free time to worship, isolate oneself from the outside world for worship, and not leave the gate of Almighty Allah until being forgiven.

The shortest duration of an *i‘tikāf* is one day according to Abu Yusuf and one hour according to Imam Muhammad. What is meant by these is that the *i‘tikāf* can be a short time.

1982. See Ibn al-Humām, *ibid*, II, 106; Ibn Abidīn, *ibid*, II, 176; al-Shurunbulālī, *ibid*, p. 118; al-Maydanī, *ibid*, I, 174.

1983. Al-Baqara, 2: 187.

1984. Al-Baqara, 2: 125.

1985. Al-Bukhari, I‘tikāf, 1, 6; Muslim, I‘tikāf, 2; Abū Dawūd, Ṣawm, 77, 78; al-Tirmidhī, Ṣawm, 71; Ibn Maja, Ṣiyām, 58.

However, according to the view preferred by the Malikis, the shortest duration of *i'tikāf* is one day and one night. According to the Shafi'is, *i'tikāf* is accomplished by standing still for as long as saying "*subhānallah*" whereas, according to the Ḥanbalis, the least amount of time is to stop for a moment.¹⁹⁸⁶

B – CONDITIONS OF *I'TIKĀF*

The validity of an *i'tikāf* depends on the following conditions:

- 1) A person who retreats for *i'tikāf* must be a Muslim, sane, and ritually pure.

I'tikāf is not permissible for a non-Muslim, mentally ill person, ritually impure, menstruating or a person who has not been cleansed from post-partum bleeding. This is because non-Muslims are not qualified to worship and the mentally ill are not qualified for intention. As for those who are not ritually clean, they are prohibited from entering the mosque.

If a person who enters *i'tikāf* sees a wet dream while he is in the mosque, he goes out and performs *ghusl*, comes back, and continues the *i'tikāf*. Puberty is not necessary for *i'tikāf*. Therefore, the *i'tikāf* of a child at the age of discernment is also valid.

- 2) One must intend for *i'tikāf*. *I'tikāf* without an intention is not valid. In a vowed *i'tikāf*, the intention must also be expressed with tongue.

3) *I'tikāf* must be carried out in a mosque or in a place like a mosque. *I'tikāf* can be done in any mosque where prayers are performed in the congregation. It is more virtuous to do it in larger mosques. Abdullah Ibn Mas'ūd (*r. anhumā*) said, "*I'tikāf* can only be done in a place where congregational prayers are performed."¹⁹⁸⁷

Women, on the other hand, can perform *i'tikāf* in a room of their own home where they can perform their worship. These places are considered mosques for them. Although it is permissible for women to perform *i'tikāf* in the mosques, it is not free from reprehensibility. Praying at home for women is more virtuous than praying in mosques, and their *i'tikāf* at home is considered more virtuous than *i'tikāf* in the *masjid*.

According to Imam Shafi'i, *i'tikāf* can be done in a place suitable for the gratification of Allah, the most suitable place for this is the mosque. Places in homes where the prayers can be performed are not considered suitable for such gratification. This is because the place where the prayers can be performed at home can be changed, and one can be in that place in the state of *janābah*. On the other hand, the wives of the Prophet (*saw*) used to perform *i'tikāf* in the mosque. If their houses were sufficient for *i'tikāf*, it would have been better for them to do *i'tikāf* at home.¹⁹⁸⁸

1986. Al-Shurunbulālī, *ibid*, p. 119; al-Zuhaylī, *ibid*, II, 695, 696.

1987. Al-Zaylāī, *Naṣb al-Rāya*, II, 490.

1988. Al-Shirbinī, *Mughni al-Muhtāj*, I, p. 450 ff; Al-Shirazī, *Muhadhdhab*, I, p. 190 ff.

4) In a *wājib i'tikāf*, the person in *i'tikāf* must fast. In this case, breaking the fast by error will not harm the *i'tikāf*. This is because the *sunnah i'tikāf* is performed in the last days of Ramadan, it coincides with the time of fasting. However, not fasting due to valid excuses such as travel or illness will not harm *sunnah i'tikāf*, and fasting is not a must in *mustahab i'tikāf*. On the other hand, there is no time limit for the *sunnah* or supererogatory *i'tikāf*.

According to Shafi'is, fasting is not obligatory in *wājib i'tikāf*.

For a woman to enter *i'tikāf*, she must get permission from her husband. Once the husband gives permission to his wife, she can no longer turn away from it.

C – TYPES OF I'TIKĀF

1) *I'tikāf* that is *wājib*: A vowed *i'tikāf* becomes *wājib*. This should at least be one day and the day should be spent fasting. Umar (ra) said, "I told Allah's Messenger (saw) that I vowed to perform *i'tikāf* in al-Masjid-al-*Harām* for one night." The Prophet (saw) said, "*Fulfill your vow.*" So, he performed *i'tikāf* for one night."¹⁹⁸⁹

2) *I'tikāf* that is a *Sunnah*: It is a *mu'akkad sunnah* to perform *i'tikāf* in the last ten days of Ramadan. If a person does this, it is hoped that Allah will give the reward of the person who performs *i'tikāf* to all the Muslims in that town, as well as relieving other Muslims in a settlement from responsibility for performing that *Sunnah*. According to what is reported from Aisha, the Prophet (saw) practiced *i'tikāf* in the last ten days of Ramadan; from the time that fasting was made obligatory until the end of his life.¹⁹⁹⁰

3) *Mustahab i'tikāf*: It is *mustahab* to retreat in *i'tikāf* other than *wājib* and *sunnah* ones. There is no specific time or duration for this type of *i'tikāf*. In fact, if a person who enters the mosque intends to do *i'tikāf* until he leaves, he is considered to be in *i'tikāf* as long as he stays there. Fasting is not required in this type of *i'tikāf*.

D – THE MANNERS OF I'TIKĀF

1) *I'tikāf* should be carried out in the last ten days of Ramadan and in the most virtuous mosque.

2) During *i'tikāf*, one should not say bad and ugly words, but should speak only good. There is no harm in speaking words that do not necessitate sin.

3) During *i'tikāf*, one should be busy with the Qur'an, hadith, remembrance of Allah, and acts of worship, wear clean clothes, and apply good fragrances.

1989. Al-Bukhari, *I'tikāf*, 16; Aḥmad ibn Ḥanbal, II, 10.

1990. Aḥmad ibn Ḥanbal, *Musnad*, II, 67, 129.

E – THINGS THAT BREAK I‘TIKĀF

1) Having sexual intercourse: It is stated in the Qur‘an, “*And do not have relations with your wives as long as you are staying for worship in the mosques.*”¹⁹⁹¹

2) Leaving the *masjid* without a valid excuse invalidates the *i‘tikāf*. If the person in *i‘tikāf* leaves the mosque by day or night without a valid excuse, knowingly or unknowingly, his *i‘tikāf* will be invalidated. According to Abu Yusuf and Imam Muhammad, this period is more than half a day. According to one view, it is only one part of a day. If a woman in *i‘tikāf* goes out to other parts of her house without a valid excuse, her *i‘tikāf* will be invalidated.

Visiting the ill, going out for a funeral prayer, or providing testimony in a court are also acts that invalidate the *i‘tikāf*. Going out for an hour due to illness also invalidates the *i‘tikāf*. However, if it is stipulated in votive *i‘tikāf* to go out of the mosque for visiting the ill or for a funeral prayer, it does not invalidate the *i‘tikāf*.

3) If the person in *i‘tikāf* faints or becomes mentally ill for a few days during his *i‘tikāf*, his *i‘tikāf* will be invalidated. When he gets better, he starts *i‘tikāf* again.

However, a person in *i‘tikāf* can leave the mosque for his religious, compulsory, or natural needs.

If the Friday prayer is not performed in the mosque where the person who performs *i‘tikāf* is present, to go to another mosque to perform the Friday prayer and go out of the mosque to relieve oneself are among the religious and natural excuses.

Being forcibly removed from the mosque or moving to another mosque because of fear for one’s life or belongings is an excuse to leave the mosque for an essential need.

It is in the mosque that a person who is in *i‘tikāf* eats, drinks, sleeps, and buys the things that he needs. He can bring things that are not in the mosque. If there is a suitable place in the *masjid*, he can perform minor and major ablutions there. If there is no such place, he goes out and enters the mosque immediately after performing ablution. A person who is in *i‘tikāf* can go up to the minaret to call the *adhān*. The fact that the door of the minaret is outside the mosque does not invalidate *i‘tikāf* either.¹⁹⁹²



1991. Al-Baqara, 2: 187.

1992. See Ibn Abidīn, *ibid*, Istanbul 1984. II, 440 ff.; al-Zabidī, *Tecrid-i Sarih Tercemesi*, VI, 323 ff.; Mehmed Zihni, *Nimet-i Islam*, Istanbul 1328, p. 98 ff.; al-Zuhaylī, *ibid*, II, 700 ff.; Bilmen, *ibid*, p. 323 ff.

CHAPTER SIX

ALMSGIVING (ZAKĀT)

- The Scope and Obligation of *Zakāt*
- Conditions of *Zakāt*
- Types of Goods that are Subject to *Zakāt*
- Places where *Zakāt* can be Given
- *Zakāt al-Fiṭr*

I – THE SCOPE AND OBLIGATION OF ZAKĀT

A – DEFINITION OF ZAKĀT

Zakāt literally means growth, increase, purification, abundance, and praise. As an Islamic legal term, it is defined as follows: It refers to giving a certain portion of certain types of goods and property to certain Muslims determined by Allah.

Zakāt is also called “charity (*ṣadaqa*)” because it shows the faithfulness of the believers in obeying Allah’s commands. However, the word *ṣadaqa* is more comprehensive than *zakāt* and includes *wājib* and voluntary donations as well.

The reason for calling the goods given away for the sake of Allah *zakāt* is because it purifies the rest of the wealth and protects it from calamities. It is possible to see this meaning in the following verse: **“Of their goods, take alms (*zakāt*), that so you might purify and sanctify them.”**¹⁹⁹³ On the other hand, *zakāt* cleanses its payer from sins, his/her wealth from impurities, and raises his/her spiritual level.

B – WISDOM OF ZAKĀT

There is much wisdom behind making *zakāt* legally obligatory and this is so clear that anyone can understand it. The matter of fact is that Allah Almighty has equipped people with different abilities, and accordingly, differences have emerged in the distribution of wealth.

The following is stated in the Qur’an: **“Allah has bestowed His gifts of sustenance more freely on some of you than on others...”**¹⁹⁹⁴ For that reason, it has been made obligatory for the rich with wealth to give some of their wealth to the poor. For without such an emphasis, this flow of goods from the rich to the poor would not be ensured. Allah Almighty says: **“and in whose possessions there is a due share, acknowledged by them, for such as ask for help and such as are deprived of what is good in life.”**¹⁹⁹⁵

The practice of *zakāt* brought by Islam is an important measure that will ensure the balance between the wealthy and the poor. *Zakāt* ensures the realization of social assistance and solidarity in Islam and prevents wealth from turning into a circulating power only among the rich. As a matter of fact, in the first period of Islam, the newly conquered lands of Egypt, Syria, and Iraq were not distributed to the veterans but left in the hands of their former owners. Instead, the *jizya* and tribute tax was collected from the

1993. Al-Tawba, 9: 103.

1994. Al-Nahl, 16: 71.

1995. Al-Ma’arij, 70: 24-25.

land owners, and such taxes were spent on public services. With this practice, the aim was to prevent monopolies of wealth. The following is stated in the verse: ***“What Allah has bestowed on His Messenger (and taken away) from the people of the townships, - belongs to Allah, - to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in Punishment.”***¹⁹⁹⁶

Accordingly, Islam does not approve of the situation where wealth is concentrated in the hands of only a certain class and where a large mass of people live on the poverty line. The distribution of inheritance, the regulations regarding credits, *zakāt*, and other economic regulations are all based on this principle.

We can summarize the wisdom of *zakāt* as follow:

1) *Zakāt* brings the rich and the poor closer to each other, whilst the rich experience the joy of helping, the poor come to love and respect the rich, and in this way jealousy and envy may disappear. The Prophet said, *“Protect your property by giving zakāt, cure your diseases by giving charity, and be prepared for the troubles that will come by praying.”*¹⁹⁹⁷, and *“Only prayer can change the destiny, and only good deeds prolong life.”*¹⁹⁹⁸

2) *Zakāt* provides the proper circumstances for those who are unable to work to lead a normal life. It protects the society from poverty and the state from weakness. The Messenger of Allah said, *“Woe to the rich on the Day of Judgment because of the poor! The poor will say: Our Lord! The rich have treated us unfairly by not giving us the rights You have appointed for us. Allah the Exalted will say: “For the sake of My Glory and Might, I will bring you closer to Me and I will drive them away.”* After saying that, the Prophet recited the Qur’anic verse, ***“and in whose possessions there is a due share, acknowledged by them, for such as ask for help and such as are deprived of what is good in life.”***¹⁹⁹⁹

3) *Zakāt* protects people from stinginess, makes them generous, and strengthens their sense of altruism.

A person who gives a part of his wealth to his poor co-religionists just for the sake of Allah and does not expect anything from them in return acquires the habit of constantly putting the benefit of the society above his own personal interests.

4) *Zakāt* is to show gratitude for wealth and extinguishes Allah’s wrath. Therefore, it does not reduce the wealth but blesses and increases it. This is stated in the Qur’an as

1996. Al-Hashr, 59: 7.

1997. Al-Ṭabarānī and Abu Nu’aym narrated this hadith from Ibn Mas’ud in *Hilya*; Abu Dawud narrated it from Hasan as a *mursal* hadith. The hadith is weak.

1998. Al-Tirmidhī, Qadar, 6; Ibn Maja, Muqaddimah, 10; Aḥmad ibn Ḥanbal, II, 316, 350, V, 277, 280.

1999. Al-Haythamī, *Majma’ al-Zawāid*, III, 62; al-Ma’ārij, 70: 24.

follows, ***“If you are grateful, I will add more (favors) unto you.”***²⁰⁰⁰ Giving *zakāt* for the wealth is like removing excess shoots from vineyards in the spring. If these are not cleaned, the roots cannot feed the grape clusters that grow on the vines, and the clusters remain weak and unproductive. The situation of the wealth whose *zakāt* is not given is similar.

5) The human is a social being. Living alone by being out of society is against human nature. On the other hand, society is a whole. Everyone benefits from each other in generating income and gains. This is why others have rights in the wealth created. Who can deny the contribution of society to the creation of the wealth of the rich? Furthermore, if the rich lived alone at the top of a mountain and not in a social environment, would their wealth even have been acquired? The debt of gratitude to Allah, who has given all these blessings to human beings, and to the society in which one lives, is paid by obeying the order of *zakāt*.

6) Since the essence of the human being is soil, the human has the characteristic of holding wealth just as the soil absorbs and retains water. Just as the soil grows the plants with the humidity it contains, the feeling of stinginess is reduced by giving out wealth to others. Therefore, *zakāt* is as beneficial for the giver as it is for the recipient.

C – EVIDENCE ABOUT THE OBLIGATION ZAKĀT

Zakāt is one of the five pillars of Islam, and it was declared obligatory in the month of Shawwal in the second year of Hijra after fasting in Ramadan and *fiṭra* were declared obligatory. In the Qur’an, the word *zakāt* has been used in literal meaning in two places.²⁰⁰¹ On the other hand, its terminological meaning is seen in thirty verses, eight of which are in the verses that were revealed during the Meccan period. The Qur’an also uses the words like “*ṣadaqa* (charity)”²⁰⁰² and “*ḥaqq* (right)” as synonyms for *zakāt*. *Infāq*, which is encouraged in various verses, expresses the notion of doing voluntary goodness. *Zakāt* is mentioned together with ritual prayer in twenty-seven verses. This shows that there is a close relationship between the ritual prayer and the *zakāt*.

On the other hand, the *zakāt* was also ordered to previous prophets, usually together with ritual prayer. After stating that Ibrāhīm (*as*) and his son Ishāq (*as*) and his grandson Ya‘qūb (*as*) were made leaders who showed the right way, it is stated in the Qur’an, ***“We sent them inspiration to do good deeds, to establish regular prayers, and to practice regular zakāt”***²⁰⁰³ Ibrahim (*as*)’s other son, Ismail (*as*), is also mentioned as follows, ***“He used to enjoin on his people prayer and zakāt.”***²⁰⁰⁴ In general, Allah Almighty addresses the Israelites, who abide by the Torah, as follows, ***“And be steadfast in prayer; practice***

2000. Ibrahim, 14: 7.

2001. See al-Kahf, 18: 81; Maryam, 19: 13.

2002. Al-Tawba, 9: 60, 79.

2003. Al-Anbiyā, 23: 73.

2004. Maryam, 19: 55.

regular zakāt; and bow down your heads with those who bow down (in worship)."²⁰⁰⁵

When Moses ascended Mount Sinai with seventy people, Almighty Allah said to him, **"With My punishment, I visit whom I will; but My mercy extends to all things. That (mercy) I shall ordain for those who do right and practice regular charity, and those who believe in Our signs"**²⁰⁰⁶ When Mary was pressed with the questions about Jesus (as) whom she gave birth to without a father, the infant Jesus in the cradle is reported to have said, **"And He has made me blessed wheresoever I be, and has enjoined on me prayer and zakāt as long as I live."**²⁰⁰⁷

The obligation of *zakāt* is established by the Qur'an, *sunnah*, and the consensus of the Muslim jurists.

Almighty Allah says, **"Establish the ritual prayer and pay the zakāt."**²⁰⁰⁸, **"Of their goods, take alms, that so thou might purify and sanctify them."**²⁰⁰⁹, and **"Render the dues that are proper on the day that the harvest is gathered."**²⁰¹⁰

Evidence from the Sunnah of the Prophet is the following hadith, **"Islam is founded on five pillars. One of them is giving zakāt."**²⁰¹¹ as well as the Prophet's words that he said to Muadh b. Jabal when he sent him to Yemen as the governor, **"then teach them that Allah has made it obligatory for them to pay the zakāt from their property and it is to be taken from the wealthy among them and given to the poor."**²⁰¹² Numerous other hadiths state that *zakāt* is an obligatory act of worship.

Moreover, for centuries, all Muslim jurists have been in agreement on the obligation of *zakāt*. The Companions agreed that those who do not pay *zakāt* should be fought against and anyone who denies the obligation of *zakāt* leaves the faith of Islam.

D – PENALTY FOR THE REFUSAL TO PAY ZAKĀT

There is a two-way sanction for those who do not pay *zakāt*. Punishment in this world and torment in the hereafter. Almighty Allah tells us about its punishment in the Hereafter with the following words, **"O you who believe! There are indeed many among the priests and anchorites, who in falsehood devour the substance of men and hinder (them) from the way of Allah. And there are those who bury gold and silver and spend it not in the way of Allah: announce unto them a most grievous penalty. On the Day when heat will be produced out of that (wealth) in the fire of Hell, and with it will be branded their foreheads, their flanks, and their backs, their flanks, and their backs."**

2005. Al-Baqara, 2: 43.

2006. Al-A'raf, 7: 156.

2007. Maryam, 19: 31.

2008. Al-Baqara, 2: 10.

2009. Al-Tawba, 9: 103.

2010. Al-An'am, 6: 141.

2011. Al-Bukhari, Imān, 1, 2, Tafsīru surah 2/30; Muslim, Imān 19-22; al-Tirmidhī, Imān, 3; al-Nasā'ī, Imān, 13.

2012. Al-Bukhari, Zakāt, 1, Tawḥīd, 1; Abū Dawūd, Zakāt, 5; al-Nasā'ī, Zakāt, 46; Ibn Maja, Zakāt, 1.

‘This is the (treasure) which you buried for yourselves: taste you, then, the (treasures) you buried!’²⁰¹³, and ***“And woe to those who join gods with Allah, those who practice not regular charity, and who even deny the Hereafter.”***²⁰¹⁴ Furthermore, on the Day of Judgment, the people of Paradise will inquire from the sinners, ***“What led you into Hell Fire?” They will say: ‘We were not of those who prayed, nor were we of those who fed the indigent.’***²⁰¹⁵

The Prophet (saw) also said,

“Whoever is made wealthy by Allah and does not pay the zakāt of his wealth, then on the Day of Resurrection his wealth will be made like a baldheaded poisonous male snake with two black spots over the eyes. The snake will encircle his neck and bite his cheeks and say, ‘I am your wealth, I am your treasure.’” The Prophet (saw) then recited the following Qur’anic verse, ***“And let not those who covetously withhold of the gifts which Allah has given them of His Grace, think that it is good for them: Nay, it will be the worse for them: soon shall the things which they covetously withheld be tied to their necks like a twisted collar, on the Day of Judgment. To Allah belongs the heritage of the heavens and the earth; and Allah is well-acquainted with all that you do.”***²⁰¹⁶

The worldly punishment of those who do not fulfill the obligation of *zakāt* is that historically the *zakāt* was taken from them by force by the early Muslim State and a punishment (*ta’zīr*) was imposed by the state.

In a hadith narrated by Bahz ibn Ḥakīm (ra) from his grandfather through his father, the following is stated,

“For forty pasturing camels, one she-camel in her third year is to be given. The camels are not to be separated from the reckoning. He who pays zakāt with the intention of getting a reward will be rewarded. If anyone refuses to pay zakāt, we shall take half the camels from him as a due from the dues of our Lord, the Exalted. There is no share in it (zakāt) of the descendants of Muhammad (saw).”²⁰¹⁷ In another version of this hadith, there is the expression “half of the property is taken as punishment”.²⁰¹⁸

According to Abu Ḥanīfa, Imam Shafi‘ī, and Imam Malik, in such a case, the Muslim state only takes the *zakāt* that is not given and imposes a *ta’zīr* punishment if it deems it necessary. No financial penalty is applied. For such a punishment was not applied in the time of the Prophet, and in the time of Abu Bakr, war was waged against those who did not pay *zakāt*, but their property was not confiscated.

2013. Al-Tawba, 9: 34-35.

2014. Fussilat, 41: 6-7.

2015. Al-Muddaththir, 74: 42-44.

2016. Al-Bukhari, Zakāt, 3, Tafsīru surah, 3/14; Ibn Maja, Zakāt, 2; Malik, *Muwattā’*, Zakāt, 22; Aḥmad ibn Ḥanbal, II, 255. For the verse see Āl ‘Imrān, 3: 180.

2017. Abū Dawūd, Zakāt, 5; al-Nasā’ī, Zakāt, 4, 7; al-Darimī, Zakāt, 36; Aḥmad ibn Ḥanbal, V, 2, 4.

2018. Al-Shawkani, *Nayl al-Awqār*, IV, 121, 132 ff.

Some scholars, such as al-Shīrāzī (d. 476/1083), claimed that financial punishment had existed before and was abrogated later.²⁰¹⁹ Only Imam Zufar among the Ḥanafis is of the opinion that in such a case, up to half of the property can be confiscated.

A war is waged against communities that do not pay *zakāt* due to denial. As a matter of fact, this was the attitude of the first caliph, Abu Bakr (*ra*), towards those who did not want to pay their *zakāt*. Umar, who was hesitant about this issue at first, said to the caliph Abu Bakr, “How can you fight with these people although Allah’s Messenger (*saw*) said, “None has the right to be worshipped but Allah, and whoever said it then he will save his life and property from me except on trespassing the law (rights and conditions for which he will be punished justly), and his accounts will be with Allah.”²⁰²⁰

Abu Bakr replied, “By Allah! I will fight those who differentiate between the ritual prayer and the *zakāt* as *zakāt* is the compulsory right to be taken from the property (according to Allah’s orders) By Allah! If they refuse to pay me even a she-kid which they used to pay at the time of Allah’s Messenger (*saw*) I would fight them for withholding it.” Then Umar said, “By Allah, it was no one but Allah that opened Abu Bakr’s chest towards the decision (to fight) and I came to know that his decision was right.”²⁰²¹

Another version of this hadith was recorded with the following statement, “If they do not pay the tie of the camel they were paying the Messenger of Allah (*saw*)...” Upon this, Umar (*ra*) said, “By Allah, it was no one but Allah that opened Abu Bakr’s chest towards the decision (to fight) and I came to know that his decision was right.”²⁰²²

Based on this evidence, Muslim scholars said, if a person or a group does not pay *zakāt* or if they rebel against the Muslim state in this way, they must be fought. However, if they do not pay it due to stinginess or ignorance, they will not be leaving Islam, but become sinners.²⁰²³



2019. Al-Qardāwī, *Fiqh al-Zakāt*, Trans. İbrahim Sarmış, Istanbul 1984, I, 86, 87; Y. Vehbi Yavuz, *İslam'da Zekat Müessesesi*, Istanbul, 1977, p. 85.

2020. See Muslim, *Imān*, 32-36; al-Bukhari, *Imān*, 17, 28; Ṣalāh, 28; Zakāt, 1; I'tisam, 2, 38; Abū Dawūd, *Jihād*, 95; al-Tirmidhī, *Tafsīru surah* 88; al-Nasā'ī, Zakāt, 3; Ibn Maja, *Fitan*, 1-3.

2021. Al-Bukhari, Zakāt, 1, Murtaddīn, 3, I'tisam, 2; Muslim, *Imān*, 32; Abū Dawūd, Zakāt, 1; al-Tirmidhī, *Imān*, 1; al-Nasā'ī, Zakāt, 3.

2022. Al-Shawkanī, *ibid*, IV, 119; al-Qardāwī, *ibid*, I, 90.

2023. Al-Zuhaylī, *ibid*, II, 735.

II – CONDITIONS OF ZAKĀT

A – CONDITIONS FOR ZAKĀT TO BE FARD

For a person to be liable for the payment of *zakāt*, the following conditions must be met:²⁰²⁴

1) Being a Competent Believer (*Mukallaf*)

According to the Ḥanafis, the person who is required to pay *zakāt* must be a Muslim, free, sane, and adolescent. *Zakāt* is not obligatory upon non-Muslims, slaves, the mentally ill, and children.

A non-Muslim is not obligated to pay *zakāt* because *zakāt* is a cleansing act of worship. A non-Muslim is not qualified to carry out this worship nor be cleansed. Even for a Muslim who leaves Islam for a while and then returns back to Islam, *zakāt* will not be required for the period of apostasy, and the debts of *zakāt* for the period before the apostasy will also be removed. This is because being a Muslim is a condition for *zakāt* to be obligatory, as well as for its continuation.

However, according to the Shafi'i, the apostasy of a person does not eliminate his previous *zakāt* debts.

According to the Ḥanafis, it is necessary to be sane and reach puberty for *zakāt* to be obligatory. This is because the mentally ill and children are not obliged to perform the acts of worship such as ritual prayer and fasting, nor are they obliged to pay *zakāt*, because *zakāt* is an act of worship. Responsibility in acts of worship begins after reaching puberty and the age of discernment.

According to the imams of other schools other than the Ḥanafis, it is not necessary to have reached puberty and be sane for *zakāt* to be obligatory. Therefore, it is obligatory to pay *zakāt* out of the property of the child and the mentally ill. The *zakāt* is paid on their behalf of them by their parents or guardians. The evidence they rely on is the following hadith, “*A person who is the guardian of an orphan who has property should employ this property for trade so that zakāt does not consume it by leaving it.*”²⁰²⁵ According to these jurists, *zakāt* is an obligation related to the property, not the person, and it becomes

2024. See al-Kāsānī, *ibid*, II, 39 ff.; Ibn al-Humām, *ibid*, I, 481-486; Ibn Abidīn, *ibid*, II, 4 ff.; al-Maydanī, *Lubāb*, I, 140; Ibn Rushd (Averroes), *ibid*, I, 236; al-Shafi'i, *Umm*, IV, 125; Ibn Qudāmah, *Mughnī*, II, 261 ff.

2025. Al-Tirmidhī, *Zakāt*, 15; Malik, *Muwatṭā'*, *Zakāt*, 12. This hadith is weak, and Tirmidhi and al-Bayhaqī narrated it from Amr b Shuayb through his father and grandfather. Shafi'i and al-Bayhaqī narrated this from the Prophet as a *mursal* hadith, with a sound (*ṣaḥīḥ*) chain of transmitters, through Yusuf b. Māhik. In addition, al-Bayhaqī narrated the same hadith from Umar as *mawqūf* and said that its chain of transmitters is sound (*ṣaḥīḥ*). See al-Zayla'i, *Naṣb al-Rāya*, II, 331 ff.

necessary to pay it without seeking the qualifications of the owner of the property, as is the case with providing the kinship sustenance.

According to the Ḥanafis, if the mental illness of the person has been going on since his or her childhood, they are not liable for the payment of *zakāt*. But if they recover after puberty, they will be liable for *zakāt* starting from the date of recovery. If the mental illness that occurs after puberty lasts longer than a year, the responsibility of the payment of *zakāt* for that year is removed. For during this period, they are not obliged to fulfill religious orders. However, if they get well sometime in that year, for example, for a day or two, *zakāt* is required on them. This view belongs to Imam Muhammad. According to Abu Yusuf, *zakāt* is not required for that year unless he is healed for more than half of the year.

Fainting and blackouts are not considered obstacles to the requirement of *zakāt* for it is not usual for such situations to last long.

When the minors reach the age of puberty, their property is not given to them immediately and it is researched whether they have reached maturity or not, that is, whether they can manage their property properly. The following is stated in the verse, ***“Make trial of orphans until they reach the age of marriage; if then ye find sound judgment in them, release their property to them.”***²⁰²⁶ According to Abu Ḥanīfa, in principle financial guardianship stops when children reach puberty, but as a precaution, property may not be handed over to an orphan until the age of 25 at the latest.

According to the majority of jurists, financial custody continues regardless of age, until an orphan shows the signs of maturity. Therefore, the age of maturity may occur at different ages depending on the conditions of education, culture, and social environment. In this regard, nations have chosen to set a standard age of maturity for convenience in practice. As a matter of fact, with a sultan's edict dated 1299 H., the Ottoman Empire made the age of maturity twenty years old.²⁰²⁷ Accordingly, the believer will be under the financial care of the guardian between the age of puberty and the age of maturity. There is no difference of opinion among the schools that the *zakāt* of this period should be given by the guardian. There is no doubt that the hadith we mentioned above covers this period as well. In today's Turkish practice, the age of maturity for boys and girls is the same and it is when they become eighteen years old.

On the other hand, there is a consensus among schools that children and mentally ill people are responsible for the *zakāt* of land products called “*ushr*”.

2026. Al-Nisā, 4: 6.

2027. Ali Haydar, *Durar al-Hukkām*, III, 79 ff.; H. Döndüren, *Delilleriyle Aile İlmihali*, p. 511; H. Veldet Velidedeoğlu, *T. Medeni Hukukunun Umumi Esasları*, İstanbul 1968, II, 56.

2) Owning at least the *niṣāb* amount of wealth

In order to become responsible for the payment of *zakāt*, it is necessary to have at least *niṣāb* amount of wealth apart from basic needs and debts. *Zakāt* is not obligatory for a person who does not have that much wealth.

Niṣāb literally means “measure, limit, sign, original”. In Islamic legal terminology, it refers to a certain amount determined as a measure for *zakāt* to be required. It expresses the amount of wealth that requires the payment of *zakāt*.

The *niṣāb* amounts, which are considered the minimum limits for being liable for *zakāt*, were determined by the Prophet (*saw*) for each type of property subject to *zakāt*. These minimum amounts not only showed the average standard of living and wealth of the Islamic society at that time but they have also been preserved under the title of “*niṣāb* amounts of *zakāt*” in the following periods. According to this, jurists are in agreement that *niṣāb* is a must for all goods subject to *zakāt*, except for the products of the land.

The *niṣāb* amounts determined in the hadiths according to the types of goods are as follows: The *niṣāb* of gold is twenty *mithqāl*, the *niṣāb* of silver is two hundred dirhams, the *niṣāb* of sheep and goat is forty, the *niṣāb* of cattle and water buffalo is thirty, and the *niṣāb* of a camel is five. Apart from Abu Ḥanīfah, according to the majority, five *wasqs* (approximately 653 kg., according to the people of Kufa 1 ton) from agricultural products are accepted as *niṣāb*. *Zakāt* is not required for goods that do not reach this amount. *Niṣāb* amounts express the wealth limit for those who own these kinds of goods. Shah Waliyyullah Dahlawī (d. 1176/1762) states that the *niṣāb* amounts of *zakāt* are equivalent to one-year living expenses of the elementary family consisting of a husband, wife, child, and servant during the Prophet’s time.²⁰²⁸

Today, there is a significant difference in value between the types of goods, whose *niṣāb* amounts are noted above. Considering that these were the average annual expenditure amounts of an elementary family in the time of the Prophet, it would be appropriate for today to determine a new *niṣāb* amount based on the minimum annual expenditures of the smallest family consisting of a husband, wife, and children.

Fundamental needs: The basic needs that are excluded from the calculations of *zakāt* amount are as follows: It consists of the house where the *zakāt* payer resides, the necessary goods for this house, winter and summer clothes, the necessary weapons, tools, books, mounts and servants, one month’s (an annual according to another sound view) necessities or family expenses. Cash equivalents for debts owed are also subject to the same provision.

2028. Al-Dahlawī, *Hujjatullah al-Bāligha*, Beirut 1990, II, 110-114, Trans. M. Erdoğan, II, 131-135; al-Qaṛḍāwī, *ibid*, II, 157.

Islamic scholars have understood the verse “...*spend what is more*”²⁰²⁹ in the Qur’an as “spend what is more than the basic needs of yourself and your family members out of the wealth you have earned”. The Prophet also explained that *zakāt* should be given from the excess the wealth.²⁰³⁰

Accordingly, we can summarize the essential needs in the following items:

- a) Houses used as residences, vineyards, gardens, and agricultural lands.
- b) Cars, service vehicles, tractors, water engines, or work tools of artisans, machines, tools, benches, factories, etc. used for production. They are subject to *zakāt* based on their income, not their value. The Prophet said: “*There is no zakāt on a Muslim for his horse or slave.*”²⁰³¹
- c) Clothing and household goods in accordance with the custom. Carpets, rugs, furniture, dinnerware which is not gold or silver, refrigerators, washing machines, and all other electrical appliances.
- d) Personal libraries of scholars.
- e) One month’s (one year according to another sound view) customary expenses of one’s own and dependent family members.
- f) Gold, silver, cash, and trade goods that do not reach the amount of *niṣāb*, and cash and goods held against the debts owed.

Ibn al-Humām (d. 861/1457) summarized them as follows: There is no *zakāt* for a house to live in, clothes to be worn, household goods, animals to ride, and weapons used.²⁰³²

3) The property should be an *nāmī* (growing, increasing) property:

For a property to be subject to *zakāt*, it must have the quality of “*namā*”. *Namā*, which literally means “increase, multiply and develop,” is divided into two a term:

- a) Real reproduction: The increase of a good by trade, birth, or agriculture is “real reproduction”. Therefore, just as the goods and animals kept for commercial purposes are subject to *zakāt*, so are the animals called *sāima* which are grazed in the fields to get their offspring and milk.
- b) Legal reproduction: It means the possibility and potential of an increase in the property itself. Gold, silver, and cash have this quality. They meet the needs by being used in commerce, by being an instrument in the exchange of goods, so they are naturally suitable for reproduction, growth, and trade. As a result of this, gold and silver cash, ingots, and ornaments, whether they have been intended to be used in a trade or even

2029. Al-Baqara, 2: 219.

2030. Al-Bukhari, *Zakāt*, 18.

2031. Muslim, *Zakāt*, 8.

2032. Ibn al-Humām, *Fath al-Qadīr*, I, 487.

if they are saved for purposes such as payment of the sustenance or to buy a house, are subject to *zakāt* when they reach the *niṣāb* amount.

The scholars' books or craftsmen's tools are not fundamentally growing and increasing goods. Therefore, they are not subject to *zakāt* by their values.

It is not necessary to pay *zakāt* on property that has been lost and then found years later for there is no growth and increase in them. Goods that are lost at sea and found years later and goods that were usurped are subject to the same provision. The fact that *zakāt* is not obligatory in these and similar situations mentioned is based on the following hadith, "*There is no need for zakāt on ḍimār wealth.*"²⁰³³ *Ḍimār* goods refer to the property that is not expected to be returned or found even though its ownership continues. Since it is not possible to benefit from them, *zakāt* is not required from them.

4) Full Ownership of the Property

In addition to owning the property out of which *zakāt* will be paid, it is also necessary to have the possession (*dhilyad*) of this property. Possession (*dhilyad*) means that the property is actually in the possession of the owner or is under his control and disposal.

Accordingly, *zakāt* is not required from the goods under possession without ownership or owned without possession. For example, a woman who will receive dowry (*maḥr*) from her husband is not obliged to pay *zakāt* unless she actually receives it. For even though she is the owner of the dowry (*maḥr*), it is not yet in her possession.

In like manner, *zakāt* is not required on the pledged property while it is in the hands of the taker of the pledge because it is taken against a debt. It is not in the possession of the property owner. A person who is in debt is not obliged to pay *zakāt* out of the property that he has in the amount of his debt, because even if he has possession of this property, it is not legally under his ownership.

Goods that have been purchased but have not yet been delivered need to be added to the calculation of the *niṣāb* amount of *zakāt*. According to the sound view, it is necessary to pay *zakāt* out of them as well. Being a traveler is not an obstacle to the payment of *zakāt* because the person who goes on a journey, although he does not have control of his property, can dispose of his property through a proxy. Therefore, he is liable for the payment of *zakāt*.

Property that does not have a definite owner is not subject to *zakāt*. The goods offered for the benefit of the society and the goods obtained from the *zakāt*, tax and other revenues of the state are not subject to *zakāt*, either, because they do not have a specific owner. These goods belong to the whole society, including the poor.

2033. Malik, *Muwaṭṭā'*, 18. This hadith is attributed to Ali (*ra*) and is *gharīb*. Abu Ubayd reported it from Ḥasan al-Baṣrī in *Amwāl*; Imam Malik narrated it from Umar b Abdilazīz. See al-Zaylaʿī, *Naṣb al-Rāya*, II, 334; Ibn Abidīn, *ibid*, II, 12; al-Zuhaylī, *ibid*, II, 736, 737.

It is not necessary to give *zakāt* on the goods that cannot be used anymore although the original ownership continues. We mentioned above that such goods are called *ḍimār*. For example, lost animals lost property, property lost at sea, property that the state confiscated by force, the goods that were denied due to lack of documents, but later evidenced through confession in front of people after one year, are not subject to *zakāt*.

According to the Shafi'is, the Malikis and the Ḥanbalis, the condition sought for the goods to be subject to the payment of *zakāt* is to have the original ownership and to have the power of disposition. The Malikis, unlike the Ḥanafis, deem the payment of *zakāt* necessary on an endowed property if the owner undertakes the trusteeship of the endowed property. This is because, according to them, an endowment of a property does not remove it from ownership.

According to the Shafi'is, if the borrowed property remains in the hands of the borrower for more than one year, he has to pay its *zakāt*.²⁰³⁴

5) Passage of a Year over the Ownership of the Goods

Just as in fasting and pilgrimage, the lunar calendar is applied in the case of the payment of *zakāt*. For *zakāt* to be obligatory, one lunar year must pass over the *niṣāb* amount of goods. This is called "*ḥawalān al-ḥawl*". The evidence is the following hadith, "*It is not necessary to give zakāt on a property unless a lunar year has passed.*"²⁰³⁵

According to Abu Ḥanīfa, goods are divided into two types in terms of the requirement of the passage of a year: a) Cash, gold, silver, and trade goods and animals that are raised on the pasture for more than half of the year (*sāima*). b) Agricultural products, mines, and treasures. As for the *zakāt* of the goods of the former type, it is obligatory that a period of one year elapses after owning the *niṣāb* amounts of goods. For the products of the land and mines, the passage of a year is not required. This is because many types of crops can be harvested in a few months and more than one crop per year can be obtained from some soils. In such cases, waiting for the end of the year would be to the detriment of the poor.²⁰³⁶

Ibn Qudamah (d. 620/1223) explains the difference between goods for which the passage of a year is required and the ones for which the passage of a year is not required as follows: The goods that are subject to the condition of passage of a year are the goods that are kept and stored for their development. An animal is kept for milk, wool, calving, or fattening. Cash and merchandise are stored for profit. It is stipulated that one year is required to pass over these because these are the goods that increase and reproduction is expected and it is intended that *zakāt* will come out of their profit. Moreover, this is easier and ensures that the goods do not run out and that the aid to the poor continues.

2034. See al-Kāsānī, *ibid*, II, 9; Ibn Abidīn, *Radd al-Mukhtār*, II, 5; al-Shirāzī, *Muḥadḍḥab*, I, 141 ff.; Ibn Qudāmah, *Mughnī*, III, 48-53; al-Zuhaylī, *ibid*, II, 741, 742.

2035. Ibn Maja, *Zakāt*, 5; al-Zayla'ī, *Naṣb al-Rāya*, II, 328, 330.

2036. Al-Kāsānī, *ibid*, II, 51; Ibn al-Humām, *ibid*, I, 510; Ibn Abidīn, *ibid*, II, 31, 72.

As for the produce of the land and fruits, they are products in development. When their *zakāt* is paid, they will have completed their development. After that, it no longer grows and develops, but rather starts to decrease.²⁰³⁷ Such as drying and rotting of ripened fruits and vegetables if they are kept waiting.

On the other hand, it is for the producers to exclude the produce of the land, fruits, and minerals from the condition of the passage of the year. When the conditions for agricultural products are fulfilled, *zakāt* is paid at the rate of one-tenth (*ushr*) or one-twentieth in irrigated fields. In mines, the *zakāt* of the operator is one-fifth.²⁰³⁸ However, those who buy agricultural products or mines and keep them for commercial purposes give their *zakāt* just like other commercial goods. In other words, if they exceed the *niṣāb* amount and if one year passes, they will be subject to *zakāt* in the ratio of one-fortieth.

According to Abu Ḥanīfā, the provisions of the tithe are applied to the products of lands such as wheat, barley, rice, millet, watermelon, eggplant, clover, tea, and sugar cane, which are grown by the human being on tithe land, without seeking a *niṣāb* amount and passage of a year. In other words, one-tenth of what comes out of the soil or one-twentieth of irrigated land is required to be given as *zakāt*.

According to Abu Yusuf and Imam Muhammad, a tithe is not required for cereals that do not reach approximately 653 kg and for perishable fruits and vegetables that do not remain in the hands of the people for a year.²⁰³⁹

According to the Ḥanafīs, in regards to the passage of a year over the goods subject to *zakāt*, the amount of *niṣāb* must exist both at the beginning and at the end of the year. The decrease in this amount during the year does not affect the requirement for the passage of one year. On the other hand, property that increases during the year is subject to *zakāt* along with other properties at the end of the year.

For example, if a person has three hundred grams of gold in excess of his essential needs on the first day of Ramadan, if the amount of this gold falls down to fifty grams or increases to four hundred grams in the middle of the year, if he has two hundred grams of gold on the first day of Ramadan a year later, he has to pay five grams of gold as *zakāt*. If it falls below eighty grams at the end of the year according to the *sharʿi* measure, *zakāt* is not required because there is no *niṣāb* amount at the end of the year. However, if the person also has silver, cash, foreign currency, or trade goods to complete the missing amount of the *niṣāb*, all of them together will be subject to *zakāt* in the ratio of one-fortieth.

If there are sixty grams of gold at the beginning of the year, if this amount increases to two hundred grams at the end of the year, or if it is two hundred grams at the beginning of the year and falls to sixty grams at the end of the year, *zakāt* is not required. *Zakāt* is

2037. Ibn Qudāmah, *Mughnī, Sharḥ Muhtaṣaru Khiraqī*, Cairo, n.d., I, 625.

2038. Al-Kāsānī, *ibid*, II, 57-63.

2039. For more information, see al-Kāsānī, *ibid*, II, 53 ff.; Ibn al-Humām, *ibid*, II, 4; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 245; Ibn Qudāmah, *ibid*, II, 689; al-Zuhaylī, *ibid*, II, 800 ff.

required if the same amount or more is found at the end of a year, which may start from the day it reaches the amount of eighty grams.

According to Imam Zufar, the amount of *niṣāb* must be in hand throughout the year from its beginning until its end.

According to the Shafi'is and the Ḥanbalis, the amount of *niṣāb* must be present throughout the year. If a property subject to *zakāt* falls below the *niṣāb* amount during the year, *zakāt* is not required for it. If he later owns the property exceeding the *niṣāb* amount, the condition of passage of the year starts again. However, the offspring of animals born during the year and the profit of trade goods are considered subject to *zakāt* by adding them to the original (capital) property.

If a property subject to *zakāt* increases after the passage of a year, it will not be subject to *zakāt* until one year passes starting from the day it exceeds the *niṣāb* amount. For example, if a person has *niṣāb* amount of wealth on the first day of Ramadan and has three hundred grams of gold or trade goods of this value at the end of a year, seven and a half grams of gold is required to be paid as *zakāt*. If the amount of gold increases to four hundred grams two days after this, the passage of a new year will begin for the increased amount.²⁰⁴⁰

6) The Wealth Should Be in Excess to the Debts Owed

As a result of the conditions of “to be under full ownership” and “to be in excess of the basic needs” sought in the goods subject to *zakāt*, the property subject to *zakāt* should not be in return for debt-owed. The majority of jurists are in agreement that debt will be effective in the *zakāt* of money, gold, silver, and trade goods which are called “hidden goods”. There is a difference of opinion on whether debts-owed will be an obstacle to the obligation of *zakāt* in agricultural products, animals, and mines, which are called “exposed goods”, that is, whether the debt will be deducted from the property in the calculation of the *niṣāb* amount.

Debts that can be requested by their creditors prevent *zakāt* from being obligatory. The debt may have arisen from the purchase of deferred goods, or it may have occurred due to borrowing money or being a guarantor for someone else. Regardless of the reason for the debt, if it is demandable by people, one may deduct these debts first from his or her wealth. *Zakāt* debts that remained from the previous years are also of this nature. If there is no property left after these debts are deducted, there is no obligation of *zakāt*. However, debts such as vows, atonements, and pilgrimage, which are not claimed by people, do not prevent *zakāt* from being obligatory.

2040. For more information, see al-Kāsānī, *ibid*, II, 53 ff.; Ibn al-Humām, *ibid*, II, 4; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 245; Ibn Qudāmah, *ibid*, II, 689; al-Zuhaylī, *ibid*, II, 800 ff.

For example, if a person has thirty *mithqāl* of gold, in addition to his essential needs, and he owes twelve *mithqāl*, since the amount after the deduction of the debt is less than the *niṣāb* of gold (20 *mithqāl* or 80 gr.), *zakāt* is not required.

Debts belonging to people must be paid first, or cash or trade goods must be set aside for their payment. Islam emphasized the debt owed to other people a lot, the Messenger of Allah (saw) took refuge in Allah from debt in his prayers²⁰⁴¹ and did not want to lead the funeral prayer of some of the Companions who died without paying their debts.²⁰⁴² Uthmān (*ra*) said during his caliphate, “This month is the month when your *zakāt* will be paid. Whoever has debts to pay should pay, then pay the *zakāt* of your goods.”²⁰⁴³ Uthmān (*ra*) said these words in front of a community of Companions, and no one objected to his practice.

The existence of debt does not prevent the implementation of the tithe over the agricultural products and the land tax.²⁰⁴⁴

According to the Ḥanbalis, debt is an obstacle to *zakāt* on all kinds of goods subject to *zakāt*, including agricultural products. That is if debts and sustenance are deducted first, and then the remaining wealth is more than the *niṣāb* amount, *zakāt* is paid on this property. If the deduction of debt covers the whole *niṣāb* amount or decreases it below the *niṣāb* amount, it becomes an obstacle to the payment of *zakāt*.

According to Imam Malik, the debt prevents *zakāt* from being obligatory only on money if deducting it below the *niṣāb* amount, and then the *zakāt* is not *fard*. It is not deducted in the case of the *zakāt* of agricultural products, animals, and mines. This is because *zakāt* is *fard* from these types of wealth themselves.

According to Imam Shafī‘i’s last view, the obligation of *zakāt* is a debt of liability like any other debt. Accordingly, debt that covers the whole *zakāt* goods or decreases it below the *niṣāb* amount does not prevent *zakāt* from being obligatory. Therefore, a person who owns the *niṣāb* amount of wealth subject to the liability of *zakāt* is obliged to pay it regardless of his debts. For one of the debts does not prevent the payment of the other.²⁰⁴⁵

B – REQUIREMENTS FOR THE VALIDITY OF PAID *ZAKĀT*

Intention for *zakāt* and transfer of ownership (*tamlīk*) is necessary for the validity of paid *zakāt*.

2041. Muslim, Dhikr, 60; Abū Dawūd, Adab, 98, Witr, 32; al-Tirmidhī, Da‘āwāt, 19, 67; Ibn Maja, Du‘a, 3, 15.

2042. Al-Nasā‘ī, Janā‘iz, 67; Abū Dawūd, Buyū‘, 9; al-Darīmī, Buyū‘, 53.

2043. See Malik, *Muwaffā‘*, Zakāt, 17; al-Zuhaylī, *ibid*, II, 748, Abū Ubayd, quoted from *Amwāl*.

2044. Ibn Abidīn, *ibid*, II, 6 ff.; al-Zuhaylī, *ibid*, II, 747, 748.

2045. Al-Shirazī, *Muḥadhdhab*, I, 142; al-Dirdir, *al-Sharḥ al-Ṣaghīr bi Hashiyat al-Sāwī*, Egypt n.d., I, 647 ff.; Ibn Qudāmah, *ibid*, III, 41 ff.; al-Zuhaylī, *ibid*, II, 748, 749.

1) Intention

In general, the intention is a must in *zakāt*, as in other acts of worship. The Prophet (saw) said, “*The reward of deeds depends upon the intentions.*”²⁰⁴⁶ Giving *zakāt* is a deed and an act of worship like ritual prayer. Therefore, the intention is essential to separate it from a voluntary charity.

When giving *zakāt* to the poor or setting aside a property for *zakāt*, it is necessary to intend from the heart that it is for the payment of *zakāt*. It does not have to be expressed by the tongue. If the property is given to the poor with the intention of *zakāt* in the heart, saying that it is given as a voluntary charity or even as a loan does not prevent it from being *zakāt*.

The intention must be close to the time of payment of the *zakāt*. This is because *zakāt*, which is allocated collectively, can be given in parts or at different times depending on the situation of the needy. Therefore, it is sufficient to intend to allocate a property as *zakāt* because there is an ease in this for the one who gives *zakāt*. As a matter of fact, it is similar to fasting which is permissible to intend after sunset in the evening.

If the property that a person has set aside as *zakāt* is lost, stolen, or destroyed, the *zakāt* debt will not be dropped. It has still to be paid because it is possible to take *zakāt* out of the remaining property and pay it.

If a person gives a property to the poor without any intention and intends it to be *zakāt* afterward, if this property is still in the hands of the poor, the intention is valid. But if the goods are out of his hands, the intention is no longer enough. Again, if a person gives *zakāt* from someone else's property without his permission, if the owner later gives permission, *zakāt* becomes valid if the property is still in the hands of the poor, otherwise, it will not be valid.

In *zakāt*, the intention of the owner, not his or her agent, is valid. For this reason, the owner must intend to give *zakāt* when giving the *zakāt* property to his or her agent or at the latest when his or her agent is giving this *zakāt* to the poor. The agent's intention is not enough. The agent may be a Muslim, as well as a Christian or Jew from the people of *dhimma*.

Even though a person who intends to give *zakāt* distributes things to the poor from time to time without allocating any property for it, the distributed things cannot be deducted from his *zakāt* if he does not intend to do so. However, when giving such goods to the poor, if he is in a state to answer, “I am giving it as *zakāt*” without thinking about a question “Why are you giving this away?” this will be sufficient for the intention.

On the other hand, it is not enough for a person to say, “I intend for the things I give as charity during this period to be from my *zakāt*” after donating to the poor for a

2046. Al-Bukhari, *Bad' al-wahy*, 1; Muslim, *Imāra*, 155.

while. This is because it is not possible to convert a voluntary worship into obligatory worship with a theoretical intention made later.

The responsibility of the payment of *zakāt* will be dropped from a person who gives all of his property as charity without intending to pay *zakāt*. However, while giving his wealth as a charity, he should not intend it to be a payment of a debt such as a vow or expiation. Otherwise, the property will be deemed as given according to that intention, and the amount of *zakāt* corresponding to the given property will also be owed.

According to the majority of jurists other than the Ḥanafis, if a person gives all his property as voluntary charity and does not intend to pay *zakāt*, the responsibility of *zakāt* will not be dropped. For by doing this, he did not intend it to be *farḍ*. This is similar to the situation of a person who performs one hundred cycles of prayer and does not intend it to be an obligatory prayer.²⁰⁴⁷

If a person donates a part of a property that is subject to *zakāt* to a poor person, the responsibility of payment of *zakāt* that falls on that part of the property will be relinquished from him. Accordingly, if a rich person donates his receivable debt from a poor person to that poor person, only the *zakāt* corresponding to the amount of receivable debt will be reduced. Whether he intends it to be *zakāt* or not does not change the result. For this situation is similar to the destruction of the property. If that much of his property were to be destroyed, he would not have to pay his *zakāt*.

For example, if a rich person has a receivable debt of four hundred grams of gold from the poor and donates all of it to the poor, ten grams of *zakāt* debt corresponding to the receivable debt will be reduced. Otherwise, he cannot deduct the entire four hundred grams of gold as the *zakāt* of his other wealth.

On the other hand, if such a property is donated to a wealthy debtor or the receivable from him is waived, *zakāt* will be given neither for that property nor for any other properties. According to the sound view, the *zakāt* corresponding to this donated property or waived receivables should also be given separately.

According to the opinion of the Ḥanafis, which is the basis of a *fatwa*, if the *zakāt* officer has taken the *zakāt* from the exposed goods by force, the *zakāt* debt will be deducted from the responsibility of the person, and if *zakāt* is forcibly taken from the hidden goods, the responsibility of the *zakāt* debt will not be dropped if he has not intended it to be *zakāt*.

According to the Shafi'is, since parents and guardians are obliged to pay *zakāt* on behalf of their children and the mentally ill, parents' intention while giving *zakāt* will be sufficient.

2047. See al-Kāsānī, *ibid*, II, 40; Ibn al-Humām, *ibid*, I, 493; Ibn Abidīn, *ibid*, II, 4, 14, 15; al-Maydanī, *Lubāb*, I, 140 ff.; al-Shirāzī, *ibid*, I, 170; Ibn Qudāmah, *ibid*, II, 638 ff.; al-Zuhaylī, *ibid*, II, 750 ff.; Bilmen, *ibid*, p. 334 ff.

2) *Tamlik* (Transfer of Ownership):

Tamlik is necessary for the given *zakāt* to be valid. *Tamlik* means to transfer the ownership of the goods or cash to be given as *zakāt* to the person who receives the *zakāt*. Therefore, making it permissible, for example, inviting the poor to one's table and offering them food, does not replace the payment of *zakāt*, since it is not a way of *tamlik*. It will be a voluntary charity. *Zakāt* cannot be given to the mentally ill or to a child who does not have the power of discernment. However, it can be given to the people who represent them, such as their parents, or their guardians.

The evidence of the condition of *tamlik* in *zakāt* is based on Qur'anic verses stating **“give *zakāt*”**. “Giving” in these verses means transferring the ownership of the property to the other party. On the other hand, the letter “lam”, which is found before the eight classes listed in the Qur'anic verse, **“Alms (*zakāt*) are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah...”**,²⁰⁴⁸ expresses *talik*. That is, the ownership of *zakāt* goods must be transferred to these eight classes or one of these classes.²⁰⁴⁹

The Malikis also put forward three more conditions for the payment of *zakāt*. a) Giving *zakāt* after it becomes obligatory (it is not valid to pay it before it becomes obligatory), b) Giving *zakāt* to those who are eligible to receive it, and c) *Zakāt* should be in kind, that is, given from the type of the property itself.²⁰⁵⁰

C – TIME OF *ZAKĀT* TO BE OBLIGATORY AND TIME OF ITS PAYMENT

A person who has at least the *niṣāb* amount of property subject to *zakāt* over which one year passes, apart from his basic needs and debts, must pay *zakāt* without delay. If a person who is obliged to pay *zakāt* delays its payment without a valid excuse, he becomes a sinner. For *zakāt* is a right that should be spent on people, and it is made obligatory to meet the needs of the poor. If it is delayed after the time of the payment period, the purpose of its obligation will not be fully realized.

The times of *zakāt* payment are determined by the type of goods subject to *zakāt*.

a) The *zakāt* of gold, silver, money, and commercial goods and the *zakāt* of animals are paid once a year after the passage of the lunar year is completed.

b) Agricultural products and fruits are subject to tithe according to the situation of giving products more than once a year. There is no requirement for the passage of one

2048. Al-Tawba, 9: 60.

2049. See al-Kāsānī, *ibid*, II, 39; Ibn Abidīn, *ibid*, II, 85; Ibn al-Arabi, *Aḥkām al-Qur'ān*, III, 947; al-Shirazī, *ibid*, I, 171; Ibn Qudāmah, II, 665 ff.

2050. Al-Zuhaylī, *ibid*, II, 753.

lunar year. According to Abu Ḥanīfa, the condition of reaching a certain *niṣāb* amount is not required. According to the majority of the jurists, reaching a certain *niṣāb* amount in the *zakāt* of agricultural products is also required.

According to Abu Ḥanīfa and Imam Zufar, *zakāt* is required even if it is not in a condition to be harvested when the product and fruit come to the point that it becomes certain that there will be products and they will not be spoiled. According to Abu Yusuf, *zakāt* becomes obligatory when it is ready to be harvested, and according to Imam Muhammad, when it is harvested and threshed.²⁰⁵¹

According to the Shafi‘is and the Ḥanbalis, *zakāt* is obligatory in grains at the time when the grains harden and the fruits ripen.²⁰⁵²

c) The *zakāt* for honey becomes obligatory after producing enough honey to give *zakāt*, and the *zakāt* of mines becomes obligatory by extracting enough metal to pay *zakāt*.

It is permissible for a person who has a *niṣāb* amount of wealth to give his *zakāt* voluntarily in advance before the end of the year. This is because this person has paid *zakāt* after the reason for which it becomes *farḍ* has been fulfilled. According to a narration from Ali (*ra*), it is stated that “Abbas (*ra*) asked the Messenger of Allah (*saw*) to pay the *zakāt* of his property in advance before completion of the passage of a year, and the Prophet (*saw*) gave him permission to do so.”²⁰⁵³ Leaving the payment of *zakāt* to the end of the year is for the convenience of the owners of the wealth. Therefore, it can be given before the passage of a year to ensure that the poor can benefit as soon as possible. This is like paying off debt before it’s due.

According to the Shafi‘is, for the advance payment of *zakāt* to be sufficient, the owner of the property must remain qualified for the payment of *zakāt* to be obligatory until the end of the year. On the other hand, it is obligatory for the recipient of the *zakāt* to be qualified to receive *zakāt* at the end of the year. If these two conditions are not fulfilled, the advance payment of *zakāt* will not be sufficient.

According to the Malikis and the Zahiris, it is not permissible to pay *zakāt* before the passage of one lunar year is up because *zakāt* is like ritual prayer. Therefore, it is not valid to give it before its time commences.²⁰⁵⁴

D – EXPOSED AND HIDDEN GOODS

The types of goods that are subject to *zakāt* are divided into two types according to their characteristics of being exposed or hidden: The ones that are exposed are called

2051. Ibn Abidīn, *ibid*, II, 72.

2052. Al-Shirbīnī, *Mughni al-Muhtāj*, I, 386; al-Buḥūṭī, *Kashshāf al-Qinā’ an Matn al-Iqnā’*, Mecca, n.d., II, 192.

2053. Al-Darīmī, *Zakāt*, 12; See Abū Dawūd, *Zakāt*, 22; al-Tirmidhī, *Zakāt*, 37; Ibn Maja, *Zakāt*, 7.

2054. See Ibn Rushd (Averroes), *Bidayā*, I, 266; al-Dirdir, *ibid*, I, 431; al-Shawkanī, *ibid*, IV, 151.

“*amwāl al-zāhira*” and the ones that are hidden are called “*amwāl al-bāṭina*”. These two terms emerged in relation to the collection of *zakāt* by the state.

1) Exposed Goods (*Amwāl al-Zāhira*)

It covers the types of goods that can be seen and detected. Land products, animals, and minerals fall under this category. The opposite of this is hidden goods called *amwāl al-bāṭina*. Such as gold, silver, money, and trade goods.

The proofs of the implementation of *zakāt* by the state are as stated in the Qur'an: ***“Of their goods, take alms, that so you might purify and sanctify them; and pray on their behalf. Verily your prayers are a source of security for them...”***²⁰⁵⁵ As long as the Prophet (saw) lived, *zakāt* was given to him or to the *zakāt* officers he appointed. Ibn Sīrīn (d. 110/728) said, “In the beginning, *zakāt* was given to the Prophet or his officials. To Abu Bakr, who was the caliph after him, or to the officials he appointed and it was also given to Umar or to *zakāt* officers appointed by him during his reign. Although it continued in the same way during the reign of Uthmān, after his martyrdom, the Muslims disagreed and some continued to give *zakāt* to the state, while others began to distribute their *zakāt* on their own.”²⁰⁵⁶

According to what is reported from Anas ibn Malik, a man from the tribe of the Sons of Tamim came to the Prophet and said, “O Messenger of Allah! When I pay the *zakāt* to the officer you sent, will I be relieved of my responsibility towards Allah and His Messenger?” The Prophet (saw) replied, “Yes, when you pay the *zakāt* to the messenger I sent, you will be freed from responsibility. The reward of the *zakāt* you pay belongs to you, and its sin belongs to the one who changes it.”²⁰⁵⁷ When Abu Bakr became the caliph, he sent state forces to subdue some tribes who did not want to pay *zakāt* to the state.

Goods, which continued to be collected by the state even after the caliphate of Uthmān, were the exposed goods which were the goods and animals that are obtained or can be obtained from underground or above the ground.

These consist of land crops, animals, and mines. The ratios of their *zakāt* are as follows:

- a. From the products of the lands planted by man and irrigated with rain water, 1/10 (one-tenth)
- b. In the products obtained by making additional expenditures such as irrigation and fertilization; 1/20 (one-twentieth.)
- c. 1/5 (one-fifth) out of underground resources, mines, oil... and treasures.

2055. Al-Tawba, 9: 103.

2056. Abū Ubayd, *Kitāb al-Amwāl*, p. 751.

2057. Malik, *Mudawwana*, II, 88.

D. From animals; in cattle 1/30th (one in thirty); in sheep 1/40 (One in Forty); in camels, one sheep for every five camels; in horses, one dinar (4 gr gold coin) for each horse.

Other than these, gold, silver, cash, jewelry, and trade goods are classified as hidden goods (*amwāl al-bāṭina*). Their *zakāt* began to be paid directly by their owners after the time of Uthmān (*ra*). However, if it is proven that those who own such goods do not pay their *zakāt*, the right of the state to intervene in the Muslim countries is reserved.²⁰⁵⁸

2) Hidden Goods (*Amwāl al-Bāṭina*)

Goods that are hidden or that are possible and easy to hide from *zakāt* officers are included in this group. They are difficult to detect. However, they can be identified by the declaration of their owners. This type includes gold, silver, cash, jewelry, and trade goods. If a woman who has gold ornaments in her home does not notify the *zakāt* officer of their existence, it will be difficult to detect them by doing research. This was because the *zakāt* of hidden goods was left out of the control of state finances for their owners to pay.

Before the time of Uthmān, the *zakāt* of all goods, whether hidden or exposed, used to be collected by the state. During the caliphate of Uthmān, state revenues increased. The detection and control of trade goods and cash became difficult. Thereupon, Uthmān left the payment of *zakāt* of hidden goods to the owner's will. The people who owned these properties were accepted as the representatives of the heads of state and were obliged to personally give their *zakāt* to the needy. Said ibn Yazid said, "I heard Uthmān (*ra*) went up on the pulpit and said: "This month is the month of giving *zakāt*. Whoever owes *zakāt*, let him pay his debt." This practice, which started in the period of Uthmān, continued in this way in the following centuries.²⁰⁵⁹ However, if the Muslim state deems it appropriate, it can also collect *zakāt* on hidden goods. In a Muslim country, it is more appropriate to collect these and distribute them together with the exposed goods by a single authority, that is, by the state.



2058. Al-Sarakhsī, *Mabsūt*, III, 18; al-Kāsānī, *ibid*, II, 7, 69.

2059. Al-Kāsānī, *ibid*, II, 7; Sayyid Sabiq, *Fiqh al-Sunna*, I, 204.

III – TYPES OF GOODS SUBJECT TO *ZAKĀT*

It is obligatory to pay *zakāt* on five types of goods. Gold, silver and coins, mines and treasures, trade goods, agricultural products, and animals. We will examine them below respectively.

A – *ZAKĀT* OF GOLD, SILVER, AND CASH

1) *Niṣāb* in Gold and Silver

The *niṣāb* amount of gold is twenty *mithqal*, and the *niṣāb* amount of silver is two hundred dirhams. A person who has twenty *mithqal* gold or two hundred dirhams of silver in excess of his debt and basic needs, or money or trade goods equal to these, is liable for *zakāt* if one year has passed over such wealth. The ratio of *zakāt* on gold, silver, and money is one-fortieth, that is, two and a half percent. Accordingly, *zakāt* is required for half misqal under twenty misqals, and five dirhams for silver out of two hundred dirhams. One *mithqal* gold coin is called a dinar.

A *mithqal* is twenty carats and weighs a hundred barley, and a dirham is four carats and weighs twenty barley. One carat equals five barley which is equal to 0.2 gr.

The basic measure in *zakāt* is the *shar'i* dirham. According to today's unit of measurement, 1 *shar'i* dirham equals 2.8 grams. 200 dirhams x 2.8 = 560 grams.

1 *mithqal* = 20 carats, which is equivalent to 20 carats x 0.2 = 4 grams. Accordingly, 20 *mithqal* x 4 = 80 grams will be the *niṣāb* amount for gold. According to this measure, seven *mithqals* of gold is equivalent to ten dirhams of silver in terms of weight. This equivalence between gold and silver was determined during Umar's caliphate in order to base the dinars and dirhams in circulation, which are not standard.²⁰⁶⁰

The *niṣāb* of gold is 80 grams, and the *niṣāb* of silver is 560 grams, according to the Shari'ah standards. However, since the weight of the dirham shows some changes according to the customs of the countries, Muslim scholars have concluded that *zakāt* can be given over the customary dirhams of the countries. In the application of the Ottoman Empire, 20 *mithqals* of gold equal to 96 grams; 200 dirhams of silver were considered equivalent to 640 grams. According to this customary measure, the *niṣāb* of *zakāt* is 96 grams for gold and 640 grams for silver.

The *niṣāb* amounts of gold and silver are fixed by hadiths.

2060. Ibn al-Humām, *ibid*, I, 519 ff.; II, 522; Ibn Abidīn, *ibid*, II, 38 ff.; al-Maydanī, *Lubāb*, I, 148; al-Shirazī, *ibid*, I, 157 ff.; Ibn Qudāmah, *ibid*, III, 1-16; Hamdi Döndüren, *İslam Hukukuna Göre Alım-Satım da Kar Hadleri*, p. 64.

In a hadith narrated by Ali (ra), the Messenger of Allah (saw) said, “*There is nothing up to twenty dinars of gold. When you have twenty dinars and a year has passed, you have to give half a dinar of zakāt.*”²⁰⁶¹ In another hadith narrated by Umar (ra), the Messenger of Allah (saw) said, “*There is no zakāt under less than twenty mithqals.*”²⁰⁶² It was narrated from Abdullah Ibn Umar (r. *anhuma*) and Aisha (r. *anha*) that they said, “*The Prophet (saw) was receiving half a dinar zakāt for every twenty dinars, and one dinar for every forty dinars.*”²⁰⁶³

As reported by Abu Said al-Khudri (ra) regarding the *niṣāb* amount of silver, the Messenger of Allah (saw) said: “*There is no zakāt on silver less than five uqiyyas, on camels less than five zawds, and on grains less than five wasqs.*”²⁰⁶⁴ The fact that five *uqiyyas* are equivalent to two hundred dirhams is confirmed by the following hadith narrated by Ali (ra). The Messenger of Allah (saw) said, “*I have exempted zakāt on horses and slaves. So bring charity for silver, one dirham for every forty dirham. There is nothing for me (to collect) on one hundred and ninety dirham, so when it reaches two hundred, then five dirham of it (are due).*”²⁰⁶⁵

Ibn Umar and Ali (r. *anhuma*) said, “*No one objected to the fact that the niṣāb amount of silver was 200 dirhams.*”²⁰⁶⁶

According to Abu Ḥanīfa, if the amount of gold and silver exceeds the *niṣāb* amount, no *zakāt* is required for this excess unless the amount exceeding the amount of twenty *mithqal* reaches four *mithqal* and the exceeding amount over two hundred dirhams of silver reaches forty dirhams. However, if another trade good is found together with this surplus amount, they are calculated by adding them together. For the Prophet (saw) said, “*Pay the zakāt on silver as one dirham in forty dirhams.*”²⁰⁶⁷ However, if the amount of gold and silver above the *niṣāb* amount is equal to four *mithqal* or forty dirhams, *zakāt* is also required from this excess.

According to Abu Yusuf, Imam Muhammad, and the majority of jurists except for and the Ḥanafis, the *zakāt* of more than two hundred dirhams of silver or of gold exceeding twenty *mithqal* is paid as a percentage. Even if this excess is small, two and a half percent *zakāt* out of it is required. The evidence is the following hadith, “*Give one-dirham zakāt in every forty dirhams. It is not necessary for you to give anything until it reaches two hundred. When the amount is two hundred dirhams, it becomes necessary to give five dirhams of zakāt. The excess is subject to zakāt according to this calculation.*”²⁰⁶⁸

2061. See al-Bukhari, *Manaqib al-Anṣār*, 27; *Hiyal*, 3; Abū Dawūd, *Zakāt*, 5; al-Tirmidhī, *Zakāt*, 8, 10; Aḥmad ibn Ḥanbal, I, 148, III, 85.

2062. Al-Dāraquṭnī, *Sunan*, II, 93; Abū Ubayd, *Kitāb al-Amwāl*, no. 1107, 1167.

2063. Al-Dāraquṭnī, *Sunan*, II, 92; Ibn al-Humām, *ibid*, I, 524.

2064. Al-Bukhari, *Zakāt*, 4, 32, 38; Muslim, *Zakāt*, 1, 3; al-Tirmidhī, *Zakāt*, 7.

2065. Al-Tirmidhī, *Zakāt*, 3; Abū Dawūd, *Zakāt*, 5; Ibn Maja, *Zakāt*, 4; Al-Nasāʾī, *Zakāt*, 18.

2066. Shams al-Dīn Qudama, *al-Sharḥ al-Kabīr* (along with Ibn Qudāmāh’s *Mughnī*), Beirut, 1972, II, 440.

2067. Al-Shawkanī, *Nayl al-Awṭār*, IV, 137.

2068. See al-Tirmidhī, *Zakāt*, 3; Abū Dawūd, *Zakāt*, 5; al-Zuhaylī, *ibid*, II, 762.

For example, if a person has two hundred thirty-nine dirhams of silver, according to Abu Ḥanīfa, five dirhams of *zakāt* will be given for only two hundred dirhams. *Zakāt* is not required for the remaining thirty-nine dirhams. Unless the excess reaches forty, it will be exempt from *zakāt*. According to other imams, when the *niṣāb* amount is exceeded, *zakāt* is applied on the whole. Again, if a person has two hundred and seventy dirhams of silver, according to Abu Ḥanīfa, he has to give six dirhams of *zakāt* for two hundred and forty dirhams. The remaining thirty dirhams are exempt from *zakāt*. According to other imams, *zakāt* is required for this as well.

In gold, this principle is applied for the excess of every four dinars after the *niṣāb*.²⁰⁶⁹

In order to determine whether gold and silver have reached the *niṣāb*, their weight, not their value, is taken into account. There is consensus on this matter.

Accordingly, even though the weight of a vase made of gold is less than the *niṣāb*, for example, eighteen mithqals, its value is equal to twenty-five mithqals of gold due to the artistic value it contains, unanimously it is not subject to *zakāt*. However, if there is another property subject to *zakāt* and their total reaches the amount of *niṣāb*, it is an exception.

In giving *zakāt* from non-fungible (*qiyamī*) goods, that is, the goods are not bought and sold by measuring or weighing, and are not subject to the rules of interest (*ribā*), their value is taken into account, not their volume or number. Accordingly, a person who owes two medium-size sheep as *zakāt* can pay his *zakāt* by giving their value in cash, or by giving a good sheep equivalent to the value of these two. For the sheep are non-fungible (*qiyamī*) goods, there is no question of interest in giving one of them in place of another.

However, in the case of *zakāt* of the fungible (*mithlī* - standard) goods to which interest rules are applicable, the *zakāt* which is to be given in their own kind amount must be observed. For example, instead of five bushels of ordinary wheat that should be given as *zakāt*, four bushels of quality wheat cannot be given. Again, due to its artistic value, one mithqal of gold cannot be given in place of two mithqals of gold. In such cases, interest is incurred. This view belongs to Abu Ḥanīfah, Abu Yusuf, and Imam Muhammad. According to Imam Zufar, it can be given for they are equal in value and there is no interest between Allah and His servant.

2) Zakāt of Jewelry

Zakāt is required for ornaments made of gold or silver, utensils, spoons, forks, etc. when they reached the amount of *niṣāb* for gold and silver are growing types of commodities, they were intrinsically created for commerce. In addition, they have the nature of being the price in sales (*thaman*). Therefore, whether they are ingots, castings, or ornaments for people, the owner is obliged to pay their *zakāt*.

2069. See Ibn al-Humām, *ibid*, I, 520; Ibn Abidīn, *ibid*, II, 42; al-Maydanī, *Lubāb*, I, 149; Ibn Qudāmah, *Mughnī*, III, 6; Al-Zuhaylī, *ibid*, II, 762.

The necessity of *zakāt* on adornment gold is based on the following hadith which Amr Ibn Shuayb narrated from his grandfather through his father:

“A woman from among the people of Yemen came to the Messenger of Allah with a daughter of hers, and on the daughter’s hand were two thick bangles of gold. He said:

“Do you pay *zakāt* on these?” She said:

“No.” He said:

“Would it please you if Allah were to put two bangles of fire on you on the Day of Resurrection?” So she took them off and gave them to the Messenger of Allah and said: “They are for Allah and His Messenger.”²⁰⁷⁰

According to Ḥanafis, ornaments made of gold and silver are subject to *zakāt*. For example, if women’s ornaments such as bracelets, necklaces, bracelets, and earrings made of gold and silver reach the amount of *niṣāb* and are found one year later, their value is found with the current gold or silver prices, and *zakāt* is given at the ration of one-fortieth.

According to Imam Shafi‘i, Malik, and Aḥmad Ibn Ḥanbal, women’s ornaments that are permissible for them to use are not subject to *zakāt*. However, according to the Shafi‘is, if a woman is extravagant in her ornaments, for example, if she has ornaments weighing 200 mithqals (approximately 800 grams of gold), she must pay its *zakāt*.²⁰⁷¹

It is reported that Abdullah Ibn Umar did not pay *zakāt* on the ornaments he gave as gifts to his daughters and concubines.²⁰⁷² However, *zakāt* is required on jewelry kept for trade or time of need. Their weight is taken into account, not their value.²⁰⁷³

The imams of the schools of Islamic law, who disagree on whether *zakāt* is required on women’s ornaments, are in agreement on the following two issues:

a) All ornaments made of precious metals such as rubies, pearls, emeralds, and diamonds, other than gold and silver, are not subject to *zakāt*.

b) All gold and silver ornaments used by men or the ornaments which are not religiously permissible to use are subject to *zakāt*.²⁰⁷⁴

According to Abū Ḥanīfa and Abū Yūsuf, if *zakāt* is to be paid out of the adornments or household items such as pitchers, spoons, and forks made of gold and silver when they reach the amount of *niṣāb*, it is paid from their own kind and their weight is taken as the basis, not their artistic value. According to Imam Zufar, their value is taken into account, and according to Imam Muhammad, whichever is in favor of the poor is respected.

2070. Al-Nasā‘ī, *Zakāt*, 69; Abū Dawūd, *Sunan*, I, 358. It is a weak hadith.

2071. Al-Shirbinī, *ibid*, I, 390 ff.; al-Shirāzī, *ibid*, I, 158 ff.

2072. Malik, *Mudawwana*, I, 8, II, 22, 53.

2073. Ibn Qudāmah, *ibid*, III, 9-17.

2074. Al-Shafi‘i, *Umm*, II, 36; al-Qurtubī, *Jamī‘*, II, 136.

However, if the *zakāt* is to be paid with goods that are not of their own kind, then the payment is made according to their value, not their weight.

3) The Completion of *Niṣāb* Amount

Gold, silver, cash, and trade goods are added to the other in order to complete the *niṣāb* amount. Accordingly, if a person has some gold and silver and some trade goods, and the value of their sum is equal to the *niṣāb* amount, for example, 80 grams of gold, *zakāt* is required at the rate of one-fortieth.

According to Abu Ḥanīfa, the completion of the *niṣāb* is in terms of value, and according to Abu Yusuf and Imam Muhammad, it is in terms of their parts.

Accordingly, for example, if a person has one hundred dirhams of silver and ten mithqals of gold whose value is equal to one hundred dirhams of silver, five dirhams *zakāt* is unanimously required for this amount of wealth. However, if one has one hundred dirhams of silver and five mithqals of gold whose worth is one hundred dirhams of silver; or if he has fifty dirhams of silver and ten mithqals of gold whose worth is one hundred and fifty dirhams of silver, *zakāt* is required at the amount of five dirhams, according to Abu Ḥanīfa; however, *zakāt* is not required because the *niṣāb* in terms of partial amounts is not completed according to Abu Yusuf and Imam Muhammad. On the other hand, if there are one hundred and fifty dirhams of silver and five *mithqal* gold worth fifty dirhams of silver, five dirhams of *zakāt* are required unanimously. This is because their value is equal to the full *niṣāb* amount of silver. In addition, if the partial *niṣāb* of one is three-fourths and the partial *niṣāb* of the other is one-fourth, the whole *niṣāb* will be equal to one.

According to Imam Shafi'i, gold and silver cannot be added together to complete the *niṣāb* because they are different types. It is also required for each of them to have a complete *niṣāb*.

4) *Zakāt* on Low-Carat Gold and Silver

Gold or silver mixed with a low-value metal is called "*maghshūsh*". Such as mixing gold with silver or silver with copper.

When gold and silver are mixed with another metal, if most of the mixture is gold, the whole mixture will be regarded as gold, and if most of the mixture is silver, the whole mixture will be regarded as silver. If the mixed metal is more than half, if the gold or silver in the mixture reaches the *niṣāb* amount or if it does not reach the *niṣāb* amount but the person has other money or trade goods, the *zakāt* is calculated and given accordingly. If the mixture is used as trade goods, the other mineral part is also taken into account. If the gold or silver part of them does not reach the *niṣāb* amount, all of them will be considered commercial goods.

If gold and silver are found in a mixed form and are not in the nature of the currency, the situation should be evaluated from different aspects. If the gold is equal to the *niṣāb* amount on its own, or if the two of them are equal to the *niṣāb* amount and the gold is prevalent or equal to the silver in weight or value, all of them are treated like gold, accordingly, *zakāt* is required. However, if gold is not in the *niṣāb* amount and silver is more, all of the mixture is treated as silver.

For example, if a painting made from gold and silver consists of twenty mithqals of gold and three hundred dirhams of silver, all of them are treated like gold. In like manner, even though gold is ten mithqals, if it is found to be more valuable than the silver, which is three hundred dirhams, all of them are still treated like gold. However, even though the gold is ten mithqals, the silver part is three hundred dirhams and if it is more than gold in value, all of them are treated like silver.

If the gold or silver parts of the money in circulation are more than or equal to the materials mixed in them, they are subject to *zakāt* like gold or silver. If the gold or silver is less than half, they are considered trade goods, and their *zakāt* is given according to their value at the end of the year. No commercial intent is looked for in these. Because they are like cash.

When a mixture of gold and silver is not in the form of currency in circulation, akçe, or trade goods, their weights are taken as the basis.

5) *Zakāt* of Paper Money

Paper money and coins are like currencies used when exchanging goods instead of gold and silver coins. These coins are in the nature of bank transfers issued in exchange for gold bullion stocked or required to be stocked in the central bank against the money in circulation. The emergence and spread of paper money in Europe in the 17th century were in the form of issuing representative money for gold. Despite the difficulties in printing, transporting, and protecting gold coins, paper money is a type of money that can be easily transported and protected, which provides a large amount of purchasing power at a very low cost.

In the practice of the Ottoman Empire, one gold lira (7 grams) was regarded as one hundred kuruş, and the first paper money “*kaime-i mu’tebere-i Osmāniyye*” was printed in the middle of the 19th century.²⁰⁷⁵

In short, it has become customary to use such paper money as sales prices in exchange for goods to represent and replace gold and silver. However, after the middle of the 20th century, the dependence of paper money on gold gradually decreased, and

2075. For the history of money see al-Mawardī, *al-Aḥkam al-Sulṭāniyya*, Cairo, 1298, p. 148; Ibn al-Humām, *ibid*, II, 522; K. Miras, *Tecrid-i Sarih Tercemesi*, V, 40; Artuk, “Sikke”, İ.A. X, 622; Feridun Ergin, *İktisat*, p. 539 ff.; Halil Erdem, *Meskûkat-ı Osmāniye*, Istanbul 1334, I, 3; Hamdi Döndüren, *İslam Hukukuna Göre Alım-Satım da Kar Hadleri*, p. 64 ff.

some countries released the corresponding gold kept in the central banks as unnecessary stocks, thus the principle that paper money got its purchasing power from the economic power of the state.

However, it is possible to convert paper money into gold and silver at any time. For this reason, they are considered money with nominal value. These became the price in sales (*thaman*), which is the current equivalent of the goods. For this, when they reached the *niṣāb* amount, *zakāt* is required on paper money at the rate of one-fortieth, just like gold and silver. This is the view of the majority of scholars.

Although many jurists have suggested that the *niṣāb* of silver, which is for the benefit of the poor as it is in trade goods, should be taken as a measure in determining the *niṣāb* of paper money, it is more appropriate to take the *niṣāb* of gold as a basis in this matter. For while silver has lost a significant amount of its value in the historical process, gold has preserved its currency power between countries today. In the time of the Prophet, *mithqal*, the weight unit of gold, was the basis of the money of the Meccans. Jewelers in each country determine the price of gold in their own regional currency. Accordingly, a person who has paper money worth more than 80 grams of gold, in addition to his basic needs and debt-owed, will be obliged to pay *zakāt* in the ratio of one-fortieth after one lunar year passes.²⁰⁷⁶

On the other hand, it is essential that the paper money system is tied to a more open standard instead of gold, as it was in the period of nominal money, and that the provisions regarding the standard should also include the representative money. This is because the purchasing power of paper money, whose cost is very low and insignificant, comes from the commodity it represents. Gold and silver coins are in circulation at their real value. Due to the prohibition of interest, a purchasing power difference cannot occur between such coins and their own kind of bullion, jewelry, and similar gold and silver stocks. Accordingly, the prohibition of interest protects gold or gold-backed money against inflation.²⁰⁷⁷

Paper money has turned into fiat money that circulated with its nominal value when its connection with the standard backing it up, i.e. gold was cut off. As a matter of fact, the coins called *fals*, which became widespread after the Umayyad period, are a type of fiat money. They were coins consisting of a mixture of copper, nickel, and tin. The coins that contained less gold or silver than the mixture in them were also of this nature. The *zakāt* of such coins was given as one-fortieth of their own type or of their value at the end of the year.

2076. Al-Zuhaylī *ibid*, II, 758; Bilmen, *ibid*, p. 349 ff.

2077. For a currency backed by a standard commodity, fungible goods for which the rules of interest are applicable can be the basis. For the hadith in which six commodities are counted as examples, see Muslim, *Musaqāt*, 81; al-Tirmidhī, *Buyū'*, 23; Hamdī Döndüren, *ibid*, p. 99-100.

Keeping the economic values that can be used as prices in sales out of *zakāt* deprives the poor of the blessings of *zakāt* and may cause the wealthy to be deprived of the reward of an important act of worship such as *zakāt* by turning their assets into such paper money and coins. As a result, the expected purpose of *zakāt* cannot be realized.

6) *Zakāt* of Salaries, Wages, and Self-Employment Earnings

The monthly wage given to a person working in return for his or her services is called “salary”, and the price of labor and service is called “wage”. Self-employment earnings are temporary or permanent earnings arising from all kinds of self-employment services, such as lawyers, accountants, and financial advisors.

Salaries of civil servants, workers’ wages, and earnings of self-employed persons such as doctors, engineers, lawyers, tailors, and barbers, after deducting their basic needs and debts, are subject to 2.5% *zakāt* if the remaining part exceeds the amount of *niṣāb* and one lunar year passes. However, if the person who is responsible to pay *zakāt* has other economic values such as money, gold, silver, and trade goods subject to *zakāt* that make him rich in religious terms, the amount obtained from the salary, wages, or self-employment incomes at the end of the period is added to that wealth, and the calculation is made on the basis of the single *zakāt* base.

Abu Bakr (*ra*) paid salaries to the beneficiaries from the state revenues under the name of ‘*aṭā*’ (the share given from the budget surplus money). If the recipient of such payments had any other property subject to *zakāt* over which one year had passed, Abu Bakr (*ra*) used to deduct the *zakāt* from those payments, and Uthmān (*ra*) applied the same practice. Ali (*ra*), on the other hand, said: “Unless one year has passed over the wealth that one has earned, *zakāt* will not accrue on that property” and it is reported that Abdullah Ibn Mas’ūd also gave a similar *fatwa*.²⁰⁷⁸ However, Ali’s statement does not mean that the earnings of the person who owns more than the *niṣāb* amount of wealth at the end of the year will not be added to the *zakāt* calculations and will be kept for another year.

7) *Zakāt* of Receivables

Cash receivables that are more than the *niṣāb* amount, are divided into three types in terms of whether they are subject to *zakāt* or not.

a) Strong receivables: Money given as a loan and receivables that are the price of trade goods sold on credit, are strong receivables if the debtor accepts his debt or if the debt can be proven with documents. When such receivables are collected, the *zakāt* for the previous years, if any, should also be paid.

When the creditor collects at least one-fifth of the *zakāt niṣāb* from a strong receivable, which has been over a year, he immediately pays the *zakāt* of this amount. If

2078. Abū Ubayd, *Kitāb al-Amwāl*, no. 1122, 1125-1129.

he collects less than this, it is not necessary to pay the *zakāt* immediately if the owner of the receivables does not have any other property subject to *zakāt*.

On the other hand, according to Imam Muhammad, if such a receivable is denied by the debtor, the *zakāt* of the past years is not required to be paid when it is collected, even if the creditor has proving documents. This is the sound view because not every document is considered valid by the judge and not everyone can find the opportunity to file a lawsuit.

b) Moderate receivables: The price paid due to a property that is not subject to *zakāt* itself, such as rent of a house or shop, is of this nature. In the case of such debts, the passage of a year requirement starts from the date when the debt is created upon the tenant and it is necessary to pay its *zakāt* after that date for the years to come. However, unless the full *niṣāb* amount is collected, it is not necessary to pay the *zakāt* immediately unless the owner has any other property subject to *zakāt*.

According to a sounder view reported from Abu Ḥanīfa, the payment of *zakāt* of such receivables for the previous years is not required. When the *niṣāb* amount is received and one year has passed, or if there is another property subject to *zakāt*, it is added to the receivable and then *zakāt* is paid without waiting for a year to pass.

c) Weak receivables: Receivables that are owed by someone without being the price of goods. Receivables such as dowry (*mahr*), inheritance, testament, the contractual fee to be paid by the woman in the case of uncontested *mukhala'a* divorce, and the receivables of blood money are of this nature. This is because *mahr* is not a debt arising from an exchange of goods. Divorce payment has no value as a property. A debt of testament, blood money, prices, and inheritance property are not receivables in return for a property. It is not necessary to pay the *zakāt* for such receivables until the *niṣāb* amount is obtained from such receivables and one year has passed.

This classification of receivables is according to Abu Ḥanīfah.

In conclusion, *zakāt* must be paid from each of these receivables types. However, payment is obligatory at the time of delivery. It is necessary to give *zakāt* when one-fifth of the *niṣāb* is received for strong receivables, and when an amount is taken to complete the *niṣāb* for medium and weak receivables. On the other hand, since weak receivables, which do not have any consideration, are of the nature of obtaining a new income, a period of one year must pass over them. If there is another property subject to *zakāt*, they are added together and their *zakāt* is paid together.

According to Abu Yusuf and Imam Muhammad, all receivables except the blood money are equal and have the quality of strong receivables. *Zakāt* should be paid even if one year has not passed since the receivable was collected. This is because the time spent while the receivable was with the debtor is like the time spent that it was with the creditor.²⁰⁷⁹

2079. Al-Kāsānī, *ibid*, II, 10; Ibn Abidīn, *ibid*, II, 47; al-Zuhaylī, *ibid*, II, 768, 769.

According to the Shafi‘i, it is also necessary to pay the *zakāt* of the past years for the receivables in return for gold, silver, or trade goods. However, *zakāt* is not required if the receivable is in the form of animals or foodstuffs such as dates and grapes.²⁰⁸⁰

B – ZAKĀT ON TRADE GOODS:

Trade goods are expressed with the Arabic term “*urūḍ*”. It is a plural word and its singular form is “*arḍ*” which means worldly property. When it is pronounced as “*arḍ*”, it refers to the goods prepared for trade such as household items, real estate, animals, agricultural products, clothes, and similar movable and immovable properties rather than currency in gold and silver. The provision of a house, shop, land, field, garden, etc., which the owner acquires for the purpose of selling and making a profit, is like the provision of commercial goods. Real estates are subject to *zakāt* just like commercial goods when they are obtained with the intention of selling them. However, if such properties are kept for the purpose of earning rental income, if the rental income reaches the amount of *niṣāb* and one year passes over that income, *zakāt* is required to be paid in the ratio of one-fortieth.

On the other hand, *zakāt* is not required from the house where the owner lives, the workplace he uses for commerce, the warehouse, the office, and the facilities he uses for industry.

1) Evidence Regarding *Zakāt* on Trade Goods

The following is stated in the Qur’an, “*O you who believe! Give of the good things which you have (honorably) earned, and of the fruits of the earth which We have produced for you, and do not even aim at getting anything which is bad, in order that out of it ye may give away something, when ye yourselves would not receive it except with closed eyes. And know that Allah is Free of all wants, and worthy of all praise.*”²⁰⁸¹ The expression “Give of the good things which you have (honorably) earned” in this Qur’anic verse has been understood by the majority of the jurists as “giving *zakāt* from the earnings you have earned through trade.” because this verse was revealed about the *zakāt* of trade goods and agricultural products.²⁰⁸²

The Prophet (saw) said, “*There is zakāt on camels and cattle, and there is zakāt on cloth.*”²⁰⁸³ Samura Ibn Jundab (ra) said, “The Messenger of Allah (saw) used to order us to give *zakāt* from the goods we had for trade.”²⁰⁸⁴ According to what Abu Amr Ibn Hammas reported from his father, Umar told him to pay *zakāt* from the quiver of arrows and animal skins he had for trade.”²⁰⁸⁵ Ibn Qudamah (d. 620/1223) said the following

2080. Al-Shirazī, *ibid*, I, 142.

2081. Al-Baqara, 2: 267.

2082. Ibn Kathīr, *Mukhtaṣar Taḥṣīr*, I, 240.

2083. Al-Kāsānī, *ibid*, II, 20, 21; Al-Shirbinī, *ibid*, I, 397; Ibn Qudāmah, *ibid*, III, 30.

2084. Ibn al-Humām, *ibid*, I, 526, quoted from Abū Dawūd. See al-Tirmidhī, II, 357.

2085. Abū Dawūd reported it by a *ḥasan* chain of transmitters from Samura. Malik, *Mudawwana*, Egypt, 1321, II, 14; al-Shafi‘i, *Umm*, II, 38.

regarding the application of *zakāt* on commercial goods, "This is a common practice. Since no one among the Companions objected to it, a consensus was formed. This is reported from Umar, Ibn Umar, and Ibn Abbas. This is also the view of Hasan, Jābir b. Zayd, Tāwus, Nakha'ī, Thawrī, Awza'ī, Abu Ḥanīfah, Shafī'ī, Malik and Aḥmad Ibn Ḥanbal."²⁰⁸⁶

The view that there is no *zakāt* on trade goods, reported from Imam Malik and Dawud al-Zahiri, is based on the following hadith, "*I have exempted zakāt on horses and slaves.*"²⁰⁸⁷ However, what is meant by this hadith is that *zakāt* will not be given from these goods themselves. This hadith does not prevent the giving of *zakāt* on their value if they are held for trade. Moreover, according to the preferred view of the Maliki school, *zakāt* is required on trade goods if all the conditions are met.²⁰⁸⁸

The trade goods are accepted as goods if they are acquired and kept in order to advance and multiply wealth. As a matter of fact, gold, silver, money, animals, and agricultural products that are subject to *zakāt* also have this feature. There is no doubt that trade goods are basically money. While *zakāt* is required due to the cash held in hand, which is the charge paid for it; claiming that *zakāt* is not required for trade goods would simply create an economic contradiction. In fact, this situation may even lead some people to convert their cash into trade goods in order to avoid paying *zakāt* and thus harm the poor people.²⁰⁸⁹

2) Conditions for Charging *Zakāt* on Trade Goods

a) The trade goods should reach the amount of *niṣāb*: The value of the trade goods at the end of the year is taken as the basis for the calculation of the *zakāt* of the trade goods whose value is at least two hundred dirhams of silver or twenty mithqals of gold at the beginning of the year. *Zakāt* is given according to these values whereas the value of the trade goods is determined according to the market value of the town where they are located. If these goods are in a place outside the city, their value in the nearest city is taken as the basis.

To complete the *niṣāb* amount for *zakāt*, the value of trade goods is added to gold, silver, or money. In short, *zakāt* is calculated based on the total amount of their combination.

b) One year should pass over the date of acquisition of the trade goods: One year must have passed over the value of the date of possession of the trade goods. It is not necessary for a year to pass over the property itself. According to the Ḥanafis and the Malikis, what is valid in this regard is the beginning and the end of the year, not the middle. If a person owns the *niṣāb* amount of goods at the beginning of the year and this property decreases

2086. Ibn Qudāmah, *Mughnī*, III, 35; al-Qardāwī, *ibid*, I, 329.

2087. Al-Tirmidhī, *Zakāt*, 3; Ibn Maja, *Zakāt*, 4, 15; al-Darīmī, *Zakāt*, 7.

2088. See Malik, *Muwaffā'*, I, 25; *Mudawwana*, II, 14.

2089. Al-Kāsānī, *ibid*, II, 21; Ibn al-Humām, *ibid*, I, 526 ff.; Ibn Abidīn, *ibid*, II, 45; al-Maydanī, *Lubāb*, I, 150 ff.; al-Zayla'ī, *Tabyīn al-Ḥaqāiq*, I, 280; Ibn Rushd (Averroes), *ibid*, I- 260 ff.; Ibn Qudāmah, *ibid*, III, 29-36; al-Zuhaylī, *ibid*, II, 787 ff.

during the year, and then reaches the *niṣāb* amount again at the end of the year, it is necessary to give *zakāt* from this property. It is not necessary to give *zakāt* on property that is below the *niṣāb* amount at the beginning of the year or at the end of the year.

According to the Shafi‘is, it is essential for the commercial goods to reach the *niṣāb* amount at the end of the year because the end of the year is the time for *zakāt* to become obligatory. Accordingly, if a person has ten mithqals of gold at the beginning of the year and buys a trade good for five mithqals, and the value of this property reaches fifteen mithqals at the end of the year, he will be liable for *zakāt*, since he has a total of twenty mithqals of gold with the five mithqals in his hand. According to the Ḥanbalis, trade goods should not fall below the *niṣāb* amount throughout the year. However, short-term reductions such as half a day do not cause any harm.

c) Intention to trade at the time of purchase: When purchasing trade goods, it is necessary to intend to trade with them. If the intention is made after owning these goods, the intention must be close to doing trade. Unless there is an act such as offering for sale, placing an advertisement for sale, or authorizing someone else for sale, a commodity cannot be transformed into a trade good with an abstract intention.

On the other hand, the goods that are traded must be suitable for the intention to trade. For example, if a person buys the land of *kharaj* or tithe for commercial purposes and cultivates it until he sells it, he has to pay *kharaj* tax or tithe, not *zakāt*.

According to Imam Muhammad, if one intends to trade with a property that is inherited, donated, or bequeathed, the property would not turn into a trade good with this intention. According to Abu Yusuf, if a person accepts such goods that are subject to his own acceptance with the intention of doing business, that good is considered a trade good.

If a commodity that was not originally purchased with the intention of trade, for example, a land, some furniture, carpet, or some grain, is kept for future sale, it is not considered a commercial good. Therefore, *zakāt* is not required even if a year has passed since their acquisition. If a person rents out his real estate on the edge of the city to be used for growing agricultural products or for storage, he is subject to *zakāt* on the income of this place. However, after this place enters the municipal zoning area and is parceled out, it turns into the commercial property as of the date it is offered for sale and is subject to *zakāt* at the ratio of one-fortieth of its value.

In summary, for something to be considered a commercial property and require *zakāt* from it, it is necessary that the goods must be more than the amount of *niṣāb*, one year should have passed over it, the trade should have started with the intention, and the goods must be found suitable for commercial purposes.

3) Calculation of *Zakāt* of Trade Goods

After the passage of a year, the *niṣāb* will be determined based on gold or silver, whichever is in favor of the poor. However, nowadays, since silver has lost much value

compared to gold, it is more appropriate to calculate the *zakāt* based on gold. In the determination of the limits of wealth, basic necessities are excluded, and according to the preferred view, one year's expenses and debts of the person himself and his dependents are deducted. If the remaining cash or trade goods reach the *niṣāb* amount and one year passes over them, they are added to each other and become subject to *zakāt* with the ratio of one-fortieth.²⁰⁹⁰

As the *zakāt* of trade goods can be given with the ratio of one-fortieth of its kind, one-fortieth of the value of the goods can also be given. The person paying the *zakāt* has the right to choose in this matter since the commercial property is a commodity for which *zakāt* is obligatory. Since *zakāt* on gold, silver, animal, or agricultural products can be given of their own kind, it is permissible to give the commercial goods' as *zakāt*. This view belongs to the Ḥanafis.

According to the majority of jurists, it is necessary to give *zakāt* on trade goods based on their value. This is because the *niṣāb* amount is determined on the basis of their value. Moreover, *zakāt* is not obligatory on a property, but on its value.²⁰⁹¹

According to the Ḥanafis, the permission to pay *zakāt* on trade goods in their own kind brings some conveniences in practice. Paying *zakāt* on food, clothing, fuel, construction materials, and the like, which the poor need, in particular, enables the poor to benefit directly. On the other hand, it is difficult for tradesmen and merchants to allocate and pay their *zakāt*, which reaches large amounts, in cash at the end of the year, which may lead to late payment, less payment, or no payment at all. However, if a food wholesaler, a cloth merchant, or a ready-made seller crunches the numbers and distributes one-fourth of the goods to the poor in kind, or if this is done by the state as in the Age of Bliss, it would be sufficient to radically solve the problem of poverty in a Muslim country. As a matter of fact, some statistical studies on the potential of *zakāt* in Turkey have revealed that this institution of social assistance and solidarity, if fully implemented, will create great economic power and in this way, the problem of poverty can be radically solved.²⁰⁹²

Profits from trade throughout the year and goods obtained through non-commercial means such as the offspring of animals, inheritance, and donations are added to the capital. Subsequently, at the end of the year, these are evaluated as a whole and their *zakāt* is calculated. However, there is a consensus that the additions that will occur after the end of the year cannot be added to the original wealth.

C – COMPANIES ZAKĀT

In partnerships established according to Islamic principles, each partner is obliged to pay *zakāt* for his or her share. Partners are considered as agents of each other only

2090. Ibn al-Humām, *ibid*, I, 528.

2091. Al-Kāsānī, *ibid*, II, 21; al-Shirbinī, *ibid*, I, 399; Ibn Qudāmah, *ibid*, III, 31; al-Zuhaylī, *ibid*, II, 794 ff.

2092. See *İslam'da Zekat Potansiyeli*, Marmara İlahiyat Fak. bildiriler kitabı.

in transactions required by trade. *Zakāt* is an act of worship and its validity depends on intention. For this reason, in order to pay *zakāt* on behalf of the company, the partners must give each other special authority. We can explain the company *zakāt* through capital partnership and profit partnership as follows:

1) *Zakāt* of Capital Partnerships and Industrial Organizations

It is a type of partnership formed by two or more people combining their capital. Capital may be equal or in different amounts. While the way the profit is shared is determined by the free contract, the loss bearing is, as a rule, according to the capital ratios. This type of partnership can be either a trading company or a manufacturing industrial company.

Fixed capital such as offices, shops, warehouses, service vehicles, and lodgings that will be excluded from *zakāt* calculations will be less in a trading company. According to the year-end accounting results of a company that trades in foodstuffs, if there are 20 kg of gold bullion worth of cash, twenty tons of rice, twenty tons of granulated sugar, and twenty tons of dry beans after deduction of debts, if there are four partners with equal shares, the *zakāt* obligation of each partner is one quarter. If each partner does not have a special external debt or any other property subject to *zakāt*, the *zakāt* debt of this company would be 125 gr. of gold bullion worth of cash, 125 kg. rice, 125 kg. granulated sugar, and 125 kg dry beans. Each partner can give these foodstuffs in kind or their monetary value as *zakāt*.

In an industrial company, the fixed capital that does not have an incremental (*nāmī*) feature involves more details. For instance, the building, machinery, warehouses, service vehicles, lodgings, and other immovables of a factory that do not qualify as commercial property are exempt from *zakāt*. The remaining cash after deducting the debts, foreign currency, raw materials, and finished or semi-finished economic assets are subject to *zakāt* of 2.5% over the year-end calculations. If the variable values subject to *zakāt* within the entire property of the company are thirty percent, *zakāt* is required to be paid only from this part. Each partner is obliged to calculate his share of the company's assets subject to *zakāt* and pay 2.5% of it as *zakāt*. However, if a partner has external debts, he can keep his share against the said debts. If he has other goods subject to *zakāt*, these are added to his company shares and *zakāt* is calculated together.

A group of scholars from contemporary Muslim jurists, comparing factory buildings, equipment, and machinery to agricultural lands as a means of production, and their income for agricultural products, argue that *zakāt* should be taken from the income of these industrial establishments, not from them. According to those who hold this view, the *zakāt* rate of industrial establishments must be 10% of the net income or 5% of the gross income. However, this view has been critiqued because industrial machinery and agricultural lands are incomparably different. That is to say, as industrial machines work differently from the soil, they age and wear out, and it is necessary to replace parts at

short intervals or to renew the machines themselves due to new technologies. In today's cost calculations, considering the depreciation value of the machines shows that they have a different structure from the soil as found in the agriculture trade.

As a matter of fact, in the decisions of scientific conferences held in Cairo in 1965 and in Kuwait in 1984, it was recommended to receive *zakāt* at the rate of 2.5% from the net income of industrial machinery. On the other hand, according to a group of scholars, mostly Egyptians, in the industrial sector, *zakāt* should be applied at a rate of 2.5% of the total circulating capital and income.²⁰⁹³

2) *Zakāt* of Stocks

The document that proves partnership interest in a company is called a "stock". While this bill initially reflects the real assets of the company, years later, it is seen that the amount in the stocks has remained constant even though the company's assets have multiplied hundreds of times. For example, while the total amount in stocks was initially 20 kg of gold bullion in cash, the company's assets may increase to 45-50 kg of gold bullion in the following years. The fact that it finds buyers at several times the nominal value according to the figures written on the stock in Turkish lira is not enough to close the huge gap between these securities and their assets. On the other hand, distributing dividends according to figures from fifteen to twenty years ago is also misleading.

It is possible and permissible to add the retained earnings to the assets of the company and to ensure continuous growth when the consent of the partners is obtained. However, since the purpose of the partnership is to make a profit if any of the partners wants the profit distributed because he needs it, it is necessary to calculate his profit and give it to him. In such a case, the shares of the partners who do not receive profits will grow. In short, undistributed or partially distributed profits, or the company's assets whose value is constantly changing due to inflation, should be reflected in stocks by revaluation, by calculating their monetary equivalents. For example, if a person owns one billion liras worth of shares in a company with a total capital of one hundred billion lira fifteen years ago, he or she has 1% right on the company's assets. If the assets of such a company have increased nominally to five trillion liras today, the right of this partner increases approximately fifty times. If the fixed capital ratio of this company is 50%, half of the 50 billion liras worth share of this partner is subject to *zakāt*. It is necessary to evaluate the stocks traded in the stock market within these criteria and to calculate the *zakāt* after the ratio of circulating capital is determined. At the end of the year, every Muslim partner in a Muslim country has the right to know the percentage of his share in the company's assets subject to *zakāt*.

According to the Shafi'is, the company *zakāt* is calculated and paid at the end of the period by the company management. Since it is difficult for the partners to make

2093. Komisyon, *İlmihal*, I, 459, 460, İSAM, İstanbul 1998.

such an account, such an application of *zakāt* creates convenience in a Muslim country. According to the Ḥanafis, *zakāt* paid by the company management would be sufficient by adding a clause to the articles of association of the company or based on an authority to be given to the company management by the general assembly afterward. If this cannot be done, the partners must be informed about the assets subject to *zakāt*.

In the “1st *Zakāt* Congress” held in Kuwait in 1984, it was recommended that the company *zakāt* be given by the company management after the necessary arrangements were made in the company charter and a decision was taken in this direction by the general assembly, with the consent of the shareholders. Stocks are divided into two types according to the purpose of holding: a) If the stock is bought for the sole purpose of trading, that is, to benefit from the increase in value in the stock market, its *zakāt* must be calculated at the rate of 2.5% over the market value on the date of *zakāt* becomes obligatory. b) If it is bought for the purpose of benefiting from the income (*tamattū*’) generated by the company, according to the majority of scholars, the income will be subject to *niṣāb* by adding it to the other incomes that the person has earned from his other properties, and if the condition of one year has passed, the sum will be subject to *zakāt* at the rate of 2.5%.

In the fourth term meeting of the Islamic Fiqh Academy held in Jeddah, Saudi Arabia on February 6-11, 1988, whether the *zakāt* of the stocks is paid by the company management or the stockholders, it should be calculated as the *zakāt* of real persons and industrial establishments should also be determined through calculation. If the shareholder does not have the opportunity to learn about the real assets of the company and the amount of *zakāt* falling on his share in it, a binary distinction is made here according to the purpose of buying the share. Accordingly, if the stock is bought for trading in order to benefit from the stock market value increase, it is subject to *zakāt* of 2.5% over the market value, if the market value has not been established, it is subject to *zakāt* over the value to be determined by an expert. If the stock is bought for the sole purpose of earning its annual profit (*tamattū*’), it is subject to *zakāt* at the rate of 2.5% of its income. Here, a comparison has been made to the rental value of the lands and immovables that are rented, which are not agricultural lands.

However, it should be noted that since the shares include partnership in the assets and trading activities of the company, there is no doubt that the production and trading activities of the company should be considered legitimate.

3) Labor-Capital (*Muḍāraba*) Partnership

A labor-capital partnership can be established by providing the capital from one party and the labor from the other party. This is called “*muḍāraba*” in Islam. The profit-sharing takes place according to a free contract between the capital owner (*rabb al-māl*) and the operator (*muḍārib*). Only the capital owner bears the loss unless there is intent, fault, or negligence of the operator. The operator’s share of the loss occurs in the form of wasted effort. *Muḍāraba* also forms the basis of Islamic banking.

In a labor-capital partnership, without waiting for the liquidation of the partnership, at the end of the year, the owner of the capital is liable for the *zakāt* of his share of the capital and profit, whereas the operator is to be liable for *zakāt* only by his share of the profit.²⁰⁹⁴

4) *Zakāt* on Bonds and Treasury Bills

Fixed income bonds and treasury bills become subject to *zakāt* over their value, and profit-loss bonds become subject to *zakāt* over the sum of principal and profit at the end of the year.

D – ZAKĀT OF BUILDINGS, LANDS, AND TRANSPORT VEHICLES

In terms of their *zakāt*, it is possible to evaluate the activities of contractors as follows:

a) If the contractor completes the constructions with his own capital and offers them for sale, every year at the end of the *zakāt* accounting period, he is subject to *zakāt* of 2.5% over the value of the point that the construction has reached,

b) In the event that he sells in cash the construction that he builds while it is at the stage of the project or while the construction is in progress, only his share from the profit of the sale price is added to the *zakāt* base. If he sells in installments and if he has produced as much as the sum of the installments he received until the *zakāt* accounting period, only the profit is added to the *zakāt* base and 2.5% *zakāt* is required over its value. Such an installment sale is in the nature of an *iṣṭiṣnā'* (manufacturing) contract, and it is not difficult to calculate *zakāt* by taking into account the total price paid in a year and the amount of work completed.

c) Out of the lands owned by a contractor for future construction whose planning permissions have been received from the authorities and a construction decision has been made are subject to *zakāt* of 2.5% over their value. However, the places that have been bought as land, have not yet been plotted, or have not yet been decided to be built or sold after the parcel has been constructed, are subject to *zakāt* on the rental income if they are agricultural land and if they are cultivated, or if they are rented as real estate. Alternatively, if it is kept vacant, *zakāt* is not required as they are not leased real estate.

d) The contractor who undertakes the construction of the cooperative building also performs work equal to the total annual fees due in accordance with the contract. However, this fee includes the contractor's profit as well. The contractor must calculate this and add it to the *zakāt* base. Cooperative members are not subject to *zakāt* if they invest for the purpose of living or renting. Those who become a member of the cooperative in order

2094. Al-Shirbinī, *ibid*, I, 401; al-Dirdir, *al-Sharḥ al-Kabīr*, I, 477; al-Zuhaylī, *ibid*, II, 799; For partnerships see Ibn al-Humām, *ibid*, V, 2; Ibn Abidīn, *ibid*, III, 364; Ibn Qudāmah, *ibid*, V, 1 ff.; Hamdi Döndüren, *Çağdaş Ekonomik Problemlere İslami Yaklaşımlar*, 95 ff.

to benefit from the profit of selling will be subject to *zakāt* of 2.5% over the construction value per share at the end of the *zakāt* accounting period.

The real estate agent is subject to *zakāt* of 2.5% over the value of the immovable that he owns and puts up for sale at the end of the *zakāt* accounting period. If the real estate agent sells or leases immovable belonging to others as a broker, he adds the remainder of the commission income to the *zakāt* base at the end of the period.

If a person acquires real estate such as a workplace, shop, warehouse, storage, or office building just to benefit from the rental income, these rental incomes will be added to other goods and money, if any, at the end of the *zakāt* accounting period and it will be subject to *zakāt* over 2.5%.

Today, capital has been directed to other fields to provide more regular income apart from land and trade. These include flats, workplaces, shops, inns, apartments, warehouses, and factories established for production, buses, trains, planes, ships, trucks, and similar vehicles used in the transportation business to provide rental income. These are all investments for income without growth and development in themselves. Therefore, it is necessary to give *zakāt* from their income.

On the other hand, in some cases, rental income and commercial property can be combined in the same property. If a contractor temporarily rents out some of the flats waiting to be sold, the characteristic of these flats as the commercial property does not change.

Vehicles such as cars, minibuses, trucks, and buses that the dealers hold to buy and sell are subject to *zakāt* over their value. If he is a dealer who sells vehicles belonging to others on a commission basis, he adds the remaining income at the end of the period to the *zakāt* base, and if he has more than *niṣāb* amount of wealth, he is subject to *zakāt* over 2.5%.

A company that operates intercity buses is subject to *zakāt* of 2.5% at the end of the period from the income of the buses it operates. However, if the company decides to sell, for example, five of these buses during the year, these buses can continue to travel until there is a buyer, but since they turn into commercial goods (*urūd*), they are added to the *zakāt* base by their value.

E – *ZAKĀT* OF MINES AND TREASURES

The economic values created by Allah under the ground are called “mines”, and things buried by human hands are called “treasure”. According to the Ḥanafis, “*rikāz*” is a term that includes both mines and treasures. Minerals are generally substances that can be melted in a fire and poured into a mold. According to the Ḥanbalis, all mineral types, solid and liquid, are of this type.²⁰⁹⁵

2095. Ibn al-Humām, *ibid*, I, 537-543; al-Kāsānī, *ibid*, II, 65 ff.; Ibn Qudāmah, *Mughnī*, III, 17 ff.

Mines are of three types:

1) Solid metals that can be melted and molded: Gold, silver, copper, iron, lead, tin, and bronze mines are of this nature. Mercury is also added to this group. When they reach the *niṣāb* amount, their *zakāt* is one-fifth.

2) Solid minerals that are not suitable for melting: These are the minerals that do not melt and take shape in fire, such as marble, lime, gypsum, diamond, ruby, turquoise, and salt. There is no producers' *zakāt* charged from such mines. All of them belong to the owner, or if there is no owner, to the finder.

3) Liquid minerals that do not solidify: These are non-solid substances such as mercury and petroleum. They do not require producers' *zakāt*. These are fully owned by the landowner. After production, they are subject to *zakāt* as trade goods.

Accordingly, giving one-fifth *zakāt* is only necessary for the first type, which is the type of metal that can be melted and molded in a fire.

Whether these kinds of mines are found in the tithe or *kharaj* land, one-fifth of them is taken as *zakāt* and spent on the place where the spoils of war are to be spent. Evidence for this is the Qur'an, the Sunnah, and analogy.

The following is stated in the Qur'an, ***"And know that out of all the booty that you may acquire (in war), a fifth share is assigned to Allah, and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer, if you do believe in Allah and in the revelation We sent down to Our servant on the Day of Testing, the Day of the meeting of the two forces. For Allah has power over all things."***²⁰⁹⁶ According to the Ḥanafis, mines are like booty because they are extracted from the lands previously held by the people of disbelief. However, the Muslims later won these lands by fighting.

Evidence from the Sunnah is the following hadith of the Prophet (saw), ***"There is khums (tax at a rate of one-fifth) in rikāz."***²⁰⁹⁷

It is reported that Umar (ra) took in the name of the state 200 dinars of the 1000 dinar gold coin found outside Medina, and Ali (ra) called the mines "*rikāz*" and received a tax of one-fifth from the mines and the coins discovered from ancient times.²⁰⁹⁸

Mines have been compared to the treasures belonging to the period before Islam. The treasure, which is taken from land and belongs to the period before this land was taken by Muslims, is considered like war booty, and *zakāt* is taken from it. Compared to this, one-fifth of the mines that are treated under the same provision should be taken as *zakāt*.²⁰⁹⁹

2096. Al-Anfāl, 8: 41.

2097. Al-Bukhari, *Musaqāt*, 3, *Zakāt*, 66; Abū Dawūd, *Luqata*, 'Imāra, 40; Diyāt, 27; Muslim, *Hudūd*, 45, 46; al-Tirmidhī, *Aḥkām*, 37; Ibn Maja, *Luqata*, 4; Malik *Muwatta'*, *Zakāt*, 9, *Uqūl*, 12; Aḥmad ibn Ḥanbal, I, 314, II, 180, 186, 203, III, 128, 335, 336; Abū 'Ubayd, *Kitāb al-Amwāl*, no. 856-860.

2098. Abū 'Ubayd, *ibid*, no. 871, 874, 875.

2099. Al-Zuhaylī, *ibid*, II, 776.

According to Imam Shafi‘i, Malik, and Ahmad Ibn Ḥanbal, *rikāz* are the valuable items and treasures that were buried and hidden under the ground in ancient times. Mines are excluded from the scope of the *rikāz*. In fact, Imam Shafi‘i confines *rikāz* only to gold and silver buried underground in the age of ignorance and say that one-fifth of the tax to be taken from them will be spent on those who are eligible to receive *zakāt*. According to Abu Ḥanīfa, according to one of his views, and according to Imam Malik and Aḥmad Ibn Ḥanbal, one-fifth of it is subject to the provisions of *fay’* (spoils) and is spent on public services, apart from those covered by *zakāt*.²¹⁰⁰

According to the Ḥanafis, the *zakāt* of mines is one-fifth, while it is one-fortieth according to the other three schools. This difference of opinion stemmed from the fact that the three schools considered mines outside the scope of *rikāz*.

According to the Ḥanafis, the remaining part of mines and treasures after giving one-fifth of them as *zakāt* belongs to the owner of the land if they are found on private land. If it is found on land that does not have any owner, the remaining portion belongs to the finder.

Accordingly, the mines found in *mīrī* lands (the lands under the ownership of the state) must fully belong to the state.

According to another view narrated from Abu Ḥanīfa, the mines found in owned lands such as tithe and tribute lands belong to their owners, and one-fifth of them cannot be taken.

Treasures are also divided into three types:

1) If it is found in unclaimed lands or in lands whose owner is unknown, one-fifth of the tax is collected, and the remaining four-fifths belong to the finder. If it is found on private land, according to the Ḥanafis, four-fifths of it is given to the owner or his or her heirs. Even if a non-Muslim or a child finds such a treasure, the ruling does not change.

2) If the gold, silver, or valuables found bears a sign, such as a seal, inscription, or a sultan’s seal, which indicates that they belong to the Islamic period, the provisions of “*luqata* (found goods)” are applied. The treasures found in this way are publicly announced according to proper procedures for a period of one year. Those who find them spend it on themselves if they are poor, or on the poor people if they are wealthy, or hand them over to the authorized representatives of the Muslim state.

3) Treasures that are not clearly known to which period they belong: The buried treasure, which does not have any sign showing that it belongs to the Islamic period or the period before Islam, is treated as if they belong to the pre-Islamic period according to one view, and to the Islamic period according to another view.

2100. Ibn Rushd (Averroes), *ibid*, I, 250; al-Zuhaylī, *ibid*, II, 778.

4) For the taxation of the treasures of this type, no *niṣāb* amount is sought according to the majority of jurists. Only Imam Shafi'ī supports the condition of *niṣāb*.

5) The jurists are in unanimous agreement that for *rikāz* to be subject to a one-fifth tax, one year does not need to pass after it is found.

The treasure found in a house belongs to the owner of the house. According to Abu Ḥanīfa, it is not necessary to give one-fifth of it as *zakāt*. This is because it is like pieces of earth brought together under the ground. According to Abu Yusuf and Imam Muhammad, it is necessary to give one-fifth of such a treasury as *zakāt* due to the absolute meaning of the following hadith, "It is necessary to give one-fifth of the *rikāz* as *zakāt*". No distinction is made between treasures found at home or outside the home.

According to Abu Ḥanīfa and Imam Muhammad, nothing is required as *zakāt* from pearls, amber, coins, and fish extracted from the sea. According to Abu Yusuf, a one-fifth share is taken from gold and silver, pearl and amber extracted from the sea.²¹⁰¹ The evidence in this matter is the application of Umar (*ra*). Ya'la Ibn Umayya, a *zakāt* officer, asks Umar for a written opinion regarding the amber found by the sea. Umar (*ra*) consulted with the Companions and replied, "Undoubtedly, amber is one of the blessings of Allah. There is a one-fifth tax debt on amber and similar valuable things extracted from the sea."²¹⁰² On the other hand, it is reported that Umar Ibn Abdulaziz ordered the *zakāt* officer of Oman to collect *zakāt* from the fish when the value of the fish taken out of the sea reached the *niṣāb* amount of silver.²¹⁰³ Accordingly, a person who catches or trades fish for commercial purposes is subject to *zakāt* of 2.5% when the value of fish reaches more than the *niṣāb* amount.

It would be appropriate to clarify the following point about the mines and minerals. Today, it can be noted that economic values such as oil or minerals which do not melt in a fire such as diamonds, turquoise, and marble, which gain great importance in economic life, appear to be excluded from *zakāt*. Moreover, the oil producer, diamond, or ruby miner is exempt from the business and production tax, which is only one-fifth. However, when the oil produced or what the mines produce on the market is raw or processed, they become trade goods and when their amount exceeds the *niṣāb* amount and other conditions are met, they become subject to *zakāt* in the ratio of one-fortieth. If they are stored and sold later, the *zakāt* debt is renewed every year. Accordingly, it can be said that this is only a one-time exemption for the operator or manufacturer.

According to Imam Shafi'ī, it is not necessary to pay *zakāt* on metals other than gold and silver. One-fortieth *zakāt* is paid out of gold and silver. Because the hadiths about *zakāt* on gold and silver are general. Moreover, there is no requirement for the passage

2101. Al-Kāsānī, *ibid*, II, 65 ff.; Ibn al-Humām, *ibid*, I, 537 ff.; Ibn Abidīn, *ibid*, II, 59 ff.; al-Zuhaylī, *ibid*, II, 775 ff.; Bilmen, *ibid*, p. 353, 354.

2102. Abū Yusuf, *Kharāj*, p. 76.

2103. Abū 'Ubayd, *Kitāb al-Amwāl*, no. 888.

of one year in the *zakāt* of the mine because the condition of passage of a year has been introduced in order for the growth to take place in the goods.²¹⁰⁴

F – ZAKĀT OF AGRICULTURAL PRODUCTS AND FRUITS

The fact that *zakāt* is *farḍ* from agricultural products is based on the evidence from the Qur'an, Sunnah, and the consensus of Muslim jurists.

The following is stated in the Qur'an, ***"O you who believe! Give of the good things which you have (honorably) earned, and of the fruits of the earth which We have produced for you..."***²¹⁰⁵ The jurists are of the opinion that the order in this verse is related to the *zakāt* of the yield of the land. Moreover, the term "*infāq* (give)" also consists of the meaning of *zakāt* in its broad sense.²¹⁰⁶ Again, in another Qur'anic verse, it is commanded to ***"render the dues that are proper on the day that the harvest is gathered."***²¹⁰⁷ The majority of jurists have said that the term "dues" in this verse refers to the *zakāt* that must be paid from the products of the land.

The Prophet said, *"Ushr (i.e. one-tenth) is compulsory (as zakāt) on a land irrigated by rainwater or by natural water channels or if the land is wet due to a nearby water channel; and on the land irrigated by a well, half of an ushr (i.e. one-twentieth) is compulsory (as zakāt on the yield of the land)."*²¹⁰⁸ In the hadiths, the term "*ushr*" is used in the meaning of "*zakāt* taken from the products of the land".

Muslim scholars are in agreement that agricultural products are subject to *zakāt* at the rate of one-tenth or one-twentieth. However, there have been differences of opinion on the types of land or soil products that are not subject to *zakāt*.

1) Conditions for Charging Zakāt on the Agricultural Products

In the *zakāt* of agricultural products, it is not necessary for the person responsible for paying it to be sane or reach the age of puberty. *Zakāt* is also required from the produce of the mentally ill or minors. However, the person responsible for payment must be a Muslim.

According to the Ḥanafis, in addition to these general conditions, the following conditions are stipulated for *zakāt* to be obligatory on agricultural products:

a) The land should be tithe land. It is not necessary to pay tithe from the yields of *kharāj* lands because both the *kharāj* tax and the tithe cannot be combined in the land of a Muslim.

2104. Al-Shirazī, *Muḥadḍḥab*, I, 162; al-Shirbīnī, *Mughni al-Muḥtāj*, I, 394 ff.

2105. Al-Baqara, 2: 267.

2106. See al-Tawba, 9: 34.

2107. Al-An'ām, 6: 141.

2108. Al-Bukhari, *Zakāt*, 55; al-Tirmidhī, *Zakāt*, 14; al-Shawkanī, *Nayl al-Awṭār*, IV, 139; See Muslim, *Zakāt*, 8; Abū Dawūd, *Zakāt*, 5, 12; al-Nasā'ī, *Zakāt*, 25; Ibn Māja, *Zakāt*, 17; al-Darīmī, *Zakāt*, 29; Malik, *Muwatṭā'*, *Zakāt*, 33.

b) The yields must be produced by the soil. If nothing comes out of the tithe soil, it is not necessary to pay the tithe because the tithe is paid out of the agricultural products. If the owner of the *kharāj* land is left uncultivated even though the owner has the opportunity to cultivate it, he will still be liable to pay the tribute tax. For, in this case, the nature of being able to produce (*namā'*) in the soil is deemed to exist.

c) Cultivating the land should be carried out for the purposes such as generating income, yielding products, and growth. That is because one does not need to pay tithe from agricultural products such as oak, pine, poplar, grass, etc. that do not have a product in the beginning. However, if they are cut and used in production or sold, they can be added to other types of *zakāt* goods as trade goods.²¹⁰⁹

Yields of land fall under the category of exposed goods (*amwāl al-zāhira*) just like animals. Therefore, their tithe was generally taken by the state from the period of the Companions until the end of the Ottoman Empire. The amount to be taken from agricultural products by the state varies according to the type of land. This amount falls under one of the categories of *zakāt*, *ṣadaqah*, *kharāj*, or rent.

2) Agricultural Products from where *Zakāt* is paid and Related Conditions

According to Abu Ḥanīfā, *niṣāb* is not required in the *zakāt* of agricultural products. The tithe *zakāt* is collected from wheat, barley, rice, millet, legumes, watermelon, eggplant, tomato, sugarcane, sugar beet, dates, grapes, and similar products of tithe land, whether small or large amounts. The evidence it is based on is the following Qur'anic verse, "... **Give of the good things which you have (honorably) earned, and of the fruits of the earth which We have produced for you...**"²¹¹⁰

In short, according to Abu Ḥanīfā, the tithe is required for every product grown by human hands and yielded by soil. Since there is a meaning of tax embedded in the tithe, the Islamic state has the right to take it by force. For this reason, a tithe is taken from the agricultural products left as inheritance by the deceased, and from the products of the lands belonging to the child or the mentally ill.

According to the Ḥanafis, a year does not need to pass over the yields of land for them to be subject to tithe. In places where more than one yield is produced within a year, the tithe is given again depending on the product.

According to the majority, including Abu Yusuf and Imam Muhammad, the amount of *niṣāb* for agricultural products is five *wasqs* (approximately 653 kg, 1 ton according to the people of Kufa) for each type of product. A tithe is not required for agricultural

2109. Al-Kāsānī, *ibid*, II, 57-63.

2110. Al-Baqara, 2: 267.

products that do not reach this *niṣāb* amount. The evidence for this is the following hadith of the Prophet, “There is no *zakāt* on (products) less than five *wasqs*.”²¹¹¹

Moreover, these agricultural products should be able to last for up to one year. Therefore, a tithe is not required for types of fresh fruits and vegetables such as pears, apples, peaches, apricots, tomatoes, peppers, leeks, and celery because these are perishable products.

The *zakāt* of the yields of land is determined according to the irrigation technique of the soil. If the land is irrigated by rain, rivers, streams, streams and their channels without any effort, one-tenth of the product is paid as *zakāt* and if it is watered with buckets, water wheels, motor vehicles, or water purchased for a fee, it is paid in the rate of one-twentieth.

If the soil is irrigated by both rain or river waters, and with water obtained by labor such as water wheels, engines, etc. the amount of tithe is determined based on which type of irrigation was used more throughout the year. It can be observed from this that the amount of *zakāt* on agricultural products produced with labor and expenses is reduced by half and a balance is established among the people who are responsible for the payment of *zakāt*.

The costs such as seeds, labor, irrigation, spraying, etc. are not deducted from the product. This is because, especially in agricultural yields produced by irrigation, half *ushr* (one in twentieth) is taken as *zakāt*, this reduction in the amount of *zakāt* may cover some or all of the costs. For example, while the tithe of ten tons of wheat produced from an irrigated area is one ton, this amount will decrease to half a ton in an irrigated area. Considering that irrigation increases the yield and half a ton of tithe is paid, it can be observed that farmers are encouraged to irrigate their land for the sake of agricultural produce.

Considering the fact that the expenses born in addition to the irrigation costs such as fertilization, spraying, fuel, and labor have increased significantly, some consider it appropriate to compare the yield obtained from such lands with the yield of irrigated lands with labor and expense. Some contemporary scholars argue that *zakāt* should be given from the remaining yield after deducting these expenditures other than irrigation from the *zakāt* payment according to the irrigation method.²¹¹²

According to Imam Shafi‘i and Imam Malik, foodstuffs that last up to one year are subject to *zakāt*. Imam Shafi‘i is of the opinion that dates and grapes are the only ones of these fruit types. Without making any distinction between foodstuffs, Ahmad Ibn

2111. Al-Bukhari, *Zakāt*, 4, 32, 38; Muslim, *Zakāt*, 1, 3; al-Tirmidhī, *Zakāt*, 7; Abū ‘Ubayd, *Kitāb al-Amwāl*, no. 1422-1424. According to the people of Kufa, *wasq* is measure of scale and equals to 200 kg. which is an equivalent of 60 *ṣā‘*s.

2112. Komisyon, *Ilmihal*, I, 447. İSAM publications.

Hanbal, on the other hand, says that tithe is required for all kinds of agricultural products that are grown by human hands, are durable, and can be bought and sold with measures.

If a tithe is paid from olive, sesame, and sunflower seeds, it will not be taken again from their oils. However, the person who buys them from the producer for commercial purposes will again be subject to the *zakāt* of “commercial goods”.

The tithe for the yields of land is paid at the time of threshing in grain plants, and after harvesting in fruits. Even if their owners pass away, their heirs must pay the tithe of the yield. The endowment of such land does not remove the obligation to pay its tithe.

If one eats from the grain plants or from the fruits on the tree whose tithe has not yet been paid, he must pay its tithe and compensate for it. For example, according to Abu Ḥanīfa, if ten kg of grapes is picked, one kg of it must be paid as *zakāt*.

If the tithe from the yield of a tithe land or the rent of the *mīrī* land is not paid on time, but the products or the money reserved for the payment is lost later or the owner dies, it must be paid in full.

According to Abu Yusuf and Imam Muhammad, different types of agricultural products cannot be added to each other to complete the *niṣāb* of five *wasqs* (653 kg). Each yield type has to reach the *niṣāb* amount separately.

The tithe is also paid from the products of the endowed tithe land or the tithe land whose owner is not known. This is because the tithe is required from the produce, not from the land itself.

If the owner of the land gives his land to someone to be planted without expecting anything in return, not the owner but the person who cultivates the land must pay the tithe of the land.

According to Abu Ḥanīfa, if the land is rented for a certain fee to be cultivated, the responsibility to pay the tithe of the crop belongs to the owner of the land. *Zakāt* is a financial responsibility attached to the land, and the product is deemed to belong to the lessor in terms of meaning the rent, which is the price of land, is paid to him.

According to Abu Yusuf, Imam Muhammad, and the majority, except for the Ḥanafis, a tithe is taken from the tenant on the leased land because the tithe is paid out of the produced yield, and the produced yield belongs to the tenant. As in the case of production in an entrusted land, the payment of tithe belongs to the tenant. While the Ḥanafis used to issue their *fatwas* based on the opinion of Abu Ḥanīfa, the later Ḥanafī jurists issued their *fatwas* based on the opinion of Abu Yusuf and Imam Muhammad.²¹¹³

If the land is rented by the method of sharing the produce with the landlord (*muzāraʿa*), the tithe of the yield of the land is taken from the landlord according to Abu

2113. Al-Kāsānī, *ibid*, II, 56; al-Shirbinī, *ibid*, I, 382; al-Zuhaylī, *ibid*, II, 820; Ibn al-Humām, *ibid*, II, 8; al-Maydanī, *ibid*, I, 154; Ibn Qudāmah, *ibid*, II, 728.

Ḥanīfa, while according to the majority of the jurists, it is taken from both the landowner and the operator in accordance with the ratio of their share in the product.

If the land products subject to *zakāt* are sold at the root after the product matures, before it is harvested, the responsibility of the payment of tithe belongs to the owner of the land.

Zakāt is required from the honey of the bees that feed on tithe land. The honey of the bees that feed on *kharāj* land, free (*mubāḥ*) pastures or forests is not subject to tithe. The evidence is the following hadith, “When Abu Sayyare (ra) informed the Prophet (*saw*) that he had beehives, the Prophet told him to pay its tithe.”²¹¹⁴ Moreover, the Messenger of Allah (*saw*) wrote to the people of Yemen, “*Let us receive a tithe from the honey producers.*”²¹¹⁵

According to the Shāfi‘is and the Malikis, *zakāt* is not required from honey. The evidence they rely on is that al-Tirmidhi said that there is no significant narration about the *zakāt* of honey as well as the comparison made between honey and milk.²¹¹⁶

G – OVERVIEW OF THE STATUS OF LANDS IN ISLAM

Since the emergence of Islam, various applications have been seen regarding the status of the lands in different periods and these have been named according to their legal status. These include private, *mīrī*, *kharāj*, tithe, endowments, *matrūk* (abandoned), and *mawāt* (dead) land. Also, *timār* has *zāmat*, which are the forms of use of *mīrī* lands that were among the practices of the Ottoman Empire.

1) Types of Land According to Their Way of Conquest

a) If the enemy, against whom war is waged, embraces Islam, they will protect their property and lives. This is also the case for societies that become Muslims by themselves without waging a war. The Prophet (*saw*) said, “*When a community embraces Islam, they protect their lives and property.*”, and “*Whoever owns a property is its owner even after he becomes a Muslim.*”²¹¹⁷ This hadith includes all movable and immovable goods.

Abu Yusuf is of the opinion that such lands will be tithe land like the lands of the Muslims of Medina who entered Islam.²¹¹⁸

b) If the enemy’s territory was conquered peacefully, although they did not embrace Islam, the status of the territory is determined according to the terms of the agreement.

The Prophet said, “*In the future, you will fight some groups. In some cases, these people you are fighting will protect their lives and families by shielding their property and*

2114. Al-Shawkanī, *ibid*, IV, 145 ff.; Ibn Maja, *Zakāt*, 20.

2115. Al-Zaylaī, *ibid*, II, 390.

2116. Al-Zuhaylī, *ibid*, II, 709.

2117. Abū ‘Ubayd, *Kitāb al-Amwāl*, Cairo 1968, p. 397; Abū Dawūd, *Babū Iqtā al-‘Arḍiyn*, III, 234, No: 1067.

2118. Abū Yusuf, *Kharāj*, p. 74, 75.

will make a peace agreement with you. In this case, do not ask or take anything from them other than the terms of the agreement you have made because it is not ḥalāl for you."²¹¹⁹

The lands that will remain in the hands of non-Muslim owners in this way are called "*kharāj* land". The Prophet (*saw*) let the tribes that he had made agreements with from the people of Najran, Ayla, Azriāt, Khajar, and other places, act freely in their lands and was content with only collecting the *jizya* and *kharāj* tax determined in the agreement made with them. During the caliphate of Umar, when the Christian people of Najran were being transferred to Iraq and Syria, the governors were asked to facilitate things for them and to give each of them vacant lands instead of the lands and residences they owned in Najran.²¹²⁰

c) If the enemy's lands are conquered by force, the Muslim state has three types of authority regarding these lands:

aa) The lands are left in the hands of their former owners and when the people convert to Islam, they become tithe land. This was the practice of the Prophet for the lands of Mecca.

bb) These lands are deemed as booty, and after one-fifth of them is reserved for the state treasury, the remaining four-fifths are distributed among the veterans who participated in the war.²¹²¹ Thus, these lands become their property and tithe land. As a matter of fact, the Messenger of Allah (*saw*) gave such a status to the forcibly conquered lands of Khaybar. However, these lands were left in the hands of their former owners for a while within the framework of "agricultural partnership".²¹²²

cc) The application of *fay*' land. The Muslim state may not distribute the lands of the country that was conquered by force among the veterans but may leave them with the status of *fay*' in the hands of their former non-Muslim owners. *Fay*' means that the ownership of the lands captured from the enemy with or without war is left to the state, and the right to benefit from them is left to the former owners in return for the *kharāj* tax. In a way, this is a collective endowment of lands to spend their return on community needs.

During the caliphate of Umar, the provisions of *fay*' were applied to the conquered Syrian and Iraqi lands. When Iraqi lands were conquered, the veterans expected that they would be allocated to them. When Umar did not distribute the lands, long consultations and negotiations were held. Those who agreed with Zubayr, Abdurrahman Ibn Awf, and Bilal al-Habashi demanded that these lands be accepted as booty and distributed among the veterans as the Messenger of Allah (*saw*) distributed the lands of Khaybar. Some Companions, such as Muadh ibn Jabal and Ali, supported Umar in this regard.

2119. Abū 'Ubayd, *ibid*, p. 210.

2120. Abū 'Ubayd, *ibid*, p. 274; Abū Yusuf, *ibid*, p. 75.

2121. See al-Anfāl, 8: 41.

2122. For the application about Khaybar lands see al-Bukhari, Ijarah, 3, Shurūt, 14, Maghāzī, 40; Abū Dawūd, 'Imāra, 24; Aḥmad ibn Ḥanbal, I, 15.

Umar said, "If I distribute these lands, what will be left for the Muslims who will come after you? They will see that the land has been divided among its inhabitants, inherited from father to son so that they are deprived of everything."

Muadh Ibn Jabal (*ra*) stated the same view as follows, "O Umar! By Allah, if you distribute these lands, unpleasant things will occur. Most of the land falls into the hands of the Muslims. Then these owners disappear over time and large lands become concentrated in the hands of one person. Therefore, give these lands a status that will benefit both present and future Muslims."

In these negotiations, Umar presented the following verses from the Qur'an about *fay'* as evidence, ***"What Allah has bestowed on His Messenger (and taken away) from the people of the townships, belongs to Allah, to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you..."***

"[Thus, part of such war-gains shall be given] to the poor among those who have forsaken the domain of evil: those who have been driven from their homelands and their possessions, seeking favor with God and [His] goodly acceptance, and who aid [the cause of] Allah and His Messenger."²¹²³

The above verses are specified in the forty-first verse of chapter al-Anfal, which regulates the distribution of booty in general. Accordingly, the Qur'anic verses about *fay'* in the chapter al-Hashr gave the head of the Islamic state the authority to dispose of the lands taken with or without war, in accordance with the benefit of the society. Regarding the lands of Khaybar, the Prophet (*saw*) acted in accordance with the verse in the chapter of Anfal, and Umar acted in accordance with the verses of *fay'* for the lands of Syria, Iraq, and Egypt. Accordingly, the verse of *fay'* includes not only the veterans who participated in the war but all believers. This means that those who come in later generations become partners with those who come earlier in claiming those real estates. This happens only by not dividing the lands. Such a status is in the nature of a collective endowment and a collective expropriation. However, these lands can be inherited, whereas the real endowments cannot be inherited.²¹²⁴

2) Types of Land in Terms of Being Subject to Tithe or not

a) *Ushr* (Tithe) land: These are the lands that were conquered and given to the people who voluntarily converted to Islam or the lands, which were conquered by force, and then given to the ownership of those who participated in the war. The lands in the Arabian

2123. Al-Hashr, 59: 7-8, see also verses: 6, 9, 10.

2124. Abū Yusuf, *Kharāj*, Egypt, 1352 H. p. 75, 83, 85; Abū 'Ubayd, *Kitāb al-Amwāl*, Cairo 1968, p. 94; Muhammed Hamidullah, *al-Wasāiq al-Siyāsīyya*, p. 314, wasāiq: 325; Ali Šafak, *İslam Arazi Hukuku*, p. 146-149; Hamdi Döndüren, *Delilleriyle İslam Hukuku*, p. 572 ff.; al-Zuhaylī, *ibid*, V, 332 ff.

peninsula are of this nature. A tithe is paid at the rate of one-tenth or one-twentieth out of the yields of these lands.

b) *Kharāj* (tribute) land: These are the lands that were conquered by peace or force and given as property to their former non-Muslim owners or other non-Muslims. Iraqi villages and their surroundings are of this nature. Tax is collected from this type either of land according to the yield obtained or in a predetermined amount under the name of “*kharāj*”. This tax is not a type of *zakāt*.

c) Mere *mulk* (Privately owned) land: This is the land that was originally part of *mīrī* land and belonged to the state treasury but was later sold to private persons for a price. Their yield is subject to the rules like a tithe land in terms of *zakāt* when its owners are Muslims.

However, since the privately owned (*mulk*) gardens around the privately owned (*mulk*) houses are connected to these houses, there is no need for a tithe from the products and fruits to be produced from here.

d) *Mīrī* (State) land: These are the lands that were previously conquered by the Muslims and kept for the Muslim community without being distributed as property to anyone. Their dry ownership belongs to the state, and the right to benefit from them has been granted to the villagers by issuing deeds. Those who save these are in the status of tenants. Certain shares or taxes to be paid to the state are also in the nature of “rental payment”.

Tithe or any other payment under the name of *zakāt* is not required from the yield of such lands. This is because the tithe and *kharāj* or the tithe and the rent within the same provision cannot be combined on a Muslim’s land. During the Ottoman Empire, the lands in Turkey were mainly in this status.

According to the Ḥanafis, if a land subject to the *kharāj* (tribute) tax falls into the hands of a Muslim, the tribute tax continues, and it is not necessary to pay a tithe from its yield. This is because both tribute and tithe cannot be combined on one land.²¹²⁵ The evidence is the following hadith, according to a narration from Ibn Mas’ūd (*ra*), the Messenger of Allah (*saw*) said, “*The kharāj is not combined with a tithe on a Muslim’s land.*”²¹²⁶ On the other hand, neither just nor cruel rulers received a tithe from Iraqi lands, which were considered tribute land. Therefore, it is contrary to the consensus of Muslim jurists to say that it is obligatory to pay tithe together with tribute. The reason for the tribute and tithe is that the land is income-generating. Getting both of these from the same land is like receiving *zakāt* on one property twice.

2125. Al-Kāsānī, *ibid*, II, 57; Ibn al-Humām, *ibid*, IV, 365 ff.; al-Maydanī, *ibid*, I, 154.

2126. The hadith is weak and narrated from Yahya ibn Anbasa by Ibn Adi Kamil. Ibn Hibbān said, “This hadith is not from the words of the Prophet (*saw*).” See Ibn al-Humām, *ibid*, IV, 366; al-Buhūtī, *Kashshāf*, II, 255. This hadith is interpreted to mean *kharāj*, which is *jizya*.

According to the Shafi‘is, the Malikis, and the Ḥanbalis, the tithe is taken from the products of the tribute lands held by the Muslims; a tribute is taken from the lands and thus the two can be applied together.

The evidence on which the majority is based is:

a) The meaning of the verses and hadiths stating that *zakāt* is *farḍ* from the produce of the land is general and no distinction is made between the lands as the tithe or tribute land.

b) Tithe and tribute are two different rights. For example, the tithe has the meaning of worship, and *kharāj* has the meaning of a fine. The tithe is taken out of the product, and the tribute is a debt. Whether or not the land yields products, tribute is taken from it. The reason for the tithe is the production of the yield, and the reason for the tribute is that the land is suitable for agriculture. The tithe is spent on the poor, and the tribute tax is spent on general services and Muslim soldiers. The tithe is based on evidence from Qur’anic verses and hadiths whereas evidence of *kharāj* is *ijtihād* made by considering the public interest.

When tithe and tribute are different from each other in this way, there is no harm in collecting them from one person. As a matter of fact, the pilgrim who hunts within the boundaries of the *ḥarām* region in Mecca both gives value to the animal he hunted and is penalized for his actions.²¹²⁷

3) Ushr in the Lands of Turkey

Taking into account both the opinion of the majority of the jurists and the changes in the status of the land throughout the periods of Islamic history, it is possible to evaluate the current situation of Turkey’s lands as follows:

Some of the *mīrī* lands, which used to occupy a large area in Anatolia and Rumelia, were later sold for a price and transferred to private owners with title deed, and large areas became the property of individuals with possession as a result of the revival of the unclaimed lands. Thus, a type of private land emerged that gives the owner full disposition authority in terms of buying, selling, cultivating, leasing, or inheriting. This type of land falls under the category of “mere private land” and the yields to be produced must be subject to the tithe, as is the case with the tithe land. If the tithe is not collected by the state, the owners must give it to the appropriate places themselves, as is the case with the animals.²¹²⁸

H – ZAKĀT ON ANIMALS

There is no verse in the Qur’an that directly mentions the *zakāt* on animals. However, the general meaning of the following verse can be interpreted as including the animals as

2127. Al-Shirāzī, *Muḥadhdhab*, I, 157; Ibn Qudāmah, *ibid*, II, 725-727; al-Buhūtī, *ibid*, II, 255; al-Zuhaylī, *ibid*, II, 824, 825.

2128. For the acquisition of land ownership see Fahri Demir, *İslam Hukukunda Mülkiyet ve Servet Dağılımı*, 1981, n.p., p. 198-200.

well; **“Of their goods, take alms...”**²¹²⁹ This is because animals are an important means of livelihood and wealth, especially in nomadic societies. As a matter of fact, the word “goods (*māl*)” was used in the sense of animal among the Arabs living in the desert.

In the Prophet’s hadiths, animals are also explained in detail like other *zakāt* goods. In fact, the Messenger of Allah (*saw*) had a long tax schedule prepared stating the *niṣāb* amounts and their ratios regarding the goods subject to *zakāt*, but he died before he could send it to the necessary places. This *zakāt* schedule was put into practice during the caliphates of Abu Bakr and Umar.²¹³⁰

According to this schedule and other hadiths and practices, it is necessary to give *zakāt* out of animals according to the following principles.²¹³¹

a) Only camels, cattle, and sheep were subject to *zakāt* in the period of the Prophet, Companions, and the Successors. Water buffalo is considered under the cattle category and goat is accepted under the sheep category. Thus, the number of animal types would be five. These are also domesticated animals. Therefore, *zakāt* is not required on a wild animal.

b) The *niṣāb* of camels is five, that of sheep is forty, and that of cattle is thirty. *Zakāt* is not required for animals that do not reach these *niṣāb* amounts.

c) One year must pass over the animals under the possession of their owner. If the animal does not remain in the possession of a person for one year, it is not necessary to pay *zakāt* out of them. The Messenger of Allah (*saw*) said, *“It is not necessary to pay zakāt on a property unless one year has passed over it.”*²¹³² This is because, before the end of the year, the growth and breeding of the property will generally not be complete.

Accordingly, if the animal is sold, donated, etc. during the year, if another animal is bought again or if an animal is exchanged with another one, the date of purchase is taken into account in order to complete the *niṣāb* for one year after the animals were purchased.

d) The animal must have been fed as *sāima*, that is, fed in the pastures and fields in the countryside for most of the year, and must not be one of the animals fed with fodder in the barn (*ma’lūfa*). These animals must have grazed in the pastures to get their milk, or they would be for reproducing or fattening. Therefore, animals fed in the countryside for less than six months or that are more or less grazed in pastures as animals to ride, to transport cargo, or to be slaughtered for their meat are not subject to *zakāt*. The provisions regarding the animals for trade will be like other trade goods. It is fixed by various

2129. Al-Tawba, 9: 103.

2130. Al-Bukhari, *Zakāt*, 37.

2131. Ibn al-Humām, *ibid*, I, 494 ff.; al-Kāsānī, *ibid*, II, 30; Ibn Qudāmah, *ibid*, II, 575-577, 591-596, 625; al-Shirbinī, *ibid*, I, 368 ff.; Ibn Abidīn, *ibid*, II, 30 ff.; al-Zuhaylī, *ibid*, II, 832 ff.

2132. Al-Ṣan’ānī, *Subul al-Salām*, II, 129.

hadiths that for *zakāt* to be obligatory on non-tradable animals, they must be fed on open pastures for more than half of the year.²¹³³

e) The animal must not be one of the animals used in works of agriculture and transportation (*āmila*).

According to Imam Malik, *zakāt* becomes obligatory when the animal species mentioned below reach the *niṣāb* amount, regardless of whether the animals are *sāima* or used in the works of agriculture or transportation.

The animals subject to *zakāt* and their *niṣāb* are as follows:

1) *Zakāt* of Sheep and Goats:

The Prophet (saw) said, “On grazing sheep and goats, if they come to forty or more, up to one hundred and twenty head, one ewe. On anything above that, up to two hundred head, two ewes. On anything above that, up to three hundred, three ewes. On anything above that, for every hundred, one ewe.”²¹³⁴ The animal that spends more than half of the year feeding in the free pastures is called, “*sāima*”.

Accordingly, *zakāt* is not required for less than forty *sāima* sheep and goats. If the number of sheep and goats becomes forty, and one year passes over them, *zakāt* becomes obligatory. *Zakāt* is given to one sheep from 40 to 120, two from 121 to 200, and 3 from 201 to 399. For 400 sheep, four sheep are required as *zakāt*. After that, one more sheep is given as *zakāt* for each hundred. The number between the lower and upper limit of the segments in which the amount of *zakāt* increases is forgiven and is not subject to *zakāt*. For example, a person who has only forty sheep, and another person who has one hundred and twenty sheep both give one sheep as *zakāt*.

A goat is like a sheep, for the expression “*ghanam*” mentioned in the hadiths includes male and female sheep and goats. Therefore, sheep and goats are considered one breed and are added to each other to complete the *niṣāb*. For example, whoever has thirty sheep and ten goats must give one sheep as *zakāt*. Their males and females are equal. The animal to be given as *zakāt* can be either male or female.

It is more suitable according to the Sunnah to give *zakāt* from sheep or goats, whichever animal species is more in number. If their numbers are equal, one can give whichever kind he or she wants. However, if it is all sheep or all goats, it is necessary to give *zakāt* in its own kind.²¹³⁵

Salim narrated from his father that the Prophet dictated in his letter about *zakāt*, “For forty to one hundred and twenty sheep one sheep is to be given; if they exceed

2133. See Abū Dawūd, *Zakāt*, 5; al-Nasā’ī, *Far’*, 2; Ibn Maja, *Dhabāih*, 2; Malik, *Muwattā’*, *Zakāt*, 23; al-Darīmī, *Zakāt*, 4.

2134. Abū Dawūd, *Zakāt*, 5; Malik, *Muwattā’*, *Zakāt*, 23; al-Darīmī, *Zakāt*, 4; Aḥmad ibn Ḥanbal, I, 12.

2135. See al-Kāsānī, *ibid*, II, 28; Ibn al-Humām, *ibid*, I, 499 ff.; Ibn Abidīn, *ibid*, II, 24; al-Shirbīnī, *ibid*, I, 374; Ibn Qudāmah, *ibid*, II, 592; al-Zuhaylī, *ibid*, II, 844, 845.

by one up to two hundred, two sheep are to be given. If they exceed by one up to three hundred, three sheep are to be given; if the sheep are more than this, one sheep for every hundred sheep is to be given. Nothing is payable until they reach one hundred. Those which are in one flock are not to be separated, and those which are in separate flocks are not to be brought together from fear of zakāt. Regarding that which belongs to two partners, they can make claims for restitution from each other with equity. An old sheep and a defective one are not to be accepted as zakāt."²¹³⁶

The prohibition of combining and separating in this hadith can be explained as follows: If each of the three partners has forty sheep that is the *niṣāb* amount, if they are calculated separately, three sheep are required as *zakāt*, and if they are combined, one sheep is required for one hundred and twenty sheep. Here, each partner's share needs to be calculated and subject to *zakāt* separately. In like manner, if each of the two partners has one hundred and one sheep, and if they are calculated separately, two sheep are required as *zakāt*; however, if they are calculated together, three sheep are required for *zakāt*, for the total number will reach two hundred and two. In the latter case, the one that is in favor of the poor is preferred and the shares become collectively subject to *zakāt*.

2) Zakāt of Cattle and Water Buffaloes

The fact that the *zakāt* of cattle is *farḍ* is based on the evidence of Sunnah and the consensus of Muslim jurists. Muadh Ibn Jabal (ra) said, "When the Prophet (saw) sent me to Yemen, he ordered me to take a male or a female calf a year old for every thirty cattle and a cow in its third year for every forty, and one dinar for every adult (unbeliever as a poll-tax) or cloths of equivalent value manufactured in Yemen."²¹³⁷

According to what is reported from Abu Dharr (ra), the Prophet (saw) said, "By Allah, except Whom none has the right to be worshipped) whoever had camels or cows or sheep and did not pay their *zakāt*, those animals will be brought on the Day of Resurrection far bigger and fatter than before and they will tread him under their hooves and will butt him with their horns, and (those animals will come in a circle): When the last does its turn, the first will start again, and this punishment will go on till Allah has finished the judgments amongst the people."²¹³⁸

The *niṣāb* of grazing (*sāima*) cattle is thirty. No *zakāt* is required for less than that. A male or female calf that has reached the age of two is given as *zakāt* for thirty to forty cattle. For forty to sixty cattle a male or female cow or bull is given that has reached the age of three. Two calves that are one year old are given for sixty cattle. After sixty cattle, *zakāt* is given as one calf for every thirty cattle and one cow or bull for every forty cattle.

2136. Al-Tirmidhī, Zakāt, 4; Abū Dawūd, Zakāt, 5; al-Nasā'ī, Sunan, 10.

2137. Abū Dawūd, Zakāt, 5; al-Tirmidhī, Zakāt, 5; Ibn Maja, Zakāt, 12; al-Nasā'ī, Zakāt, 8.

2138. Al-Bukhari, Zakāt, 3, 43; Muslim, Zakāt, 24-28; Abū Dawūd, Zakāt, 32; al-Tirmidhī, Zakāt, 1; al-Nasā'ī, Zakāt, 2, 8, 11; Ibn Maja, Zakāt, 2; al-Darimī, Zakāt, 3.

For example, *zakāt* will be given as one calf and one cow/bull for seventy cattle; two cows/bulls for eighty cattle; three calves for ninety cattle; one cow/bull and two calves for one hundred cattle. As for one hundred and twenty cattle, the owner of the cattle is free to give four calves or three cows/bulls. This is because there are four-thirty and three-forty in one hundred and twenty. This is the method of *zakāt* calculation in cattle for the other numbers.

In terms of *zakāt*, cattle and water buffalo are considered the same species. If they are mixed, they are added together. For example, if there are twenty cattle and ten water buffaloes, a calf that has reached the age of two is given as their *zakāt*. *Zakāt* is given from whichever of the two species that are more in number. If their number is equal, *zakāt* is given from the cheapest of the expensive species and from the expensive of the cheap one. For example, if the cattle and water buffalo are mixed and their numbers are equal and the water buffalo is more valuable than the cattle, it is given either from among the cheapest ones of the water buffalo or the expensive ones of the cattle.

When the animals are mixed as males and females, *zakāt* is not given from the male ones for the female animals are superior. They give milk and procreate. However, cattle are excluded from this provision because there is textual evidence about it in the hadith of Muadh (*ra*) as mentioned earlier. If all the animals that make up the *niṣāb* are male, it is sufficient to give a male animal as the *zakāt*. This is applicable to all animal species such as camels, cattle, or sheep. This is because one cannot be held responsible to give *zakāt* from what she or he does not possess.

3) *Zakāt* of Camels

According to what Salim (*ra*) narrated from his father, the *zakāt* of camels was explained in the Prophet's letter regarding *zakāt*.²¹³⁹ On the other hand, the Messenger of Allah (*saw*) stated that there is no *zakāt* on less than five camels.²¹⁴⁰

One sheep that has completed one year of age is given as *zakāt* for five grazing camels. Excess up to nine camels are exempt from *zakāt*. From ten to twenty camels, one sheep is given as *zakāt* for every five camels. Having twenty to twenty-four camels means one is exempt from *zakāt*. From twenty-five to thirty-five camels, a young female camel, which has reached the age of two, is given as *zakāt*. From thirty-six to forty-five camels, a three-year-old female camel is given as *zakāt*. From forty-six to sixty, a female camel that has reached the age of four is given as *zakāt*. From sixty-one to seventy-five camels, a five-year-old female camel is given as *zakāt*. It is necessary to give two female camels from seventy-six to ninety camels, each of which has reached the age of three. From ninety-one to one hundred and twenty camels, two female camels at the age of four are given as *zakāt*. From one hundred and twenty camels to one hundred and forty-five, two four-year-old camels and one sheep for every five camels are given as *zakāt*. From

2139. Al-Tirmidhī, *Zakāt*, 4; Abū Dawūd, *Zakāt*, 5.

2140. Al-Bukhari, *Zakāt*, 4; Muslim, *Zakāt*, 1, 3.

one hundred and forty-five camels to 224 camels, it continues in fives, and after that, it continues in tens.²¹⁴¹

In terms of *zakāt*, there is no difference whether the males and females of the camels are mixed. However, the camels to be given as *zakāt* must be female from the ones in moderate condition. If a male camel is given, it is given as its value.

If grazing animals of the same species are added to other grazing animals, which are in the amount of *niṣāb* at the beginning of the year, through inheritance, donation, or purchase, all of them will have to be subject to *zakāt* at the end of the year.

According to Imam Shafi'ī, the period of one year for these later additions is calculated from the date of their acquisition.

Blind and weak animals among the *grazing* animals are also included in the amount of *niṣāb*, but they are not given as *zakāt*. According to Abu Ḥanīfa and Imam Muhammad, *zakāt* is not required for the lambs, the calves of the cattle, water buffaloes, and camels that are *sāima* and have not reached their first age yet even if their number reaches the amount of *niṣāb*. However, if there are older animals of their own kind among them, they will all be subject to *zakāt*.

For example, if one has fifty sheep and seventy-five eight-month-old lambs throughout the year, *zakāt* is given for all of them as two sheep at the end of the year. Again, if there are twenty-nine calves and one cow/bull, it is necessary to give a calf that is over one year old. If there are four camel calves and one camel that has reached the age of two or three, their *zakāt* is given as one sheep.

According to Abu Yusuf, *zakāt* is required when the number of young animals reaches the *niṣāb*. For example, *zakāt* is given as one lamb for forty lambs. Imam Shafi'ī is of the same opinion.

If some of the animals, which are subject to *zakāt* die, according to Abu Ḥanīfa and Abu Yusuf, the decrease in the number of the portions that are exempt from *zakāt* will not affect the amount of *zakāt*. According to Imam Muhammad and Imam Zufar, *zakāt* is reduced at the rate of the perished animals.

For example, if ten or twenty sheep of a person who has sixty sheep perish as a result of a disaster within a year, *zakāt* is given as one sheep because there are still forty sheep left, according to the former view. According to Imam Muhammad and Zufar, if ten sheep are destroyed, the amount of *zakāt* decreases by one-sixth, and if twenty sheep are destroyed, it decreases by two-sixths. Since *zakāt* can also be given as its value instead of an animal in kind, this view is applied by taking into account the decrease in value.

2141. See al-Kāsānī, *ibid*, II, 31 ff.; Ibn al-Humām, *ibid*, I, 494 ff.; al-Shirazī, *ibid*, I, 145 ff.; al-Shirbinī, *ibid*, I, 369 ff.; Ibn Qudāmah, *ibid*, II- 579 ff.

According to the Ḥanafis and the Ḥanbalis, it is permissible to sell a property subject to *zakāt* after the end of the year without paying *zakāt*, provided that the amount of *zakāt* is compensated.

According to the Shafi‘ī, if a good is sold after *zakāt* becomes obligatory; the contract of sale will be invalid for the portion equal to the *zakāt* amount. The reason for this is that the obligatory amount belongs to the poor and cannot be sold without their permission for they are accepted as partners in that part.

4) Zakāt of Horses

The Prophet said, “*I have exempted you from the zakāt on horses and slaves*”²¹⁴², and “*There is no zakāt either on a horse or a slave belonging to a Muslim.*”²¹⁴³ However, there are also hadiths stating that the Messenger of Allah made an exception from “grazing (*sāima*) horses kept for breeding purposes”.

Umar (*ra*) replied that *zakāt* was not required for those who came from Damascus to inquire about this issue, on the grounds that *zakāt* was not received from horses during the time of the Messenger of Allah and Abu Bakr.²¹⁴⁴ However, when the people of Damascus asked Abu Ubayda Ibn al-Jarrah to take the *zakāt* of their horses and Abu Ubayda asked for a written answer, Umar informed him in writing that “if they want to give *zakāt* for the horses, he should take it and distribute it to the poor people of his city”.²¹⁴⁵

The majority of jurists are of the opinion that *zakāt* is not required on the horses, based on the hadith and practice stating that the Prophet exempted horses from *zakāt*.

Since horses were generally used for travel, war, and transportation during the period of the Prophet (*saw*) and the four caliphs, it is understood that horses were exempted from *zakāt* just as camels and cattle since they were all used in transportation (*āmila*) and/or agriculture. However, if the horses spend more than half of the year grazing in the pastures in order to breed, they become *sāima*. As a matter of fact, according to Abu Ḥanīfa and Zufar, “for mixed male and female *sāima* horses that spend most of the year grazing on the pastures, kept to breed and be sold in the future, it is necessary to give *zakāt* either as 1 dinar (approximately 4 gr gold coin) for each horse or 2.5% over the value of the horse. It is understood that Abu Ḥanīfa considered these horses as trade goods, in addition to their *sāima* quality, and subjected them to *zakāt*. The difference of opinion here is about whether the owner of the horse is required to pay the producer’s *zakāt*. If horses are bred or bought for commercial purposes, there is no doubt that they should be added to the *zakāt* calculations at the end of the *zakāt* period by their value.

2142. Al-Tirmidhī, *Zakāt*, 3; Abū Dawūd, *Zakāt*, 5; Ibn Maja, *Zakāt*, 4; al-Nasā‘ī, *Zakāt*, 18.

2143. Al-Bukhari, *Zakāt*, 45, 46.

2144. Abū ‘Ubayd, *Kitāb al-Amwāl*, no. 1364.

2145. Abū ‘Ubayd, *Kitāb al-Amwāl*, no. 1365.

5) *Zakāt* of Fish and Animal Farms

Fish is seafood whose meat is consumed and traded. The red meat and fish meat in the meat section of a market are equal in terms of being trade goods. The situation of fish farms built by human beings is no different from the meat aisle of a market. The only difference is that the fish in the fish farms are kept and nourished in the water, and can be caught with nets at any time without the risk of losing them.

It is reported that Umar Ibn Abdulaziz ordered the *zakāt* officer of Oman to collect *zakāt* from the fish when the value of the fish to be taken out of the sea reached the *niṣāb* amount of silver.²¹⁴⁶ Accordingly, a person who catches or trades fish for commercial purposes is subject to *zakāt* of 2.5% of the value of the fish when he meets all the conditions required to be considered wealthy in religious terms.

Furthermore, chicken farms should be evaluated according to two situations: In the case of the farms that raise hens only for their eggs, after deducting basic needs and debts, cash resources, certain receivables, and egg stocks in hand at that time, and chicks and chickens that have been decided to be slaughtered or sold are included within the scope of the revolving fund at the end of the *zakāt* period. They are subject to *zakāt* of 2.5% over their value as trade goods. The fixed capital of the farm such as immovable assets like poultry houses, social facilities, and service vehicles are exempt from *zakāt*. As for the owners of the farms that raise and sell broiler chicks and chickens, they are subject to *zakāt* at the end of the *zakāt* period at 2.5% of their value. The situation of farms where animals are raised whose meat is permissible to eat, such as ostrich and turkey, should be treated like chicken farms.

The *zakāt* of the farms raising cattle should be evaluated as follows: Since they are kept in the barn throughout the year or for at least more than six months, they do not require the *zakāt* of the producers themselves. If the animals are fed for milk, they are considered as revolving capital at the end of the *zakāt* period. After basic needs and debts are separated, the remaining money, certain receivables, dairy products, and animals that are decided to be sold for meat are subject to *zakāt* of 2.5% over their value. If such a farm is established solely for the purpose of raising meat animals, the money in hand at the end of the *zakāt* period, certain receivables, and all the animals in possession are subject to *zakāt* of 2.5% over their value.

I – AN ASSESSMENT REGARDING THE ANIMALS' *ZAKĀT*

The possession of animal species subject to *zakāt* may be as follows:

a) Animals kept as commercial property are subject to *zakāt* on the basis of being commercial property. For example, the animals that an animal trader buys and keeps to make a profit and the lambs and calves that are fed and raised for commercial purposes

2146. Abū 'Ubayd, *Kitāb al-Amwāl*, no. 888.

are also treated as trade goods. When these reach the amount of *niṣāb*, like other trade goods, they become subject to *zakāt* at the end of the year over their value.

For example, a person who has ten sheep, three horses, and five bovine animals, bought for commercial purposes, gives their *zakāt* at the end of the year over their value.

b) If cattle, water buffaloes, and camels are acquired to benefit from their muscle power, they are considered basic needs and exempt from *zakāt*. The Prophet (saw) said, “*There is no giving zakāt from a working animal.*”²¹⁴⁷

c) Animals that spend most of the year in the barn feeding fodder are called “*ma’lūfā*”. In the case of such animals, growth and development in terms of profit are neglected, as these animals are not fed on free pastures and are subject to costly maintenance. In other words, society does not have the right to them because they are not fed on common pastures. For this reason, animal species that are fed in barns for more than half of the year just for their meat, milk, or offspring, without a commercial purpose such as raising and selling them, do not require *zakāt* to be paid for them. However, the milk, fat, and cheese produced from the milk, their meat, and their offspring kept for sale are added to other *zakāt* goods and are subject to *zakāt* as money or trade goods. Accordingly, it cannot be said that such cow breeds and livestock farms are exempt from *zakāt*. Islam’s exemption of the “*ma’lūfā*” animals from *zakāt* is to encourage animal husbandry because the maintenance in the barn is both difficult and costly.

d) Animals that are fed more than half of the year by grazing on permissible pastures are called “*sāima*”. The *sāima* animals below the *niṣāb* amount are exempted from *zakāt*. For example, if a person has thirty-eight sheep, twenty-eight cattle, and four camels, these *sāima* animals of different types cannot be added together or combined with other trade goods at the end of the year. Therefore, *zakāt* is not required for them. This can be considered as an incentive measure to encourage animal husbandry.

Apart from these, domestic or domesticated animals such as horses, mules, donkeys, chickens, turkeys, rabbits, and ostrich, if they are kept for commercial purposes only, they are subject to *zakāt* as trade goods. However, if such animals are raised for their muscle power or eggs, they will be subject to *zakāt* by their returns. When they are sold, their price at the time of sale is included in *zakāt* along with other goods as of the end of the year.

J – GIVING ZAKĀT DIRECTLY OR THROUGH GOVERNMENT:

Since *zakāt* is an obligatory act of worship, it is essential that it be performed directly by the one who is responsible for the intention of *zakāt*. However, the financial aspect of *zakāt* required it to be collected by a public organization from the very beginning.

2147. Abū Dawūd, *Zakāt*, 5; al-Darīmī, *Zakāt*, 36.

Therefore, the state has undertaken the task of collecting *zakāt* and delivering it to those in need after it was made obligatory.

As a matter of fact, in the Qur'an, the Prophet was ordered to take *zakāt* from the wealth of the rich,²¹⁴⁸ and it was pointed out that this duty should be carried out by certain officials (*āmil*), who were given a share of the *zakāt* income in return for conducting their duties.²¹⁴⁹ During the time of the Prophet (*saw*) and the four rightly guided caliphs and in later periods, the task of collecting *zakāt* and distributing it to the rightful recipients was generally done by civil servants appointed by the state. When the Prophet (*saw*) sent Muadh ibn Jabal to Yemen as the governor, he (*saw*) told him, "Tell them that Allah has made *zakāt* obligatory on their wealth. This *zakāt* is taken from their rich and given to the poor there."²¹⁵⁰ This command is an example of the application of the collection and distribution of *zakāt*. It is also an encouragement for the decentralization of towns and regions.

The salaries of the *zakāt* officers are paid out of one-eighth of the *zakāt* collected in the "zakāt fund" of the state treasury. However, there is no Islamic principle that requires every official to receive one-eighth of the *zakāt* that he collects. The state allocates a certain amount of income to the *zakāt* officer (*āmil*) in return for his labor. The following hadith, about the wages of those who work in return for a salary, was mostly interpreted for *zakāt* officers, "He who acts as an employee for us must get a wife; if he has not a servant, he must get one, and if he has not a dwelling, he must get one. He who takes anything else he is unfaithful or thief."²¹⁵¹ This hadith refers to the standard of living that the wage should provide to the worker and civil servant. Accordingly, with the savings to be made from their salary, the worker and the civil servant should be able to obtain a residence within a reasonable period of time, marry if he or she is single, and buy a vehicle if he or she does not have one.

While *zakāt* officers had been collecting *zakāt* on all kinds of goods subject to *zakāt* during the periods of the Prophet, Abu Bakr, and Umar, they were assigned to collect the *zakāt* of especially exposed goods such as agricultural products and animals after the time of Uthmān. However, if it is detected that the owner of the property neglects the payment of *zakāt* for his gold, silver, cash, and trade goods, which are called hidden goods, they can also be collected by the state.

According to the majority of Muslim jurists, the state has the authority to demand the *zakāt* payment of all goods subject to *zakāt*. By using this authority, the state has the right to take the *zakāt* from those who have obliged the pay the *zakāt* by force. According to some jurists, the permissibility of the payment of *zakāt* directly by those who are

2148. Al-Tawba, 9: 103.

2149. Al-Tawba, 9: 60.

2150. Al-Bukhari, Zakāt, 1.

2151. Abū Dawūd, 'Imara, 10; Aḥmad ibn Ḥanbal, IV, 299.

obliged to pay it is based on the concern that the *zakāt* collected by the state may not reach its rightful recipients.

The amount that the officer in charge of the collection of the tithe will receive from the hidden properties of a Muslim is one-fortieth, one-twentieth from the dhimmis, and one-tenth from a *ḥarbī* visiting the Muslim land with a visa. The proof of this is the following practice, which Muhammad ibn Hasan reported from Ziyad Ibn Hadīr: “Umar ibn al-Khattāb sent me to ‘Ayn al-Tamr as a *zakāt* officer and commanded me to collect one-fortieth of the trade goods of the Muslims and one-twentieth of the goods of the dhimmis, and to take *zakāt* from the wealth of the *ḥarbīs* at the rate of one-tenth.”²¹⁵²

According to the Ḥanafis, taking taxes from the *ḥarbīs* (non-Muslims temporarily staying in an Islamic country) who are in the Muslim land with a visa is based on the principle of reciprocity. If foreign countries do not collect taxes from Muslims, Muslims do not collect any taxes from them. The aim here is to protect the rights of Muslim traders abroad. If the amount of tax imposed by the foreign country is unknown, one-tenth is applied in principle. This is because Umar gave the customs officers the instruction to “take a tenth if they encounter any difficulties in the calculation”.²¹⁵³ Once a *ḥarbī* pays the tithe, it is not taken from him again until a year passes. Taking tax from the *ḥarbīs* is in return for the protection of his property. After the year is completed, the trust is renewed since the duration of the *ḥarbīs*’ stay in an Islamic country is one year. If the period of stay is prolonged, the tax in the amount of one-tenth or at a different rate on the basis of reciprocity will continue to be collected annually.

According to the Shafi‘is, the *zakāt* of hidden goods is given by the person himself who is responsible to pay it. There are two views on the *zakāt* of exposed goods. The *zakāt* of such goods can be collected by the state and distributed to the recipients of *zakāt*, or the person who is responsible for its payment can give them directly to the recipient.

According to the Malikis, the provisions of *zakāt* are applied directly by the state. According to the Ḥanbalis, the person who is responsible for its payment is left free between giving it to the state and giving it directly to the rightful recipients, without making any distinction in this regard.

K – METHOD OF PAYMENT OF *ZAKĀT*:

According to the Ḥanafis, *zakāt* debts can be paid in kind of the goods themselves, as well as in their value. The evidence they rely on is the Sunnah. The fact that Allah’s Messenger (*saw*) ordered to cover the age difference between animals by giving two sheep or twenty dirhams when paying the *zakāt* of animals,²¹⁵⁴ as well as giving the *zakāt* of five camels as one sheep shows that one variety can be given in place of another.

2152. Ibn al-Humām, *Fatḥ al-Qadīr*, I, 530 ff.

2153. Al-Zuhaylī, *ibid*, II, 826.

2154. Al-Bukhari, *Zakāt*, 37.

It is permissible to give the *zakāt* of gold, silver, agricultural products, domestic animals, and commercial goods subject to *zakāt* in their own kind as well as in their value. Owners have the right to choose in this regard. As a matter of fact, in addition to the tithe, *kharāj*, *fiṭra*, votives, and emancipation of the slaves, the same ruling is applied in the case of atonements.

According to Abu Ḥanīfa, the date on which *zakāt* becomes obligatory is essential in determining the value of *zakāt*, while according to Abu Yusuf and Imam Muhammad it is the date of payment. For *sāima* animals, it is unanimously accepted as the payment day.²¹⁵⁵

The Prophet (*saw*) saw a big humped camel among the *zakāt* camels. “Didn’t I forbid you to take people’s best goods as *zakāt*?” The Messenger of Allah did not say anything when the *zakāt* officer said, “I collected this from the *zakāt* camels in place of two camels.”²¹⁵⁶ It is clear that taking one camel in place of two shows the permissibility of payment of *zakāt* based on the value.

The purpose of *zakāt* is to meet the needs of the poor. These needs can be met by giving *zakāt* to the poor in kind of the *zakāt* property itself, or by giving other types of goods or cash instead of paying *zakāt* in kind.

Accordingly, a person can give food or clothes as much as the value of the *zakāt* for the *zakāt* of gold. In like manner, instead of *sāima* animals or trade goods, cash as much as their value can be given as *zakāt*. However, in this regard, it is more appropriate to prefer whichever payment type is more beneficial for the poor.

According to the Shafī’is, it is essential to give the *zakāt* of each property in its own kind, their value cannot be given as *zakāt*.

It is not permissible to donate a receivable as *zakāt* of a property or of any other receivable. This is because the receivable is incomplete when compared to the goods in terms of their costs. Therefore, something incomplete cannot be given in exchange for something complete.

If a person donates all of his receivables from a poor person to that poor person, the *zakāt* of this debt is deemed to have been paid. In like manner, if he donates a part of the debt, only the *zakāt* of that part is deemed to be paid.

On the other hand, a person cannot deduct his receivables from a poor person against the *zakāt* of his other goods. Again, a poor person cannot count such a receivable in return for the *zakāt* of another receivable.

It is a good principle that the receivables of people who have difficulty in paying their debts cannot be offset against *zakāt*. If this deduction were deemed permissible, tradesmen and merchants could abuse this ruling by counting their bad debts in place

2155. Al-Kāsānī, *ibid*, II, 25; Ibn al-Humām, *ibid*, I, 507; al-Maydanī, *ibid*, I, 147; Ibn Abidīn, *ibid*, II, 29.

2156. See al-Bukhari, *Zakāt*, 41, 63, Maghāzī, 60, Tawḥīd, 1; Muslim, *Imān*, 29, 31; Abū Dawūd, *Zakāt*, 5; al-Darīmī, *Zakāt*, 9.

of their *zakāt*. On the other hand, debtors who are in trouble or who present themselves in trouble may wait until the end of the year to have their debts counted as *zakāt*. This would lead to the loss of the rights of the ones who really are poor.

On the other hand, if the creditor wants to relieve his poor debtor from his debt by means of *zakāt*, he will give him the *zakāt* of his other goods subject to *zakāt*, and the poor can pay his debt with it.

However, if the receivable from a wealthy person is donated to that wealthy person after the passage of one year, according to the sound opinion, the *zakāt* of that receivable will not be deemed as paid.

If a person appoints a poor person as his agent to go and collect his receivable from another person to set off the *zakāt* of his possessions, that *zakāt* will be paid at the time of collection of the receivable by the poor person.

Accordingly, concrete customer checks and bills can be endorsed and given to the poor to be regarded in place of *zakāt*. However, *zakāt* is deemed to be paid when this check or bill is cashed by the poor.

Zakāt of a property more than the *niṣāb* amount can be given to the poor before the passage of one year is up. However, *zakāt* cannot be given in advance for goods that have not reached the *niṣāb* amount yet. If *zakāt* is paid and then such a property reaches the *niṣāb* amount later, it will be subject to *zakāt* again after one year passes starting from the moment of reaching the *niṣāb* amount. The amount given earlier is accepted as voluntary charity.

According to Imam Malik, *zakāt* cannot be given before the end of the year. As the prayers cannot be performed before their time commences.

According to Imam Shafi‘i, *zakāt* can be given only for one year in advance.

According to the Ḥanafis, *zakāt* for several years can be given at once for the wealth that has reached the amount of *niṣāb*. As long as the *niṣāb* amount exists at the end of the year, their *zakāt* will be accepted as have been paid. If the amount of property decreases and falls below the amount of *niṣāb*, the previously given *zakāt* turns into a voluntary charity. For example, if a woman who has two hundred grams of gold subject to *zakāt* gives a bracelet weighing thirty grams to a poor person as *zakāt*, she will have paid *zakāt* for six years. However, if this woman becomes poor after the third year, the *zakāt* given in advance for the last three years turns into a voluntary charity.

If a person buys clothes or gives something to eat with the intention to be his *zakāt* to an orphan for whom he is responsible for only in terms of the kinship sustenance, but who is not from his descendants or ascendants, his *zakāt* will be accepted as paid. However, if he invites such an orphan to his table and wants the food they eat together to be regarded as his *zakāt*, although according to Abu Yusuf it is permissible, according to

Abu Ḥanīfā and Imam Muhammad, it is not permissible. For, in this case, the requirement of the transfer of ownership (*tamlīk*) will not be fulfilled.

Since it is obligatory to transfer the ownership of *zakāt* goods to a rightful recipient, giving food to the poor or spending money for a good cause cannot be deducted from *zakāt*. For example, masjids, roads, bridges, fountains, and schools cannot be built out of *zakāt* funds, shrouds of the dead cannot be bought and their debts cannot be paid with the money of *zakāt*. However, if the meal is served to the needy in a restaurant or if it is delivered in the form of a *table d'hôte*, the transfer of ownership takes place.

If a poor person voluntarily spends the *zakāt* money that he receives on the above-mentioned types of charities such as building mosques, both that poor person and the person who has given him this *zakāt* will gain spiritual rewards.

In like manner, *zakāt* is not accepted as paid for by letting a poor person reside in his house to deduct it from the *zakāt*. For this is a way of transfer of ownership.²¹⁵⁷ However, at the end of the month, a person may help his poor tenant financially with the intention of *zakāt* so that he can pay the rent.



2157. See al-Kāsānī, *ibid*, II, 21; Ibn al-Humām, *ibid*, I, 527; Ibn Abidīn, *ibid*, II, 31; al-Shirbinī, *ibid*, I, 399; al-Shirazī, *ibid*, I, 161; Ibn Qudāmāh, *Mughnī*, III, 33; Ibn Rushd (Averroes), *ibid*, I, 260 ff.; Bilmen *ibid*, Istanbul 1959, p. 467 ff.

IV – PLACES WHERE *ZAKĀT* CAN BE GIVEN

The people to whom *zakāt* can be given are stated in the Qur'an and they are listed as follows in surah al-Tawba, which was revealed in the 9th year of the Hijra, "*Alms are for the poor and the needy, and those employed to administer the funds; for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.*"²¹⁵⁸ The verse was revealed when some people who were fond of wealth coveted the collected *zakāt* and made unjust demands from the Prophet, and their behavior was condemned in the previous two verses.²¹⁵⁹ Thus, the public is prevented from using the *zakāt* fund as it wishes.

According to a narration from Abdullah Ibn Abbas (*r. anhumā*), when the Prophet (*saw*) sent Muadh ibn Jabal to Yemen, he ordered him as follows: "... *teach them that Allah has made it obligatory for them to pay the zakāt from their property and it is to be taken from the wealthy among them and given to the poor.*"²¹⁶⁰ This hadith is proof that *zakāt* will be taken from the rich Muslims by the Muslim government and spent on the poor. On the other hand, the Prophet gave Muadh b. Jabal the authority to rule according to his independent judgment on issues that were not found in the Qur'an, Sunnah, and these two sources. Considering that financial and economic autonomy was also given, it can be said that the Yemen region was given a federative status by the Messenger of Allah (*saw*).²¹⁶¹

A – EIGHT CLASSES OF PEOPLE TO WHOM *ZAKĀT* CAN BE GIVEN

The rightful recipients of *zakāt* are eight categories of people as listed in the 60th verse of surah al-Tawba, which are the poor Muslims, the needy, those who work in the administration of *zakāt*, those whose hearts are wished to be warmed to Islam, slaves, debtors, those who strive in the way of Allah and the wayfarer.²¹⁶²

1-2) The poor and the needy: These are the first two groups mentioned in the Qur'an. The poor (*faqīr* pl. *fuqarā*) is the person who even if he or she has goods that meet his or her basic needs such as house and household goods, his or her income does

2158. Al-Tawba, 9: 60.

2159. See al-Tawba, 9: 58, 59.

2160. Al-Bukhari, Zakāt, 1; Muslim, Īman, 29; Abū Dawūd, Zakāh, 5; al-Nasā'ī, Zakāt, 46; Ibn Maja, Zakāt, 1; Aḥmad ibn Ḥanbal, I, 233.

2161. See al-Shafī'i, *Umm*, Egypt, 1329. H. VII, 273; Aḥmad ibn Ḥanbal, V, 230, 236, 242.

2162. See al-Kāsānī, *ibid*, II, 43-46; Ibn al-Humām, *ibid*, II, 14-20; Ibn Abidīn, *ibid*, II, 79-84; Ibn Rushd (Averroes), *ibid*, I, 266-269; Ibn Qudāmah, *ibid*, II, 665 ff.; al-Zuhaylī, *ibid*, II, 866 ff.

not meet his or her usual needs, and when his or her debts are deducted he has less than the *niṣāb* amount of wealth. A person whose income level does not meet his or her basic needs even though he or she works at a job is also included in this category.

A needy (*miskīn* pl. *masākīn*) is a person who has no income or property. When the meaning of “climbing a steep slope” is defined in the Qur’an, it is stated that it means “to feed a needy person (*miskīn*) covered in dust”.²¹⁶³ This expression indicates that a needy person is someone who is in extreme poverty and distress. Accordingly, the needy (*miskīn*) is needier than the poor (*faqīr*).

According to Abu Yusuf and Imam Muhammad from the Hanafis and Ibn al-Qasim from the Malikis, the poor and the needy refer to the same classes, and there is no difference between them.

According to the Shafi‘is and the Ḥanbalis, the poor (*faqīr*) is a person who does not have sufficient income and property to meet the needs of himself and his dependents. On the other hand, the needy (*miskīn*) is a person who can barely live with the income and goods he has.

According to Umar, the poor (*faqīr*) refers to the poor of the Muslims; while the needy (*miskīn*), on the other hand, refers to the poor of the non-Muslims. In fact, it is narrated that Umar asked the officer working at the state treasury to pay a salary to a poor Jew, and said that “the poor of the people of the book” was meant by “the poor (*faqīr*) people” in the verse stating the classes to whom *zakāt* can be given.²¹⁶⁴ However, none of the Muslim jurists agreed with this view, except for Ikrima, who was one of the jurists of the generation of the Successors, and Zufar from the Ḥanafis, rather the majority adopted the view that only voluntary charity can be given to the poor of non-Muslims.

The Ḥanafis took the “*niṣāb*” as the basis for the maximum amount of *zakāt* that can be given to the poor and the needy at once, while the majority of jurists took “*kifāya* amount (sufficient amount)” as their basis. According to the latter, a sufficient amount of *zakāt* can be given to the poor even if it exceeds the *niṣāb* amount.

According to the Shafi‘is, it is permissible to give *zakāt* in the amount enough to eliminate the poverty of the poor, to last his lifetime, and not to need *zakāt* again. According to the Malikis and the Ḥanbalis, *zakāt* may be in the amount sufficient to take care of the needs of the poor and needy for one year. This amount is determined according to the situation of the person, his social conditions, and his family.

3) Those working in the administration of *zakāt* (‘*amil* pl. ‘*amilūn*): These are the officials employed in the collection and distribution of *zakāt* funds. The word “‘*amil*” in the verse literally refers to various meanings such as a worker, or a craftsman. As an Islamic legal term, it refers to the person appointed to collect the *zakāt* revenues and

2163. See al-Balad, 90:11, 14, 16.

2164. Abū Yusuf, *Kharāj*, p. 136.

distribute them to the beneficiaries. This term is used in the hadiths to mean the administrator in general, the official who collects and distributes all kinds of state revenues and especially *zakāt*. Moreover, terms such as “*ārīf, āshir, jābī, amīn, hāzin, sālī,* and *muṣaddiq*” are also used as its synonyms. The mention of “*āmilīn*” in the Qur’an as one of the eight categories of people that deserve a share in *zakāt* funds indicates that this duty can be performed for a fee. Accordingly, even if the worker is wealthy, he or she can get a fee for the labor.

It is also possible to hire specialized individuals or organizations for the *zakāt* collection in return for a certain percentage of the *zakāt* fund. Accordingly, a large social assistance institution such as *zakāt* will be able to run without imposing any financial burden on the Islamic state, and a significant part of the expenditures that the state should spend from its budget will be covered by this fund.

It is necessary for the *zakāt* officer to be just and to know the provisions regarding *zakāt*. These requirements are also applicable to the officials who collect tithes, experts, clerks, those who distribute *zakāt*, those who protect the collected goods, and the like.

4) Muallafa al-qulūb: This category, which is mentioned as the fourth group in the above-mentioned verse, includes people whose hearts should be fond of Islam. The Prophet (*saw*) gave a share of the *zakāt* fund to some people who had newly converted to Islam during the conquest of Mecca. Among them were also those who had not yet converted to Islam. The purpose of giving *zakāt* to this class is to strengthen the faith of those whose faith is weak or to be safe from their harm or to guide them to good. Today, it is possible to pay some from this fund to prevent their harm to Islam, to ensure that they work in favor of Islam, or to direct international lobbying activities.

The Prophet (*saw*) gave shares from state revenues such as *zakāt* and *fay’* and booty to people whose hearts were wanted to be warmed to Islam. Safwan ibn Umayya, Uyayna Ibn Ḥiṣn and al-Aqrā’ ibn Hābis were among them.²¹⁶⁵ He even issued for some of them documents stating that they could benefit from this fund. The owners of this document came to Abu Bakr (*ra*) after the death of the Prophet (*saw*) and asked for their share and Abu Bakr (*ra*) sent these people to Umar (*ra*) to get his opinion. Umar (*ra*) said to them: “The Prophet was giving you a share of *zakāt* to warm your hearts to Islam. Today, Allah has strengthened his religion. If you continue to be a Muslim, you can, otherwise, we will fight you.” Upon this reasoning of Umar, it has been claimed that *zakāt* was not given to this class during the period of the four caliphs, and even a consensus of the Companions was formed on this issue.

2165. See Jaṣṣāṣ, *Aḥkām al-Qur’ān*, III, 124; al-Shawkanī, *Nayl al-Awḥār*, IV, 166.

According to the Ḥanafī and Maliki jurists, after the death of the Prophet, the share of the *muallafa al-qulūb* from the *zakāt* revenues decreased. According to Imam Shafī'ī, this fund can be operated again if needed in times of trouble such as war conditions.²¹⁶⁶

It cannot be thought that a Qur'anic provision could be abrogated or abolished by independent reasoning after the death of the Prophet. However, the practice was stopped during the caliphate of Abu Bakr, as the effective cause (*'illah*) of the verse's ruling disappeared due to the strength of the Muslims and the weakening of the enemy. Later, if the conditions change and the effective cause existing during the time of the Prophet (*saw*) emerges, there will be no harm in giving a share of *zakāt* to the *muallafa al-qulūb*.

5) Slaves: *Zakāt* is also given to those who want to save themselves from slavery and buy their freedom with money. The liberation of slaves by making use of the *zakāt* fund shows the importance Islam attaches to human freedom. At the time of the birth of Islam, slavery was widespread throughout the world. People were forcibly abducted and enslaved, made into slaves due to their debts, and the crimes that they had committed. Islam forbids all these forms of enslavement and commands that the captives taken in a just and legitimate war first be released in return for a ransom or free of charge.²¹⁶⁷ Only if the practice of enslaving prisoners of war exists internationally, does it authorize the head of state to enslave the captured prisoners, in accordance with the principle of "reciprocity". While the existence of this very limited permission for enslavement, the religion of Islam has recognized the right to a humane life for slaves and taken a series of measures to liberate them.

6) Debtors: After deducting their debt, the people who do not have the *niṣāb* amount of property are included in this class. A person who has property or receivables from someone else but cannot receive them is also considered a debtor. In this way, it is more virtuous to give *zakāt* to a person who is in a difficult situation because of his debt, than to a poor person without debt. For in a way, the freedom of the debtor is restricted, and it becomes necessary to save him from this trouble.

Even if a person who borrows money for reasons such as saving someone else's property or life or solving the resentment between two angry people is wealthy, she or he can benefit from being in the class of the debtors.

According to the majority of jurists, there are two types of debtors. The first is the one who borrows for his own needs. A person who is in debt for reasons such as living expenses for himself and his family members, housing, medical treatment expenses, and getting his child married falls into this group. The second is the person who borrows for the benefit of society. People who are under the burden of debt to find a solution to the problems between two hostile communities, who are in debt as a guarantor for someone

2166. Ibn Rushd (Averroes), *ibid*, I, 233; Döndüren, *Delilleriyle İslam Hukuku*, p. 42, 43; al-Zuhaylī, *ibid*, II, 871, 872.

2167. Muḥammad, 47: 4.

else, or who get into debt while serving charitable works and are in trouble because of this, fall into this group.

According to what is narrated from Abu Said al-Khudri (*ra*), the Prophet (*saw*) said, “*Zakāt is not permissible for a rich man except in five cases: One who is appointed to collect it, a warrior fighting in the cause of Allah, a rich man who buys it with his own money, a poor man who receives the zakāt and gives it as a gift to a rich man, and a debtor.*”²¹⁶⁸

The permissibility to give *zakāt* to a debtor for his own needs depends on the following conditions:

- a) This person does not have any property to pay his debts other than the *niṣāb*,
- b) Borrower must not be in debt due to committing a *ḥarām* such as alcohol, gambling, adultery or clearly acting in extravagance in his expenses,
- c) The payment of debt should be in due,
- d) The debt will be a real debt to be paid to a person or institution, and it will not be an unwanted debt such as the debt of *zakāt* or atonement.

Today when we go through an industrial and technological revolution, the biggest debts belong to the biggest capital owners. It is not possible to consider the owners of debts whose maturities can extend up to twenty years to be poor as long as there are trade goods, movable and immovable securities, and industrial facilities corresponding to these debts. This is because, when necessary, debts are liquidated by selling such properties, which are out of basic needs. For this reason, economic values that are kept for the payment of a debt or shown as a warrant for debt are not subject to *zakāt*. For instance, if a person has ten kg of gold bullion worth of trade goods over which one year has passed, but he owes twelve kg of gold bullion because his business has been going through hard times, and he does not have any other property in return for this debt, even if this person gives all his trade goods to pay his debts, he will still be faced with a debt worth two kg of gold bullions. Therefore, this person can be supported from the *zakāt* fund.

If a person who has been in debt for committing sins or for bad purposes later regrets and repents, he may also be given a share of the *zakāt* fund.

7) Those who are in the way of Allah: The phrase “*fi sabilillāh*”, which means “in the way of Allah”, has been used in two different senses in Islamic terminology. First, it means actually fighting to glorify Islam. Accordingly, *zakāt* is given to mujahids who take part in a battle. In fact, according to Imam Shafi‘i and Imam Malik, there is no distinction between the rich and the poor among those who participated in a war. This is because even if the warriors are wealthy in their homelands; they are far away from their own property in a war zone.

²¹⁶⁸. Ibn Maja, *Zakāt*, I, 590.

The second meaning of “*fi sabilillāh*” is any good deed done in accordance with the consent of Allah and to approach Him. Accordingly, individuals and institutions that work for the sake of Allah Almighty and perform works that have the quality of charity and obedience will be eligible to receive a share from the *zakāt* fund.

Due to this different meaning, while some jurists said that *zakāt* can only be given to those who participate in the war, those who perform major and minor pilgrimages, or those who try to acquire knowledge,²¹⁶⁹ some jurists stated that money could be allocated from this fund for charity works such as the construction of mosques, schools, hospitals, and bridges. As a matter of fact, Anas and Ḥasan al-Baṣrī are of the opinion, that *zakāt* can be given to places that are considered charity, such as the construction of bridges and roads.²¹⁷⁰

The evidence showing that the worship of pilgrimage falls within the scope of “*fi sabilillāh*” is as follows: According to a narration from Ibn Abbas (*r. anhumā*), a man donated his camel to the path of Allah, and his wife wanted to perform the pilgrimage. The Prophet (*saw*) said to the woman, “*Perform pilgrimage on that camel because pilgrimage is considered “fi sabilillāh (in the way of Allah).”*”²¹⁷¹ However, *zakāt* cannot be given for supererogatory pilgrimage because there is flexibility in the application of supererogatory acts.

On the other hand, the great Ḥanafī jurist al-Kasanī (d. 587/1191) in his work *al-Badāyī* interpreted the term “*fi sabilillāh* (in the way of Allah)” as “all works that bring the person closer to Allah”. Therefore, everyone who is on the path of obedience to Allah Almighty and goodness falls into this category when they are in need. In this way, those who strive to spread the message of Islam and work for charitable purposes can be supported by the *zakāt* fund. Some Ḥanafis took the expression “in the way of Allah” to mean “acquiring knowledge”. A person who is learning, even if he is wealthy, falls into this category.²¹⁷²

Imam Malik said that Allah’s ways are many. However, I don’t know if there is a difference of opinion on understanding the meaning of the expression “in the way of Allah” as “fighting in the way of Allah”.²¹⁷³

8) Wayfarer: A person who travels for good and beneficial work and cannot reach his destination without getting financial support is included in this class. Examples include pilgrimage, war, recommended visits, or journeys done to conduct trade.

Even if such a person is wealthy in his homeland, if he becomes needy during the journey, he can be assisted by a *zakāt* fund to reach his destination. However, it is better for such a traveler, if possible, to borrow money instead of receiving *zakāt*.

2169. Al-Mawṣilī, *Ikhtiyār*, I, 119; Ibn Qudāmah, *al-Mughnī*, II, 527.

2170. Komisyon, *Ilmihal*, I, 488.

2171. Abū Dawūd, *Manāsik*, 79; al-Zuhaylī, *ibid*, II, 874.

2172. Al-Kāsānī, *ibid*, II, 45.

2173. Al-Zuhaylī, *ibid*, II, 876.

A person who becomes needy by losing his property or not being able to get his other receivables in his hometown is like a traveler. He can receive *zakāt* as much as he or she needs, then when she or he gets his property back, he or she can keep the remaining amount of the *zakāt* that she or he has received. This does not have to be returned as charity to other people.

A person can give his *zakāt* to any of the above-mentioned classes, as well as distribute it to two, three, or all of them. This is because the above-mentioned verse made *zakāt* explicit only to these eight categories, but did not specify a preference among these classes.

On the other hand, it is also permissible to give the *zakāt* that does not reach the *niṣāb* amount to a single person among the above-mentioned classes. This is because making the word “*al-fuqarā* (the poor)” in the verse definite by attaching the prefix “alif lam (definite article)” before it indicates a genus in the metaphorical sense. Thus, giving to one person from that genus is like giving to the genus itself. Moreover, if the prefix “alif lam” is taken in the sense of scope (*istighrāq*), which is its actual meaning, it covers the whole genus. In this case, every poor person in a town has a right to *zakāt*. This creates great difficulties in practice and is not reasonable.²¹⁷⁴

According to the Shafi‘is, *zakāt* should be spent on eight classes in a town. The evidence they rely on: The reason is that the Qur’anic verse “*Zakāt is for the poor and the needy...*”, allocates *zakāt* to these classes by **the letter lām** meaning the transfer of ownership, and includes all of these classes by **the conjunction letter wāw**. If *zakāt* is distributed by the Muslim government, it should be divided among these eight classes. One of them is the officers who work in the administration of *zakāt*. If the owner of the *zakāt* property or his representative distributes the *zakāt*, not the state, then there is no share in the *zakāt* for the officers. It is *mustaḥab* to distribute *zakāt* to all classes as much as possible. It is not appropriate to distribute *zakāt* in the form of giving it to at least three people from each class. Some of the Shafi‘is considered it permissible to give *zakāt al-fiṭr* to three poor or needy people.²¹⁷⁵

Today, it is common to find four of these eight classes. These are the poor, the needy, the debtors, and travelers.

According to the majority of mujtahids of the four schools,²¹⁷⁶ it is not permissible to give *zakāt* to anyone other than the categories that Allah has mentioned in the Qur’an. That is why giving the *zakāt* for the purposes of acts of worship that do not transfer the ownership of the property to the other party, such as building mosques, building roads, bridges, fountains, opening river channels, shrouding the dead, paying the debt of the

2174. Al-Kāsānī, *ibid*, II, 46; Ibn al-Humām, *ibid*, II, 14; al-Maydanī, *ibid*, I, 156; Ibn Abidīn, *ibid*, I, 84; Ibn Rushd (Averroes), *ibid*, I, 267; Ibn Qudāmah, *ibid*, II, 668.

2175. Al-Shirāzī, *Muḥadhdhab*, I, 170 ff.; al-Shirbīnī, *Mughni al-Muḥtāj*, III, 106 ff.; al-Zuhaylī, *ibid*, II, 867, 868.

2176. See al-Kāsānī, *ibid*, II, 45; Ibn Abidīn, *ibid*, II, 81, 83, 85; al-Shirāzī, *ibid*, I, 170-173; Ibn Qudāmah, *ibid*, II, 667; al-Zuhaylī, *ibid*, II, 875.

deceased, building walls and castles, preparing war materials, building warships, and buying weapons, is not permissible. It is not permissible either to spend it on ways that will bring the person closer to Allah because, the Arabic word “*innamā*” mentioned in the verse “*Zakāt is for the poor and the needy...*” means “*ḥaṣr* (limitation) and *ithbāt* (affirmation)”. In other words, it is to make what is mentioned affirmed and to exclude the rest from the ruling. Therefore, it is not permissible to give *zakāt* to any classes other than these categories. For in such cases, there is the question of *tamlīk*, that is, making someone own the *zakāt* property, or transferring the *zakāt* property to the other party's ownership.

B – PEOPLE TO WHOM ZAKĀT CAN NOT BE GIVEN

So far, we have explained the eight classes to whom *zakāt* can be given. If *zakāt* is given to places other than these, the person will not be saved from the obligation to pay *zakāt*, and the individual, social and economic goals expected from this social security institution cannot be realized. This is because there are some people to whom *zakāt* cannot be given, even though they may be classified within the eight categories in terms of their characteristics. We will explain them in detail below:

1) Mother, Father, Spouse, and Children

A man cannot give his own *zakāt* to his poor wife, to his poor descendants (*furū*'), and to his poor ascendants (*'uṣūl*). A person's mother, father, and grandparents are his ascendants. His sons and daughters, their children and grandchildren consist of his descendants. His wife, who is awaiting the waiting period of divorce, also falls within the scope of this provision. For a person is normally obliged to take care of these people when they are poor and provide for their sustenance. If he gives his *zakāt* to them, the benefit indirectly returns to him. Whereas, after giving the *zakāt*, there must be no ties of benefit left between the giver of *zakāt* and the property given as *zakāt*.

According to the Shafi'i, it is not permissible to give *zakāt* to people who have relatives who are responsible for taking care of them. This is because a person whose sustenance is provided by his relatives is not considered needy. Such a person is like a person who earns enough for himself every day.

According to Abu Ḥanīfa and the view preferred by the Ḥanbalis, a woman cannot give her *zakāt* to her poor husband. For, in this case, the benefit of *zakāt* will return to the woman through the sustenance provided by her husband.²¹⁷⁷

According to Abu Yusuf, Imam Muhammad, Imam Shafi'i, and Imam Malik, it is permissible for a woman to give her *zakāt* to her poor husband. This is because the Messenger of Allah (*saw*) said to Zaynab (*r. anha*), the wife of Abdullah Ibn Mas'ūd (*ra*), who asked a question about this issue: “*Your husband and your children are the ones*

2177. Al-Kāsānī, *ibid*, II, 40; al-Maydanī, *Lubāb*, I, 156; Ibn Abidīn, *ibid*, II, 87.

most worthy of giving charity.”²¹⁷⁸ Those who hold the opposite view have interpreted the “*taṣadduq*” in this hadith as giving voluntary charity.

It is more virtuous to give *zakāt* to relatives, except for the descendants and the ascendants, who are qualified for it. It is more virtuous to provide first to the brothers or sisters in need, then to their children, then to paternal uncles and aunts, then to their children, then to maternal uncles, aunts, and their children, and then to other relatives from among the relatives called *dhawī’l-arḥām*.

The Prophet (saw) encouraged giving charity to relatives and said, “*Charity given to the needy is (counted as) one charity, and if it is given to relatives it is (counted as) two charities: charity and nurturing (the ties of kinship).*”²¹⁷⁹

As for voluntary charities, it is permissible to give them to a son, a wife, or a husband. For, by doing this, two rewards are gained; charity and kindness to relatives. Actually, it is also permissible to give voluntary alms to the wealthy and non-Muslims. This is because Allah Almighty says in the Qur’an, “***And they feed, for the love of Allah, the indigent, the orphan, and the captive***”²¹⁸⁰ During the time of the Prophet (saw), the captives consisted of polytheists. Furthermore, the Messenger of Allah (saw) said to Abu Bakr (ra)’s daughter Asma, when she asked about her polytheist mother who came to Medina, “*Treat your mother well.*”²¹⁸¹

2) Non-Muslims

Since *zakāt* is a religious obligation, it cannot be given to non-Muslims, unbelievers, and apostates. When sending Muadh b. Jabal (ra) to Yemen, the Prophet (saw) said to him, “*Teach them that Allah has made it obligatory for them to pay the zakāt from their property and it is to be taken from the wealthy among them and given to the poor.*”²¹⁸²

According to the majority of jurists, including the imams of four schools, *zakāt* cannot be given to non-Muslim subjects (*dhimmis*) of the Muslim state. This is because *zakāt* is the right of the poor Muslims and it is taken from their wealth and given to the poor. Non-Muslims are not liable for *zakāt*. Those who do not share such an obligation should not have the right to benefit from it.

Based on the interpretation of Umar about the term “*miskīn* (the needy)” noted in the verse that determines the categories of people to whom *zakāt* can be given as “these are the poor of the People of the Book”, some jurists argued that *zakāt* can also be given to *dhimmis*. As a matter of fact, Zufar from the Ḥanafī jurists is of this opinion. For the

2178. Abū Dawūd, Zakāt, 44; See Ṭalāq, 19.

2179. Al-Tirmidhī, Zakāt, 26; al-Nasā’ī, Zakāt, 22, 82; Ibn Maja, Zakāt, 28; al-Darimī, Zakāt, 38; Aḥmad ibn Ḥanbal, IV, 17, 18, 214.

2180. Al-Insan, 76: 8.

2181. Muslim, Zakāt, 49.

2182. Al-Bukhari, Zakāt, 1, 63, Tawḥīd, 1, Maghāzī, 60; Muslim, Īman, 7, 29; Abū Dawūd, Zakāt, 5; al-Tirmidhī, Zakāt, 6.

purpose of *zakāt* is to meet the needs of those who are in distress in order to gain Allah's pleasure. This purpose is also achieved by giving *zakāt* to poor dhimmis.

According to Abu Ḥanīfa and Imam Muhammad, it is permissible to give only non-obligatory (*naḥīl*) charities to poor *dhimmis*. The evidence is the following verse, **"If you disclose (acts of) charity, even so, it is well, but if you conceal them, and make them reach those (really) in need, that is best for you: It will remove from you some of your (stains of) evil. And Allah is well acquainted with what you do."**²¹⁸³ In this verse, there is no distinction between a poor Muslim and a poor dhimmi. Therefore, the verse implies a general meaning. However, the hadith of Muadh (*ra*) given above specifies the general meaning of the verse about *zakāt* and due to this hadith, *zakāt* can only be given to Muslims.

According to Abu Yusuf, Imam Shafī'ī and the majority of jurists, neither *zakāt* nor the other types of charities can be given to *dhimmis*. In this regard, they compared the situation of the *dhimmis*, to the situation of giving *zakāt* and alms to *ḥarbī* non-Muslims.²¹⁸⁴

3) The wealthy

It is not permissible to give *zakāt* to a wealthy person. However, since the *zakāt* officer will receive a share of *zakāt* in return for his labor, even if he is wealthy, he can receive the share allocated to him. A wealthy person who becomes needy during a journey can also receive *zakāt* because even if the traveler is actually wealthy, he is considered poor at that moment.

A person who has *niṣāb* amount of goods other than his basic needs is considered "wealthy". A person who owns less than the *niṣāb* amount determined by Islam according to the various types of property can receive *zakāt* even if he is healthy, strong, and able to work. This is because even though a person is healthy and strong enough to work, his work may go wrong, he cannot find a new job or the income he earns from the job he works may not be enough to make a living. Accordingly, even if he has a house, household goods, servants, horses, weapons, clothes, professional tools, and the library that the scholar uses, he may still receive *zakāt* if he does not earn enough income to make a living since these are basic needs.

It is permissible to give a voluntary charity to a wealthy person. For this reason, it has been accepted permissible for wealthy people to receive an income from the endowments in accordance with the endowment deed. This is considered similar to a grant and a gift.

If a person gives his *zakāt* after making research to a person whom he thinks is qualified to receive *zakāt*, and then realizes that the person to whom *zakāt* was given is really qualified for *zakāt*, it is unanimously accepted that his *zakāt* will be valid. On

2183. Al-Baqara, 2: 271.

2184. See al-Kāsānī, *ibid*, 43 ff.; Ibn al-Humām, *ibid*, II, 21 ff.; *al-Fatawā al-Hindiyya*, I, 176; Ibn Abidīn, *ibid*, II, 81 ff.; Ibn Rushd (Averroes), *ibid*, I, 267 ff.; al-Zuhaylī, *ibid*, II, 883, 884.

the contrary, if the financial situation of the person to whom *zakāt* was given cannot be understood or if it turns out later that he was wealthy, *zakāt* will still be valid according to Abu Ḥanīfa and Imam Muhammad. However, if he gives the *zakāt* without making any research and without thinking about whether he is qualified for *zakāt* or not, even if his *zakāt* may still be accepted as valid, if it is found out later that he is not qualified for *zakāt*, he has to give the *zakāt* again. Because he has a flaw in making proper research.

The *zakāt* given to a person whose situation is doubtful in terms of whether he is qualified for *zakāt* or not is at risk of not being valid. If it turns out later that he is qualified for *zakāt*, this risk is removed.²¹⁸⁵

According to the Shafī‘is, *zakāt* cannot be given to the poor and needy who have the opportunity to work and earn. This is because the Prophet said, “*There is no right in zakāt for the rich, those who can work and have the strength to earn.*”²¹⁸⁶

On the other hand, people who can receive a share of *zakāt* even though they are rich, are listed as follows in a hadith, “*Zakāt is not permissible for a rich man except in five cases: One who is appointed to collect it, a warrior fighting in the cause of Allah, a rich man who buys it with his own money, a poor man who receives the zakāt and gives it as a gift to a rich man, and a debtor.*”²¹⁸⁷

According to the Shafī‘is and the Ḥanbalis, *zakāt* can be given to *muallafa al-qulūb* and mujahids fighting in the Muslim army even if they are wealthy.

4) Relatives of the Prophet

It is forbidden to give *zakāt* and alms to the family of the Prophet (*saw*). This is because *zakāt* is considered the dirt of people’s property. The family of the Prophet is given enough to cover their needs out of one-fifth of the booty from the state treasury. The following is stated in a hadith, “*These charities are only the people’s dirt; they are not lawful for Muhammad and his family.*”²¹⁸⁸

According to the Ḥanafis and Ḥanbalis, the children of Hashim, who are not allowed to receive *zakāt* and alms, are as follows: children of Abbas, children of Ali, children of Jafar, children of Aqīl, and children of Harith ibn Abdilmuttalib.²¹⁸⁹

However, when the relatives of the Prophet (*saw*) came under great pressure and could not get their share from the state treasury, Abu Ḥanīfa (d. 150/767) said that despite the forbidding hadiths, the social conditions had changed and the rights from the state treasury did not go to their owners, and he issued a fatwa that a share of *zakāt*

2185. Al-Kāsānī, *ibid*, II, 48; Ibn al-Humām, *ibid*, II, 27 ff.; Ibn Abidīn, *ibid*, II, 88, 93, 96; Bilmen, *ibid*, Istanbul 1985, p. 359-361; al-Maydanī, *ibid*, I, 157.

2186. Abū Dawūd, *Zakāt*, 24; al-Nasā’ī, *Zakāh*, 91; Aḥmad ibn Ḥanbal, IV, 224, V, 362.

2187. Ibn Maja, *Sunan*, I, 590.

2188. See Muslim, *Zakāt*, 167, 168; Abū Dawūd, *Zakāt*, 29, ‘Imāra, 20; al-Nasā’ī, *Zakāt*, 95, Fay’, 15.

2189. Al-Kāsānī, *Badāyī al-Ṣanā’i*, II, 49.

should be given to the children of Hashim.²¹⁹⁰ Moreover, according to many scholars, it is permissible to give voluntary alms to the children of Hashim.

5) Minors and Mentally Ills

It is not permissible to give *zakāt* directly to children under the age of seven and to the mentally ill. *Zakāt* is allowed to be given to their parents on their behalf. It is permissible to give gifts on Eid and similar happy days with the intention of *zakāt* to needy servants, workers, children at the age of discernment, or the poor people who bring joyful news.

It is not permissible to give *zakāt* to the young child of a wealthy person. This is because the young child is considered rich through his father's wealth. On the other hand, *zakāt* can be given to a rich woman's orphan child whose father was a Muslim. This child's lineage is linked to his father, and he is not considered wealthy through his mother's wealth.²¹⁹¹

In like manner, a person can give his *zakāt* to the poor and Muslim father of a wealthy person, or to his poor and Muslim elder son or daughter, or to that person's poor and Muslim wife. This is because they are independent and are not considered wealthy through each other's wealth.²¹⁹²

It is essential to give the *zakāt* to the poor living in the same neighborhood where the *zakāt* property is located. For the Messenger of Allah (*saw*) said to Muadh (*ra*), "*Take zakāt from the rich people of Yemen and give it to the poor people of Yemen.*"

It is *makrūḥ tanziḥan* to send *zakāt* to the poor in another town at the end of the year. However, if the needy people in the place where the *zakāt* is sent are relatives or if they are needier than the poor in the area where the property is located, then it is permissible to send it to another city.²¹⁹³

Distributing *zakāt* in the same region where it was collected provides many conveniences. These include better identification of the needy, knowing the real needs, reducing the costs of collection and distribution, and granting in this way opportunities for financial and economic autonomy and local administration to various towns.

C – RELATIONSHIP BETWEEN ZAKĀT AND TAX

Zakāt, which is mentioned together with prayer in the Qur'an and Sunnah, is a financial act of worship. Therefore, it is fulfilled with the intent of a person who is responsible to pay it. During the period of the Prophet (*saw*) and the first four Caliphs, all types of *zakāt* were collected by the *zakāt* officers and distributed to the needy throughout

2190. Al-Shalabi, *Ta'īl*, p. 311, 362.

2191. See Muslim, *Zakāt*, 168; al-Zayla'ī, *Naṣb al-Rāya*, II, 404.

2192. Al-Kāsānī, *ibid*, II, 47; Ibn Abidīn, *ibid*, II, 81, 85, 95 ff.

2193. Ibn al-Humām, *ibid*, II, 28 ff.; Ibn Abidīn, *ibid*, II, 93 ff.; *al-Fatawā al-Hindiyya*, I, 178; al-Maydanī, *ibid*, I, 158.

the year. After the time of Uthmān (*ra*), the principle of calculating and giving *zakāt* of gold, silver, cash, and commercial goods called “hidden goods” by a person who was responsible to pay it was adopted. Apart from *zakāt*, *kharāj*, *jizya*, customs, duties and similar taxes for public expenditures continued to be collected as customary according to need. Since the eight classes to which *zakāt* can be given are specified in the Qur’an itself, it is not possible to spend it elsewhere.

When *zakāt* is collected by the state, the state acts as the representative of those who are responsible for its payment, and the *zakāt* fund is like the property of an orphan kept safe in the hands of the guardian.

Tax is the money that the state receives from the income and goods of individuals and businesses unilaterally and is based on its taxation authority, in order to meet public expenditures. Since there is no limitation regarding “the area for spending” in the taxes collected by the State under various names, similar to the eight classes to which *zakāt* can be given, the tax should not be counted as *zakāt*. Therefore, a believer cannot deduct the amount that he gives as tax from his *zakāt*. However, it is not right to not pay taxes just because one has already given *zakāt* because, in Islamic societies in every era, the state has taken customary taxes for public expenditures under different names other than *zakāt*. This has been needed to carry out public services other than the places where *zakāt* could be spent. For roads, bridges, dams, power plants, the expenditures of the army and security forces, and the execution of works that concern the whole society, such as health services, are provided with tax revenues obtained from sources other than *zakāt*.

While taxes are collected from the profits of trade and industrial establishments, *zakāt* is collected from the entire capital owned above the amount of *niṣāb*. Therefore, the tax base and the *zakāt* base are based on different principles.

Zakāt has been commanded by Allah, and the *niṣāb* amounts and *zakāt* rates according to the types of goods were determined by the Prophet (*saw*). Tax, on the other hand, is set by law, abolished by law, the amount and rates are regulated by law, and increased or decreased when required.

However, it should be noted that the most important public expenditures such as education, health, poverty, and religious services during the Ottoman period, when social security and charity institutions were highly developed, were largely covered by the revenues of religious foundations established by the charities of the wealthy, and the state did not need to collect taxes to a large extent. In other words, while public works were carried out with fewer taxes, the central government had the opportunity to focus more on security affairs and the strengthening of its authority.

Conversely, the following taxes are collected from non-Muslims in place of the *zakāt* collected from the Muslims:

a) *Ushr* (Tithe): According to Abu Ḥanīfah, a tithe is applied to *dhimmis* living in the Islamic land and to the trade goods of *ḥarbīs* with visas that reach the *niṣāb* amount. The amount of this is one-twentieth for *dhimmis* and one-tenth for the goods of the *ḥarbīs* visiting the Muslim land with visas. This practice is based on the principle of reciprocity. This tithe should not be confused with the tithe charged from the land crop of the Muslims.

According to the Shafī'is, the Malikis, and the Ḥanbalis, a tithe (*ushr*) trade tax is applied to them, without making any distinction between *dhimmis* and *ḥarbīs* who do trade in a Muslim country. Even if this trade is repeated a few times a year or if they do not have the *niṣāb* amount of goods, they still have to pay the tithe. However, according to the Shafī'is, in order to be able to charge tithe from non-Muslim foreigners with visas, it must be informed to them as a condition in advance.

b) Charging tax twice as much as *zakāt*: According to Abu Ḥanīfah, Imam Shafī'i, and Aḥmad Ibn Ḥanbal, tax twice as much as *zakāt* is collected from Christians, especially from Bani Taghlib Arabs because this tax is paid in place of the *jizya*. This is what Umar (*ra*) did.²¹⁹⁴

The tax in question here is basically a type of *jizya*. In terms of taxation and its proportions, the provisions of *zakāt* are applied at double the *zakāt* rate.²¹⁹⁵



2194. Bani Taghlib were Christian Arabs and Umar (*ra*) wanted to impose a tax on them. They asked them to receive *zakāt*, not *jizya* like the Persians. Umar said that *zakāt* is obligatory on Muslims only. Thereupon, they said to him: "Take as much tax as you want under the name of *zakāt*, not in the name of *jizya*." Umar imposed on them a tax twice as much as *zakāt* by means of a type of contract. See Ibn Abidīn, *ibid*, II, 37; al-Zuhaylī, *ibid*, II, 739.

2195. See Yahya b. Adam, *Kharāj*, pub. by A. M. Şakir, Egypt 1368/1949, No: 37, 202, 206; Abū 'Ubayd, *Kitab al-Amwāl*, Cairo, 135, Hadith No: 69-72; Salih Tuğ, *İslam Vergi Hukukunun Ortaya Çıkışı*, Istanbul 1984, p. 70, 94, 95.

V – ZAKĀT AL-FITR

A – DEFINITION AND EVIDENCE ABOUT IT

Fiṭr literally means “breaking the fast” and *fiṭra* literally means “human nature”. This is called “*zakāt al-fiṭr*”, which means the alms of the human nature given to earn spiritual rewards. As a religious term, it is defined as follows: It is a financial act of worship that Muslims who have reached the feast of Ramadan and who owns a certain amount of wealth other than their basic needs are obliged to fulfill for themselves and for the people under their guardianship.

Zakāt al-fiṭr was made legitimate before *zakāt* in the second year of the Hijra, in the month of Sha‘ban, when Ramadan fasting was made obligatory. This is a way of social aid and is a means of accepting fasting, removing sins at the time of death, and being protected from the torment in the grave. It is a type of aid to meet the needs of the poor and to enable them to participate in the joy of Eid.

Zakāt al-fiṭr is based on evidence from the hadiths. The hadiths related to the subject of *zakāt al-fiṭr* also determine the conditions of its application.

It is narrated from Abdullah ibn Umar that he said, “*The Messenger of Allah (saw) prescribed zakāt al-fiṭr of Ramadan one ṣa‘ of dates or one ṣa‘ of barley for every individual among the Muslims (whether) free man or slave, male or female, young or old and ordered that it should be paid before the people go out for prayer.*”²¹⁹⁶

In a hadith narrated from Abu Said al-Khudri (*ra*), the items that can be given as *zakāt al-fiṭr* and their amounts are determined as follows: “*We used to give one ṣa‘ of a meal or one ṣa‘ of barley or one ṣa‘ of dates, or one ṣa‘ of cottage cheese or one ṣa‘ of raisins (dried grapes) as zakāt al-fiṭr.*”²¹⁹⁷

In a hadith narrated by Ibn Abbas (*r. anhumā*), the following is stated, “*The Messenger of Allah (saw) prescribed the ṣadaqah (alms) relating to the breaking of the fast as a purification of the fasting from empty and obscene talk and as food for the poor. If anyone pays it before the prayer (of ‘Id), it will be accepted as zakāt. If anyone pays it after the prayer, that will be a ṣadaqah like other ṣadaqahs (alms).*”²¹⁹⁸

Moreover, Abdullah b. Šā‘laba (*ra*) narrated, “*The Messenger of Allah (saw) made a speech one or two days before Eid al-Fiṭr and said: “Give 1 ṣa‘ of wheat, barley or dates as charity for free or slaves, young or old.*”²¹⁹⁹

2196. Al-Bukhari, Zakāt, 76; Muslim, Zakāt, 12.

2197. Al-Bukhari, Zakāt, 74; Aḥmad ibn Ḥanbal, III, 73, 98.

2198. Al-Bukhari, Zakāt, 70, 71, 77; Muslim, Zakāt, 12, 13, 16; Abū Dawūd, Zakāt, 17, 20; al-Nasā‘ī, Zakāt, 31, 33; Ibn Maja, Zakāt, 21; Aḥmad ibn Ḥanbal, II, 277.

2199. Aḥmad ibn Ḥanbal, V, 432.

The hadiths above indicate that the amount of *zakāt al-fiṭr* is one *ṣā'* from wheat, barley, dates, and raisins. However, the amount of wheat was determined as half *ṣā'* in the hadiths narrated as *marfū'* by Ibn Abbas and Amr b. Shuayb through his father and grandfather. The hadith narrated by Ibn Abbas is as follows, "The *zakāt al-fiṭr* is two *mudds* of wheat."²²⁰⁰

One *mudd* is equal to one-fourth of the weight of a *ṣā'*, and is equivalent to 260 dirhams. This is $260 \times 2.8 = 728$ gr according to the *shar'ī* measures. Accordingly, half a *ṣā'* of wheat = 2 *mudds* $\times 728 = 1456$ gr. One *ṣā'* is equal to 2912 gr.

According to the customary measures, one dirham is 3.2 gr. and 1 *ṣā'* = 1040 dirhams $\times 3.2 = 3328$ gr. Half of *ṣā'* is 1664 gr. which is the amount of *fiṭra* of wheat.²²⁰¹

In conclusion;

a) The amount of *zakāt al-fiṭr* of barley, dried dates, and raisins become approximately 3 kg according to the *shar'ī* measure and 3.33 kg according to the customary measure.

b) For wheat and wheat flour, roasted and ground wheat which has the same provision as wheat, its amount becomes approximately 1.5 kg according to the *shar'ī* measure and 1.66 kg according to the customary measure.

Although it is possible to choose one of these two types of measures, since the customary scale is more, it is for the benefit of the poor and leads to earning more spiritual rewards.

According to the imams of the three schools, except for the Ḥanafis, the *zakāt al-fiṭr* is one *ṣā'* from wheat.

Instead of the above four types of foodstuffs, their values can also be given as *zakāt al-fiṭr*. However, when the poor are in need of these substances, it is more virtuous to give *zakāt al-fiṭr* in kind.

B – CONDITIONS REQUIRED TO BE LIABLE FOR ZAKĀT AL-FIṬR

1. Being a Muslim

The person responsible for *zakāt al-fiṭr* must be a Muslim. However, according to a view from the Shafi'ī school, a non-Muslim must pay the *zakāt al-fiṭr* for his Muslim relative for whom he is responsible.

2200. Al-Shawkanī, *Nayl al-Awṭār*, IV, 183.

2201. For the measurement units see Hamdi Döndüren, *Ibn Abidīn Tercümesi Fihristi ve Terimler Sözlüğü*, İstanbul 1988, *Dirham*, *ṣā'* and *mudd*; al-Kāsānī, *ibid*, II, 72 ff.; Ibn al-Humām, *ibid*, II, 36-41; al-Maydanī, *Lubāb*, I, 140, 147.

2. Wealth

According to the Ḥanafīs, in order to be considered liable for *zakāt al-fiṭr*, a person must have the *niṣāb* amount of wealth on the first day of Eid al-Fiṭr, other than his basic needs. Unlike the *niṣāb* of *zakāt*, the wealth in the case of *zakāt al-fiṭr* does not have to be “increasing (*nāmī*)” and passage of a year over being wealthy is not required. Basic needs are housing, clothes, household goods, mounts, weapons, servants, a year’s living expenses, and debts of the family. The amount of *niṣāb* is two hundred dirhams of silver or twenty *mithqals* of gold, or something equivalent to their value.

According to the Shafī‘ī, the Maliki, and Ḥanbali schools, it is not necessary to have *niṣāb*, which is the measure of wealth, for being liable to pay the *zakāt al-fiṭr*. Apart from the basic needs, it is enough to have enough food for the day and night of the feast.

3. Legal Capacity

According to the common view of Abu Ḥanīfa, Abu Yusuf, and the imams of the other three schools, since the financial aspect of the *zakāt al-fiṭr* predominates, it is not necessary to be sane and at the age of puberty to be liable for its payment. For this reason, the guardian must pay *zakāt al-fiṭr* from the wealth of the minor and the mentally ill. According to Imam Muhammad and Zufar from the Ḥanafīs, who consider the worship aspect of *zakāt al-fiṭr* as dominant, *zakāt al-fiṭr* is not required from the wealth of the minors and the mentally ill.

4. Guardianship and being liable for it

For a person to be considered responsible for the payment of *zakāt al-fiṭr* of another person, this person must be one of the people under his guardianship and whom he is responsible for legally. Accordingly, a person is obliged to pay the *zakāt al-fiṭr* of his minor children or relatives who are mentally ill. The children of his own child who died before Eid al-Fiṭr are also within this scope. On the other hand, even if the person takes care of his parents, mature children, wife, siblings, and other relatives, it is not required for him to pay *zakāt al-fiṭr* for them. However, if he gives *zakāt al-fiṭr* on behalf of those people, even if they have not appointed him as their agent, it would be sufficient for them and they do not need to pay it. In this way, the poor will meet their needs before leaving the Eid prayer.

5. Time

According to the Ḥanafīs, *zakāt al-fiṭr* becomes obligatory on the first day of Eid-al-Fiṭr with the break of dawn. This is because *zakāt al-fiṭr* belongs to the feast. Thus, on a day when fasting is prohibited, *zakāt al-fiṭr* is intended for the poor Muslims to join the joy of the feast.

Zakāt al-fiṭr is paid between one or two days before Eid al-Fiṭr and Eid prayer. Thus, the poor will meet their needs before leaving the Eid prayer. However, *zakāt al-fiṭr* can

be paid after the month of Ramadan, or even before the month of Ramadan. If it is after Eid day, the liability is not dropped and must be paid as soon as possible.

The jurists are in agreement that it is *mustahab* to pay *zakāt al-fiṭr* after the dawn on the day of Eid and before the prayer itself. The evidence they rely on is the following hadith reported from Abdullah Ibn Umar (r. *anhuma*), “The Prophet ordered *zakāt al-fiṭr* to be paid before people go to the Eid prayer.”²²⁰²

It is not obligatory to pay *zakāt al-fiṭr* for a Muslim who dies, becomes poor, is born in the morning, or embraces Islam before dawn on the first day of Eid al-Fiṭr. However, it is obligatory for a wealthy Muslim who dies after the morning. If he has put it in a will, it is paid out of one-third of the inheritance.

A Muslim who cannot fast because of a valid excuse is also liable for the payment of *zakāt al-fiṭr*. Such as the ill, the traveler, and the elderly.

A free Muslim who has *niṣāb* amount of wealth is obliged to pay *zakāt al-fiṭr* for both himself and his poor, senile, or mentally ill wards or young children and servants.

If the father of a poor child dies or becomes poor, if the father of this child's father has the *niṣāb* amount of wealth, he will replace the child's father and pay his *zakāt al-fiṭr*. However, according to the stronger view, the grandfather in such a case does not have to pay *zakāt al-fiṭr* for the child.

A person is not obliged to give the *fiṭra* of his parents, even if they live next to him. However, the fact that his father is poor and mentally ill is an exception.

According to the imams of three schools, except Ḥanafis, *zakāt al-fiṭr* becomes obligatory after sunset on the last evening of Ramadan. It is not permissible to delay it until after Eid. However, if he has a valid excuse he may delay it. However, delaying it does not drop the liability and it must be made up.²²⁰³

C – PLACES WHERE THE ZAKĀT AL-FIṬR CAN BE GIVEN

Zakāt al-fiṭr is similar to *zakāt al-māl* in terms of the places where it can be given. *Zakāt al-fiṭr* is given to the poor with the intention to transfer the ownership to the poor and it does not become valid by making the property permissible for the needy to benefit from it. Intention can be made while reserving or giving the *zakāt al-fiṭr*. However, when giving it to the poor, it is not necessary to say that it is *zakāt al-fiṭr*.

A person cannot give his *zakāt al-fiṭr* to his wife, to his ascendants and descendants i.e. to his parents, children, and grandchildren.

2202. Al-Shawkanī, *Nayl al-Awṭār*, IV, 183.

2203. See Ibn al-Humām, *Fatḥ al-Qadīr*, II, 29-31; Ibn Abidīn, *Radd al-Mukhtār*, II, 98 ff.; *al-Fatawā al-Hindiyya*, I, 179-181; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 269; Ibn Qudāmah, *Mughnī*, III, 55.

According to Abu Yusuf and Imam Shafi‘i, *zakāt al-fīṭr* cannot be given to a *dhimmi* (non-Muslim who is a citizen of a Muslim country), either. This is also the preferred view of the Ḥanafis. This is because the purpose of *zakāt al-fīṭr* is to meet the needs of poor Muslims on the day of Eid, to enable them to participate in the joy of Eid, and to provide an opportunity for them to worship comfortably. By giving *zakāt al-fīṭr* to the *dhimmis*, this aim is not achieved.

A person can give his *zakāt al-fīṭr* to one or more poor people. More than one person can also give their *zakāt al-fīṭr* to a few poor or one poor person. However, according to one view, a *zakāt al-fīṭr* cannot be distributed among more than one poor. *Zakāt al-fīṭr* belonging to various people can also be mixed and distributed to the poor. However, it is more appropriate to give each one’s *zakāt al-fīṭr* separately.

Zakāt al-fīṭr should be given to the poor in the region where the person who is liable for the payment of *zakāt al-fīṭr* lives. It is *makrūh* to send it to other places.

The fact that four basic foodstuffs were determined in the hadiths for *fīṭra* facilitated the implementation of this act of aid in every era and region. For the purpose of this is to meet the daily needs of the poor. It is achieved by giving these foodstuffs or by giving money enough to buy them. If a certain amount of money had been determined instead of the food, such a realistic result would not have emerged. For the prices of basic staples change frequently, it would not be possible for the poor to buy this amount of foodstuffs with such a fixed amount and the purpose would not be realized.

On the other hand, there is clarity when these amounts of foodstuffs aim to meet one’s daily food needs. As a matter of fact, the fact that the expiation of breaking an oath is “to feed 10 poor people out of the average of what one feeds his family” and that setting up the atonement for breaking fasting “for those who cannot fast as to pay a monetary compensation enough to feed one poor” provides an average criterion for the amount of *zakāt al-fīṭr*. This is meeting the nutrition needs of the poor for one day. If the *zakāt al-fīṭr* is to be given in cash rather than as foodstuffs, it would be more appropriate to determine considering the conditions of the day and the situation of the obliged parties. This can also be achieved by taking the average value of the staples mentioned in the hadiths.



CHAPTER SEVEN

HAJJ AND UMRA

- Definition and Scope of *Hajj*
- Evidence of *Hajj* Being made Obligatory in Islam
- Is *Hajj* required to be Performed Immediately or Can it be Performed Later in Life
- Conditions for *Hajj* to Be Obligatory
- Conditions for the Valid Performance of *Hajj*
- Conditions for the Validity of *Hajj*
- Places of Entering the State of *iḥrām* (*Mīqāts*)
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- Appointing a Proxy (*Niyābah*) for *Hajj*
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- Being Prevented or Missing *Hajj* (*Iḥṣār* and *Fawāt*)
- Application of *Hajj*
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- *Hady* Sacrifice and Related Rulings
- Major Visiting Places in Mecca
- Major Visiting Places in Medina
- Two Important Visiting Places outside the Hijaz

I – DEFINITION AND SCOPE OF *HAJJ*

A – DEFINITION AND NATURE OF *HAJJ*

Hajj literally means, “to mean, to turn”. It is defined in Islamic legal terminology as follows, “It is a financial and physical act of worship that constitutes one of the pillars of Islam and which consists of visiting the Ka‘ba in the city of Mecca and the certain places considered sacred around it. It is carried out by entering the state of *iḥrām* with the intention of pilgrimage beforehand, at a certain time of the year, according to a proper way, that is, by performing ritual standing at Arafat and circumambulation around the Ka‘ba.”

Places to be visited are the Ka‘ba, the plain of Arafat, and its surroundings. Its time is the months of Shawwal, Dhu‘l-Qa‘dah, and *Dhu‘l-Hijja*, which are called the months of pilgrimage. There are special times for each ritual in *Hajj*. The obligatory circumambulation around the Ka‘ba is performed from the morning of Eid al-Aḍḥā to the end of the person’s life; just as the ritual standing can be performed in the plain of Arafat from the zenith of the day before the day of Eid until the dawn on the morning of Eid al-Aḍḥā. Moreover, it is also necessary to perform this great visit with the intention of pilgrimage and in the state of *iḥrām*. These acts and visits performed during the pilgrimage are called “*manāsik al-hajj*”, which means the rites of pilgrimage.

A certain area around Mecca and Medina is called “Ḥaramayn (two *ḥaram* areas)”. The *ḥaram* of Mecca or *ḥaram* area encompasses the region encircled by an area about 5.5 km to Mecca from the direction of Medina; 13 km from the direction of Yemen; 13 km from the direction of Namira valley located on the road between Taif and Arafat; 16.6 km from the direction of Ji‘rana; 18.5 km from the direction Jeddah. It is reported that Gabriel Jibril (*as*) showed Ibrahim the boundaries of the Meccan *ḥaram* and The Messenger of Allah (*saw*) renewed the same borders. Umar, Uthman, and Muawiya played a role in reaching these landmarks to the present day. Accordingly, the *ḥaram* of Mecca dates back to ancient times. In fact, the Prophet (*saw*) said when Mecca was conquered, “*This is a land that Allah made honorable (forbidden) on the day He created the heavens and the earth. This is a place that will continue to be respected until the Day of Judgment if Allah makes it respectable.*”²²⁰⁴

The Ka‘ba and *Masjid al-Ḥaram* in Mecca form the center of the *ḥaram* area. The first place of worship on earth built for people to worship is the Ka‘ba. It is also called *Bayt al-Ḥaram* or *Baytullāh* (house of Allah).

2204. See al-Bukhari, ‘Ilm, 37, Janā‘iz, 76; Ḥajj, 43, Ṣayd, 8-10, Jizya, 22, Maghāzī, 51, 53; al-Tirmidhī, Ḥajj, 1.

A Muslim who wants to come to Mecca for a purpose such as performing *hajj* or *ʿumra* must enter the state of *iḥrām* in a place called *mīqāt*. After that, the prohibitions of the state of *iḥrām* begin. For example, a man cannot have sexual intercourse with his wife, cannot shave, cannot hunt, and cannot pluck the green grass and plants in the *ḥaram* region.

The area between the outer perimeter of the *Ḥaram* region and the *Mīqāts*, which are the places to enter the state of *iḥrām*, is called the “*Hill region*”.

There is also a *ḥaram* area around the city of Medina. This region encompasses the area between Mount Ayr and Mount Thawr in the south and north of the city and the black rocky area in the east and west. The hadith of the Prophet, “*Madinah is a ḥaram from Ayr to Thawr*” and the following hadith, “*The Messenger of Allah (saw) made the areas between the black stones in the east and west of Madinah Ḥaram (sacred)*”²²⁰⁵ are proofs of this geographical setting. This *ḥaram* area around Medina determined by the Prophet (saw) is about 22 km and *Masjid an-Nabawi* is the center of this region.

Since the *ḥaram* area around Medina is also considered a sacred area, the acts of worship performed in this region are more virtuous than those performed elsewhere except in Mecca.

Since the pilgrimage is an act of worship performed with great expense and difficulties, its virtue is also great.

The following verses are stated in the Qur'an:

“The first House (of worship) appointed for men was that at Bakka: Full of blessing and of guidance for all kinds of beings: In it are Signs Manifest; (for example), the Station of Ibrahim; whoever enters it attains security; Pilgrimage thereto is a duty men owe to Allah,- those who can afford the journey; but if any deny faith, Allah stands not in need of any of His creatures.”²²⁰⁶, ***“And remember Ibrahim said: ‘My Lord, make this a City of Peace.’”***²²⁰⁷, ***“Remember We made the House a place of assembly for men and a place of safety.”***²²⁰⁸, ***“Have We not established for them a secure sanctuary, to which are brought as tribute fruits of all kinds,- a provision from Ourselves?”***²²⁰⁹, and ***“Do they not then see that We have made a sanctuary secure, and that men are being snatched away from all around them?”***²²¹⁰

The following is noted in the hadiths:

2205. Al-Bukhari, Jihād, 71, 74, Madina, 1, Buyū', 53, Anbiya, 10; Muslim, Hajj, 445, 446, 455; al-Tirmidhī, Manaqib, 67.

2206. Āl 'Imrān, 3: 96-97.

2207. Al-Baqara, 2: 126.

2208. Al-Baqara, 2: 125.

2209. Al-Qaṣaṣ, 28: 57

2210. Al-Ankabūt, 29: 67.

*"Learn your rites of hajj (by seeing me performing them)."*²²¹¹

When the Messenger of Allah (*saw*) was asked which deed was more virtuous, he replied, *Belief in Allah and His Messenger, then jihad in the way of Allah, and then the obligatory pilgrimage.*²²¹²

*"(The performance of) 'umra is an expiation for the sins committed (between it and the previous one). And the reward of Hajj Mabrūr (the one accepted by Allah) is nothing except Paradise."*²²¹³

Hajj Mabrūr here means a pilgrimage that does not involve any sin, is performed completely and is accepted by Allah Almighty.

In another hadith, the virtues of *Hajj* and *'umra* are stated as follows:

*"The pilgrims performing Hajj and 'umra are a delegation to Allah. If they call upon Him, He will answer them; and if they ask for His forgiveness, He will forgive them."*²²¹⁴

Al-Shawkanī (d. 1255/1839) evaluates the different hadiths about the virtues of deeds as answers given according to the situation of the addressee who asked the Prophet a question.²²¹⁵ According to Imam Malik (d. 179/795), obligatory or even supererogatory pilgrimage is more virtuous than fighting the enemy. However, if there is fear of the enemy, fighting takes precedence over supererogatory pilgrimage.²²¹⁶

Hajj purifies a person from his sins. The following is stated in the hadith, *"He who came to this House (Ka'ba) (intending to perform Pilgrimage), and neither spoke indecently nor did he act wickedly would return (free from sin) as on the (very first day) his mother bore him."*²²¹⁷ Qādī Iyāḍ (d. 544/1149) said that the scholars of *Ahl al-Sunnah* are in agreement that *hajj* can be the expiation for major sins only if one repents for his sins. Actually, no scholar says that a debt that belongs to Allah, such as performing prayer and paying *zakāt*, or that which is owed to a person, such as cash, will be relinquished. The rights of human beings continue as debts in the person's liability. Allah will gather the owners of such rights on the Day of Judgment to get their rights. However, it is also possible for Allah Almighty to please such owners of rights with some blessings He will bestow on them and to show tolerance to the debtors as an indulgence.²²¹⁸

Hajj brings together millions of Muslims from various parts of the world, regardless of their race, color, language, or country. It allows them to meet and have conversations.

2211. Muslim, *Hajj*, 310.

2212. Al-Bukhari, *Jihād*, 1, *Hajj*, 4, 34, 102, *Umrah*, 1; Muslim, *Imān*, 135, 140; al-Tirmidhī, *Mawāqīf*, 13, *Hajj*, 6, 14, 88.

2213. Al-Bukhari, *Umrah*, 1; al-Nasā'ī, *Hajj*, 3, *Zakāt*, 6; Aḥmad ibn Ḥanbal, I, 387, III, 114.

2214. Ibn Maja, *Manāsik*, 5.

2215. Al-Shawkanī, *Nayl al-Awṭār*, Egypt, (n.d.), IV, 282 ff.

2216. Al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, III, 11.

2217. Al-Bukhari, *Hajj*, 4, *Muḥṣar*, 9, 10; Muslim, *Hajj*, 438; al-Nasā'ī, *Hajj*, 4; Ibn Maja, *Manāsik*, 3; al-Darīmī, *Manāsik*, 7; Aḥmad ibn Ḥanbal, II, 229, 410, 484.

2218. Al-Zuhaylī, *ibid*, III, 12.

It prepares the ground for the exchange of ideas and cooperation on trade, economy, culture, and how to act toward the common enemies.

The pilgrimage is a kind of show of strength of the believers. It strengthens the bonds of brotherhood among the believers living in various parts of the world. People demonstrate that they are truly equal by living together. The belief that Arabs and non-Arabs, white and black, have no superiority other than their level of piety sinks into their consciences.

B – HISTORY OF THE KA'BA AND THE HAJJ WORSHIP

Ka'ba literally means "*Bayt al-Ḥaram* in Mecca, square house, room". In the city of Mecca, in the middle of the *Masjid al-Ḥaram*, the four-cornered building made of stone, approximately 13 meters high, 12 meters tall, and 11 meters wide, is called the Ka'ba. By this, it is meant Baytullāh (the house of Allah). In addition, there is the phrase "*al-Bayt al-Ḥaram*"²²¹⁹ meaning sacred house, and the phrase "*al-Bayt al-Aṭīq*" meaning old house in two verses.²²²⁰ The name "Ka'ba" is only mentioned twice in the Qur'an.²²²¹

According to what we learn from the Qur'an, Baytullāh is the first temple built on earth. "***The first House (of worship) appointed for men was that at Bakka: Full of blessing and of guidance for all kinds of beings.***"²²²² Upon a question from Abu Dharr (ra), one of the Companions, the Prophet (saw) responded stated that the first mosque built on earth was "Masjid al-Ḥaram" and the second one was "Masjid al-Aqṣā", and that there was a period of forty years between these two.²²²³ Allah has made Baytullāh a place of gathering and security for the realization of lofty goals. In the verse, "***We made the Baytullāh a place of assembly for men and a place of safety.***"²²²⁴

According to a narration, the Ka'ba was first built by angels from light, and the prophets Adam (as) and Seth (as) constructed it in the form of a building, but the place of the temple as a building was lost during Noah's flood.

It is stated in the Qur'an that it was Ibrahim and his son Ismā'il who built the Ka'ba. This should be considered the second construction.²²²⁵ It is reported that these two prophets moved to the Hijaz region. Ibrahim's prophethood started in Iraq and southern Anatolia. After he met Nimrod, who had declared himself a god, and after the destruction of his nation, he went to Palestine and continued his mission of preaching and guidance there for a long time. As a result of the emotional rivalry and jealousy between his first wife, Sarah, and his second wife Hagar, he had to settle Hagar in another region. Ibrahim took

2219. Al-Mā'ida, 5: 2, 97.

2220. Al-Hajj, 22: 29.

2221. Al-Mā'ida, 5: 95, 97.

2222. Āl 'Imrān, 3: 96. For more information about Ka'ba see Old Testament, Psalms, LXXXIV, 6, 7, Judges, XVIII, 31.

2223. Al-Bukhari, Anbiya, 10.

2224. Al-Baqara, 2: 125.

2225. Al-Zabidī, *ibid*, VI, 13.

Hagar and her young son Ismāʿil and took them to Hijaz, where the current *Zamzam* well is located. At that time no city of Mecca existed and no people were living in that region. So, when he wanted to leave them there with a water skin of water and some food, Hagar asked whether this migration was by Allah's command. When Ibrahim (*as*) said that he was given revelation, Hagar showed forbearance and surrendered herself to God by saying, "Then, Allah will not let His servants be harmed, you may go."

Hagar and Ismāʿil's migration from Palestine is similarly described in the Torah. Sarah gave birth to Isaac and at the feast given when he was weaning, she got angry with some of the behaviors of Ismāʿil, who was 14 years old at the time, and said to Ibrahim (*as*), "Send this concubine and her son to another place; for this concubine's son cannot inherit together with my son Isaac." Upon this, Ibrahim sent Hagar and her son Ismāʿil, by the order of Allah, and they went to the Beer-Sheba desert and started to live there.²²²⁶ The place specified in the Torah is the Hijaz region.

While leaving there, Ibrahim supplicated with the following words, "***O our Lord! I have made some of my offspring to dwell in a valley without cultivation, by Your Sacred House; in order, O our Lord, that they may establish regular Prayer: so fill the hearts of some among men with love towards them, and feed them with fruits: so that they may give thanks.***"²²²⁷

While Hagar was commuting between Safa and Merve hills in search of water, water started to gush from the place where her son Ismāʿil was, as a blessing from Allah Almighty. Seeing this, Hagar began to call out loud "*zam-zam* (stop-stop)" to prevent the water from flowing away. Though this hot region suddenly was pouring out such quality abundant water that would not stop flowing, and it still has not, and God-willing will continue as long as the world stands. A short time later, an originally Arab tribe of Jurhūm, who was on the move, realized the presence of water from the movement of the birds and came there after altering their course. Hagar allowed them to get water, and they took care of Hagar and her son's milk and food requirements. The tribe of Jurhūm, who settled in this place, which had been an abandoned valley after Noah's Flood, constituted the first founders and first people of the city of Mecca.²²²⁸

After that, Ibrahim came to the Hijaz from time to time, and when his son Ismāʿil grew up, they built the Ka'ba together on the foundations shown by an angel. The event is described as follows in the Qur'an, "***Behold! We gave the site, to Ibrahim, of the (Sacred) House, (saying): 'Associate not anything (in worship) with Me; and sanctify My House for those who compass it round, or stand up, or bow, or prostrate themselves (therein in prayer).'***"²²²⁹

2226. See Torah, Genesis, 21/1-5, 8-21; Ahmet Güç, *Çeşitli Dinlerde ve İslam'da Kurban*, Düşünce Kitabevi, Bursa 2003, p. 149.

2227. Ibrahim, 14: 37.

2228. Al-Zabidī, *Tecrid-i Sarih Tercemesi*, Kamil Miras, Ankara 1984, VI, 13 ff.

2229. Al-Ḥajj, 22: 26.

While the Ka'ba was being built, Ismā'il carried stones from the surrounding area, and Ibrahim built the walls of the Ka'ba. When the walls rose and became inaccessible from the ground, Ismā'il (*as*) brought the stone, which is now called "*Maqām Ibrāhīm*". And Ibrahim used this stone as a scaffold. The stone called "*Ḥajar al-Aswad* (black stone)" brought from Abu Qubays Mountain was placed in the corner where it is still located today, as a sign of the starting point of circumambulation.

When the walls of the House or Temple were risen, "***And remember Abraham and Ismā'il raised the foundations of the House (With this prayer)***", Ibrahim and Ismā'il prayed the following supplication, "***Our Lord! Accept (this service) from us: For You are the All-Hearing, the All-knowing. Our Lord! make of us Muslims, bowing to Your (Will), and of our progeny, a people Muslim, bowing to Your (will); and show us our place for the celebration of (due) rites; and turn unto us (in Mercy); for You are the Oft-Returning, Most Merciful. Our Lord! send amongst them a Messenger of their own, who shall rehearse Your Signs to them and instruct them in scripture and wisdom, and sanctify them: For You are the Exalted in Might, the Wise.***"²²³⁰

This prayer of Ibrahim was accepted and many of the prophets after him descended from his lineage. According to this, the prophets from the Children of Israel up to Jesus came from the lineage of his father Ibrahim through Ishāq (*as*), and the last Prophet Muhammad's lineage goes back to Ibrahim through Ismā'il. That is why the Prophet (saw) said, "*I have been honored with the prayer of my father Ibrahim, the good news of my brother Isa, and my mother's dream.*"²²³¹ Furthermore, in a hadith narrated by Ibn Ujra, it is stated that Muslims pray to Allah for Ibrahim and his descendants by reciting the supplications of "*taḥiyyāt*" and "*Allāhumma ṣalli and Allāhumma bārīk*" in all the ritual prayers is a form of thanks giving of this ancient supplication of Ibrahim.²²³² Moreover, these supplications serve as a constant link between Islam and previous divine religions.²²³³

When the construction of the Ka'ba was finished, Ibrahim was asked to invite all people to pilgrimage, "***And proclaim the Pilgrimage among men: they will come to thee on foot and (mounted) on every kind of camel, lean on account of journeys through deep and distant mountain highways.***"²²³⁴

After that, Ibrahim went to the mountain of Abu Qubays from where he called out in all directions and exclaimed that Allah made it obligatory upon all people to visit the Ka'ba and perform the pilgrimage.²²³⁵

2230. Al-Baqara, 2: 127-129.

2231. Aḥmad ibn Ḥanbal, IV, 127, 128, V, 262.

2232. Al-Zabidī, *ibid*, VI, VI, 18, 19.

2233. For these invocations see al-Bukhari, Tafsīru surah 33/ 10, Anbiya, 10, Da'awāt, 31, 32; Muslim, Ṣalāh, 65, 66, 69; Abū Dawūd, Ṣalāh, 179; al-Nasā'ī, Sahw, 49.

2234. Al-Ḥajj, 22: 27.

2235. Al-Zabidī, *ibid*, VI, 20, 21.

After Ibrahim made this announcement, Jibril (*as*) is reported to have come and taught him how to perform the pilgrimage, *sa'y*, *waqfa*, and other pilgrimage rituals such as stoning the devil. In the meantime, the angel recommended that he should erect a stone as a distinguishing mark, showing the boundaries of the *Haram al-Sharīf*. This was an important practical training and this method and application of pilgrimage were taught later to the people of Hijaz by the prophet Ismā'il. In the meantime, it is reported that prophet Ishāq came to the Hijaz and performed a pilgrimage with his elder brother Ismā'il (*as*).

For centuries after that, the Ka'ba and *Masjid al-Aqṣā* in Jerusalem continued to be visited as sacred places during the times of various prophets. Although the Ka'ba was full of idols before Islam, the people of the region, the Yemenis, and the rulers of Iran (Persia) visited it.²²³⁶

The Ka'ba has been repaired many times since its first construction. Some of these are simple repairs, while others are fundamental repairs. In fact, the Ka'ba, which was repaired during the time of the Prophet's great grandfather Qusay, was destroyed by fire and flood when Muhammad was 35 years old. That was when the Quraysh decided to rebuild the Ka'ba but no one dared to break down its walls. Walid Ibn Mughira started the demolition by saying, "We want to build a better one, we have no bad intentions". While the construction was in progress, a disagreement arose over the replacement of *Hajar al-Aswad* since each tribe wanted to place it themselves. When the dispute could not be resolved, they agreed to select the first person who would enter the Safa gate of the *Masjid al-Haram* to be their arbitrator. After a while, it was Muhammad that entered from the gate. Afterward, he placed the stone on a mat and asked the tribal representatives to hold it by every side and himself put the Stone in its place, and each tribe shared in this honor.

The construction of the Ka'ba by Abdullah Ibn Zubayr (d. 72/691): Umayyad Caliph Yazid sent an army to Mecca in the 63rd year of Hijrah. The Ka'ba was stoned with catapults and a fire broke out. Yet Mecca could not be captured, and Yazid's army returned defeated. Abdullah Ibn Zubayr (*ra*), who was the current Emir of Mecca, had the foundations of the Ka'ba dug for the height of one and a half man and rebuilt with large stones according to Ibrahim's main foundations. These foundations were kept open for 8 days for the public to see. A five *zira* long section from the Hatim (*Hijr*) area was added to the Ka'ba and a door was opened on its west side. This is because there are hadiths that inform us that the inner part of the half-crescent wall called *Hijr* is also included in the Ka'ba. It is also reported that the graves of Ismā'il and Hajar are located here. Therefore, circumambulations are performed from the outer part of this half-crescent wall.

The construction of Ka'ba by Ḥajjāj: The Umayyad Caliph Abdulmalik Ibn Marwān (d. 86/705) sent Ḥajjāj Ibn Yusuf al-Thaqafī (d. 95/714) to Mecca with an army. Ḥajjāj

2236. Al-Zabidī, *ibid*, VI, 21.

destroyed the Ka'ba and entered Mecca and Abdullah ibn Zubayr, the Emir of Mecca, was killed. When the caliph Abdulmalik was informed of the situation he ordered that the additions made by Abdullah Ibn Zubayr should be restored and the Ka'ba should be repaired from the foundation.

Repair of Ka'ba by Sultan Murad IV: During the reign of the Ottoman Sultan Murad IV (1623 to 1640), water entered the Ḥaram al-*Sharīf* due to flooding and heavy rains, some walls were demolished and the ground was filled with stones and sand at the height of a man. The situation was reported to Istanbul and Naqīb al-Ashrāf Mehmet Efendi from Ankara was sent to the Hijaz. The foundation stones laid by Ibrahim were recovered and repaired. However, the upper part of *Hajar al-Aswad* was damaged so it was repaired and placed into a copper casing for protection.



II – EVIDENCE OF *HAJJ* BEING MADE OBLIGATORY IN ISLAM

The origins of pilgrimage are based on the Prophet Ibrahim's practices, as he and his son Ismā'il (*as*) built the Baytullāh and started the performance of pilgrimage for the first time. In the following verses, the following is stated about the beginning of the pilgrimage:

“Behold! We gave the site, to Abraham, of the (Sacred) House, (saying): ‘Associate not anything (in worship) with Me; and sanctify My House for those who compass it round, or stand up, or bow, or prostrate themselves (therein in prayer).’”

“And proclaim the Pilgrimage among men: they will come to thee on foot and (mounted) on every kind of camel, lean on account of journeys through deep and distant mountain highways”

“That they may witness the benefits (provided) for them, and celebrate the name of Allah, through the Days appointed, over the cattle which He has provided for them (for sacrifice): then eat ye thereof and feed the distressed ones in want. Then let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House.”²²³⁷

Until the city of Mecca was conquered in 630 CE by the Muslim army, the Ka'ba was full of idols and was visited by the polytheists in their own way. In this regard, the first verse in this regard ***“And complete the Hajj or 'umra in the service of Allah”***,²²³⁸ which was revealed in the 6th year of the Hijra, commanded the completion of the *Hajj* and *'umra* that had already begun. As a matter of fact, that year, the Messenger of Allah, together with about 1400 Companions, entered the state of *ihrām* for *'umra* and came to Hudaibiya, but when the Meccan polytheists did not allow them to perform *'umra*, they returned by signing the “Hudaibiya Treaty”. According to this treaty, the following year, this *'umra* that was left incomplete was made up.

According to the sound view, the pilgrimage in Islam was first made obligatory in the 9th year of Hijrah. The evidence on which this view is based is the following verse, ***“Pilgrimage thereto is a duty that men owe to Allah, those who can afford the journey.”***²²³⁹ That year, the Prophet appointed Abu Bakr (*ra*) the emir of pilgrimage, but he did not himself participate in the pilgrimage. The Farewell pilgrimage that he performed in the tenth year of Hijrah is the only pilgrimage he performed.

The following is stated in the hadiths:

2237. Al-Ḥajj, 22: 26-29.

2238. Al-Baqara, 2: 196.

2239. Āl 'Imrān, 3: 97.

*“(The superstructure of) al-Islam is raised on five (pillars), i.e. Allah (alone) should be worshipped, and (all other gods) beside Him should be (categorically) denied. Establishment of prayer, the payment of zakāt, the Pilgrimage to the House, and the fast of Ramadan (are the other obligatory acts besides the belief in the oneness of Allah and denial of all other gods).”*²²⁴⁰

When the above-mentioned verse, which states that *hajj* is obligatory, was revealed, the Messenger of Allah (saw) addressed his companions and said, “Allah, the Mighty and Sublime, has enjoined upon you Hajj.” A man said, “Every year?” The Prophet (saw) remained silent until he repeated it three times. Then he said, “If I said yes, it would be obligatory, and if it were obligatory you would not be able to do it. Leave me alone so long as I have left you alone. Those who came before you were destroyed because they asked too many questions and differed from their prophets. If I command you to do something then follow it as much as you can, and if I forbid you to do something then avoid it.”²²⁴¹

In a narration from Ibn Abbas (ra), it is stated that the one who asked the question was Aqra' ibn Hābis, and the following addition is included, “Whoever performs more than one pilgrimage, it will be a supererogatory pilgrimage.”²²⁴² This hadith shows that it is not necessary to repeat the *hajj* as *fard*. Muslim jurists agree that *hajj* is not obligatory more than once and that performing more than one *hajj* is considered supererogatory.²²⁴³

In another hadith, the following is stated, “Alternate between Hajj and 'umra; for those two remove poverty and sins just as the bellows remove filth from iron, gold, and silver - and there is no reward for al-Hajj al-Mabrūr except for Paradise.”²²⁴⁴

In some cases, it may be necessary to perform more than one pilgrimage. That is to perform a votive pilgrimage and to make up an invalidated supererogatory pilgrimage. Sometimes, performing *hajj* becomes *ḥaram* like performing pilgrimage with *ḥaram* money. Sometimes it becomes *makrūh*, such as performing pilgrimage without the permission of parents who needs looking after. Moreover, it is *makrūh* for a debtor or a guarantor, who does not have any other property to pay his debt, to perform *Hajj* without the permission of the creditors. According to the Ḥanafis, this is a reprehensibility close to *ḥaram*.

According to the Ḥanafis, the Shafi'is, and the Malikis, the pilgrimage performed with *ḥaram* money is valid even though it is a bad deed. These three schools have compared such a pilgrimage to the prayer performed on usurped land. Even though such a pilgrimage's reward and virtue are reduced, the responsibility to perform obligatory or supererogatory pilgrimage is relinquished from that person. However, according to the Ḥanbalis, the *hajj* performed with *ḥaram* money is not valid since this school does not consider the prayer to be performed on usurped land valid, either.²²⁴⁵

2240. Al-Bukhari, Imān, 1, 2; Muslim, Imān, 19-22; al-Tirmidhī, Imān, 3; al-Nasā'ī, Imān, 13.

2241. Muslim, Hajj, 412; al-Nasā'ī, Manāsik, 1; Ahmad ibn Ḥanbal, II, 508.

2242. Ibn Ḥanbal, II, 508; al-Nasā'ī, Manāsik, I; al-Shawkanī, *ibid*, IV, 279.

2243. Ibn al-Humām, *Fath al-Qadīr*, Cairo 1316, II, 122; al-Shawkanī, *ibid*, IV, 280.

2244. Al-Tirmidhī, Hajj, 2; al-Nasā'ī, Hajj, 6; Ibn Maja, Manāsik, 3.

2245. Al-Kasani, *Badā'iy 'al-Ṣanā'ī*, II, 223; al-Zuhaylī, *ibid*, III, 223.

III – IS *HAJJ* REQUIRED TO BE PERFORMED IMMEDIATELY (*FAWRĪ*) OR CAN IT BE PERFORMED LATER IN LIFE (*‘UMRĪ*)

According to Abu Ḥanīfah, Abu Yusuf, Imam Malik, and Aḥmad Ibn Ḥanbal, a pilgrimage is an act of worship that needs to be performed immediately. In other words, a believer who fulfills the necessary conditions must perform this worship in the first coming pilgrimage season. If he delays the pilgrimage to the following years, he becomes a sinner and his testimony in court will not be accepted. This is because delaying the pilgrimage is one of the minor sins, and insisting on it for years leads to committing a major sin. If such a person becomes poor before performing a pilgrimage, it is hoped that he will receive divine forgiveness if he borrows money and performs the pilgrimage. As the verses about the pilgrimage indicate that the pilgrimage should be performed without delay, the following hadiths also support it, “*Whoever intends to perform Hajj, let him hasten to do so, for he may fall sick, lose his mount, or be faced with some need.*”²²⁴⁶ “*Let a person die as a Jew or a Christian if he does not perform the pilgrimage without the hindrance of illness, urgent need, distress, or a sultan who oppresses the faith.*”²²⁴⁷

According to the Shafī‘is and Imam Muhammad, *hajj* can be performed later in life (*tarākhī*). In other words, the one who meets the necessary conditions for pilgrimage does not have to perform this worship in the first coming pilgrimage season. However, it is Sunnah for such a person to perform *Hajj* or ‘*umra* without delay. For performing deeds that are considered obedience without delay and hastening in good deeds are among the characteristics that Islam recommends. It is commanded in a verse, “*...then strive together (as in a race) Towards all that is good...*”²²⁴⁸ A person for whom the pilgrimage is obligatory may delay it to another year for reasons such as building a home, marrying his children, or even for no reason since although *Hajj* was made obligatory in the 9th year of Hijrah, the Prophet delayed it to the 10th year without any excuse. If it were not permissible to delay it, he would not have delayed it. This view is more appropriate as it will provide convenience to Muslims. For, besides the fact that the hadiths on which the majority of Islamic jurists are based do not give any definite orders, it is known that *hajj* was made obligatory in the 9th year of the Hijra and that the Messenger of Allah performed the pilgrimage in the 10th year of the Hijra.²²⁴⁹



2246. Abū Dawūd, *Manāsik*, 5; Ibn Maja, *Manāsik*, 1; Ibn Ḥanbal, I, 214, 225.

2247. Al-Shawkanī, *ibid*, IV, 284.

2248. Al-Baqara, 2: 148.

2249. Al-Shīrāzī, *Muḥadhdhab*, I, 199; al-Zuhaylī, *ibid*, III, 17, 18.

IV – CONDITIONS FOR *HAJJ* TO BE OBLIGATORY

For a person to be obligated to perform *hajj*, the following conditions must be met:

1) Being a Muslim: Non-Muslims are not obligated to perform *Hajj*. Therefore, if a non-Muslim converts to Islam after performing a pilgrimage for any reason, he must perform the *Hajj* again when he or she meets all other conditions. Likewise, if a Muslim converts out of religion after the pilgrimage and then repents and converts back to Islam, he too must perform *Hajj* again when he meets the other conditions.

2) Being sane and adolescent: Children and mentally ill people are not obligated to perform the pilgrimage. This is because they are not held responsible for religious rules. *Hajj* or *‘umra* performed by a mentally ill person is not valid because he or she does not have the capacity to perform acts of worship. If these two perform *Hajj*, then if the child reaches puberty, and if the mentally ill person recovers, *Hajj* will be obligatory upon them. Furthermore, *hajj* performed by a child before puberty is considered supererogatory. The following is stated in the hadith, “*There are three people whose actions are not recorded a sleeping person till he awakes, a child till he is a grown-up and an insane person till he is restored to reason or recovers his sense.*”²²⁵⁰ However, mental illness, fainting, drunkenness, and sleep do not remove the command of *ihrām*.²²⁵¹

3) Being free: *Hajj* is not obligatory for a slave, a captive, or a prisoner since pilgrimage is an act of worship that requires a long journey and requires one to be able to travel. No one who does not possess freedom or is restricted is able to perform it.

4) Time: *Hajj* can be performed once a year and at a time determined by Islam. For this reason, pilgrimage is not obligatory for a person unless he reaches the certain times for ritual standing in the plain of Arafat and obligatory circumambulation. The following verses show that pilgrimage is timely worship, “*They ask thee concerning the New Moons. Say: They are but signs to mark fixed periods of time in (the affairs of) men, and for Pilgrimage.*”²²⁵², and “*For Hajj are the months well known.*”²²⁵³ The Prophet (saw) made the Farewell pilgrimage with his companions in the month of *Dhu’l-Hijja* and made the following call regarding the pilgrimage, “*Take the rites of pilgrimage from me, perform the pilgrimage as you see me performing it.*”²²⁵⁴ According to the Hanafis and the Hanbalis, the months of pilgrimage are the months of Shawwal and *Dhu’l-Qa’dah* and the first ten days of *Dhu’l-Hijja*.

2250. Abū Dawūd, *Hudūd*, 17; Ibn Maja, *Ṭalāq*, 15.

2251. Al-Kasānī, *ibid*, II, 120-122, 160; Ibn al-Humām, *ibid*, II, 120 ff.; al-Maydānī, *ibid*, I, 177; Ibn Rushd (Averroes), *ibid*, I, 308 ff.; Ibn Qudāmah, *ibid*, III, 218, 222, 241, 248-250.

2252. Al-Baqara, 2: 189.

2253. Al-Baqara, 2: 197.

2254. Muslim, *Hajj*, 310.

Times outside this period are not suitable for entering the state of *ihrām* for the *fard hajj* and for performing the rites of *hajj*. However, if one enters the state of *ihrām* before these months with the intention of *hajj*, the *ihrām* will be valid and the pilgrimage will be valid. Its evidence is the following verse, **“And complete the Hajj or ‘umra in the service of Allah.”**²²⁵⁵ Therefore, it is not permissible to do anything from the rites of *hajj* before the months of *hajj* commence. According to the Ḥanafis, the state of *ihrām* is a condition, and putting it forward is like putting the performance of *wuḍū* before the time of prayer. Because the state of *ihrām* is the prohibition of certain things and making certain things obligatory on the person who will perform the *Hajj*. Again, this would be like entering the state of *ihrām* before coming to the places of *mīqāt*.

According to the Malikis, the months of pilgrimage are exactly three months. The time to enter the state of *ihrām* for *Hajj* starts from the beginning of Shawwal, that is, on the first night of Eid-al-Fiṭr, and continues until dawn on the morning of Eid al-Aḍḥā. If a person stays in the plain of Arafat for a moment before dawn on the morning of Eid, he will have attained the rites of pilgrimage. However, there will be some other rites of *Hajj* like the obligatory circumambulation and *sa’y* that will remain to complete.²²⁵⁶

5) Being able to perform the Hajj (istiṭā’a): This could be about body, property, or road safety. In the verse, **“Pilgrimage thereto is a duty that men owe to Allah, those who can afford the journey.”**²²⁵⁷ The expression “who can afford the journey” in this verse includes the elements of “physical ability and enough wealth (*istiṭā’a*) and road safety” according to the Ḥanafis. These are the conditions for the performance of pilgrimage. Ibn Abbas interpreted “*istiṭā’a*” as the existence of the provisions (*zād*) and mount (*rāhila*). Since the pilgrimage is an act of worship performed only on certain days in Mecca and its surroundings, the obligation is conditional upon sufficient physical and financial means. Because Islam does not impose a burden on a person that he cannot bear.²²⁵⁸ “*Istiṭā’a*” refers “to be able and able to do something” meaning that the person who will go on a pilgrimage must have sufficient time for pilgrimage and the financial power to provide for himself and his dependents in accordance with their social level until he returns.

If a poor person who comes from outside the *mīqāt*s limits arrives at Mecca due to a job such as being a worker, driver, assistant, butcher, or with the opportunities provided by someone else, on the day of Arafat at the latest, he will be like a Meccan and he will have performed the obligatory pilgrimage because he has the ability to perform the *hajj*.²²⁵⁹



2255. Al-Baqara, 2: 196.

2256. Ibn al-Humām, *ibid*, II, 220 ff.; Ibn Qudāmāh, *ibid*, III, 271; al-Shīrāzī, *Muḥadhdhab*, I, 200; al-Zuhaylī, *ibid*, III, 63-65.

2257. Āl ‘Imrān, 3: 97.

2258. Al-Baqara, 2: 286.

2259. Ibn Abidīn, *ibid*, IV, 424.

V – CONDITIONS FOR THE VALID PERFORMANCE OF *HAJJ*

A - COMMON CONDITIONS

1) Being healthy

According to Abu Ḥanīfa and Imam Malik, since being healthy is a condition of the obligation to perform *Hajj*, *Hajj* is not obligatory upon a person who is not healthy. Therefore, they do not need to send a proxy on their behalf.

According to Abu Yusuf, Imam Muhammad, Imam Shafi‘i, and Ḥanbali jurists, those who have a permanent illness or disability that prevents them from going to *hajj*, despite meeting the above-mentioned conditions for obligation, should send a proxy on their behalf or make a will if they cannot find the opportunity to perform it. Blindness, handicap, and illness or old age that inhibit the performance of the pilgrimage are listed among the diseases and disabilities that actually prevent pilgrimage. However, if their incapacity is recovered after sending a proxy on their behalf, they must still perform the pilgrimage themselves.²²⁶⁰

2) Road safety:

According to the opinion that is the basis of the preferred view in the Ḥanafī and the Ḥanbali schools, the existence of road safety is one of the conditions of the valid performance of the pilgrimage. According to the Shafi‘is and the Malikis, road safety is accepted within the scope of “*istiṭā‘a*” and regarded among the conditions of making pilgrimage obligatory. The widespread contagious disease, war conditions that may affect pilgrims, bandit raids, and the risk of being killed on the roads can be counted among the situations that remove road safety.

Road safety for women occurs when she goes to pilgrimage together with a *maḥram* man (permanently prohibited to get married to), who is a sane, adolescent or *murāhiq* (a boy between the ages of 12 and adolescence) from the blood or *ṣihrī* (relationship born by marriage contract) relatives or her husband. It is considered *makrūh* close to Ḥaram, for a woman to perform a pilgrimage to Mecca for three days and three nights (a journey distance) or from a farther place, without her husband or a *maḥram* relative. However, the pilgrimage of a woman who performs *hajj* without a *maḥram* is permissible with reprehensibility. The presence of a *maḥram* is a condition of the obligation to perform the pilgrimage. Some say that it is the condition of its valid performance. Due to widespread mischief today, a woman cannot travel with her milk brother. This is because it is *makrūh* to be alone (*khalwah*) with a milk relative, as is the case with young *ṣihrī*

2260. Ibn Abidīn, *ibid*, IV, 422.

(marriage) relatives. The Shafi'is add to this the principle that "a woman can perform *Hajj* together with other trustworthy women in the caravan".²²⁶¹

3) Absence of an external impediment to performing *Hajj*:

A situation that prevents travel, such as detention or a ban on going abroad, coincides with the pilgrimage season, which also hinders the performance of the pilgrimage. Even if such a person meets the other conditions, he or she delays the pilgrimage to the following years.

B – SPECIAL CONDITIONS REGARDING WOMEN:

Although not directly related to the performance of *Hajj*, two more conditions were added as a result of other provisions regarding women only, i.e. having her husband or a *maḥram* relative with them, and not being in the waiting period. We will briefly describe them below.

1) The presence of the woman's husband or another close male relative with the woman:

According to the Ḥanafis, women who have to travel a distance that the provisions of being on a journey apply cannot go on a pilgrimage alone. In such a case, they must have their husband or a *maḥram* relative with them for *Hajj* to be obligatory upon them. It is stated in the hadiths, "*A Muslim woman must not make a journey of a night unless she is accompanied by her husband or by a man who is within the prohibited degrees.*"²²⁶² Furthermore, it is commanded in another hadith "*A woman should not perform Hajj unless her husband is with her.*"²²⁶³

The Shafi'is, on the other hand, consider the pilgrimage necessary for women when they are with other trustworthy women. However, one woman is not enough as a companion. According to the Malikis, a woman can perform *Hajj* alone with her entrusted female friends or with men, or with a mixed group of men and women. The evidence on which these two schools are based is the general meaning of the following verse, "*Pilgrimage thereto is a duty that men owe to Allah, those who can afford the journey.*"²²⁶⁴. Therefore, if a woman is safe from harm against her and she meets the other conditions, *Hajj* becomes obligatory for her.

The term *maḥram* includes those who are forbidden to marry her permanently because of blood, marriage, or milk suckling. Like son, grandson, father, grandfather, milk son, milk brother, groom, father-in-law. Since being the husband of a sister, paternal or

2261. Al-Kasanī, *ibid*, II, 121-125; al-Maydanī, *Lubāb*, I, 177; Ibn Abidīn, *Radd al-Mukhtār*, II, 194-199; al-Shīrāzī, *ibid*, I, 196-198; al-Zuhaylī, *ibid*, III, 25-32.

2262. Al-Bukhārī. *Taqṣīr*, 4; Muslim, *Ḥajj*, 413; Abū Dawūd, *Manāsik*, 2.

2263. Al-Shawkanī, *ibid*, IV, 491.

2264. Āl 'Imrān, 3: 97.

maternal aunt creates a temporary impediment to marriage; it is not permissible to travel for pilgrimage with such in-laws.

This difference of opinion between the Shafi'is and the Malikis on the one hand and the other jurists on the other hand is specific to a journey to perform a *farḍ* act of worship, as in the case of *hajj*. It is unanimously accepted that voluntary journeys can not be compared with these. According to a narration from Ibn Abbas (ra), the Messenger of Allah (saw) said, "No man should stay with a lady in seclusion except in the presence of a *maḥram*." A man stood up and said, "O Allah's Messenger (saw)! My wife has gone out intending to perform the *Hajj* and I have been enrolled (in the army) for a such-and-such campaign." The Prophet (saw) said, "Return and perform the *Hajj* with your wife." ²²⁶⁵

2) Not being in the waiting period ('iddah):

A woman who is going to perform *hajj* should not be in the waiting period due to divorce or death. A divorced woman waits for the duration of three menses and cleansing, ²²⁶⁶ a woman whose husband dies waits for 4 months and 10 days, ²²⁶⁷ and a pregnant woman waits until childbirth. ²²⁶⁸ The following is stated in the Qur'an, "**Do not drive out the women you have divorced from their homes, so that they do not leave themselves.**" ²²⁶⁹ It is possible to perform *hajj* at another time, but the waiting period ('iddah) only takes place at a special time. ²²⁷⁰ According to the Ḥanafis, this condition, which is a condition of the validity of performance, is considered a condition for the pilgrimage being obligatory upon a person in other schools.

Those who meet all the conditions of the validity of performance must personally perform the pilgrimage, and if any of these conditions are not fulfilled, they must send a proxy (agent) or make a will to do so.

C – OTHER SITUATIONS THAT MAY BE AN OBSTACLE TO HAJJ

1) Parents

Parents can prevent their non-Meccan child from entering the state of *iḥrām* for supererogatory *hajj* or 'umra. However, they cannot prevent *farḍ hajj*. This is because obedience and service to parents are superior to supererogatory acts of worship. Moreover, it is sunnah to get permission from parents in *farḍ hajj*.

2265. Al-Bukhari, Nikāh, 111, Jihād, 140, 181; Muslim, Ḥajj, 424.

2266. Al-Baqara, 2: 228.

2267. Al-Baqara, 2: 234.

2268. Al-Talāq, 65: 4.

2269. Al-Talāq, 65: 1.

2270. Al-Zuhaylī, *ibid*, III, 36, 37.

2) Marriage

According to the majority of Muslim jurists, the husband cannot prevent his wife from performing the obligatory pilgrimage when she meets the other conditions. This is because *hajj* became *farḍ* in the first year of obligation. According to the Shafi'is, the husband can prevent his wife from performing both the obligatory and sunnah pilgrimage. For the right of the husband takes priority and *hajj*, on the other hand, can be performed at any time in one's lifetime.

3) Slavery

The master has the right to prevent his slave from performing both the obligatory and supererogatory pilgrimage. However, if the slave enters the state of *iḥrām* with his permission, he can no longer prevent him from completing the *hajj* or *'umra*.

4) Imprisonment

Being imprisoned unjustly or for debt despite being in financial distress is a hindrance to the performance of the *hajj*.

5) Indebtedness

The creditor may prevent the debtor who has no other property to make the pilgrimage to pay the due debt. Debts that do not come due do not constitute an obstacle to pilgrimage.

6) Being under the care of a guardian

A *safih* person cannot perform *hajj* without the permission of his guardian. *Safih* means a person who spends his wealth extravagantly without thinking thoroughly.

7) Prevention from performing Hajj (*iḥṣār*)

It is when a person who has entered the state of *iḥrām* for *hajj* or *'umra* has to end the state of *iḥrām* before completing the rites of *hajj* or *'umra* due to the enemy's hindrance, being imprisoned, or illness. Encountering such an obstacle is called "*iḥṣār*", and the person who encounters it is called "*muḥṣar*". A person in the state of *iḥrām*, who is unable to overcome the obstacle except by facing death or giving away his property, can leave the state of *iḥrām* after waiting for a while, which is long enough for the obstacle to be lifted. However, in such a case, he has to offer a sacrifice.

8) Illness

According to Abu Ḥanīfa, if a person falls ill after entering the state of *iḥrām*, he is considered *muḥṣar* and can leave the state of *iḥrām*. According to Imam Shafi'i, Imam Malik, and Ahmad Ibn Ḥanbal, a person who falls ill while in the state of *iḥrām* remains in that state until he recovers, even if it takes a long time.²²⁷¹

2271. Al-Kasanī, *ibid*, II, 130; Ibn Qudāmah, *Mughnī*, III, 240; Ibn Abidīn, *ibid*, II, 200.

VI – CONDITIONS FOR THE VALIDITY OF *HAJJ*

For the pilgrimage to be valid, four conditions must be met:

1) Being a Muslim: This is a condition for both the *hajj* to become *farḍ* upon a person and its validity.

2) Special places: *Hajj* must be performed at distinct places in the plain of Arafat, Ka'ba, and its surroundings.

3) Special time: The ritual of standing at the plain of Arafat must be performed between the zenith on the day of Arafa, until dawn on the morning of the Eid al-Aḍḥā. Obligatory circumambulation can be performed anytime starting from the morning of Eid until the end of life. However, since it is *wājib* to perform the visiting circumambulation in the first three days of the feast, the penalty of carrying out sacrifice becomes necessary for those who leave the circumambulation to a later time, since it means abandoning a *wājib* act of pilgrimage.

4) The State of *Ihrām*: It means that a person, with the intention of *hajj* or '*umra*, makes certain acts and behaviors that are normally *ḥalāl* at other times unlawful for himself during the *hajj* or '*umra*. Among the people, the two pieces of cloth with which a man in the state of *ihrām* covers himself are also called "*ihrām*, *ihrām* towels".



VII – THE PLACES OF ENTERING THE STATE OF *IḤRĀM* (MĪQATS)

Mīqāt means the place and time of entering the state of *iḥrām*. Its plural is *mawāqīt*. As an Islamic legal term, it refers to special places around Mecca where pilgrims from various regions and countries enter the state of *iḥrām*. It is not permissible for a person to pass the place of *mīqāt* without entering the state of *iḥrām* for *hajj* or *‘umra*. Otherwise, it is necessary to return to the place of *mīqāt* or to offer a sacrifice as a penance.

On the other hand, according to the Ḥanafīs, it is permissible to enter the state of *iḥrām* before coming to the place of *mīqāt*. In fact, it is more virtuous to enter the state of *iḥrām* early if there will be no inconvenience. The verse **“And complete the Hajj or ‘umra in the service of Allah.”**²²⁷² indicates this point. Entering the *iḥrām* from the place where a person’s family lives without waiting to arrive at the place of *mīqāt* means performing the *hajj* and *‘umra* fully. Because the hardship increases the reward. As a matter of fact, it is reported that Ibn ‘Umar (*r. anhumā*) entered the state of *iḥrām* in Bayt al-Maqdis, Imran Ibn Husayn in Basra, Ibn Abbas in Damascus, and Ibn Mas‘ūd in Qadisiya.²²⁷³

According to the other three schools, it is more virtuous to enter the state of *iḥrām* at the borders of the *mīqāt* because it is in accordance with the sunnah.

As the Ka‘ba is called “*al-Baytu ‘l-Ḥaram*”²²⁷⁴ and the mosque surrounding it is called “*al-Masjid al-Ḥaram*”²²⁷⁵ in the Qur’an, the city of Mecca and its surroundings, in which this mosque is located, is also called “*ḥaram*”²²⁷⁶ meaning “honorable and respectable region”. Thus, the regions surrounding the Ka‘ba are divided into three from near to far, namely “*ḥaram* region”, “*hill* region” and “*afāq*”. The people enter the state of *iḥrām* according to the direction of their residence or their state from the Hijaz with the intention to perform *hajj* or *‘umra*.²²⁷⁷ These three regions they are coming from are arranged as follows:

A – RESIDENTS IN THE *ḤARAM* AREA

The respected and secure area with specific borders in and around Mecca is called the “*Ḥaram area*”. The inhabitants of this region are called *Makkī* (from Mecca). The boundaries of the Ḥaram area were determined by Ibrahim (*as*) under the guidance of

2272. Al-Baqara, 2: 196.

2273. Ibn Abidīn, *ibid*, IV, 464, 465.

2274. Al-Mā‘ida, 5: 2.

2275. Al-Isra, 17: 1.

2276. Al-Qaṣaṣ, 28: 57; al-Ankabūt, 29: 67.

2277. Al-Kasaṣ, *ibid*, II, 163 - 167; Ibn al-Humām, *ibid*, II, 131-134; al-Maydanī, *Lubāb*, I, 178 ff. ; al-Shīrāzī, *Muḥadhdhab*, I, 202-204; Ibn Qudāmah, *Mughnī*, III, 257.

Jibril (*as*), and the signs indicating the boundaries were later renewed by the Prophet Muhammad (*saw*). These borders are not equidistant from the Ka'ba. The closest one "Tan'im" is at a distance of 8 km from Mecca in the direction of Medina; The farthest ones are "Ji'rana" in the direction of Taif and "Ashāir" near Hudaybiya in the direction of Jeddah. Others are "Thaniyyat al-Jabal" on the way to Iraq, "Adātu libn" on the way to Yemen, and "Batn al-Namira" on the border of Arafat.

Residents of Mecca enter the state of *iḥrām* for pilgrimage at the place where they reside or from any place within the boundaries of the *Ḥaram* region. The Prophet (*saw*) ordered the Companions residing in Mecca to enter the state of *iḥrām* from inside Mecca for *hajj*.²²⁷⁸ This is the ruling about those who have a house outside Mecca, within the borders of the *Ḥaram* region.

Meccans go to the Ḥill region for 'umra and enter the state of *iḥrām* from a place outside the *Ḥaram* region, such as Tan'im or Arafat. However, according to the Ḥanafis and the Ḥanbalis, the most virtuous place to enter the state of *iḥrām* for 'umra is "Tan'im", then "Ji'rana", then "Hudaybiya". As a matter of fact, the Messenger of Allah (*saw*) told Aisha (*r.anha*), who had missed her 'umra due to her menstruation in the Farewell pilgrimage, to make it up by entering the state of *iḥrām* from Tan'im after the Eid al-Aḏḥā. During this time Aisha was accompanied by her brother Abdurrahman.²²⁷⁹ Tan'im is at a distance of 8 km from the center of Mecca. It is the closest place to the Ka'ba in the *Ḥill* region, and it is the place where the locals of Mecca enter the state of *iḥrām* for 'umra.

When non-Meccan people (those from āfāq or Ḥill region) want to perform *hajj* or 'umra after leaving the state of *iḥrām* and want to perform 'umra again, like Aisha, they go out of the *Ḥaram* region and enter the state of *iḥrām*, for example in Tan'im or Arafat.

B – RESIDENTS OF ḤILL REGION

The area between the *Ḥaram* area and the area surrounded by the five *mīqāt* places is called the "Ḥill area". The inhabitants of this region are called "*mīqātī* or *ḥillī*". The place of entering the state of *iḥrām* (*mīqāt*) for *hajj* or 'umra is the place where their families live or any place of his choice to enter the state of *iḥrām* between *mīqāt* places and the *Ḥaram*. Evidence on which this is based is the verse that commands completing *hajj* and 'umra for the sake of Allah.²²⁸⁰ This is the view of Ali and Ibn Mas'ūd (*r. anhum*). The Ḥanafis have adopted this view as well. According to Imam Malik, these people's *mīqāt* place is their own house.

2278. Al-Zaylaī, *Naṣb al-Rāya*, III, 16.

2279. Al-Bukhari, *Jihād*, 125, *Umrah*, 6; Muslim, *Hajj*, 135, 136; Aḥmad ibn Ḥanbal, III, 309, 394; al-Tirmidhī, *Hajj*, 91.

2280. See al-Baqara, 2: 196.

C – THOSE COMING FROM OUTSIDE THE AREA SURROUNDED BY *MĪQĀTS* (*ĀFĀQĪ*)

The Prophet (*saw*) determined five points that should not be passed without entering the state of *iḥrām*, depending on the region or country they came from, for those living outside the *mīqāt* places in Arabia and those who come to the Hijaz with the intention of pilgrimage or *‘umra* from abroad. Each one of these places is called “*mīqāt*”. The places bordered by these points and outside the Ḥill region are called “*Āfāq*”, and the people living in these places are called “*Āfāqī*”. It was narrated by Ibn Abbas (*ra*) that he said, “The points that the Messenger of Allah (*saw*) determined as the place to enter *iḥrām* are as follows: Dhu al-Hulayfa for the people of Madinah, Juhfa for the people of Damascus, Qarn al-Manāzil for the people of Najd, and Yelemam for the people of Yemen. These are places of *mīqāt* for those who want to perform *hajj* and *‘umra* and for travelers from other towns coming from the direction of the specified region or countries. Those who live within the boundaries of *mīqāt* enter the state of *iḥrām* in places where their families live. On the other hand, the people of Mecca enter *iḥrām* in Mecca.”²²⁸¹ In a hadith recorded by Muslim, which was narrated from Jabir Ibn Abdillah (*ra*) as a *marfū*, Dhatu Irq was added as a place of *mīqāt* for Iraqis.²²⁸²

These places of entering the state of *iḥrām*, whose distance from Mecca varies between 54 km and 450 km are as follows from farthest to the nearest:

MĪQĀT LOCATIONS

1. Dhul-hulayfa: It is the *mīqāt* of those who came to Mecca via Medina. It is at a distance of about 10 km from Medina and 450 km from Mecca. This is the farthest place of *mīqāt* from Mecca. During the Farewell Pilgrimage, the Prophet (*saw*) entered the state of *iḥrām* at this *mīqāt*, which is also still called *Ābār al-‘Alī* (Ali’s wells).

2. Juhfa: It is the *mīqāt* of those who came by sea from Turkey, Syria, Egypt, Maghrib, and Europe. It is about 187 km away from Mecca.

3. Dhatu Irq: It is the *mīqāt* place for those who came from Iraq and other eastern countries. Its distance from Mecca is about 94 km.

4. Qarn al-Manāzil: It is the *mīqāt* of those coming from the direction of Najd and Kuwait, today it is called Sayl and is approximately 96 km away from Mecca.

5. Yalamlam: It is the *mīqāt* for those coming from Yemen. It is located in the south of Mecca and its distance from Mecca is about 54 km. This is the closest *mīqāt* to Mecca.

Those who come from the direction of Suez via the Red Sea enter the *iḥrām* in a place parallel to the place called Rabigh near Juhfa. Those who come to Jeddah by air, on

2281. Al-Bukhari, Ḥajj, 5, 7, 9, 11, 12, Sayd, 18; Muslim, Ḥajj, 11, 12; Abū Dawūd, Manāsik, 8; al-Nasā’ī, Manāsik, 19, 20-23; Aḥmad ibn Ḥanbal, I, 238.

2282. Muslim, Ḥajj, 18; See al-Bukhari, Ḥajj, 13; Abū Dawūd, Manāsik, 8.

the other hand, enter *ihrām* by making intentions and reciting *talbiyah*, without crossing the line of the *mīqāt* in the direction that they arrived.

Since the Prophet (*saw*) determined the places to enter the state of *ihrām*, every Muslim who comes for *hajj*, *'umra*, trade, work, treatment, or any other purpose must have entered *ihrām* at these places or somewhere earlier. If the road does not pass through these points, one enters the state of *ihrām* in any place in the alignment of these points.

Those who are inside the *mīqāt* places can enter Mecca without entering the state of *ihrām*. However, when they want to perform *hajj* or *'umra*, they must enter *ihrām* from where they are. Those who are within the *mīqāt* limits but outside Mecca, enter the state of *ihrām* wherever they are located. Those who live in Mecca, on the other hand, enter *ihrām* in their own house. The place of *ihrām* for *'umra* for the residents of the Hīll region and the Hāram region is any place in the Hīll region.

If a person who comes from outside for *hajj* or *'umra* passes the *mīqāt* place without entering the state of *ihrām*, he either sacrifices an animal or returns and enters the *ihrām* at the *mīqāt* place. There is nothing required from a person who does not intend to enter Mecca to pass the *mīqāt* without entering the state of *ihrām*. Such is the situation today for those who go to Jeddah for such purposes as travel, work, or trade, or who pass the *mīqāt* by land or air in transit. If they decide to perform *hajj* or *'umra* while they are within the *mīqāt* limits, they will enter *ihrām* from where they are, depending on their status in the Hīll region.



VIII – IḤRĀM

Iḥrām literally means “to forbid, to deprive oneself of, to enter a place and a time to be respected and to respect them”. It is described as a term of pilgrimage with the following meaning: It is the person who intends to perform *hajj* or ‘*umra* forbids certain acts and behaviors that are normally permissible for him at other times, until the end of the *hajj* or ‘*umra*. Just as the ritual prayer begins with the “opening *takbīr*” called “*taḥrīm*”, the pilgrimage begins with the process of “*iḥrām*”, which as a term comes from the same Arabic root. Entering the state of *iḥrām* is a kind of “*takbīr* of starting the pilgrimage”. By entering the state of *iḥrām*, some things that are normally permissible to do outside *hajj* or ‘*umra* become prohibited. Violation of the “prohibitions of the state of *iḥrām*”, can be grouped into five main categories, such as abandoning bad words and behaviors, rules related to attire, rules related to sexual life, and rules related to hunting and vegetation in the surrounding area. These violations require penalties that vary according to the type of infringed prohibition. These include sacrificing an animal, giving alms, and fasting.

According to the Ḥanafīs, *iḥrām* is not one of the essential pillars (*rukn*) of pilgrimage but rather a condition (*shart*). Entering the state of *iḥrām* ensues with making intention and invocation of the *talbiyah*. The process of this act of worship begins by making an intention for *hajj* or ‘*umra* or both and entering the state of *iḥrām* by intoning *talbiyah* for the sake of Allah.

A – ESSENTIAL PILLARS (ARKĀN) OF IḤRĀM

According to the Ḥanafīs, there are two essential pillars of *iḥrām*: intention and *talbiyah*. A person who abandons one of these pillars does not enter the state of *iḥrām*. According to the other three schools, only the intention is sufficient to enter the state of *iḥrām*.

1) Intention

The intention is to decide whether to perform *hajj* or ‘*umra* by determining which one is to be performed. It is *mustaḥab* to express the intention with the tongue. Intention can be made in everyone’s native language. As a matter of fact, while Ibrahim and his son Ismā‘il (*as*) were building the Ka‘ba, they prayed saying, **“Our Lord! Accept (this service) from us: For You are the All-Hearing, the All-knowing.”**²²⁸³ Since the duration of *hajj* and ‘*umra* is long, “facilitation” is asked. Acts of worship such as ritual prayer are short and do not require such supplication.

2283. Al-Baqara, 2: 127.

The rites of *hajj* and '*umra* begin with entering the state of *iḥrām*. If it is not reprehensible time to perform it, a two-cycle *iḥrām* prayer is performed after performing minor or major ablution at the *mīqāt* place. It is more virtuous to recite *surah* "al-Kafirūn" in the first cycle and *surah* "al-Ikhlās" in the second cycle of this prayer. After that, the person who will only perform the pilgrimage (*hajj al-ifrād*) says, "**Allahumma innī urīdu 'l-hajja, fayassirhu lī wa taqabbalhu minnī**" (O Allah! I want to perform pilgrimage for Your sake. Make it easy for me and accept it from me) and I only intend to do the pilgrimage. The person who will perform *hajj al-tamattū'* (first '*umra* then *hajj* in separate states of *iḥrām*) makes an intention by saying, "**Allahumma innī urīdu 'l-'umrata fa yassirha lī wa taqabbalha minnī**" (O Allah! I want to perform '*umra* for Your sake. Make it easy for me and accept it from me). Before going to the plain of Arafat, while entering the state of *iḥrām* for *hajj* in Mecca on the 8th day of *Dhu 'l-Hijja*, he makes an intention to do the pilgrimage just as the first intention mentioned above. The person who will perform the *hajj al-qirān* ('*umra* and *hajj* together in the same state of *iḥrām*), on the other hand, makes an intention as follows: "**Allahumma innī urīdu 'l-'umrata wa 'l-hajja, fa yassirhumā lī wa taqabbalhumā minnī**" (O Allah! I want to perform '*umra* and pilgrimage together for your sake. Make them easy for me and accept them from me.)

According to the Ḥanafis, a person's entrance to the state of *iḥrām* is valid when he intends to visit the Ka'ba and the surrounding holy places and when he enters the state of *iḥrām*, even if he does not determine with his heart and tongue whether he intends to carry out the pilgrimage, '*umra* or both. It is sufficient for such a person to determine whether his worship is *hajj* or '*umra* before starting circumambulation. If he commences circumambulating without making such a determination, he is accepted to have entered the state of *iḥrām* for '*umra. If he goes directly to the plain of Arafat and performs ritual standing (*waqfa*) on the day of Arafat without making circumambulation, this *iḥrām* will be accepted for the pilgrimage and his pilgrimage will be the "*ifrād* pilgrimage".*

According to the Shafi'is, in such a case, the ambiguity in the intention must be cleared before starting any of the rituals related to *hajj* and '*umra, for example, circumambulation. Otherwise, the rituals made do not gain value as *hajj* or '*umra because an act of worship is valid only if it is done with an intention.**

According to Abu Ḥanīfa and Abu Yusuf, if a person who has not performed the obligatory pilgrimage before intends to perform a supererogatory pilgrimage, this pilgrimage will be considered supererogatory. As a matter of fact, intending a pilgrimage or a votive pilgrimage on behalf of someone else does not affect the obligatory pilgrimage and he will be performing the pilgrimage to which he intends. According to Imam Muhammad and Imam Shafi'i, in such a case, the pilgrimage to be performed with the intention of a supererogatory pilgrimage turns into a *farḍ* pilgrimage.²²⁸⁴ The evidence is based upon the comparison of the issue of pilgrimage to the issue of intending a voluntary fast during the

2284. Ibn Abidīn, *ibid*, IV, 483, 484.

month of Ramadan. As a matter of fact, even if one intends to do supererogatory fasting in Ramadan, the fast to be observed will be accepted as Ramadan fasting.

2) *Talbiyah*

Talbiyah means uttering certain words that determine the starting moment of the process of *hajj* or *umra*. *Talbiyah* is a kind of opening *takbīr* of the ritual prayer. It is reported that the Prophet (*saw*) performed the *talbiyah* after performing a two-cycle *ihrām* prayer.²²⁸⁵

After making the appropriate intention as stated above, the following *talbiyah* is recited:

لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْكَ، إِنَّ الْحَمْدَ
وَالنِّعْمَةَ لَكَ وَالْمُلْكَ، لَا شَرِيكَ لَكَ

“*Labbayk, Allāhumma labbayk. Labbayka lā sharīka laka labbayk. Inna’l-ḥamda wa’n-ni’mata laka wa’l-mulka, lā sharīka lak.*”²²⁸⁶

“Here I am [at your service] O Allah, here I am. Here I am [at your service]. You have no partners, here I am. To You alone is all praise and all excellence, and to You is all sovereignty. There is no partner to You.”

It is possible and permissible to make intention and *talbiyah* in Persian, Turkish, or in any other language.²²⁸⁷

It is necessary to say the *talbiyah* at least once before entering the state of *ihrām*. However, this necessity does not mean that it has to be with the exact words of *talbiyah* itself but refers to be with any phrase used to glorify Allah (*ta’zīm*). It is narrated that Aisha (*r.anha*) said in response to a question, “One can enter the state of *ihrām* with *tahlīl* and *talbiyah*.”²²⁸⁸ *Tahlīl* means uttering *kalima al-tawḥīd*, that is, “*La ilāha illallāh*” (There is no god but Allah).

According to the Ḥanafis, a person enters the state of *ihrām* when he makes intention at the place of *mīqāt* and recites the *talbiyah*. It is *mustaḥab* to intone the *talbiyah* frequently and to raise the voice from time to time. It can be recited when one reaches the time of the dawn, that is, the last sixth of the night, and after performing the prayers, when going down a road or going up, and when encountering friends. While performing *tawāf* and *sa’y*, *talbiyah* is not recited. Women do not raise their voices much while chanting the *talbiyah* and saying other supplications and remembrances of Allah.

2285. Al-Zaylaʿī, *ibid*, III, 21.

2286. Al-Bukhari, Ḥajj, 26, Libās, 69; Muslim, Ḥajj, 19, 147, 269, 271; al-Darimī, Manāsik, 22, al-Tirmidhī, Ḥajj, 97.

2287. Ibn Abidīn, *Radd al-Mukhtār* Trans. IV, 476.

2288. Malik, *Muwaṭṭāʾ*, Ḥajj, 52.

Reciting the *talbiyah*, according to the majority, except for the Malikis, ends with the throwing of the first pebble at the Jamra al-Aqaba on the first day of the Eid al-Aḍḥā, for this was how the Prophet practiced it.²²⁸⁹ The one who performs *ʿumra* stops reciting the *talbiyah* when he starts the circumambulation.

According to the Ḥanafīs and the Malikis, one may enter the state of *iḥrām* before the months of *hajj* commence. This is because, according to them, *iḥrām* is not an essential pillar of pilgrimage but rather a condition of its validity. As in other acts of worship, time is not required to have commenced in order to fulfill a condition.

According to the Shafi'is, it is not permissible to enter the state of *iḥrām* before the months of *hajj* commences, because *iḥrām* is not a condition but an essential pillar (*rukn*) of pilgrimage. The state of *iḥrām* entered before the pilgrimage months will be considered a state of *iḥrām* to perform an *ʿumra* because there is no specific time for *ʿumra*, one can always enter the state of *iḥrām* for *ʿumra*.

B – THE CONSEQUENCES OF ENTERING THE ḤARAM AREA WITHOUT ENTERING THE STATE OF *IḤRĀM*:

According to the Ḥanafīs and the Malikis, no matter what the purpose is, *āfāqīs* who come from outside the borders of *mīqāt* and go to the Ḥaram region, for example, Mecca, must enter the state of *iḥrām* before crossing the borders of *mīqāt*. This is because *iḥrām* has been made obligatory to show respect for this holy place. In this regard, there is no difference between those who come for *hajj* or *ʿumra* and those who come for other purposes such as trade, visits, or medical treatment. They leave the state of *iḥrām* after performing *hajj* or *ʿumra*.

If a person who crosses the *mīqāt* border in his daily clothes and stays like this for one day or one night, he is deemed to have violated the prohibition of *iḥrām* for one day and if he does not enter the state of *iḥrām* by going back to the place of *mīqāt* again, the penalty of offering a sacrifice is required.

According to the Shafi'is, for those (*āfāqīs*) who come from far away to the Ḥaram region without the intention of performing *hajj* or *ʿumra*, it is not *wājib* but *mustaḥab* to enter this region by entering the state of *iḥrām*. When the people of the Ḥill region are not going to perform *hajj* or *ʿumra*, they can enter and leave the Ḥaram area without entering the state of *iḥrām*. Those who are in the Ḥaram region, whether they are from Mecca or those who come from far away, can return to the Ḥaram region without entering the state of *iḥrām* when they go to the Ḥill region, for example, Arafat or Jeddah.

Āfāqīs who travel to any place in the Ḥill region, such as Jeddah, without the intention of going directly to the Ḥaram region, do not need to cross the borders of *mīqāt* in the state of *iḥrām*. If they later want to go to the Ḥaram region, for example to Mecca, they

2289. Al-Nasā'ī, Manāsik, 229; Ibn Maja, Manāsik, 69; Abū Dawūd, Manāsik, 27, 28; al-Tirmidhī, Ḥajj, 78, 79.

will be subject to the rule of those living in the Ḥill region. If they are going to perform *hajj* or *‘umra*, they enter *iḥrām* at where they stay or without crossing the border of the Ḥaram. If they do not have the intention to perform *hajj* or *‘umra*, they enter the Ḥaram region without entering the state of *iḥrām* and if they wish, they can circumambulate the Ka‘ba without being in the state of *iḥrām*.

For those who cross the *mīqāt* border without entering the state of *iḥrām* to make their visit to Medina before the pilgrimage, if they have to go to Mecca first after they land in Jeddah, they enter the state of *iḥrām* in Jeddah – before crossing the border of the Ḥaram region.²²⁹⁰

C – ACTIONS PROHIBITED IN THE STATE OF *IḤRĀM*

Some certain acts and behaviors are forbidden to those who enter the state of *iḥrām* until they leave the state of *iḥrām*. These are called “prohibitions of the state of *iḥrām*”. It is possible to group these prohibitions as follows:

1) Prohibitions related to the body

a) Shaving the hair or beard, trimming the mustache. The following is stated in a verse: **“Do not shave your heads until the offering (hady) reaches the place of sacrifice.”**²²⁹¹ Other parts of the body are compared to the head because a person in the state of *iḥrām* is defined as a person whose hair is messy and dusty.

b) Shaving, trimming and cleaning pubic and armpit hair and hair in other parts of the body.

c) Cutting nails.

d) To lubricate and dye hair, beard, and mustache for adornment purposes, to apply brilliantine and gel to the hair, and to use nail polish and lipstick for women. To apply perfume to the body or to the *iḥrām* clothes, and to use scented soap. The following is stated in the hadith, **“A person in the state of *iḥrām* should not wear clothes scented with fragrance and saffron.”**²²⁹² According to Abu Ḥanīfa, if applying scented or unscented oil covers a whole limb, a penalty is required.

2) Prohibitions related to clothing and articles of clothing

Prohibitions related to clothing are for men only. Women wear their daily clothes with the only exception that they do not cover their faces.

a) To wear stitched clothes and underwear.

2290. Komisyon, *İlmihal*, Diyanet, I, 522.

2291. Al-Baqara, 2: 196.

2292. Al-Bukhari, Ḥajj, 21, Libās, 8, 13; Muslim, Ḥajj, 1, 2.

There is no harm in placing such over the shoulders or getting covered with an article of such clothing such as a coat or overcoat without wearing it normally. Again, a belt worn on the waist, a bag hung on the shoulder, shoes with open tops and heels, or slippers worn on the feet are not included in the prohibition of *iḥrām*. Therefore, easiness is provided for those who cannot find such clothes. Ibn Abbas (ra) narrates that the Prophet said in Arafat, *“One who does not find shoes (to wear) he may wear stockings, but (only) after trimming them below the ankles.”*²²⁹³ However, a ransom is required for those who wear these because, according to the narration from Ibn Umar (ra), the Messenger of Allah explained what the *iḥrām* person cannot wear when asked about it. He (saw) said, *“One who is in the state of iḥrām should not wear a shirt, or a turban, or a cap, or trousers, or a cloth touched with perfume or with saffron, nor (should he wear) khuffs (leather socks), but in case he does not find shoes, (before wearing khuffs) he should trim them (in such a way) that these should become lower than the ankles.”*²²⁹⁴

Wearing a daily garment for a day or a night requires offering a sacrifice as a penalty. When the duration is shortened, the punishment turns into charity according to the length of wearing time.²²⁹⁵

According to the Shafi‘is and the Ḥanbalis, no compensation is required for anyone who has to wear them.

b) To cover the head and face, to wear a skullcap and similar things, to wrap a turban on the head.

The Prophet (saw) said to a Companion in the state of *iḥrām*, who fell from his camel and died during the performance of *hajj*, *“Do not cover his head for Allah will raise him on the Day of Resurrection pronouncing talbiyah.”*²²⁹⁶

When a woman enters the state of *iḥrām*, she covers her whole body except her head and face with a stitched dress. The woman’s face is kept open like the man’s head. The following is stated in the hadith, *“A woman in the state of iḥrām should not veil her face and should not wear gloves.”*²²⁹⁷ A woman differs from a man in three aspects in the state of *iḥrām*: she can wear stitched clothes, wear leather socks and cover her head.

c) Wearing gloves, socks, and shoes that cover the heels.

The following is stated in the hadiths: *“... A woman in the state of iḥrām should not wear gloves.”*²²⁹⁸, and *“A person in the state of iḥrām should not wear khuffs (leather socks), but in case he does not find shoes, (before wearing khuffs) he should trim them*

2293. Al-Bukhari, ‘Ilm, 53, Ḥajj, 21, Libās, 8, 13, 14, 37; Muslim, Ḥajj, 1, 5; al-Tirmidhī, Ḥajj, 18, 19; al-Nasā’ī, Manāsik, 30, 32-34, 37-39.

2294. Al-Bukhari, Ḥajj, 21, Libās, 8, 13, Muslim, Ḥajj, 1, 2; Ibn Ḥanbal, II, 4, 8.

2295. Ibn Abidīn, *ibid*, IV, IV, 489.

2296. Al-Bukhari, Janā’iz, 20, 21; Muslim, Ḥajj, 93, 94, 97-103; Abū Dawūd, Janā’iz, 80.

2297. Al-Bukhari, Sayd, 13; Abū Dawūd, Manāsik, 31; al-Tirmidhī, Ḥajj, 18; al-Nasā’ī, Manāsik, 33, 39.

2298. Al-Bukhari, Sayd, 13; Abū Dawūd, Manāsik, 31; al-Tirmidhī, Ḥajj, 18; al-Nasā’ī, Manāsik, 33, 39.

(in such a way) that these should become lower than the ankles.”²²⁹⁹ Wearing shoes that cover the heels is within the scope of the prohibitions of the state of *ihrām*.

3) Prohibitions related to sexual matters

a) To engage in sexual intercourse and behaviors such as kissing, flirting, and holding with lust, which usually leads to sexual intercourse.

The following is stated in the Qur'an, "**Hajj is [during] well-known months, so whoever has made hajj obligatory upon himself therein [by entering the state of ihram], there is [to be for him] no sexual relations (rafas) and no disobedience and no disputing during hajj...**"²³⁰⁰ The term "*rafas*" mentioned in the verse is an allusive word used for sexual contact and behaviors that lead to it. The Prophet said, "*Whoever performs hajj for Allah's pleasure and does not have sexual relations with his wife, and does not do evil or sins then he will return (after hajj free from all sins) as if he were born anew.*"²³⁰¹

According to the Ḥanafīs, it is permissible for a person in the state *ihrām* to marry and be engaged. However, the consummation of marriage should be delayed until after the *hajj* because the Messenger of Allah (*saw*) married Maymuna (*r. anha*) while he was in the state of *ihrām*.²³⁰² The majority of jurists hold the opposite view, and they say that the Prophet (*saw*) married Maymuna while he was not in the state of *ihrām*,²³⁰³ and they also rely on the following hadith, "*A person in the state of ihrām must neither marry himself, nor arrange the marriage of another one, nor should he make the proposal of marriage.*"²³⁰⁴

If a person who enters the state of *ihrām* for pilgrimage has sexual intercourse before ritual standing at Arafat, his pilgrimage will be invalid and he has to make up for it next year. He also sacrifices a sheep (*dam*) as a penalty. For acts such as kissing and touching with lust that lead to sexual intercourse, a sheep is required to be sacrificed with or without ejaculation. Except for the Malikīs, according to the majority, in this case, the pilgrimage does not become invalid.²³⁰⁵

b) To say things that provoke sensual feelings.

2299. Al-Bukhari, Ḥajj, 21, Libās, 8, 13, Muslim, Ḥajj, 1, 2; Ibn Ḥanbal, II, 4, 8.

2300. Al-Baqara, 2: 197.

2301. Al-Bukhari, Ḥajj, 4; Muḥṣar, 9, 10; Muslim, Ḥajj, 438; al-Nasā'ī, Ḥajj, 4; Ibn Maja, Manāsik, 3; Aḥmad ibn Ḥanbal, II, 229, 410, 484.

2302. Al-Bukhari, Sayd, 12, Nikāh, 30, Maghazi, 43; Muslim, Nikāh, 46, 47, 48; al-Tirmidhī, Ḥajj, 24.

2303. Al-Tirmidhī, Ḥajj, 23, 24; al-Darimī, Manāsik, 21; Aḥmad ibn Ḥanbal, VI, 393.

2304. Muslim, Nikāh, 41-45; Abū Dawūd, Manāsik, 38; al-Tirmidhī, Ḥajj, 23; al-Nasā'ī, Manāsik, 91.

2305. For more information see al-Kasānī, *Badā'iy al-Ṣanā'ī*, II, 183-206, 216-219; al-Shirāzī, *Muḥadhdhab*, I, 204-212; Ibn Qudāmah, *ibid*, III, 295-344; al-Shawkanī, *Nayl al-Awṭār*, V, 8,9; al-Zuhaylī, *ibid*, III, 230, ff. Ibn al-Humām, *Fatḥ al-Qadīr*, II, 255.

4) Hunting ban

It is forbidden to hunt all kinds of land game, whether its meat is edible or not inside and outside the Ḥaram region, nor is it allowed to show a hunter the game, help the hunt, or harm the game animals.

There are various verses in the Qur'an that inform the people of *iḥrām* about the prohibition of hunting and the types of penalties for those who do not comply with this prohibition.²³⁰⁶

Animals that are naturally wild, timid, and flee from humans are called game animals. Animals that are born and raised on land, even if they live in water, are considered land animals. It is not forbidden to hunt sea animals, and the slaughter of domestic animals such as chickens, sheep, and cattle is not prohibited in the state of *iḥrām*.

5) Prohibitions related to the Ḥaram area

Hunting of game animals, and cutting or plucking the plants in the city of Mecca and the surrounding area called *Ḥaram* is prohibited for anyone, whether in the state of *iḥrām* or not. There is no doubt that these prohibitions are a kind of coaching for believers in environmental protection.

6) Rebelling against Allah and treating people badly

Allah Almighty says, *"Hajj is [during] well-known months, so whoever has made hajj obligatory upon himself therein [by entering the state of ihram], there is [to be for him] no sexual relations and no disobedience and no disputing during hajj."*²³⁰⁷ It is stated in the hadith that the pilgrim who protects himself from such acts will be cleansed from his sins after the pilgrimage and will be sinless like on the day he was born from his mother's womb.²³⁰⁸ The two terms in the verse can be defined as follows:

a. *Fusūk*: To show disobedience to Allah and to do things that are considered rebellion.

b. *Jidāl*: Arguing with others, insulting, and fighting. Although such behaviors are always prohibited, they should be avoided more while in the state of *iḥrām*.

D – ACTIONS AND BEHAVIORS NOT PROHIBITED IN THE STATE OF *IḤRĀM*:

For the person in the state of *iḥrām*, bathing, using odorless soap, washing the *iḥrām* clothes, brushing teeth, wearing kohl, plucking a broken nail or a hair giving discomfort to the person, having a tooth extracted, having blood drawn, bandaging a wound, carrying

2306. See al-Mā'ida, 5: 1,2, 95-97.

2307. Al-Baqara, 2: 197.

2308. Al-Bukhari, Hajj, 4; Muḥṣar, 9, 10; Muslim, Hajj, 438; Al-Nasā'ī, Hajj, 4; Ibn Maja, Manāsik, 3; Aḥmad ibn Ḥanbal, II, 229, 410, 484.

a weapon, wearing a bracelet, earring or a watch, wearing a belt, hanging a bag on one's shoulder, covering oneself with a blanket or quilt at night, taking a garment like a jacket, coat, etc. on the shoulders to protect oneself from the cold, using an umbrella, sitting in the shade, hunting sea animals like fish, etc., killing animals and insects that are not considered game animals such as snakes, scorpions, mice, flies, ticks, and predatory animals, such as wolves and tigers, are not included in the scope of the prohibition.



IX – TYPES OF *HAJJ*

According to the Hanafīs, *hajj* is divided into three types; *fard*, *wājib*, and *sunnah*. It is obligatory for every Muslim who meets the necessary conditions to perform *hajj* once in their lifetime. If a person who is not obligated to perform *hajj* vows to perform *hajj*, it becomes *wājib* to fulfill this vow. Again, as in other supererogatory acts of worship, it is also *wājib* to make up for a supererogatory pilgrimage that is invalidated after it has started to be performed. *Hajj* performed by a person who has already performed the *fard hajj*, and a child who is not yet obliged to do so will be considered supererogatory. *‘Umra*, on the other hand, is a *sunnah* act of worship that can be performed outside of the months of *hajj*. *Hajj* is divided into three types according to the way of its performance, whether it is *fard* or *wājib*, *sunnah* or supererogatory: *hajj al-ifrād*, *hajj al-tamattū’*, and *hajj al-qirān*.

Hajj and *‘umra* can be performed individually, or they can be performed together during the months of the *hajj* of the same year. According to this, the pilgrimage is divided into three types as follows, depending on whether the *‘umra* is performed before the pilgrimage or not; and if it is performed before the pilgrimage, whether it is performed in a single state of *ihrām* or with separate states of *ihrām*.

A – *HAJJ AL-IFRĀD*

The pilgrimage performed without *‘umra* is called *hajj al-ifrād* (lit. singular pilgrimage). It got this name because only the pilgrimage is performed. During the months of *hajj*, those who do not perform *‘umra* before the *hajj* but enter the state of *ihrām* with the intention of *hajj* and only perform *hajj* will be performing a *hajj al-ifrād*. Anyone can perform *hajj al-ifrād*, whether they live within the limits of *mīqāt* or outside. The person who performs this pilgrimage stays in the state of *ihrām* until throwing pebbles at Jamra al-Aqaba on the first day of the feast. After that, he can leave the state of *ihrām* by shaving or shortening his hair. In *hajj al-ifrād*, it is not obligatory to slaughter the gratitude (*shukr*) sacrifice required by the *hajj*. However, those who wish can voluntarily sacrifice an animal to earn spiritual rewards. In *hajj al-ifrād*, *‘umra* is not performed before the *hajj*. When entering the state of *ihrām*, one makes an intention to perform only the pilgrimage and does not leave the state of *ihrām* until after shaving on the first day of Eid. The first circumambulation performed by those who perform *hajj al-ifrād* when they arrive at Mecca is called “*ṭawāf al-qudūm*”. Meccan people and those who are in the status of Meccans perform only *hajj al-ifrād*. If they perform the other two types of pilgrimage, i.e. *hajj al-tamattū’* or *hajj al-qirān*, they will have carried out a bad deed.

The verse that states the obligation of pilgrimage in the Qur'an, "**Pilgrimage thereto is a duty that men owe to Allah, those who can afford the journey.**"²³⁰⁹ primarily includes *hajj al-ifrād*. Although it is reported from the Companions such as Aisha and Ibn Umar (*r. anhum*) that the Prophet (*saw*) intended only for *hajj al-ifrād* in the Farewell pilgrimage,²³¹⁰ there are also strong narrations that he performed *hajj al-tamattū'* or *hajj al-qirān*.²³¹¹

B – HAJJ AL-TAMATTŪ'

The pilgrimage which is performed by first entering the state of *ihrām* for 'umra and completing the 'umra during the *hajj* months, and then entering the state of *ihrām* again for the *hajj* in the same year is called "*hajj al-tamattū'*". Here, 'umra and *hajj* are performed in a separate state of *ihrām*.

A person who will perform *hajj al-tamattū'* enters the state of *ihrām* with the intention of 'umra at the place of *mīqāt*. When he reaches Mecca, he performs circumambulation and *sa'y*, shaves or shortens his hair. Thus, he completes the 'umra and leaves the state of *ihrām*. He wears his daily clothes and may do the things that are permissible for those who are not in the state of *ihrām*. Then, on the eighth day of *Dhu'l-Hijja*, he enters the state of *ihrām* wherever he is in the *Haram* region, intending to perform the pilgrimage, and complete the pilgrimage. For a pilgrimage to be considered a "*hajj al-tamattū'*", the 'umra and the *hajj* must be performed within the same *hajj* season. Performing 'umra before the pilgrimage season and then performing the *hajj* during the *hajj* season is not accepted as *hajj al-tamattū'*, nor does *hajj al-tamattū'* occur by performing 'umra in one year, and *hajj* in the next year.

Pilgrims coming from towns and countries outside the borders of *mīqāt* places (*āfāqīs*) prefer *tamattū'* pilgrimage to avoid staying in *ihrām* for a long time. Here, a sacrifice of gratitude is offered for the sake of Allah, as he has made it possible to perform 'umra and *hajj* in the same season of *hajj*. This sacrifice is offered on one of the days of Eid al-Adhā, after the stoning at *Jamra* al-Aqaba, before shaving or shortening the hair. A person who cannot afford to sacrifice an animal, fasts for a total of ten days meaning three days before the Eid, and seven days after he returns to his hometown.

Allah Almighty says, "**and when you are in peaceful conditions (again), if anyone wishes to continue the 'umra on to the hajj, he must make an offering, such as he can afford, but if he cannot afford it, he should fast three days during the hajj and seven days on his return, making ten days in all. This is for those whose household is not in (the precincts of) the Sacred Mosque. And fear Allah, and know that Allah Is strict in punishment.**"²³¹²

2309. Āl 'Imrān, 3: 97.

2310. See Muslim, *Hajj*, 122; 184.

2311. Muslim, *Hajj*, 185.

2312. Al-Baqara, 2: 196.

Abdullah ibn Abbas explains the practice of *tamattū'* pilgrimage in the Farewell pilgrimage as follows, "The Muhajirin and the Ansar and the wives of the Prophet (*saw*) and we did the same. When we reached Mecca, Allah's Messenger (*saw*) said, 'Give up your intention of doing the *hajj* (at this moment) and perform *'umra*, except the one who has garlanded the *hady*.' So, we performed *ṭawāf* round the Ka'ba and *sa'y* between the hills of Safa and Marwa slept with our wives and wore ordinary (stitched) clothes. The Prophet (*saw*) added, 'Whoever has garlanded his *hady* is not allowed to finish the state of *iḥrām* till the *hady* has reached its destination (has been sacrificed).'²³¹³ Then on the night of Tarwiya (8th day of *Dhu 'l-Hijja*, in the afternoon) he ordered us to assume *iḥrām* for *hajj* and when we have performed all the rites of *hajj*, we came and performed *Ṭawāf* round the Ka'ba and (*sa'y*) between Safa and Marwa, and then our *hajj* was complete, and we had to sacrifice a *hady*." After that, Ibn Abbas recited the above-mentioned verse and said that a sacrifice was needed in the same year because of the combining of *hajj* and *'umra*.²³¹⁴

C – HAJJ AL-QIRĀN

Hajj al-qirān is the type of pilgrimage performed by combining *'umra* and *hajj* in a single state of *iḥrām* during the *hajj* months of the same year. This name is given here in the sense of "combined pilgrimage", as *'umra* and *hajj* are performed in a single state of *iḥrām*. Intending to perform both "*'umra* and *hajj*", a person enters the state of *iḥrām* to perform *'umra* and *hajj* together; completes *'umra*, but does not leave the state of *iḥrām*. He begins the rites of pilgrimage by observing the requirements of *iḥrām*, performing the circumambulation of *quḍūm*, performing the ritual standing at Arafat, then stoning the devil at Jamra al-Aqaba on the first day of the Eid, he offers his sacrifice, shaves and then leaves the state of *iḥrām*.

It is obligatory for those who perform the *tamattū'* or *qirān* pilgrimage to offer a gratitude sacrifice. The one who performs the *ifrād* pilgrimage has no such obligation, he can offer a voluntary sacrifice if he wishes. A person who cannot offer a gratitude sacrifice in the *qirān* pilgrimage fasts for ten days, three days before the feast, and seven days after returning home. The above verse is the evidence for both *tamattū'* and *qirān* pilgrimages.

Aisha (*r. anha*) said the following about the type of pilgrimage performed by the Prophet and the Companions in the Farewell pilgrimage, "We went out with the Messenger of Allah (*saw*) in the year of the Farewell pilgrimage. Some of us intended to do the *'umra* alone, some of us to do the *'umra* together with the *hajj*, and some of us for *hajj* alone. The Messenger of Allah also recited *talbiyah* only for pilgrimage. Only those who made intention for *hajj* and recited *talbiyah* or combined *hajj* and *'umra* did not leave the state

2313. For *hady* sacrifice see al-Baqara, 2: 196; al-Fath, 48: 25.

2314. Al-Bukhari, Ḥajj, 37.

of *ihrām* until the day of Eid al-Aḍḥā.”²³¹⁵ Here, the pilgrimage and ‘*umra* performed with a single *ihrām* without leaving the state of *ihrām* are called “*hajj al-qirān*”.

Abdullah bin Umar (*r. anhumā*) also narrated that the Prophet (*saw*) performed the *tamattū* ‘ pilgrimage by combining *hajj* and ‘*umra* in the Farewell pilgrimage, he performed the pilgrimage without leaving the state of *ihrām* after performing the ‘*umra*, and he performed the obligatory *ṭawāf* after offering the *hady* sacrifice on the day of Eid al-Aḍḥā.²³¹⁶ The form of pilgrimage defined here, although expressed with the word “*tamattū* ‘, is the “*hajj al-qirān*”. For the *hajj* and ‘*umra* are performed in a single state of *ihrām*.

On the other hand, Imam Shafi‘i and Ahmad Ibn Ḥanbal, based on some narrations, said that ‘*umra* and *hajj* should be performed with one *ṭawāf* in *hajj al-qirān*.²³¹⁷

It is not permissible for the people of Mecca and those who live within the borders of the *mīqāt* to perform *hajj al-tamattū* ‘ or *hajj al-qirān*. Since they will only perform the *hajj al-ifrād*, they do not have to offer the sacrifice of gratitude.²³¹⁸

The *āfāqīs* who came to Mecca before the months of pilgrimage and stay there until the pilgrimage days are subject to the same rule in this regard. Those who perform *hajj* should not perform ‘*umra* after the *hajj* months of that year commence. Otherwise, they will have carried out a bad deed.

According to the Ḥanafis, if a person who returns to his country after the ‘*umra* during the months of *hajj* and according to the Shafi‘is, if he goes outside the limits of the *mīqāt* does not perform ‘*umra* again on his return, the pilgrimage he will do that year is not accepted as a *tamattū* ‘, but as an *ifrād* pilgrimage. On the other hand, in the pilgrimage of *qirān*, since the state of *ihrām* does not end after ‘*umra*, the pilgrimage will not turn into *ifrād* even if the person goes outside the *mīqāt*, or leaves for his home country or to another place between ‘*umra* and *hajj*.

According to the Ḥanafis, the order of pilgrimage types in terms of their virtue is *qirān*, *tamattū* ‘, and then *ifrād*; According to the Shafi‘is, *ifrād*, *tamattū* ‘, and then *qirān*; According to the Malikis, *ifrād*, *qirān*, and then *tamattū* ‘; According to the Ḥanbalis, it is in the order of *tamattū* ‘, *ifrād*, and then *qirān*. The reason for this difference of opinion is that there are different narrations about the type of *hajj* the Prophet performed.

Umar (*ra*) thought that when the ‘*umra* was performed together with the *hajj*, people would not come to visit the *Baytullāh* later and that the Hijaz would remain unmanned and empty, and he wished for the continuation of ‘*umra* visits throughout the year.”²³¹⁹

2315. Al-Bukhari, Ḥajj, 34.

2316. Al-Bukhari, Ḥajj, 104; See Muslim, Ḥajj, 176.

2317. Al-Tirmidhī, Ḥajj, 102, Hadith No: 947.

2318. Al-Kasānī, *Badāyī ‘ al-Ṣanā ‘ i* ‘, II, 167; Ibn al-Humām, *Fatḥ al-Qadīr*, II, 199 ff.; al-Maydanī, *Lubāb*, I, 192 ff.; Al-Zaylā‘ī, *Naṣb al-Rāya*, III, 99, 113; al-Zuhaylī, *ibid*, III, 133 ff.

2319. Malik, *Muwaffā ‘*, Ḥajj, 21.

For this reason, he forbade pilgrims to make an intention for the *tamattū'* pilgrimage. It is reported that in his own time Uthmān (*ra*) thought like Umar (*ra*) on this issue and encouraged the pilgrims to perform *hajj al-ifrād* and *hajj al-qirān*, despite the opposition of Ali (*ra*).²³²⁰ However, it should be noted that neither Umar nor Uthmān said that the *tamattū'* pilgrimage was illegitimate, perhaps they wanted to encourage people to do more virtuous deeds.



2320. Muṣṭafa Shalabī, *Ta'īl al-Aḥkām*, Egypt 1947, p. 48.

X – ESSENTIAL PILLARS (ARKĀN) OF HAJJ

The *farḍ*, *wājib*, and *sunnah* acts performed during the *hajj* are called “*manāsik*”. *Hajj* according to the Ḥanafīs has three *farḍ* acts: *īhrām*, ritual standing at Arafat, and obligatory circumambulation (*tawāf al-ziyārah*). The pilgrimage is accomplished by fulfilling these *farḍ* acts respectively. Among these *farḍ* acts, *īhrām* is a condition (*shart*), and the other two are essential pillars (*arkān*). If one of these essential pillars is missing, the pilgrimage becomes invalid. According to this, for example, a person who cannot arrive at Arafat before dawn on the night of Eid al-Aḍḥā in the state of *īhrām* will miss the pilgrimage of that year, and he must make it up in the following years.

According to the Malikis and the Ḥanbalis, the essential pillars of pilgrimage are four: *īhrām*, *sa‘y* between Safa and Marwa which consists of seven cycles, and ritual standing at Arafat, and obligatory circumambulation (*tawāf al-ziyārah*). The Shafi‘is add shaving or shortening the hair to these four essential pillars and say that it is also *farḍ* to observe the order in the first three of these pillars.²³²¹

We have already explained the subject of *īhrām* above. Since *sa‘y* and shaving or shortening the hair is *wājib* according to the Ḥanafīs, we will deal with them under the section of “*wājib* acts of *hajj*” below. First, we will explain the two essential pillars of pilgrimage.

A – RITUAL STANDING AT ARAFAT

Arafat is a region outside the borders of the Ḥaram about 25 km from southeast of Mecca. Ritual standing (*waqfa*) means to stand or wait in a place for a while. Muslim scholars are in agreement that standing at Arafat, even for a short time, from the sunset on the day of Arafah until the dawn on the first day of Eid al-Aḍḥā is an essential pillar of pilgrimage. It is commanded in a hadith that “*Hajj* is Arafat.”²³²² Therefore, a person who cannot perform the ritual standing misses the pilgrimage and must perform the pilgrimage again in the following year.

1) Conditions for the ritual standing to be valid

There are two conditions for the ritual standing to be valid. To be in the state of *īhrām* for *hajj* and to perform ritual standing at a certain place and time. Since the subject of *īhrām* is explained above, we will give information about the place and time of the ritual standing.

2321. Zuhayli, *al-Fiqh al-Islami wa Adillatuh*, Damascus 1985, III, 91 ff.

2322. Al-Tirmidhī, *Tafsīru surah* 2/3, 22; Abū Dawūd, *Manāsik*, 57, 68; Ibn Maja, *Manāsik*, 57; al-Darimī, *Manāsik*, 54.

a) Location of the ritual standing: Arafat, which is surrounded by certain borders today, is the place of ritual standing. In a hadith, it is stated that “All of the plain of Arafat is the place of ritual standing”²³²³, but the valley of Urana, called the Devil’s Valley, was excluded from it.²³²⁴ A certain part of the Namira Mosque located in Arafat from the northwest (*qibla*) side is outside the place of ritual standing. Although al-Tabarī and al-Maturidī consider it recommended to go to Jabal al-Rahmah (the Mountain of Mercy) for the ritual standing, there is no sound information on this subject. However, the place where the Prophet (*saw*) performed the ritual standing was determined by the hadith experts and scholars of Mecca as follows: When you turn your face towards the *qibla* in the plain of Arafat, the mountain stays in front of you from the right. The rectangular building called Adam’s kitchen today is located on the left and slightly behind it.²³²⁵

b) The Time of Ritual Standing: It is the period from the *zawāl* time, that is when the sun turns west from its zenith, on the 9th day of *Dhu’l-Hijja*, or the day of Arafah, until the time when the dawn called “*fajr al-ṣādiq*” starts to break on the first day of the feast. There is a consensus among the schools on this issue. According to only the Ḥanbalis, the first moment of ritual standing time begins with *fajr al-ṣādiq* on the day of Arafah.

Since intention, sanity and knowledge are not required for the ritual standing to be valid, any person who is conscious, unconscious, asleep or awake, with or without being in the state of *wuḍū*, within the borders of Arafat for a moment or passes there, will have performed the ritual standing.

According to the Ḥanafis, the Malikis, and the Ḥanbalis, it is *wājib* to stay at Arafat until the sun sets in order to unite the night and the day. This is because the Prophet (*saw*) did this and said, “*Learn your rites related to hajj from me*”.²³²⁶ Otherwise, the person who leaves the plain of Arafat before sundown must offer a sacrifice as a penalty. Since the Shafi‘i consider staying until sundown a *sunnah*, there is no penalty for those who leave before sunset.

However, since the Malikis consider it necessary to be in Arafat during both day and night, even if it is for a short time, a person who performs the ritual standing only during only the day or only at night is not considered to have validly performed the pilgrimage of that year. Accordingly, the person who comes to perform the pilgrimage must enter the plain of Arafat before the sun sets on the day of Arafah even if it is for a short time, and then must spend a part of the night there, however short.

There is no difference of opinion among Muslim scholars that state of *wuḍū*, *ṣatr al-awrah*, turning to the *qibla* and the intention is not essential for performing the ritual standing. Accordingly, the ritual standing to be performed by a ceremonially impure

2323. Muslim, Ḥajj, 149; Abū Dawūd, Ṣawm, 5, Manāsik, 56, 64; al-Tirmidhī, Ḥajj, 54.

2324. Ibn Maja, Manāsik, 55, 73.

2325. Ibn Abidīn, *ibid*, IV, 532.

2326. Aḥmad ibn Ḥanbal, *Musnad*, III, 318, 366.

person (*janabah*) or a menstruating or postpartum bleeding woman is also valid. This is because it is recorded that Aisha performed the ritual standing while she was menstruating, by the order of the Messenger of Allah (*saw*).²³²⁷

2) Sunnah Acts of Ritual Standing at Arafat

a) To spend the night that connects the 8th day of *Dhu'l-Hijja*, the day of *tarwiyah* to the day of Arafat, in Mina, and set off for Arafat after the sun rises on the morning of the day of Arafat.

b) Being in the plain of Arafat before *zawāl* time on the day of Arafat and, if possible, performing *ghusl* before performing the ritual standing.

c) Delivering a sermon at the Namira Mosque before the noon prayer after *zawāl* time.

d) To perform the noon and afternoon prayers by combining them in the form of *jam' al-taqdīm*.

e) To be in the state of *wuḍū* and facing the *qibla* during the ritual standing.

f) To perform the ritual standing after the prayers performed in the form of *jam' al-taqdīm*. Standing during the ritual standing is more virtuous than sitting, and being on a mount is more virtuous than standing.

g) If possible, perform the ritual standing near the hill called Jabal al-Rahmah.

h) Not fasting on the day of Arafat.

i) Observing as many acts of worship as possible such as *talbiyah*, *dhikr*, ritual prayer, and *istighfār* throughout the day. Supplicating for oneself, parents, children, and all the Muslims.

***Jam' al-taqdīm*:** It is sunnah to combine the noon and afternoon prayers and perform them together in the time of noon prayer in Arafat on the day of Arafat. This is called "*jam' al-taqdīm* (combining two prayers by performing the second prayer ahead of its time)".

According to Abu Ḥanīfa, two conditions are necessary for these prayers to be performed with *jam' al-taqdīm*. a) To be in Arafat in the state of *iḥrām* for *hajj* on the day of Arafat, b) To perform in a large congregation in Namira Masjid. Otherwise, each prayer is performed on its own time.

According to the other three schools and Abu Yusuf and Imam Muhammad, it is sunnah for those who are in *iḥrām* for pilgrimage on the day of Arafat to perform the noon and afternoon prayers together at Arafat, whether in the Masjid of Namira, in tents, in a congregation or alone.

The performance of these prayers in *jam' al-taqdīm* is as follows: After the *adhān* for noon prayer is recited, the first *sunnah* of the noon prayer is performed first. Then, the

2327. Al-Kasānī, *ibid*, II, 125, 127; al-Maydanī, *ibid*, I, 191 ff.; Ibn Abidīn, *ibid*, II, 237; Ibn Rushd (Averroes), *ibid*, I, 335-337.

iqāmah is recited and the *farḍ* cycles of the noon prayer are performed. Then the *iqāmah* is recited again and the *farḍ* cycles of late afternoon prayer are performed. The *adhān* for the afternoon prayer is not recited and the *sunnah* cycles between the *farḍ* cycles of the two prayers are not performed, either. Here, a second call (*iqāmah*) is needed, since the late afternoon prayer will be performed ahead of its time. One *adhān* and one *iqāmah* are sufficient in combining the evening and night prayers in Muzdalifah. After performing the *farḍ* cycles of both prayers, the *talbiyah* and the *takbīrs* of *tashrīq* are recited.

If a person who dies after performing the ritual standing at Arafat has left a will to complete the pilgrimage, his or her pilgrimage is completed by sacrificing a camel.²³²⁸

B – ṬAWĀF AL-ZIYĀRAH

Ṭawāf means “to go around something, to turn around”. In Islamic legal terminology, it means turning around the Ka‘ba seven times, starting from the corner or somewhere in line with it where *Ḥajar al-Aswad* is located. Each turn around the Ka‘ba is called “*shawṭ*”. Seven *shawṭs* consist of one *ṭawāf* (circumambulation). *Ṭawāf al-Ziyārah* is obligatory and one of the essential pillars of pilgrimage. This is also called “*ṭawāf al-ifāḍa*”. The following is stated in the Qur‘an, “**Then let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House (Ka‘ba)**”²³²⁹ *Ṭawāf* is a kind of ritual prayer. The following is stated in the hadith, “*Ṭawāf is a ritual prayer in which Allah has made it permissible to speak while circumambulating.*”²³³⁰

It is sufficient to make a heartfelt intention for a deed to be performed. It is also *mustaḥab* to express the intention with the tongue. Walking around the Ka‘ba without making the intention for circumambulation will not be accepted as circumambulation. It is not necessary to determine the type of circumambulation in the intention. Absolute intention for circumambulation is sufficient. This is because the first circumambulation to be performed on the days of Eid is *ṭawāf al-ziyārah*, and the circumambulation around the Ka‘ba performed by the *āfāqīs* before the ritual standing in Arafat is accepted as *ṭawāf al-qudūm*.

In all types of pilgrimage, the starting time of the obligatory circumambulation is important. There is no limit for its last time, it is sufficient to do it at any time until the end of life. However, delaying it until after the days of the feast necessitates offering a sacrifice.

According to the Ḥanafis and the Malikis, the starting time of visiting circumambulation starts from the first day of the feast of sacrifice after *fajr al-ṣādiq* (true dawn). According to the Shafi‘is and the Ḥanbalis, it starts on the day of Arafat after midnight. Although *ṭawāf al-ziyārah* can be performed at any time throughout the life, according

2328. Ibn Abidīn, *ibid*, IV, 6.

2329. Al-Ḥajj, 22: 29.

2330. Al-Nasā‘ī, Manāsik, 36; al-Darīmī, Manāsik, 32; Aḥmad ibn Ḥanbal, III, 414, IV, 64, V, 377.

to Abu Ḥanīfa, it is *wājib* to perform it on the days of sacrifice, that is, until the sun sets on the third day of the Eid, and until the end of the month of *Dhu'l-Hijjah* according to the Malikis. If it is left for later without an excuse, the penalty of offering a sacrifice (*dam*) is required.

According to Abu Yusuf, Imam Muhammad, the Shafi'is, and the Ḥanbalis, performing the *ṭawāf* on the first three days of the Eid is not *wājib* but *sunnah*. Although it is *makrūh* to leave it for later without an excuse, it does not require any punishment.

It is more virtuous to perform the visiting circumambulation on the first day of Eid.

Ṭawāf must be performed inside the Ḥaram and around the Ka'ba. The place where circumambulation is done around the Ka'ba is called "the circumambulation area (*matāf*)". *Ṭawāf* is not just performed here. Provided that it is done inside the Masjid al-Ḥaram, it can be performed in larger rings, or it can be performed from the upper floors of the mosque. This is because, according to the Ḥanafis, the sky above the Ka'ba is also considered the direction of the *qibla*.

According to the Ḥanafis, performing more than half of the *shawṭs* in *ṭawāf*, that is, at least four is a condition for the validity of *ṭawāf*, and if the last three *shawṭs* are missing, *ṭawāf* will still be valid. However, it is *wājib* to complete the missing *shawṭs* in *farḍ* or *wājib* circumambulation. Failure to do so requires a penalty for each *shawṭ*. According to the other three schools, all seven *shawṭs* are essential pillars and *ṭawāf* is not valid unless all *shawṭs* are made.

There is no harm in passing in front of those praying during *ṭawāf*. As a matter of fact, it is reported that while the Prophet (*saw*) was praying in front of *Ḥajar al-Aswad*, men or women passed in front of him and there was no *sutrah* (barrier) in front of him. Some jurists interpreted this as "It is permissible to pass in front of the person praying in the Ka'ba."²³³¹

If a *farḍ* prayer is started to be performed in congregation during *ṭawāf*, if there is the hope of reaching the first cycle together with the imam, the *shawṭ* is completed, otherwise, the *shawṭ* is left and the imam is followed, and after the prayer, *shawṭ* left incomplete is continued.

While performing *ṭawāf* and *sa'y*, if a person separates the *shawṭs* for a period of one day, *shawṭ*, *ṭawāf* or *sa'y* will not be invalid, but it is *mustaḥab* to start again.

It is *makrūh* to eat something during *ṭawāf*, but it is permissible during *sa'y*. However, it is permissible to drink water in both of them.²³³²

2331. Ibn Abidīn, *ibid*, IV, 521.

2332. Ibn Abidīn, *ibid*, IV, 511.

C – TYPES OF ṬAWĀF:

1) Ṭawāf al-Qudūm:

Qudūm means “coming and arrival”. Accordingly, the *ṭawāf* of *qudūm* is the *ṭawāf* of arrival to Mecca and greeting it, and its ruling is *sunnah*. According to the majority of jurists, the first circumambulation to be performed by those who came to Mecca from outside the borders of *Mīqāt* (*āfāqī*) and who intend only to perform the pilgrimage before the ritual standing at Arafat, is “*ṭawāf al-qudūm*”. The first circumambulation to be carried out by the *āfāqīs*, who intend to perform the pilgrimage of *tamattū'* and *qirān*, is the “*ṭawāf* of *'umra*”. Since the pilgrim who performs *hajj al-qirān* completes the pilgrimage in a single state of *ihrām*, he does not need *ṭawāf al-qudūm*. The one who performs *hajj al-tamattū'*, on the other hand, performs *ṭawāf al-qudūm* when he or she enters the state of *ihrām* for *hajj* on the day before the Day of Arafat (on the 8th of Dhu'l-Hijja) and can also perform the *sa'y* of the pilgrimage afterward if he or she wishes. Those who arrive late and go directly to the plain of Arafat without entering Mecca, and women who, due to their special circumstances, could not perform *ṭawāf al-qudūm* before the ritual standing at Arafat, are not required to perform *ṭawāf al-qudūm*. In like manner, the people of Mecca and those who live within the borders of the *mīqāt* do not perform *ṭawāf al-qudūm*.

2) Ṭawāf al-Ziyārah (ifāḍa or obligatory ṭawāf):

Hajj is not complete without performing the essential pillar *ṭawāf* in all types of *hajj*. The first four *shawṭs* of this circumambulation are *farḍ*, and the last three are *wājib*. Pilgrims are commanded to circumambulate the Ka'ba with the following verse in the Qur'an, “**Then let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House (Ka'ba).**”²³³³ Since we have explained this type of *ṭawāf* above, we will not go into its details again.

3) Ṭawāf al-Wadā (ṣadar):

Ṭawāf al-wadā is the last *ṭawāf* that *āfāqī* pilgrims, who are not from Mecca or not from the places subject to the rule of Mecca, should perform before leaving Mecca. According to the Malikis, this *ṭawāf* is *mandūb* to be performed, but according to other schools, it is *wājib*. This is also called *ṭawāf al-ṣadar*. *Ṣadar* means “to leave, to say farewell”.

As those residing in Mecca, in the Ḥaram region, or within the boundaries of the *mīqāt* do not have to do farewell circumambulation, the requirement of performing this farewell circumambulation is also relinquished for the women who have their menstruation before they have done their farewell circumambulation, or who are in the post-partum bleeding and have to leave Mecca without being ritually cleansed. However, if these

2333. Al-Ḥajj, 22: 29.

women are ritually cleansed before leaving Mecca, they must perform the farewell circumambulation before they leave.

If an *āfāqī* leaves Mecca without performing the farewell circumambulation, returns before leaving the *mīqāt* limits, and performs this circumambulation without entering the state of *ihrām*, the penalty will be waived. If he is out of the *mīqāt* limits, he can enter the state of *ihrām* again, perform *‘umra* and then make up the farewell circumambulation. Otherwise, the punishment of offering a sacrifice is required for abandoning a *wājib* act.

After the ritual standing at Arafat, the first circumambulation performed on or after the feast days is accepted as *ṭawāf al-ziyārah* regardless of the intention. Every circumambulation performed after *ṭawāf al-ziyārah* is considered a farewell circumambulation.

According to the Ḥanafis, it is more virtuous to perform the farewell circumambulation while leaving Mecca, but it is also permissible to do it beforehand. In such a case, it is not necessary to do it again when leaving Mecca. After performing the farewell circumambulation, there is no harm in going to the *Ḥaram al-Sharīf* and praying or performing the circumambulation. In this case, the last circumambulation would be considered “*ṭawāf al-wadā’*”.

According to the Shafī‘is and the Ḥanbalis, *ṭawāf al-wadā’* is performed while leaving Mecca, and if it has been performed before, it must be re-performed.²³³⁴

4) *Ṭawāf for Tahīyyat al-Masjid:*

If the one who comes to the Ka‘ba perform the circumambulation, this will replace the *tahīyyat al-masjid* prayer. If one is not in the state of *ihrām*, it becomes a *ṭawāf* for *tahīyyat al-masjid*. Instead of *tahīyyat al-masjid* prayer, which is recommended to perform when entering a mosque, it is recommended to perform a circumambulation upon entering the *Masjid al-Ḥaram* to show respect and to greet it. This is called “*ṭawāf for tahīyyat al-masjid*” meaning *ṭawāf* for greeting the *masjid*. The circumambulation required as part of *hajj* or *‘umra* takes the place of *ṭawāf for tahīyyat al-masjid*.²³³⁵

5) Supererogatory *ṭawāf*:

The *ṭawāfs* performed whenever possible other than the ones performed as part of *hajj* and *‘umra* during the time in Mecca, are of this nature. According to the Ḥanafis, like other supererogatory acts of worship, it is *wājib* to complete a supererogatory circumambulation that has already been started. The supererogatory circumambulation of those who have come from far places (*āfāqīs*) is more virtuous than the supererogatory prayers they will perform in the *Masjid al-Ḥaram* for the duration of the circumambulation. For while ritual prayer can be performed anywhere, the circumambulation can

2334. See al-Kasanī, *ibid*, II, 125-133, 143 ff.; al-Maydanī, *ibid*, I, 184, 189, 191; Ibn Qudāmah, *ibid*, III, 370, 440, 442, 444, 458-465.

2335. Ibn Abidīn, *ibid*, IV, 499.

only be performed in the Ka'ba. This is also the case for the Meccans except during the pilgrimage season.

Apart from these, there are also votive *ṭawāf* and *ṭawāf* for 'umra. The first four circuits of *ṭawāf* for 'umra are among the pillars of 'umra, and there is no *qudūm* or farewell circumambulation in 'umra.

D – VIRTUES OF ṬAWĀF:

In the Qur'an, visitors for *hajj* or 'umra are asked to circumambulate the Ka'ba.²³³⁶ On the other hand, the Messenger of Allah (*saw*) stated that circumambulation is like a ritual prayer, yet it is permissible to speak while performing it.²³³⁷

The Prophet recited the supplication of “*Rabbanā atinā...*” between *Hajar al-Aswad* and *Khatīm* in every turn of the circumambulation, and stated that seventy angels would say “*Āmīn*” to those who recite the following supplication at the Yemen corner (Rukn al-Yamānī):

“*Allāhumma innī as'aluka 'l-afwa wa 'l-āfiyata fī 'd-dunyā wa 'l-ākhirah. Rabbanā ātinā, fī 'd-dunyā ḥasanatan wa fī 'l-ākhirati ḥasanatan wa qinā azāba 'n-nār.*”

(O Allah! Surely, I ask you for my forgiveness and my peace in this world and in the hereafter. O our Lord! Give us good in this world and good in the hereafter and protect us from the torment of the fire.)²³³⁸

According to the narration from Abu Huraira, the Prophet (*saw*) said, “*Whoever circumambulates the Ka'ba by reciting the following supplication without saying anything else, 'subḥanallāhi wa 'l-ḥamdu lillāhi wa lā ilāha illallāhu, wallahu akbar. Wa lā ḥawla wa lā quwāta illā billāh', ten of his sins are erased and ten rewards are written for him, and his rank is raised ten degrees.*”²³³⁹

On the other hand, for those coming from outside, the supererogatory circumambulation is more virtuous than prayer and it can be performed at any time. For the locals of Mecca, praying in Mecca is more virtuous than performing supererogatory circumambulation. As a matter of fact, Jubayr Ibn Mut'im (*ra*) narrated that the Prophet (*saw*) called to the sons of Abdu Manaf with the following words, “*Do not prevent anyone who circumambulates this House, and those who pray there day and night at any time he wishes.*”²³⁴⁰



2336. Al-Ḥajj, 22: 29.

2337. Al-Nasā'ī, Manāsik, 36; al-Darimī, Manāsik, 32; Aḥmad ibn Ḥanbal, *ibid*, III, 414, IV, 64, V, 377.

2338. Ibn Maja, Manāsik, 32.

2339. Ibn Maja, Manāsik, 32.

2340. Al-Nasā'ī, Manāsik, 137.

XI – WĀJIB ACTS OF HAJJ

According to the Ḥanafīs, in hajj, five acts are *wājib* on their own. *Sa'y*, the ritual of standing at Muzdalifah, stoning the devil, shaving or shortening the hair, and the farewell circumambulation. Apart from these, there are ten more *wājibs* that complement the essential pillars, *farḍ* acts, or conditions of *hajj*. We will briefly explain them below.²³⁴¹

1) Performing *Sa'y*

Sa'y literally means “walking fast, running and making an effort”. As an Islamic legal term related to *hajj* and *‘umra*, *sa'y* refers to going on foot between the two hills named Safa and Marwa, located on the east side of the Ka‘ba, seven times with the intention of performing *sa'y*, starting from the hill of Safa and ending at the hill of Marwa. *Sa'y* is completed with four goings and three comings. Each one of them going and coming is called one *shawṭ*. Thus the *sa'y* between Safa and Marwa consists of seven *shawṭs*. The distance between these two hills is about 350 meters.

Sa'y is *wājib* only for *hajj* or *‘umra*, but there is no *sa'y* for supererogatory, *quḍūm*, or farewell circumambulations. Therefore, a person who performs *hajj* or *‘umra* can intend to perform *sa'y* after a *farḍ* or supererogatory circumambulation and ascends up the hill of Safa to a point from where the Ka‘ba can be seen. Turning towards the Ka‘ba, hands are raised and prayed and supplicated. Then he walks toward Marwa by reciting *tabbīrs*, *tahlīls*, supplications, and *salawāt al-sharīfa*. On the hill of Marwa, he goes up to a place from where the Ka‘ba can be seen. Turning towards the Ka‘ba, *tabbīr*, *tahlīl*, and *salawāt al-sharīfa* are recited by raising hands. The seven *shawṭs* of *sa'y* continue to be performed in this way.

According to three schools except for the Ḥanafīs, *sa'y* is an essential pillar of *hajj*. The following is stated in the Qur’an, **“Behold! Safa and Marwa are among the symbols of Allah. So if those who visit the House in the season or at other times, should compass them round, it is no sin in them. And if anyone obeys his own impulse to good, be sure that Allah is He Who recognizes and knows.”**²³⁴² The Prophet said, **“Indeed, Allah has made *sa'y* obligatory upon you, so perform *sa'y*.”**²³⁴³ The origin of *sa'y* is based on the symbol of Ismā‘īl’s mother Hagar running between these two hills in search of water.²³⁴⁴ It is reported that these names were given to the hills because Adam (*as*), the pure and distinguished servant of Allah (Ṣafiyyullāh), lived at Safa and his wife Eve lived at Marwa.²³⁴⁵

2341. Al-Kasānī, *ibid*, II, 125, 133, 143, ff.; 148.

2342. Al-Baqara, 2: 158.

2343. Al-Shawkanī, *Nayl al-Awṭār*, V, 50.

2344. See al-Bukhari, *Anbiya*, 4/142.

2345. Ibn Abidīn, *ibid*, IV, 439.

Sa'y must be carried out after entering the state of *iḥrām*. This is because none of the rites of *hajj* or *'umra* can be performed before entering the state of *iḥrām*. However, it is not necessary to perform *sa'y* in the state of *iḥrām*. As a matter of fact, if a person who enters the state of *iḥrām* for *hajj* cannot leave the state of *iḥrām* before the first day of the feast of sacrifice, he can perform it in the state of *iḥrām* after a supererogatory circumambulation if he wishes to perform the pilgrimage before the ritual standing at Arafat. If one wishes to perform it after performing the *farḍ ṭawāf* after returning from Arafat, he can perform it without being in the state of *iḥrām*. This is what is in accordance with the Sunnah and is more virtuous. It is *wājib* to perform the *sa'y* for *'umra* in the state of *iḥrām*.

Since *sa'y* is not an act of worship by itself, it can be performed after a valid circumambulation as an act relying on it. This is the reason why the *sa'y*, which is intended to be done before the *farḍ ṭawāf*, needs to be performed after a supererogatory *ṭawāf*.

According to the Ḥanafis, four of the seven *shawṭs* of *sa'y* are the essential pillar and three are *wājib*. In the other three schools, all *shawṭs* are essential pillars.

Sa'y must begin on the foot of Safa and end at Marwa, and cover the full distance between Safa and Marwa in seven *shawṭs*.²³⁴⁶

2) The Ritual Standing (*Waqfa*) at Muzdalifah

Muzdalifah is a region between Arafat and Mina, within the borders of the *Ḥaram*. It is separated from Mina by a valley called Muḥassir. It is *wājib* for the pilgrim to stay in Muzdalifah even for a moment, from the dawn until the sun rises on the first day of the Eid. It is *sunnah* to spend the whole night there, and it is *mustaḥab* to perform the ritual of standing at the Hill of Kuzah, which is called al-Mash'ar al-Ḥaram.

The following is stated in the verse, ***"It is no crime in you if you seek of the bounty of your Lord (during pilgrimage). Then when you pour down from (Mount) Arafat, celebrate the praises of Allah at the Sacred Monument (al-Mash'ar al-Ḥaram), and celebrate His praises as He has directed you, even though, before this, you went astray."***²³⁴⁷ Furthermore, the following is stated in the hadith, ***"Whoever is present at Dawn prayer, performs ritual standing with us until we leave, and has performed before the ritual standing at Arafat day or night, his pilgrimage will be complete."***²³⁴⁸

The time of ritual standing at Muzdalifah: According to the Ḥanafis, it is the period from dawn to sunrise on the first day of Eid. According to the Malikis, the period from sunset on the evening of Arafah until Fajr al-Ṣādiq on the morning of Eid; According to the Shafi'is and the Ḥanbalis, it is the period from midnight until the time of Fajr al-Ṣādiq. Moreover, midnight is the middle of the period between sunset and Fajr al-Ṣādiq.

2346. Al-Kasānī, *ibid*, II, 134 ff.; Ibn Abidin, *ibid*, II, 234; Ibn Qudāmah, *ibid*, III, 385-389.

2347. Al-Baqara, 2: 198.

2348. Al-Nasā'ī, Manāsik, 211; al-Tirmidhī, Ḥajj, 57.

As in the ritual standing at Arafat, in the ritual standing at Muzdalifah, intention, and knowledge are not required, and those who are asleep, awake, or unconscious within the borders of Muzdalifah or pass by within the aforementioned periods fulfill this duty.

It is sunnah in all schools to spend the night in Muzdalifah and perform the dawn prayer early, to continue the ritual of standing with *talbiyah*, *tabkīr*, *tahlīl*, *dhikr*, supplications, and asking forgiveness from Allah until close to the sunrise, and to move to Mina before the sun rises.

According to the Ḥanafis, it is *wājib* for pilgrims to perform the evening and night prayers as combined in Muzdalifah on the evening of the day of Arafat, either alone or in the congregation, and with *jam' al-ta'hir* during the time of night prayer; According to the Shafi'is, it is *sunnah*. If these prayers are performed in Arafat or on the way before reaching Muzdalifah, and if Muzdalifah is reached before the time of commencement of night prayer, they must be re-performed according to Abu Ḥanīfa and Imam Muhammad. According to Abu Yusuf, although it is *makrūh* to perform them outside Muzdalifah, they do not need to be re-performed. Since it is *makrūh* to perform the supererogatory prayers between the obligatory cycles of prayers in combined prayers, the *sunnah* of the evening and the *sunnah* of the night prayer are abandoned. Evening and night prayers are performed together with one *adhān* and one *iqāmah*. Since the night prayer is performed at its own time here, there is no need for a second call in the form of *iqāmah*.

If the ritual standing at Muzdalifah is abandoned due to a valid excuse, nothing is required. This is because the Prophet stated that weak and helpless people who could not make this ritual standing could go directly to Mina and he did not order expiation about them. However, abandonment without a valid excuse requires the penalty of offering a sacrifice.²³⁴⁹

3) Stoning the Devil in Mina

The Arabic equivalent of “stoning the devil” is “*ramy al-jamarāt* (throwing pebbles/small stones at the *Jamras*)”. Jabir (*ra*) said, “I saw the Messenger of Allah (*saw*) throwing pebbles on the day of sacrifice while on his riding beast and saying, ‘*Learn your rites, for I do not know whether I am likely to perform Hajj after this occasion.*’”²³⁵⁰

On the days of the feast, it is *wājib* for the pilgrims to throw seven pebbles by saying “*Bismillāhi Allāhu Akbar*”, at the clusters of large stones called Small Jamra, Middle Jamra, and Jamra al-Aqaba colloquially called small, medium and large devils respectively.²³⁵¹ On the first day, only seven pebbles are thrown at Jamra al-Aqaba. Mina is a region between Muzdalifah and Mecca, within the borders of the Ḥaram. According

2349. Al-Kasanī, *ibid*, II, 135. ff.; Ibn al-Humām, *ibid*, II, 169; al-Maydanī, *ibid*, I, 186 ff.; Ibn Qudāmah, *ibid*, II, 417-426, 450-456.

2350. Muslim, *Hajj*, 12, 13; Abū Dawūd, *Manāsik*, 23; al-Nasā'ī, *Manāsik*, 220; al-Shawkanī. *ibid*, V, 65.

2351. According to Hasan Ibn Ziyad, while throwing stones one says “*Allahu akbar raghaman li 'sh-shaytān wa hizbihi*”; According to some, it is said, “O Allah, accept my Hajj, honor my efforts and forgive my sin.”

to the Ḥanafis, it is *sunnah* to spend the night in Mina on the days of stoning the devil. According to the other three schools, it is obligatory for those who have no excuse to be in Mina for more than half of each of these nights. Otherwise, punishment is required.

Throwing pebbles at the *jamras* is symbolic of stoning Satan who tried to convince Ibrahim (as), his wife Hagar, and his son not to jointly agree to sacrifice Ismā'il in this region.²³⁵²

Each one of the seven pebbles must be individually thrown by hand, and fall into or near the stone pool. Those who are able must throw the pebbles themselves. Those who are unable to do it may throw them by means of a proxy. Those who are able enough to perform their prayers standing cannot appoint a proxy for stoning the devil. Accordingly, those who are too sick or old to walk and pregnant women who are afraid of being harmed can have the pebbles thrown by proxy. However, it is more appropriate for those who hope to recover before the stone-throwing time ends or to throw pebbles stones in more secluded times of the day, to try to throw the pebbles themselves.

The time for stone-throwing: It is the period between *fajr al-ṣādiq* on the first day of the Eid until the sun sets on the fourth day.

The first day of the Eid: On this day, only seven pebbles are thrown at Jamra al-Aqaba. According to the Ḥanafis, the time of throwing stones on the first day is the period from the time of *fajr al-ṣādiq* until the next day's *fajr al-ṣādiq*. During this period, it is *sunnah* to stone the *jamra* from sunrise until noon, it is permissible to throw the stones from *zawāl* until sunset, and it is *makrūh* to throw pebbles before sunrise in the morning or after sunset in the evening. There is a consensus that stoning the devil before dawn is not valid on the day of Eid. On the other hand, those who have a valid excuse, such as weakness, being a shepherd, or having a duty, can throw the pebbles before sunrise or at night after the *fajr al-ṣādiq*. On the other hand, the reason why it is not appropriate to throw stones at night is the difficulty of throwing small stones or pebbles in the dark. However, today, this difficulty has been removed due to lighting, and it has been deemed more appropriate for the elderly and women, who would have difficulty throwing pebbles during the daytime, to fulfill this duty at these times both for themselves and for the other as it will reduce the daytime crowd.

According to the Malikis, the time for stoning the devil begins with the dawn on the first day of the feast and continues until the sun sets. According to the Shafi'is and the Ḥanbalis, its time starts from midnight and lasts until the dawn of the next day. It is sufficient to throw pebbles at any moment during this period. However, it is *makrūh* to throw the pebbles before the sun rises, it is *sunnah* to throw them between sunrise and the time of *zawāl*, and it is permissible to delay it between *zawāl* and sunset even without a valid excuse, and it is *makrūh* to postpone it until after sunset without a valid excuse.

2352. Al-Zuhaylī, *ibid*, III, 192; See al-Ṣaffāt, 37: 100-108.

The second and third days of the feast: On these days, a total of 21 pebbles are thrown at each Jamra, seven each. The time to throw pebbles during these two days is the period from *zawāl* until the next day's *fajr al-ṣādiq*. Small stones or pebbles can be thrown at any time during this specified period. It is not permissible to throw a pebble before *zawāl* on these two days.

The fourth day of Eid: According to Abu Yusuf, Imam Muhammad, and the imams of the three other schools, the duration of stoning the devil on the fourth day is like the previous two days. According to Abu Ḥanīfah, on the fourth day, the time of stoning the devil begins with the *fajr al-ṣādiq*. However, it is *makrūh* to throw pebbles before the sun rises, it is permissible from sunrise to the time of *zawāl*, and *sunnah* to throw them after the time of *zawāl*.

Those who are busy leaving Mecca and preparing for the road on the fourth day may abandon throwing the pebbles on the fourth day. Those who will not throw pebbles on the fourth day of Eid should leave Mina before the *fajr al-ṣādiq* on the fourth day, according to the Ḥanafis, and before the sun sets on the third day according to the other three schools.

The number of pebbles to be thrown; On the first day, 7 pebbles are thrown at Jamra al-Aqaba, and on the other days, 21 pebbles a day are thrown at the small, medium, and Aqaba (large) Jamra, respectively 7 pebbles at each, the total of which in three days becomes 70. If the pebbles of the last day are not thrown, this number drops to 49. As each pebble is thrown, one says "*Bismillāhi Allāhu Akbar*". If the pebble does not reach its place or falls far away, another pebble is thrown in its place. The remaining pebble is given to a person who needs them or left in a suitable place. It is not necessary to bury them in the ground.

Those who cannot throw pebbles by going to the location of *jamras* in person due to a valid excuse such as illness, old age, and disability can have their small stones or pebbles thrown by a proxy. The measure of a valid excuse is that one is unable to pray in a standing position. Those who cannot get close to the *jamras* during the day due to the crowd can throw their pebbles at a secluded time at night. It is not permissible for those who are able to throw pebbles at night to throw the pebbles through a proxy. The deputy first throws his own pebbles and then the pebbles of the person for whom he acts as deputy.

Just as it is *wājib* to throw each day's pebbles within its own time on stone-throwing days, it is also *wājib* to make up for throwing the pebbles that could not be thrown on time, within the stone-throwing period. When the sun goes down on the fourth day of the feast, throwing the pebbles will no longer be valid.

According to Abu Ḥanīfah and Imam Malik, the pebbles that could not be thrown on time are under penalty even if they are made up within the period of throwing the

pebbles. According to Abu Yusuf and Imam Muhammad, if throwing these pebbles is made up within the throwing period, the penalty is dropped.

Offering a sacrifice is required if most or all of the seven pebbles cannot be thrown. If only two or three pebbles are not thrown, one must give alms as a penalty for each pebble. It is *mustaḥab* for seven pebbles to be collected from Muzdalifah and thrown into Jamra al-Aqaba on the first day, and there is no special place for the collection of the remaining 63 pebbles.²³⁵³

According to the Shafi'is and the Ḥanbalis, if the pebbles that cannot be thrown on time are thrown before the sun sets on the fourth day of the Eid at the latest, it is considered a one-time fulfillment of the duty, not a make-up, and there is no penalty for the delay.

Whether it is a one-time fulfillment or a make-up, the pebble-throwing process ends with the sunset, on the fourth day of the feast.

4) Shaving or shortening the hair (*ḥalq* or *taqṣīr*)

Shaving or shortening the hair at the end of the *hajj* or 'umra is a symbol of exiting the state of *iḥrām*. *Iḥrām* cannot be exited unless this act is done. Those who make the *ifrād* pilgrimage have their cut or shaved in Mina, on the first day of the feast, after throwing seven stones at Jamra al-Aqaba, and the pilgrims who combine the pilgrimage and 'umra in the form of the *tamattu'* and *qirān* pilgrimage have their hair cut or shaved in the Ḥaram of Mecca after slaughtering their sacrifices of gratitude following stoning the devil, and on one of the first three days of the feast. It is *wājib* to cut or shorten at least a quarter of it. Shaving or cutting the entire hair is sunnah.

According to the Shafi'is, it is *wājib* to shave or shorten three strands of hair for the fulfillment of the *wājib*, and for the Malikis and the Ḥanbalis to shave the whole hair. Schools have compared the amount of hair to be shaved or shortened to the amount of wiping of the head during *wuḍū*.

Women cut a little from the tip of a quarter of their hair. Thus, they exit the state of *iḥrām*. The following is stated in the Qur'an, "Then let them end their untidiness."²³⁵⁴

Ibn Umar (r. *anhuma*) says that "tafath" mentioned in the verse means shaving the hair and leaving the *iḥrām* and wearing normal clothes.

Those who enter the state of *iḥrām* for *hajj* do not come out of the state of *iḥrām* by shaving before the *fajr al-ṣādiq* of the first day of the Eid, and those who enter the state of *iḥrām* for 'umra do not come out of the state of *iḥrām* by shaving until they have completed at least four *shawṭs* of circumambulation of 'umra. If otherwise, they have committed a prohibition of *iḥrām* and a penalty is required. However, since it is

2353. Ibn Abidīn, *ibid*, IV, 552, 553.

2354. Al-Ḥajj, 22: 29.

obligatory for those who perform 'umra to perform *sa'y* in the state of *iḥrām*, they must shave after performing the *sa'y*.

During the Farewell Pilgrimage, the Prophet (*saw*) first threw seven pebbles at Jamra al-Aqaba in Mina on the first day of the feast, slaughtered his sacrifices, then shaved, and went to Mecca on the same day, performed the circumambulation, and finally returned to Mina.

According to Abu Ḥanīfa, it is *wājib* to follow the order in the first three of these acts, otherwise offering a sacrifice (*dam*) is required. According to Abu Yusuf, Imam Muhammad, and the other three schools, it is *sunnah* to follow the order. Although it is *makrūh* not to follow the order, it does not require offering a sacrifice. However, according to the Malikis, throwing small stones at Jamra al-Aqaba must be done before shaving and the obligatory circumambulation. As for the obligatory circumambulation, there is a consensus that it is a *sunnah*, not an obligation to observe the order. Accordingly, those who perform the *ifrād* pilgrimage leave the state of *iḥrām* by shaving or having their hair cut after throwing pebbles at Jamra al-Aqaba on the first day of the feast, while those who perform the pilgrimages of *tamattū'* and *qirān* leave the state of *iḥrām* by shaving or having their hair cut after throwing the pebbles and offering the sacrifice of gratitude.

It is narrated from Anas (*ra*) that he said that the Messenger of Allah (*saw*) came to Mina, arrived at the *jamrahs*, and stoned them. Then he went to the place where he stayed in Mina and offered a sacrifice. Then he showed the barber the right and left sides of his head and told him to cut his hair.²³⁵⁵

According to a narration from Abu Hurayra, the Prophet supplicated twice for the one who shaved his head while exiting the state of *iḥrām*, asking Allah's forgiveness twice, and when he was asked to pray for those who cut their hair, he prayed for them during the third time.²³⁵⁶ Therefore, it is considered more virtuous to shave the hair off when leaving the state of *iḥrām* than to shorten it.

The following is stated in the verse, "**Truly did Allah fulfill the vision for His Messenger: you shall enter the Sacred Mosque, if Allah wills, with minds secure, heads shaved, hair cut short, and without fear...**"²³⁵⁷ Before the expedition of Hudaybiyya, the Prophet (*saw*) dreamed of the situation described in this verse, and thus gave the good news of the conquest of Mecca and the pilgrimage to his Companions.

5) Farewell circumambulation (*ṣadar*):

It is *wājib* for those coming from outside the borders of *mīqāts* to circumambulate the Ka'ba when leaving Mecca after completing the pilgrimage. It is narrated from Umar, "Whoever performs pilgrimage, his last intention should be Baytullāh. However,

2355. Al-Shawkanī, *ibid*, V, 68.

2356. Al-Shawkanī, *ibid*, V, 69.

2357. Al-Fath, 48: 27.

menstruating women are exceptions for the Messenger of Allah (*saw*) gave them permission."²³⁵⁸ Accordingly, the conditions of the farewell circumambulation are for the pilgrim's coming to the Hijaz from outside, not being in menses or in the post-partum bleeding period, intending to circumambulate, and performing it after the obligatory circumambulation (*tawāf al-ziyārah*).²³⁵⁹

Some other *wājib* acts that complement the essential pillars or the conditions of *hajj* are as follows:

6) Entering the state of *iḥrām* from the places called *mīqāt*

Those who come from outside the borders of the *mīqāt* (*āfāqīs*) to perform *hajj* or *'umra* should not pass the borders of *mīqāt* without entering the state of *iḥrām*. If a person who passes the *mīqāt* without entering the state of *iḥrām* returns, enters the *iḥrām* and recites the *talbiyah*, nothing is required. The penalty of offering a sacrifice will be relinquished. Ibn Abbas (*r. anhumā*) said to the person who entered the state of *iḥrām* after the passing the borders of *mīqāt*, "Go back to the *mīqāt* and recite the *talbiyah*. Otherwise, you will not have performed the pilgrimage."²³⁶⁰ However, according to the Ḥanafis, it is permissible and even more virtuous to enter the state of *iḥrām* before coming to the places of *mīqāt*.

The five places of *mīqāt* mentioned in the hadith are as follows: Dhu'l-Hulayfa for the people of Madinah, Juhfā for the people of Damascus, Qarn al-Manāzil for the people of Najd, and Yalamlam for the people of Yemen. These are the places of *mīqāt* for those who want to perform *hajj* and *'umra* and for travelers from other towns coming from the direction of a specified region or country. Those who live within the boundaries of *mīqāt* enter the state of *iḥrām* where their families live.²³⁶¹ The people of Mecca enter *iḥrām* in Mecca. In a report from Jabir Ibn Abdillah (*ra*), narrated as a *marfū* hadith, Dhatu Irq was added as a place of *mīqāt* for the Iraqis.²³⁶²

If a person who passes the borders of *mīqāt* without entering the state of *iḥrām* goes back and enters the state of *iḥrām* before starting any of the rites of *hajj* or *'umra*, such as *tawāf al-qudūm* or *'umra tawāf*, the punishment will be removed. Instead of the *mīqāt* place that this person passes without entering the state of *iḥrām*, it is also permissible to go to an *mīqāt* place closer to where he is and enter the state of *iḥrām* there. If one of the rites of *hajj* or *'umra* has been started after passing the borders of *mīqāt* without entering the state of *iḥrām*, the penalty will not be removed even if the person goes back to the place of *mīqāt*. After offering a sacrifice, the *hajj* or *'umra* continues where it was left.

2358. Al-Zaylaī, *Naṣb al-Rāya*, III, 89.

2359. Al-Kasanī, *ibid*, II, 127 ff., 142 ff.; al-Maydanī, *ibid*, I, 148, 149, 191; Ibn Qudāmah, *ibid*, III, 370, 440, 442, 444, 458-465.

2360. Al-Kasanī, *ibid*, II, 165-167; al-Zuhaylī, *ibid*, III, 76.

2361. Al-Bukhari, Ḥajj, 5, 7, 9, 11, 12, Sayd, 18; Muslim, Ḥajj, 11, 12; Abū Dawūd, Manāsik, 8; al-Nasā'ī, Manāsik, 19, 20-23; Aḥmad ibn Ḥanbal, *ibid*, I, 238.

2362. Muslim, Ḥajj, 18; See al-Bukhari, Ḥajj, 13; Abū Dawūd, Manāsik, 8.

7) Abandoning the things prohibited to the person in the state of *ihrām*

It is also necessary for a person who enters the state of *ihrām* for *hajj* or *‘umra* to abide by some rules called “prohibitions of the state of *ihrām*” as long as he stays in *ihrām*. Otherwise, he may have to fulfill one of the punishments we will explain below, such as offering a sacrifice, giving charity, or fasting. Wearing stitched clothes, hunting prey, cutting or shortening hair, and engaging in offensive words and behaviors while in the state of *ihrām* are among these prohibitions.

8) To perform ritual standing in Arafat from the time of *zawāl* until sundown.

9) To perform the *tawāf al-ziyārah* on the first, second or third day of the Eid al-Adḥā.

10) To be in the state of *wuḍū* and to cover the *awrah* during circumambulation

A one-round turn without being in the state of *wuḍū* must be re-performed again in the state of *wuḍū*.

11) During circumambulation having the Ka‘ba on one’s left side and keeping oneself to the right of the Ka‘ba

Those who have a valid excuse can perform *tawāf* on a mount.

12) To start *tawāf* from *Ḥajar al-Aswad* or somewhere in line with it.

13) To perform *tawāf* by walking around outside the place called *Ḥatīm*.

Because the place in the form of a half-crescent called *Ḥatīm* is accepted as a section from the Ka‘ba. If the *shawṭs* performed without going outside the *Ḥatīm* are not re-performed or at least the missing part is not completed by going around the *Ḥatīm*, a penalty is required.

14) To complete the visiting circumambulation, whose four *shawṭs* are obligatory, to seven *shawṭs*.

15) To perform a two-cycle prayer after each circumambulation:

It is *wājib* to perform a two-cycle *tawāf* prayer after each circumambulation, whether it is *farḍ*, *wājib*, or supererogatory. If it is not a reprehensible time to perform the prayer, it is *mustaḥab* to perform this prayer immediately after circumambulation, without a break. Even if it is performed later, it will be accepted as performed on time. This is because it is an independent *wājib* prayer like the *witr* prayer and is not one of the *wājib* acts of pilgrimages or circumambulation.

It is *makrūh* to perform *ṭawāfs* consecutively without performing the *ṭawāf* prayer in between.

It is *mustahab* to perform the *ṭawāf* prayer behind the station of Ibrahim. If there is no room there, it can be performed in another suitable place inside the mosque. It is *makrūh* to perform it outside the *ḥaram* area. As in the *ihrām* prayer, it is *mustahab* to recite *surah al-Kafirūn* in the first cycle and *surah al-Ikhlās* in the second cycle of this prayer. Although there is no *makrūh* time for *ṭawāf*, according to the Ḥanafis, the *ṭawāf* prayer is not performed when the sun rises, when it is at its zenith, or when it sets. Moreover, it is performed after the obligatory cycles of dawn and late afternoon prayers.

If the time for reprehensibility commences after *ṭawāf*, first the evening prayer, then the *ṭawāf* prayer, and then the sunnah cycles are performed. *Fard*, make-up, or votive prayers do not replace the *ṭawāf* prayer. If a small child is circumambulated, the *ṭawāf* prayer is not required for him.

According to the Shafī'i school, the *ṭawāf* prayer for the *ṭawāf* performed in times of *karaha* can be performed at that time.

Abandoning one of the *wājib* acts of pilgrimages does not hinder the validity of the pilgrimage. However, it is necessary to sacrifice an animal as a penalty and the meat of the sacrifice is distributed to the poor of Mecca. However, when the abandoned *wājib* is performed again, the penalty is relinquished, for it is like repeating a circumambulation performed without being in the state of *wuḍū* by performing the *wuḍū*.



XII - SUNNAH ACTS OF HAJJ

1) To perform *ghusl* or *wuḍū* for entering the state of *iḥrām* for cleaning purposes. It is reported that the Prophet performed ablution while entering the state of *iḥrām* in Dhu'l-Hulayfa for the Farewell pilgrimage.²³⁶³ Since this is for cleaning purposes, menstruating women and those in the postpartum bleeding period who are going to enter the state of *iḥrām* for *hajj* or *ʿumra* also do this. In a report narrated by Ibn Abbas as a *marfūʿ* hadith, the following is stated, *“The women in post-natal bleeding and menses were to perform Ghusl, enter the state of iḥrām and carry out all of the rites except for ṭawāf around the House, until they become clean.”*²³⁶⁴ As a matter of fact, while entering the state of *iḥrām* in Dhu'l-Hulayfa for the Farewell pilgrimage, Asma bint Umays, a female companion, gave birth to Muhammad ibn Abi Bakr. When she came to the Prophet and asked what to do, the Messenger of Allah (saw) said to Asma, *“Perform ghusl, tie your private parts with a bandage, and enter the state of iḥrām.”*²³⁶⁵

2) To perform a two-cycle *iḥrām* prayer. It is more virtuous to make the intention and recite the *talbiyah* after this ritual prayer. As a matter of fact, the following is stated in a hadith, *“The Prophet (saw) performed a two-cycle prayer in Dhu'l-Hulayfa, then entered the state of iḥrām.”*²³⁶⁶ It is *sunnah* to recite the surah al-Kafirūn in the first cycle and the surah al-Ikhlās in the second cycle of this prayer. According to the Malikis and the Ḥanbalis, one enters the state of *iḥrām* after an obligatory prayer. This is because it was narrated from Ibn Abbas (ra) that the Messenger of Allah (saw) did so. According to the Ḥanafis, if it coincides with the obligatory prayer, the obligatory prayer will suffice in place of the *iḥrām* prayer. This is based on making an analogy to the prayer of *taḥiyyāt al-masjid*.²³⁶⁷

3) For the state of *iḥrām*, cover the body with two new white towels. It is *sunnah* for men to take off all their clothes and underwear and cover the body both upper and lower parts, with two pieces of towel length cloth.²³⁶⁸ It is *mustaḥab* for these covers to be white, new, or washed and cleaned.

Head is kept uncovered and feet are bare. One may wear slippers. The following is stated in a hadith, *“One of you should enter the state of iḥrām with an izar (lower loincloth), a rida (upper loincloth), and two slippers. One who does not find slippers (to wear) he may wear stockings, but (only) after trimming them below the ankles.”*²³⁶⁹

2363. Al-Zaylaʿī, *Naṣb al-Rāya*, III, 17.

2364. Al-Tirmidhī, *Ḥajj*, 98; Aḥmad ibn Ḥanbal, *ibid*, I, 364; Abū Dawūd, *Manāsik*, 9.

2365. Muslim, *Ḥajj*, 109, 110, 147.

2366. Al-Zaylaʿī, *ibid*, III, 30 ff.

2367. Ibn Abidīn, *ibid*, IV, 473.

2368. Al-Bukhari, *Ḥajj*, 21, 23.

2369. Al-Shawkanī, *ibid*, IV, 305.

Women who enter the state of *iḥrām* do not change their clothes and do not keep their heads uncovered. Only their faces should be kept uncovered and they do not raise their voices while reciting the *talbiyah*.

4) Applying something fragrant, such as rose oil, before entering the state of *iḥrām*. It is reported from Aisha (*r.anha*) that she said, “I applied the best perfume, which I could get, to the Messenger of Allah (*saw*) before entering upon the state of *iḥrām*.”²³⁷⁰ Accordingly, there is no harm in having the smell of the fragrance while being in the state of *iḥrām* as long as it was worn before entering the state of *iḥrām*. However, after entering the state of *iḥrām*, it is no longer permissible to wear perfume or even to use scented soap.

5) After *Iḥrām*, recite the *talbiyah* by saying “*Labbayk, Allāhumma labbayk...*” three times in a medium voice at every dawn, after performing every prayer, when going up or down from a slope, every time one comes across a group of pilgrims. The *iḥrām* process begins with the first *talbiyah* recited with the intention of *iḥrām* at the place of *mīqāt* and to glorify Allah. After that, it is *sunnah* to say the phrase “*Labbayk Allāhumma Labbayk...*” three times on the road, when going up and down from a slope, when encountering fellow travelers and after performing the ritual prayers. The voice is raised from time to time in *talbiyah*.

According to the majority, except for the Malikis, the *talbiyah* is stopped when the first pebble is thrown at Jamra al-Aqaba on the first day of Eid al-Aḍḥā since that is what the Prophet (*saw*) did.²³⁷¹ However, if one gets shaved before throwing the pebbles, the reciting of the *talbiyah* must stop. For instance, the one who performs ‘*umra* stops reciting the *talbiyah* when he starts circumambulation.

6) To send peace and blessings to the Messenger of Allah (*saw*) after the *talbiyah*.

7) To pray to Allah after sending peace and blessings to the Prophet. It can be prayed like this: “*Allāhumma! Innī as'aluka riḍāka wa'l-jannata, wa aūdhu bika min ghazabika wa'n-nār.*” (O Allah! I want Your contentedness and Paradise. I seek refuge in You from Your wrath and Hell.)

Imam Muhammad says in his book *al-ʿAṣl*: “There is no specific invocation for the places of pilgrimage because designation eliminates the tenderness of the heart. However, it would be nice if one recites the transmitted *dhikr* (remembrance) in order to receive blessings.” This is absolute *dhikr* and it is more virtuous than reading the Qurʾān because it is not reported that the Prophet (*saw*) recited the Qurʾān during the circumambulation. However, it is narrated that he recited the prayer “*Rabbanā atinā fi'd-dunyā...*” between the two corners of the Kaʿba.²³⁷² Since repeating the same invocations too many times eliminates the tenderness of the heart and contradicts sincerity, turns it into a habit, and

2370. Al-Bukhari, Ḥajj, 18, Libās, 79, 81; Muslim, Ḥajj, 37; al-Darimī, Manāsik, 10; al-Tirmidhī, Ḥajj, 77.

2371. Al-Nasāʾī, Manāsik, 229, Ibn Maja, Manāsik, 69; Abū Dawūd, Manāsik, 27, 28; al-Tirmidhī, Ḥajj, 78, 79.

2372. Ibn Abidīn, *ibid*, IV, 511.

can prevent conscious communication, for that reason, it is *mustahab* for everyone to invoke as they wish. However, it has been contended that it is recommended to say the invocations transmitted from the Prophet as a blessing.

8) Bathing to enter Mecca and to enter Mecca during the day. Saying prayers upon seeing the Ka'ba. To utter *takbīr* and *tahlīl* in front of the Ka'ba.

9) Performing *tawāf al-qudūm*. According to the majority of jurists, it is *sunnah* for *āfāqīs* who come from outside and who are going to perform *ifrād* or *qirān* pilgrimage to perform the circumambulation of *qudūm*. The Malikis consider this circumambulation *wājib*.

10) Performing Ramal. It is *sunnah* for men to perform “*ramal*” in the first three *shawṭs* of the types of circumambulation which are followed by *sa'y*. *Ramal* means to walk quickly and astutely by walking with short steps and shrugging the shoulders in circumambulation. Women do not perform *ramal*.

There is an effort to appear strong against the hostile and malicious glances while performing *ramal*. For, in the circumambulation of the *'umra* performed one year after the treaty of Hudaibiyya, the Prophet ordered his Companions to perform *ramal*, that is, to walk lively in order not to appear weak, tired, and exhausted against the enemy.²³⁷³ In the farewell circumambulation, one does not perform *ramal*.

11) To perform *idṭībā*. It is *sunnah* for men to perform “*idṭībā*” in circumambulations in which *ramal* is performed. *Idṭībā* means to take one end of the upper towel and throw it over the left shoulder, and thus leave the right arm and shoulder uncovered before starting the circumambulation.

12) Performing *Harwala*. *Harwala* means that people walk swiftly or run between two green poles while performing *sa'y* between the hills of Safa and Marwa.

13) To perform many supererogatory circumambulations during the hajj.

14) Delivering a sermon in Mecca after the noon prayer on the seventh day of Dhu'l-Hijja and giving information about the pilgrimage.

15) To go to Mina after sunrise on the eighth day of Dhu'l-Hijja and stay there that night.

16) To go from Mina to Arafat after sunrise on the ninth day of Dhu'l-Hijja. On that day, which is Arafat, the noon and late afternoon prayers are performed as combined at Arafat (*jam' al-taqdīm*) at noon, and the evening and night prayers are combined in Muzdalifah (*jam' al-ta'khīr*) at night.

17) In Arafat, the emir of the pilgrimage delivers two sermons before the noon and late afternoon prayers, which will be performed as combined after *zawāl*.

2373. Muslim, Hajj, 39, Hadith No: 240.

18) On the first day of Eid al-Aḏḥā, a sermon is delivered in which the rest of the worships of the pilgrimage are explained. Thus, there will be three sermons.

19) To invoke Allah for himself, his parents, and other believers in awe and humility during the prayers in Arafat and Muzdalifah.

20) To leave slowly from Arafat after sunset and camp near the Kuzah Hill, called *Mash'ar al-Ḥaram*, after arriving in Muzdalifah.

21) To stay in Muzdalifah on the night of Eid, go to Mina on the morning of Eid, and stay in Mina together with one's belongings on the days of Eid al-Aḏḥā.

22) When throwing pebbles in Mina, take Mina to the right and Mecca to the left, to stone the first and middle Jamra on foot, and the large (Aqaba) Jamra on a mount. Today, the third Jamra can also be stoned on foot.

23) To do the stoning on the first day, between the sun and time of *zawāl*, and between *zawāl* and sundown on the other days.

24) For a person who wants to hurry from Mina to Mecca, to leave Mina before sunset on the third day of Eid.

25) To stop for a while at the place called "Muḥaṣṣab" on the way from Mina to Mecca.

26) After arriving at Mecca, performing the farewell *ṭawāf* and performing the *ṭawāf* prayer, to drink plenty of Zamzam water and pour it on in a standing position, and look at the Baytullāh.

27) To place the chest and face on the place called Multazam, which is between *Ḥajar al-Aswad* and the door of the Ka'ba.

28) To hold on to the cover of the Ka'ba and invoke Allah and if it is possible to enter the Ka'ba, to perform a two-cycle prayer with perfect decency.

29) To go to Medina and visit the Messenger of Allah (*saw*)'s grave.

Even if a person who abandons the sunnah acts of *hajj* is deprived of its virtues and rewards, he does not need to be penalized by offering a sacrifice.



XIII – APPOINTING A PROXY (NIYĀBAH) FOR *HAJJ*

A – APPOINTING PROXY IN ACTS OF WORSHIP:

Acts of worship are divided into three types in terms of whether they can be performed on behalf of someone else:

a) Purely financial acts of worship. It is possible and permissible to perform financial acts of worship, such as *zakāt*, atonements, slaughtering sacrifice, and distributing its meat by appointing someone else as a proxy. There is no need for an excuse, necessity, or a need to carry this out.

b) Purely physical acts of worship. For example prayer and fasting. Appointing another person as a proxy to fulfill such acts of worship is not permissible because the purpose of these worships is to discipline the inner self. This goal cannot be realized when someone else prays or fasts on behalf of another person.

c) Acts of worship that have both physical and financial aspects. For instance, the pilgrimage. Except for the Malikis, according to the majority of Muslim jurists, appointing another person as a proxy to fulfill such acts of worship is permissible in case of inability or necessity. This is because the difficulties in the pilgrimage occur not only with the person's own actions but also with the actions of someone else (proxy of *hajj*) who will cover the expenses of the pilgrimage. The Malikis, on the other hand, do not consider it permissible for a living person to send someone else to perform an obligatory or supererogatory *hajj*.

A person who dies before performing the pilgrimage even though it is obligatory on him, and without sending a proxy in place of himself, must leave a will to send a proxy for pilgrimage in his place. If the heirs do not send a proxy in place of the deceased, even though one-third of the inheritance that he left covers the expenses of pilgrimage, they will be responsible in the presence of Allah. If the deceased does not leave a will in this matter, or if he has a will but one-third of his property is not enough to cover the costs, the heirs are not obliged to send a proxy. On the other hand, even though there is no will or there is a will but one-third of the property is not sufficient to cover the expenses, if the children of the deceased go to *hajj* with their own wealth or send a proxy, this becomes sufficient for the deceased.

According to the Shafi'i, on the other hand, even if the person who dies without making a pilgrimage does not have a will in this matter and one-third of his inheritance does not cover the expenses of pilgrimage, although the pilgrimage was *farḍ* on him, the heirs are obliged to perform the pilgrimage on his behalf with the entire inheritance.

This is because the Prophet (*saw*) likened pilgrimage to debts owed to other people and stated that Allah's right is worthier to be paid off.²³⁷⁴

A person who sets out to perform pilgrimage in the first year that *hajj* becomes obligatory upon him and dies on the way does not have to bequeath a proxy to be sent on his behalf. However, if the person who goes on a pilgrimage dies on the way in the years after the pilgrimage becomes obligatory, he has to leave a will to send a proxy on his behalf. In such a case, the proxy is sent from his hometown according to Abu Ḥanīfa, and from the place where he dies according to Abu Yusuf and Imam Muhammad.

Muslim scholars are in agreement that if the reward of an act of worship such as ritual prayer, charity, and sacrifice is donated to the soul of a deceased person, he or she will benefit from such rewards. The evidence is the following hadith, "*When a person dies, his deeds are cut off. Three things are exceptional. Continuous charity (ṣadaqah al-jāriyah), useful knowledge, and a well-raised child praying for him.*"²³⁷⁵

According to the majority of Muslim scholars, a person can donate the rewards of his acts of worship such as prayer, fasting, charity, or the recitation of the Qur'an. The Prophet (*saw*) sacrificed two rams and donated the spiritual rewards of one to himself and the other to those of his ummah who accepted the oneness of Allah.²³⁷⁶ The case of donating the rewards of deeds to another person is excluded from the scope of the following verse "*That man can have nothing but what he strives for.*"²³⁷⁷

The evidence from the Sunnah for the permission of appointing a proxy in *hajj* is the following hadith. A woman from the Has'ām tribe came to the Prophet (*saw*) and told him that his father was too old to ride a mount, and asked if she could perform the pilgrimage on his father's behalf, and the Messenger of Allah (*saw*) allowed this.²³⁷⁸

According to the Ḥanafis, a wealthy Muslim who is not obligated to perform the *hajj* himself due to a valid excuse such as paralysis, blindness, extreme old age, incurable illness, and a ban on leaving the country must send someone else to the pilgrimage in his place. This will be enough for him as a pilgrimage. Appointing a proxy in *hajj* is permissible only in case of incapacity. Moreover, this state must continue until death.

B – CONDITIONS OF APPOINTING A PROXY FOR AN OBLIGATORY HAJJ:

The following conditions must be met for a *hajj* performed by a proxy sent on behalf of a person on whom *hajj* is obligatory, to be valid:

2374. Al-Bukhari, *Caṣa'ū's-Sayd*, 22.

2375. Al-Darīmī, *Muqaddimah*, 46.

2376. Al-Tirmidhī, *Aḍāḥī*, 2; Ibn Maja, *Aḍāḥī*, 1; al-Darīmī, *Aḍāḥī* 1; Aḥmad ibn Ḥanbal, I, 149, V, 196, VI, 8; al-Zayla'ī, *Naṣb al-Rāya*, II, 151-154.

2377. Al-Najm, 53: 38; al-Zuhaylī, *ibid*, III, 39, 40.

2378. Al-Bukhari, *Ḥajj*, 1; Muslim, *Ḥajj*, 407.

1) The person on whom *hajj* is obligatory must be permanently incapable of performing *hajj* in person due to the death or old age, paralysis, illness with no hope of recovery, or the absence of a *mahram* relative for the woman wishing to travel. Accordingly, the pilgrimage to be performed on behalf of a person who sends someone else for a temporary reason, such as a curable illness or imprisonment, will be accepted as supererogatory, but he or she has to perform the obligatory *hajj* if and when the temporary obstacle is removed.

2) *Hajj* must have become obligatory beforehand for the person on behalf of whom the *hajj* is going to be performed. Otherwise, the pilgrimage performed on behalf of the person on whom the pilgrimage is not obligatory will be considered supererogatory.

3) The person who will be sent as a proxy must be a Muslim, sane, adolescent, or at the age of discernment. A woman can also perform *Hajj* on behalf of someone else. As a matter of fact, the Prophet (*saw*) allowed the woman of Has‘ām to perform pilgrimage on behalf of her father.

4) When entering the state of *ihrām*, the proxy should only intend on behalf of the sender. If the proxy intends for himself, or if he is appointed as a proxy by several people and intends for all of them and himself, then it turns into a pilgrimage performed for himself and he has to return the travel and expense money he has received as a proxy.

5) A fee should not be stipulated for the proxy. This is because a pilgrimage is an act of worship, and acts of worship are done not for a fee, but for the contentedness of Allah.

The proxy spends the money given to him for expenses without wasting and without excessive cuts, and he has to give back the remaining if any. However, there is no harm in leaving the remaining money to the proxy as a gift.

6) The *Hajj* expenses of the proxy should be borne by the sender in accordance with the customary measures. A person who performs a pilgrimage with his own money on behalf of someone else will be performing the pilgrimage for himself. Even if he can donate the rewards of that pilgrimage to this person, the *hajj* obligation will not be relinquished from that person. According to the Shafi‘is, it falls.

7) The person on whose behalf the pilgrimage is performed must have asked the proxy to perform the pilgrimage on his behalf. Otherwise, the pilgrimage to be performed on behalf of someone else without permission or a will left behind will not remove the *hajj* responsibility from that person. Because, except for the heir, it is not permissible to perform a pilgrimage on behalf of someone else without permission. Accordingly, the pilgrimage that children perform on behalf of their mother or father who died without performing the pilgrimage is valid.

8) The proxy must perform the pilgrimage himself. However, the sender may also authorize the transfer of the power of proxy to someone else in case of an obstacle.

9) The proxy must perform the type of pilgrimage desired by the sender. If the proxy is left free in this regard, he can make an intention for a type of pilgrimage he deems appropriate.

10) In the will of the person on whose behalf the pilgrimage will be performed, the amount of money to be spent by the proxy and the place from which the proxy will be sent are determined, it must be followed. If one-third of the willed money or inheritance is sufficient, the proxy is sent from the hometown of the deceased, if not, from any place where it is sufficient.

11) The proxy cannot perform *hajj* or '*umra* on his own behalf unless he completes the *hajj* or '*umra* rituals on behalf of the sender. Otherwise, he must return the money he received, as he will be deemed to have made the journey on his own behalf.

12) If the pilgrimage of the proxy becomes invalid, he will refund the expenses of the pilgrimage to the sender and he will be liable to make up for the pilgrimage.

Although it is permissible for a person who has not performed his own *hajj* to perform *hajj* on behalf of someone else, it is more appropriate to appoint as a proxy a person who has already performed *hajj* and knows the rites of *hajj*. The reason is that the Prophet (*saw*) responded to the woman from Has'ām when she inquired if she could perform the pilgrimage in place of her father who could not perform it due to his old age, "*Perform the pilgrimage on his behalf.*"²³⁷⁹ According to the absolute meaning of this *hadith*, the Prophet (*saw*) did not ask whether the woman had performed her obligatory pilgrimage before, but according to the Malikis, such a pilgrimage is *makrūh*.

Moreover, according to the Shafi'is and the Ḥanbalis, it is not valid for a person who has not performed his obligatory *hajj* to perform *hajj* on behalf of someone else. This is because the Messenger of Allah (*saw*) said to a man who was reciting *talbiyah* on behalf of Shubruma, "*Perform the pilgrimage for yourself first, then you can perform the pilgrimage on behalf of Shubruma.*"²³⁸⁰

They argue that the *hadith* above about the woman from Has'ām indicates that the Prophet knew that she had performed her obligatory pilgrimage earlier. Also, the *hadith* "There is no *sarūra* in Islam." also supports this interpretation.²³⁸¹ *Sarūra* means that a person who does not perform his own *hajj* performs *hajj* on behalf of someone else.

All these conditions above are related to *fard* or *wājib* pilgrimage according to the Ḥanafis. As for the supererogatory pilgrimage to be performed on behalf of someone else, it is sufficient for the person to be a Muslim, sane and at the age of discernment, to enter the state of *ihrām* for the person on whose behalf he is acting, and not to make the pilgrimage in return for a fee.

2379. Al-Bukhari, *Hajj*, 1, Sayd, 22-24, Maghazi, 77, *Īsti'zan*, 2; Abū Dawūd, *Manāsik*, 25, Wasaya, 12; al-Tirmidhī, *Hajj*, 54, 84, 85; al-Nasā'ī, *Hajj*, 2.

2380. Al-Shawkanī, *ibid*, IV, 292.

2381. Abū Dawūd, *Manāsik*, 3; Aḥmad ibn Ḥanbal, I, 312.

XIV – PENALTIES FOR NOT COMPLYING WITH THE PROHIBITIONS OF *IHRĀM*

Committing the acts that are prohibited in the Ḥaram region while in the state of *ihrām* is called “*jināyāt*”. We can describe this term as the deficiencies or failure to follow the rules during *hajj* or ‘*umra*. A person who abandons one of the obligatory rituals of *hajj* or ‘*umra* without a valid excuse or does not do it on time must be punished. If a *wājib* act is neglected due to a valid excuse, or if it is re-performed again later, the penalty is dropped. According to the Ḥanafīs, due to the deficiencies regarding the prohibitions of the state of *ihrām* in *hajj al-qirān*, two penalties are required for each deficiency, one for the ‘*umra* and the other for the *hajj*. A single penalty is required for the deficiencies related to the abandonment of a *wājib* act that concerns only ‘*umra*, such as performing the ‘*umra* circumambulation without being in the state of *wuḍū*, or an act that concerns only *hajj* such as abandoning the ritual standing at Muzdalifah. According to the other three schools, it is sufficient to pay a single penalty for deficiencies in the prohibitions of *ihrām*.

A – PENALTIES AND ATONEMENTS FOR THE DEFICIENCIES IN *HAJJ* AND ‘*UMRA*

Some deficiencies committed during the *hajj* lead to the invalidation of *hajj* and making it up, while others require the punishment of offering a sacrifice or giving charity depending on the severity of the deficiency. These punishments and expiations are as follows: making up the pilgrimage, sacrificing *badana* (camel-cattle), sacrificing *dam* (sheep-goat), giving alms, payment of a price, and fasting.

1) Deficiencies that necessitate the making up *hajj* or ‘*umra*:

a) Having sexual intercourse after entering the state of *ihrām* for *hajj* and before performing the ritual standing at Arafat invalidates the pilgrimage. There is a consensus among the schools on this issue. Such a person must leave the state of *ihrām* by sacrificing a *dam* (sheep or goat) and has to make up this pilgrimage in the following years.

If the person performing the *hajj* has sexual intercourse after performing the ritual standing at Arafat, but before shaving and leaving the state of *ihrām*, his pilgrimage will not be considered invalid, but he has to sacrifice a *badana* (cattle or a camel). According to the three schools except for the Ḥanafīs, in this case, the pilgrimage is invalid.

b) After entering the state of *ihrām* for ‘*umra*, the ‘*umra* of a person who has sexual intercourse without performing at least four *shawts* of ‘*umra* circumambulation is invalidated. The invalidated ‘*umra* is not left incomplete but completed, and then one

leaves the state of *iḥrām* and a *dam* (sheep or goat) is sacrificed. It is also necessary to make up the *'umra* by entering a new state of *iḥrām*.

2) Deficiencies that Require to Sacrifice a Badana (Camel or Cattle):

a) Having sexual intercourse after the ritual standing at Arafat but before shaving and leaving the state of *iḥrām* (which is called the first *taḥallul*).

b) To perform the circumambulation in a state of ceremonial impurity (*janabah*). According to the majority, performing the obligatory *ṭawāf* while menstruating or post-partum bleeding requires the same penalty. According to some scholars who are in the minority, there is no penalty if a woman performs the obligatory *ṭawāf* during such period or impediment occurs outside of the woman's will. This last view provides convenience for women who have to act as a group.

If the circumambulation performed in a state of ceremonial impurity (*janabah*), without being in the state of *wuḍū*, during menstruation or in the postpartum period is re-performed again in the state of *wuḍū*, no matter what kind of circumambulation it was, the penalty will be waived.

3) Deficiencies that Require Sacrificing a Dam (Sheep or Goat):

These are divided into two types the deficiencies related to the *wājib* acts of *hajj* and *'umra* and the prohibitions of the state of *iḥrām*:

a) Those related to the *wājib* acts of *hajj* and *'umra*:

1) To pass the borders of *mīqāt* without entering the state of *iḥrām*. Before performing any rites of pilgrimage such as *'umra* or *ṭawāf al-quḍūm*, the penalty will be removed if the person returns to the place of *mīqāt* and enters the *iḥrām* there.

2) To abandon the entire *sa'y* or at least its four *shawṭs* or not to walk without a valid excuse.

3) To leave the ritual standing at Muzdalifah without a valid excuse.

4) Not carrying out the stoning at all or not throwing more than half of the pebbles that should be thrown in a day. If more than half is thrown, alms must be given for each missing pebble.

5) Not performing the last three *shawṭs* or only one of them in obligatory or *'umra* circumambulation.

6) Those who come from outside the *mīqāt* borders (*āfāqīs*) to not perform the farewell *ṭawāf* or at least four *shawṭs* of this circumambulation.

7) Not to comply with the rules of *satr al-awrah* in a circumambulation such as *ziyārah*, *'umra*, and farewell circumambulation, which is considered *farḍ* and *wājib*.

8) *Ziyārah* and *‘umra* circumambulation without being in the state of *wuḍū*. To perform the circumambulation of *quḍūm*, farewell, and *‘umra* in the state of *janabah*. If the circumambulation is performed again in the state of ritual purity, the penalty will be dropped.

9) Leaving Arafat before sunset on the day of Arafat.

10) According to Abu Ḥanīfa, to shave outside the Ḥaram area or after Eid days and go out of the state of *iḥrām*, delay the *ziyārah* circumambulation after the third day of Eid, and not observe the order in the acts of throwing pebbles at Jamra al-Aqaba, slaughtering the sacrifice and shaving. According to Abu Yusuf, Imam Muhammad, and the other three schools, these acts are not *wājib* and are considered *sunnah*, so no penance is required.

b) Deficiencies related to the prohibitions of *iḥrām*:

1) Men wearing any other clothing, covering their head or face for one full day or night. Any attire, underwear, socks, and shoes that cover the ankles are considered clothing items. If it is worn for less than one day or nighttime, giving charity is sufficient.

According to the Shafi‘is and the Ḥanbalis, a certain period of time is not required for the penalty, it is sufficient to wear the clothing item. According to the Malikis, if the clothing that is worn protects from heat or cold, it is punishable by wearing it for a short time, and if it is a thin thing that does not protect from heat or cold, it is punishable by wearing it for a full day.

Women wear their normal clothes in the state of *iḥrām*, but they do not cover their faces.

2) Applying fragrance or oil to the entire body or to all of a limb. If the width and length of the perfume applied to the towels of *iḥrām* are larger than one inch each and the effect of the fragrance lasts during the day or night, it is necessary to sacrifice a small animal. Otherwise, payment of charity is required according to its effect.

According to the three schools other than the Ḥanafis, it is sufficient to apply it, regardless of the amount and time, in order for a penalty for a fragrance to be required.

3) Applying oil, jelly, brilliantine, or painting with henna, hair dye, and similar things to decorate the body or a whole part of the body such as hair and beard. There is no need for drugs and ointments or odorless creams and oils applied for treatment.

4) Shaving at least a quarter of the hair or beard or the entirety of another limb. For less, payment of charity will be enough.

5) Trimming all nails or the nails of one hand or foot at once. If all fingernails or toenails are cut in separate places and times, a separate penalty is required for each. If a part, but not all, is cut off, alms are required for each nail clipped. There is no need for a nail that breaks or falls on its own.

4) Deficiencies that Require Giving Charity (*Sadaqah*) as much as *Zakāt al-Fiṭr*

1) Applying perfume by the person who is in the state of *iḥrām* to less than one of his limbs.

2) Shaving less than a quarter of his head or beard.

3) Wearing stitched clothes or covering one's head for less than a day or night.

4) Trimming the nails of less than five of the various fingers.

5) To perform *quḍūm* or farewell or any supererogatory circumambulation without being in the state of *wuḍū*. A person who performs the circumambulation of *quḍūm* in the state of *janabah* or without being in the state of *wuḍū* must sacrifice a ram.

6) To abandon one of the *shawṭs* of the farewell circumambulation or *sa'y*, to use an insufficient number of pebbles in stoning the devil.

7) Shaving the head of another person who is in the state of *iḥrām* or not.

5) Deficiencies that Require Payment of Price

These are divided into two types of land-dwelling game animals, hunting and the ones related to the vegetation of the Ḥaram region.

a) Those related to game animals living on land:

According to the Ḥanafis, if an animal that lives on land is hunted while the hunter is in the state of *iḥrām*, the value of this animal is appreciated. The appreciated amount is divided into the amounts of *zakāt al-fiṭr* and distributed to the poor, or one day is fasted for each amount of *zakāt al-fiṭr*. If this amount is enough to buy a *hady* sacrifice, the sacrifice needs to be bought and slaughtered in the Ḥaram region. The money left over from the sacrifice does not have to be given as charity. On the other hand, although the value of the game animal whose meat is eaten can be appreciated more than the value of the sheep and goat, a value exceeding this value is not appreciated for the game whose meat cannot be eaten.

According to the three schools other than the Ḥanafis, game animals are divided into two types, similar and non-similar. For example; wild ass is similar to cattle; the gazelle is comparable to the goat and the rabbit is accepted as equal to the goat kid.

b) Those related to the hunting and the vegetation of the Ḥaram region:

Cutting the grass and trees that grow spontaneously in the Ḥaram of Mecca also requires giving alms as much as their value. Plants such as mushrooms and yams are exceptional. There is no difference whether the damage to game animals, self-grown grass, and trees in the Ḥaram region is intentional, accidental, or due to forgetfulness. The Qur'an says, **"O you who believe! Kill not game while in the sacred precincts or**

in pilgrim garb. If any of you does so intentionally, the compensation is an offering, brought to the Ka'ba, of a domestic animal equivalent to the one he killed, as adjudged by two just men among you; or by way of atonement, the feeding of the indigent; or its equivalent in fasts..."²³⁸²

The fact that the animals and vegetation that grow spontaneously in the Ḥaram region are protected by these prohibitions, not only is an indicator of Islamic civilization but also means that the compassion and mercy of the pilgrims, who take on a spirit that will not hurt each other with their words and actions, also extends to other living beings and plants.²³⁸³

Things that are forbidden for those who enter the state of *iḥrām* for a *fard* hajj are also prohibited for those who are in *iḥrām* for 'umra. According to the Ḥanafis, if the person performing the 'umra has sexual intercourse with his wife before performing the four *shawṭs* of the *ṭawāf*, he must perform the 'umra and sacrifice a *dam* (a sheep or a goat). Having sexual intercourse after four *shawṭs* of the *ṭawāf* does not require making it up, in such a case it is sufficient to sacrifice a sheep.²³⁸⁴

There is no penalty for cutting down man-raised plants and trees, whether by their owners or others, as workers or caretakers.

6) Failure to comply with the Prohibitions of *Iḥrām* due to an Excuse:

If the person in the state of *iḥrām* applies fragrance, shaves, or wears a stitched cloth due to a valid excuse, he can choose one of the following alternatives as a penalty:

a) Sacrificing a *dam* (a sheep or a goat) in the Ḥaram region, b) Donating money as much as *zakāt al-fīṭr* to six poor people, and c) Fasting for three days. The following is stated in the Qur'anic verse, "...and do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill, or has an ailment in his scalp, (necessitating shaving), (He should) in compensation either fast, or feed the poor, or offer the sacrifice..."²³⁸⁵

According to the Ḥanafis, the right to choose among the above-mentioned penalties is valid only for God-given excuses such as illness, traffic accident, or sunstroke. Accordingly, there is no optional right for prohibitions committed with non-heavenly excuses such as ignorance, mistake, forgetfulness, or pressure (threat). Only a sacrifice penalty is applied to them. In the other three schools, they have the right to choose one of the above punishments due to non-heavenly excuses as well.

2382. Al-Mā'ida, 5: 95.

2383. For the penalties of non-compliance with the prohibitions of the state of *iḥrām* see Ibn al-Humām, *ibid*, II, 224-254; al-Maydanī, *ibid*, I, 199-210; Ibn Abidīn, *ibid*, II, 273-296; Ibn Rushd (Averroes), *ibid*, I, 346, 356; al-Shirāzī, *ibid*, I, 210-217; Ibn Qudāmah, *ibid*, III, 494-496; al-Zuhaylī, *ibid*, III, 257 ff.

2384. Al-Maydanī, *ibid*, I, 202.

2385. Al-Baqara, 2: 196.

B – PLACE AND TIME OF FULFILLMENT OF PENALTIES AND ATONEMENTS IN *HAJJ* OR '*UMRA*:

There is no specific time to pay the penalty for a deficiency committed in *hajj* and '*umra*. It is always payable until the end of life. For all atonements are of the type of *wājib* acts that can be performed on a delayed (*tarakhī*) basis. However, it is more virtuous to correct such a defect as soon as possible. A person who does not pay the atonement until his death or does not leave a will to be paid becomes a sinner. Without leaving a will, the debt is deemed to have been paid by the payment of the heirs as donations.

The animal that will be slaughtered as a penalty for a deficiency during *hajj* or '*umra* is called "*hady*" and must be slaughtered in the Ḥaram area. Other atonements such as fasting, alms, and paying the price of game animals can be paid anywhere.



XV – BEING PREVENTED OR MISSING *HAJJ* (*IḤṢĀR* AND *FAWĀT*)

A – BEING PREVENTED FROM *HAJJ* (*IḤṢĀR*):

It is called “*iḥṣār*” when, for any reason, the possibility of performing *ṭawāf* and the ritual standing (*waqfa*) disappears after entering the state of *iḥrām* to perform *hajj* or ‘*umra*. According to the Ḥanafis, all kinds of obstacles that prevent the continuation of the pilgrimage, such as an enemy, the closure of roads due to war, illness, lack of money, the death of a woman’s *maḥram*, and therefore prevents the performing of circumambulation and ritual standing, are considered “reasons for *iḥṣār*”. According to the Shafi‘i, on the other hand, *iḥṣār* occurs only due to the prevention caused by an enemy.

Since entering the state of *iḥrām* only for *hajj* or ‘*umra*, leaving that state can only happen by performing *hajj* or ‘*umra*. If the person in the state of *iḥrām* who is prevented from performing *hajj* and ‘*umra* has only intended for the ‘*umra* or *ifrād* pilgrimage, he offers one sacrifice, and if he has entered the state of *iḥrām* for the *hajj al-qirān*, he sacrifices two animals. This is called the “*hady al-iḥṣār*” and must be sacrificed in the Ḥaram area. When the animal is sacrificed, the person is deemed to have left the state of *iḥrām*.

According to the Shafi‘i, the sacrifice of *iḥṣār* is slaughtered at the place where the person who has been subject to *iḥṣār* is, and unless this person shaves, he will not leave the state of *iḥrām*.

Hajj and ‘*umra* that cannot be performed due to *iḥṣār* must be made up. Those who enter the state of *iḥrām* for *hajj* must make up one pilgrimage and one ‘*umra*; those who entered the state of *iḥrām* for the *qirān* pilgrimage must make up one pilgrimage and two ‘*umras*, and those who entered the state of *iḥrām* only for ‘*umra* must only make up one ‘*umra*.

According to the Shafi‘i, a person who is prevented from performing *hajj* or ‘*umra*, which is *fard* or *wājib*, must be made up for whichever of these he has entered into the state of *iḥrām*. There is no need for making it up if he is prevented from performing supererogatory pilgrimage or ‘*umra*.

B – MISSING THE *HAJJ* (*FAWĀT*):

Fawāt refers to the fact that a person who enters the state of *iḥrām* to perform the pilgrimage cannot reach the ritual standing at Arafat, and cannot be in Arafat even for a moment during the ritual standing period. A person who, with or without a valid excuse,

cannot be in Arafat for a short time, between the time of *zawāl* on the day of Arafat, until dawn on the night of Eid, misses the pilgrimage of that year.

Anyone who falls into such a situation will follow the steps below;

a) If he has entered the state of *iḥrām* to perform the *hajj al-ifrād*, he will leave the state of *iḥrām* by performing 'umra and will make up the pilgrimage in the following years.

b) If he has entered the state of *iḥrām* to perform the *hajj al-Tamattū'*, he must have first performed 'umra and then left the state of *iḥrām*. After that, if he has entered the *iḥrām* for *hajj* again before the day of Arafat, the *tamattū'* pilgrimage will be invalid because he could not reach the ritual standing, and a sacrifice of gratitude is not required. In this case, he leaves the state of *iḥrām* by performing one more 'umra. He has to make up only one pilgrimage in the subsequent years.

c) If he has entered the state of *iḥrām* to perform the *qirān* pilgrimage and had the opportunity to have performed the circumambulation and *sa'y* of the 'umra before missing the time of the ritual standing, he will perform a second 'umra, as in the *hajj al-tamattū'*. If he has not performed the *ṭawāf* and *sa'y* for 'umra, he first performs *ṭawāf* and *sa'y* to leave the state of *iḥrām* of 'umra; Then he performs circumambulation and *sa'y* for the second time to leave the state of *iḥrām* of *hajj*, shaves and leaves the state of *iḥrām*. Since the *qirān* pilgrimage is not completed, a sacrifice of gratitude is not required. He only needs to make up one pilgrimage in the following years.

According to the Ḥanafis, those who miss the pilgrimage do not have to sacrifice an animal separately to leave the state of *iḥrām*, since they cannot reach the ritual standing. Because the additional 'umras performed by those who fall into this situation to leave the state of *iḥrām*, are accepted in place of the 'hady' sacrifice offered by those who encounter the situation of being prevented from pilgrimage (*iḥṣār*). According to the other three schools, it is *wājib* to while making up the pilgrimage to sacrifice an animal during the *hajj*.



XVI – APPLICATION OF *HAJJ*

a) Entering the state of *ihrām*. The rites of *hajj* and *‘umra* begin by entering the state of *ihrām*. If it is not a time of *karāha* to perform the ritual prayer, a two-cycle *ihrām* prayer is performed after performing *ghusl* or performing *wuḍū* at the *mīqāt* place. It is more virtuous to recite surah “al-Kafirūn” in the first cycle and surah “al-Ikhlās” in the second cycle of this prayer. After that, the person who will only perform the pilgrimage (*ifrād* pilgrimage) says, “*Allāhumma innī urīdu ‘l-hajja, fayassirhu lī wa taqabbalhu minnī*” (O Allah! I want to perform the pilgrimage for Your sake. Make it easy for me and accept it from me) and only intends to do the pilgrimage. The person who will perform a *tamattū* ‘ pilgrimage makes an intention for *‘umra* by saying, “*Allāhumma innī urīdu ‘l- ‘umrata fa yassirhā lī wa taqabbalhā minnī*” (O Allah! I want to perform *‘umra* for Your sake. Make it easy for me and accept it from me). Before going to the plain of Arafat, while entering the state of *ihrām* for *hajj* in Mecca, he then makes an intention to do the pilgrimage as stated above. The person who will perform the pilgrimage of *ifrād*, on the other hand, intends the following, “*Allāhumma innī urīdu ‘l- ‘umrata wa ‘l-hajja, fa yassirhumā lī wa taqabbalhumā minnī*” (O Allah! I want to perform *‘umra* and pilgrimage for Your sake. Make them easy for me and accept them from me.)

After the appropriate intention as above, the following *talbiyah* is recited:

لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْكَ، إِنَّ الْحَمْدَ
وَالنِّعْمَةَ لَكَ وَالْمُلْكَ، لَا شَرِيكَ لَكَ

“*Labbayk, Allāhumma labbayk. Labbayka lā sharīka laka labbayk. Inna ‘l-ḥamda wa ‘n-ni ‘mata laka wa ‘l-mulka, lā sharīka lak.*”²³⁸⁶

“Here I am [at your service] O Allah, here I am. Here I am [at your service]. You have no partners, here I am. To You alone is all praise and all excellence, and to You is all sovereignty. There is no partner to You.”

Men remove their everyday clothes and instead cover themselves with two cloth towels. Whereas the women enter the *ihrām* in their daily clothes. They are not allowed to cover their faces. The intention is as follows, depending on the type of *‘umra* or pilgrimage one will do; “I intend to perform *‘umra* (or *hajj*, or both *‘umra* and *hajj*) for the sake of Allah, O Allah, make it easy for me and accept it from me. I have entered the state of *ihrām* for the sake of Allah.” A person who will perform *hajj* or *‘umra* on behalf

2386. Al-Bukhari, *Hajj*, 26, *Libās*, 69; Muslim, *Hajj*, 19, 147, 269, 271; al-Darimī, *Manāsik*, 22, al-Tirmidhī, *Hajj*, 97.

of someone else, intends by saying "I intend to do *hajj* or '*umra* on behalf of so-and-so. And I have entered *iḥrām* for the sake of Allah".

By making the intention and *talbiyah*, one enters the state of *iḥrām*, and the prohibitions of the state of *iḥrām* begin. One continues on the journey by reciting *talbiyahs*, *takbīrs*, *tahlīls*, and *salawāts*. *Talbiyah* is repeated on the ups and downs of the roads, after the obligatory prayers, at dawn, and when meeting with other groups of pilgrims. It is *mustaḥab* to repeat the *talbiyah* three times and then say *takbīr*, *tahlīl*, and *salawāt*.

One ends the recitation of the *talbiyah* by throwing pebbles at Jamra al-Aqaba on the first day of the Eid in the case of pilgrimage, and by starting the '*umra* circumambulation in the case of '*umra*.

When one reaches Mecca, he or she goes to the Ka'ba, if possible, by performing major or minor ablution and by reciting *talbiyahs*. When the Ka'ba is seen, one utters *takbīrs* and *tahlīls* and invokes Allah. One does not recite *talbiyyah* during the *ṭawāf*. If the obligatory prayer is not being performed, one immediately begins the circumambulation.

b) Application of circumambulation and *sa'y* is in accordance with the types of pilgrimage. The first circumambulation in the *ifrād* pilgrimage is considered "*ṭawāf al-quḍūm*", and in the *tamattū'* or *qirān* pilgrimage, it is considered as "*ṭawāf* of '*umra*". Since the *sa'y* of the '*umra* will be performed after the circumambulation of '*umra* in the *tamattū'* and the *qirān* pilgrimage, the male pilgrims perform "*idṭibā*" and "*ramal*" in the circumambulation. In the *ifrād* pilgrimage, if the *sa'y* of the *hajj* is to be performed immediately after the *ṭawāf al-quḍūm*, *idṭibā* and *ramal* are performed in the circumambulation, otherwise, it is not done. After *ṭawāf*, if possible, a two-cycle *ṭawāf* prayer is performed behind the *Maqām al-Ibrahim*, or in the appropriate place of the *Masjid al-Ḥaram*. Then one invokes and drinks Zamzam. Afterward, those who perform the *tamattū'* and *qirān* pilgrimages perform the *sa'y* of '*umra*, and those who perform the *ifrād* pilgrimage may perform if they wish, the *sa'y* of the *farḍ hajj* as seven *shawṭs* between Safa and Marwa.

Those who perform the *ifrād* pilgrimage, whether they perform the *sa'y* of the *farḍ* pilgrimage or delay it to the feast days, cannot shave nor leave the state of *iḥrām* until they have thrown the pebbles at Jamra al-Aqaba on the first day of the Eid. Until then, they remain in the state of *iḥrām*.

Those who perform the *qirān* pilgrimage do not leave the state of *iḥrām* after performing the *sa'y* for the '*umra*. After performing the *sa'y* for '*umra*, and after resting for a while, if necessary, they perform *ṭawāf al-quḍūm* and perform the *ṭawāf* prayer. They perform *sa'y*, which is part of the *farḍ* pilgrimage, either after the *ṭawāf al-quḍūm* if they wish, or after the *farḍ ṭawāf* on the days of Eid. In the circumambulation to be followed by *sa'y*, in principle, the men perform the *idṭibā* and *ramal*. On the first day of the feast, after throwing the pebbles at Jamra al-Aqaba, slaughtering a sacrifice, and shaving, they leave the state of *iḥrām*.

Since those who perform the *tamattū* 'pilgrimage have only made intention for 'umra in the place of *mīqāt*, they shave and leave the state of *iḥrām* when they complete the 'umra. They remain in Mecca without being in the state of *iḥrām* until they enter the state of *iḥrām* again for *hajj*. After entering *iḥrām* for *hajj*, they can perform the *sa'y*, which is attached to the obligatory pilgrimage, after a supererogatory circumambulation, before going to the plain of Arafat. In such cases, they do not perform *sa'y* after the *fard' ṭawāf*.

c) No matter what type of pilgrimage they intend, all pilgrims leave Mecca on the day of *tarwiya* (8th day of Dhu'l-Hijja) and go to Mina or Arafat.

d) Stay in Arafat. On the day of Arafat, after sunrise, the pilgrims go from Mina to Arafat. The noon and afternoon prayers are performed combined in the congregation at the Namira Maṣjid or elsewhere. After the ritual standing of the pilgrimage is performed, when the sun sets, the pilgrims move to Muzdalifah.

e) Spending the night in Muzdalifah. Muzdalifah is a place between Mina and Arafat. Pilgrims perform the evening and night prayers there on the night of the 9th day of Dhu'l-Hijja by combining them in the form of *jam' al-takhīr* during the time of the night prayer. Dawn prayer is also performed in *Mash'ar al-Ḥaram*. A ritual standing is performed for invocations and prayers, and then the pilgrims move on to Mina before sunrise.

f) Stoning the Devil. On the first day of the feast, seven small pebbles are thrown at Jamra al-Aqaba after the break of *ṣaḥr al-ṣādiq*. After that, those who perform the *ifrād* pilgrimage leave the state of *iḥrām* by shaving; and those who perform the *tamattū* ' or *qirān* pilgrimages leave the state of *iḥrām* by slaughtering a gratitude sacrifice and shaving. Although all the prohibitions of *iḥrām* except one are lifted after doing these, the prohibition regarding sexual intercourse is lifted only after performing the obligatory circumambulation.

g) It is more virtuous to have the hair shaved when leaving the state of *iḥrām*. However, shortening a quarter of the hair is also sufficient. According to Imam Shafi'i, it is sufficient to cut two or three strands of hair. After that, pilgrims may wear their normal clothes, and all prohibitions of *iḥrām* come to an end except for sexual intercourse with one's spouse.

h) If possible, the obligatory circumambulation (*ṭawāf al-ziyārah*) is performed on the same day. Pilgrims perform a two-cycle *ṭawāf* prayer and invoke Allah while drinking Zamzam water. After performing the obligatory circumambulation, the prohibition of sexual intercourse is also lifted.

i) After that, the pilgrims go to Mina. Those who are not in a hurry stay there for three more days and throw seven pebbles at the small, middle and large (Jamra al-Aqaba) devils on the second, third, and fourth days of the feast. Those in a hurry can leave Mina before the sun sets on the third day, or before the dawn of the fourth day at the latest, by

only carrying out the stoning on the third day of the feast. Stoning is done between the time of *zawāl* and sundown. However, stoning on the fourth day can be done before *zawāl*.

j) Farewell *Ṭawāf*. After the stoning of the devils is over, the pilgrims return to Mecca; *Āfāqīs* perform farewell *ṭawāf* and perform a two-cycle *ṭawāf* prayer. They drink Zamzam water, wash their face and head with it, and if there is no difficulty, it is poured over the body. While drinking zamzam, they invoke as follows; “***Allāhumma innī as'aluka 'ilman nāfi'an wa rizqan wasi'an wa ṣifāan min kulli dāin wa saqamin.***” (O Allah! I ask You for useful knowledge, abundant sustenance, and healing from all kinds of diseases.)

After that, *takbīrs* and *tahlīls* are uttered in graciousness, and if possible, one may place his or her face and chest to the place called Multazam, which is located between *Ḥajar al-Aswad* and the Ka'ba gate, and invoke Allah by holding the cover of the Ka'ba. At this point, the pilgrims who will be return home, move back in a forlorn manner and leave the *Ḥaram* with sadness in their eyes without turning their faces away from the Ka'ba.



XVII – ‘UMRA AND ITS APPLICATION

A – THE NATURE OF ‘UMRA AND THE EVIDENCE IT IS BASED ON:

‘Umra is an act of worship that consists of performing circumambulation and *sa‘y* by entering the state of *iḥrām* and then shaving and leaving the state of *iḥrām*. According to the Ḥanafis and the Malikis, it is a *mu‘akkad sunnah* for a Muslim to perform ‘umra once in his life, and it is *farḍ* according to the Shafi‘i and the Ḥanbalis.

According to Ḥanafis, the *farḍ* acts of ‘umra are two: *Iḥrām* and *Ṭawāf*. *Iḥrām* is a condition (*sharṭ*) and *ṭawāf* is an essential pillar (*rukṇ*). According to the Shafi‘is and the Ḥanbalis, there are four pillars of ‘umra, which are: *iḥrām*, circumambulation, *sa‘y*, and shaving. According to the Malikis, the first three of them are essential pillars and shaving is a *wājib* act of ‘umra.

The following is stated in the Qur’an:

“And complete the hajj or ‘umra in the service of Allah. But if you are prevented (from completing it), send an offering for sacrifice, such as you may find and do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill, or has an ailment in his scalp, (necessitating shaving), (he should) in compensation either fast, or feed the poor, or offer sacrifice; and when you are in peaceful conditions (again), if any one wishes to continue the ‘umra on to the hajj, He must make an offering, such as he can afford, but if he cannot afford it, he should fast three days during the hajj and seven days on his return, Making ten days in all. This is for those whose household is not in (the precincts of) the Sacred Mosque. And fear Allah, and know that Allah Is strict in punishment.”²³⁸⁷

This verse was revealed in the year when the believers made up the ‘umra that they had missed in the year of the Hudaibiyya treaty. This verse does not definitively state that *hajj* is *farḍ*, but states that it is obligatory to complete the *hajj* and ‘umra that has already begun. It was revealed when Ka‘b Ibn Ujra, who was in a state of discomfort while he was in the state of *iḥrām*, came to the Prophet (*saw*). Thereupon, Allah’s Messenger (*saw*) told him to shave, and then when the second part of the verse above was revealed, he told him to fast for three days or feed seven poor people or sacrifice an animal that he could afford. In another narration, the Prophet (*saw*) told him to sacrifice a sheep or to give food in the amount of one *zakāt al-fīṭr* to each of the seven poor people.²³⁸⁸

2387. Al-Baqara, 2: 196.

2388. See al-Bukhari, Muḥṣar, 6, 7.

The proof that *sa'y* is based on is the following Qur'anic verse: ***“Behold! Safa and Marwa are among the Symbols of Allah. So if those who visit the House in the season (perform hajj) or at other times (perform 'umra), should compass them round, it is no sin in them...”***²³⁸⁹

According to the narration from Aisha (*r. anha*), Ansar used to start performing the *sa'y* between the Safa and Marwa by saying *tahlīls* starting from Mina, and this would cause them difficulties. When the Prophet (*saw*) was asked about the situation, the above Qur'anic verse was revealed and *sa'y* became easier. Safa and Marwa are two hills to the east of the Ka'ba. Since Hagar went back and forth between these two hills seven times while searching for water for her son Ismā'il, Islam established the *sa'y* as a symbol of this event. The four goings and three comings between Safa and Marwa in *hajj* and *'umra* are called “*sa'y*”. *Sa'y* is one of the *wājib* acts of pilgrimages and one of the main rites of *'umra*.²³⁹⁰

There is no specific time for *'umra*, it can be carried out at any time of the year. It is more virtuous to perform it during Ramadan. However, according to the Ḥanafis, it is *makrūh taḥrīman* to perform *'umra* in five days of a year, called “days of *tashrīq*”, that is, from the morning of the day of Arafat to the sunset on the 4th day of Eid. According to the other three schools, it is permissible for people who did not perform *hajj* that year to perform *'umra* at all times, including the days of *tashrīq*, without any *karaha*. According to the Malikis, pilgrims cannot perform *'umra* until the sun sets on the 4th day of Eid. According to the Shafi'is, pilgrims cannot perform *'umra* until all the rites of the *hajj* are completed, except the farewell circumambulation.

B – HOW TO PERFORM THE 'UMRA

Those who live in Mecca or within the boundaries of the *mīqāt* perform two cycles of *iḥrām* prayer in a place outside the Ḥaram region and enter the state of *iḥrām* by reciting *talbiyah* with the intention of performing the *'umra*. The men remove their daily clothes and cover themselves instead with the upper and lower *iḥrām* towels. The chanting of the *talbiyah* continues at intervals throughout the journey and the prohibitions of *iḥrām* are followed. When they arrive at the *Ḥaram al-Sharīf*, the pilgrim makes his or her intention by saying “O Allah! I want to perform *'umra* for Your sake. Make it easy for me and accept it from me” and performs the *'umra* circumambulation. He or she greets *Ḥajar al-Aswad* in every circuit (*shawṭ*) and walks faster in the first three circuits. After completing the seven circulations, he or she performs two cycles of *ṭawāf* prayer. After that he or she makes his or her intention for *sa'y* as follows, “O Allah! I want to perform the *sa'y* of *'umra* for Your sake. Make it easy for me and accept it from me” and performs the *sa'y* of *'umra* between Safa and Marwa. This *sa'y* includes seven *shawṭs*, as in the

2389. Al-Baqara, 2: 158.

2390. For Ḥajj and 'Umrah see also al-Baqara, 2: 196-200; Āl 'Imrān, 3: 96-97.

pilgrimage, four trips from Safa to Marwa, and three trips from Marwa to Safa. The *sa'y* ends at Marwa and then the hair of the men is shaved or it is shortened. In this way, the *'umra* becomes completed, and the state of *ihrām* ends.

As long as the pilgrim stays in Mecca, he or she can circumambulate the Ka'ba as a supererogatory act of worship. He wears his normal clothes and the things that were normally *ḥalāl* before making them prohibited during the state of *ihrām* become *ḥalāl* again.

According to the Ḥanafis, circumambulation is the essential pillar of *'umra*. It is commanded in a Qur'anic verse, ***"Then let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House."***²³⁹¹ As for the *wājib* acts of *'umra*, they consist of performing *sa'y* between Safa and Marwa and shaving or shortening the hair. In the first *shawṭ* of *ṭawāf*, the *talbiyah* stops at the moment that *Hajar al-Aswad* is saluted.²³⁹²

C – THE 'UMRAS PERFORMED BY THE PROPHET

In the 6th year of the Hijra, the Prophet (*saw*) went to Hudaybiya with a group of 1400 Companions to perform *'umra*. At that time, the Messenger of Allah saw himself and his Companions in a dream entering Mecca in safety, shaving their heads, and this dream was interpreted to mean that the Ka'ba could be visited for *'umra* in that year.

This dream is mentioned in the Qur'an as follows, ***"Truly did Allah fulfill the vision for His Messenger: you shall enter the Sacred Mosque, if Allah wills, with minds secure, heads shaved, hair cut short, and without fear. For He knew what you knew not, and He granted, besides this, a speedy victory."***²³⁹³

When the Messenger of Allah (*saw*) came to Hudaybiya, it became clear that the Meccan polytheists would not allow the *'umra* visit to Mecca. Uthman (*ra*) was sent to Mecca as an envoy, and he could not get any results. Upon the rumor that Uthman (*ra*) was martyred, the Messenger of Allah said, ***"We cannot go back without fighting with this community,"*** and took allegiance from the Companions one by one. The Companions promised, ***"not to flee from war, even if it cost them their lives, and never to shy away from it."***²³⁹⁴ Allah the Exalted praised those who participated in this allegiance made under a tree in Hudaybiya and stated that He was pleased with them.²³⁹⁵ This allegiance is called ***"Bay'at al-Ridwān* or *Shajarat al-Ridwān*".**

The Meccans, who heard of this determined behavior of the Muslims, sent Suhayl, the son of Amr, as an envoy, and at the end of the negotiations, the Hudaybiya Treaty was signed. One article of this contract was as follows, "Muslims will return this year by

2391. Al-Ḥajj, 22: 29.

2392. Al-Kasānī, *Badāyī' al-Ṣanāyī'*, II, 226 ff.

2393. Al-Fath, 48: 27.

2394. See Ibn Hishām, *Sirah*, III, 321, 329, al-Waqidī, *Kitāb al-Maghāzī*, II, 602; al-Ṭabarī, *Tarīkh*, III, 77; Ibn al-Athīr, *al-Kamil*, II, 203; Aḥmad ibn Ḥanbal, *Musnad*, II, 120.

2395. Al-Fath, 48: 18-19.

giving up visiting the Ka'ba, but next year they will perform 'umra, and they will stay in the city that the Meccans will evacuate for three days and will not carry any weapons other than their traveler's swords." Upon this agreement, the Prophet (saw) offered his animal sacrifice, shaved, and left the state of *iḥrām*. The Companions followed him. In accordance with the Hudaibiya Treaty, the following year's 'umra was called "*'umra al-qaḍā*" (make up 'umra) because it was the make up the 'umra left unfinished in the previous year.

1) Make up 'umra

In the 7th year of Hijra, the Prophet (saw) complied with the articles of the Treaty of Hudaibiya and entered the state of *iḥrām* in Dhu'l-Hulayfa with his Companions, whose number reached two thousand, and started reciting the *talbiyah*. Thus, he went on a journey to Mecca in order to make up the previous year's unfinished 'umra. The notables of the polytheist Quraysh evacuated the city and retreated to the mountainside.²³⁹⁶

Before the Muslims entered Mecca, rumors spread among the polytheists that they were in a weak and miserable condition due to poverty, hardship, distress, fatigue, and Medinan malaria. Therefore, the Messenger of Allah (saw), who wanted the believers to look fit and strong during circumambulation said to them, "*May Allah forgive those who show themselves strong and fit to the polytheists today.*", and "*Perform ramal in the first three circuits of your circumambulation (shawt) around the Baytullāh so that the polytheists can see your strength.*"²³⁹⁷ Before the Prophet (saw) started circumambulating, he passed one end of the towel he had taken on under his right arm and threw it over the left shoulder, leaving his right arm and shoulder uncovered. This is called *idṭībā*. As for *ramal*, it means to walk briskly and quickly, running with short steps and shrugging the shoulders, in all circumambulations which are followed by *sa'y*. In walking in such a manner, there is an effort to appear strong against the enemy and their malicious glances. The last four circuits of the circumambulation were performed by walking slowly.²³⁹⁸ When the *ṭawāf* is over, a two-cycle *ṭawāf* prayer is performed. Women do not perform the *ramal*.

The Prophet recited the prayer "*Rabbanā atinā...*" between *Ḥajar al-Aswad* and *Ḥaṭīm* in every circuit, and stated that seventy angels would say "*Amīn*" to those who recite the following prayer at the Yemenī corner,

"*Allāhumma innī as'aluka 'l-'afwa wa 'l-'āfiyata fī 'd-dunyā wa 'l-ākhirati. Rabbanā atinā, fī 'd-dunyā ḥasanatan wa fī 'l-ākhirati ḥasanatan wa qinā 'azāba'n-nār.*"

(O Allah! Surely, I ask You for my forgiveness and peace in this world and in the hereafter. O our Lord! Give us good in this world and good in the hereafter and protect us from the torment of the fire.)²³⁹⁹

2396. Al-Waqidī, *Kitāb al-Maghāzi*, II, 734; Ibn Sa'd, *Ṭabaqāt*, II, 121.

2397. Aḥmad ibn Ḥanbal, I, 305, 306; Ibn Sa'd, *ibid*, II, 123.

2398. Muslim, Ḥajj, 39, Hadith No: 240.

2399. Ibn Maja, Manāsik, 32; Hadith No: 2957.

Then, after walking between Safa and Marwa seven times, he (*saw*) finished the *sa'y* in Marwa. At the place called between two green poles today, he performed “*harwala*” by walking with swift and quick steps to appear strong to the observing polytheists. Allah’s Messenger (*saw*) uttered the following *tahlīl* three times each time he came to Safa and Marwa,

“*Lā ilāha illallāhu waḥdahū lā sharīka lah, lahu’l-mulku walahu’l-ḥamdu wa huwa ‘alā kulli shay’in qadīr.*”²⁴⁰⁰

(There is no god but Allah, the One, and He has no partner. To Him belongs dominion and to Him belong all the praises, and He has power over all things)

After that, the offering of the sacrifices commenced. Those who had taken part in Hudaibiya participated in offering the sacrifices, but those who came to ‘*umra* for the first time did not offer any sacrifice. Finally, everyone left the state of *iḥrām* by shaving their hair.

2) ‘Umra that the Prophet (*saw*) performed from Ji’rāna in the 8th year of Hijra

After the conquest of Mecca, the Muslims won the war that took place between the Muslims and the polytheists of Hawazin, and a significant amount of booty was obtained. After the distribution of the spoils of Hunayn that year, the Prophet (*saw*) came from Ji’rāna and performed the ‘*umra*. Ji’rāna is the entry point for those coming from the direction of Taif to the Ḥaram region, and it is the final point for those who are in the Hill region to enter the state of *iḥrām*.

3) The ‘Umra that he performed together with the farewell pilgrimage

Although some say that the Prophet made only one pilgrimage in the Farewell pilgrimage, the narrations that he continued the pilgrimage without leaving the *iḥrām* after performing the ‘*umra* are more common. This is called *hajj al-qirān*. As a matter of fact, it is reported that the Messenger of Allah (*saw*) offered a sacrifice of gratitude at the end of the pilgrimage and stated that he could not leave the state of *iḥrām* between ‘*umra* and *hajj* because of this sacrifice he brought with him.

In fact, Abdullah ibn Umar reported that the Prophet (*saw*) performed the *tamattū’* pilgrimage by combining *hajj* and ‘*umra* in the Farewell pilgrimage. He performed the pilgrimage without leaving the *iḥrām* after performing the ‘*umra*, and he left the *iḥrām* by performing the obligatory circumambulation after slaughtering the *hady* sacrifice on the day of Eid al-Aḍḥā.²⁴⁰¹ The form of pilgrimage defined here, although expressed with the word *tamattū’*, is the *hajj al-qirān* because *hajj* and ‘*umra* are performed in a single state of *iḥrām*.

2400. Al-Nasā’ī, Manāsik, 170, Hadith No: 2970, Sunan, V, 240.

2401. Al-Bukhari, Ḥajj, 104; See Muslim, Ḥajj, 176.

XVIII – HADY SACRIFICE AND THE RELATED RULINGS

A – HADY SACRIFICE AND THE EVIDENCE ABOUT IT

Sacrifices slaughtered in connection with the rites of *hajj* or *‘umra* are called “*hady*”. *Hady* means the sacrifice to be offered as a gift to the Ka‘ba and the Ḥaram region. The sacrifices that are slaughtered due to the Eid al-Aḏḥā are called “*uḏhiyya*”. Although these two types of sacrifices are different from each other in terms of liability, there is no difference between them in terms of the types of animals to be slaughtered and the qualifications required for them. In fact, as required for *uḏhiyya*, the sacrifice of *hady* may be of the breed of camel, cattle, sheep, or goat. The camel must be at least five years old, the cattle two, sheep or goats one year old, or six months old if they are physically large enough. Of these, sheep and goats are slaughtered in the name of one person, and camel and cattle in the name of seven people. During the pilgrimage, the sacrifice offered from sheep and goats is called “*dam*”, and that of cattle and camel is called “*badana*”. Those who are going to slaughter camel or cattle jointly do not have to have the same qualifications, provided that their intention is to sacrifice for the sake of Allah (*qurbah*). According to this, seven people who will sacrifice different kinds of sacrifice such as gratitude, punishment, votive, *nafilah*, or *uḏhiyya* can unite to slaughter a cattle or a camel.

According to the Shafi‘is and the Ḥanbalis, the intentions of each of the partners in a sacrifice do not need to be *qurbah*, there may also be those who aim to get the meat among the partners.

Unless there is a situation that requires offering sacrifice as a penalty, those who perform the *ifrād* pilgrimage or *‘umra* do not have to sacrifice *hady*. It is considered recommended to sacrifice an animal if they wish. However, it is obligatory for those who make *tamattū’* or *qirān* pilgrimages to offer a gratitude (*shukr*) sacrifice. On the other hand, the sacrifice that is offered for the purpose of expiation for abandoning one of the *wājib* acts of the *hajj* or not complying with a prohibition of *iḥrām* is also considered a *hady* as a punishment.

The provisions regarding the sacrifice of *hady* in the Qur’an are gathered in the following Qur’anic verse, “***And complete the Hajj or ‘umra in the service of Allah. But if you are prevented (from completing it), send an offering for sacrifice, such as you may find, and do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill, or has an ailment in his scalp, (necessitating shaving), (he should) in compensation either fast, or feed the poor, or offer sacrifice; and when you are in peaceful conditions (again), if any one wishes to continue the ‘umra on to the hajj, He must make an offering, such as he can afford, but if he cannot afford it,***

he should fast three days during the hajj and seven days on his return, Making ten days in all. This is for those whose household is not in (the precincts of) the Sacred Mosque. And fear Allah, and know that Allah is strict in punishment."²⁴⁰²

This verse was revealed in the year of making up the 'umra from the earlier year of the Hudaibiya treaty. It does not definitively state that *hajj* is *fard*, but states that it is obligatory to complete the pilgrimage and 'umra that have already begun. It is reported that when Ka'b Ibn Ujra, who was in a state of discomfort due to his head ache while in the state of *ihrām*, came to the Prophet (*saw*). Thereupon, Allah's Messenger (*saw*) told him to shave his head, and then when the second part of the verse above was revealed, he (*saw*) told him to fast for three days or feed seven poor people or sacrifice an animal that he could afford. In another narration, the Prophet (*saw*) told him to sacrifice a sheep or to give food in the amount of one *zakāt al-fiṭr* to each of the seven poor people.²⁴⁰³

After it is stated that cattle are sacrificed as symbols of Allah in the verse, the following is stated for their meat, "...when they are down on their sides (after slaughter), eat you thereof, and feed such as (beg not but) live in contentment..."²⁴⁰⁴

Four other Qur'anic verses counsel about the greater dignity of the sacrifice of *hady*. Among them are those stating not to disrespect the *hady* sacrifice, the signs showing that it is a sacrifice,²⁴⁰⁵ and considering them as a reason for unity. Moreover, one verse speaks of the one who knowingly kills the game animal while in *ihrām*,²⁴⁰⁶ another about slaughtering an equivalent *hady* sacrifice as compensation,²⁴⁰⁷ also condemning those who prevent the visit of the Masjid al-Ḥaram, and finally the arrival of the awaited *hady* sacrifices.²⁴⁰⁸

In addition, there are examples of practices related to the sacrifice of *hady* in about 96 hadiths in *Kutub al-Sitta*.²⁴⁰⁹

Accordingly, we can classify the types of *hady* sacrifice as follows below.

B – TYPES OF HADY SACRIFICE

1) Supererogatory Hady: It is the sacrifice offered by the one who performs *hajj* and 'umra voluntarily, although it is not obligatory.

2) Sacrifice of gratitude: It is the *hady* sacrifice that is obligatory on the pilgrims of *tamattu'* or *qirān*. The following is stated in the Qur'anö "...and when ye are in

2402. Al-Baqara, 2: 196, See al-Mā'ida, 5: 2, 95, 97; al-Fath, 48: 25; al-Ḥajj, 22: 36, 37.

2403. See al-Bukhari, Muḥṣar, 6, 7.

2404. Al-Ḥajj, 22: 36.

2405. Al-Mā'ida, 5: 2.

2406. Al-Mā'ida, 5: 97.

2407. Al-Mā'ida, 5: 95.

2408. Al-Fath, 48: 25.

2409. See Wensinck, *al-Mu'jam al-Mufahras*, "Hady".

peaceful conditions (again), if anyone wishes to continue the 'umra on to the hajj, He must make an offering, such as he can afford..."²⁴¹⁰ According to the Ḥanafis, this sacrifice is considered a "sacrifice of gratitude (*dam al-shukr*)" due to the fact that 'umra and hajj worships are performed together during the pilgrimage season of the year, whereas according to the Shafi'ī schools, due to the fact that one enters the state of *iḥrām* for the *tamattū'* pilgrimage not in the places of *mīqāt*, but in Mecca; and for the *qirān* pilgrimage is performed in a single state of *iḥrām*, such sacrifice is considered as a kind of "punishment sacrifice (*dam al-jubrān*)" in order to make up for the shortcomings arising from performing 'umra and hajj with a single *iḥrām*.

2) Hady of penalty: It is the sacrifice that must be offered in case one of the *wājib* acts of hajj or 'umra is abandoned, not done on time, or if the prohibitions of *iḥrām* are violated. The following is stated in the verseö *"And if any of you is ill, or has an ailment in his scalp, (necessitating shaving), (he should) in compensation either fast, or feed the poor, or offer sacrifice..."*²⁴¹¹

3) Hady for the prevention (*iḥṣār*) from hajj: It is the sacrifice that must be offered in order to exit from the state of *iḥrām* by a person who, after entering the state of *iḥrām* to perform hajj or 'umra, encounters an obstacle that prevents him from continuing the pilgrimage, such as the hindrance of an enemy, the closure of the roads due to war, illness, loss of wealth, and the death of a woman's *maḥram*, thus preventing the circumambulation and the ritual standing at Arafat. According to the Shafi'is, the state of *iḥṣār* can only occur with the prevention of an enemy. The following is stated in a Qu'ānic verse,

*"And complete the Hajj or 'umra in the service of Allah. But if you are prevented (from completing it), send an offering for sacrifice, such as ye may find, and do not shave your heads until the offering reaches the place of sacrifice..."*²⁴¹²

4) Votive hady: These are the sacrifices dedicated to being slaughtered in the Ḥaram region. The reason for it being *wājib* is that it is a votive. The following is stated in the Qur'an speaking about the pilgrims, *"Then let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House (the Ka'ba)."*²⁴¹³

C – THE TIME AND LOCATION OF SLAUGHTERING HADY SACRIFICE

All kinds of *hady* sacrifices, whether it is *wājib* or supererogatory, are slaughtered within the Ḥaram region. Otherwise, they must be slaughtered again in the Ḥaram region, except for the voluntary ones. In the first three days of the Eid al-Aḏḥā, *hady* sacrifices

2410. Al-Baqara, 2: 196.

2411. Al-Baqara, 2: 196.

2412. Al-Baqara, 2: 196.

2413. Al-Ḥajj, 22: 29.

are offered in Mina and it is more virtuous to slaughter in Mecca the ones that will be slaughtered on any other days.

According to the Ḥanafis, the Malikis, and the Ḥanbalis, the sacrifices of gratitude, which are sacrificed due to the *tamattu'* and *qirān* pilgrimages, are sacrificed on the first day of the Eid, starting from the Fajr al-Ṣādiq. It is not permissible to slaughter it before. According to Abu Ḥanīfa, it is *wājib* to slaughter the sacrifice of gratitude on the days of the Eid al-Aḍḥā, that is, *ayyām al-naḥr*, from the dawn on the first day of the Eid until the sun sets on the third day of the Eid, and this is *sunnah* according to Abu Yusuf and Imam Muhammad. If it is not slaughtered without an excuse within this specified period, according to Abu Ḥanīfa, two sacrifices are required, one to make it up and the other for penalty. According to the Malikis and the Ḥanbalis, the *hady* sacrifices for *tamattu'* and the *qirān* pilgrimages after the days of the Eid al-Aḍḥā are slaughtered as a compensation, no penalty is required.

According to the Shafi'is, *hady* sacrifices arising from the *tamattu'* and the *qirān* pilgrimage can be offered at any time before or after the Eid, provided that they are sacrificed after entering the state of *iḥrām*. Slaughtering them on Eid days is considered *sunnah*. According to the Shafi'is, Eid days (*ayyām al-naḥr*) are four days and end when the sun sets on the 4th day.

D – THE MEAT OF THE SACRIFICES SLAUGHTERED IN *HAJJ*:

Whether it is *wājib* or supererogatory, there is no specific time for the *hady* sacrifices, except for the *hady* sacrifices for *tamattu'* and the *qirān* pilgrimages. However, it is more virtuous that those that are supererogatory are slaughtered on the Eid days, and without delay for the sacrifices of a penalty after violating the prohibitions.

Everyone, rich or poor, can eat the meat of *hady* sacrifices that are slaughtered as supererogatory, and the meat of the sacrifices of gratitude is slaughtered due to the *tamattu'* and the *qirān* pilgrimages. It is recommended that their owners eat from this meat.

In the Qur'an, the following is stated regarding the meat of the sacrifices that Ibrahim was going to slaughter during his first pilgrimage, ***“That they may witness the benefits (provided) for them, and celebrate the name of Allah, through the Days appointed, over the cattle which He has provided for them (for sacrifice): then eat you thereof and feed the distressed ones in want.”***²⁴¹⁴ There is a similar provision in the Qur'anic verse that mentions the slaughtering cattle as sacrifices during the Islamic pilgrimage period, ***“when they are down on their sides (after slaughter), eat you thereof, and feed such as (beg not but) live in contentment, and such as beg with due humility: thus have We made animals subject to you, that you may be grateful.”***²⁴¹⁵

2414. Al-Ḥajj, 22: 28.

2415. Al-Ḥajj, 22: 36.

However, just like the votive sacrifice, the sacrifices of punishment are different from other sacrifices. The owners, dependents, and wealthy people cannot eat the meat of the sacrifices of punishment. The *hady* sacrifices offered in order to leave the state of *iḥrām* can not be eaten by a person who is prevented from performing the pilgrimage. Only the poor of the Hijaz region or other towns can benefit from them.

Accordingly, it is possible and permissible to send the meat of sacrifices to poor Muslim countries, since many sacrifices are slaughtered during the pilgrimage season and the meat requirement of the Hijaz region is limited. With the help of large cooling facilities established in recent years and refrigerated transport vehicles, such meat is shipped to poor countries.

E – FASTING INSTEAD OF A SACRIFICE

Since obligations in Islam are limited to ability, it has been made easy for those who cannot afford to offer a sacrifice to fast for a total of ten days, three days in Hijaz before Eid, and seven days when returning to their home country.

The following is stated in the continuation of the verse, which mentions the sacrifice of those who perform *tamattū'* or *qirān* pilgrimages,

“...and when ye are in peaceful conditions (again), if anyone wishes to continue the ‘umra on to the hajj, He must make an offering, such as he can afford, but if he cannot afford it, He should fast three days during the hajj and seven days on his return, Making ten days in all. This is for those whose household is not in (the precincts of) the Sacred Mosque.”²⁴¹⁶

The first three days of this fast must be observed during the months of pilgrimage, after entering the state of *iḥrām* and before the first day of Eid al-Aḍḥā. These three days of fasting in the *tamattū'* pilgrimage can also be observed before entering the state of *iḥrām* for *hajj*, and after the *iḥrām* for the *‘umra*.

If three days cannot be completed before the Eid al-Aḍḥā, fasting cannot be considered a substitute for the sacrifice, even if he no longer can afford to sacrifice. Again, after fasting for three days, on the days of Eid al-Aḍḥā and before shaving and leaving the state of *iḥrām*, if it is possible to sacrifice an animal, the fast does not take the place of the sacrifice, in this case, it is necessary to make a sacrifice. However, if it is possible to sacrifice an animal after shaving, or on the days of the feast of sacrifice (*ayyām al-naḥr*), it is no longer necessary to sacrifice an animal separately. Although fasting for seven days can be observed in Mecca after Eid, it is more virtuous to observe them after returning to their hometown. This is because this is indicated in the Qur’anic verse so that there would be no difficulty during the pilgrimage. Although it is permissible to observe these three and seven days of fasting separately, it is more virtuous to observe them consecutively without a break.

2416. Al-Baqara, 2: 196, See al-Mā’ida, 5: 2, 95, 97; al-Fath, 48: 25; al-Ḥajj, 22: 36-37.

XIX – IMPORTANT VISITING PLACES IN MECCA

Just as the names and virtues of the Ka‘ba, Masjid al-Ḥaram, and Masjid al-Aqṣā are mentioned in the Qur’an, the virtues of mosques such as the Prophet’s Mosque in Medina and the Quba Mosque are explained in the hadiths. We can list the places in Mecca and its surroundings that will help the visitor gain spiritual rewards during the visit by performing *taḥiyyat al-masjid* prayer in the individual mosques established in that place, commemorating the memories of the Messenger of Allah and his distinguished Companions, and taking lessons from their struggles in the way of Allah.

A– MASJID AL-ḤARAM

It is the large mosque that surrounds the Ka‘ba, with domes around it and an opening in the middle and this place is also called Ḥaram al-Sharīf, Masjid al-Sharīf, Bayt al-Ḥaram, or Holy Mosque. It is the first mosque built in the world and the *qibla* for Muslims. In the open part in the middle of the *masjid* is the Ka‘ba, the Zamzam well, the Maqām al-Ibrahim, and the area where circumambulation is performed. The reason why this sacred area is called “Ḥaram” as a whole is that it is necessary to show respect and reverence for that area. For this reason, it is forbidden to shed blood, cut trees, and hunt animals there. Due to this dignity, the following is stated in the Qur’an, ***“O you who believe! ...Violate not the sanctity of the people resorting to the sacred house, seeking of the bounty and good pleasure of their Lord...”***²⁴¹⁷, and ***“Allah made the Ka‘ba, the Sacred House, an asylum of security for men...”***²⁴¹⁸ Accordingly, in addition to respecting the Masjid al-Ḥaram, it is also required to show respect to those who come to visit it. Moreover, it is forbidden to fight around Masjid al-Ḥaram unless there is an attack, ***“... but fight them not at the Sacred Mosque, unless they (first) fight you there; but if they fight you, slay them. Such is the reward of those who suppress faith.”***²⁴¹⁹

The Prophet said, *“Do not set out on a journey except for three Mosques i.e. al-Masjid al-Ḥaram, the Mosque of Allah’s Messenger (saw), and the Mosque of al-Aqṣā, (Mosque of Jerusalem).”*²⁴²⁰ Regarding the virtue of the prayer to be performed in these three mosques, the Messenger of Allah said, *“One prayer performed at the Masjid al-Aqṣā is equivalent to five hundred prayers.”*²⁴²¹ Furthermore, the hadith reported from Jābir (ra) states, *One prayer in my mosque is more virtuous than a thousand prayers in other*

2417. Al-Mā’ida, 5: 2. See al-Baqara, 2: 217.

2418. Al-Mā’ida, 5: 97.

2419. Al-Baqara, 2: 191.

2420. Al-Bukhari, Ṣalāh fī Masjid al-Mecca, 1. 6, Sayd, 26, Ṣawm, 67; Muslim, Ḥajj, 415, 511; al-Tirmidhī, Ṣalāh, 126, Hadith No: 326; al-Nasā’ī, Masājīd, 10; Ibn Māja, ‘Iqāmah, 196.

2421. Al-Asqalānī, Bulūgh al-Marām, II, 574.

mosques, except in the Masjid al-Ḥaram. One prayer in the Masjid al-Ḥaram is more virtuous than a hundred thousand prayers in other mosques.”²⁴²²

In the early days, the Masjid al-Ḥaram used to consist of a narrow sandy area surrounded by houses reserved for those who circumambulated around the Ka'ba. People would enter the Ka'ba by passing through the streets between the houses. During the caliphate of Umar, the place of circumambulation started to become narrow due to the increase in the population and the number of pilgrims coming in large numbers. Thereupon, some houses around the Ḥaram al-Sharīf were bought and demolished and their places were added to the mosque. An enclosing wall was built around the Ḥaram al-Sharīf, almost as tall as a man.²⁴²³ The mosque was repaired, changed, and expanded during the time of the Umayyads, the Abbasids, the Ottomans, and the Saudis.

It was repaired twice during the time of Caliph Mahdi, son of Abu Ja'far Maṣṣūr (r.775-785). All of the houses between the Ka'ba and the place of *sa'y* were added to the Ḥaram al-Sharīf. Nearly five hundred poles brought from Cairo were planted where necessary, and domes were built on them. Ceilings and porches were made of wood.²⁴²⁴ During the five-year construction period, which was carried out under the supervision of Ahmed Bey of Egypt, in 979/1571 by the order of Sultan Selim II during the Ottoman period, these wooden ceilings were demolished, and replaced with marble, and domes were built on them. During the period of various Ottoman sultans, while the circumambulation area was expanded, new columns were added to the renewed 892 columns. Five hundred small domes in Turkish style were added to the renewed arches. Nineteen existing doors were renewed. The Saudi administration has also carried out four expansion activities to date. In 1961, the *sa'y* road between Safa and Merve was covered and added to the building of the Ḥaram al-Sharīf. With these expansions, it was aimed to increase the Ḥaram al-Sharīf to 160,000 square meters so that it could accommodate three hundred thousand people.²⁴²⁵

Bayt al-Ma'mūr: It means a well-kept, prosperous house cheered with the pilgrims and the presence of Allah. It is the lofty celestial mosque above the Ka'ba or the seventh heaven above the Ka'ba where seventy thousand angels pray and circumambulate every day, and the angel who circumambulates once will not have the next turn for circumambulation until the Day of Judgment. It is reported that the Ka'ba will be made prosperous by the visit of 600 thousand people every year, and if this number is insufficient, it will be completed with angels.²⁴²⁶

2422. Ibn Maja, 'Iqāmah, 195, Hadith No: 1406. Al-Haythamī calls this hadith as “authentic and its transmitters are strong” in *al-Majma al-Zawā'id*.

2423. Al-Balāzūrī, *Futūḥ al-Buldān*, Cairo 1901, p. 53.

2424. Al-Balāzūrī, *ibid*, p. 53.

2425. İsmail Yiğit, “Harem-i Şerif” *Şamil İslam Ansik.*

2426. *Ibn Kathīr Muhtasari*, III, 388, 389; Elmalılı, İst. 1936, VI, 4551.

One of the six things on which Allah Almighty swears in the first six verses of chapter al-Ṭūr (52) is “Bayt al-Ma‘mūr” (constructed, cheery house).²⁴²⁷

The following is stated in the hadith of Miraj, “**Then I was shown the Bayt al-Ma‘mūr. 70,000 angels visit it every day.**”²⁴²⁸ Sufis describe Bayt al-Ma‘mūr as “the heart of the believer” and explains its prosperousness with ingenuity and sincerity.²⁴²⁹ In Ibn Abbas’s commentary, Bayt al-Ma‘mūr is defined as a mosque built by Adam (*as*) and raised to the sixth floor of the heavens after Noah’s Flood.²⁴³⁰

B - TAN‘ĪM AND ITS MOSQUE

The respectable and safe area around Mecca, whose borders were first determined by Ibrahim (*as*) under the guidance of Jibril (*as*) and later renewed by the Prophet Muhammad (*saw*), is called the “Ḥaram region”. The inhabitants of this region are called *al-Makki* (Meccans). The borders of this region are not equidistant from the Ka‘ba. The closest one is “Tan‘īm” which is at a distance of 8 km from Mecca in the direction of Medina; the farthest ones are “Ji‘rāna” in the direction of Taif and “Ashāir” near Hudaybiya in the direction of Jeddah. Others are “Thaniyyat al-Jabal” on the way to Iraq, “Adātu libn” on the way to Yemen, and “Baṭn al-Namira” on the border of the plain of Arafat. The area between the Ḥaram area and the *mīqāts*, which are the places where those who come to Mecca from afar, enter the state of *iḥrām*, is called the “Ḥill region”.

Those residing in Mecca or generally in the Ḥaram area must go to the Ḥill region for ‘*umra* and enter the state of *iḥrām* from a place outside the Ḥaram area, such as Tan‘īm or Arafat. However, according to the Ḥanafis and the Ḥanbalis, the most virtuous place to enter the state of *iḥrām* in ‘*umra* is “Tan‘īm”, then “Ji‘rāna”, then “Hudaybiya”. In fact, the Messenger of Allah (*saw*) told Aisha to perform her ‘*umra*, which was missing due to Aisha’s menstruation in the Farewell pilgrimage, by entering the state of *iḥrām* from Tan‘īm after the Eid al-Aḍḥā. During this ‘*umra*, Aisha was accompanied by her brother Abdurrahman.²⁴³¹ Tan‘īm is 8 km from the center of Mecca. It is the closest place to the Ka‘ba in the Ḥill region, and it is the place where the locals of Mecca enter the state of *iḥrām* for ‘*umra*. Today, the Tan‘īm is preferred by both the locals and the *āfāqīs* who want to perform additional ‘*umras* to enter the state of *iḥrām*, and it has become an important place of *hajj* and ‘*umra* with its masjid, places to take shower, trade centers, and easy transportation opportunities.

2427. See al-Ṭūr, 52: 4.

2428. Al-Bukhari, *Bad’ al- Khalq*, 6.

2429. See al-Bayḍāwī, IV, 467; al-Bursawī, *Rūḥ al-Bayān*, IV, 123; Elmalılı, VI, 4551.

2430. Al-Firūzabādī, *Ibn Abbas Tefsiri*, Egypt 1316, p. 329.

2431. Al-Bukhari, Jihād, 125, Umrah, 6; Muslim, Hajj, 135, 136; Aḥmad ibn Ḥanbal, III, 309, 394; al-Tirmidhī, Hajj, 91.

C – THE PLACE WHERE THE AQABA ALLEGIANCES TOOK PLACE

Aqaba literally means “steep slope, difficult mountain road, dangerous pass”. It is the name of the place where the Prophet (*saw*) met with the first Muslims from Medina in 621-622 CE. It is a place between Mina and Mecca and 3 km away from Mecca. The Prophet was trying to convey the message of Islam to those who came to Mecca during the pilgrimage season. In the 11th year of the prophethood, six Medinans accepted the call of Islam. The following year, this number increased to twelve at the meeting called the 1st *Aqaba Bay'ah* (1st Aqaba Allegiance). These people promised the Prophet (*saw*) that they would support and obey him under all circumstances, that they would not oppose him in any good deed, that they would not fear to be reproached by anyone in the way of Allah, and that they would not associate partners with Allah, that they would not steal and commit adultery, that they would not kill their children, and that they would not slander anybody.²⁴³² When returning to Medina, they took Muṣ'ab ibn 'Umayr back to Medina with them to teach them Islam. Within a year, Islam spread among the tribes of Aws and Khazraj.

The Messenger of Allah (*saw*) secretly met with seventy-five, two of whom were women, in Aqaba during the pilgrimage season in 622 CE. The people of Medina were inviting him to their city. This was the 2nd *Bay'ah of Aqaba*. His uncle Abbas, who came with the Prophet, asked the people of Medina whether they would protect him if Muhammad joined them. When the people of Medina said that they were ready to make an agreement, the Messenger of Allah said after reciting some verses from the Qur'an, “*I give you my hand to protect me as you protect your women and children.*” While the process of *bay'ah* was continuing, Abdullah Ibn Rawaha (*ra*) asked, “O Messenger of Allah! What are your conditions for your Lord and for yourself?”

The Prophet (*saw*) said, “*My condition for my Lord is to worship Him and not associate partners with Him. My condition for myself is to defend me as you defend your lives and property.*” He asked again, “What will we get if we do this?” He replied “*Heaven.*” Thereupon, he said, “What a profitable trade! We will not return from this, nor do we want it to return.” The following verse was revealed about them,

“Allah has purchased of the believers their persons and their goods; for theirs (in return) is the garden (of Paradise): they fight in His cause, and slay and are slain: a promise binding on Him in truth, through the Law, the Gospel, and the Qur'an: and who is more faithful to his covenant than Allah? Then rejoice in the bargain which you have concluded: that is the achievement supreme.”²⁴³³

2432. Ibn Hishām, *Sirah*, II, 70.; Ibn Şa'd, *Ṭabaqāt*, I, 217 ff.; Ahmet Ağırakça, “Akabe Bey'atları”, Şamil İslam Ansiklopedisi.

2433. Al-Tawba, 9: 111.

After the *bay'ah*, the Messenger of Allah (*saw*) chose 12 *naqībs* (leaders), 3 from the Aws tribe and 9 people from the Khazraj tribe, and appointed As'ad ibn Zurara as *naqīb al-nuqabā* (head of the *naqībs*). Each of them was the head of a tribe. Thus, was the foundation of the city-state of Medina laid.

D – HIRA-NUR CAVE

It is the cave where the first revelation came to the Prophet. It is located on the upper part of Hira Mountain, which is 5 km from Mecca in the northeast. Hira means “research”. This cave is narrow and long, natural and its entrance is towards the Ka'ba. It is also called, “Jabal al-Nūr (Mountain of Light)” because it is the place where the first revelation was sent. Particularly after the age of 35, Muhammad (*saw*) would retreat to this cave to stay away from some tedious social customs of Mecca and to contemplate the glory of Allah.

During one such retreat in Ramadan, when he was at the age of forty, Archangel Jibril (as) came to him and informed him that he had been chosen as a messenger and prophet, taught him how to perform ablution and pray, and delivered to him the first five verses of Surah al-‘Alaq.²⁴³⁴

The Prophet sometimes went to Mount Hira after his prophethood. For example, he once went to the summit of Hira with a group of his Companions, and when the mountain started to shake and tremble, he said, “*Calm down, O Hira! Those who are on you right now are either a prophet, a ṣiddīq, or a martyr.*” In the narration of Abu Huraira, it is reported that Abu Bakr, ‘Umar, Uthman, ‘Ali, Talha Ibn Zubayr, and Sa’d Ibn Abi Waqqās (*r. anhum*) besides the Prophet (*saw*) were on the Hira that day.²⁴³⁵

There is almost no grass or tree on Mount Hira because of a lack of water. Only very few thorny bushes are observed and the cave still exists today and is one of the places visited by pilgrims.

E – CAVE OF THAWR

It is the cave where Muhammad (*saw*) and Abu Bakr (*ra*) hid from the polytheists for three days during their migration from Mecca to Medina. Mount Thawr is 5 km away on the south side of Mecca. Thawr is a mountain of many peaks. There are many large and small caves on this mountain. The cave where the Prophet took refuge during the migration is different from the others. This cave is suitable for hiding and resembles a cave carved out of rock. It has openings in the front and back. These are in the lower part of the cave. Therefore, the cave can be entered by leaning or crawling. Those inside the cave can see the feet of the ones outside, but those that are outside cannot see what is inside.

2434. See al-‘Alaq, 96: 1-5.

2435. Muslim, Faḍā'il aṣ-Ṣaḥāba, 50.

In 610, upon the increase of pressure in Mecca and the invitation of the Muslims from Medina in the Aqaba *bay'ahs*, the Prophet gave the order to emigrate and the Muslims began to migrate in groups. The notables of Quraysh, who saw this situation as risky for the future, prepared a lethal plan to prevent it. As reported in the Qur'an, they were deciding if Muhammad (*saw*) should either be arrested, exiled, or killed.²⁴³⁶ They decided on the third option and ordered them to form a gang from the tribes to kill him. The Messenger of Allah, who was informed about this plan through Jibril (as), left Ali (*ra*) in his own bed on the night he was to be killed and left the house by scattering a handful of earth and reciting the chapter of Ya-Sin (36). The enemy had not seen him leave because in one verse of the chapter it is stated that he recited, ***"And We have put a bar in front of them and a bar behind them, and further, We have covered them up; so that they cannot see."***²⁴³⁷

That same night, he set out with Abu Bakr and, knowing that he would be followed, took refuge in the cave of Thawr, which is located in the opposite direction to Medina. Moreover, at the foot of this mountain, there was a pasture where Amir ibn Fuhayra grazed his sheep. Amir (*ra*) used to bring them milk and food at night.

Abu Bakr, who first entered the cave and cleaned it, tore off a part of his cover to prevent pests like snakes from coming out, closed the holes, and summoned the Prophet, however, because the cloth was not enough for the last hole, when he covered it with his bare feet, a snake came out from this hole and bit Abu Bakr's heel. When the tired Messenger of Allah (*saw*) fell asleep while resting his head on his friend's knee, the tears shed from pain woke the Messenger of Allah. When the Messenger of Allah learned of the situation, he rubbed his own saliva on the bite as a medicine. After a while, his foot completely healed.²⁴³⁸

During this time, a spider had spun a web at the entrance of the cave, and two pigeons had made a nest on a bush right next to it. Before the polytheists of Mecca, who followed the Prophet and Abu Bakr, reached the cave, these birds also had laid eggs.²⁴³⁹

The Messenger of Allah said to Abu Bakr, who was worried about the fear of being caught at one point: *"O Abu Bakr! What do you think will happen when Allah is the third of two people?"*²⁴⁴⁰ This situation in the cave is explained in the Qur'an. During the three days spent in the cave, Abdullah, the son of Abu Bakr, provided the communication about what was going on in the city at night. On the morning of the fourth day, Amir and Abdullah ibn Uraykit, who was hired as a guide, came to the cave with two camels. Thus, the small caravan consisting of four people immigrated to Medina.

2436. See al-Anfāl, 8: 30.

2437. Ya Sin, 36: 9.

2438. M. Hamidullah, *Islam Peygamberi*, I, 174-175.

2439. Ibn Şa'd, *Tabaqat*, Beirut, n.d., I, 228 ff.

2440. See al-Tawba, 9: 40.

XX – IMPORTANT VISITING PLACES IN MEDINA

A – CITY OF MEDINA AND THE *ḤARAM* OF MEDINA:

After Mecca, Medina is the second city declared holy by Allah for Muslims. When the Prophet (*saw*) migrated to Medina in 622 CE, he prepared a unifying constitution called the “Medina Document” with the tribal communities living in and around Medina, without discriminating between Muslims and non-Muslims. After this social contract, he also determined the borders of the Medina City State.

There is also a *ḥaram* area around the city of Medina. This region encompasses the area between Mount Ayr and Mount Thawr in the south and north of the city and the black rocky area in the east and west. The hadith of the Prophet, “*Madinah is a ḥaram from Ayr to Thawr*” and the hadith “The Messenger of Allah (*saw*) made the areas between the black stones in the east and west of Medina *ḥaram* (sacred)” are the proofs of this.²⁴⁴¹ This Medinan *ḥaram* area determined by the Prophet is about 22 km and *Masjid an-Nabawi* is at the center of this region.

The following is stated in the hadiths, “*Medina is a sanctuary from that place to that. Its trees should not be cut and no heresy should be innovated nor any sin should be committed in it, and whoever innovates in it heresy or commits sins (bad deeds), then he will incur the curse of Allah, the angels, and all the people.*”²⁴⁴², and “*I have been commanded (to migrate) to a town (Medina) which would overpower other towns. They (the people) call it Yathrib; its correct name is (in fact) Medina. It eliminates (bad) people just as a furnace removes the alloy of iron.*”²⁴⁴³

It is accepted as not permissible for non-Muslims to stay in Medina for more than three days. In fact, Umar allowed Jews, Christians, or Magians who came to sell goods to stay in Medina for three days.²⁴⁴⁴

The Prophet loved Medina very much. There was the same love in the Companions. As a matter of fact, this love is clearly observed in ‘Umar’s following prayer, “O Allah! Provide me with martyrdom in Your way and make my death in the presence of your Messenger (in Medina).”²⁴⁴⁵

2441. Al-Bukhari, Jihād, 71, 74, Madina, 1, Buyū’, 53, Anbiya, 10; Muslim, Ḥajj, 445, 446, 455; al-Tirmidhī, Manāqib, 67.

2442. Al-Bukhari, Faḍā’il al-Madina, 1.

2443. Al-Bukhari, Faḍā’il al-Madina, 2; Muslim, Ḥajj, 487.

2444. Muhammed Rawwāṣ al-Qal’ajī, *Mawsūatu Fiqhi ‘Umar ibn al-Khattāb*, 1981, p. 601.

2445. Al-Bukhari, Faḍā’il al-Madina, 11.

B – MASJID AL-NABAWĪ

It is the mosque that the Prophet built with his Companions right after he migrated to Medina. It is also called *Masjid al-Rasūl*, *Masjid al-Sharīf*, and *Masjid al-Sa'ādah*. After *Masjid al-Haram*, it is one of the most virtuous mosques in the world, just like *Masjid al-Aqṣā*.

The *Masjid an-Nabawi* was built on a plot purchased from the sons of Najjār, at the point where the migration came to an end in the center of Medina, where the Prophet's camel kneeled down.²⁴⁴⁶ Believers participated in the construction of the masjid as workers and master architects, and the Messenger of Allah personally carried stones and mud bricks in addition to planning and organizing, and reciting the following couplets, "*O Allah! There is no life other than the afterlife. Forgive the Ansar and the Muhajirs!*"²⁴⁴⁷ At first, three doors were placed in the mosque, which was built in the form of a square each side one hundred *zira'* (1 *zira'* equals 45 cm.) long. Sixteen months after the Hijra, when the direction of the *qibla* was turned towards the direction of the Ka'ba, the door in the south was closed, this place was turned into the prayer niche, and a door was opened to the north.

Two rooms were built for Aisha and Sawdā', the wives of the Messenger of Allah (*saw*), adjacent to the wall on the east side of the mosque. Over time, seven more rooms were added to these, and the number of rooms increased to nine. Again adjacent to the masjid, a covered section called "*Ṣuffā*" was added as an education-training place during the day and a shelter for homeless people and guests during the night.²⁴⁴⁸ Once, seventy people from the Tamim tribe were housed there.²⁴⁴⁹ The number of students who came from Medina and far places and studied at *Ṣuffā* reached four hundred. Most of the needs of the people living there were met by their generous Companions. Poor people who did not have a home and family in Medina slept in the *Ṣuffā* and their needs were met from there.²⁴⁵⁰

The Prophet (*saw*) expanded the mosque a little more after the conquest of Khaybar, and shortly before his death, he had all the doors opening to the mosque from the houses closed, except for Abu Bakr's door.²⁴⁵¹ When the Messenger of Allah (*saw*) died, he was buried in the room belonging to Aisha. When Abu Bakr and Umar (*r. anhumā*) died, they were buried next to the Prophet (*saw*).

During the expansion of the caliphate of Umar, the rooms belonging to the wives of the Prophet were not touched. While the Umayyad caliph Umar ibn Abdulaziz enlarged the mosque from the directions east, west, and north, the rooms of the Prophet's (*saw*)

2446. Al-Nasā'ī, *Masājid*, 12; Ibn Ṣa'd, *Ṭabaqāt*, Beirut, n.d., I, 239.

2447. Ibn Ṣa'd, *Ṭabaqāt*, I, 239, 240.

2448. Ibn Ṣa'd, *ibid*, I, 499.

2449. Aḥmad ibn Ḥanbal, III, 371.

2450. Ibn Ṣa'd, *ibid*, I, 255; M. Hamidullah, *İslam Peygamberi*, Istanbul 1980, II, 832.

2451. Al-Bukhari, *Ashab*, 3.

wives were annexed to the mosque. However, since the grave of the Messenger of Allah (saw) was in Aisha's room, only a part of this room was included in the mosque and the graves were left out.²⁴⁵²

Masjid an-Nabawi, which was 2475 square meters in size when it was first built, has reached a width of 12271 square meters as a result of various construction and enlargement works throughout history. With the expansion works being carried out today, the aim is to increase this area several times.

C – THE VIRTUES OF MASJID AL-NABAWĪ

The Messenger of Allah (saw) said the following about the section called “Rawḍa al-Muṭaḥḥara” in this mosque, which is one of the three mosques on earth where one can go on a journey to pray and visit, and which is considered the most virtuous mosque after Masjid al-Ḥaram, “*The place between my house and my pulpit is a garden from the gardens of Paradise.*”²⁴⁵³ The Messenger of Allah (saw) used to deliver a sermon while leaning on a palm stump. When the congregation increased, a three-step pulpit was built. When he started to use this new pulpit, sounds like a camel's groan began to be heard from the palm stump left on the side, and the sound stopped when the Messenger of Allah caressed it with his hand.²⁴⁵⁴

There are pillars named Abu Lubāba and Hannāna in Rawḍa al-Muṭaḥḥara. Abu Lubāba was a member of the Aws tribe from the Ansar. In the battle of the Qurayza, he regretted that he had said to the enemy that if they surrendered, the punishment given to them would be death. For that reason, he had himself tied to the column there with a rope and swore that he would not let anyone untie his rope and would not eat or drink anything unless his repentance was accepted. After being tied up for seven days, his repentance was accepted and the Messenger of Allah (saw) himself loosened his tie. Today, the one erected in place of this column is called “*Ustuwāna Abu Lubāba*”. The other one is “*Ustuwāna Hannāna* (weeping log)” which is the column erected in place of the groaning palm log we mentioned above.²⁴⁵⁵ Another hadith about the pulpit is as follow, “*The columns of this pulpit of mine will be in Paradise.*”²⁴⁵⁶

Masjid an-Nabawi in Medina is one of the three holy mosques on earth. The virtue of this mosque is explained in the hadith as follows, “*Do not set out on a journey except for three Mosques i.e. al-Masjid al-Ḥaram, the Mosque of Allah's Messenger (saw),*

2452. Ibn Sa'd, *ibid*, I, 399; Ömer Tellioglu, “Mescidu'n-Nebevi”, Şamil İslam Ansik.

2453. Al-Bukhari, Faḍl aṣ-Ṣalāh fī Masjidi Makka wa'l-Madina, 5; al-Nasā'ī, Masājid, 7, Hadith No: 693. In Bukhari's narration of Abu Huraira, there is the addition of “My pulpit is above my pool”.

2454. Al-Bukhari, Jum'a, 26; al-Nasā'ī, Jum'a, 17; Ibn Maja, 'Iqāmah, 199; Ibn Sa'd, *ibid*, I, 239-254.

2455. Abbas Kerrare, *Mekke-Medine Tarihi*, Trans. Abdullah Öz, Istanbul 1982, p. 247-253; M. Asım Köksal, *Muhammed ve İslamiyet*, Istanbul 1981, p. 339-343.

2456. Al-Nasā'ī, Masājid, 8; Aḥmad ibn Ḥanbal, VI, 289, 292, 318.

and the Mosque of al-Aqṣā, (Mosque of Jerusalem).''²⁴⁵⁷ According to a narration from Sa'd ibn Waqqās and Abu Huraira (r. anhumā), the Prophet (saw) said, "One prayer in my mosque is more virtuous than a thousand prayers in other mosques, except Masjid al-Ḥaram. One prayer in the Masjid al-Ḥaram is more virtuous than a hundred thousand prayers in other mosques."''²⁴⁵⁸ In another hadith transmitted by Anas ibn Malik, the amount of prayer is mentioned as follows, "Whoever performs forty prayer times in my mosque, he will be freed from the fire of Hell and destined to salvation on the Day of Judgment."''²⁴⁵⁹ Masjid al-Nabawi is a source of virtue for other good deeds besides prayers. The following is stated in a hadith, "Whoever comes to my mosque to learn or teach a good deed is like a person who strives in the way of Allah. One who comes here for purposes other than these is like a person watching someone else's earnings."''²⁴⁶⁰ "I am the last of the prophets. My mosque is the last of the mosques."''²⁴⁶¹

Moreover, inside the Masjid an-Nabawi, between the tomb of the Prophet (saw) and the pulpit, there is a sacred area called "Rawḍa al-Muṭaḥḥara" that is considered a piece from Paradise. This place is 10-meter-wide, 20 meter-long. It is an area of 200 square meters in length. Regarding the virtue of this area, the following is stated in a hadith transmitted from Abdullah ibn Zayd al-Mazinī and Abu Huraira, "Between my house and my pulpit is a garden from the gardens of Paradise."''²⁴⁶²

D – VISITING THE PROPHET'S GRAVE

Visiting graves was forbidden in Islam in the early period when the belief in destiny was not yet rooted and the habits of *Jahiliyya* continued, but it was later allowed. The following is stated in a hadith, "I forbade you to visit graves. From now on, visit the graves. Because visiting graves reminds you of death."''²⁴⁶³

When the Prophet died in 632 CE, he was buried in the room of his house, next to the mosque, where he died. Later, Abu Bakr and Umar were buried next to him. While the Masjid an-Nabawi was enlarged, these tombs were also left inside the main walls, their interior was separated by walls and iron railings, and a dome was built above them, giving an appearance distinguishing it from the masjid.

2457. Al-Bukhari, Masjid al-Makka, 1, 6, Sayd, 26, 415, 511-513; Abū Dawūd, Manāsik, 94; al-Tirmidhī, Ṣalāh, 126.

2458. Al-Bukhari, Faḍl aṣ-Ṣalāh fi Masjid Makka wa al-Madina, 1; al-Tirmidhī, Ṣalāh, 126; al-Nasā'ī, Masājid, 4, 7; Aḥmad ibn Ḥanbal, I, 16. Al-Nasā'ī has the following addition: Because the Messenger of Allah (saw) was the last of the prophets, and his mosque was the last of the mosques.

2459. Al-Ṭabarani quoted from *al-Awsat*. This hadith could not be found in other sources.

2460. Aḥmad ibn Ḥanbal, II, 418.

2461. Al-Nasā'ī, Masājid, 7.

2462. Muslim, Ḥajj, 500-503.

2463. See Muslim, Janā'iz, 106, Aḍāḥī, 37; Al-Tirmidhī, Janā'iz, 7, 60; Abū Dawūd, Janā'iz, 77, Ashriba, 7; al-Nasā'ī, Janā'iz, 100; Malik, *Muwaffā'*, Ḍaḥāyā, 8.

Muslim scholars regard it very important for pilgrims to visit the grave of the Messenger of Allah (*saw*) before or after the pilgrimage. They considered neglecting this visit without a valid excuse as heedlessness and insensitivity. The following hadiths are encouraging in this regard. “Those who visit me after my death are as if they visited me in my life.”²⁴⁶⁴, “My intercession for those who visit my grave is a firm right.”²⁴⁶⁵, and “Whoever comes to visit me with no other thought in his heart than to visit me, it will be my right to intercede for him on the Day of Judgment.”²⁴⁶⁶

Upon reaching Medina, if possible, one should go to Masjid al-Nabawi by performing *ghusl* or *wuḍū*. It is entered from “Bab al-Salām (Salām Gate)” or “Bab al-Jibrīl”. If it is not time for *karāha*, a two-cycle “*taḥiyyat al-masjid*” prayer is performed and Allah is invoked. If possible, it would be appropriate to perform this prayer in the place called Rawḍa al-Mutaḥḥara. Just as it is necessary to show respect to the Prophet when he was alive, it is also necessary after his death. Therefore, with humility, decency, and calmness, one approaches the side of his grave and stands at the level of his head, and offers salutations as follows, “*As-salāmu alayka yā sayyidī, yā Rasūlullāh, as-salāmu alayka yā Nabīyallāh...* (Peace be upon you O my master! O Messenger of Allah! Peace be upon you! O Prophet of Allah).” Then supplications may be recited. Subsequently, standing in line with the heads of Abu Bakr and Umar, they are also greeted and prayed over with supplications. The notion is that it is as though they receive this greeting and are aware of their visitors.

In fact, when the Messenger of Allah (*saw*) called the deceased men of Quraysh lying on the ground after the Battle of Badr, Umar said, “Are you calling out to these emotionless corpses?” He replied, “*You are no more hearing than these. But they cannot answer.*”²⁴⁶⁷ In this regard, based on the verse “***So verily you cannot make the dead to hear...***”²⁴⁶⁸, Aisha interpreted the above hadith as “you understand the truth better now when you die”. The majority of Muslim scholars, on the other hand, opposed Aisha in this regard and relied on the above-mentioned Umar’s hadith narrated by Abdullah Ibn Umar.²⁴⁶⁹

During the stay in Medina, the missed prayers are made up or supererogatory prayers are performed, the Qur’an is read, and supplications and remembrances are said in the Masjid as much as possible.

The visitor leaving Medina, finally says his or her farewell by visiting the grave of the Messenger of Allah (*saw*). He or she leaves the Masjid al-Nabawi and Medina with respect, by performing two cycles of gratitude prayer in a suitable place, if possible, in the Rawḍa.

2464. Al-Daraqutnī, II, 278, Hadith No: 192; al-Bayhaqī, *Shu‘ab al-Imān*, III, 488, Hadith No: 4151.

2465. Al-Daraqutnī, II, 278, Hadith No: 192; al-Bayhaqī, *Shu‘ab al-Imān*, III, 490, Hadith No: 4159.

2466. Al-Ṭabarānī, *Awsat*, V, 275, Hadith No: 4542.

2467. Aḥmad ibn Ḥanbal, II, 121.

2468. Al-Rūm, 30: 52.

2469. Al-Zabidī, *Tecrid-i Sarih Tercemesi*, Kamil Miras, Ankara 1985, IV, 580.

E – QUBA MOSQUE

Quba is a settlement on the edge of Medina. Before the Prophet (*saw*) entered Medina at the end of his migration, he stayed for a few days in the home of the Bani Amr Ibn Awf in Quba and built the Quba Mosque there. The people of Quba brought stones for the construction of the mosque, and “Ammār ibn Yāsir made the greatest effort, so he was called “the first person to build a mosque in Islam”.²⁴⁷⁰ Abdullah ibn Rawāḥa was both working and singing poetry. Later, Ghanam ibn Awf, who was jealous of this interest in the Bani Amr Ibn Awf, built another mosque in Quba with the encouragement of Abu Amir al-Rāhib, and by setting a trap inside, they asked the Prophet to pray here while returning from the Tabuk Campaign. However, upon the notification of Allah Almighty, this mosque, called “Masjid al-Dirār”, was destroyed by a raid, and those who were in it ran away.²⁴⁷¹ In the following verse, the Messenger of Allah is informed not to pray in that mosque, but in the mosque that he built before: “... *There is a mosque whose foundation was laid from the first day on piety; it is more worthy of the standing forth (for prayer) therein. In it are men who love to be purified; and Allah loveth those who make themselves pure.*”²⁴⁷² By purity, it is meant purification from material and spiritual impurities.²⁴⁷³ It is also reported that the Masjid of Ṭaqwā refers to the masjid of Medina.²⁴⁷⁴ The following is stated in the hadith, “*Whoever goes to the Quba mosque and prays there, he will have a reward equal to ‘umra.*”²⁴⁷⁵ It is reported that the Messenger of Allah (*saw*) went to Quba Mosque every Saturday and performed a two-cycle prayer there.²⁴⁷⁶

F – MASJID AL-QIBLATAYN (THE MOSQUE WITH TWO QIBLAS)

The feature of this mosque located in Medina is that it was the first place where the *qibla* changed. In the first years of Islam, while the prayers were performed by turning towards the Masjid al-Aqṣā in Jerusalem, in the 16th month after the Hijrah, the qibla was changed to the Masjid al-Ḥaram in Mecca.

This change is explained in the Qur’an as follows, “*We see the turning of your face (for guidance to the heavens: now shall We turn you to a Qibla that shall please you. Turn then your face in the direction of the sacred Mosque: Wherever you are, turn your faces in that direction...*”²⁴⁷⁷, and “*From whencesoever, you start forth, turn Your face in the direction of the sacred Mosque; that is indeed the truth from the Lord...*”²⁴⁷⁸

2470. Ibn Hisham, *Sirah*, II, 143.

2471. See al-Tawba, 9: 107, 108.

2472. See al-Tawba, 9: 108.

2473. See Ibn Maja, *Ṭahārah*, 28; Aḥmad ibn Ḥanbal, III, 422, VI, 6.

2474. Al-Nasā’ī, *Masājid*, 8, Hadith No: 695; See al-Qurtubī, *Jamī’*, the exegesis of the verse 9: 108.

2475. Al-Nasā’ī, *Masājid*, 9.

2476. Al-Bukhari, *Faḍl aṣ-Ṣalāh fī Masjid al-Makka wa al-Madina*, 2-4.

2477. Al-Baqara, 2: 144.

2478. Al-Baqara, 2: 149. cf. 2: 150.

When these verses were revealed, prayers started to be performed towards the Ka'ba. So much so that a Companion who went to the Bani Salama Masjid to inform them of this change arrived there while the congregation was in *rukū'* position of the afternoon prayer and announced the change of the *qibla*. Without breaking the prayer, the imam turned the rows towards Mecca and led the remaining cycles towards the new *qibla*. Since the congregation turned towards two *qiblas* at once in one prayer, this masjid is called "Masjid al-Qiblatayn" (masjid with two qiblas).

It is also said that the change of *qibla* took place while the Prophet was a guest in the Bani Salama Masjid. According to Ibn Umar's report, the news of the change of *qibla* reached Quba, another mosque in Medina, while performing the dawn prayer the next day, and the congregation, whose faces were towards Damascus, turned towards the Ka'ba.²⁴⁷⁹

G – BĀQI CEMETERY

It is *mustahab* to visit the Bāqī Cemetery on the east side of Masjid an-Nabawi. About ten thousand of the Companions, who saw the Prophet, had a conversation with him, and made efforts to spread the message of Islam were buried in this cemetery. Companions such as the third caliph Uthman, Abbas, Aisha, Fatima, Sa'd Ibn Abi Qaqqās, Ḥasan, and many great people from the Successors, such as Imam Malik, are buried in this cemetery.

The Messenger of Allah (*saw*) would go to the Medina cemetery to visit the dead and say,

"As-Salāmu 'alaykum yā dāra qawmin mu'minīn wa innā insha-Allāhu bikum lāḥiquna, as'alullāh lī wa lakumu'l-'afiyata"

(O inhabitants of the land of believers! Peace be upon you. insha'Allah We will meet you. I wish from Allah well-being for us and for you, and salvation from fears and troubles regarding the Hereafter.)²⁴⁸⁰

Ibn Abbas narrated that the Messenger of Allah once stopped by the Medina cemetery, turning his face towards the graves and saying, **"Yagfirullāhu lanā wa lakum. Antum salafunā wa naḥnu bi'l-athari."** (O people of the graves! Peace be upon you! May Allah forgive us and you. You went before us, and we will follow you.)²⁴⁸¹

When the Bāqī cemetery is open, it can be visited by entering it, and if it is not open, it can be visited by just staying outside. During this visit, prayers are said by sending greetings as was done by the Messenger of Allah. The rewards of some surahs and verses that will be recited with the intention of invocation are bestowed on those who are buried there, all the Companions, the Successors who follow them, and the souls of

2479. See al-Bukhari, Imān, 30; Tafsīru surah, 2: 12, 15-19; Muslim, Masājīd, 13; al-Nasā'ī, Ṣalāh, 24, Qiblah, 3; al-Darīmī, Ṣalāh, 30; Aḥmad ibn Ḥanbal, I, 250, IV, 304; al-Tirmidhī, Tafsīru surah, 2: 10; al-Qurtubī, *ibid*, II, 107-109; Ibn Kathīr, *ibid*, I, 134-136.

2480. Muslim, Janā'iz, 104; Al-Nasā'ī, Janā'iz, 103; Ibn Maja, Janā'iz, 36; Aḥmad ibn Ḥanbal, II, 375, 408.

2481. Al-Tirmidhī, Janā'iz, 59, Hadith No: 1053.

the Successors of the Successors. Finally, one can end by saying that we ask for Allah's forgiveness and forgiveness for ourselves in this holy land.

In short, during the pilgrimage and *'umra*, during the visits to the graves of the Companions in Mecca or Medina, and the graves of the other people, similar supplications as noted in the hadiths above can be said.

H – WHERE THE BATTLE OF TRENCH WAS FOUGHT

One of the most important battles of the Prophet with the polytheists took place in the north of Medina, two years after the Battle of Uhud, in the month of Shawwal (23 February 627) in the 5th year of the Migration. Unable to completely break the power of Muslims in Uhud, the polytheists of Quraysh, the Tribes of Ghatafan and the Qurayza Jews who supported them decided to attack Medina with a force of 12 thousand people. Hearing this news, the Messenger of Allah (*saw*) immediately convened a war council. After Salmān al-Fārisī said, "In our battle customs, when a city is surrounded by superior forces, a ditch is dug around it and the city is defended in this way." the decision to defend the city was taken and Salmān's view was adopted. This is because the other sides of the city were surrounded by mountains and date palms.²⁴⁸² Accordingly, trenches were dug in the open side of the city, which lasted two weeks. The Companions were positioned behind the piles of soil that were dug from the trench, which was so wide and deep that could not be crossed even with a horse. The number of Muslims who could fight was about three thousand and there were also 36 horses.

The combined forces coming from the Uhud-Medina road took up their positions behind the ditch. Without significant engagement, the siege was prolonged. The fact that it was the winter season and Madinah's contact with the outside was cut off caused food shortages. In the meantime, although the Messenger of Allah negotiated with the chiefs of the Ghatafan tribe and made an offer to withdraw from the war in exchange for one-third of the Medina date revenue, he abandoned this offer after consultation with Sa'd Ibn Mu'adh and Sa'd Ibn 'Ubada.²⁴⁸³ Meanwhile, the Qurayza Jews broke the non-aggression pact and joined the enemy. However, the Messenger of Allah, who commissioned Nu'aym Ibn Mas'ūd al-Thaqafī, who had secretly converted to Islam while on the side of the enemy, to break the good relations between the people of Qurayza and the united forces, which he succeeded in at this time.

After a month-long siege, Allah's assistance arrived. A cold wind brought down all the enemy tents, and put out their fire, their horses were startled, and they were left in the dust. This frightened the enemy and they left the war and retreated. However, the Jews who broke the previous agreement were also exiled from that region. The following verse and a few other verses were revealed regarding this incident, "*O you who believe!*

2482. Ibn Hisham, *Sirah*, Egypt 1375/1955, II, 214, 216, 220, 255.

2483. Ibn Hisham, *Sirah*, II, 233; al-Tabarī, *Tarikh*, II, 572, 573.

Remember the Grace of Allah, (bestowed) on you, when there came down on you hosts (to overwhelm you): But We sent against them a hurricane and forces that you saw not: but Allah sees (clearly) all that you do.²⁴⁸⁴

Seven Masjids: There are seven small masjids close to each other in the area where the Battle of the Trench was fought. It has become a custom for those who come to Medina to visit them. There is no doubt that believers gain spiritual rewards by performing a two-cycle *tahīyyat al-masjid* prayer in all these mosques and drawing a lesson by remembering the historical events.

I – THE CEMETERY OF UHUD MARTYRS

The Uhud war took place in the third year of Hijra, between the Muslims and the polytheists of Mecca, around Mount Uhud. The people of Quraysh, who had had seventy dead and as many captives in the Battle of Badr, took action to avenge their relatives and headed for Medina with a military force of 3000 people. There were 14 women among them, including Abu Sufyan's wife Hind bint Utbah. Hearing this, the Messenger of Allah prepared a force of 1000 soldiers and announced that he wanted to defend the city of Medina from the inside. However, specifically, the young people who could not participate in the Battle of Badr wanted to have a field battle with the enemy outside. When the Messenger of Allah, who obeyed the wishes of the majority, put on his armor and left, the young people wanted to change their views. He said, "*A prophet does not return without a fight after he puts on his armor,*" and headed for Uhud. Meanwhile, the leader of the hypocrites, Abdullah Ibn Ubayy, withdrew his 300-strong force, using the excuse of abandoning the defensive war, and the number of Muslims decreased to 700.

The Quraysh army had set up their headquarters on the side of Mount Uhud, facing Medina in order to infiltrate the open side of Medina. The Messenger of Allah (*saw*) also put the Muslim army into battle order and took sides against the enemy. He also placed archers where the enemy could infiltrate. To secure the valley of the mountain on the left side of the army, he placed about 50 archers under the command of Abdullah Ibn Jubayr (d. 3/624) on the Hill of Aynayn and said, "*Even if you see that we have been defeated and birds have taken our horses, do not leave your positions until I send you news.*"

At the end of the first clashes, the enemy began to be defeated and started to withdraw. While it was necessary to follow them and not allow them to regroup, some Muslims who thought they had won the war started to collect booty. Seeing this situation, most of the archers began to leave their places. Abdullah Ibn Jubayr could not prevent the scattering and, together with the ten people who remained with him, entered the war facing the 200-man Meccan cavalry under the command of Khalid ibn Walid, who had been waiting to infiltrate from behind. At the end, when his arrows ran out, he was martyred by Ikrima

2484. Al-Aḥzāb, 33: 9.

and his friends, and Hill of Aynayn fell into the hands of the enemy.²⁴⁸⁵ The Muslim army was now caught between two fires. At this time, the Prophet's uncle, Hamza, was killed with a spear by Wahshi, the slave of Abu Sufyan's wife Hind. Meanwhile, Mus'ab ibn 'Umayr was also martyred and the polytheists began to say that they had killed the Prophet because Mus'ab resembled the Messenger of Allah in appearance.

At such a time, the Companions gathered together around the Prophet on the outskirts of Uhud and protected him at the cost of their lives, and the enemy could not break this circle. The Messenger of Allah, who was resting in a cave there, had a broken tooth and a split on his cheek. His daughter Fatima had treated him. The conversation between Abu Sufyan and 'Umar took place at this time. The war had come to a draw in this third phase.

Abu Sufyan retreated to the opposite mountain and planned to attack Medina from there the next day. Sensing the situation, the Messenger of Allah followed the enemy up with the same army 8 km. despite the 70 martyrs and wounded. He stayed for three days and made fires at night and gave the message to the enemy that they were not afraid of the war. Abu Sufyan did not dare to attack the city of Medina and returned to Mecca, and thus the Muslims regained their superiority.

The following is stated in the Qur'an, ***"Think not of those who are slain in Allah's way as dead. Nay, they live, finding their sustenance in the presence of their Lord."***²⁴⁸⁶

According to the narration, this verse was revealed about the martyrs of Uhud. The following is stated in the hadith, *"The souls, of the martyrs, live in the bodies of green birds who have their nests in chandeliers hung from the throne of the Almighty. They eat the fruits of Paradise from wherever they like and then nestle in these chandeliers. Once their Lord cast a glance at them and said: Do ye want anything? They said: What more shall we desire? We eat the fruit of Paradise from wherever we like. Their Lord asked them the same question thrice. When they saw that they will continue to be asked and not left (without answering the question). they said: O Lord, we wish that Thou mayest return our souls to our bodies so that we may be slain in Thy way once again. When He (Allah) saw that they had no need, they were left (to their joy in heaven)."*²⁴⁸⁷

J – CEMETERY OF THE BADR MARTYRS

Badr was a small town located 160 km southwest of Medina, 30 km from the Red Sea coast, at the intersection of the Medina-Mecca road with the Syrian caravan route. Its people were making a living from the money they received from the caravans stationed here in return for their services and from animal husbandry.

In the month of Ramadan, the second year of the Hijra, the Messenger of Allah (saw) heard that a Quraysh trade caravan was returning from Damascus under the leadership

2485. See Āl 'Imrān, 3: 152-155. Mustafa Fayda, "Abdullah b. Cübeyr" *TDV Ansik.*

2486. Āl 'Imrān, 3: 169.

2487. Muslim, 'Imāra, 121; Abū Dawūd, Jihād, 25; al-Tirmidhī, Tafsīru surah 3/ 19.

of Abu Sufyan. With the income of the caravan, they would prepare an army against the Muslims. The Messenger of Allah, who came to the vicinity of Badr with an army of 305 Companions to block the caravan at Badr, learned that the caravan had moved away from the coastal road to the side of Mecca, but meanwhile, an army of a thousand polytheists prepared in Mecca under the command of Abu Jahl approached Badr. In this new situation, either the caravan could be followed or the approaching Quraysh army could be fought. The Companions were not prepared to fight an army that was three times stronger than theirs. As a result of the consultations, the Prophet (saw) said, *"The caravan passed by the seashore. Abu Jahl comes towards us."* Sa'd Ibn Ubada from the Ansar said, "O Messenger of Allah! Do as you wish, execute it. By Allah, if you go to Aden, no one will be left behind from the Ansar." Sa'd Ibn Muadh also said: "We believe in you, and we approved of you. Go wherever you want. By Allah, if you showed us this sea and dived into it, we would all dive together so that no one of us would fall behind. We are people who show patience and perseverance in times of war and remain loyal when faced with the enemy. Come on, take us towards God's blessings." Rejoicing on this situation, the Prophet said, *"Come, walk towards the blessings of Allah. I give you good news that Allah has promised me that one of the two groups will be yours. By Allah, I seem to see the places where the polytheists of Quraysh will fall."* In the meantime, as a war tactic, on the advice of Ḥabbāb Ibn Arat, they took up positions enabling them to control the water supply.

Faced with the enemy, the general war after the bilateral skirmishes resulted in the decisive victory of the Muslims. The polytheists had seventy deaths, including Abu Jahl. The loss of the Muslims was 14 individuals. Seventy people were also taken prisoner and various spoils were seized. Depending on their financial situation, a ransom of 1000-4000 dirhams (one sheep was 5 dirhams) was taken for each captive. It was decided that some of the captives would be released free of charge, and those who could read and write in return for teaching ten Muslims how to read and write would also be freed. At that time, the Prophet (saw) performed the funeral prayers for the martyrs and buried them. He also buried the dead of Quraysh.

In the Battle of Badr, while the Almighty Allah promised to help the believers with a thousand angels,²⁴⁸⁸ this number was increased to three thousand upon the news that Kurz Ibn Jabir al-Muharibi would also help the polytheists.²⁴⁸⁹ It has been explained that if the Muslims showed patience and were attacked by an unexpected attack, the number of assistant angels could reach up to five thousand.²⁴⁹⁰ It has been declared by Allah that the sins of those who participated in this war were forgiven.²⁴⁹¹

2488. See al-Anfāl, 8: 9.

2489. See Āl 'Imrān, 3: 124.

2490. See Āl 'Imrān, 3: 125.

2491. See al-Bukhari, Maghāzī, 9, 46; Muslim, Faḍā'il aṣ-Ṣaḥāba, 161.

XXI – TWO IMPORTANT VISITING PLACES OUTSIDE THE HIJAZ

A – MASJID AL-AQṢĀ (*BAYT AL-MAQDIS*):

It is the name of the mosque built on the site of the former Sulaiman's Temple in Jerusalem. Since there was no other mosque beyond it at that time, it has been called in the Qur'an "the farthest mosque" (Masjid al-Aqṣā), and it has been reported that during the night of Ascension to the heavens (*Mi'rāj*), which took place seventeen months before the Hijrah, Muhammad (*saw*) made a night journey from Masjid al-Ḥaram to Masjid al-Aqṣā.²⁴⁹²

This mosque was also called "Iliya" or "Bayt al-Maqdis" or "Bayt al-Muqaddas", meaning the place of cleansing from sins. The following is stated in the hadiths about *Mi'rāj*, "I rode Burāq and went to Bayt al-Maqdis."²⁴⁹³ "When Quraysh denied me about *Mi'rāj*, I got up in Hijr. Allah showed me the Bayt al-Maqdis, and I began to inform them of Allah's verses by looking at it."²⁴⁹⁴ and "Allah has blessed the area between the Arish and the Euphrates and has made Palestine especially holy."²⁴⁹⁵

One of the oldest mosques built after Masjid al-Ḥaram in the world is Masjid al-Aqṣā. Its construction was started by Dawud (*as*) and completed by his son Sulaiman (*as*).²⁴⁹⁶ According to what is reported from Abdullah Ibn Amr, the Messenger of Allah (*saw*) said, "When Sulaiman bin Dawud finished building Bait Al-Maqdis, he asked Allah for three things: Judgement that was in harmony with His judgment, and he was given that. And he asked Allah for a dominion that no one after him would have, and he was given that. And when he finished building the Masjid he asked Allah, the Mighty and Sublime, that no one should come to it, intending only to pray there, but he would emerge free of sin as the day his mother bore him." The Prophet also said in the continuation of the hadith, "Allah gave him his first two requests. I hope he is given a third."²⁴⁹⁷

Masjid al-Aqṣā was the qibla of Muslims until the 16th month of Hijra. It is one of the three mosques that the Prophet allowed travelers to visit. When Jerusalem was conquered during the caliphate of Umar, the caliph who went there entered Bayt al-Maqdis

2492. See al-'Isra, 17: 1.

2493. Al-Bukhari, *Bad' al-khalq*, 6; Muslim, *Imān*, 259, 264; al-Nasā'ī, *Ṣalāh*, 10.

2494. Al-Bukhari, *Tafsīr*, 17/3.

2495. Abu'l-Qāsim Ali, *Tārikhu Madinat al-Shām*, Dār al-Fikr, Beirut 1995, I, 144; al-Suyūṭī, *al-Durr al-Manṣūr*, III, 527.

2496. Al-Zarkashī, *I'lām as-Sājid*, Cairo 1397, p. 277; Elmalılı, *Hak Dini Kur'an Dili*, İst. 1936 IV, 3144 ; *İslam Ansik. M.E.B basımı*, "Mescid-i Aksa" and "Kudüs".

2497. Al-Nasā'ī, *Masājid*, 6; Hadith No: 691; Miras, *Tecrid-i Sarih Tercemesi*, IV, 167.

at night and prayed there all night. In the morning, he recited the *adhān* and performed prayer in the congregation. After that, Umar (*ra*) called Ka'b al-Akhbār and asked where the mosque could be built in the city. Ka'b pointed to *al-Ṣakhra* (rock) and wanted it to be the *qibla*. Umar reminded him that the *qibla* of the Muslims is the Ka'ba. However, he had a mosque built for the holy memory of *Bayt al-Maqdis* and determined its *qibla* to be the direction of the Ka'ba. This later became the location of the Dome of the Rock.

The Dome of the Rock was damaged by earthquakes and was repaired many times. This is an octagonal and high domed building in the middle of a wide wall, which is reached by stairs on all four sides. It has eight doors, four of which lead to the stairs. Inside, under the dome, the *Ṣakhra* (rock) stands.

Here, Masjid al-Aqṣā forms a part of the Dome of the Rock where worship is performed. Today, when we say Masjid al-Aqṣā, it is understood as a collection of buildings scattered on a land of 150 decares that was built and left by many caliphs and sultans from Caliph Abdulmalik to the Ottoman Sultan Sulaiman the Magnificent. When Masjid al-Aqṣā is mentioned in the narrow sense, it means the masjid built by Abdulmalik, which is not far from the Dome of the Rock. In the construction of this mosque, material from the ruins of the Church of the Virgin Mary, which was built by Justinian and survived until it was destroyed by the Iranian Ruler, Khosrow the Second, was used.²⁴⁹⁸

B – AṢḤĀB AL-KAHF (COMPANIONS OF THE CAVE)

The following is stated in the Qur'an, "*Or do you reflect that the Companions of the Cave and of the Inscription were wonders among Our Sign?*"²⁴⁹⁹ Aṣḥāb al-Kahf means "the Companions of the Cave" and *raqīm* means "the inscription on which the Companions of the Cave are written".²⁵⁰⁰ When a few young believers, known by this name, were persecuted and punished by the Roman military governor of the time near Tarsus, they secretly left the city and took shelter in a cave, and as a miracle by Allah Almighty, they fell asleep for 300 years.²⁵⁰¹

According to common knowledge in history and *tafsīr* books, this event took place around Tarsus in the second half of the third century CE, when Anatolia was under Roman rule. The regional governor Decius (Dakyanos) attempted to kill these young people because of their beliefs. The young men left the city, saying that they knew no god but Allah, the Lord of the heavens and the earth and that they would not turn away from their religion. They entered a cave with a dog following them and fell into a long

2498. Mefail Hızlı, "Mescid-i Aksa", Şamil İslam Ansik.

2499. Al-Kahf, 18: 9.

2500. For the relationship between companionship of Raqīm and "the hadith of cave" see al-Bukhari, Ijarah, 12; Kamil Miras, *Tecrid-i Sarih Tercemesi*, VII, 37 ff.

2501. See al-Kahf, 18: 25.

sleep. They were kept alive and their biological bodies did not decompose and they were kept in a position where the sun would not harm them.²⁵⁰²

When the young people, who thought they had slept for a day or less, woke up, they felt hungry and sent one companion of theirs, Yamliha, to the city to buy food with the silver coin. Seeing that many things have changed when Yamliha wanted to buy bread he was brought before the Sovereign Theodaius upon the notification of the baker, who suspected his clothes and looked at the old money in his hand and thought that he found a treasure. At that time Yamliha told them what had happened to the youth. In the meanwhile, paganism had been replaced by Christianity and the period of respect for the Christian faith had begun. The people of the city, who went to the cave with their ruler, saw that Yamliha and his friends disappeared with their dog. The ruler, who had a temple built in front of the cave, declared this cave a holy place. This event strengthens people's belief in doomsday and resurrection after death.

There is a difference of opinion about the number of the Companions of the Cave. The names seen in the sources are as follows, Yamliha, Maksalina, Maslina, Marnush, Dabarnush, Sazanush and Kafatayyus. The name of their dog was Qitmir. Christians believe that this event took place in the Church of Ayasuluk.

Ibn Abbas said about the story of the Companions of the Cave, "They are said to be Christians. Allah knows better, but they obviously belong to the pre-Christian era. Otherwise, Jewish rabbis would not have been interested in preserving the stories of these works or these people since Jews are counter to Christians. In fact, it was the Jewish rabbis of Medina who instructed the Meccans to ask the Prophet three questions about "the men of Kahf, Dhu'l-Qarnayn, and Rūḥ". This shows that this story has been preserved in the books of the Jews and dates back to the pre-Christian era."²⁵⁰³



2502. Al-Kahf, 18: 17-18.

2503. Ibn Kathīr, *Tafsīr*, III, 73, 74, the commentary of the 9th verse of chapter al-Kahf (18).

CHAPTER EIGHT

SACRIFICE

- Definition and Scope of Sacrifice
- Type of Sacrifice and Whether Defective Animals Can Be a Sacrifice
- Provisions Related to the Meat and Other Parts of the Sacrifice
- The *Aqīqa* Sacrifice
- Provisions for Newborn Children

I – DEFINITION AND SCOPE OF SACRIFICE

A – DEFINITION AND HISTORY OF THE SACRIFICE

The word *qurbān* literally means “approaching, something that is instrumental in getting closer to Allah”. In Islamic legal terminology, *qurbān* or sacrifice refers to the name of a special animal that is slaughtered at a certain time with the intention of sacrificing it in order to get closer to Allah. The sacrificial animal slaughtered on the days of Eid-al-Aḏḥā or the act of slaughtering this animal is called “*uḏhiyya*”. Its plural is “*aḏāḥī*”.

1) Sacrifice in Judaism

Although the practice of sacrifice has been observed in almost all religions throughout history, there are some differences between them in terms of form and purpose.

The first sacrifices mentioned in the Torah are the gift offerings (*minḥa*) of Cain and Abel and the burnt offering of Noah. Accordingly, in the beginning, sacrifice in Judaism meant slaughtering an animal or to burn an animal carcass, while an offering could be food or an item.²⁵⁰⁴

Based on the following verses in the Torah, “And it came to pass after these things, that God did tempt Abraham, and said unto him, ‘Abraham’: and he said, ‘Behold, here I am’. And he said, ‘Take now thy son, thine only son Isaac, whom thou lovest, and get thee into the land of Moriah; and offer him there for a burnt offering upon one of the mountains which I will tell thee of.’”²⁵⁰⁵ The Jews claimed that it was Ishaq (*as*) who was asked to be sacrificed.²⁵⁰⁶ However, this statement contradicts the phrase “sacrifice your first and only son” agreed by both Muslims and the People of the Book. For Ibrahim’s first son was Ismail (*as*). It is said that the Jews were jealous of the children of Ishmael for this honor and they wanted it to belong to them.²⁵⁰⁷ However, since the earliest and the original text of the Torah is not available to us, it is not possible to verify the text.

This practice of sacrifice, which started with the Prophet Ibrahim, was practiced for a long time in Judaism. In the time of Prophet Moses, the practice of sacrificing a one-year-old sheep or goat was started during the Passover feast, which even today symbolizes the exodus and salvation of the Israelites from Egypt and is celebrated between April 15-22 as an expression of gratitude. In addition, the principle of eating unleavened

2504. Torah, Genesis, 4: 3, 4, 20; Ahmet Güç, *Çeşitli Dinlerde ve İslam’da Kurban*, Bursa 2003, p. 144, 146.

2505. See Torah, Genesis, 22: 1-19.

2506. Ömer Faruk Harman, *İbrahim ve Kurban, İbrahim’in İzinde*, İstanbul 2001, p. 102, 103.

2507. Ibn al-Qayyim al-Jawzī, *Zad al-Ma’ād*, Beirut 1392/1973, I, 15, 16; al-Kastalanī, *Mawāhib* (On the margins of al-Zurqānī commentary), Beirut 1393/1973 (offset), I, 92.

bread for a week was added to the feast.²⁵⁰⁸ In the period when Judaism was turned into a “state religion” (500-400 BCE), not only sheep but also bulls, rams, and goats were also sacrificed in the Temple of Jerusalem.²⁵⁰⁹

When the incident of “the heifer” took place, which Moses (*as*) commanded the Israelites to sacrifice, and which is also mentioned with similar expressions in both the Torah and the Qur'an,²⁵¹⁰ and the incident of “the oxen” took place when Moses slaughtered it as a covenant sacrifice whilst returning from Mount Tur (Sinai)²⁵¹¹, and the incident when Prophet Harun and his sons were commanded to offer a young bull and two flawless rams are taken into account,²⁵¹² it can be observed that they match the types of sacrificial animals found in Islam, except for the camel. Apart from these, it appears doves and pigeons were also presented as offerings by the poor. Although taxes, charity, and offerings such as gold, silver, bronze, and dark blue, purple, red, and fine linen, goat hair, red-dyed ram skins, dolphin skins, acacia trees, oil for oil lamps, fragrant spices, agate stones, stones inlaid for breastplate were as well examples of offerings in kind, in addition to money and goods,²⁵¹³ staples from the first crop, and unleavened bread.²⁵¹⁴ This type of practice during the period of Prophet Moses brings to mind the *zakāt*, tithe, and alms found in Islam. Over time these offerings, as they developed within the worship system of the Israelites, became the source of much of the livelihood for the priests.²⁵¹⁵

In addition to these, there were also other types of sacrifices in Judaism special to specific occasions, such as birth, death, healing from diseases such as leprosy, weddings, time of joy and entertainment, and sacrifices or atonement sacrifices to be forgiven for sin.²⁵¹⁶

When the construction of the Temple of Solomon (*as*) in Jerusalem was completed, this city became the focal point of the religious ceremony related to sacrifice. However, although sacrificial offerings were tolerated in high located places, King Hezekiah appears to have abolished the allowance to sacrifice in most of these places and made the Temple (today's *Masjid al-Aqṣā*) a center for offering sacrifices.²⁵¹⁷

However, when the children of Israel were exiled from Jerusalem in 70 CE and when the Temple of Solomon was destroyed, an end was put to the sacrificial worship with the claim that the Jews were moved away from the place of sacrifice. Instead, it was replaced with regular daily prayers. However, according to traditional Jewish thought, the sacrifice was not actually abolished; rather, the destruction of the Temple made sacrifice

2508. See Torah, Exodus, 12: 1-14, Leviticus, 23: 4-8.

2509. Ezekiel, 45: 18-24; Ahmet Güç, *Çeşitli Dinlerde ve İslam'da Kurban*, Bursa 2003, p. 173.

2510. See Torah, Numbers, 19: 1-10; al-Baqara, 2: 67-73.

2511. Torah, Exodus, 24: 2-8.

2512. Torah, Exodus, 29: 1-3.

2513. Torah, Exodus, 25: 1-7.

2514. Leviticus, 2: 1-3. Güç, *ibid*, p. 232, 233.

2515. See Torah, Numbers, 18: 12; Güç, *ibid*, p. 178.

2516. Torah, Leviticus, 7: 11-21, 12: 6-8, 14: 10 ff., 15: 13, 29-30, 19: 21, 22.

2517. Güç, *ibid*, p. 246, 247.

temporarily impossible. Therefore, devout Jews pray for the Temple to be rebuilt so that the sacrificial worship may commence again.²⁵¹⁸

2) Sacrifice in Christianity

Jesus was a prophet who was sent to the children of Israel, and since he was born to a woman belonging to the children of Israel, he was aware of the beliefs and practices of the Judaic people. It is reported that after he turned 12, like every Hebrew adult, he went to Jerusalem with his family and friends to attend the Passover feast, where the sacrifices were offered, and that he ate from the meat of the sacrifice.²⁵¹⁹

Moreover, it is reported that Jesus asked a leper whom he healed to offer a sacrifice afterward²⁵²⁰ and he advised someone who was on his way to offer a sacrifice to first make peace with someone he had offended.²⁵²¹ However, it appears that later on Jesus' sayings like "to love one's neighbor as oneself is superior to all the burnt offerings and sacrifices",²⁵²² and "if you knew what it means to ask for mercy, not sacrifice"²⁵²³ were interpreted to mean that doing good to people makes sacrifice obsolete, and knowledge of God is more valuable than offerings, and thus the practice of sacrifice was relinquished.

As a result, according to today's Christian understanding, Jesus, who sacrificed himself on the cross, provided eternal salvation as both the chief priest and the sacrifice and opened the way to God's presence for every Christian person who wanted to follow him. This "first and last sacrifice" does not require repetition. So the Church tradition argues this is the reason why Jesus abolished the Old Testament's sacrificial system, which must now be discarded.²⁵²⁴ Accordingly, Christians abandoned sacrificial worship, claiming that Jesus did not bring a new sacrificial practice.

B – SACRIFICE IN ISLAM AND THE EVIDENCE ABOUT IT

In the religion of Islam, sacrifice, almsgiving, and Eid prayers were made legitimate in the second year of the Hijra. Its legitimacy is based on the evidence from the Qur'an, Sunnah, and the consensus of the Muslim jurists.

The ancient tradition of sacrifice is also found in the Qur'an. It is reported that Adam's two sons, Abel and Cain, offered sacrifices to Allah, and only the sacrifice of the one who feared Allah was accepted.²⁵²⁵ In another verse, it is stated that the provision of sacrifice existed in all the divine religions before Islam.²⁵²⁶

2518. See Werblowsky-Wigoder, *DJR*, 598, 599; Henninger, "Sacrifice", *ER*, XII, 556; Güç, *ibid*, quoted from p. 261.

2519. Gospel, Luke, 2: 7, 8, 14-16, 41-43; Mathew, 26: 2, 17-19; Mark, 14: 12-16.

2520. Leviticus, 13: 49, 14: 2-9; Mathew, 8: 4.

2521. Mathew, 5: 23, 24.

2522. Mark, 12: 33.

2523. Mathew, 9: 13, 12: 7.

2524. See Hebrews, 9: 11, 12, 1: 5-10; Güç, *ibid*, p. 296.

2525. See al-Mā'idā, 5: 27-31.

2526. Al-Ḥajj, 22: 34.

A dedicated practice in this regard appears to have begun with Ibrahim (as). Therefore, sacrifice is one of the deep-rooted traditional practices of Ibrahim (as). As it is understood from the information given in the surah al-Ṣaffāt, Ibrahim (as) asked Allah for a child, and when his prayer was accepted and a son was given to him, he was tested by sacrificing his own son. Although his name is not mentioned in the Qur'an, according to the majority of Muslim scholars, it was Ismail (as) who was to be sacrificed. When Ibrahim (as) tried to slaughter his son Ismail, it was divinely informed that he had passed the test and a big ram replaced his son to be sacrificed as a reward. As a prophet from the righteous, Ibrahim (as) was also given the good news of Ishaq (as) who will be born from his first wife, Sarah.²⁵²⁷ The Qur'an describes the submission of Ibrahim and his son Ismail to Allah's command as follows, ***"So when they had both submitted their wills (to Allah), and he had laid him prostrate on his forehead (for sacrifice), We called out to him "O Abraham! You have already fulfilled the vision!" thus indeed do We reward those who do right. For this was obviously a trial And We ransomed him with a momentous sacrifice.*"**²⁵²⁸

However, there is no distinct provision in the Qur'an ordering wealthy believers to offer sacrifice. That is because the ruling of sacrifice is not *fard*, but rather it is established as *wājib* according to Abu Ḥanīfa, and as *sunnah* according to the other majority of mujtahids. The "prayer" in the verse ***"Therefore to your Lord turn in prayer and sacrifice"***²⁵²⁹ in the chapter al-Kawthar, according to the most common view, refers to the Eid prayer, and "sacrifice" refers to the sacrifices that are offered on the days of the Eid-al-Aḍḥā. In another verse, sacrificial camels are mentioned as follows, ***"The sacrificial camels we have made for you as among the symbols (sha'āir) from Allah: in them is (much) good for you..."***²⁵³⁰ The word *sha'āir* mentioned in the verse means characteristics that are signs and symbols of Allah's religion.

There are many hadiths narrated about sacrifice. According to the narration from Zayd Ibn Arkam, upon being asked what sacrifice was, the Prophet (saw) said, *"It is the sunnah of your father Ibrahim"*, and when the Companions asked what kind of reward there was for them in carrying out the sacrifice, he stated that *"a good (ḥasana) will be given for each hair of the sacrifice"*.²⁵³¹ In a hadith narrated from Aisha (r. anha), the following is stated, *"A human does no action from the actions on the day of Naḥr more beloved to Allah than spilling blood (of sacrificial animals). On the Day of Judgement, it will appear with its horns, and hair, and hooves, and indeed the blood will be accepted by Allah from where it is received before it even falls upon the earth, so let your heart delight in it."*²⁵³²

2527. Al-Ṣaffāt, 37: 102-113.

2528. Al-Ṣaffāt, 37: 103-107.

2529. Al-Kawthar, 108: 2.

2530. Al-Ḥajj, 22: 36.

2531. Ibn Maja, Aḍāḥī, 3, Hadith No: 3127; Aḥmad ibn Ḥanbal, 368; See al-Ṣaffāt, 37: 107.

2532. Al-Tirmidhī, Aḍāḥī, 1; Ibn Maja, Aḍāḥī, 3; Aḥmad ibn Ḥanbal, v, 239.

Almighty Allah needs neither the meat nor the blood of the sacrificed animals. What reaches him is only the intention, sincerity, and piety of the one who sacrifices them. The following is stated in the Qur'anic verse, ***“It is not their meat nor their blood, that reaches Allah: it is your piety that reaches Him...”***²⁵³³

In a hadith narrated by Anas (*ra*), the following is stated, “Allah’s Messenger (*saw*) carried out the sacrifice with his own hands of two rams who were horned and white with black markings, reciting the name of Allah and glorifying Him (saying, *Allāhu Akbar*). He placed his foot on their sides (while carrying out the sacrifice).”²⁵³⁴

The wisdom behind making the sacrifice legitimate is to show gratitude to Allah for His countless blessings and to ask for His forgiveness for the past sins committed. By offering the sacrifice, both the family who slaughters it and the poor receive the meat, which is one of the basic staples of humankind. For this reason, while it is permissible to give the value of food items in the case of *zakāt al-fīṭr*, it is not acceptable nor sufficient to give the monetary value of the sacrificial animal to the poor in the case of a sacrifice.

Every day, hundreds of thousands of animals are slaughtered on earth for the meat needed by society. However, unfortunately only those with purchasing power can benefit from this enterprise. Yet, on the other hand, the needy and poor people benefit the most from all the meat that is distributed during the feast of the sacrifice every year.

C – PROVISIONS OF SACRIFICE AND ITS TYPES

There are two views on the ruling of carrying out a sacrifice for a person who is deemed responsible for sacrificing an animal on *Eid-al-Adhā* with the intention of getting closer to Allah. Some jurists consider it *wājib* and some others accept it as *sunnah*.

1) The view that sacrifice is *wājib*: According to the dominant view of the Ḥanafis, the ruling of sacrifice is *wājib*. The evidence they rely on is the command in the Qur'anic verse, ***“Therefore to your Lord turn in prayer and sacrifice”***.²⁵³⁵ It was addressed to the Prophet in the Qur'an and indicates “obligation” with the deeds noted. Yet, the command, which is not stated to be limited only to the Prophet, also includes all his followers. However, since the lack of the plural form in the verse creates speculation in the indication, the ruling of the sacrifice is not *farḍ*, but *wājib*.

Some other hadiths also support this meaning of sacrifice. The Prophet (*saw*) said, ***“Offer sacrifice. Undoubtedly, it is the sunnah of your father Ibrahim (as).”***²⁵³⁶ In this hadith, the Messenger of Allah ordered sacrifice and the absolute imperative tense structure in this sentence expresses *wājib* in relation to the deed. The following hadith,

2533. Al-Ḥajj, 22: 37.

2534. Al-Bukhari, Aḍāḥī, 9, 14, Tawḥīd 13; Muslim, Aḍāḥī, 17; al-Tirmidhī, Aḍāḥī, 2; Ibn Maja, Aḍāḥī, 1; al-Darīmī, Aḍāḥī, 1; Abū Dawūd, Aḍāḥī, 4.

2535. Al-Kawthar, 108: 2.

2536. Ibn Maja, Aḍāḥī, 3; Aḥmad ibn Ḥanbal, 368.

reported from Abu Huraira (ra), strengthens the *wājib* aspect of the sacrifice, “Whoever can afford it, but does not offer a sacrifice, let him not come near our prayer place.”²⁵³⁷ Such a warning can be seen in textual sources only in the case of abandonment of a *wājib* act. On the other hand, in some hadiths, stating that the sacrifice is *sunnah* for the ummah does not prevent it from being a *wājib* act. This is because *sunnah* means the path followed. As a matter of fact, when Muhammad Ibn Sīrīn asked if the sacrifice was *wājib*, Abdullah Ibn Umar (ra) replied, “The Messenger of Allah (saw) and the Muslims after him did carry out the sacrifice, and a *sunnah* developed in this regard.”²⁵³⁸

2) The view that sacrifice is *sunnah*: According to Abu Yusuf and Imam Muhammad from the Ḥanafis, the ruling of sacrificing is *mu'akkad sunnah*. According to the majority other than the Ḥanafis, it is also accepted as *mu'akkad is sunnah*. It would be *makrūh* for those who can afford it to abandon it.²⁵³⁹

The majority of the imams of the schools of law said that there is no clear provision in the Qur'an on this issue and that it is more appropriate to consider the Prophet's constant practice of sacrifice as “*sunnah*”. Some of the hadith proofs on which the majority is based are as follows, according to a narration reported by Saīd b. al-Musayyab from Umm Salama, the Messenger of Allah (saw) said, “When any one of you intending to sacrifice the animal enters in the month (of Dhu'l-Hijja) he should not get his hair or nails touched (cut).”²⁵⁴⁰ In another narration, the beginning of the hadith is “after he has entered the first days of Dhu'l-Hijjah.”²⁵⁴¹ This hadith shows that those who can afford it are free to sacrifice or not. Leaving something optional shows that it is not obligatory.

Another proof is the following hadith narrated by Ikrima from Ibn Abbas (r. anhu-ma). Ibn Abbas said, “I heard the Prophet say, ‘There are three things that are obligatory for me and supererogatory for you: the *witr* prayer, the sacrifice, and the mid-morning prayer.’”²⁵⁴²

Most jurists have compared the sacrifice at Eid al-Aḍḥā to the *aqīqa* sacrifice, which is offered when a child is born. In addition, the hadith that warns about those who do not sacrifice is similar to the following hadith that states to perform *ghusl* on Friday, “The taking of a bath on Friday is compulsory for every male (Muslim) who has attained the age of puberty.”²⁵⁴³ However, performing *ghusl* on Fridays is not *wājib*, but *mustaḥab*.

2537. Ibn Maja, Aḍāḥī, 2. This hadith is considered weak because of Abdullah Ibn Ayyash in its chain of transmitters. See also Aḥmad ibn Ḥanbal, II, 321; al-Shawkanī, *ibid*, V, 108.

2538. Ibn Maja, Aḍāḥī, 2, Hadith No: 3124.

2539. Al-Kasanī, Badāyī', V, 62; al-Zuhaylī, *ibid*, III, 595, 596.

2540. Muslim, Aḍāḥī, 41; al-Shawkanī, *ibid*, V, 112.

2541. Muslim, Aḍāḥī, 40; al-Shawkanī, *ibid*, V, 112.

2542. Aḥmad ibn Ḥanbal, I, 231. Ḥākim narrated this hadith in his *Mustadrak* but did not say anything about it. However, there is a narrator in this hadith that al-Nasā'ī and al-Daraqutnī consider weak. See al-Zayla'i, *Naṣb al-Rāya*, IV, 206.

2543. Al-Bukhari, Adhān, 161, Jum'a, 2, 3, 12, Shahadāt, 18; Muslim, Jum'a, 4, 7; Abū Dawūd, Ṭaḥāra, 127.

Moreover, the reports that Abu Bakr and Umar did not sacrifice an animal also support this argument. The reason why they did not sacrifice was that they were afraid that people might think that it was obligatory. However, the Ḥanafis instead explain this situation by arguing that they did not sacrifice for a year or two since they did not at that moment have the *niṣāb* amount of property. This is because these two caliphs were receiving salaries just enough for themselves and their family members.²⁵⁴⁴

According to the Shafi'is, sacrificing an animal once in a lifetime is a *sunnah* for a person living alone. Because here, the order does not require repetition and it is possible to fulfill the order with the least amount, and it becomes fulfilled when it is done once.²⁵⁴⁵ If there is more than one family member, it becomes a *sunnah kifaī* (communal *sunnah*). When any of the family members do it, it will suffice for all of them.²⁵⁴⁶ The evidence they rely on is the following hadith narrated by Miḥnaf ibn Sulaym (*ra*), "We were standing with the Prophet (*saw*) at Arafat when I heard him say: 'O you people! For every household, each year is *Uḍhiyya* (sacrifice) and *ātirah*. Do you know what an *ātirah* is? It is that which you call *al-rajabiyyah*.'" ²⁵⁴⁷ On the other hand, it is reported that the Prophet slaughtered two fat, horned, and black and white rams, one for his ummah and the other for himself and his family members.²⁵⁴⁸

When Ata ibn Yasar asked how the slaughtering was done during the time of the Messenger of Allah (*saw*), Abu Ayyub al-Ansari (*ra*), replied, "A man would sacrifice a sheep for himself and the people in his household. They would eat from it and feed others until the people (later) would boast about it and it became as you see now."²⁵⁴⁹ Ahmad Ibn Ḥanbal and Ishaq adopted this view. The evidence they rely on is the following hadith that the Prophet sacrificed a ram and said, "This is from me, and whoever does not slaughter from my Ummah."²⁵⁵⁰

Al-Shawkanī (d. 1250/1834) criticizes the hadiths upon which those who accept that sacrifice are *sunnah* by saying, "None of these hadiths are strong enough to be presented forward as evidence."²⁵⁵¹

On this subject, I would like to present a decision adopted at the meeting titled "Contemporary Religious Issues Consultation Meeting-I", which was organized by the Presidency of Religious Affairs of Turkey in May 2002 and which I also attended: "The

2544. Al-Kasanī, *ibid*, V, 62, 63; al-Zuhaylī, *ibid*, II, 597.

2545. Al-Zuhaylī, *ibid*, III, 597.

2546. See Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 415; al-Shirbinī, *Mughni al-Muhtāj*, IV, 282 ff.; al-Shirazī, *Muḥadḍhab*, I, 23; Ibn Qudāmah, *Mughnī*, VIII, 617.

2547. Al-Tirmidhī, *Aḍāḥī*, 18. This hadith is *hasan gharīb*. Ibn Maja, *Aḍāḥī*, 2; See al-Nasā'ī, *Far'*, I, 1; Ahmad ibn Ḥanbal, IV, 215, V, 76; al-Shawkanī, *ibid*, V, 138.

2548. Al-Bukhari, *Hajj*, 117, 119; Abū Dawūd, 4; al-Tirmidhī, *Aḍāḥī*, 2; Ibn Maja, *Aḍāḥī*, 1; al-Zayla'ī, *Naṣb al-Rāya*, IV, 215.

2549. Al-Tirmidhī, *Aḍāḥī*, 10, Hadith No: 1505. Al-Tirmidhī called this hadith as *ḥasan ṣaḥīḥ*.

2550. Al-Tirmidhī, *Aḍāḥī*, 10.

2551. Al-Shawkanī, *Nayl al-Awqār*, IV, 341 ff.

worship of sacrifice, which derives its legitimacy from the Qur'an and the Sunnah, is *wājib* according to Abu Hanifa, and sunnah according to the majority of Muslim scholars. However, the fact that an act of worship is not obligatory does not change the fact that it is an act of worship, nor does it necessitate a change in the way it is performed. Therefore, giving alms instead of sacrificing an animal is not a substitute for this worship."²⁵⁵²

Apart from the sacrifice offered on the days of Eid-al-Aḍḥā, there are other kinds of sacrifices with the intention of worship. Among these are votive sacrifices, the *aqīqa* sacrifice, the sacrifice of gratitude offered by the one who performs *qirān* and *tamattū'* pilgrimage, and the punishment and expiation sacrifice of those who violate the prohibitions of *iḥrām* in the pilgrimage. The types of sacrifices offered by pilgrims are collectively called "*hady* sacrifices". We have explained these above under the subject of Hajj. We will explain the others in detail below.

D – CONDITIONS REQUIRED FOR THE PERSON LIABLE TO OFFER A SACRIFICE

The conditions that must be met for a person to be considered obliged to sacrifice an animal are called "the conditions of sacrifice being *wājib*." According to those who accept the sacrifice of sunnah, these are considered "conditions for a sacrifice to be *sunnah*."

For a person to be considered obliged to sacrifice an animal, four conditions must be met: 1) To have certain financial means, 2) To be a Muslim, 3) To be sane and adolescent, 4) To be a resident, that is, not to be a traveler. A non-Muslim is not required to sacrifice nor is it required for the mentally ill, small children, travelers, and the poor.

According to the Ḥanafis, the measure of wealth that makes sacrifice obligatory is the same as the measure of wealth sought in the obligations of *zakāt* and *fiṭr*, and it is the person's possession of 20 *misqal* (96 g) gold or equivalent amount of money or trade goods, excluding his debts and basic needs. However, in the case of sacrifice, it is neither necessary for a year to pass after becoming rich, nor does the property need to be of an increasing (*nāmī*) type. Accordingly, on the days of Eid al-Aḍḥā, after deducting debts and subtracting average family expenses for the next year, anyone who has 96 gr of gold (81 gr according to the Shari'ah measure) or money or trade goods equal to it is obliged to sacrifice an animal. Anyone who can afford to buy a sacrificial animal or who thinks that he can pay it when he buys it on credit can also sacrifice an animal, even though he does not meet these conditions.

According to Abu Ḥanīfa and Abu Yusuf, and the Maliki and Ḥanbali schools, it is not necessary to be sane and adolescent to be considered responsible for the sacrifice.

2552. This meeting was held on May 15-18, 2002 in Istanbul Tarabya Hotel with the participation of more than 80 academicians from the branches of tafsir, hadith and fiqh, and about 30 scientists from the Diyanet and lasted for four days. Finally, a 39-item declaration was published.

People of this view have taken into account that the sacrifice is financial worship. The child or the mentally ill may eat the meat of such a sacrifice slaughtered under his name.

According to Imam Muhammad and the Shafi'is, sanity and puberty are essential to make sacrifice obligatory. That is because it is not necessary to offer a sacrifice that is bought by the property of children and mentally ill people. This is also the view of the Ḥanafī school. If their guardians slaughter an animal bought by the child's property, they should reimburse the money to the orphan. However, it is *mandūb* for a person to sacrifice an animal out of his own property for his young child.²⁵⁵³

On the other hand, since the expenses of a married woman are obligatory upon her husband to cover, if she personally owns a property that exceeds the *niṣāb* amount without allocating anything for her basic needs, she is obliged to sacrifice. Although such women or adult children are personally liable if their husband or father sacrifices for them - through a donation to them - is also considered sufficient.

According to the Ḥanafīs, it is not obligatory to sacrifice an animal for a traveler. This is because Abu Bakr and Umar (*r. anhumā*) did not sacrifice when they were travelers. It is narrated from Ali (*ra*) that he said, "It is not obligatory for a traveler to perform the Friday prayer or sacrifice an animal."²⁵⁵⁴ There are some difficulties in slaughtering an animal for the traveler and in the distribution of its meat. For this reason, like performing Friday prayer, offering a sacrifice is not obligatory upon the traveler in order to relieve him of such difficulties.²⁵⁵⁵

According to three schools except for the Ḥanafīs, sacrificing is also sunnah for the traveler. According to only the Malikīs, what is sunnah during the pilgrimage is the sacrifice of *hady*.²⁵⁵⁶

In order to be a valid sacrifice, it is also necessary to make an intention. This is because the animal can be slaughtered as an act of worship or to obtain its meat. The Prophet (saw) said, "*The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended.*"²⁵⁵⁷

On the other hand, in sacrifices where more than one person is a partner, it is imperative that the person who is not doing this to come closer to Allah through worship and slaughters for the purpose of meat should not be a partner with a person who is doing it to be closer to Allah. For example, if seven people are partners in a camel or cattle, and even if only one of them is a partner for the purpose of meat, none of their sacrifices

2553. Ibn al-Humām, *Takmilatu Fath al-Qadīr*, VIII, 67-70; al-Maydanī, *Lubāb*, III, 232 ff.; Ibn Abidīn, *ibid*, V, 222.

2554. Al-Zaylaī called both of these narrations as *gharīb*. See *Naṣb al-Rāya*, IV, 211.

2555. Ibn al-Humām, *ibid*, VIII, 71; Al-Zaylaī, *Tabyīn al-Ḥaqāiq*, VI, 3; Ibn Abidīn, *ibid*, V, 222.

2556. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, I, 415; al-Shirbinī, *ibid*, IV, 283; al-Buhutī, *Kashshāf*, III, 17.

2557. Al-Bukhari, *Bad' al-Wahy*, I; Muslim, *Imāra*, 155.

will be valid. This is because gaining the consent of Allah as a group is done through slaughtering the sacrifice with one intention that does not acknowledge any disagreement.²⁵⁵⁸

E – TIME AND METHODS OF SLAUGHTERING THE ANIMAL

The time of sacrifice is the first, second, and third days of the Eid-al-Aḍḥā but it is more virtuous to slaughter it on the first day.

Sacrifices are slaughtered after the prayer in cities or other settlements where Eid prayers are held, and in villages where Eid prayers are not performed, after dawn on the day of Eid. This is the commencement time for the slaughtering. The time of slaughtering continues until just before sunset on the third day of the feast. A person who cannot attend the Eid prayer due to an excuse can offer his sacrifice after a certain amount of time has passed when one could have performed the Eid prayer. It is *makrūḥ tanziḥan* to slaughter the sacrifice at night. This is due to the difficulty caused when slaughtering an animal at night due to darkness and there is a possibility of causing accidents while slaughtering at this time.

Various hadiths have been narrated about the time of slaughtering the sacrifice. It is narrated from Bara Ibn Āzib (*ra*) that the Prophet (*saw*) said, “*The first thing to be done on this day (first day of Eid al-Aḍḥā) is to perform Eid prayer; and after returning from the prayer we slaughter our sacrifices (in the name of Allah) and whoever does so, he acted according to our Sunna (traditions). Whoever slaughters his sacrifice before that, this sacrifice will be nothing but the meat he presents to his family.*”²⁵⁵⁹ According to this hadith, an animal slaughtered before the prayer in the day or night on the day of Arafa or on the first day of the Eid prayer in places where the Eid prayer is performed is not accepted as a sacrifice.

In a hadith narrated from Anas (*ra*), the following is stated, “*Whoever slaughters his sacrifice before the Eid prayer should slaughter again. Whoever slaughters it after the prayer, his worship will be complete and it will be in accordance with the Sunnah (tradition) of Muslims.*”²⁵⁶⁰

Limiting the time of sacrifice to three days is based on the following evidence narrated from Umar, Ali, and Ibn Abbas (*r. anhum*), “*The days of sacrifice are three days, the first day is the most virtuous.*”²⁵⁶¹ Also, Ibn Umar (*r. anhum*) said, “*The days of sacrifice are two days after the first day of sacrifice.*”²⁵⁶²

2558. Al-Kasānī, *ibid*, V, 71; al-Zuhaylī, *ibid*, III, 605.

2559. Al-Bukhari, I' dayn, 8, 10, Aḍāḥī, 1, 11; Muslim, Aḍāḥī, 7; al-Nasā'ī, I' dayn, 8; Aḥmad ibn Ḥanbal, IV, 232, 303.

2560. Al-Bukhari, I' dayn, 5, 10, 17, 23, Dhabāih, 17, Aḍāḥī, 1, 4, 8, 11, 12; Muslim, Aḍāḥī, 1-4, 10, 11; Al-Nasā'ī, I' dayn, 8, 30.

2561. Al-Zayla'ī called this hadith “extremely *gharīb*”. See *Nasḥ al-Rāya*, IV, 213.

2562. Malik, *Muwaffā'*, Ḍaḥyā, 12.

The Malikis and the Ḥanbalis, like the Ḥanafis, accept the time of sacrifice as three days.

According to Imam Shafi‘i, the duration of sacrifice is four days and continues until the end of the days of *tashrīq*. The evidence they rely on is the following hadiths, “*Arafat is a place for the ritual standing and all the days of takbīrs of tashrīq is the time for sacrificing.*”²⁵⁶³ In a narration of Ibn Hibban, it is stated, “*A sacrifice is slaughtered on all the days of tashrīq.*”²⁵⁶⁴ The days of *tashrīq* include the fourth day of the Eid.

Today, Imam Shafi‘i’s view provides convenience, especially when the first three days are not sufficient for offering the sacrifices that take place abroad.

The sacrifice is placed towards the *qibla* and it is slaughtered by saying “*Bismillāhi Allāhu Akbar*”. If possible, the owner of the sacrifice himself should slaughter it, if this is not possible, it should be carried out by a suitable Muslim, and the owner should wait by the sacrifice while slaughtering and read the following verse:

إِنْ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ

“...Truly, my prayer and my service of sacrifice, my life, and my death, are (all) for Allah, the Cherisher of the Worlds.”²⁵⁶⁵

Jabir Ibn Abdillah (*ra*) narrated that the Messenger of Allah (*saw*) slaughtered two rams on the day of Eid and turned towards them and prayed as follows while slaughtering,

“Innī wajjahtu wajhiya lilladhī faṭara’s-samāwāti wa’l-‘arḍi ḥanīfan wa mā ana min al-mushrikīn Inna ṣalātī wa nusukī wa mahyaya wa mamaṭī lillāhi Rabbi’l-‘alamīn. Lā sharīka lahū wa biḥālīka umirtu wa ana awwalu’l-muslimīn. Allāhumma minka wa laka ‘an Muḥammadīn wa ummatihī.”²⁵⁶⁶

(Verily, I have turned my face towards Him Who has created the heavens and the earth, as a monotheist, and I am not of the polytheists. Verily, my prayer, my sacrifice, my living, and my dying are for Allah, the Lord of all that exists. He has no partner. And of this, I have been commanded, and I am the first of the Muslims.²⁵⁶⁷ O Allah, from You and to You, on behalf of Muhammad and his nation.)²⁵⁶⁸

After this supplication, the Prophet (*saw*) added the following regarding the sacrificed animals “*O Allah! I am slaughtering these two sacrifices from you and also to you on behalf of Muhammad and his ummah.*” In the narration from Abu Hurayra, it is stated that he slaughtered one of these two rams on behalf of his nation, for whoever testified

2563. Al-Bayhaki narrated it and Ibn Hibban said that it was *ṣaḥīḥ*.

2564. Aḥmad ibn Ḥanbal, IV, 82; al-Shawkanī, *ibid*, V, 125.

2565. Al-An‘am, 6: 162.

2566. Ibn Maja, Adāḥī, 1, Hadith No: 3121.

2567. See al-An‘am, 6: 79.

2568. Al-An‘am, 6: 162, 163.

to Allah with monotheism and that he had conveyed (the Message), and he slaughtered the other on behalf of Muhammad and the family of Muhammad (*saw*).²⁵⁶⁹

It is not sufficient for the one who slaughters the sacrifice to say only the *basmala* while slaughtering it. He should say “*Bismillāhi Allāhu Akbar*”. If one deliberately abandons the *basmala*, the meat of the sacrifice cannot be eaten. If the owner of the sacrifice places his hand on the butcher’s hand while slaughtering the animal both of them must recite the *basmala*.

Anas Ibn Malik reported that the Prophet uttered *basmala*, recited the *takbīr*, and placed his foot on the side of the animals while sacrificing the two rams.²⁵⁷⁰

If the sacrificial animal purchased for Eid al-Aḍḥā is not slaughtered and three days pass over the feast, if this animal is living, it is necessary to give it away but if it is not living anymore, it is necessary to give its value as charity to the poor. This action cannot be left to the next year.

For the sacrifice to be obligatory, the end of the slaughter period is effective. Accordingly, on the third day of the Eid-al-Aḍḥā, sacrifice becomes obligatory for a Muslim who is rich before the sunset and fulfills other conditions. Being poor before that time does not change the provision. In contrast, the obligation of sacrifice will be relinquished from a Muslim who becomes poor or dies just before the sun sets on the third day of Eid.

If people are mistaken in the determination of the day of Eid and it is acknowledged that it was the day of Arafa, not the day of Eid after praying and slaughtering their sacrifices, the prayers they performed, and the sacrifices they offered will suffice. This is because it is not always possible to avoid such errors. Therefore, in this regard, the provision of permissibility prevails to protect the worship and obedience of the Muslims.

If it is found out that it is the tenth day of Dhu’l-Hijja before the sun passes the meridian, the Eid prayer is performed. After that, the sacrifices are slaughtered. However, if it is found out after the time of *zawāl*, the Eid prayer can no longer be performed on that day, but the sacrifices can be slaughtered. The Eid prayer should, in that case, be performed on the next day.²⁵⁷¹

The sacrificial animal should be taken to the place where it will be slaughtered, and it should be slaughtered with a sharp knife without causing any hurt or difficulties to it. The animal should be skinned after its body comes to a rest. It is *mandūb* for the owner of the sacrifice to eat the liver of the sacrifice as the first food on the day of Eid.



2569. Ibn Maja, Aḍāḥī, I, Hadith No: 3122.

2570. Al-Tirmidhī, Aḍāḥī, 2, Hadith No: 1494; Ibn Maja, Aḍāḥī, I, Hadith No: 3120.

2571. Ibn Abidīn, V, 222 ff.; al-Maydanī, *ibid*, III, 232; al-Zaylāī, *Tabayīn al-Ḥaqāiq*, VI, 3; Bilmen, *ibid*, p. 412, 413.

II – TYPE OF SACRIFICE AND WHETHER DEFECTIVE ANIMALS CAN BE A SACRIFICE

Sacrifices can only be offered from sheep, goats, camels, and cattle. Water buffaloes are also considered types of cattle. Their males and females are equal. However, it is more virtuous to sacrifice the male of the sheep. If the male and female of the goat are equal in value, it is more virtuous to sacrifice the female. Again, if the male and female of the camel or cattle are equal in both meat or value, it is more virtuous to sacrifice the female.²⁵⁷²

Wild animals, such as wild cattle and deer, and domestic animals, such as chickens, roosters, geese, and ostrich, cannot be sacrificed.

Allah Almighty says, ***“To every people did We appoint rites (of sacrifice), that they might celebrate the name of Allah over the sustenance He gave them from animals (fit for food)…”***²⁵⁷³

It is not reported from the Prophet (*saw*) or from his Companions that they ever sacrificed an animal other than the species of sheep, goats, camels, and cattle.

Sheep and goats should either be one year old or they can be seven or eight months old if they look in size as if they were one year old. The Prophet said, *“It is permissible to offer a Jadha ‘a among sheep as a sacrifice.”*²⁵⁷⁴ *Jadha ‘a* means a sheep that has completed one year of age, as well as a lamb that has completed six months but is as showy as one-year-old sheep. *Jadha ‘a* also means an animal that has reached the age of three in the cattle species and five years old in the camel species.²⁵⁷⁵ Therefore, when the camel is at least five years old and the cattle two years old, it can be offered as a sacrifice.

A sheep or goat can be sacrificed for only one person. A camel or cattle can be slaughtered by one to seven people, as long as each of the partners is Muslim, owns one-seventh of this animal, and slaughters his own share for the sake of Allah.

If a person buys a camel or cattle to slaughter it alone and then consents for six more people to be partners, it is permissible to sacrifice it for all of them. However, there is reprehensibility in this. It is more appropriate for him to give the money that he receives as charity.

The separation of the shares of the partners from the slaughtered animal must be distributed by weight, they cannot be distributed by a lump sum.

2572. Al-Kasanī, *ibid*, V, 69, 80; al-Maydanī, *ibid*, III, 235; Ibn Abidīn, *ibid*, V, 226 ff.; al-Zaylāī, *Tabyīn*, VI, 7; Ibn al-Humām, *ibid*, VIII, 76.

2573. Al-Ḥajj, 22: 34.

2574. Ibn Maja, *Aḍāḥī*, 7; Aḥmad ibn Ḥanbal, VI, 368.

2575. See al-Tirmidhī, *Aḍāḥī*, 7; al-Shawkanī, *ibid*, IV, 350; al-Zuhaylī, *ibid*, III, 615, 616.

According to Imam Malik, a camel or cattle can be sacrificed on behalf of seven or more members of a family. However, it is not permissible for people who are not family members, even if they are less than seven.²⁵⁷⁶

It was narrated from Jabir (*ra*) that he said, “We sacrificed an animal together with the Messenger of Allah (*saw*) in Hudaibiya. We slaughtered both the camel and the cattle for seven people.”²⁵⁷⁷

Four qualities prevent an animal from being sacrificed. Obvious blindness in one eye of an animal, manifest disease, lameness, or severe weakness. The evidence is the following hadith reported from Bara ibn Āzib (*ra*), “The Messenger of Allah (*saw*) said: *“Four (types of animals) should be avoided in sacrifice: A One-eyed animal which has obviously lost the sight of one eye, a sick animal which is obviously sick, a lame animal which obviously limps and an animal with a broken leg with no marrow.”*²⁵⁷⁸

By comparing these four faults, the jurists added another set of faults, which are in this order or worse. These include being blind in two eyes or in one eye, having most of its teeth fallen out or having its ears cut off, having one or both of its horns broken at the root, having more than half of its ear or tail or the heads of its udders cut off, congenital absence of ears or tail, or having its feet amputated. An animal with such a flaw or flaws cannot be offered as a sacrifice to Almighty Allah.

It is not a problem if the sacrificial animal is squint, lame, mangy, or insane, with or without horns, or if its horn is slightly broken, and if its ears are pierced or split in width if its ears are cut off from the tips of its ears and it is drooping if its teeth are missing, if its genitals do not exist, or if it is castrated or neutered. In all of these faults, there is no impediment to sacrifice.

However, if one of the above-mentioned flaws that forbid sacrifice develops later in the animal due to be sacrificed after it has been purchased, the owner must buy another and slaughter it instead. However, if such a defect develops in the sacrifice bought by a poor person, it is still permissible to sacrifice that animal, and it is not necessary to buy another one instead. It would even be sufficient enough for the poor person to buy and slaughter such a defective animal because this sacrifice is nothing but a supererogatory act for him. Moreover, in the case of supererogatory acts, there is ease.

According to the three schools, except for the Ḥanafis, slaughtering such an animal would also be sufficient for the wealthy. He does not need to buy and sacrifice another animal.

If the sacrifice bought by a rich person dies before it is slaughtered, he should buy another one instead. If a poor person's sacrifice dies, he does not need to buy another.

2576. Al-Zuhaylī, *ibid*, III, 617.

2577. Muslim, Ḥajj, 352; Aḥmad ibn Ḥanbal, III, 302.

2578. Abū Dawūd, Aḍāḥī, 6; al-Nasā'ī, Ḍaḥāyā, 6; Ibn Maja, Aḍāḥī, 8; al-Dārimī, Aḍāḥī, 3.

Even if the sacrifice bought by a rich person is lost or stolen, it is no longer necessary for him to slaughter it, even if it is found after having slaughtered another one. For he has fulfilled his obligation to sacrifice an animal. According to the prevalent view of the Ḥanafis, in such a case, the poor do not need to slaughter that animal since it is a weak view to consider this sacrifice as a votive.

If the animal bought for sacrifice is lost or stolen and another animal is bought before the feast days, whether the owner is rich or poor, one of them, preferably the better one, is slaughtered. According to the predominant view of the Ḥanafis, which is the basis of the *fatwa*, the sacrifice that a poor person will offer on the days of Eid al-Aḍḥā - unless he makes a special vow - is the normal *uḍhiyya* sacrifice.

If the sacrificial animal, which was bought in place of the lost sacrificial animal, is found before the days of slaughtering animals have passed, the owner will not slaughter any of them, the most valuable of them can be given as charity.

According to Abu Ḥanīfa and Imam Muhammad, it is permissible to sell an animal bought for sacrifice despite it being reprehensible. In such a case, he should buy an animal as valuable as the first one or a more expensive one instead and sacrifice it. According to Abu Yusuf, it is not permissible to sell a bought sacrifice because such an animal is like an endowment. It is not permissible to sell what has been endowed.

If the animal gives birth, its offspring is slaughtered with its mother because it is subject to the ruling of its mother. If it is not slaughtered but rather sold, its money must be given as charity.²⁵⁷⁹

If the obliged parties accidentally slaughter each other's animals, each slaughtered sacrifice becomes the sacrifice of the owner. If the meat is not distributed, they exchange the meat, if it is distributed, they should forgive each other and they should not demand a difference.



2579. See al-Kasanī, *ibid*, V, 75 ff.; Ibn al-Humām, *ibid*, VIII, 74 ff.; Ibn Abidīn, *ibid*, V, 227 ff.; al-Zaylaī, *Tabyin*, VI, 5; Al-Maydanī, *Lubāb*, III, 234 ff.; al-Shirbinī, *ibid*, IV, 286 ff.; al-Shirazī, *ibid*, I, 238; al-Zuhaylī, *ibid*, III, 61 ff.; Bilmen *ibid*, p. 410 ff.

III – PROVISIONS RELATED TO THE MEAT AND OTHER PARTS OF SACRIFICE

He can eat the meat of a non-votive sacrifice himself, whether the owner is wealthy or not, or he can feed and distribute it to people who are not poor. This is how the *fatwa* is written.

According to the majority of Muslim scholars, it is *mustahab* to divide the meat of the sacrifice into three parts. A part of it is consumed by the owner of the sacrifice and his dependents. The second part is given to friends and relatives, even if they are wealthy. The third part is distributed among the poor people who cannot sacrifice an animal. Evidence is found in the Qur'an and the Sunnah. The following is stated in the Qur'an: ***“then eat you thereof and feed the distressed ones in want.”***²⁵⁸⁰, and ***“Eat you thereof, and feed such as (beg not but) live in contentment, and such as beg with due humility.”***²⁵⁸¹

Ibn Abbas (r. *anhuma*) narrated the following regarding the Prophet's sacrifice, “He used to keep one-third of it to his family members, give one-third to his neighbors who were poor, and give the remaining one-third as charity.”²⁵⁸²

On the other hand, if many individuals of the family are dependent on the owner of the sacrificed animal, who is himself in a moderate financial state, he can keep the entire meat of the animal to feed his family members. This is accepted as *mandūb*.

The Prophet (*saw*) at first forbade sacrificial meat to be stored for more than three days but later allowed it to be stored. The following is stated in a hadith, *“I forbade you to keep the meat of the sacrifice for more than three days because of the Bedouin Arabs who came to you to ask for meat. Now Allah has blessed us with abundance. You can keep it as you see fit.”*²⁵⁸³ The expressions existing in other hadiths such as, *“eat it, store it and give it as charity”* or *“eat, give and store”*²⁵⁸⁴ allow the owner of the sacrifice to act according to his own individual situation.

The meat of the votive sacrifice cannot be eaten by the person who makes the vow nor can the people for who he is responsible, such as parents, grandparents, children, grandchildren, and spouses. If they eat from it, they must donate the price of what they

2580. Al-Hajj, 22: 28.

2581. Al-Hajj, 22: 36.

2582. This hadith was narrated by Abu Musa Isbahani in *Vezaif* and called the hadith “*hasan*”. This is also narrated as the words of Ibn Mas'ud and Ibn Umar (r. *anhuma*). None of the Companions objected to it.

2583. Muslim, *Janā'iz*, 106, *Aḍāḥī*, 37; Abū Dawūd, *Ashriba*, 7; al-Tirmidhī, *Aḍāḥī*, 14; al-Nasā'ī, *Janā'iz*, 100, *Far'*, 9; *Daḥāyā*, 36, *Ashriba*, 40; Ibn Maja, *Aḍāḥī*, 16.

2584. See al-Bukhari, *Aḍāḥī*, 16; Muslim, *Aḍāḥī* 28, 29, 33; Abū Dawūd, *Aḍāḥī*, 9; Al-Tirmidhī, *Aḍāḥī*, 14; Al-Nasā'ī, *Janā'iz*, 100; Ibn Maja, *Aḍāḥī*, 16.

eat to the poor. However, the meat of the voluntarily sacrificed animal can be eaten by the owner and his dependents.

Since the sacrifice is slaughtered solely to gain Allah's consent, it is not permissible to sell its meat and other parts or spend it for income-generating works.

Accordingly, it is *makrūh* to sell parts of the sacrifice such as meat, skin, wool, intestines, bones, fat, head, feet, and milk. Whether this is a *wājib* or a voluntary sacrifice, the rule does not change. If such a thing is done, its value should be donated to the poor. The parts of the sacrifice cannot be given as the butcher's fee, either. The following is stated in the hadith, "*The sacrifice of the one who sells the skin of his sacrifice will not be accepted as a sacrifice.*"²⁵⁸⁵ It is narrated from Ali (*ra*) that he said, "Allah's Messenger (*saw*) put me in charge of his sacrificial animals, that I should give their meat, skins and saddle cloths as a charity, but not to give anything to the butcher, saying: '*We would pay him ourselves.*'"²⁵⁸⁶

The skin of the sacrifice can be donated to a place suitable for the sake of Allah. Or, if needed, it can be used in homes such as prayer rugs and cushions. It is *makrūh* to trim the sacrificial animal's wool before it is slaughtered. If it is trimmed, money as much as the value of the trimmed wool should be donated to the poor. However, after it is slaughtered, the wool can be cut or trimmed and used. Its hide can be exchanged with something beneficial that is durable. However, it cannot be sold for cash, and its hide cannot be exchanged for consumption items such as food and drink. It is reported that Aisha (*r.anha*) and some other Companions made water skins from the skins of sacrificial animals.²⁵⁸⁷

It is encouraged to distribute the meat of the sacrifice in the region where it is slaughtered. However, if there are needier people in other regions, it is also permissible to send the animals to other settlements or to be slaughtered there.

A person can buy an animal with his own money and sacrifice it on Eid days and donate its reward to a deceased person, eat from the meat of this sacrifice, and give it to others as well. This is the preferred view of the Ḥanafis. However, a person cannot eat the meat of the sacrifice that he will slaughter on behalf of the deceased through a will of the deceased. All of it should then be donated.²⁵⁸⁸ Such a sacrifice to be slaughtered for the deceased should also be sacrificed on the days of Eid-al-Aḏḥā, but it cannot be sacrificed on the day of Arafa.

It is reported from Hunnash (*ra*) that he said, "I saw Ali (*ra*) sacrificing two rams so I asked him: 'What is this?' He replied. 'The Messenger of Allah (*saw*) enjoined upon

2585. Al-Zaylaʿī, *Naṣb al-Rāya*, IV, 218. Ḥākim narrated this hadith and said that "Its chain of transmission is *ṣaḥīḥ*". Al-Shawkanī, *ibid*, V, 129.

2586. Muslim, Ḥajj, 348; Abū Dawūd, Luḡaṭa, al-Darimī, Manāsik, 89.

2587. Muslim, Aḏāḥī, 28; Abū Dawūd, Aḏāḥī, 9; al-Nasāʿī, Ḍaḥāyā, 37.

2588. Ibn Abidīn, *ibid*, V, 229.

me to sacrifice on his behalf, so that is what I am doing.”²⁵⁸⁹ Abdullah bin Mubarak said the following about the sacrifice slaughtered in the name of the deceased, “I think it is more appropriate to give such an animal as charity without slaughtering it. If such an animal is slaughtered, the person who sacrifices it does not eat from it and gives all of it as charity.”²⁵⁹⁰

According to the Shafi‘is, it is not permissible to sacrifice an animal on behalf of another person without his permission. If he has not left a will, a sacrifice cannot be offered in the name of a deceased, either. This is because Allah Almighty has said, **“That man can have nothing but what he strives for.”**²⁵⁹¹

Yet, the essential pillar of the sacrifice required for the wealthy is to slaughter the sacrificial animal. Without this, the sacrifice obligation will not be fulfilled. For this reason, giving the sacrificial animal to the poor in kind or by its monetary value without slaughtering it does not replace the sacrifice. However, if the sun sets on the third day of the feast without slaughtering an animal for any reason, it must be donated alive. This is because slaughtering it in such a case turns into a donation anyway and that is why the owner can no longer eat of the meat.

It is *makrūh* for a person from the People of the Book to slaughter a sacrifice. Nor is it permissible for a fire worshiper or an unbeliever to slaughter it. However, there is no harm in giving the meat of a slaughtered animal to a non-Muslim as a donation.



2589. Abū Dawūd, Aḍāḥī, 2; al-Tirmidhī, Aḍāḥī, 3. Al-Tirmidhī called this hadith *gharīb* and stated that there was no other narrator other than Shūrāyk.

2590. See Tirmidhī, Aḍāḥī, 3.

2591. Al-Najm, 53: 39.

IV – AQĪQA SACRIFICE

The birth hair on the head of the newborn child is called “*aqīqa*”. The sacrifice that is offered to show gratitude to Almighty Allah for bestowing such a child is also called “*aqīqa*”. This sacrifice is also called “*nasīka*”.

Aqīqa sacrifice is permissible or *mandūb* according to the Ḥanafis, *sunnah* according to the other three schools of Islamic law, and *wājib* according to the Zahirites.

According to what is reported from Ibn Abbas (*r. anhumā*), the Prophet slaughtered a ram for his grandchildren Hasan and Hussain as an *aqīqa* sacrifice and advised his ummah to offer *aqīqa* sacrifice for the newborn boys and girls.²⁵⁹²

However, the Ḥanafis accept that the *aqīqa* sacrifice and other sacrifices called “*atīra*” or “*rajabiyya*”, which had been slaughtered on the first ten days of the month of Rajab in the era of ignorance, were abrogated. For it is reported from Aisha (*r. anha*) that she said, “*The sacrifice abrogated all types of sacrifices before it.*”²⁵⁹³ However, since there is no special provision that prohibits such sacrifices to be slaughtered for the sake of Allah, those who wish may do so, and those who do not wish may act as they wish.

Although the sacrifice of *aqīqa* can be offered from the day the child is born to the age of puberty, it is recommended that the sacrifice take place on the seventh day of the birth. It was also recommended to give the child a name on the same day and to cut his hair and give gold or silver as much as the weight of that hair as charity.

The purpose of this sacrifice is to announce joyful events such as births and weddings, to share happiness with others, and to strengthen the social structure and solidarity.

Every animal that is suitable to be sacrificed is also considered suitable for *aqīqa*. It is slaughtered for a boy as well as for a girl, and it is sufficient to slaughter one sheep for each.

The meat of the slaughtered *aqīqa* sacrifice can be eaten by the owner of the sacrifice, family members, and close friends, and it can also be distributed to the poor.



2592. Abū Dawūd, *Aḍāḥī*, 20; Al-Tirmidhī, *Aḍāḥī*, 16, 19; al-Nasā’ī, *Aqīqa*, 1, 4; Malik, *Muwattā’*, *Aqīqa*, 6; Aḥmad ibn Ḥanbal, V, 355, 361.

2593. Al-Zuhaylī, *ibid*, II, 636.

V – PROVISIONS ABOUT THE NEWBORN CHILDREN

It is *mustaḥab* to recite the *adhān* in the right ear and *iqāmah* in the left ear of a newborn child immediately after the birth. This is because, according to the narration of Abu Rafī (*ra*), “The Prophet (*saw*) called the *adhān* in Hasan’s ear right after he was born.”²⁵⁹⁴ Moreover, Ibn al-Sunni narrated the following from Hasan as a *marfū‘* *ḥadith*, “Whoever has a child born and recites the *adhān* in the child’s right ear and *iqāmah* in the child’s left ear, the devil known as “*umm al-sibyān*” and who is the follower of the child will not harm him.” Furthermore, Ibn Abbas (*r. anhumā*) narrates that the Prophet (*saw*) recited *adhān* in his right ear and *iqāmah* in his left ear on the day his grandson Hasan was born.²⁵⁹⁵

Thus, the first sound that the newborn baby hears is the call to prayer. With this call to prayer, the devil is driven away from the child because, as stated in the *ḥadiths*, when the devil hears the call to prayer, he turns and runs away.

It is *sunnah* to say the following words in the right ear of the child:

“And, verily, I seek Your protection for her and her offspring against Satan, the accursed.”²⁵⁹⁶

If a male child is born, the verse is read in this way without changing the feminine pronouns, and in such a case, the feminine pronouns in the verse are read by implying the born child. On the other hand, it is also reported that the Prophet recited chapter al-Ikhlās in the right ear of the born child.²⁵⁹⁷

If possible, a date should be chewed and rubbed into the mouth of the born child and tried to have it reach the baby’s stomach. If there is no date, something sweet can be rubbed in the baby’s mouth.

It is reported that Anas (*ra*) said, “Abu Talha said to me (Anas b. Malik) to take the child, (so I took him) and came to Allah’s Messenger (*saw*). She (Umm Sulaim) also had sent some dates (along with the child). Allah’s Messenger (*saw*) took him (the child) (in his lap) and said, ‘*Is there anything with you (for Tahnīk).*’ They (the Companions) said, ‘Yes.’ Allah’s Messenger (*saw*) took hold of them (dates and chewed them). He then put them (the chewed dates) in the mouth of the child and then rubbed his palate and gave him the name of Abdullah.”²⁵⁹⁸

2594. Abū Dawūd, *Adab*, 107; al-Tirmidhī, *Aḍāḥī*, 16; Aḥmad ibn Ḥanbal, VI, 9, 391, 392.

2595. These last two narrations were reported by al-Bayhaqī, but he said “there is weakness in their chain of narrators”. However, there is no doubt about the authenticity of only the *ḥadith* that mentions the *adhān*.

2596. *Āl ‘Imrān*, 3: 36.

2597. Al-Zuhaylī, *ibid*, III, 640, 641.

2598. Al-Bukhari, *Manāqib al-Anṣār*, 45, Aqīqa, 1, *Adab*, 109; Muslim, *Adab*, 23-28; al-Tirmidhī, *Manāqib*, 44.

A child born in Islam can be named on the third or seventh night, but usually, it is on the night or day that she or he is born. As a matter of fact, when his son Ibrahim was born, the Messenger of Allah (saw) said, “Tonight a son was born, I named him after my ancestor Ibrahim.”²⁵⁹⁹ Although a child can be given more than one name, the Prophet (saw) generally gave only one name.²⁶⁰⁰

It is *mandūb* to congratulate the father of the child with the following words,

“*Bāraka ‘llāhu lak fī ‘l-mawhūbi lak wa shakarta ‘l-wāhibā wa balagha ashuddahū wa ruziqta birrahū*”

(May Allah bless this child who has been given to you. May you be a grateful person to the One who blesses him or her. Insha’Allah your child will grow up and you will be able to see his or her well-being.) The father also prays to the one who congratulates him with words such as, “May Allah increase your rewards.”²⁶⁰¹

It is sunnah to give a beautiful name to the newborn baby because it is commanded in the hadith, “*You will be called by your names and the names of your fathers on the Day of Resurrection. So give your children’s names nicely.*”²⁶⁰²

It is not appropriate to give names that contradict Islamic beliefs. Like Abdushshams (the servant of the sun), and Abdussanam (the servant of the idol). In like manner, it is not permissible to give the names of leaders and symbols of unbelief such as Pharaoh, Nimrod, and Qarūn.

The following hadith provides us a principle for naming a child, “*The most beautiful names in the sight of Allah are Abdullah (servant of Allah) and Abdurrahman (servant of the Most Gracious).*”²⁶⁰³ All the names attributed to Allah’s beautiful names (*asmā’ al-ḥusnā*) are like that, for example, Abdulkarīm, Abdurrahīm, and Abdulghafūr. The names of the Prophet and the angels are like this as well. The names of the Prophet can be given as names, but the patronymic name “Abu’l-Qasim” cannot be given since it is specific. However, some scholars have the view that this patronymic name can be used if it is not associated and accompanied with the name of Muhammad.²⁶⁰⁴

It is sunnah to replace inappropriate names with beautiful ones because it is narrated that the Prophet (saw) changed the name of Ā’siya (rebellious woman) by saying “You are Jamila (beautiful woman)”.²⁶⁰⁵ On the other hand, “Āsiya” whose first letter is written with “alif”; means caregiver. There is no harm in using “Āsiya”, the name of the believing

2599. Abū Dawūd, Janā’iz, 24.

2600. See al-Bukhari, Manāqib, 17; Muslim, Faḍāil, 124.

2601. Al-Shirbinī, *Mughni al-Muhtāj*, IV, 296.

2602. Abū Dawūd, Adab, 61; al-Darīmī, Isti’dhān, 59; Aḥmad ibn Ḥanbal, V, 194.

2603. Al-Bukhari, Adab, 105, 106; Muslim, Adab, 2; Ibn Maja, Adab, 2.

2604. See al-Bukhari, ‘Ilm, 38, Manāqib, 20, Adab, 106, 109; Muslim, Adab, 1, 36-5,8; al-Tirmidhī, Adab, 68; Ibn Maja, Adab, 33.

2605. See al-Bukhari, ‘Ilm, 38, Manāqib, 20, Adab, 106, 109; Muslim, Adab, 1, 36-5,8; al-Tirmidhī, Adab, 68; Ibn Maja, Adab, 33.

wife of the Pharaoh, as a name. The Messenger of Allah changed the name of “Barra” to “Zaynab”.²⁶⁰⁶ She is Zaynab bint Jahsh (*r. anha*), who later married the Prophet (*saw*).

It is not permissible to give a person nicknames that are dislikeable, even though the person has analogous characteristics, such as blind, lame, dwarf, or cross-eyed. It is commanded in the Qur'an, “...*Nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames...*”²⁶⁰⁷ However, it is permissible to speak of him in this way to introduce this person to someone who can only know him with such depiction.

Nice nicknames like those of the Companions are permissible. Like Umar al-Fārūq (Umar who can distinguish between right and wrong), Uthman Dhinnūrayn (Uthman the owner of two lights), and Khalid Sayfullah (Khalid the Sword of Allah). This is because “al- Fārūq” one who can distinguish between right and wrong; “Dhinnūrayn” the owner of two lights, that is, the person who was the son-in-law of the Prophet twice, and “Sayfullah” meaning the sword of Allah, are nicknames that Muslims will carry with honor.

It is not permissible to give the attributes such as Quddus (the very holy), Khāliq (the Creator), and al-Raḥmān (the possessor of infinite mercy) since such attributes only befit Allah, the Exalted. However, these attributes can be given as names by attaching the word “*‘abd*”, which means servant, at their beginning. The names such as ‘Abdurrahman “The servant of Allah, the Most Gracious”, and ‘Abdussattar “The servant of Allah who covers faults” are examples of this rule.



2606. Muslim, Adab, 14, 15; al-Tirmidhī, Adab 66; Ibn Maja, Adab, 32.

2607. Al-Hujurāt, 49: 11.

CHAPTER NINE

SOME IMPORTANT ISSUES RELATED TO DAILY LIFE

- General Framework of Islamic Provisions
- The Lawful and the Prohibited
- Some Provisions Regarding Family Life
- Important Issues Related to Economic and Commercial Life

I – GENERAL FRAMEWORK OF ISLAMIC PROVISIONS

Islamic provisions are divided into two types: ones related to creed and the ones related to the actions. In the main sources of Islamic law, the rules of action are also examined in three parts: “acts of worships (*ibādāt*), transactions (*mu‘amalāt*), and rules related to penal law (*uqūbāt*)”.

Below, we give as an example the subject headings of a concise book of Islamic law called “*Qudūrī*”,²⁶⁰⁸ which covers the main subjects of Islamic law and has been widely read for nearly a thousand years. Thus, we will see the issues that Islam deals with in daily life collectively.

Topics covered in that work are:

1) Acts of Worship (*ibādāt*): Purification, dry ablution (*tayammum*), wiping over the *khuff* (*mashī*), menstruation, types of impurities, the ritual prayer, the *adhān*, conditions of the ritual prayer, the nature of the ritual prayer, making up prayers, times of prayers, supererogatory prayers, the patient’s prayer, the prostration of recitation, the traveler’s prayer, the Friday prayer, the Eid prayers, the *kusūf* prayer, the rain prayer, the night prayers during Ramadan, the fear prayer, the funeral prayer, martyrs, the prayer in the Ka‘ba, *zakāt*, *zakāt* on camels, *zakāt* on cattle, *zakāt* on sheep, *zakāt* on horses, *zakāt* on silver, *zakāt* on gold, *zakāt* on commercial goods, *zakāt* on grains and fruits, those to whom *zakāt* is not allowed to be given, *zakāt al-ḥiṭr*, fasting, *i‘tikāf*, the pilgrimage, the pilgrimage that breaks, the pilgrimage of *tamattu*, the punishments of the prohibitions of *iḥrām*, *iḥṣār*, the pilgrim’s missing the essential pillars of pilgrimage when in the state of *iḥrām*, and the sacrifice of *hady*.

2) Transactions (*mu‘amalāt*): Sale, option of condition, option of seeing, option of fault, invalid sales, *‘iqāla* (revocation of contract by mutual consent), *murabaha* (cost plus profit sale) and *tawliya* (sale without profit), *ribā* (the issue of interest), *salam* (money in advance, goods on credit), *ṣarf* (sales of gold, silver and currencies), *rahn* (money or goods considered as collateral against debt), *hajr* (restraintment of legally incompetent people), confession, *ijāra* (leasing), *shuf‘a* (preemption), *shirka* (partnerships), *muḍāraba* (labor-capital partnership), *wakālah* (agency), *kafālah* (guarantee), *hawālah* (transferring a receivable to someone else), *ṣulh* (friendly arrangement), *hibah* (grant), *waqf* (endowment), usurpation, *wadī‘a* (entrusted thing), *‘āriya* (provisionally entrusted thing), *laqīṭ* (found child left on the street), *luqaṭa* (lost and found items), *hunsā* (hermaphrodite), *maḥqūd* (missing person), *ibāq* (runaway slave), revival of dead land, giving permission, *muzāra‘a* (agricultural partnership), *musākāt* (vineyard-garden partnership), marriage, milk

2608. The author of this work is Abu al-Ḥasan Aḥmad ibn Muḥammad al-Qudūrī (d. 428/1037), who was from Baghdad and was a mujtahid in the Ḥanafī school.

kinship, *ṭalaq* (divorce), *rij'āt* (returning to one's spouse), *i'la* (an oath not to approach one's spouse), *khul'* (divorce for a price), *ḡihār* (a way of making one's wife prohibited by resembling her to a close female relative), *li'ān* (taking an oath on accusation of adultery), *iddan* (the period the woman has to wait before remarry after her marriage ends), *naḡaqa* (alimony), *hidāna* (care and education of the child), *iṭāq* (freedom of the slave), *tadbīr*, *istīlād*, *makātīb*, and *walā*.

3) Penal Law (*Uqubāt*): Punishments, blood money, *qasāma*, *ma'ākil*, *hadd* punishments, punishment for drinking alcohol, punishment for adultery slander, punishment for stealing, drinks, hunting and slaughtering animals, the sacrifice, oaths, lawsuit, testimony, refusal to testify, *adab al-qāḡī*, division of the shared property, *ikrāh*, *siyar* (states law), *bughāt* (those who rebel against the legal order), *hazr wa ibāha* (permissible and objectionable things), wills, *farāiz* (inheritance law), and calculation of *farāiz*.

The subject of transactions (*mu'amalāt*) in contemporary Islamic law studies covers civil law and the law of obligations. Furthermore, while "the constitution, administration, and partly criminal law" are examined under the name of *aḡkām al-ṣulṭāniyya* or *siyāsāt al-shar'iyya*, the provisions related to the "general or private law of the states" are examined under the title of *siyar*.

The subjects of ethics, manners, and good character are examined under the title of *adab*. On the other hand, "Sufism", which strengthens the aspect of piety and sincerity by encouraging people to live in accordance with recommended and virtuous deeds along with the sunnahs of Islam, is also an important discipline that affects social life.

The book in your hands consists of only the provisions related to creed and acts of worship, among the types of provisions mentioned above, in addition to the rules related to recommended manners.

For this reason, we will try to present briefly in a separate section the important provisions regarding the most common practices in daily life, apart from the issues of creed and acts of worship. However, one should not presume that the fields of "*mu'amalāt* and *uqūbāt*", which covers a very wide range, consist of only the subjects presented in this book. In fact, those who want to learn more about these topics should refer to more extensive works, and ask those who have knowledge of the subjects.



II – THE LAWFUL AND THE PROHIBITED

1 – What is the limit of the concepts of *ḥalāl* and *ḥarām*? Do they have different types?

Answer: Everything, every action, and behavior that is allowed by Allah or not prohibited in Qur’anic verses and hadiths is considered *ḥalāl*. The opposite is *ḥarām* and it is something forbidden by Allah with certain proof. If the prohibition of something is proven by not a definite order but by conjectural evidence, that thing is called *makrūḥ*. The *makrūḥ*, which is closer to being *ḥalāl*, is called *makrūḥ tanzīhan*, whereas the *makrūḥ* which is close to *ḥarām* is called *makrūḥ taḥrīman*.

The original ruling for things is that they are *ḥalāl*. Hence, things about which there is no clear ruling are considered *ḥalāl*. The following is stated in the Qur’an: ***“It is He Who hath created for you all things that are on earth.”***²⁶⁰⁹, and ***“Do you not see that Allah has subjected to your (use) all things in the heavens and on earth, and has made his bounties flow to you in exceeding measure, (both) seen and unseen?”***²⁶¹⁰

That something is permissible and *ḥalāl* can be known in one of the following three ways: a) By a declaration that it is not a sin. For example, after it is stated in the Qur’an that carrion, blood, pork, and animals slaughtered in the name of any being other than Allah are forbidden, it is stated that a person in distress can eat them, provided that they do not go excessively and do not exceed the limit. In this regard, the rule of “necessities make objectionable things permissible”²⁶¹¹ is applicable. b) If there is no evidence stating that it is *ḥarām*. c) If there is textual evidence stating that it is *ḥalāl*. For instance, eating and drinking clean things. The verse states, ***“This day are (all) things good and pure made lawful unto you...”***²⁶¹²

Things that Islam does not want to be done in a certain matter are considered *ḥarām*. Only Allah and His Messenger (*saw*) can impose a religious prohibition. The following verse provides a measure in this regard: ***“But say not for any false thing that your tongues may put forth, ‘This is lawful, and this is forbidden,’ so as to ascribe false things to Allah. For those who ascribe false things to Allah, will never prosper.”***²⁶¹³

The fact that something is *ḥarām* can be determined in the following ways: a) The existence of a verse or a sound hadith that clearly states a prohibition regarding the subject

2609. Al-Baqara, 2: 29.

2610. Luqmān, 31: 20.

2611. See al-Baqara, 2: 173.

2612. Al-Mā’ida, 5: 5.

2613. Al-Nahl, 16: 116.

in question. Such as ***“Prohibited to you (for marriage) are: Your mothers, daughters, sisters...”***²⁶¹⁴ b) It has been stated that the *ḥalāl* status of something has been abolished. ***“It is not lawful for you (to marry more) women after this, nor to change them for (other) wives...”***²⁶¹⁵ c) Using a negating tense. ***“Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils).”***²⁶¹⁶ d) Using a grammatical tense that expresses avoidance from an act. After stating that wine, gambling, and the like are loathsome evil of Satan’s doing, the command ***“Avoid them so that you may attain salvation”***²⁶¹⁷ is an example of this.

Ḥarām is divided into two types, direct and indirect. a) Directly *ḥarām* (*ḥarām li dhatiḥī*): The *ḥarām* things, which Allah and His Messenger (*saw*) forbade due to an evil existing in their nature, are of this nature. Such as adultery, selling the meat of carrion, and marrying someone who is prohibited due to a marriage impediment. These are actions and behaviors that harm five things that need to be protected, i.e. life, property, intellect, religion, and lineage. b) Indirect *ḥarām* (*ḥarām li ghayriḥī*): Actions and behaviors that fall within the scope of *ḥarām* due to an external reason, although they are normally permissible. For example, adultery is directly *ḥarām*, and abandoning to cover certain parts of the body (*awrah*), which is a precaution against adultery, is an indirect *ḥarām*. Again, shopping during the Friday prayer is an indirect prohibition, because shopping is basically *ḥalāl*.

2 – Which land animals whose meat can be eaten or which land animals whose meat cannot be eaten?

Answer: In the Qur’an, it is stated that everything on earth was created for man,²⁶¹⁸ and everything in the heavens and on the earth was given to man’s command.²⁶¹⁹ In like manner, instead of listing the animals whose meat can be eaten one by one in the Qur’an, it is seen that it is satisfied by stating only the fact that the good and clean things are *ḥalāl* and those unclean things are forbidden.²⁶²⁰

The following is stated in the Qur’an regarding animals whose meat cannot be eaten:

“He has only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless. For Allah is Oft-forgiving Most Merciful.”²⁶²¹

2614. Al-Nisā, 4: 23.

2615. Al-Aḥzāb, 33: 52.

2616. Al-‘Isrā, 17: 32.

2617. Al-Mā’ida, 5: 90.

2618. See al-Baqara, 2: 29.

2619. See al-Jāsiya, 45: 13.

2620. See al-Mā’ida, 5: 5; Al-A’rāf, 7: 157.

2621. Al-Baqara, 2: 173.

“Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which has been invoked the name of other than Allah; that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which has been (partly) eaten by a wild animal; unless you are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows...”²⁶²²

“Say: “I find not in the message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine, for it is an abomination or, what is impious, (meat) on which a name has been invoked, other than Allah’s”...”²⁶²³

In the first verse, it is stated that the meat of three kinds of animals is forbidden: the meat of a dead animal, pork meat, and animal meat slaughtered in the name of other than Allah. As these are repeated in the second verse, the six items are “consisting of the meat of animals that which have been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which have been (partly) eaten by a wild animal”. These are also included within the scope of “the meat of dead animal” in the first Qur’anic verse. Animals slaughtered in the name of standing stones (idols) are also included in the last article of the first verse.

Whether or not the meat of animals other than the above-mentioned groups could be consumed or not has been determined by both hadith and independent reasoning of Muslim jurists, according to the principle of “eating the clean ones and forbidding the unclean ones”. It is stated in a verse, ***“...The prophet allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure)...”***²⁶²⁴ The authority given to the Prophet with this Qur’anic verse to “declare unclean things *ḥarām*” includes all animals that are naturally disgusted by man, just as it includes animals that eat unclean things that can harm man. However, since the extent to which human creation is considered dirty and disgusting can vary according to climate, environment, and cultural understanding, there has been a difference of opinion on some of the animals whose names or qualities are not clearly stated in the verses and hadiths.

In the light of verses and hadiths, edible and non-edible animals can be gathered in the following groups:

a) The meat of animals that hunt, tear their prey and defend themselves with their fangs or teeth cannot be eaten. Four-legged animals such as pig, wolf, bear, lion, tiger, leopard, squirrel, sable, monkey, marten, hyena, elephant, dog, cat, lizard, fox, and weasel are included in this group. The meat of an animal that does not attack others, such as a

2622. Al-Mā’ida, 5: 3. For the situation in Christianity of these things prohibited in Islam, see Acts of Acts, XV, 20, 29, XXI, 25; For the prohibition of pork, see Old Testament, Leviticus, XIV, 7, Deuteronomy, XI, 8; Mathew, V, 17-19.

2623. Al-An’ām, 6: 145.

2624. Al-A’rāf, 7: 157.

camel, can be eaten. According to what is reported from Abu Huraira, the Messenger of Allah (*saw*) said, “*The eating of all fanged beasts of prey is unlawful.*”²⁶²⁵

The only animal forbidden as a species in the Qur'an is the pig.²⁶²⁶ Moreover, as a reprimand for the Jews, all hoofed animals, and their fat were prohibited,²⁶²⁷ and it is stated in the Torah that the pig is unclean, so it is forbidden to eat its meat and to even touch its dead body.²⁶²⁸ Although pork is reviled in various places in the New Testament,²⁶²⁹ there is no explicit prohibition on eating its meat. It is argued that to make the societies with deep-rooted habits adopt Christianity, Paul distanced the statements prohibiting pork in the Old Testament and argued, “Not that which goes into the mouth defiles a man; but that which cometh out of the mouth, this defiles a man.”²⁶³⁰ Christianity, which obeys his words as an apostle of Christ, has kept the limit of eating and drinking very wide, and, accordingly, pork or any pig product is also considered permissible.

b) The meat of birds that are hunted with their talons and claws, that does not scratch, and are of low nature, is also *ḥarām* or *makrūḥ taḥriman*. Birds such as eagles, vultures, hawks, kites, ravens, crows, and bats are of this nature. A bird that has talons but does not hunt animals with it, such as a pigeon, can be eaten. The Prophet (*saw*) declared that the meat of predatory animals (*dhī nāb*; animals with long and sharp teeth on all four sides of their mouth) and birds of prey (*dhī mihlab*; birds that tear their prey apart with their talons) cannot be eaten.²⁶³¹

c) The meat of animals that are repulsive in their creation and disgusting to humans are also *ḥarām*. These include mice, hyraxes, snakes, scorpions, ticks, frogs, tortoises, bees, black flies, mosquitoes, moles, hedgehogs, lice, fleas, and other insects.

However, being disgusting may vary according to climate, region, and culture. As a matter of fact, when Abdullah Ibn Abbas (d. 68/687) and Khalid Ibn Walid (d. 21/641) sat down to dine with the Prophet in Maymuna's house, a fried lizard brought by a relative of the landlady from Najd region, was placed in front of them. When the Messenger of Allah did not eat, Ibn Abbas asked, “Is the meat of this animal *ḥarām*?” Allah's Messenger (*saw*) replied, “No, but it is not a common dish in our region, I do not eat it because I do not like it”. Then Khalid (*ra*) pulled the dish before him and ate it and the Messenger of Allah (*saw*) did not say anything.²⁶³²

d) Animals slaughtered in the name of anyone or anything other than Allah. The name of Allah must be uttered when slaughtering an animal or when shooting at the

2625. Muslim, Sayd, 15, 16; Abū Dawūd, Aṭ'ima, 32; al-Tirmidhī, Sayd, 9, 11.

2626. Al-Baqara, 2: 173.

2627. Al-An'ām, 6: 146.

2628. Deuteronomy, 14: 8.

2629. See Mathew, 7: 6; Mark, 5: 11-14.

2630. Mathew, 15: 11, 18; 1 Corinthians, 10: 25.

2631. Muslim, Sayd, 15, 16; Abū Dawūd, Aṭ'ima, 32; al-Tirmidhī, Sayd, 9, 11.

2632. Al-Bukhari, Dhabāih, 33.

prey. It does not hurt to forget the basmala, but if it is deliberately abandoned, the meat of the animal will not be permissible to eat. According to Imam Shafi'i, it is *mustahab* to say basmala while slaughtering an animal. If the basmala is not uttered at this time, the *basmala* uttered while eating the meat will suffice.²⁶³³ Also, the meat of an animal that is slaughtered in the name of idols or to honor a person cannot be eaten. The following is stated in the Qur'an: **"Why should you not eat of (meats) on which Allah's name has been pronounced, when He has explained to you in detail what is forbidden to you..."**²⁶³⁴, and **"Eat not of (meats) on which Allah's name hath not been pronounced: That would be impiety."**²⁶³⁵

Animals other than these are permissible.

Cattle, buffalo, camel, sheep, goat, rabbit, deer, gazelle, mountain goat, wild cattle, zebra, giraffe, chicken, goose, duck, turkey, ostrich, grouse, pigeon, quail, sparrow, partridge, starling, heron, and grasshopper are among them. Some of them are explained in the Qur'an,²⁶³⁶ while others are accepted within the scope of "good and clean things". It is also clear that they are not predators, and do not hunt and defend themselves with their talons.²⁶³⁷

Although the meat of magpie, dove, and nightingale is essentially *halāl*, it is not considered good to eat them since it is popularly believed in some societies that those who eat their meat will suffer a disaster.

Animals about which there is disagreement among Muslim jurists regarding the permissibility to eat their meat

According to the Shafi'i, animals such as hyenas, lizards, foxes, horses, and hedgehogs are *halāl*; whereas animals such as swallows, peacocks, hoopoe, parrots, and owls are *harām*.

According to some of the Maliki scholars, it is *halāl* to eat the meat of predatory animals such as lions and tigers, while it is *makrūh* according to some others. According to the famous view in the Maliki school, it is *makrūh* to eat the meat of birds of prey such as falcons and eagles, and birds that feed on dirt. These scholars are based on the principle that only pork is forbidden in the Qur'an and that the general permission in the verse cannot be limited by the statements of the hadith.²⁶³⁸

Fox; It is *halāl* according to Abu Yusuf and Muhammad, the Shafi'i, according to one view of the Hanbalis, and some Malikis.

2633. Al-Bukhari, Dhabāih, 15, 21, Tawhīd, 13; Abū Dawūd, Aḍāhī, 13, 19.

2634. Al-An'ām, 6: 119.

2635. Al-An'ām, 6: 121.

2636. Al-Mā'idā, 5: 1; Al-Ḥajj, 22: 28, 30.

2637. See Hamdi Döndüren, "Eti Yenen ve Yenmeyen Hayvanlar", *Şamil İslam Ans.* II, 126, 127.

2638. Komisyon, *İlmihal*, II, 39.

Bear; According to the Ḥanafis and the Shafi'is, it is ḥarām, while it is ḥalāl according to the Malikis and the Ḥanbalis.

Giraffe; According to the strong view of the Shafi'is, it is ḥarām, but according to the other three schools, it is ḥalāl.

Peacock and parrot; It is ḥarām in the Shafi'i school, but ḥalāl in the other three schools.

Porcupine is considered ḥarām by the Ḥanafis and the Ḥanbalis, and ḥalāl by the Shafi'is and the Malikis.

Horse, donkey, and mule; There is a consensus on the prohibition of donkey and mule meat. Horse meat is considered ḥalāl according to Abu Yusuf and Imam Muhammad, the Ḥanbalis, and the majority of jurists. The evidence is the following hadith. It was narrated from Jabir (ra): *"The Messenger of Allah (saw) forbade donkey meat in the Battle of Khaybar and allowed to eat horse meat."*²⁶³⁹ While Abu Ḥanīfa considers consuming the horse meat as *makrūḥ*, there are some in the Maliki school of law who consider horse meat ḥarām and *makrūḥ tanziḥan*. The evidence they rely on is the verse **"And (Allah has created) horses, mules, and donkeys, for you to ride and use for show"**²⁶⁴⁰ and the hadith of the Prophet that forbids the meat of horses, mules, donkeys, and any fanged predatory animals.²⁶⁴¹

The milk of an animal is subject to the provision of its meat according to the four schools. Since human flesh is forbidden because of its dignity, a woman's milk is ḥalāl for a child who is at the age of suckling (up to two and a half years old). Although the horse's milk is said to be ḥarām or *makrūḥ* compared to its meat, it is also considered permissible according to the view accepted as sound in the Ḥanafis. The reason for the prohibition of horse meat is not because it is considered bad, but because it is considered an instrument of war.

Today, the meat of the animals mentioned above should be examined by medical and veterinary sciences in terms of human mental and physical health, and laboratory results should be revealed to the public. In this way, scientific checks of the causes of the prohibitions in Islam can also be done.

3 – The meat of which aquatic animals is permissible and not?

Answer: It is stated in the Qur'an that water game and the food obtained from the sea are ḥalāl,²⁶⁴² and the Prophet, when asked about the sea, said, *"Its water is clean, its dead is ḥalāl."*²⁶⁴³ Regarding the seafood about which there is no clear evidence in the Qur'anic verses and hadiths, the basic ruling is permissibility.

2639. Al-Bukhari, Dhabāih, 28, Maghāzī, 38, Nikāh, 21; Muslim, Nikāh, 30, Sayd, 23, 25, 30, 37.

2640. Al-Naḥl, 16: 8.

2641. Aḥmad ibn Ḥanbal, *Musnad*, I, 147, 244, 289, IV, 89, 90, 127.

2642. Al-Mā'idā, 5: 96; Fāṭir, 35: 12.

2643. Abū Dawūd, Ṭahāra, 41; al-Tirmidhī, Ṭahāra, 52.

Accordingly, the Ḥanafis consider that all animals that live in water and cannot live on land are *ḥalāl*, provided that they are from the species of fish. There is no need for slaughtering them. However, according to the Ḥanafis, fish that have died on their own and then surfaced are inedible. The Ḥanafis base it on the absolute meaning of the word “*mayta* (dead animal meat)” mentioned in the Qur’an in this regard.²⁶⁴⁴ For when it is not clear when it died, such a fish carries a risk to human health. However, fish that die due to the water being too hot or too cold, being trapped between the ice, being trapped in the water, and being pulled out of the water is not considered to have died on their own, they can be eaten. However, if time has passed since its death and signs of decay are seen in its meat, it becomes inedible.

The meat of every fish-like sea animal, such as turbot, carp, dolphin, and eel, can be eaten. Apart from these, according to the Ḥanafis, the aquatic animals are considered repulsive and are included within the scope of “*ḥabāith*”. Therefore, they are not permissible to eat. For example, crabs, mussels, oysters, lobsters, snails, and turtles are among these. In like manner, the meat of animals that are not in the form of fish, such as walruses and sea lions, is also considered inedible.

According to the three schools other than the Ḥanafis, any animal that lives exclusively in water -even if it died by itself- can be eaten and its meat is *ḥalāl*. The evidence on which they base this is the hadith stating “*The water of the sea is clean, its dead is ḥalāl*.”²⁶⁴⁵

Moreover, according to the Shafī‘is, animals that can exclusively live in water and cannot live on land are *ḥalāl* even if they are not in the form of fish.

There are three views on the meat of animals living both on land and in water, such as frogs, crabs, turtles, snakes, and crocodiles. a) According to the Ḥanafis and the Shafī‘is, it is not *ḥalāl* to eat them. b) According to the Malikis, such animals can be eaten and are *ḥalāl*. c) According to the Ḥanbalis, it is not *ḥalāl* to eat crocodiles, frogs, and turtles, but others can be eaten. However, animals with flowing blood, such as turtles and hippopotamuses, require slaughtering. Although the crab does not have flowing blood, according to the common view in the school, it should be slaughtered by cutting any part of its body.²⁶⁴⁶

4 – What is Islam’s approach to alcohol?

Answer: Alcohol is prohibited because it is harmful to the physical and mental health of a person. The Jewish holy book Torah states, “And the Lord spoke unto Aaron, saying, do not drink wine nor strong drink, you, nor your sons with thee, when ye go into the tabernacle of the congregation, lest you die: it shall be a statute for ever throughout your generations: And that ye may put difference between holy and unholy, and between unclean and clean...”²⁶⁴⁷

2644. See al-Mā‘ida, 5: 32.

2645. Abū Dawūd, Ṭaḥāra, 41; al-Tirmidhī, Ṭaḥāra, 52.

2646. Komisyon, *Ilmihal*, II, 42.

2647. Torah, Leviticus, 10: 8-11.

The Gospels say the following in this regard, “And as they were eating, Jesus took bread, and blessed it, and brake it, and gave it to the disciples, and said, Take, eat; this is my body. And he took the cup, and gave thanks, and gave it to them, saying, Drink ye all of it; For this is my blood of the new testament, which is shed for many for the remission of sins. But I say unto you, I will not drink henceforth of this fruit of the vine, until that day when I drink it new with you in my Father’s kingdom.”²⁶⁴⁸

It is known that the ancient Turks were the followers of Shamanism before Islam. In Shamanism, *kumis* and similar beverages were drunk on joyous days and consecration ceremonies.²⁶⁴⁹

Before Islam and during the Meccan period of Islam, Arabs of the time of ignorance used to drink alcohol and accepted it as a part of their lives. In a Qur’anic verse that was revealed in Mecca, the drink produced from dates and grapes was touched upon, but no prohibition was imposed in this regard.²⁶⁵⁰ In the Qur’anic verse, which was revealed upon the question of Umar, who saw the harm caused by alcohol, and the prayer of the Messenger of Allah in Medina, it was stated that there was both a great sin and some benefits in drinking, but that its sin was greater than its benefit.²⁶⁵¹ After that, in a Qur’anic verse that was revealed because of drink consumed at a banquet given by Abdurrahman ibn Awf, and the imam who led the evening prayer misread the verses, the believers were asked not to approach the prayer when they were intoxicated until they knew what they were reciting.²⁶⁵² However, the above-mentioned Qur’anic verses did not state a definite prohibition, but it was now clear that Islam would have the final say on this issue.

At a wedding banquet given by Utba ibn Malik, alcohol was consumed again and Sa’d Ibn Waqqāṣ (*ra*) was injured in the fight that broke out until the influence of intoxication. When Sa’d (*ra*) conveyed the situation to the Messenger of Allah (*saw*), the following verses were revealed, describing the final decision of Islam regarding alcohol, **“O you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan’s handwork: eschew such (abomination), that ye may prosper. Satan’s plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will you not then abstain?”**²⁶⁵³

The Prophet also determined the application principles of the above Qur’anic verses as follows, “Every intoxicating thing is *hamr* (wine), and every *hamr* is *ḥarām*.”²⁶⁵⁴, and “If a large amount of anything causes intoxication, a small amount of it is prohibited.”²⁶⁵⁵

2648. Gospels, Mathew, 26: 26-29; John, 30 ff.

2649. M. Aydın- O. Cilacı, *Dinler Tarihi*, Konya 1980, p. 97.

2650. Al-Nahl, 16: 67.

2651. Al-Baqara, 2: 219.

2652. Al-Nisā, 4: 43.

2653. Al-Mā’ida, 5: 90-91.

2654. Al-Bukhari, Adab, 80; Muslim, Ashriba, 73.

2655. Al-Tirmidhī, Ashriba, 3; Abū Dawūd, Ashriba, 5.

Intoxicating beverages produced from certain products such as grape and date juice during the Prophet's time were later produced from many other types of plants under various names and in liquid or solid forms such as poppy, cannabis, and cocaine. Whatever its name, every substance that causes intoxication, that is, has the characteristic of *iskār* (intoxication), when eaten, drunk, injected into the vein, or smoked, is considered directly an intoxicating drink by the majority of jurists, and according to Abu Ḥanīfa, by comparing it to wine (*ḥamr*). According to the Ḥanafis, the word "*ḥamr*" is used as a metaphor in the above hadiths for drinks other than wine.

5 – Is it permissible to sell and trade alcohol?

Answer: It is forbidden to drink alcohol, as well as to trade. There is no difference of opinion among Muslim scholars on this issue. It was narrated from Anas (*ra*) that he said, "*The Messenger of Allah (saw) cursed ten involved in wine: The one who presses it, the one who has it pressed, its drinker, its carrier, and the one it is carried to, its server, its seller, the consumption of its price, the one who purchases it and the one it was purchased for.*"²⁶⁵⁶

According to Abu Ḥanīfa and Imam Muhammad, however, a Muslim living in a non-Muslim country can make such sales to a non-Muslim, but he cannot do this in a Muslim country. Al-Sarakhsī (d. 490/1097), one of the famous Ḥanafī jurists, writes the following on this subject, "When a Muslim enters the *dār al-ḥarb* with an *amān* (passport with visa), there is no harm in buying their property through any means, provided they consent. There is no difference between interest, gambling, or the sale price of pork or dead animal meat. Since a Muslim enters with a visa, it is not permissible to take their property without their consent. In short, mutual consent and agreement are sufficient for their property to be permissible for a Muslim."²⁶⁵⁷

However, according to the other three schools, including Abu Yusuf from the Ḥanafis, every action that is *ḥarām* among Muslims in a Muslim country is also *ḥarām* between a Muslim and a non-Muslim in a non-Muslim country.²⁶⁵⁸

As a result, unless there are compelling conditions, such as a state of necessity or to recover a debt, it would be preferable for a Muslim to maintain a clean and decent business approach by following the opinion of the majority in both Muslim and non-Muslim countries.

6 – What is gambling? What is its ruling according to Islam?

The word gambling (*maysir*) mentioned in the verse comes from the root "*yusr*", which means ease. It got this name since it is a method of easily gaining or losing property

2656. Al-Tirmidhī, *Buyū*, 59; Ibn Maja, *Ashriba*, 6.

2657. Al-Sarakhsī, *Mabsūt*, X, 95, *Sharḥ al-Siyar al-Kabīr*, IV, 1329, 1410. See also *al-Fatawā al-Hindiyya*, III, 248; Ibn Abidīn, *ibid*, IV, 188.

2658. For more information see Hamdi Döndüren, *İslami Ölçülerle Ticaret Rehberi*, Erkam Yayınevi, İstanbul 1998, p. 140-148.

without getting tired or worrying about it. Along with the prohibition of alcohol, gambling is prohibited by the following verses: ***“O you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan’s handwork: eschew such (abomination), that ye may prosper. Satan’s plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will you not then abstain?”***²⁶⁵⁹

The Prophet said the following about backgammon, which was played as a type of gambling in his time, ***“He who plays backgammon disobeys Allah and His Messenger.”***²⁶⁶⁰

Gambling is an unjust way of earning money or any monetary value that makes people forget their Creator, prevents them from praying, drives them into laziness, destroys their ability to work, and spreads hatred and enmity among them. Many homes and wealth have been destroyed by gambling. Regardless of the name, games of chance, which are any games of chance that do not carry labor or capital risk, are in the nature of gambling. It is not permissible to play such a game even for fun and without investing money, as it is believed that it may lead to gambling learning such games. Moreover, it may lead other people to accuse such persons of gambling. Nevertheless, some games such as chess were considered permissible by some Companions because they develop the human mind and accustom it to war tactics. However, for this, the condition is that it should not be a game of chance and any prize gained must be free from gambling such as in the many sports today.

In conclusion, for a game to be played for a legitimate purpose, be it for a game or sport, relaxing the mind, physical exercise, or simply having fun, without the aim of gambling, it must meet the following four conditions: a) It must not cause the loss of the ritual prayer or delay its time, b) It should not be played for a price which the victor receives from the loser, c) It should not promote bad language, and d) It should not to a large extent waste time.

7 – What is the ruling on smoking?

Answer: First of all, it is necessary to get acquainted with the characteristics of tobacco. Tobacco from which cigarettes are made is a fragrant, enjoyable, and addictive herb that is smoked by burning the leaves. Since cigarettes or tobacco did not exist in the era of bliss or the mujtahid imams, there are no direct Qur’anic verses or hadiths about them, and there is no *ijtihād* of the imams of the schools. This is because tobacco was first encountered in one of the Antilles archipelagos of America.

In 1496 CE, Christopher Columbus saw the natives burn and smoke this plant during his trip to the Antilles. One of the sailors took a sample from the Tobago Islands and sent it to a merchant named Petros Marden in Europe. In 1511, Spanish sailors

2659. Al-Mā’ida, 5: 90-91.

2660. Abū Dawūd, Adab, 56; Ibn Maja, Adab, 43; Malik, *Muwaffā’*, 6; Aḥmad ibn Ḥanbal, IV, 394, 397, 400.

thoroughly introduced this herb in the ports of Spain and Portugal. Jean Nicot, the French ambassador to Lisbon, introduced the nicotine named after him or tobacco to be used as medicine. After 1560, tobacco spread to Germany, Italy, England, and other world countries, respectively.

Studies have shown that tobacco is harmful to human health. Inhaled smoke injures the cells in the lining of the lung and thickens it. As the elasticity of the cells is lost, these walls burst and become inoperable after a strong cough and sneezing. On the other hand, inhaled cigarette smoke causes thickening of the vessel walls and accelerates the development of atherosclerosis.

It has been proven by medical research that smoking increases the risk of developing lung cancer 20 times, doubles the risk of heart infarction, and causes chronic bronchitis and emphysema. The nicotine in tobacco is an extremely toxic substance. When taken in small amounts, it has stimulating and refreshing effects, increases the secretions of various glands, and increases blood pressure. The reason why there is no poisoning from cigarette smoke is that 1/3-1/7 of the nicotine in the tobacco evaporates with the effect of heat during the burning of the cigarette, and only a small part of the remainder reaches the lungs and blood.

In medicine, there are powder or liquid pesticides made from nicotine.

Islam, which is a universal religion, should bring a solution to the issue of the ruling of smoking, which has such effects on human health. Opium was also unknown in the age of bliss. The later jurists compared opium to wine, looking at its narcotic nature, and said that it was not permissible.

Most of the jurists of the previous centuries considered smoking to be permissible because of the lack of Qur'anic verses and hadiths about it, according to the rule "the original ruling about things is permissibility". Even some Shafi'i scholars said that "if the woman is a smoker, the cost of cigarettes is also included in the scope of her maintenance (*nafaqa*)".

Since it is now impossible in terms of science and medicine to say that cigarettes are harmless, it would not be appropriate to consider it outside the scope of religious prohibitions. It is commanded in the Qur'an; "**and make not your own hands contribute to (your) destruction...**"²⁶⁶¹, and the Prophet (saw) said, "*There should be neither harming nor reciprocating harm.*"²⁶⁶² and emphasized that a person should neither harm himself nor others. Moreover, there is no doubt that the expenditure made by the cigarette addict is a waste. In another verse, it is commanded "**Eat, drink, but do not waste.**"²⁶⁶³ Furthermore, in terms of religiosity, good human character, and morality,

2661. Al-Baqara, 2: 195.

2662. Ibn Maja, Ahkām, 17; Malik, *Muwattā'*, Aqdiya, 31.

2663. Al-A'rāf, 7: 31.

it is unacceptable for a man, the head of the family, to pay for cigarettes in a way that negatively influences the sustenance of his spouse, children, and other needy relatives.

In conclusion, when the harms caused by smoking to the human body and the environment are taken into account, its reprehensibility is clearly observed. For those who are told by the doctor that smoking will be lethally harmful to their health, and for those who are poor and smoke by wasting the sustenance of their family members, the prohibition of smoking is definite.

8 – Are there any restrictions on the use of gold, silver, and silk clothing?

Answer: Since it is known that people are fond of precious metals and goods such as gold, silver, silk, and pearls throughout history, these are often included in the description of the life of Paradise in the Qur'an.²⁶⁶⁴ In the hadiths of the Prophet, some restrictions were imposed on wearing gold, silver, and silk clothes, which are common ornaments of every era. Due to the fact that women have a greater need and tendency to adornment, they have been treated more tolerantly in this regard. It has been stated that women can use gold and silver as ornaments and wear silk clothing, provided that they do not become extravagant, flaunt, and do not use them as a means of sexual provocation. Moreover, their use as kitchen utensils is restricted and the use of these three substances by men is prohibited as a rule.

Some of the hadiths stating restrictions on the subject are as follows, "*Gold and silk are ḥarām for the men of my Ummah, but ḥalāl for the women.*"²⁶⁶⁵, "*Do not drink from gold or silver vessels, and do not eat in the plates made of these two. Because such plates are for the polytheists in this world and for you in the hereafter.*"²⁶⁶⁶, and "*The Prophet forbade the use of gold rings.*"²⁶⁶⁷ It is reported that the Prophet used to wear a gold ring but seeing that people were also getting gold rings for themselves, he threw away his gold ring and said that he would never wear it anymore. Following his example, people also took off their rings and threw them away.²⁶⁶⁸ After that, the Messenger of Allah got a silver ring.²⁶⁶⁹ Bara ibn Āzib (ra) said, "Allah's Messenger (*saw*) commanded us to do seven things and forbade us seven (things). He commanded us to visit the sick, to follow the funeral procession, to reply to the one who sneezes, to fulfill the vow, to help the poor, to accept an invitation and to greet everybody, and he forbade us to wear gold rings, to drink in silver (vessels), to use a saddle cloth made of red silk, and to wear garments made of *qassi* material, or garments made of silk, brocade, and velvet."²⁶⁷⁰

2664. See al-Kahf, 18: 31; al-Hajj, 22: 23; Fāṭir, 35: 33; al-Insān, 76: 12, 31.

2665. Al-Bukhari, Libās, 30; Abū Dawūd, Hatam, 3; al-Tirmidhī, Libās, 1.

2666. Muslim, Libās, 1.

2667. Al-Bukhari, Libās, 45.

2668. Al-Bukhari, Libās, 46.

2669. Al-Bukhari, Libās, 45.

2670. Al-Bukhari, Libās, 45; Muslim, Libās, 1.

It is permissible to produce and trade these three items and similar ornaments,²⁶⁷¹ because there are legitimate areas where they are used, and it is also permissible for men to wear silk in war conditions, or for health reasons.²⁶⁷² The majority of the jurists are of the opinion that the prohibition of silk fabric is not just applicable to clothing, but also to certain other house items such as quilts, mattresses, cushions, and carpets. However, according to Abu Ḥanīfa and some Maliki jurists, the prohibition in the hadiths is limited to clothing only, and it is permissible to use silk fabric in areas other than clothing.

9 – Is it permissible to use cologne and alcoholic substances?

Answer: Cologne is a liquid that contains alcohol and is used for purposes such as fragrance and cleaning, and is a liquid produced from low-cost materials such as potatoes, reeds, corn, or other synthetic means. It is also mixed with refreshing scents such as lemon, lavender, and pine. Discussing the religious provision of cologne, which began to be used in Europe in the 17th century becoming a widespread large industry of perfumes, deodorants, sprays, and the like, which are included in this scope, is due to the alcohol contained in them.

The religion of Islam strictly forbids the use of intoxicating substances, whether liquid or solid, for intoxication.²⁶⁷³ There is a consensus that it is *ḥarām* to drink wine and the drinks obtained from it. According to the majority of jurists, it is not permissible to drink little or more of the intoxicating drinks, regardless of their raw materials. Accordingly, it is clear that it is not permissible to use cologne and similar products containing alcohol as a drink.

However, there are different opinions about the use of cologne for different purposes such as cleaning, cooling, and fragrance, other than drinking.

According to the majority of Islamic scholars, wine is *najis*.²⁶⁷⁴ If it is applied to clothes or an area the size of the palm of the hand, it will prevent the validity of the prayer. However, there is no evidence that anything other than wine, little or large amounts of which causes intoxication when drunk, is *najis*. According to Abu Ḥanīfa and Abu Yusuf, they are not *najis*, it is forbidden to drink or to get drunk, but if they spill on the clothes or on the place where the prayer is performed, it does not affect the validity of the prayer.

Muhammed Hamdi Yazır (d. 1358 / 1939), one of the scholars of our age, said the following on this subject, “Those on whom wine, champagne, *arak*, and cognac are poured cannot pray unless they wash it. However, although it is not permissible to drink

2671. Al-Bukhari, Libās, 25. 30.

2672. Al-Bukhari, Libās, 29.

2673. See al-Māʿida, 5: 90; al-Bukhari, Adab, 80; Muslim, Ashriba, 73; Al-Tirmidhī, Ashriba, 3; Abū Dawūd, Ashriba, 5.

2674. See al-Māʿida, 5: 90.

spirits, beer, and similar alcoholic beverages that are not made from grape, it cannot be claimed that having it on clothes or body will also prevent the reading of prayers.”²⁶⁷⁵

According to Imam Shafi‘i, cologne containing alcohol other than wine is also *najis*, and it is not permissible to drink or use it for other purposes.

In conclusion, if wine-type liquor is used in the production of cologne and its like, it is not permissible to drink them or use them for cleaning, fragrance, and similar purposes. However, if they are produced from raw materials other than wine, it is only not permissible to drink them, but it is permissible to use them for other purposes such as cleaning, for scent, etc. are permissible.

10 – What is the ruling on adultery in Islam?

Answer: Adultery is one of the major sins that require the punishment of *hudūd*. It is the act of sexual intercourse outside the marriage contract between a sane and adolescent man and a sane and adolescent woman or to a woman at an age to whom sexual desire is felt.

Adultery is an act that was also prohibited in the divine religions before Islam. While the Torah asks for punishments such as burning and killing the perpetrator,²⁶⁷⁶ it is observed that the punishment for this act was softened in the Gospels. As a matter of fact, when someone who has never committed sin asked a woman who was caught in adultery and brought to Jesus to apply the punishment, the punishment did not happen and Jesus released the woman by saying, “Go and do not sin again.”²⁶⁷⁷

Some verses in the Qur’an that prohibit the act of adultery are as follows, “***Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils).***”²⁶⁷⁸, “***The woman and the man guilty of adultery or fornication,- flog each of them with a hundred stripes...***”²⁶⁷⁹, “***Let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment.***”²⁶⁸⁰, and “***Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred except for just cause, nor commit fornication; and any that does this (not only) meets punishment. (But) the Penalty on the Day of Judgment will be doubled to him, and he will dwell therein in ignominy***”²⁶⁸¹ In the next two Qur’anic verses, it is stated that those who repent, renew their faith, and do good deeds will be saved from this torment.²⁶⁸² Again, in the 30th and

2675. See *Hak Dini Kur’ān Dili*, I, 762-763.

2676. Torah, Genesis, 38: 24; Leviticus, 20: 20.

2677. Gospels, Mathew, 5: 27-32; John, 8: 1-11.

2678. Al-‘Isrā, 17: 32.

2679. Al-Nūr, 24: 2.

2680. Al-Nūr, 24: 2; Cf. also Torah, Deuteronomy, XXII, 22, 28, 29, XXIII, 17; Song of Solomon, VI, 25, 26, 32-35; Cf. Leviticus, XX, 10-21.

2681. Al-Furqān, 25: 68-69.

2682. See al-Furqān, 25: 70-71.

31st verses of the surah al-Nūr, believing men and women are asked to avoid what is *ḥarām* and to protect their genitals.

Moreover, we can cite many hadiths of the Prophet, which count adultery among the major sins,²⁶⁸³ states that a believer cannot commit adultery,²⁶⁸⁴ and informs us that adultery is one of the signs of Doomsday.²⁶⁸⁵

The second verse of surah al-Nur (24) establishes the penalty of adultery for men and women that are single as one hundred lashes. *Jalda* (lashes) is a symbolic punishment that does not penetrate the flesh but affects the skin but does not leave a trace and is applied with the movement of the hand from the elbow. While applying the punishment, only the upper clothes such as fur, jacket, and coat are removed off the person. The majority of jurists, in addition to lashes, require a one-year exile penalty. Their proof is as follows, in the incident of a single worker committing adultery with his employer's wife, the Prophet (*saw*) punished him with exile for one year, in addition to the punishment of *jalda*.²⁶⁸⁶ The hadith was narrated by Abu Hurayra and Zayd ibn Khalid al-Kuhanī. According to Abu Ḥanīfa, one year of exile in this hadith was like an addition to the *jalda* verse, and when the Qur'anic verse was revealed, this additional part was abolished. However, in an Islamic country, this can be applied as a "*ta'zir* (discretionary) punishment". Changing the environment of a person who was humiliated and in a bad situation in society should also be recognized as important for his own mental and physical health. However, necessary measures must be taken by the public in order to adapt to the new environment.

It has been claimed that two types of punishment ordering "to persecute the woman who commits prostitution," and "to imprison them at home until she dies or Allah shows a way, when her crime is proven by four witnesses" regulated in the 15th and 16th verses of the chapter of al-Nisā were abolished with the revelation of the verse above which states the penalty for adultery. The famous commentator al-Qurtubī states that there is a consensus on this issue.²⁶⁸⁷ According to Ibn Abbas, Allah's opening a way to the adulterer was the revelation of the second verse of Surah al-Nur (24), that is, a hundred lashes for single people and stoning the married ones.²⁶⁸⁸

11 – What precautions has Islam taken against adultery?

Answer: Islam has taken some precautions against adultery regarding the individual and society. The most prominent ones of these are measures such as getting married, those who cannot marry to discipline themselves through fasting, protecting their eyes from *ḥarām*, men and women covering their *awrah* parts, and that both genders who can marry each other should not spend time solitary with the opposite gender.

2683. See al-Bukhari, Waṣāya, 23, Adab, 6; Muslim, Iman, 38; Abū Dawūd, Waṣāya, 10.

2684. Abū Dawūd, Sunna, 15; Cf. al-Tirmidhī, Iman 11.

2685. Al-Bukhari, Ḥudūd, 22, Ṭalāq, 11; Abū Dawūd, Ḥudūd, 17.

2686. Al-Bukhari, Ḥudūd, 3, 38; Muslim, Ḥudūd, 25.

2687. See al-Qurtubī, *Jamī'*, XII, 107.

2688. See Ibn Maja, Ḥudūd, 7; al-Qurtubī, *ibid*, V, 56, 57; Ibn Kathīr, *Mukhtaṣar*, I, 366.

Allah Almighty created the woman to be a life partner for the man and for them to be happy with each other.²⁶⁸⁹ The Messenger of Allah said to the young people who could not find the financial means to marry, *“He who can afford to marry should marry, because it will help him refrain from looking at other women, and save his private parts from committing illegal sexual relation; and he who cannot afford to marry is advised to fast, as fasting will diminish his sexual power.”*²⁶⁹⁰

In the Qur'an, men and women are ordered to protect their eyes from *ḥarām* and to cover their *aura* parts, thus it is pointed out that the road to adultery will be closed to a certain extent.²⁶⁹¹ Moreover, the Prophet also spoke of the adultery of organs by moving closer to adultery through the tongue, mouth, hands, feet, and eyes,²⁶⁹² and warned that illegitimate relationships, flirting and intimacy, that paved the way to adultery, were also a form of adultery.

Furthermore, another precaution was to prohibit men and women, who do not have impediments to having a permanent marriage, to stay alone in a closed place that is not open to the sight of others. The following is stated in the hadith for this situation called seclusion (*khalwah*), *“Whoever believes in Allah and the Last Day should not be alone with a non-mahram woman, because the third one of them will be the devil.”*²⁶⁹³

It is a fact that the gender of the opposite sexes will inevitably be affected by each other's words, actions, and behaviors. It is necessary to minimize this or avoid situations that will lead to this. As a matter of fact, there are many warnings about this in the Qur'an and the Sunnah.²⁶⁹⁴ It is among the measures to prevent behaviors that open the door to committing a *ḥarām* act such as for women to speak seriously and solemnly while talking to a *non-mahram* man,²⁶⁹⁵ not to show their ornaments and stature,²⁶⁹⁶ and therefore they should cover themselves with their headscarves and outer clothes when they leave their homes.²⁶⁹⁷ It is also a measure of this preventive nature that the Prophet did not approve of women walking around outside the home wearing perfume to a degree that would make others feel attracted to them.²⁶⁹⁸

12 – Is organ transplantation permissible?

Answer: Today, besides the fact that organ transplantation is a treatment method without an alternative, the issue concerns religion, law, and morality, since both the donor and recipient of the organ are human and there is a disposition related to the human organ.

2689. Al-A'rāf, 7: 189; al-Nahl, 16: 72.

2690. Al-Bukhari, Ṣawm, 1; Muslim, Ṣiyām, 74, 79.

2691. Al-Nūr, 24: 30-31.

2692. Muslim, Qadar, 5.

2693. Muslim, Ḥajj, 74; al-Tirmidhī, Raḍā, 16; Hakim, *Mustadrak*, I, 114.

2694. Al-Nūr, 24: 30, 31; al-Bukhari, Isti'dhān, 12, Qadar, 9, Nikāḥ, 43; Muslim, Qadar, 20, 21; Abū Dawūd, Nikāḥ, 43; Aḥmad ibn Ḥanbal, II, 267, 276, 317, 329, 343.

2695. Al-Aḥzāb, 33: 32.

2696. Al-Nūr, 24: 31.

2697. Al-Nūr, 24: 31; al-Aḥzāb, 33: 59.

2698. See al-Tirmidhī, Adab, 35, Raḍā, 13.

Auto-organ transplantation, which started in the 16th century, was gradually developed, and in the 19th century, human-to-human tissue and organ transplantation was started, while skin, vein, and muscle transplantation could be performed before, the stage of transplantation of vital organs such as heart, liver, kidney, bone marrow, and the cornea commenced.

The majority of *Ahl al-Sunnah* scholars and theologians are of the opinion that the resurrection will be together with the soul and body in the hereafter.²⁶⁹⁹ In such matters, although the question in which body the transplanted organ will be resurrected in comes to mind, considering the numerous cells and tissues that are torn from and separated from the human being every day, and considering the decay of such organs in the soil after death, organs being burned to ashes, or being dismembered and eaten by animals, such a question is meaningless. As a matter of fact, the resurrection of Uzayr (*as*), whom Allah conferred death to as a lesson for the people and whom He resurrected a hundred years later, and then the parts of his donkey, gives us an idea about resurrection.²⁷⁰⁰

Whether the new owner of the transplanted organ commits good deeds or sins with this organ is a matter of his will. However, it is clear that the person who will donate the organ or his relatives have the right to choose in a transplant that will obviously be used for inappropriate purposes.²⁷⁰¹

The issue of the testimony of the organs on the Day of Judgment can mean that they speak with the language of their state, or it can be understood that one cannot deny any of his sins by recreating the scenes of sin that took place in the world.²⁷⁰²

It is stated in various Qur'anic verses²⁷⁰³ and hadiths²⁷⁰⁴ that in case of hunger and necessity that threatens human life, *ḥarām* acts will become permissible and sins will be lifted. Furthermore, Muslim jurists have clearly agreed that anyone who is faced with the necessity of starvation, which threatens life, can even eat human flesh and use *ḥarām* and impure things for treatment purposes.

Based on the above evidence, today's Muslim scholars and *fatwa* organizations have allowed organ removal from the dead for treatment and transplanting it to the patient under the following conditions:²⁷⁰⁵

a) The existence of the necessity for organ transplantation,

2699. See Ta Ha, 20: 55; al-Hajj, 22: 5, 7; Aa-Nūr, 24: 20; Ya Sin, 36: 78, 79; al-Qiyāma, 75: 3-4.

2700. Al-Baqara, 2: 259. Cf. Bible, Ezekiel, 37: 1-14.

2701. See al-Mā'ida, 5: 2, 32.

2702. See al-Nūr, 24: 24; Fussilat, 41: 19, 21, 22.

2703. See al-Baqara, 2: 173; Al-Mā'ida, 5: 3; al-An'ām, 6: 119, 145.

2704. Abū Dawūd, At'ima, 36; Ahmad ibn Hanbal, V, 96, 218.

2705. Resolution of Turkish Presidency of Religious Affairs High Council of Religious Affairs. Dated 3.3.1980 and Numbered 396/13; Resolution of Fatwa Board under the Presidency of Awqaf and Religious Affairs in Kuwait Dated 24.12.1979 and Numbered 132/79, Dated 14.9.1981 and Numbered 87/81; Resolution of Islamic Fiqh Academy affiliated to the Organization of the Islamic Conference Dated 11.2.1988 and Numbered 4/1.

b) Doctors who are experts in the subject are of the opinion that the patient will recover with this treatment,

c) The consent of the person who will donate the organ or of his heirs has been obtained,

d) Medical and legal death should have taken place,

e) The organ has not been given in return for a fee and benefit,

f) The person who will get the organ should also agree to this transplant.

Some contemporary scholars, who do not consider organ transplants from the dead permissible, have taken the dignity and immunity of the human body as the basis of their view. The following is stated in a hadith, "*Breaking the bone of a dead person is like breaking his bone while he is alive.*"²⁷⁰⁶ In addition, they cited the belief in the witnessing of organs on the day of bodily resurrection and on the Day of Judgment and the principle that it would not be permissible to destroy human nature. However, it is clear that these pieces of evidence and opinions are weak in the face of evidence such as the above-mentioned "principle of necessity, the concessionary rule to be treated with *ḥarām* and impure substances."

Some contemporary Muslim scholars and *fatwa* committees have also issued permitting *fatwas* on organ transplants under certain conditions. In this regard, in addition to the conditions of "organ transplantation from the dead to the living", the condition of "removal of the organ shall not impair the life and health of the donor and this situation must be documented with a medical report" has been added.²⁷⁰⁷

The issue of organ transplantation from the living to the living conflicts with the most fundamental right of the human being, the right to "life and body integrity". This is because a person's life and personality come before all other issues. The following is stated in the Qur'an, "**...and make not your own hands contribute to (your) destruction...**"²⁷⁰⁸, and "**O you who believe! Save yourselves and your families from a fire whose fuel is men and stones.**"²⁷⁰⁹ Accordingly, it is not possible to transplant the double organs such as eyes, kidneys, arms, legs, fingers, which have spares in the body, from one to another, except for transplantations, such as blood and marrow transplantation, which are known to have no harm to the living donor. For it is unthinkable for the living to voluntarily give up such an organ. This transplant can be done either because of love

2706. Abū Dawūd, Janā'iz, 60; Malik, *Muwaffā'*, Janā'iz, 45.

2707. Resolution of Fatwa Board under the Presidency of Awqaf and Religious Affairs in Kuwait Dated 24.12.1979 and Numbered 132/79; Eighth Term Resolution of the Fiqh Academy of the World Islamic Union of Saudi Arabia, dated 19-28.1.1985; Resolutions of Islamic Fiqh Academy affiliated to the Organization of the Islamic Conference Dated 11.2.1988 and Numbered 4/1; Dated 20.3.1990 and Numbered 6/5-8.

2708. Al-Baqara, 2: 195.

2709. Al-Tahrīm, 66: 6.

or pity or because of poverty. The person who gets a transplant should not consent to such a transplant from a living donor.

13 – What is the ruling on casting spells of magic?

Answer: Sorcery is the worst of the activities within the scope of the claim of information about the world beyond human perception such as fortune-telling, and witchcraft. The word magic is used for work contrary to the laws of nature by affecting the spiritual life of people and deceiving people, which includes the activities of sorcery, magical amulets, and incantation.

It is stated in the Qur'an that even though various prophets were accused of magic, neither the revelation was magic, nor were the prophets magicians. It is also emphasized that the revelation revealed to Muhammad is a fact and that magicians are liars and tricksters.²⁷¹⁰ In the hadiths, doing magic is counted among the seven major sins.²⁷¹¹

This is because, in magic, there is a claim to be able to accomplish things beyond Almighty Allah's will and power. For that reason, Islam forbade witchcraft and sorcery and included them among the major sins.

It would be inappropriate for people who have been under the influence of magic to go to people who have adopted sorcery as a profession to get rid of the effects of magic. Indeed, a spell was cast on Muhammad (saw) by the Jews, and the last two chapters of the Qur'an were revealed to eliminate its effect. Below, we will give the meaning of these two chapters and a brief assessment of them.

“Say: I seek refuge with the Lord of the dawn from the mischief of created things; From the mischief of darkness as it overspreads; From the mischief of those who practice secret arts; And from the mischief of the envious one as he practices envy.”²⁷¹², and ***“Say: I seek refuge with the Lord and Cherisher of mankind, The King (or Ruler) of mankind, The God (or judge) of mankind, From the mischief of the whisperer (of evil), who withdraws (after his whisper), (the same) who whispers into the hearts of mankind, among jinns and among men.”***²⁷¹³

According to the majority of scholars, the reason for the revelation of these last two chapters of the Qur'an, which are together called “*muawwizatayn* (two protectors)”, is the story of the spell cast on the Prophet (saw) by the Jewish person in Medina named Labīd ibn Āsim. The event happened as follows: When the Messenger of Allah got ill for a few days, two angels came and informed him of the spell. The Prophet (saw) went to the Dharwān well together with some of his Companions, and under the cover stone of the well, the skin of pollen of a male date palm, the Prophet's comb, and some of

2710. Al-A'raf, 7: 116; Yunus, 10: 76, 77; Ta Ha, 20: 69; al-Zukhruf, 43: 30; al-Dhariyat, 51: 52.

2711. Al-Bukhari, Waṣāya, 25; Muslim, Imān, 144.

2712. Al-Falaq, 113: 1-5.

2713. al-Nās, 114: 1-6.

his hair were found. There were also needles dipped in a wax figure and threads with eleven knots. Meanwhile, Jibril (*as*) delivered the chapters of *muawwizatayn* and told the Prophet (*saw*) that a knot should be untied as each verse was recited. The Prophet (*saw*), who felt pain when the knots were untied and the needles were removed, finally stated that Allah healed him and cured him.²⁷¹⁴

In conclusion, anyone who thinks he is under the spell of magic should first take refuge in Allah, worship and pray, and give charity to the poor. In the meantime, he can gather information on this subject from reliable scholars who are knowledgeable about Islam and act according to what they know.

14 – Does having dental fillings or dental crowns prevent ablution?

Answer: The importance of dental and oral hygiene is becoming better understood every day in our modern times. The following hadith of the Prophet (*saw*) about oral hygiene is important in terms of preventive medicine, *“If I had not found it hard for my followers or the people, I would have ordered them to clean their teeth with siwāk for every prayer.”*²⁷¹⁵

Treatments such as dentures, fillings, and caps are remedies used to protect oral health. Whether the filling and the teeth cap is an impediment for *wuḍū* or *ghusl*, and whether it is permissible to use gold or silver in such treatments is an issue that occupies the minds of Muslims.

In the Qur'an and hadiths, there is no clear provision directly related to tooth filling or crowns. However, the person who is ill or has a problem in his body has the right and duty to get treated. Believers have been commanded in the Qur'an, ***“...and make not your own hands contribute to (your) destruction...”***²⁷¹⁶, and ***“Nor kill (or destroy) yourselves.”***²⁷¹⁷. There are also various hadiths on this subject, *“A strong believer is better and more beloved to Allah than a weak believer.”*²⁷¹⁸ Messenger of Allah said to the Bedouins who asked whether they should make use of medical treatment or not, *“Make use of medical treatment, for Allah has not made a disease without appointing a remedy for it, with the exception of one disease, namely old age.”*²⁷¹⁹ In another hadith, the following is stated, *“There is a remedy for every malady, and when the remedy is applied to the disease it is cured with the permission of Allah, the Exalted and Glorious.”*²⁷²⁰ Accordingly, it is clear that anyone who has a toothache or whose teeth have fallen or broken is facing a significant discomfort. There is no doubt that this person has the right to be treated using the latest techniques of medical science.

2714. Al-Bukhari, Ṭibb, 39, Fazā'il al-Qur'ān, 14; Abū Dawūd, Adab, 98; al-Tirmidhī, Da'āwāt, 21.

2715. Al-Bukhari, Jum'a, 8.

2716. Al-Baqara, 2: 195.

2717. Al-Nisā, 4: 29.

2718. Muslim, Qadar, 34.

2719. Abū Dawūd, Ṭibb, 1.

2720. Muslim, Salām, 69.

As a matter of fact, Arfaja Ibn As'ād (*ra*), one of the Companions, lost his nose in the Battle of Kulab during the Age of Ignorance. Arfaja had acquired a silver nose, but after a while, it developed a stench. Thereupon, the Prophet (saw) ordered Arfaja to get a golden nose.²⁷²¹

There is a consensus that silver can be used in the treatment of the tooth to be filled or crowned. Using gold in dental treatment is *makrūh* according to Abu Ḥanīfa, but permissible according to Imam Muhammad. The evidence relied upon is the gold used in Arfaja's nose.

Moreover, it can be observed from the sources that the imams of the Ḥanafī school did not deal with the issue of whether water reaches inside or under the filling, the crown, or the teeth after the filling or crown is made. This is because Abu Ḥanīfa, Abu Yusuf, and Imam Muhammad were in agreement that it is permissible to tie a tooth with silver wire and have silver teeth. As a matter of fact, the word "*tadbīb* = tooth capping" is clearly mentioned in al-Kāsānī.²⁷²²

Furthermore, just as it is permissible to wipe over the bandage during *wuḍū* and *ghusl*, it will be sufficient for anyone who has a crowned or filled tooth in his mouth to rinse the mouth with water. For getting water into the filling or under the tooth is both difficult and harmful. In short, in case of necessity, undesirable things become permissible, according to the general Islamic maxim. Hence, the filling and crown of the person are considered to be like his own tooth. However, if possible, it is more appropriate to have dental filling and capping done when not in a state of major impurity (not being in the state of janabah and menstrual days). According to Imam Shafī'i, in such a case, it is permissible to wash the tooth being treated and crowned.²⁷²³



2721. Abū Dawūd, Hatem, 7; al-Tirmidhī, Libās, 31; al-Nasā'ī, Zinah, 41.

2722. Al-Kāsānī, *Badāyī'*, V, 132.

2723. See al-Sarakhsī, *Sharḥ al-Siyar al-Kabīr*, I, 132; *al-Fatawā al-Hindiyya*, V, 333; Osman Eskicioğlu, "Diş Tedavisi", *Şamil İslam Ansik.*, I, 405; Komisyon, *İlmihal*, I, 203.

III – SOME PROVISIONS REGARDING FAMILY LIFE

15 – What are the essential pillars and conditions of a marriage contract according to Islamic Law?

Answer: According to the Ḥanafī school, the essential pillars of a marriage contract are the offer and acceptance (*ijāb* and *qabūl*) of the parties, and its validity conditions are; the absence of a marriage impediment between the prospective spouses, the expression of the offer and acceptance in a continuous form, and the presence of two witnesses while conducting the contract. According to the Ḥanafīs, a sane adolescent couple can conclude their own marriage contract. However, in such a marriage, the girl must be married to someone matching her with a *mahr* that is not less than the *mahr* paid to women with similar social status. Otherwise, the girl's parent has the right to terminate the marriage contract. However, in order to prevent marriages at a young age, in 1917 the Ottoman Hukuku Aile Kararnamesi (HAK - Ottoman Family Law Decree) set the age limit of 17 for girls and 18 for boys for marriage without parental consent. While the permission of the guardian in the marriage of a girl is considered a condition for the validity of the contract according to the majority of the imams of the schools, it is accepted as *mandūb* according to the Ḥanafīs.

16 – Can a person look at the woman whom he wants to marry?

Answer: There are some exceptions in Islam regarding the prohibition of a man to look at a non-*mahram* woman's body parts that must be covered. This prohibition is lifted when there is a need or necessity or when there is a thought of marriage.

A man has the right to see the woman whom he wants to marry in person. In this regard, it is considered sufficient for him to look at her face, hands, and neck in order to understand the beauty of her face and body. The face signifies beauty and the hands signify the elegance of the woman. In a hadith narrated by Jabir Ibn Abdillāh (*ra*), the following is stated, “*When one of you ask a woman in marriage, if he is able to look at what will induce him to marry her, he should do so.*”²⁷²⁴ When Mughira ibn Shu‘ba (*ra*) proposed to a woman, the Prophet (*saw*) said to him: “*Look at her, for indeed that is more likely to make things better between the two of you.*”²⁷²⁵

According to the Ḥanbalīs, it is permissible for someone who wants to marry a woman to look at her body parts that stay normally uncovered while doing her daily work. The evidence on which this view is based is the hadiths we have quoted above.

2724. Abū Dawūd, *Nikāḥ*, 18; al-Tirmidhī, *Nikāḥ*, 5; Aḥmad ibn Ḥanbal, III, 334, 360, II, 286, 299, V, 324. The narrators of the hadith are reliable (*ṣiqa*), and Ḥakīm has shown that the hadith is authentic.

2725. Al-Tirmidhī, *Nikāḥ*, 5; al-Nasā'ī, *Nikāḥ*, 17; Ibn Māja, *Nikāḥ*, 9.

While Imam Shafi‘i says that the gaze should be done without the knowledge of the girl and her family, the Malikis say that it is *makrūh* to look secretly in this way.²⁷²⁶

As a result, a man may meet the girl whom he wants to marry before making the final decision and sending his family to hers, in the presence of a third party or in a public place. Likewise, the girl has the right to see the man. Accordingly, it is not the right thing to do for a man and a woman to marry without seeing each other because people’s tastes and likes and dislikes are very different. A man or woman who may not like someone may be liked by another person. Fixing certain things after conducting the marriage contract becomes much more difficult. For this reason, meeting beforehand within the Islamic criteria is beneficial for the safety of marriage.

17- What are the impediments to marriage according to Islam?

Answer: According to Islam, marriage impediments are divided into two types, permanent and temporary.

a) Permanent marriage impediments:

These are mentioned collectively in the following Qur’anic verse:

“Prohibited to you (for marriage) are: Your mothers, daughters, sisters; father’s sisters, mother’s sisters; brother’s daughters, sister’s daughters; foster-mothers (who gave you suck), foster-sisters; your wives’ mothers; your step-daughters under your guardianship, born of your wives to whom ye have gone in,- no prohibition if ye have not gone in;- (Those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-forgiving, Most Merciful”²⁷²⁷

These relatives can be collected under three groups:

aa) Relatives by blood: Mothers, grandmothers, daughters, sisters, brothers and sisters’ daughters, paternal and maternal aunts, and great paternal and maternal aunts are included in this group.

bb) Milk relatives: In the verse above, milk mother and milk sister are mentioned. The hadith *“Those who are ḥarām by lineage are also ḥarām through milk.”*²⁷²⁸ expanded the scope of the prohibition. Accordingly, there is a prohibition on marrying a foster mother, foster grandmother, foster maternal aunt, foster paternal aunt, and foster sister or nephew. According to Abu Ḥanīfa, milk should be sucked in the first two and a half years, and according to the majority of jurists, in the first two years. While the amount of milk that will lead to prohibition of marriage due to milk may be in a small amount according to the majority, according to Imam Shafi‘i, it should be at least five times at intervals and enough to make the infant feel full.

2726. Al-Zuhaylī, *al-Fiqh al-Islamī*, VII, 24.

2727. Al-Nisā, 4: 23.

2728. Al-Bukhari, Shahādāt, 7; Muslim, Raḍā, 1.

cc) Those who are forbidden through marriage: These are called “contractual relatives”. Stepdaughters, mothers-in-law, wives of father and grandfather and wives of sons or grandchildren are included in this group.

The prohibition of marriage with the above-mentioned people is permanent, even if the marriage ends, the prohibition continues forever.²⁷²⁹

b) Temporary marriage impediments:

These are temporary impediments that may disappear when conditions change.

aa) Being someone else’s wife: Islam has adopted the principle of a single marriage for women. Therefore, a woman who is already married to another man cannot remarry unless she ends her first marriage and completes the waiting period afterward. It is stated in the Qur’an, “*Also (prohibited are) women already married...*”²⁷³⁰

bb) Marriage with two relatives at the same time: It is forbidden to marry two closely related women at the same time due to the fear that it may harm the family relations. It is said in the Qur’an, “*...Prohibited to you (for marriage) ...two sisters in wedlock at one and the same time...*”²⁷³¹ The scope of the prohibition was expanded with the following hadith due to the common cause, “*One should not combine a woman and her father’s sister, nor a woman and her mother’s sister in marriage.*”²⁷³²

cc) Marriage impediment due to the waiting period ('iddah): In case the marriage ends with one of the following reasons of death, divorce, or annulment, the period during which a woman has to wait before remarrying another man is called “'iddah”. In order not to mix lineages, 'iddah periods are also set in modern civil law as well. The period of 'iddah for a woman whose husband dies is 4 months and 10 days,²⁷³³ the period of 'iddah for a divorced woman is three menstruation and cleansing,²⁷³⁴ and the 'iddah of a pregnant woman is until birth for whatever reason her marriage ends.²⁷³⁵ The 'iddah of girls who are not yet menstruating and women in the menopause period is three months.²⁷³⁶ According to the Ḥanafis, a woman whose husband is missing and it is unknown whether he is still alive or not, waits until the death of her husband’s peers. According to the Malikis and the Ḥanbalis, she waits for 4 years and after that, she is released by the court, by getting a legal death verdict, and then waits for 4 months and 10 days which is the waiting period for the deceased husband.²⁷³⁷ The 1917 Ottoman *Hukuku Aile Kararnamesi*

2729. See al-Nisā, 4: 22, 23; Al-Bukhari, Shahadāt, 7; Muslim, Raḍā, 1.

2730. Al-Nisā, 4: 24.

2731. Al-Nisā, 4: 23.

2732. Al-Bukhari, Nikāḥ, 27; Muslim, Nikāḥ, 33, 34, 36, 40.

2733. Al-Baqara, 2: 234.

2734. Al-Baqara, 2: 228.

2735. Al-Talāq, 65: 4.

2736. Al-Talāq, 65: 4.

2737. Ibn al-Humām, *Fatḥ al-Qadīr*, IV, 440 ff.; Ibn Abidīn, *ibid*, III, 160; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, II, 52.

enacted the opinion of the Maliki school in its 127th article on this issue. The waiting period for the missing husband under war conditions is one year. A Christian or Jewish woman married to a Muslim man is like a Muslim woman in terms of the provisions of *'iddah* periods. According to Abu Ḥanīfa, non-Muslims living in Muslim countries act according to their own religion regarding the *'iddah* arising from marriages among themselves. In a hadith, it was expressed, “*Leave them to their own religion.*”²⁷³⁸

dd) Three times divorce: In Islam, a man has the right to divorce his wife a maximum of three times. For a man who has divorced his wife for the third time to remarry her again, the principle has been introduced that this woman may return to her first husband, provided that she marries another man without the purpose of divorce, and if/when this second marriage ends, she also observes the periods of *'iddah*. The process that must be observed to remove this temporary prohibition is called “*taḥlīl* (making *ḥalāl*)” or “*ḥulla*” for short. The following is stated in the Qur’an, “*So if a husband divorces his wife (irrevocably), He cannot, after that, re-marry her until after she has married another husband and He has divorced her. In that case, there is no blame on either of them if they re-unite, provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah, which He makes plain to those who understand.*”²⁷³⁹

ee) The difference of religion: A Muslim man or woman cannot marry an atheist or those who associate partners with Allah as long as this situation continues. The evidence is the following Qur’anic verse, “*Do not marry unbelieving women (idolaters) until they believe: ... Nor marry (your girls) to unbelievers until they believe...*”²⁷⁴⁰ However, it is permitted for a Muslim man to marry a woman from the People of the Book by the following verse, “*... (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book revealed before your time when you give them their due dowers...*”²⁷⁴¹ The regulation here is for Muslim men, and it specifies the above-mentioned verse (al-Baqarah, 2: 221) which prohibits marrying polytheists. The issue of whether a woman can marry a non-Muslim man is not included in the verse.

It is permissible to marry people other than the ones listed above, whether they are relatives or not. As a matter of fact, the Prophet (*saw*) married Zaynab, the daughter of his paternal aunt, and he married his own daughter Fatima to his uncle’s son Ali (*r. anhumā*). However, there is no harm in giving the advice to marry someone who is not a relative. Among the Shafi’i, marrying a close relative is even considered *makrūḥ tanzīhan*.²⁷⁴²

2738. Al-Mawṣilī, *Ikhtiyār*, Cairo, n.d.; Bilmen, *ibid*, II, 384; Hamdi Döndüren, *Delilleriyle Aile İlmihali*, p. 463, 464.

2739. Al-Baqara, 2: 230.

2740. Al-Baqara, 2: 221.

2741. Al-Mā’ida, 5: 5.

2742. Sahih-i Muslim, Trans. (A. Davudoğlu.), VII, 443; al-Asqalānī, *Bulūḡ al-Marām*, (Trans. A. Davudoğlu), III, 367.

18 – Is the bride price (money paid to the father of the bride) permissible in marriage?

Answer: According to Abu Ḥanīfa, it is not permissible to give any amount to the father other than the *mahr* given to the woman. This principle was enacted in the 89th and 90th articles of the Ottoman 1917 Hukuku Aile Kararnamei as follows: “The *mahr* is the right of the married woman and she cannot be forced to prepare a dower with her *mahr*. It is forbidden for the parents or relatives to take money or any other item from the husband to marry or deliver a girl.”

Only Ahmad Ibn Ḥanbal recognized the right of the father to receive an amount in addition to the *mahr* and showed that Moses (*as*) had served as a shepherd for 8 years to marry the Prophet Shuayb’s (*as*) daughter.²⁷⁴³

On the other hand, there is no harm to the person who had to pay such a bride price to marry a girl. For the bride price giver, this would be a “forced grant”. After the Period of Tanzimat, in order to prevent the excess payments such as pride prices and similar ones in the Ottoman state, an announcement titled “*İzdivac ve Tenâkuh maddesi Hakkında Tenbihâtü Hâvi İlännâme* (The Announcement Consisting of Warnings About Marriage and The Right to Intermarry)” was issued.²⁷⁴⁴ In fact, according to the Shafi‘i school, since the guardian who will marry the girl must be just, the guardian who asks for the bride price loses this qualification, and the right to marry passes to the next guardian.

19 – To whom do the *mahr* and gifts that are given during the engagement belong if the engagement ends?

Answer: If the man has given all or part of the *mahr* during the engagement when the engagement ends, everything given as part of *mahr* should be returned to the man as they are, if they exist, otherwise they should be compensated in their value. Because, if a divorce occurs after the marriage contract is made, she is entitled to half of the amount of the *mahr*, and when the marriage is actually consumed, she gains the right for the whole amount of *mahr*. If the amount of *mahr* is not determined between the parties, she is entitled to a consolation gift called *muṭ‘a* in the former case, and she is entitled to a *mahr* in the amount of the *mahr* paid to women girls with similar social status (*mahr al-mithl*) in the latter case.

According to the Ḥanafis, gifts given by fiancées and their families to each other are subject to provisions of gifts (grants). For this reason, unless there is a situation that prevents revoking the donated gift such as being consumed, worn out, or given to someone else, they can be taken back by the parties by revoking the donation. Therefore, if a man or woman has been given gifts, they can take them back. If the gifts have been consumed or worn, they do not need to be compensated.

2743. See al-Qaṣaṣ, 28: 27.

2744. See Hüseyin Hatemi, *Hukuk ve Ahlakı Aykırılık Kavramı ve Sonuçları*, İstanbul 1976, p. 270 ff.; Düstur, I, Tertip, p. 736-741.

According to the Malikis, if it is the man who ends the engagement, he cannot take back any gift. If the woman is the party who ends it, the man can take back the gifts and even ask for reimbursement for the cost of what has been consumed.

According to the Shafi‘is and the Ḥanbalis, the gifts given as donations cannot be taken back when the engagement ends because gifts cannot be revoked. However, what is given as a trust in the hope of marriage can be taken back or even asked to be compensated if it has been consumed.²⁷⁴⁵

20 – What are the financial rights of a married woman?

Answer: We can group the financial rights of a married woman into three groups:

a) **Mahr**: The money or property that a man gives or undertakes to give to his wife while getting married is called “*mahr*”. In the Qur’an, it is said, “**And give the women (on marriage) their dower as a free gift...**”²⁷⁴⁶ *Mahr* is a financial right that is obligatory for the husband, just as providing her sustenance, and it is not one of the essential pillars or conditions of marriage. The Prophet informed Ali (*ra*) to give his daughter Fatima one of his extra pieces of armor as *mahr*.²⁷⁴⁷

In many societies, it is customary for the man to give money or other property to the family of the girl whom he will marry. The practice of “*kalin*” in the old Turkic society is of this nature. Only in Christianity, unlike the *mahr*, the woman’s family gives the man an amount called a dowry (*drahoma*).

Mahr is divided into two types according to whether it is determined during the marriage contract or not. If the amount is determined during the marriage, it is called “*mahr al-musammā*”, if it is not and if it will be determined according to the *mahr* paid to the woman of a similar social status, it is called “*mahr al-mithl*”. Again, the *mahr* paid in advance during the marriage is called “*mahr al-mu‘ajjal*”, and the *mahr* that will be paid later is called “*mahr al-mu‘ajjal*”. However, if the time for the payment of the *mahr* is not determined, in principle, the dowry is considered to be due at the time of divorce or upon the death of one of the spouses.

According to Abu Ḥanīfa, the minimum amount of *mahr* is 10 dirhams (5 dirhams approximately equal to the cost of a sheep), and according to Imam Malik, it is three dirhams. According to Imam Shafi‘i and Ahmad Ibn Ḥanbal, there is no limit on the minimum amount. It is unanimously accepted by all schools that there is no limit to the maximum amount of *mahr*. It is stated in a verse, “**...even if ye had given the latter a whole treasure for dower, take not the least bit of it back...**”²⁷⁴⁸ Umar (*ra*) wanted to put

2745. Al-Mawṣilī, *Ikhtiyār*, III, 48; Bilmen *Hukukî İslamiyye ve İstilahat-ı Fıkhiyye Kamusu*, IV, 262 ff.

2746. Al-Nisā, 4: 4. See al-Nisā, 4: 24.

2747. Abū Dawūd, *Nikāḥ*, 35; al-Nasā‘ī, *Nikāḥ*, 76; Ahmad ibn Ḥanbal, I, 80.

2748. Al-Nisā, 4: 20.

a maximum limit to the mahr as 400 dirhams, but after a woman recited the above-mentioned verse, he gave up his view to place a limit.²⁷⁴⁹

If a certain amount of *mahr* is determined during the marriage, the woman becomes entitled to that amount as *mahr*, if not, she becomes entitled to the *mahr* that her peers from the family customarily get. *Mahr* is a woman's right and economic support for her. A guardian cannot confiscate it and spend it for himself.

b) *Nafaqa* (Sustenance): The food, clothing, and housing expenses of the woman within the marriage belong to her husband. Furnishing the house and supplying household goods is also the duty of the man. Although it has become common for women to bring a certain dowry to their new home and contribute to the purchase of household goods, as a tradition in Islamic societies, especially according to the Ḥanafis, women cannot be forced to make such contributions. The husband's expenditures on the house are determined by the custom and the social status of the husband and the wife.

The following is stated in the Qur'an, "...*the father shall bear the cost of their (the mother's) food and clothing on equitable terms...*"²⁷⁵⁰, "*Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief.*"²⁷⁵¹, and "[Hence,] *let the women [who are undergoing a waiting period] live in the same manner as you live yourselves, in accordance with your means...*"²⁷⁵²

If the husband does not cover the household expenses, the woman can apply to the court and have her sustenance expenses appraised. In determining this, the financial and social conditions of the husband and wife are taken into account together. Some jurists say that only the condition of the husband needs to be taken into account. The woman receives the appraised alimony through enforcement by the court order when necessary. The husband who does not meet his family's sustenance can be forced into it by imprisonment. However, it would not be appropriate to force a husband who is poor into prison, because, in the Qur'an, it is recommended to give time to the debtor who is in trouble until a time of ease.²⁷⁵³

If the husband and wife have not agreed on alimony and its amount, or if there is no determined amount by a judge, the unpaid alimony is relinquished at the time of the death of one of the parties, divorce, or the woman's noncompliance (*nashiza*).

According to the Shafi'i, the Maliki, and the Ḥanbali schools, alimony is considered an important and sound receivable regardless of the judge's verdict, and it is relinquished only by its payment or if the rightful owner of the alimony renounces her right (*ibrā*).

2749. Al-Shawkanī, *Nayl*, VI, 168; al-Haythamī, *Majma' al-Zawā'id*, Egypt, n.d., IV, 283 ff.

2750. Al-Baqara, 2: 233.

2751. Al-Talāq, 65: 7.

2752. Al-Talāq, 65: 6.

2753. See al-Baqara, 2: 280.

c) The administration of the separation of property: The organization of the separation of the property between spouses is generally adopted in Islam. The husband is obliged to provide for himself, his wife, and his children by working an income-generating job. A woman cannot be compelled to participate in these expenses if she has an income. However, there is no doubt that if she participates in family expenses of her own free will out of her own wealth acquired through working or inheriting, this is due to the goodness of her character and that she will also receive a reward for her charity. In fact, it is proven through the hadiths that all the expenditures of the husband for his family members within the Islamic criteria earn him the reward of charity.

However, a woman can save money by not mixing her income with family expenses. She can also let her husband use them as a loan. She may request that the movable or immovable goods purchased with her own money remain in her possession. In the event of her husband's death or divorce, she can have her property and rights calculated separately and inherited.

21 – What are the rights of the husband in marriage?

Answer: The husband has no financial right over his wife, other than inheritance. A woman can even rent her own house to her husband to allocate it as her residence.²⁷⁵⁴ However, it is one of the mutual rights and obligations that the husband and wife treat each other with love and respect.

There has been a division of duties between married spouses in domestic and out-of-home affairs since ancient times. In this regard, the mental and physical structures of the spouses, and the social and cultural environment have been decisive. The Prophet's advice on domestic affairs to his daughter Fatima and external affairs to his son-in-law Ali may mean that Islam also approves of the traditional division of duties in this regard. Accordingly, the fact that a woman who does not work outside does the work in the house in a reasonable and well-known manner can be accepted as complying with the "good livelihood rules."

22 – What are the rights of a woman whose husband passed away?

Answer: We can gather the rights of such a woman under the following headings:

a) To have her rights and receivables determined: First of all, the woman whose husband has died can take her dowry, ornaments, receivables such as money, movable and immovable properties bought by her own money but not donated and given as a loan to her husband and all the accumulated alimony if any. If the woman has not received her *mahr*, the amount of which was determined before, this *mahr* needs to be paid immediately and she has the right to receive it first from the inheritance property. If no *mahr* has been spoken of earlier, she can take a *mahr* equal to *mahr al-mithl* to be determined by an expert.

2754. Ibn al-Humām, *Fatḥ al-Qadīr*, III, 321-339; al-Kāsānī, *Badāyī'*, IV, 14, 15.

b) Right of inheritance: If the woman whose husband died inherits together with her husband's son or daughter, or with her grandson or granddaughter or with their children ..., she inherits one-eighth, and if none of these heirs are found, she inherits one-fourth. This is stated in the Qur'an as follows, *"...And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [the deduction of] any bequest you may have made, or any debt [you may have incurred]..."*²⁷⁵⁵

c) Alimony of 'Iddah: There is no alimony required to be provided to the woman awaiting the 'iddah period of death. This is because when the husband dies, all his property passes to his heirs, including his wife, and he will receive the right of inheritance. In the early periods of Islam, it was requested with the following Qur'anic verse to make a will that the woman whose husband died should not be taken out of the house for a year. *"Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence..."*²⁷⁵⁶ However, it is accepted that this verse was abrogated with the revelation of the inheritance verses and that the one-year 'iddah period was reduced to four months and ten days with another verse.²⁷⁵⁷ However, some jurists are of the opinion that the right of a woman to live in a common residence for one year continues as a financial right. As a matter of fact, the fact that the pregnant woman is told to get her livelihood from the husband's estate until the birth, even if there is a divorce, also supports this view.²⁷⁵⁸

23 – What are the financial rights of the divorced woman?

Answer: A divorced woman, regardless of the type of divorce, waits for 'iddah during three menstruation and cleansing.²⁷⁵⁹ During this 'iddah, the husband's alimony obligation continues. If the woman is pregnant, this obligation lasts until the birth. However, according to the Shafi'i, the Maliki, and the Ḥanbali schools, a woman divorced three times is provided with only a residence during the 'iddah period, and clothing, food, and the like are not required.

24 – Who pays the living expenses of the children?

Answer: The living expenses of the children belong to their fathers until the son becomes a professional and starts to earn his own living, and the daughters' expenses belong to their fathers until they get married. Their mother cannot be compelled to participate in such expenses even if she has an income of her own. If she joins on her own, it is because of the beauty of her character, and for this, she receives the reward of charity. The following is stated in the Qur'an: *"...and if they nurse your offspring*

2755. Al-Nisā, 4: 12.

2756. Al-Baqara, 2: 240.

2757. See al-Baqara, 2: 234.

2758. See al-Talāq, 65: 6.

2759. See al-Baqara, 2: 228.

*[after the divorce has become final], give them their [due] recompense...*²⁷⁶⁰ This verse shows that the maintenance of the child belongs to the father. As a matter of fact, upon the question of Abu Sufyan's wife Hind bint Utba, the Prophet (saw) stated that she could take from Abu Sufyan's property as much as it would be sufficient for her and her children.²⁷⁶¹

If boys or girls have their own property and income, their living expenses are primarily covered by their own income.

According to the narration of Abu Hurayra, when someone who had 5 dinars with him asked the Prophet (saw) in what order he should spend them, the Messenger of Allah (saw) told him to spend it first for his own needs, then for his wife, then for his children, for his servant, and then for a place, he finds appropriate.²⁷⁶²

25 – Who bears the living expenses of parents and other relatives?

Answer: If the parents become poor or become old and unable to work, the responsibility of caring for them belongs to their children. The following is stated in the Qur'an, *"Thy Lord hath decreed that ye worship none but Him and that ye be kind to parents..."*²⁷⁶³, *"Show gratitude to Me and to thy parents."*²⁷⁶⁴, and *"But if your parents strive to make you join in worship with Me things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice (and consideration)..."*²⁷⁶⁵

One of the Companions took from his son's property without permission. Upon his son's complaint, the Messenger of Allah (saw) said, *"You and your property belong to your father."*²⁷⁶⁶ However, this right of parents over their children's property is limited by the fact of poverty and need. When the inheritance verses were revealed,²⁷⁶⁷ the rights of the parents over the property of their deceased children were determined and a limit was imposed on this. Accordingly, the parents must be poor in order to ask for maintenance from their children. Otherwise, living expenses are covered by their own property and income. In like manner, the child and grandchild who will be liable to pay for the maintenance should also be able to afford it. The ability to afford occurs either by being rich or having the ability to work and earn.

Even if the parents are healthy and can work, they can still receive livelihood support from their children and grandchildren when they are poor. According to this situation, if relatives other than parents and spouses are rich or can afford to work, it is not necessary to provide them with maintenance.

2760. Al-Ṭalāq, 65: 6.

2761. Al-Bukhari, Buyū', 95; al-Nasā'ī, Quḍāt, 31; Ibn Maja, Tijārāt, 65.

2762. Al-Nasā'ī, Zakāt, 54, Buyū' 7, 84; Ibn Ḥanbal, II, 251, 471, III, 205; See Abū Dawūd, Iṭāq, 9.

2763. Al-Isrā', 17: 23.

2764. Luqmān, 31: 14.

2765. Luqmān, 31: 15.

2766. Al-Sarakhsī, Mabsūt, V, 322; al-Kāsānī, Badāyī', IV, 30.

2767. See al-Nisā, 4: 12.

Even if a man is poor, he is obliged to take care of his parents and wife. Providing the maintenance of the relatives other than these becomes necessary, if he is rich, or has the power to work and earn. However, according to the Malikis, a poor child is not required to provide the maintenance to his parents, even if he has the ability to work and earn.

The following is stated in a hadith narrated by Jabir (ra), *“If one of you falls into poverty, let him meet his own needs first. If there is anything left, he should spend it for the needs of his family members, and if there is anything left, he should spend it on his other relatives.”*²⁷⁶⁸

According to the view preferred by the Malikis, if the parents can work, they cannot demand sustenance from their children.²⁷⁶⁹

26 – Does the difference in religion have an impact on living expenses?

Answer: As long as the wife is not disobedient or an apostate, the difference in religion between the spouses does not relinquish the husband’s obligation to support her. As for the obligation of providing sustenance to other relatives;

According to the Ḥanafis, it is not necessary to believe in the same religion for the requirement of the sustenance of the ascendants, descendants, and spouses. Religious unity is a must among the relatives outside these three classes. This is because inheritance does not take place between a Muslim and a non-Muslim. Accordingly, it is not necessary to provide alimony assistance to relatives other than spouses, parents, grandparents, children, and grandchildren, even if they are poor when there is a difference in religion. The alimony of the spouse is based on the fact that she is kept at home, and the alimony of the ascendants and descendants is based on the principle of “one being a part of the other”. A part of a person is like himself. However, if they become *ḥarbī* (citizens of a non-Muslim country), it is not obligatory for Muslims to cover their living expenses because Muslims are forbidden to do good to those who are in conflict with them in religious matters.

The reason for providing the livelihood of all relatives except the spouse is a necessity. It is not necessary to provide sustenance to those who are not needy because the needs of those who have property are primarily met from their own property. However, even if the wife is wealthy, her living expenses are obligatory for her husband. For the reason that providing sustenance to the wife is not due to need, but that upkeeping her at home is a right of the husband.

27 – Is it permissible to discriminate between boys and girls?

Answer: Whether the child to be born is a boy or a girl is an issue that goes beyond the limits of science and depends on the will of Almighty Allah. The following is stated

2768. Abū Dawūd, *Iṭāq*, 9; al-Nasā’ī, *Buyū’*, 84; Aḥmad ibn Ḥanbal, III, 205.

2769. See al-Kāsānī, *Badāyī’*, IV, 36; Ibn al-Humām, *ibid*, III, 347; Ibn Abidīn, *ibid*, II, 923; Ibn Qudāmah, *Mughnī*, VII, 595.

in the Qur'an, ***"He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan), or He bestows both males and females, and He leaves barren whom He will: for He is full of Knowledge and Power."***²⁷⁷⁰ Islam wants to keep every child born equal without any gender discrimination. Allah Almighty is just and commands people to act justly.²⁷⁷¹ As a matter of fact, before the advent of Islam, people's contempt for girls and even the practice of burying them alive is condemned in the Qur'an as follows, ***"When the female (infant), buried alive, is questioned for what crime she was killed!"***²⁷⁷²

According to the narration from Anas Ibn Malik (ra), a man kissed his son and placed him on his knee. When he did not show the same attention to his daughter who came later and let her sit in front of him, the Messenger of Allah (saw), who witnessed this incident, said, *"You should treat your children equally."*²⁷⁷³

There are various hadiths about girls that highlight that they need more protection and affection than boys. Some of them are as follows, it was narrated from Uqba Ibn Amir (ra) that the Messenger of Allah (saw) said: *"Whoever has three daughters and is patient towards them, and feeds them, gives them to drink, and clothes them from his wealth; they will be a shield for him from the Fire on the Day of Resurrection."*²⁷⁷⁴ Furthermore, according to the narration from Abu Said al-Khudri (ra), the Prophet (saw) said, *"If anyone cares for three daughters, disciplines them, marries them, and does good to them, he will go to Paradise."*²⁷⁷⁵ The Prophet (saw) also said to Suraka ibn Malik, *"Shall I tell you about the best charity? It is to take care of your daughter who returns to you after divorce or her husband dies, and who has no one to take refuge with but you."*²⁷⁷⁶

In addition to equality in love, attention, and treatment, it is necessary not to make any distinction between children in terms of providing goods while they are healthy. Otherwise, there will be strife in the family, and this will lead to the cutting of the family ties. Bashir Ibn Sa'd's wife wanted to bestow some goods to her son Nu'man Ibn Bashir. When the Prophet (saw) learned that his other children were not going to receive anything, he said, *"Fear Allah and treat your children equally. If I were to see one of the children as superior, I would favor women and prefer them."*²⁷⁷⁷

In terms of inheritance, when a daughter becomes an heir with her brother, even though she receives half of her share,²⁷⁷⁸ she should be treated equally without making

2770. Al-Shūrā, 42: 49-50.

2771. See al-Nahl, 16: 90.

2772. Al-Takwīr, 81: 8-9.

2773. Al-Bukhari, Adab, 12, 13.

2774. Ibn Maja, Adab, 3.

2775. Abū Dawūd, Adab, 120, Hadith No: 5147, 5148. See al-Tirmidhī, Birr, 13, 1912.

2776. Ibn Maja, Adab, 3, Hadith No: 3667.

2777. Al-Bukhari, Hiba, 12, 13; Muslim, Hibāt, 13; Abū Dawūd, Buyū', 83; Aḥmad ibn Ḥanbal, IV, 275, 278.

2778. See al-Nisā, 4: 11.

any distinction between male and female in regards to contributions. This is the view that is the basis of a *fatwa* among the Ḥanafis and is preferred by the Shafi'is.

According to another view from Imam Muhammad and the Shafi'is, contributions to children should be done by taking into account their shares in the inheritance.

28 – What are the situations that terminate marriage according to Islam?

The death of one of the married spouses naturally ends the marriage. Apart from this, some situations terminate the marriage, such as the annulment of the marriage due to a deficiency or the decision of separation by the court, divorce, *ilā*, *ẓihar*, *mukhāla'a*, and divorce by the judge's decision. We will briefly describe these below.

(1) Dissolution of marriage (*Faskh*): It is the dissolution of the marriage union due to a deficiency that existed during the marriage contract or that occurred later. For example, while conducting a marriage without witnesses is a defect that existed during the contract, the apostasy of one of the spouses (*irtidād*) is a situation that develops after the contract and makes living together religiously impossible. The dissolution immediately terminates the marriage union, and the number of divorce rights that can be used by the husband will not decrease since the dissolution of marriage is not considered as a disposition of divorce rights. It is not necessary to give *mahr* to the woman after the marriage contract's dissolution that occurs before sexual intercourse.

(2) *Rij'ī* divorce: In Islamic law, the word "*ṭalāq*" refers to both the divorce made with a unilateral declaration of will, the separation by mutual consent, and the divorce by court decision. However, the word *ṭalāq* is mostly used for the divorce made with unilateral declarations and is divided into types of *rij'ī*, *bāin*, *sunnī*, and *bid'ī ṭalāq*. The termination of the marriage union by agreement of the parties by means of the woman making a financial payment or giving up a financial right is called "*khul'* or *mukhāla'a*", and the divorce that occurs with a court decision is called "*tafriq*".

The type of divorce that allows the husband to return to his divorced wife with unilateral will without the need for a new marriage is called *rij'ī* (revocable) divorce. Such a divorce occurs when a marriage that has actually started with wedlock is made in plain words, in a manner that does not express violence and exaggeration. In addition, this divorce should not be the third divorce and should not be done in return for a financial payment. In such a case, the husband can return to his wife during the *'iddah* period without the need for a new marriage contract or determining a new *mahr*.

The following is stated in the Qur'an, "***Divorced women shall wait concerning themselves for three monthly periods. ... And their husbands have the better right to take them back in that period, if they wish for reconciliation...***"²⁷⁷⁹

2779. Al-Baqara, 2: 228.

Evidence of the husband's return with two witnesses²⁷⁸⁰ is a must according to the opinion of Imam Shafi'i, Ahmad Ibn Ḥanbal, Ibn Hazm, and some Shiite jurists. According to other schools, it is *mustaḥab*.

The maturity of the *mahr*, which has not been received before, continues until the end of the period of *'iddah*. The woman is entitled to receive her sustenance expenses during the period of *'iddah*. If one of the spouses dies during the period of *'iddah*, the other will inherit the deceased.

If there is no reconciliation during the *'iddah*, the divorce becomes *ba'in* (irrevocable) and it reduces the man's right to divorce this woman.

(3) *Ba'in* divorce: It is the type of divorce that allows the husband to return to his divorced wife only with a new marriage contract. If the divorce has happened for the third time, it is called the great separation (*baynūnat al-kubrā*), and it is no longer possible for the woman to return to her marriage even with a new marriage contract unless she makes a new marriage to another man, and this second marriage and its related period of *'iddah* ends. While the divorces made with plain words and normally are of *rij'ī* nature, the *ṭalāqs* that are outside of these and that have textual evidence (Qur'anic verse-hadith) fall into the type of definite divorce.

Divorces that fall into the type of *bāin* (definite) *ṭalāq* are as follows: Divorces that occur after marriage and before sexual intercourse,²⁷⁸¹ divorces that the parties agree on a price (*mukḥāla'a*)²⁷⁸², or divorces made by the husband using the right of the third divorce are *bāin ṭalāq*.²⁷⁸³ Apart from these, according to the Ḥanafis, divorces made by the husband with allusive expressions or words expressing violence and extremity are also in the nature of *bāin ṭalāq*. According to the Shafi'is and the Ḥanbalis, such divorces are considered *rij'ī ṭalāq*.

In a *bāin* divorce, the marriage ends immediately and the woman waits for *'iddah* for three menstrual periods. The undelivered *mahr* turns into a receivable that needs to be paid immediately. If one of the spouses dies during the *'iddah* period, the other spouse cannot inherit the deceased. However, if a person who is terminally ill divorces his wife and dies while waiting for the *'iddah*, the woman becomes the heir by accepting that her husband abused his right to divorce. According to Ahmad Ibn Ḥanbal, even if the husband with terminal illness dies after the period of *'iddah*, the woman will inherit him as long as she does not marry. According to Imam Malik, even if the woman in this situation is married, she inherits her first husband.

Divorce is divided into two types *sunni* and *bid'ī ṭalāq*, depending on whether it is done according to the method determined in the Qur'an and Sunnah.

2780. See al-Ṭalāq, 65: 2.

2781. Al-Aḥzāb, 33: 49.

2782. Al-Baqara, 2: 229.

2783. Al-Baqara, 2: 230.

(4) Sunni ṭalāq: It is a form of divorce made in accordance with the criteria and limitations imposed by the Qur'an and Sunnah. First of all, the divorce should be done on the cleansing days of the woman and in the style of *rij' ṭ* divorce without having sexual intercourse. According to the Ḥanafis, a divorce without sexual intercourse during each cleansing period that results in a third divorce is considered a *sunni ṭalāq*.²⁷⁸⁴

(5) Bid' ṭalāq: It means a divorce made against the criteria established by the sunnah. If a person divorces his wife on the days when she is menstruating, or after sexual intercourse on cleansing days, or if the husband divorces her more than once during the same cleansing period, a *bid' ṭ* divorce occurs. However, although such divorces are seen as contrary to the sunnah, they are considered valid according to the majority of jurists. According to Shiite-Imamiyya jurists and Ibn Hazm, one of the Zahirites, *bid' ṭ ṭalāq* is not valid. According to Ibn Taymiyya and Ibn Qayyim al-Jawziyya, *bid' ṭ ṭalāq* takes place in the form of more than one divorce resulting in only one divorce within the same cleansing period.

(6) Conditional divorce: It is also possible for the husband to attach the divorce to a condition or a maturity. If the divorce is conditional, the provisions of the divorce will take place whenever this condition is fulfilled. Until this condition is fulfilled, the marriage continues with all its consequences. It is also possible that such a condition is used in place of an oath to strengthen the divorce. According to the majority of jurists, divorce takes place when the condition is fulfilled. However, according to some jurists such as Ikrima, Qadi Shurayh, Ibn Taymiyya, and Ibn Qayyim, conditional divorce is not a valid way of a divorce, when the condition is fulfilled, only the expiation of a broken oath is required, and there is no result related to divorce.

In the event that the divorce is attached to a future date, the divorce takes place when the specified date comes.

(7) Divorce for a fee (*khul' - mukhāla'a*): Since in principle the husband has the power to divorce, if the woman did not obtain the authority to divorce during or after marriage, she can get divorced only by obtaining a divorce decree from the court or by agreeing with her husband for a fee. The following is stated in the Qur'an, **"...If you (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom..."**²⁷⁸⁵ Upon the application of his wife, who could not get along with her husband Thabit Ibn Qays, the Prophet took the promise from her to return the date orchard that she had received as *mahr* back to her husband, and said to Thabit, **"Accept the garden and divorce her once."**²⁷⁸⁶

According to this, the woman can terminate the marriage through peaceful concord by giving up some of her receivables such as *mahr*, accumulated alimony, and *'iddah*

2784. For the *sunni ṭalāq* process see al-Baqara, 2: 229, 230; al-Ṭalāq, 65: 1-2.

2785. Al-Baqara, 2: 229. See al-Nisā, 4: 4.

2786. Al-Bukhari, Ṭalāq, 11; al-Nasā'ī, Ṭalāq, 34.

alimony. Once the husband enters into such an agreement, he no longer has the right of recourse. However, if the disagreement is caused by the woman, it is considered disliked to receive more than the *mahr* given by the husband, but if it is caused by the husband, it is considered disliked to receive back the *mahr* itself. According to the Malikis, in this last case, it is not even permissible for the husband to take any compensation from his wife.

According to the majority of jurists, at the end of the *mukhāla'a* process, a *bāin* (definite) divorce occurs. According to Imam Shafi'i, *mukhāla'a* is not a divorce, but a dissolution (*faskh*) of marriage. Because, divorce with payment is regulated in the 229th and 230th verses of the chapter of al-Baqara as a fourth method, apart from the three divorces. However, the number of divorces cannot exceed three. Other schools evaluated the divorces, with and without a charge, in the aforementioned verses within the number of three.²⁷⁸⁷

(8) The method of *ḡihār*: *ḡihār* is the infinitive form of the word "*ḡahr*" meaning the back. The husband says to his wife, "You are like my mother's back to me," and makes her unlawful for him. *ḡihār*, which was a way of ending the marriage in the Age of Ignorance, was regulated by the verses that were revealed after Aws ibn Samit divorced his wife Hawla in this way in the Medinan period and Hawla came to the Prophet for a solution. Accordingly, the husband who makes his wife unlawful for him in this way must fulfill one of the following options, a) Freeing the slave if he cannot afford it, b) Fasting for two months, and if he cannot do this, and c) Feeding 60 poor people.²⁷⁸⁸

(9) The method of *ilā'*: It is a type of oath that can lead to the end of the marriage. It means that the husband forbids himself from sexual contact with his wife for a certain or indefinite period, by making an oath, vow, or attaching it to a condition. If the period is determined, it is also required that it be 4 months at the most. The husband will be able to return to his wife at any time during this period by fulfilling the expiation for the broken oath. The following is stated in the Qur'an, "***For those who take an oath for abstention from their wives, a waiting for four months is ordained; if then they return, Allah is Oft-forgiving, Most Merciful. But if their intention is firm for divorce, Allah hears and knows all things.***"²⁷⁸⁹ Aisha (*r. anha*) reported that the Messenger of Allah (*saw*) made an oath of *ilā'* about his wives, but before the time expired, he broke his oath by giving expiation.²⁷⁹⁰

According to the Ḥanafis, if 4 months pass without reconciliation after the oath of *ilā'*, a "*bāin* divorce" occurs without anything else needing to be carried out. According to other schools, after 4 months, the husband either returns to his wife or divorces her. If he does not do any of them, the woman can apply to the judge and obtain a divorce

2787. See Hamdi Döndüren, *Delilleriyle Aile İlmihali*, İst. 1995, p. 440, 441.

2788. Al-Mujadala, 58: 1-4.

2789. Al-Baqara, 2: 226-227.

2790. Al-Bukhari, Şawm, 11, Şalāh, 18, Nikāh, 91, 92, Ṭalāq, 21, Aymān, 20; al-Tirmidhī, Ṭalāq, 21.

verdict from the court. In both cases, a “*rij'ī* divorce” occurs. The evidence they rely on is that the choice is left to the husband in the verse of *ilā'*.

(10) Divorce by court decision: The divorce of spouses by applying to the court and by a judge's decision is called “*tafrīq*”. In this method, the judge decides to divorce based on certain reasons. In the Qur'an, the arbitration method has been introduced to examine the reasons for the disagreement between the spouses on site and not to reveal the family secrets to others. One arbitrator is selected from the families of both spouses. They try to reconcile the spouses by doing research. The notion is that if they are given the power to divorce, they also have the power to end the marriage. The following is stated in the Qur'an, “*If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah has full knowledge, and is acquainted with all things.*”²⁷⁹¹

However, according to Abu Ḥanīfa and Ahmad Ibn Ḥanbal, arbitrators are considered agents and they cannot decide on divorce unless they are given special authority in this regard by the spouses. This is also the first view of Imam Shafi'i but according to his second view, the arbitrator in the verse means a judge. Therefore, the judge has the authority to adjudicate the case that comes before him even without the consent of the parties.²⁷⁹²

Since the husband has already the power to divorce, the reasons for the divorce to be taken into account by the court are more apt when the wife applies to the court with the following issues:

a) Illness and defect: Illnesses and defects that make it difficult to continue the marriage life are considered judicial grounds for divorce. The presence of a disease or defect in a man that will prevent sexual intercourse is of this nature. Diseases such as mental illness and leprosy, on the other hand, are the reasons for seeking separation for both spouses, according to the majority, including Imam Muhammad. However, for the spouse to withstand this reason, he must not have been aware of this disease or defect at the time of the marriage contract and must not have consented after learning. When an application is made to the court because of such an illness, if there is no hope of getting well, the judge decides immediately, and if there is a hope of getting well, the divorce is postponed for one year. Such a separation is considered a *bā'in* type of divorce.

Some jurists, such as Qāḍī Shurayh, Zuhri, and Abu Thawr, do not limit the reasons for divorce to the above-mentioned diseases and consider “all kinds of diseases and defects that make marriage unbearable for the opposing spouse” as a reason for divorce.

b) Husband's failure to provide sustenance: It is obligatory for the husband to provide sustenance for his wife and young children. However, according to the Ḥanafīs, the husband's failure or inability to meet the expenses of his wife is not a reason for

2791. Al-Nisā, 4: 35.

2792. Al-Šābūnī, *Tafṣīru Ayāt al-Aḥkām*, I, 472.

applying to the court for a divorce. In such a case, the woman has the right to collect alimony by applying to the court when necessary. According to the other three schools, if the husband does not provide alimony and does not have any visible and known property for alimony, the wife can apply to the judge for divorce. The evidence they rely on is the interpretation of the situation in question as “*holding women by harming them*”.²⁷⁹³ According to Imam Shafi‘i and Ahmad Ibn Hanbal, this kind of separation is a dissolution, while according to Imam Malik it is a *rij’ī* divorce.

c) Abandonment and being absent: In Islamic law, the term *mafqūd* is used for a missing spouse whose whereabouts and whether he is dead or alive are unknown. According to Abu Ḥanīfa and Imam Shafi‘i, the wife of a *mafqūd* has to wait until the *mafqūd* reaches the age of 90 or until his peers pass away for her to apply to a court and get the legal death verdict for the *mafqūd*. Only after that, the judge can issue the legal death verdict about the *mafqūd*. According to these two imams, being absent is not a reason for divorce. According to Imam Malik, after 4 years have passed from the date of the last news heard about the husband, a woman can apply for a divorce from her husband for this reason. However, if the husband disappeared due to war conditions, one year after the return of the last soldiers and prisoners, his wife can apply to the court and get a divorce decision. The Ottoman 1917 Hukuku Aile Kararnamesi adopted the opinion of the Malikis on this issue.²⁷⁹⁴

d) Ill-treatment and severe disagreement: The Ḥanafis and the Shafi‘is do not consider ill-treatment and severe disagreement a reason for divorce. They find it sufficient to apply to the court when necessary to find an arbitration and resolve the conflict.

According to the Malikis, a woman whose husband has mistreated her can apply to a judge and request a divorce. If she proves it, the judge decides on divorce immediately. If she cannot prove it, the judge chooses two suitable people as arbitrators, and they try to reconcile between the parties, if this is not possible, they go on to divorce. The decision to divorce by the arbitrators is considered *bāin* divorce if the fault is with the husband, and is considered a *mukhāla‘a* if it is the wife.

(11) The method of *Li‘ān*: A husband who claims that his wife has committed adultery or that his child is the result of adultery and cannot prove this claim properly can terminate the marriage by taking a special oath by applying to the court. This oath-taking procedure that is regulated in the Qur’an is called *li‘ān* or *mulā‘ana*.²⁷⁹⁵ According to Abu Ḥanīfa and Imam Muhammad, while a *bāin ṭalāq* occurs at the end of the *li‘ān* process, according to Abu Yusuf and the imams of the other three schools, the parties become eternally forbidden to each other.

2793. See al-Baqara, 2: 231.

2794. H.A.K. article 127.

2795. See al-Nūr, 24: 6-9.

(12) The effect of apostasy (*irtidād*) on marriage: According to Abu Ḥanīfa, Abu Yusuf, and Imam Malik, if one of the spouses leaves Islam, the marriage contract will automatically cease to exist. There is no need for a court order in this matter. According to the Shafi'is and the Ḥanbalis, in such a case, the marriage is dissolved at the end of the *'iddah* period. According to this, if the spouse who leaves the religion returns to Islam within the period of *'iddah*, their marriage will continue as before.

If one of the spouses is a Muslim, a minor in the marriage is considered a Muslim. Again, if one of the spouses converts back to Islam, and if this spouse has a small child, he is considered a Muslim upon the parent's conversion to Islam. In this regard, the best interests of the child are taken into consideration. It has been commanded in a hadith, "*Islam is always superior and should never be surpassed.*"²⁷⁹⁶ For instance, if one of the spouses is from the People of the Book, and the other is an atheist, the child is considered to be from the People of the Book.

If a woman converts to Islam and her husband remains a person of disbelief, an offer is made to her husband to convert to Islam, and if he accepts, their marriage will continue as before. If the husband does not accept Islam, the woman has the right to apply to the court. According to Abu Ḥanīfa and Imam Muhammad, this separation verdict is a *bā'in* divorce, and according to Abu Yusuf, it is a separation that does not reduce the number of divorces.²⁷⁹⁷

If a woman converts to Islam in a non-Muslim country and her husband does not, there will be no separation until the end of the *'iddah* period. This is because if her husband converts to Islam during this period, their marriage will continue. Otherwise, the woman is deemed to have separated from her husband.²⁷⁹⁸

(13) Death of one of the spouses: When the woman dies, the marriage ends immediately. When the husband dies, the marriage bond continues for a while, as his wife will wait for 4 months and 10 days of the *'iddah* period. She cannot remarry during this time.

29 – What is the ruling on divorce with three *ḥalāqs* expressed at once?

Answer: The following is stated in the Qur'an, "*A divorce is only permissible twice: after that, the parties should either hold together on equitable terms or separate with kindness...*"²⁷⁹⁹, "*So if a husband divorces his wife (irrevocably), he cannot, after that, re-marry her until after she has married another husband and He has divorced her. In that case, there is no blame on either of them if they re-unite, provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah, which He makes plain to those who understand.*"²⁸⁰⁰, and "*O Prophet! When ye*

2796. Al-Bukhari, Janā'iz, 79.

2797. Ibn al-Humām, *ibid*, II, 507; al-Maydanī, *Lubāb*, III, 26.

2798. Ibn al-Humām, *ibid*, II, 508; al-Maydanī, *ibid*, III, 27.

2799. Al-Baqara, 2: 229.

2800. Al-Baqara, 2: 230.

do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods...²⁸⁰¹

When the above verses are carefully examined, it is concluded that a woman can be divorced at different times, not at the same time. As a matter of fact, the divorce of Abdullah Ibn Umar's wife, which al-Bukharī and Muslim recorded at the very beginning of the subject of divorce, determines the application of the above verses. Abdullah (*ra*) divorced his wife when she was menstruating. Umar (*ra*) asked the Messenger of Allah (*saw*) about the situation and he was given the following answer, "*Order him (your son) to take her back and keep her till she is clean and then to wait till she gets her next period and becomes clean again, whereupon, if he wishes to keep her, he can do so, and if he wishes to divorce her he can divorce her before having sexual intercourse with her; and that is the prescribed period which Allah has fixed for the women meant to be divorced.*"²⁸⁰²

However, during the caliphate of Umar, when divorcing the wives with three *ṭalāqs* became widespread, this disposition was accepted as valid as a punishment. Abdullah Ibn Abbas (*r.anhuma*) narrated that he said, "the (pronouncement) of three divorces during the lifetime of Allah's Messenger (*saw*) and that of Abu Bakr (*ra*) and two years of the caliphate of Umar (*ra*) (was treated) as one. But Umar b. al-Khattab (Allah be pleased with him) said, 'Verily the people have begun to hasten in the matter in which they are required to observe respite. So if we were to impose this upon them...', and he imposed it upon them."²⁸⁰³ This narration shows that three divorces pronounced at once are counted as one, and this was the case during the caliphate of Abu Bakr and in the first two years of Umar's caliphate. This situation also shows that there was no abrogation on the subject and that Umar's practice consisted of a public benefit and a religious policy.

In the personal fatwas of Abdullah Ibn Abbas, it is seen that he complied with this public decision that turned into a law. As a matter of fact, Abdullah Ibn Abbas gave the following answer to the person who divorced his wife with a hundred *ṭalāqs*: "Your wife is divorced from you with three *ṭalāqs*, and you mocked Allah's verses with 97 *ṭalāqs*."²⁸⁰⁴

According to this practice, which has later become the preferred view of the imams of all four schools, such a disposition of a person who consciously divorces his wife in one word or in separate sentences is considered valid.

However, nowadays, Muslims in many countries without knowing the provisions of divorce, often without even thinking about the consequences, use the phrases such as "let it be a condition upon me from three to nine", "Let it be an oath upon me", and "be divorced, be divorced, be divorced" to their wives. Moreover, the husband also knows that his wife, to whom he is married in a civil marriage, will not be separated unless he

2801. Al-Ṭalāq, 65: 1.

2802. Al-Bukhari, Ṭalāq, 1; Muslim, Ṭalāq, 1. Al-Bukhari gives the first verse of chapter al-Ṭalāq (65) before this hadith.

2803. Muslim, Ṭalāq, 15.

2804. Malik, *Muwaffā'*, 1; Ibn al-Humām, *ibid*, III, 25.

gets divorced in a civil court. Hence, the spouses are aware of how the marriage ends when it is done in official circles and that the woman also has the authority to end this marriage. After all, civil marriage is a type of contract that includes the right to suspend a divorce and terminate it before an official institution when certain reasons for divorce arise, and it is able to authorize the woman to divorce.

When the three-divorce is examined from the point of contract theory, it creates a separate contradiction that an important contract, such as marriage, that takes place with a single word, which can be once in a lifetime, is terminated with two or three words as if there were more than one contract in place.

In fact, according to a few Companions, the Zahirites, Ibn Taymiyya (d. 728 / 1327), Ibn al-Qayyim al-Jawziyya (d. 751 / 1350), and the Zaydi school, three divorces with one word are considered one divorce. The evidence they rely on is the narration of Abdullah Ibn Abbas regarding the practice of Umar as well as the Qur'anic verses we have mentioned above.²⁸⁰⁵

Considering these new conditions, which are very common today and which did not exist in the period of Umar, it would be appropriate to direct the Muslim society to the single divorce process by informing them about the Qur'anic verses we have given above and the hadith that establish their application. Therefore, in the case of divorce with more than one sentence in the same assembly, it is possible to consider the second and third sentences of divorce as a repetition or confirmation of the first one, taking into account the intention of the divorcer. In such a case, the first sentence is accepted as the original and a single divorce occurs.

30 – Which spouse will receive the wedding gifts in case of divorce?

Answer: In principle, the gifts given by the relatives of the husband during the wedding belong to the husband, and the gifts given by the relatives of the wife belong to the wife. Then, the gifts given by the friends and the relatives later during the marriage life should be examined. If these gifts are suitable for women, they belong to the wife, if they are suitable for men, or if they are used at home, they belong to the husband. The gifts given by the father of the bride to the groom belong to the groom and in the case of divorce, they will be his.²⁸⁰⁶

31 – Does the woman have the authority to divorce?

Answer: In Islam, the authority to divorce is, in principle, given to the husband. However, the husband can give the wife the right to divorce during or after the signing of the marriage contract. In such a case, the spouses may have equal rights regarding the

2805. Muslim, *Ṭalāq*, 2, II, 1099; *Abū Dawūd ma'a 'Awn al-Mabūd*, II, 226, 227.

2806. See Hamdi Döndüren, *ibid.*, p. 330 ff.

right to divorce. This is called “*tafwīz al-ṭalāq*”. Once such a right is given, the husband can no longer revoke it.²⁸⁰⁷

The proof of women’s right to divorce is the following verse, which was revealed in the Medina period when the Prophet’s wives asked for some ornaments that they did not have, ***“If it be that you desire the life of this World, and its glitter, then come! I will provide for your enjoyment and set you free in a handsome manner.”***²⁸⁰⁸

According to the majority of jurists, with this verse, the Prophet’s wives were given the authority to divorce and it was stated that they could leave the Messenger of Allah (*saw*) if they wanted to. However, his pure wives regretted their unwarranted wishes and each preferred the Messenger of Allah (*saw*).

If the woman has not obtained the right to divorce, and when certain reasons for divorce arise, and if the man insists on not divorcing her in order to harm her, the woman can always apply to the court. She may get divorced in return for a price such as *mahr* or accumulated alimony (*mukhāla‘a*), or she can terminate the marriage by applying to an arbitrator.

32 - What is *Muṭ‘a* marriage? What is its ruling in Islam?

Answer: *Muṭ‘a* marriage is a contract concluded for a certain period of time with a woman who has no marriage impediments, in order to benefit from her sexuality in return for a fee. This was practiced before Islam, and it was also practiced from time to time until the last years of the Prophet.

Abdullah Ibn Mas‘ūd (*ra*) said: “We were on an expedition with Allah’s Messenger (*saw*) and we had no women with us. We said, Should we not have ourselves castrated? He (the Holy Prophet) forbade us to do so He then granted us permission that we should contract temporary marriage for a stipulated period giving her a garment, and Abdullah ibn Mas‘ūd then recited the following verse, ***“O you who believe! Make not unlawful the good things which Allah has made lawful for you, but commit no excess: for Allah loveth not those given to excess.”***²⁸⁰⁹

In some military expeditions and journeys, Allah’s Messenger allowed *muṭ‘a* marriage out of necessity, but he later forbade it. According to what Rabi‘ ibn Sabra (*ra*) reported from his father, the Prophet (*saw*) constantly forbade *muṭ‘a* during the Farewell pilgrimage and said, ***“O people, I had permitted you to contract temporary marriage with women, but Allah has forbidden it (now) until the Day of Resurrection. So he who has any (woman with this type of marriage contract) he should let her off, and do not take back anything you have given to them (as dower).”***²⁸¹⁰

2807. For the subject of *tafwīz al-ṭalāq* see Hamdi Döndüren, *ibid*, p. 387-389.

2808. Al-Aḥzāb, 33: 28.

2809. Al-Māida, 5: 87; For the hadith see al-Bukhari, Tafsiru Surah, 5: 6; Nikāh, 8; al-Tirmidhī, Nikāh, 2; al-Nasā’ī, Nikāh, 4.

2810. Muslim, Nikāh, 22; Ibn Maja, Nikāh, 44; al-Darīmī, Nikāh, 16, 17; Ahmad ibn Ḥanbal, III, 406.

On the other hand, it is narrated that Abdullah ibn Abbas (*ra*) had considered *muṭ'a* marriage permissible for a long time, but later abandoned this view. Sa'īd ibn Jubayr (*ra*) narrates from Ibn Abbas (*r. anhumā*), "Be gentle. It was permitted in the early days of Islam, (for one) who was driven to it under the stress of necessity just as (the eating of) carrion and the blood and flesh of swine and then Allah intensified (the commands of) His religion and prohibited it (altogether)." As for the Shiites, they have expanded this concessionary rule and included everyone who is under necessity or not, resident or traveler.²⁸¹¹

Al-Tirmidhi describes Ibn Abbas' (*r. anhumā*) change of mind as follows: "Ibn Abbas said, "*Muṭ'a* existed only in the early periods of Islam. When a man went to a town he did not know he would marry a woman or the extent of time that he thought he would reside there. The woman would protect his belongings and take care of him. Then the following Qur'anic verse was revealed, "***The believers are those who abstain from sex, except with those joined to them in the marriage bond, or (the captives) whom their right hands possess, for (in their case) they are free from blame.***"²⁸¹² Ibn Abbas added, "Every sexual intercourse other than these two is *ḥarām*."²⁸¹³

According to the Imamiyya sect, a *muṭ'a* marriage with a Muslim or People of the Book is valid. The evidence they relied on was, "***So with those among them whom you have enjoyed, give them their required due...***"²⁸¹⁴ The reason is that they interpret the word "*istimtā*" mentioned in the verse for the meaning "to benefit from sexual aspect". Scholars of *Ahl al-Sunnah* are of the opinion that legitimate marriage is mentioned in this Qur'anic verse and that the due refers to the payment of *mahr*. In fact, the Zaydi denomination of Shiism differs from the Imamiyya in this regard.²⁸¹⁵

According to what Imam Malik narrated from Zuhri who narrated from Ali (*ra*) with its chain of narrators, he (Ali) said, "The Messenger of Allah forbade *muṭ'a* marriage and domesticated donkey meat during the Battle of Khaybar."²⁸¹⁶

In conclusion, the believer should choose the legal way of marriage, the principles of which are determined in the Qur'an and the Sunnah. Although the Messenger of Allah permitted temporary marriage in some cases of necessity, it is understood that this was later prohibited. However, is this an abrogation? Alternatively, is it a prohibition like wine and pork? If it is compared to wine and pork, it means that it is a resort for when there is a danger of committing adultery. However, when taken into account that the Prophet

2811. Muslim, Nikāḥ, 27; al-Zuhaylī, *al-Fiqh al-Islamī wa Adillatuh*, VII, 67-68.

2812. Al-Mu'minūn, 23: 5-6.

2813. Al-Tirmidhi, Nikāḥ, 28; al-Shawkanī, *ibid*, VI, 135.

2814. Al-Nisā, 4: 24.

2815. See al-Shawkanī, *ibid*, VI, 135 ff.; Ibn al-Murtaẓā, *al-Baḥr aẓ-Ḍihār*, 1st ed., III, 22; Döndüren, *ibid*, p. 208-212.

2816. Muslim, Nikāḥ, 25-30, 32, Sayd, 23; Al-Shawkanī, *ibid*, VI, 20.

advised young people who could not get married to fast voluntarily, it can be concluded that Islam's aim is to preserve the warm family home that lasts for life.

33 – Is it appropriate to be content with only religious marriage without a civil marriage?

Answer: The presence of two witnesses in the marriage of a sane and adolescent Muslim man and a Muslim woman or a woman of the People of the Book, expressing the offer and acceptance in a grammatical tense that will create the contract at that moment is sufficient for the validity of the contract. There are verses in the Qur'an that address the woman directly in marriage and do not mention the guardian.²⁸¹⁷ The Prophet said, "*There is nothing that a guardian can do about a widow.*"²⁸¹⁸, and "*A single woman has more right to herself than her guardian.*"²⁸¹⁹ Considering this evidence, the Ḥanafis hold the view that the consent of the guardian in marriage is a *sunnah* or *mustaḥab* act, not an essential pillar or condition of marriage.

According to three schools except for the Ḥanafis, it is a condition of validity to have the consent of the guardian in the marriage of a sane and adolescent girl. In this regard, they rely on some of the verses that speak about marriage²⁸²⁰ and the Prophet's sayings, "*The marriage will not take place unless there is a guardian and two just witnesses.*"²⁸²¹, and "*If a woman marries without the consent of her guardian, her marriage is void.*"²⁸²² However, the Ḥanafis demonstrated that the Qur'an verses presented by those who oppose marriage without a guardian imply necessity, that the accompanying hadiths are weak, and that some of them are even *mursal* (hadith transmitted by skipping the narrators from its chain), and they regard the presence of a guardian in marriage as *mustaḥab* rather than obligatory.²⁸²³

Furthermore, the presence of a municipal officer or a religious official is not one of the essential pillars or conditions of the marriage contract.

However, since today's many legal systems do not consider it sufficient to be content with only religious marriage without having a civil marriage; such a religious marriage is not always state-sanctioned. Yet, if the parties fully comply with the rights and obligations provided by Islam, there is no impediment. However, in case of a problem of registering the newborn children in the state registers, in case of a marital disagreement, or if the husband does not fulfill the financial obligations such as *mahr*, alimony, and the care of the children, the woman cannot coerce him with the state law.

2817. Al-Baqara, 2: 230; Al-Aḥzāb, 33: 50.

2818. Abū Dawūd, Nikāḥ, 25; Aḥmad ibn Ḥanbal, I, 334.

2819. Abū Dawūd, Nikāḥ, 25. For the criticism of the hadith see Abū Dawūd, Çağrı edition, II, 577-579.

2820. See al-Baqara, 2: 232; al-Nūr, 24: 32.

2821. Abū Dawūd, Nikāḥ, 19; al-Darīmī, Nikāḥ, 11; al-Sarakhsī, *Mabsūt*, V, 31.

2822. Abū Dawūd, Nikāḥ, 19; al-Tirmidhī, Nikāḥ, 14; al-Darīmī, Nikāḥ, 11.

2823. See for more information see Hamdi Döndüren, *Delilleriyle Aile İlmihali*, p. 287 ff.

In case of death, inheritance rights are also at the mercy of the other heirs, unless they have been secured earlier.

In the Ottoman period, the 1917 Hukuku Aile Kararnamesi took a step forward in this regard and allowed Muslims, Christians, and Jews to make marriage contracts according to their own beliefs. Accordingly, the religious-civil marriage dichotomy was abolished without harming the unitary structure of the state, by ensuring that the judge or regent of the residence of one of the spouses to be married was present as a marriage officer and registered the marriage in the previously announced wedding hall, church or synagogue. Today, this method of marriage is practiced in the United States, England, and Scandinavian countries.²⁸²⁴

However, since the marriage officer does not have the authority to investigate religious conditions such as the difference in religion and milk kinship, the marriage ceremony under the supervision of a religious official prevents mistakes that can be made in this regard. Therefore, performing an Islamic wedding after the civil marriage means that an expert religious official confirms that the marriage is also in accordance with Islamic rules.

Since the mufti offices in Turkey have been given the authority to make marriage contracts with the last Civil Code amendment, today civil marriages should be reconsidered to have also gained the characteristic of a religious marriage. For the mufti or his representative, who has concluded this marriage, has the duty to investigate before the marriage whether there is a marriage impediment such as differences in religion and milk kinship.

However, according to the Shafi'i school, since the presence of a woman's guardian in the marriage is a condition of validity, today's official marriages are not valid according to this school of law. This is because they base it on the hadith when the Prophet (saw) said, "*There is no marriage contract without a guardian.*"²⁸²⁵ However, based on the other pieces of evidence given above, the Ḥanafis considered the consent of the guardian in the marriage of a sane and adolescent girl as a *mustahab* act (a good behavior) rather than a condition of validity. It is clear that in civil marriages, no guardian is allowed after a certain age. Therefore, a person who is a member of the Shafi'i school needs to renew their marriage in accordance with the rules of the school of law after the civil marriage.

34 – Does a word or act that necessitates disbelief have an effect on the marriage?

Answer: If a person utters a word or does an act that dictates disbelief, a difference of religion occurs between him and his wife, as he will be outside the borders of Islam,

2824. For more information see Hamdi Döndüren, *ibid*, p. 125-128, 184, 185; For the text of H.A.K. see *Ceride-i İlmiye*, year: 4, no. 34, p. 104, *Takvim-i Vekayi*, 31 Teşrin-i Evvel 1333.

2825. See al-Bukhari, Nikāh, 36; Abū Dawūd, Nikāh, 19; al-Tirmidhī, Nikāh, 14, 17; Ibn Maja, Nikāh, 15; al-Darīmī, Nikāh, 11.

and for that reason, the marriage contract will also end. Words and behaviors such as cursing Allah, the Prophet, the Qur'an, throwing the Qur'an on the ground with the intention to insult, and denying one of the absolute orders or prohibitions of Islam are of this nature. If a person who falls into this situation repents with remorse and returns to Islam, it is hoped that Allah Almighty will forgive him. However, when he returns back to Islam, he has to conclude a new marriage contract with his wife. Otherwise, it is not permissible for him to live with his wife. Since the marriage ends in this way and is not ended by divorce, there will be no decrease in the number of three *ṭalāq* rights.

In the last century, when publications that encourage people to deny or belittle the definite orders and prohibitions of Islam, and the unconscious use of words called "*alfāz al-kufr*" that contradict faith, in daily conversations, it has become customary to say a supplication called supplication of marriage renewal after the night prayer on Thursdays in some mosques as a precaution. This supplication is as follows:

"Allāhumma innī urīdu an ujaddida al-imāna wa'n-nikāḥa tajdīdan bi qawli lā ilāha illāllah Muḥammadun Rasūlullāh"

(O Allah! I want to renew my faith and my marriage to my wife by repeating the words, "There is no god but Allah and Muhammad is His Messenger").

For through such a supplication, if the husband attained the power of agency from his wife to renew the marriage, the hope was that the congregation would be considered witnesses to each other and the doubts would be cleared. Today, however, such supplications are made unconsciously, without knowing their meaning and function and without considering the consequences.

According to the Shafi'is, if the word or the act that requires disbelief occurs before sexual contact, it cancels the marriage immediately. If there has been sexual contact, a wait takes place until the end of the *'iddah* period. If the spouse converts back to Islam within this period, the marriage will continue, otherwise, the marriage will be annulled from the date of apostasy.

35 – What is *ḥulla*? How does it take place in accordance with Islam?

Answer: A man has the right to divorce his wife three times. If he wishes to marry the same woman again after the third divorce, the woman must have married and separated from a second man. This interim marriage, which allows the woman to return to her ex-husband, is called "*taḥlīl*" or "*ḥulla*" for short. The following is stated in the Qur'an, ***"And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allah. These are the limits of Allah, which He makes plain for the people who have knowledge."***²⁸²⁶

2826. Al-Baqara, 2: 230.

Accordingly, the conditions for a *ḥulla* in accordance with Islam are as follows:

- a) A woman who is divorced for the third time will complete her 'iddah period as three menstruations and cleansings,
- b) The woman will marry another man in a valid marriage,
- c) There will be sexual intercourse in this second marriage,
- d) This marriage will be terminated by divorce or by annulment due to death, or apostasy,
- e) The woman will have completed her 'iddah period from the second husband.

According to the Ḥanafis and some Shafī'is, even though *ḥulla* marriage made on condition of divorce is considered *makrūḥ* close to *ḥarām*, it is valid. However, conditions discussed in an arranged marriage are completely disregarded and the Prophet (*saw*) cursed the one who had such an arranged marriage and the one for whom such a marriage was made.²⁸²⁷

According to Imam Malik, Ahmad Ibn Ḥanbal, and the majority of the Shafī'is, a consensual arranged *ḥulla* marriage for appearance is null and void. The evidence on which they are based is that the Prophet cursed those who made arranged *ḥulla* and those who had it done and used the expression "rental goat" to the man who undertook such a temporary marriage.²⁸²⁸

36 – Is it permissible to adopt a child?

Answer: Adoption was a widespread custom before Islam. In fact, the Prophet adopted Zayd Ibn Haritha according to this custom before his prophethood. At one point, Zayd's father and uncle came to Medina and wanted to buy Zayd's freedom, who had been a slave before. He was given the choice of staying with the Prophet (*saw*) or returning to his family if he wished. Thereupon, Zayd said to the Prophet, "I don't want anyone else but you, you are both my father and uncle" and preferred the Messenger of Allah. Thereupon, the Prophet adopted him. In those days, the one who was adopted would be known as the son or daughter of the adopter, become an heir, and his wife would be treated like a daughter-in-law.

However, Islam abolished the institution of adoption and introduced the principle that each child should be attributed to his blood relatives. The following is stated in the Qur'an, "**Muhammad is not the father of any of your men.**"²⁸²⁹, and "**Call them by (the names of) their fathers: that is more just in the sight of Allah.**"²⁸³⁰ In fact, Allah Almighty gave permission to His Messenger to marry Zaynab bint Jahsh, the divorced

2827. Abū Dawūd, Nikāḥ, 15; al-Tirmidhī, Nikāḥ, 27; Ibn Maja, Nikāḥ, 33.

2828. See al-Kāsānī, *Badāyīr*, III, 187 ff.; al-Maydanī, *Lubāb*, III, 58; Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, II, 86 ff.; Ibn Qudāmah, *Mughnī*, VI, 645 ff.

2829. Al-Aḥzāb, 33: 40.

2830. Al-Aḥzāb, 33: 5.

wife of his adopted son Zayd and abolished the adoption's aspect reflected in marriage. This marriage is expressed as follows in the verse, ***"Then when Zaid had dissolved (his marriage) with her, with the necessary (formality), We joined her in marriage to you: in order that (in future) there may be no difficulty to the believers in (the matter of) marriage with the wives of their adopted sons..."***²⁸³¹

However, it should be noted that the patronage of an orphan or the poor, getting them educated and married, and helping them to get a job bring great rewards to the Muslims. Islam encourages such patronage and aid without registering them under the person's own name. They become a kind of a spiritual son or daughter. However, this spiritual kinship does not make them heirs, kin of lineage, and a *mahram*. Let us conclude this issue with the following hadith of the Messenger of Allah, ***"He who claims for himself another father beside his own father knowingly that he was not his father-to him Paradise is forbidden."***²⁸³²

37 – Is IVF permissible?

Answer: It is the most natural right of parents to want to have children and this desire has been encouraged by religion. The following is stated in the Qur'an, ***"He bestows (children) male or female according to His Will (and Plan), or He bestows both males and females, and He leaves barren whom He will: for He is full of Knowledge and Power."***²⁸³³

However, infertile spouses have the right to try to cure infertility as a treatment. One of the techniques used in this regard is the "in vitro fertilization (IVF)" method. This is a kind of artificial insemination (fertilization) method, in which the sperm of the man is taken, fertilized with the egg cell of the woman in an external environment, and then transferred to the uterus of the woman to go through the pregnancy and childbirth. This practice is permissible on the condition that it is between the married couples and the birth is carried out by the married woman whose egg cell is used.

As a matter of fact, in the meeting of the Islamic Fiqh Academy, affiliated with the Organization of the Islamic Conference, in Amman in 1986, the following resolution was issued: "The method of taking the husband's sperm and his wife's egg cell and fertilizing it outside, and placing the embryo in the womb of the same woman, as well as the method of taking the husband's sperm and placing it in the womb of his wife in a way ensuring internal fertilization by leaving it in a suitable area are ways that can be applied in case of need, have therapeutic character and do not contradict Islamic religious principles, and do not lead to any religious objections." The same Academy decided that it is not permissible to perform in vitro fertilization between an unmarried man and woman, to transfer the embryo of married couples created in an external environment

2831. Al-Aḥzāb, 33: 37.

2832. Muslim, Imān, 114.

2833. Al-Shūrā, 42: 49-50.

to a surrogate mother, or to transfer the embryo of the married couples fertilized in an external environment, for example, the husband's second wife.²⁸³⁴

In short, artificial vaccination or in vitro fertilization is a medical treatment method and is permissible only if it is between a husband and wife. In this regard, al-Shirbinī said, "If a woman becomes pregnant by placing her husband's semen in her genitals, the child born is legitimate and the woman will not be a sinner for this process."²⁸³⁵

38 – Is there a special form of dress for Muslims?

Answer: The body parts that a Muslim man or woman should cover are determined by the verses of the Qur'an and the hadiths of the Prophet (*saw*). This can be achieved for a man by covering his body between the navel to the kneecap, and the woman's entire body except for her hands, feet, and face. Yet, the Messenger of Allah did not speak about a certain dress pattern. During the period of the Prophet and the four caliphs, communities with various clothing fashions embraced Islam, but a certain standard type of clothing was not envisaged for them. Only the following four kinds of dresses are excluded:

a) Clothing that is symbolic for the person of unbelief. One day, the Prophet saw Ibn Amr's clothes dyed with *usfur*, stated that they belonged to the people of disbelief, and ordered them not to be worn or even burned. Some scholars have attributed this command to its prohibition and some others to its reprehensibility.²⁸³⁶ Today, An example of this would be a Muslim religious scholar wearing a priest's outfit or having a large cross on the front or back of his shirt.

b) The clothes made from silk for men. It is observed in various hadiths that silk clothing is prohibited for Muslim men.²⁸³⁷ Its permission for women shows that it is not forbidden just because it is considered a waste. The fact that wearing gold jewelry is also considered unacceptable for Muslim men means that it would be appropriate for men to prefer a more dignified clothing model instead of such an ornate look.

c) It is not permissible for men to wear women's clothing and women to wear men's clothing. This is because the Messenger of Allah (*saw*) cursed a man or woman who tried to imitate the opposite gender.²⁸³⁸

d) An attire worn to show arrogance towards others. The Prophet (*saw*) forbade wearing clothes that would belittle others and would make oneself feel superior to others.²⁸³⁹

If coat, fur, and similar clothes worn by the sinners are suitable for covering the required body parts and start to be worn by everyone, it is permissible to wear them due to the custom. This should also be the case for fur coats in which the skin of animals

2834. Komisyon, *Ilmihal*, II, 140-142.

2835. Al-Shirbinī, *Mughni al-Muhtāj*, III, 384.

2836. Ali Nasif, *Ghāyat al-Ma'mūl*, Egypt, 1381, p. 156.

2837. See al-Bukhari, *Libās*, 38, *Janā'iz*, 2, *Hiba*, 28; al-Nasā'ī, *Zinet*, 40, *Ṭaṭbīq*, 7; Ibn Maja, *Libās*, 19.

2838. Al-Bukhari, *Libās*, 61; Abū Dawūd, *Libās*, 28; al-Tirmidhī, *Adab*, 34; Ibn Maja, *Nikāh*, 22.

2839. Abū Dawūd, *Libās*, 5, IV, 44, Hadith No: 4029.

such as sable, fox, etc. is used. However, it is not permissible to hunt some animals with ornamented skins to extinction just for such furnishings. This is because every animal has the right to continue its species. In fact, it is well known that the Messenger of Allah (*saw*) warned those who wanted to destroy the eggs in a bird's nest with a similar line of thought. Basically, clothes that have become the usual clothes due to social and environmental conditions, there is no harm in wearing them. As long as the clothing is not tight, and transparent and it has the qualities of being outer clothing when going out of the house.



IV – IMPORTANT ISSUES ABOUT ECONOMIC AND COMMERCIAL LIFE

39 – What is the place of trade in Islam?

Trade is permissible in Islam. The essence of trading is based on sales and bearing the capital risk. Allah Almighty says, *“O you who believe! Eat not up your property among yourselves in vanities: But let there be amongst you traffic and trade by mutual good-will...”*²⁸⁴⁰, *“...Allah has permitted trade and forbidden usury...”*²⁸⁴¹, and *“O you who believe! When the call is proclaimed to prayer on Friday (the Day of Assembly), hasten earnestly to the remembrance of Allah, and leave off business (and traffic): That is best for you if you but knew! And when the prayer is finished, then may you disperse through the land, and seek of the bounty of Allah: and celebrate the Praises of Allah often (and without stint): that you may prosper.”*²⁸⁴²

The Prophet (saw) has many words, actions, or statements about commercial and economic life. We will give a few examples of these below. When the Messenger of Allah was asked what was the highest-earning in life, he replied: *“It is the labor of one’s own hand and an acceptable trade.”*²⁸⁴³ This means trading that does not mix with perjury and deception. The truthful merchant is praised with the following words in the hadiths, *“A true merchant in words and actions will be under the shade of the Throne on the Day of Judgment.”*²⁸⁴⁴, *“If a person collects food and sells it at the current price of the day, he will receive the reward as if he had given it as charity.”*²⁸⁴⁵, *“O company of merchants, unprofitable speech and swearing takes place in business dealings, so mix it with sadaqah (alms).”*²⁸⁴⁶, and *“The truthful, trustworthy merchant is with the Prophets, the truthful, and the martyrs.”*²⁸⁴⁷

The Prophet himself traded, borrowed, pledged, and partnered. He was sent by Allah as a prophet at such a time when people were conducting various commercial transactions and he did not forbid them from trading, on the contrary, **he stated that nine-tenths of livelihood was in trade.** However, things such as interest, black market, lying, cheating, *ghabn*, and *gharar*, which can lead to unfair profits in commercial life, are prohibited.

2840. Al-Nisā, 4: 29.

2841. Al-Baqara, 2: 275.

2842. Al-Jum’a, 62: 9-10.

2843. Ahmad ibn Hanbal, III, 466, IV, 141.

2844. Ibn Maja, Tijarāt, 1.

2845. Ibn Maja, Ruhūn, 16.

2846. Abū Dawūd, Buyū’, 1.

2847. Al-Tirmidhī, Buyū’, 4; Ibn Maja, Tijarāt, 1; al-Darimī, Buyū’, 8.

It should be an economic system where the person can get their rights and where those who do injustice are alienated.

For a healthy trade, tradesmen and traders need to have knowledge about their specific field or have an expert nearby to consult at all times. In fact, it is known that when Umar became the caliph, he started such an information campaign. The first trade circular issued by him to all rulers was as follows: "According to Islam, anyone who does not know the rules regarding his own trade should not trade in our bazaars and markets. Because due to ignorance, he may unintentionally fall into interest-bearing transactions."²⁸⁴⁸

40 – What is riba? How many types of riba are there?

Answer: Riba literally means to increase, multiply, swell. In Turkish, the word "*faiz* (interest)" and *riba* are synonymous. In Islamic legal terminology, it refers to the unrequited surplus stipulated for one of the parties in the exchange of money and standard (fungible or *mithlī*) goods. During the days of the emergence of Islam, the original debt lent to persons was called "*ra's al-māl* (principal money), and the surplus to be paid at the end of the maturity was called "*riba*". The surplus to be added while deferring debts is also of this nature.

In Islam and in the previous monotheistic religions, interest-bearing transactions are prohibited as a means of "unfair gain" that is not based on production and does not involve the risk of labor or trade. In the hadiths about *Mi'raj*, it is observed that *riba* was discredited for the first time in Mecca.²⁸⁴⁹ Again, in a verse revealed in Mecca, it is pointed out that *riba* is not a deed that helps the person earn rewards.²⁸⁵⁰

In the first Qur'anic verse that was revealed about *riba* in Medina, it depicted *riba*, i.e. the fact that they dealt with interest-bearing transactions, among the causes of the calamities that befell the Jews even though it was forbidden to them.²⁸⁵¹ In the Qur'anic verse that was revealed during the Battle of Uhud (3/625), believers were first forbidden to "not devour usury doubled and multiplied"²⁸⁵² and with the following verses revealed during the conquest of Khaybar (7/629), a definite prohibition of interest was introduced:

"Those who devour usury will not stand except as stand one whom the evil one by his touch has driven to madness. That is because they say: 'Trade is like usury,' but Allah has permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for Allah (to judge), but those who repeat (the offense) are companions of the Fire: They will abide therein (forever)."²⁸⁵³

2848. Al-Tirmidhī, Witr, 21.

2849. See Ibn Maja, Tijārāt. 58; Aḥmad ibn Ḥanbal, II, 353, 363.

2850. Al-Rūm, 30: 39.

2851. Al-Nisā, 4: 160, 161.

2852. See Āl 'Imran, 3: 130.

2853. Al-Baqara, 2: 275.

“Allah deprives usurious gains of all blessing, whereas He blesses charitable deeds with manifold increase. And Allah does not love anyone who is stubbornly ingrate and persists in sinful ways.”²⁸⁵⁴ ***“O you who believe! Remain conscious of God. and give up all outstanding gains from usury, if you are [truly] believers; for if you do it not, then know that you are at war with God and His Apostle. But if you repent, then you shall be entitled to [the return of] your principal: you will do no wrong, and neither will you be wronged.”***²⁸⁵⁵

The *riba* mentioned in the Qur'an is the type called “*riba al-jahiliyyah*” arising from the debts of gold or silver money used in the market of that time. With the following hadith of the Prophet, the exchange of all fungible goods is included in the scope of interest and usury.

*“Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made hand to hand. If the genera differ, then sell as you wish as long as the payment is made hand to hand.”*²⁸⁵⁶

In the narration of this hadith in al-Tirmidhi, there is the following addition, *“Whoever increases or seeks an increase, then he has dealt with Riba.”*²⁸⁵⁷

In the time of the Prophet, the gold currency was Dinar (about 4 gr.), while silver was Dirham (about 2.8 gr.). If these were to be used in the purchase and sale of gold or silver ornaments of their own kind, they had to be traded in the same weight. There is no doubt that the exchange of such precious metals with a surplus other than labor constitutes the real interest. The prohibition of interest has led to the emergence of “stable money”, which derives its value from its own inherent value.

Actually, Fuḍala ibn Ubayd (ra), who bought a necklace made of gold studded with gems among the spoils of Khaybar for 12 dinars (approximately 48 gr. gold coin), doubted this purchase and asked the Messenger of Allah about it. The Prophet (saw) informed him that he should separate the gold part of the necklace from the gems and weigh them separately, and the gold part should be sold in exchange for an equal weight of the gold coin, and the price of the remaining should be determined based on an evaluation.²⁸⁵⁸

A similar application is also narrated in relation to the silver coin. When Mu'āwiya was the governor of Damascus, Ubada ibn Samit (ra), who saw that a silver bowl was exchanged for a silver coin, the dirham, without being weighed, objected to this transaction and reversed it by quoting the above-mentioned hadith in which the six items are listed.²⁸⁵⁹

2854. Al-Baqara, 2: 276.

2855. Al-Baqara, 2: 278-279.

2856. Muslim, Musaqāt, 81; Abū Dawūd, Buyū', 18; Aḥmad ibn Ḥanbal, V, 314, 320.

2857. Al-Tirmidhi, Buyū', 23.

2858. Muslim, Musaqāt, 17.

2859. Muslim, Musaqāt, 80; Ibn Maja, Muqaddimah, 2.

It is reported that Umar intervened in the exchange of Malik Ibn Aws and Talha ibn Ubaydullah, who agreed on the exchange rate of that day to exchange gold and silver coins. Because Talha said that he could deliver the price of the money he exchanged, not in advance, but with a delay of a few hours. Regarding this incident, Umar said, “When exchanging two types of money, even if the buyer asks you for permission to enter and leave the house to collect the price, do not allow it. Because I am afraid of “*ramā*” for you, that is, that you will fall into interest.”²⁸⁶⁰

Today, due to the exchange rates changing several times a day in gold or foreign exchange sales, it is frequently seen that such a maturity may lead to unfair profits for one of the parties. Therefore, gold, silver, or foreign exchange sales must be made in advance. In case of sale on credit, even if there is no difference due to maturity, the parties will fall into “*riba al-nasia*.”

The following incident is reported from Bilal al-Habashi (*ra*) regarding the exchange of goods of the same genus: Once Bilal brought a kind of dates to the Prophet (*saw*) and the Prophet (*saw*) asked him, “*From where have you brought these?*” Bilal replied, “I had some inferior type of dates and exchanged two *ṣā*’s of it for one *ṣā*’ of the dates that I bought in order to give it to you to eat.” Thereupon the Prophet (*saw*) said, “*Beware! Beware! This is definitely riba (usury)! This is definitely riba (Usury)! Don’t do so, but if you want to buy (a superior kind of dates) sell the inferior dates for money and then buy the superior kind of dates with that money.*”²⁸⁶¹

Regarding *riba* mentioned in the Qur’an, Ibn Rushd (Averroes) (d. 520/ 1126) says, “The *riba al-jahiliyyah* is the type of usury that is agreed upon and is prohibited. People would lend to get a surplus and in return, give the borrower some time for the payment. The process would be done as follows: The debtor would say to the creditor, “Grant me further delay and I will increase it (the amount)”. This is what the Prophet meant in his speech at his farewell pilgrimage.”²⁸⁶²

On the other hand, according to Abu Yusuf, coins apart from gold and silver ones such as copper, nickel, and tin, which are called “*fals*”, are not considered “stable money” like gold and silver, since they gain a nominal value other than their metal value. Therefore, the “value difference” calculated according to the gold or silver money to which these currencies are indexed is not included in the scope of interest in borrowings made with them.²⁸⁶³

In today’s paper money systems, which are subject to significant inflation, it would be fair to exclude the “depreciation” to be calculated by indexing to a stable unit such as gold from the scope of interest in long-term borrowings of more than one month.

2860. Al-Bukhari, Buyū’, 76; Malik, *Muwaffā’*, Buyū’, 33.

2861. Al-Bukhari, Wakāla, 11.

2862. Ibn Rushd (Averroes), *Bidāyat al-Mujtahid*, II, 111.

2863. See Ibn Abidīn, *Radd al-Mukhtār*, IV, 24, Resail, II, 63, 64, *Tanbih al-Rukūd*, II, 52; *al-Fatawa’ l-Bazzāziya* (at the margins of *Hindiyya*), IV, 510.

Since paper money was first printed to represent gold, it was possible to see the power and properties of gold in it. However, when this money was cut off from gold in various countries and its power was linked to the economic power of the state, it became a means of obtaining a great free purchasing power in favor of countries with strong economies.

In our opinion, in the light of the principle mentioned at the end of the Qur'anic verses about interest, ***“But if you repent, then you shall be entitled to [the return of] your principal: you will do no wrong, and neither will you be wronged.”*** as well as the hadith about the six-goods above, Muslim countries can introduce a currency with a standard equivalent and indexed to a stable measure. The collaboration of expert theologians and economists can achieve this great endeavor.²⁸⁶⁴

41 – What qualities should exist in exchanged goods?

Answer: The following five conditions must exist in a property on which a contract will be made:

a) Being a valuable (*mutaqawwim*) property. In Islam, goods are divided into two types *mutaqawwim* and *gayr mutaqawwim*. Goods that are permissible to eat, drink or use are included in the first group. It is permissible to manufacture and trade them. It is not permissible to manufacture and trade things that are prohibited to be eaten or drunk, such as pork, wine, and carrion. The Prophet said, *“Allah has forbidden the sale of alcohol, carrion, pigs, and idols.”*²⁸⁶⁵

b) It should be a commodity that can be benefited from in ways other than eating and drinking. Therefore, it is not permissible to sell insects and predatory animals that cannot be used. However, if these become useful for humans or animals or plants, such as for the production of medicines, they change their quality and their production and trade become permissible. Feeding a snake for its venom or skin is of this nature.

c) The quantity and qualities of the goods must be known. However, it is not necessary to know the amount in sales done by estimation without measuring and weighing.

d) The goods must be in the possession of the seller or a person who is legally authorized for the sale, such as a parent or an agent, must make the sale. Therefore, it is not permissible to sell a donated property or a property belonging to someone else without permission.

e) Delivery to the customer must be possible. Therefore, it is not permissible to sell a fish in the sea or a bird in the air before catching it.

2864. See Hamdi Döndüren, *Çağdaş Ekonomik Problemlere İslami Yaklaşımlar*, p. 16 ff.; 57-86; *İslami Ölçülerle Ticaret Rehberi*, p. 111-129.

2865. Al-Bukhari, Buyū', 24, 103, 105, 112, Şalāh, 73, Tafsīru surah, 2/49-52; Muslim, Musaqāt, 69, 70-72, Ashriba, 83.

42 – What is black marketeering?

Answer: It is to store something and keep it away from the market by expecting it to be worth much more later. In Islam, it is essential that the trade life is liberalized and the prices are developed as a result of free competition. When some goods are hidden in the black market, there is a shortage of goods in the market and prices start to rise artificially due to excess demand. That is the purpose of the black marketer. The Prophet said, “*What an evil servant the black marketer is! He gets sad when he learns that the prices are falling, and he becomes happy to hear that they are rising.*”²⁸⁶⁶, and “*The one who stores a food item for 40 nights (when there is a need) has distanced himself from Allah, and Allah has distanced him from Himself.*”²⁸⁶⁷

The following conditions are necessary for conditions of the black market to occur: 1) The stored goods must be purchased goods, 2) It must be foodstuffs, 3) People must have difficulties in purchasing the stored goods and must be in need. According to Abu Yusuf not just in foodstuffs, the black market occurs in all kinds of goods, whose failure to be placed on the main market harms the society.²⁸⁶⁸ The storage period of the goods is normally forty days, but this period may be shortened depending on the distress of the society. In fact, if necessary items such as fuel and natural gas are withdrawn from the market for a short time such as two or three days, the society would find itself in great distress.

43 – Is it permissible for the state to impose a fixed price (*narkh*) on commercial goods?

Answer: We can define *narkh* as follows: It is the command of the head of the Muslim state or the officials or people who take over the affairs of the people to order the tradesmen and merchants to sell their goods at a certain price, and forbid selling at a price lower or higher than that fixed price.²⁸⁶⁹

In the period of the Prophet (*saw*) and the four rightly guided caliphs, there was no fixed price, and the principle of selling the goods at market prices formed as a result of free competition. However, when prices rose in Medina, the Companions asked the Prophet (*saw*) to set a fixed price, and the Messenger of Allah replied to these requests as follows, “*Surely, Allah is the One Who sets the price, gives poverty and abundance, and gives sustenance. And I am hopeful that I meet my Lord and none of you are seeking (recompense from) me for an injustice involving blood or wealth.*”²⁸⁷⁰ Again, it is reported that the Prophet (*saw*) said to those who wanted him to fix the prices, “*I only*

2866. Kamil Miras, *Tecrid-i Sarih Tercemesi*, VI, 549.

2867. Ahmad ibn Hanbal, II, 33.

2868. Al-Kāsānī, *Badāyī*, V, 129.

2869. Al-Shawkanī, *Nayl al-Awṭār*, Egypt 1357, V, 219.

2870. Abū Dawūd, *Buyū*, 49; al-Tirmidhī, *Buyū*, 73; Ibn Maja, *Tijarāt*, 27; Ahmad ibn Hanbal, II, 327.

pray to Allah on this matter.”, and “*In reality, it is Allah who increases or decreases the prices,*”²⁸⁷¹ and it spears he did not want to set a fixed price.

On the other hand, when Khaṭīb ibn Abi Balta’a lowered the prices of grapes, it was observed that the caliph of the time, Umar, intervened in the prices, but later released them with the following words, “What I have told you is neither an order nor a decree. This is something I desire for the good of the people of this town. You can sell it how and wherever you want.”²⁸⁷²

Some of the jurists from the generation of the Successors, following the clear meaning of the hadiths about fixed prices, did not find it appropriate to intervene in market prices, fearing that it would be unfair to the seller. However, in the period after the Companions, as morals deteriorated, prices began to rise artificially, and the people were harmed by this, some jurists from the generation of the Successors found it permissible to set a fixed price. Said Ibn al-Musayyab (d. 94/712), Rabia Ibn Abdirrahman (d. 136/753) and Yahya Ibn Said al-Ansari (d. 143/760) were among them.

In conclusion, leaving the seller completely free in setting the prices and keeping him out of government control can lead to persecution and injustice in society. It is clear that during the time of the Messenger of Allah (*saw*) and the four rightly guided caliphs, there was no need for state intervention and everyone consented to their legitimate rights since the moral principles of Islam regarding trade were followed. However, people began increasingly to abuse flexibility in price settings. Meanwhile, famines and the predicaments brought by the wars also caused prices to rise artificially. Sometimes, for no economic reason, prices rise above normal due to some undisclosed agreement of those who have a monopoly over the market.

Accordingly, although essentially an understanding of a market open to free competition is adopted in Islam, there is no obstacle in the application of a fixed price, especially on the prices of essential goods, in case the society abuses this freedom.

44 – What is the prohibition of selling before having the goods in the hand? What kind of effects does it have on business life?

Answer: The actual possession of a purchased good is called “*qabẓ*”. The sale of the goods by the customer to a third party before receiving the goods may lead to a dispute between the first seller and the buyer regarding the delivery which may also affect the second sale. Failure to receive the goods from the original seller may be caused by reasons such as not keeping his promises, destruction of the goods, or the goods being defective. In such a case, the second seller will not be able to fulfill his commitment unless the previous problem is resolved. The Prophet said, “*Whoever buys a food item*

2871. Al-Shawkanī, *ibid*, V, 219.

2872. Al-Shafī’i, *Umm*, II, 209; Ibn Qudāmah, *Mughnī*, IV, 240.

should not sell it to someone else unless he has it."²⁸⁷³ The food item mentioned in this hadith is a model, and the hadith covers the purchase and sale of all movable goods.

If the sale is accepted as valid before the acquisition, this situation causes the price of the goods to rise before the goods are moved at all, or even before the goods are produced. A number of intermediaries gain on paper without ever seeing the goods.²⁸⁷⁴

According to Abu Ḥanīfa and Abu Yusuf, it is permissible to dispose of the immovable property before it is received. The evidence that they rely on is the principle of *istiḥsān* (juristic preference). Because it is a very rare situation for real estate to be destroyed or changed before it is received. Something that is rare cannot be the basis of rulings.

According to Imam Muhammad, Zufar, and Imam Shafi'i, it is not permissible to sell real estate, like movables, before actually receiving (*qabẓ*) them.²⁸⁷⁵

45 – Is it permissible to meet the producer who brings goods to the market on the way and buy his goods?

Answer: The Prophet forbade the purchase of goods by meeting the convoy that brought goods to the city on the way. This is called the prohibition of "*talaqqi al-ruqbān*".²⁸⁷⁶ The Ḥanafis explained this prohibition in two ways: a) one of the tradesmen meets the convoy bringing goods to the city on the way and buys all their goods and sells them for the price he wants because there are no such goods in the city, b) He meets the convoy, which does not know the prices in the city, on the way and buys the goods that it has brought at a price below the current price. In the first case, the people of the city suffer, and in the second case, those who bring goods to the market are deceived because they do not know the current prices. Therefore, such a procedure would be reprehensible. However, if none of the aforementioned damages are found and if it helps the public to obtain more suitable and regular foodstuffs, as in the case of wholesale, there will be no objection to such purchases.

Malik Ibn Anas, on the other hand, evaluated this prohibition from the tradesmen's point of view and said that it could lead to unfair competition for one of them to provide very cheap goods in this way, nevertheless, the sale is valid, and if the place where the goods are bought is far from the city or town, there is no objection.

According to Imam Shafi'i, in such a sale, if it is the one who brings goods from outside is deceived, he has the choice, if he wishes, he can terminate the contract.

2873. Al-Bukhari, Buyū', 54, 55; Muslim, Buyū', 29-32, 34-36, 39, 41; Abū Dawūd, Buyū', 65.

2874. Kamil Miras, *ibid*, VI, 437.

2875. See al-Kāsānī, *ibid*, V, 180; Ibn al-Humām, *ibid*, V, 204; Ali Haydar, *Durar al-Hukkām*, I, 407, Mecelle, article: 253; Hamdi Döndüren, *Alim-Satımda Kar Hadleri*, p. 76, 77, 137, 138.

2876. Al-Bukhari, Buyū', 72, Ijarah, 11, 19.

46 – Is it permissible for the city dweller to sell on behalf of the villager?

Answer: The Prophet (saw) said, “*The townsman should not sell to a man from the desert, leave the people alone, Allah will give them provision from one another.*”²⁸⁷⁷

To the question “What does the Prophet (saw) mean by not selling the goods of a desert dweller to a town dweller?” Ibn Abbas replied by saying, “He should not become his broker and sell his property.”²⁸⁷⁸ In another hadith, it is stated that they cannot be each other’s brokers even if they are each other’s father or brother.²⁸⁷⁹

In these matters, the problems that can come to mind are that the citizens of the city store the goods belonging to the villagers without paying their price, make unfair competition by placing them on the market in a controlled manner and create artificial price increases. As a result, society suffers from it.

According to the Ḥanafis, the Shafi‘is, and the Malikis, it is *makrūḥ* to make such sales, but if it is done, the contract of sale is valid. There are also those among the Malikis who argue that such a sale should be terminated. According to the prevailing view among the Ḥanbalis, if there is a problem in this type of sale, the contract becomes *ḥarām* and void.

It is hoped that if those who sell wholesale or retail some basic necessities do business or brokerage by taking into consideration both the interests of the producer and the interests of the consumer together, without allowing for artificial price increases in vegetables, fruits, and similar foodstuffs. If so, they will attain the good news reported in the hadith above.

47 – Is it permissible to sell during the Friday prayer?

Answer: It is not permissible for those who are obliged to perform the Friday prayer on Friday, not to go to the prayer without a valid excuse and to do something else. The following is stated in the Qur’an, “*O you who believe! When the call is proclaimed to prayer on Friday (the Day of Assembly), hasten earnestly to the Remembrance of Allah, and leave off business (and traffic)...*”²⁸⁸⁰

Based on this verse, Muslim jurists are unanimous that trades made during the call to prayer, called the inner *adhān*, are prohibited. According to the Ḥanafis, such a sale is considered *makrūḥ* close to *ḥarām*, while it is *ḥarām* according to the majority of jurists.

According to Abu Ḥanīfa, Imam Shafi‘i, and Imam Malik in A narration, a contract made at the time of the Friday prayer cannot be terminated. Because the main purpose here is not to invalidate the contract but to ensure that the Friday prayer is on time.

2877. Muslim, Buyū‘, 21.

2878. Al-Bukhari, Buyū‘, 72, Ijarah, 11, 19; al-Nasā’ī, Buyū‘, 18.

2879. Muslim, Buyū‘, 21; Abū Dawūd, Buyū‘, 45.

2880. Al-Jum‘a, 62: 9.

According to the prevailing view among the Ḥanbalis and another narration from Malik Ibn Anas, the contract made at that time should be terminated.

According to the majority of jurists, this prohibition during the Friday prayer does not only pertain to shopping but also covers other contracts. In the meantime, some jurists argue that contracts such as marriages, partnerships, and grants that are not made frequently cannot be terminated.

48 – Is there a limit to the amount of profit?

Answer: In the verses and hadiths, trade and profit are mentioned in general and it is requested that economic life should proceed according to certain principles and within its own natural rules. It is essential that the profit should be formed within natural and moral measures. However, necessary measures have been taken to protect the principle of free competition and to prevent the abuse of people's basic needs. Prohibition of interest, black marketeering, lying and cheating, closing the ways of unrequited earning, and practicing fixed prices when necessary can be listed among these.

Accordingly, in Islam, a fixed percentage of profit is not determined for various goods in shopping. In general, prices that will occur spontaneously within the principles of free competition, depending on the laws of supply and demand, are taken as a measure. The following response of the Messenger of Allah (*saw*) to the requests made to intervene in market prices and to set profit limits is also meaningful for the modern economy, *"Surely, Allah is the One Who sets the price, gives poverty and abundance, and gives sustenance. And I am hopeful that I meet my Lord and none of you are seeking (recompense from) me for an injustice involving blood or wealth."*²⁸⁸¹

However, we should point out right away that the fact that a certain profit limit is not set as a percentage in the contract of sale does not mean that the seller can sell at any price. "Exorbitant price" is in question when the customer goes above the market price by influencing the customer through perjury, hiding the fault of the goods, praising the goods with the qualities that are not found in the goods, showing the cost high, and taking advantage of the shortage of goods. The surplus that is not rightfully entitled here will not be permissible to the seller.

49 – What is exorbitant profit? What is the percentage of it?

Answer: In Islam, deception is expressed with the term "*ghabn*". It is divided into two types, *ghabn al-fāhish*, and *ghabn al-yasīr*. It means major deception and minor deception. A minor deception does not harm the contract of sale because it is difficult to avoid. On the other hand, people consent to small price differences. However, if the market price is exceeded too much, the customer thinks that he has been deceived and does not make the excess *ḥalāl* to the seller. Therefore, the issue of excessive prices arises.

2881. Abū Dawūd, Buyū', 49; al-Tirmidhī, Buyū', 73; Ibn Maja, Tijarāt, 27; Ahmad ibn Ḥanbal, II, 327.

Excessive prices were determined by *ijtihād*. According to the Ḥanafis, “*ghabn*” (deception) occurs at very high or very low prices, which are outside the scope of the experts’ evaluation. Nusayr Ibn Yahya (d. 268/881), one of the jurists of Balh, took into account the speed of circulation of the goods subject to the sale contract in the market and the needs of people for such goods. He limited it to 20% in real estate, 10% in animals, and 5% in other movable goods, and stated that the sales to be made by exceeding these rates above or below the market price would be at an exorbitant level.²⁸⁸² Surpluses that do not reach this rate are also included in the scope of *ghabn al-yaṣīr*. The *Mecelle* (*Majallah*) has enacted these measures as an article of law in its article 165.

However, for an exorbitant price to be a reason for termination of the contract of sale, it must be accompanied by deception. Otherwise, there is no Islamic obstacle for a person to sell his goods at any price with the correct information to give to the customer, as long as there is no lie or deceit.²⁸⁸³

According to the Malikis, it is exorbitant to go above or below the market price with more than one-third of the value of the property and this is what Abu Bakr (*ra*) practiced.

In our opinion, the reason why Islam does not impose a definite limit on the amount of profit, which is considered excessive, is to leave the determination of the proportions to the customs of countries and towns. The fact that the schools bring different measures on this issue also shows this fact.

On the other hand, it is necessary to evaluate cash sales and forward sales separately because it is known that the rate of profit is kept high in a sale on credit.

In conclusion, for anyone who sells above the market price by mixing the information with lies and deception, this excess is not a clean gain. Forgiveness from the deceived people must be requested. If this is not possible, the one who deceived them should donate his excessive gain to the poor for such shortcomings. The following is stated in the hadith, “*O company of merchants, unprofitable speech and swearing takes place in business dealings, so mix it with sadaqah (alms).*”²⁸⁸⁴

50 – What are the rights and responsibilities of the lessee and the lessor according to Islam?

Answer: Those who make rental agreements should be sane and adolescent, and should declare what they have agreed upon, for what duration, and for how much. Since the subject of the lease is the use of movable or immovable property, the lease term, and the way of use must be determined, and the use (benefit) must be possible, customary, and permissible. Generally, there is no limitation for the rental period. However, the Ḥanafis wanted to prevent the tenants from owning these properties by limiting the

2882. Ibn Nujaym, *al-Bahr al-Rāiq*, Egypt, 1334, VII, 169.

2883. Ibn Abidīn, *Radd al-Mukhtār*, IV, 159.

2884. Abū Dawūd, *Buyū'*, I; al-Nasā'ī, *Aymān*, 22, 23, *Buyū'*, 7; Ibn Maja, *Tijārāt*, 3.

rent of endowment and public properties, and properties belonging to the orphans to a maximum of three years.

It is permissible for a Muslim to rent his house or shop to a *dhimmi* (non-Muslim citizen of the Islamic country). A forbidden act that a non-Muslim may commit later in this place will not have a direct effect on the rental agreement. According to Abu Yusuf and Imam Muhammad, it is not permissible for a Muslim to rent his property to a *dhimmi* as a tavern, or for a place of worship (church). Imam Malik adds to such usages, selling wine and keeping pigs.

In the land lease contracts, the price can be set as sharing the money, a certain amount of food, or the produced product (agricultural partnership). Although there were differences of opinion on the price among the jurists, the main thing in this matter is rights of the land owner or the tenant are not violated, and not to leave them faced with unexpected losses.²⁸⁸⁵ This is because, when the hadiths on the subject are examined carefully, it is observed that the prohibition during the Prophet's time is related to the leasing by way of "letting out a certain part of the field to the tenant and the other more productive part to the owner of the field or by stipulating a certain amount of the product to be produced".

The maintenance and repair expenses of the rented place belong to the lessor. It is not necessary to write this matter in the contract because the building or land must be in a usable condition.²⁸⁸⁶

The tenant has the right to use the leased property in a manner required by the contract and custom and has the duty to pay the rent on the specified dates.

If the lessee uses the leased property outside the terms of the contract or exceeds the customary conditions, then he becomes liable to compensate if any damage occurs. Such as blacksmithing in the place leased for money changing, and loading the rented vehicle beyond the limit of occupancy.

Unless there is a contrary provision in the rental agreement, the tenant can rent the place to someone else during the rental period. This is because the change of hands of real estate does not create a significant difference in use. This is called a sublease. In cases where the tenant's personality is important, it is necessary to comply with the relevant conditions.²⁸⁸⁷ Customs and laws may also impose limitations on sub-tenancy.

If the owner sells the rented place to someone else, he has to wait until the end of the lease, since the new owner bought it knowingly.²⁸⁸⁸ This situation is important for the protection of trust, the contracts established with free will, the acquired rights, and for ensuring stability in legal relations.

2885. Al-Bukhari, Hars, 7, 18; Muslim, Buyū', 16-21; Abū Dawūd, 31, 32.

2886. Al-Kāsānī, *ibid*, IV, 208 ff.

2887. Mecelle, article, 428.

2888. Mecelle, article. 590.

If the lease agreement has expired, but the crop has not been harvested yet, the period is deemed to be extended by itself and the field owner gains the right to receive a precedent rental fee for the extended period.

According to the Ḥanafis, the lease agreement ends with the death of one of the parties. However, contemporary Muslim jurists have adopted the view that the end of the contract (dissolution) occurs only in the case of the death of the tenant.

If the rented thing is destroyed or there is a fault or a defect that eliminates the benefit, the contract is deemed to have ended by itself. The burning of the rented house, its destruction, the cutting of the water of the field, and the withdrawal of the water of the spa are of this nature. According to Imam Muhammad, in such a case, the lease agreement does not automatically terminate unless the tenant terminates it. This is because the benefits can be re-acquired by repairs etc. Ibn Abidīn (d. 1252/1836) said that in such a case, the rental price will decrease even though the contract continues. This is the preferred opinion of the Ḥanafis.²⁸⁸⁹

Rental price changes are not grounds for termination. However, there are two exceptions to this: a) It is not permissible to rent endowed and public property, and the property belonging to the orphans at such a low price as to be considered an exorbitant loss. If it is rented, the judge must terminate the contract, and those who caused it must compensate for the damage. b) If the endowed property has gained value after it has been rented and the rental price is clearly lower than its precedent, this is also a reason for termination. These properties are under protection because they are not managed by their real owners.²⁸⁹⁰

51 – Is key money permissible?

Answer: The collective price that the tenant asks from a prospective new tenant, sometimes from the landlord, in return for vacating or transferring the rented real estate, is called “key money.”

One of the causes of key money today is the effect of inflation on the rental price. Even if workplaces and other real estates are initially rented at market value, it is often seen that the lessee becomes more and more advantageous because of the rapid depreciation of money and the legal and actual difficulties in reflecting the inflation rate to the rental price. In such a case, even if there is a prohibition on transfer in the rental agreement, the lessee can transfer this workplace to the new tenant in return for a large amount of money, called key money, through various means such as a partnership or secret tenancy. It is clear that the tenant has made an unfair advantage here. This situation is experienced a lot today, especially in long-term rents of endowment, municipality, and public properties, in cases where the rental price falls to a symbolic figure. These

2889. Al-Kāsānī, *ibid*, IV, 196, 223; Ibn Abidīn, *ibid*, V, 30, 53; al-Zuhaylī, *ibid*, IV, 782.

2890. See Hamdi Döndüren, *İslami Ölçülerle Ticaret Rehberi*, p. 229-231.

properties have become an important unearned income area for the tenants due to laxity in administration.

According to the Hanafis, these three types of community property can be rented for a maximum of three years at the current market value. If the rent remains low to an exorbitant amount (20% below the current market value in real estate) compared to the rent of the comparable places, the management has the right to terminate the lease contract unilaterally, unless the price is increased.

As for the key money in return for the tenant's vacating the property, if the tenant vacates before the lease term expires, he/she may receive an amount from the new tenant or landlord for leaving early or for waiving the right of residence since he has the right to reside in the place until the end of the lease term.

It is an unfair demand for the tenant to demand a price for the evacuation of the lessee, by taking advantage of the protection of the law or the actual situation provided by the possession, after the lease term has expired. In such a case, only the fixtures in the shop or if the transfer authorization has been given, the right to receive it may be in question by appraising its value.

As a matter of fact, at the 4th Term Meeting of the Islamic Fiqh Academy, which is affiliated with the Organization of the Islamic Conference, held in Jeddah in 1988, the following decision was taken: It is permissible for the tenant, who evicted the leased property early while the lease is in progress, to receive from the new tenant or landlord in exchange for the remaining lease term. On the other hand, after the lease period has expired, since the leased property is now the owner of the immovable property, it is not permissible to transfer the leased property to another person without his consent and to receive a fee for this.²⁸⁹¹

52 – Is charging a difference in price for deferral permissible?

Answer: Islam has made trade permissible, whether in cash or on a deferred basis. Allah Almighty says, ***“Allah has permitted trade and forbidden usury.”***²⁸⁹² Adding profits in cash sales is legitimate, it is also legitimate in deferred sales. In fact, the profit rate can be kept higher considering that the money cannot be used in trade for a while and the purchase prices of the goods will increase in forwarding sales. In short, it is possible and permissible if someone applies a profit rate of 15% to a customer who buys cash, and 35% to those who want to buy with a six-month deferred payment. In the bargaining phase, the contract is completed when a certain good and its quantity are tied at a certain price at the end of the price negotiations in advance or according to the months. However, the fact that the seller thinks that he has provided interest-bearing financing to his customers by taking the cash price as the basis and adding bank loan interests on

2891. Komisyon, *Ilmihal*, II, 446.

2892. Al-Baqara, 2: 275.

top of that, and creating such an image of the maturity difference should not occupy the Muslim. Actions are by intentions. When an agreement is reached, the goods sold, their price in the form of a single price, and this price include a profit element.

Al-Sarakhsī (d. 490/1097), one of the Ḥanafī jurists, states that the parties can negotiate various prices in deferred sales, and concludes the issue as follows, “If the parties come to an agreement among themselves, do not leave without determining a certain sale price, and if they conclude the contract on this single price, it is permissible. Because in such a case, they fulfill the validity condition of the contract.”²⁸⁹³

53 – Is it permissible to negotiate the promissory notes or checks?

Answer: A promissory note or check is a guarantee for securing a receivable from another person. Setting the term borrowings in writing is the order of the Qur'an, “***O you who believe! Whenever you give or take credit for a stated term, set it down in writing.***”²⁸⁹⁴

Negotiating means the endorsement of this bill and the check is given for a down payment, less than the amount on the bill before the bill or check is due. It is possible and permissible to use a bill or check that belongs to us or someone else but has been transferred to us, for the payment of a debt or the purchase of deferred goods. Because those whose signatures are on the back of the promissory note or check are considered joint debtors as guarantors of each other. However, taking the money of the promissory note or check in advance and transferring it is a different transaction from endorsement. That is why it is accepted as an interest-bearing transaction.

For example, a person who cashes a check with a 6-month maturity of 100 million liras to a bank will receive only 70 million liras in cash if the bank applies 5% monthly interest. In such a case, the bank will charge 30 million lira interest in cash. The bank will collect 100 million liras from the debtor of the check at the end of the maturity date.

However, the debtor can get a discount by making an early payment to the creditor of the promissory note or check. Between the principal debtor and the creditor, this does not have the effect of having a promissory note.

Imam Malik narrates an event similar to having a check cashed in the Umayyad period: A kind of check was issued in the time of Marwan Ibn Ḥakam. The people began to sell them to each other for less than what was written on them before the delivery date of the goods. Zayd ibn Thabit (*ra*) and one of the Companions of the Messenger of Allah (*saw*), went to Marwan ibn al-Hakam and said, “O Marwan! Do you make usury *ḥalāl*?” He said, “I seek refuge with Allah! What is that?” He said, “These receipts which people buy and sell before they take delivery of the goods.” Marwan, therefore, sent a guard to follow them and to take the receipts from people’s hands.”²⁸⁹⁵

2893. Al-Sarakhsī, *Mabsūt*, XIII, 7-8.

2894. Al-Baqara, 2: 282.

2895. Malik, *Muwaffā'*, Bay', 397.

In the practice of the Ottoman Empire, the salaries of civil servants paid by state treasury or endowments were called “*camekiye*”. Due to their needs, some civil servants began to sell their right to receive a salary for a lower price before its due date. Ibn Abidin quotes the following fatwa on this issue, “A creditor cannot sell his debt to anyone other than his debtor.”²⁸⁹⁶

54 – How are debtor-creditor relations regulated in Islam?

Answer: Both cash loans and the debts arising from the purchase of goods on credit must be paid on time. However, in the case of *qard al-ḥasan* (interest-free loan), the creditor has the right to demand his receivable before the due date. Because, according to the majority of jurists, the maturity condition in *qard al-ḥasan* is not binding.

Ease should be granted to the debtor who experiences payment difficulties. The following is stated in the Qur’anic verse, “*If, however, [the debtor] is in straitened circumstances, [grant him] a delay until a time of ease; and it would be for your own good -if you but knew it -to remit [the debt entirely] by way of charity.*”²⁸⁹⁷ However, a person who does not pay his debt in due time, although he has the ability to pay, will be persecuting the creditor. The following is stated in the hadith: “*It is cruelty for a rich person to delay the payment of his debt.*”²⁸⁹⁸ The creditor can take his debt from this wealthy person by force through the court. If the rich person hides his wealth and delays the payment of his debt, the punishment rests with Allah. According to Abu Ḥanīfa, the debtor should not be imprisoned for his debt but should be forced to pay within a payment plan.

A Muslim can borrow money for reasons such as increasing his investments and increasing his turnover by buying more goods. Borrowings that do not exceed the ability to pay do not pose a problem. Actually, the Prophet (saw) also borrowed from time to time out of necessity. For example, he bought wheat on credit from a Jew and left his armor as a pledge.²⁸⁹⁹ In like manner, the Prophet owed a three-year-old camel to a Bedouin. When the equivalent of this animal could not be found, he ordered that the more valuable one be given instead. The Bedouin, who was very pleased with this, prayed as follows, “You have paid me in full, and may Allah pay you in full.” The Prophet (saw) said, “*The best amongst you is he who pays his debts in the most handsome manner.*”²⁹⁰⁰

Allah Almighty helps a person who borrows intending to pay. In a hadith narrated by Abu Hurayra (ra), it is stated, “*Whoever takes the money of the people with the intention*

2896. Ibn Abidīn, *Radd al-Mukhtār*, Beirut, n.d., IV, 14.

2897. Al-Baqara, 2: 280.

2898. Al-Bukhari, Hawala, 1, 2, Istiqrāz, 12; Muslim, MUSAQĀT, 33; Abū Dawūd, Buyū‘, 10; al-Tirmidhī, Buyū‘, 68.

2899. Al-Bukhari, Istiqrāz, 1, Buyū‘, 14, 33, 37, 88, Salam, 6, Rahn, 1; Muslim, MUSAQĀT, 124-126.

2900. Al-Bukhari, Wakāla, 5, 6, Istiqrāz, 13, 67, Hiba, 25; Muslim, MUSAQĀT, 122.

of repaying it, Allah will repay it on his behalf, and whoever takes it in order to spoil it, then Allah will spoil him."²⁹⁰¹

The importance of intention in borrowing is clearer in the following hadith narrated by Abu Umama (ra), *"If a person borrows money with the intention of repayment, but dies before he can pay his debt, Allah will give up his debt and please his creditor by paying the price he wants. On the other hand, if a person who borrows money without the intention of repayment dies without paying his debt, Almighty Allah takes the creditors' right from him."*²⁹⁰²

However, these prayers and warnings do not mean that borrowing is not permissible in Islam. In borrowing, one should be careful not to exaggerate and not to go into a debt that will exceed his ability to pay. In fact, in martyrdom, which is the most honorable state after prophethood, the fact that the debts of the martyr are excluded, even though all his sins are forgiven, shows how much Islam attaches importance to the rights of the people.

55 – What is a *salam* contract?

Answer: The contract of sale in which money is paid in advance and the delivery of the product differs is called "*salam*". While the contract should not have been permissible because the goods sold were not yet available, it was made legitimate by the *sunnah* of the Prophet due to necessity. The Prophet (saw) said, *"Whoever pays in advance the price of a thing to be delivered later should pay it for a specified measure at specified weight for a specified period."*²⁹⁰³ Accordingly, the conditions of *salam* are as follows: a) Money is paid in advance, b) The goods must be of the fungible goods that are measured, weighed or standard and sold in numbers. c) The goods are not in the form of gold, silver, or cash, because *riba al-faḍl* or *riba al-nasia* occurs when they are sold on credit. d) Determination of the genus and type of the goods, e) Determination of the delivery date.

However, today, some *salam* transactions cause the goods to be sold very cheaply before and lead to losses, especially for those who deal with agriculture. The villager, who sold his product very cheaply in return for cash money months ago, cannot use this money in a productive area, sometimes he tries to pay back the money he received by selling his field because he could not produce the product as much as desired or because the product was destroyed. Although it is originally legitimate, the *salam* contract leads to bad results.

56 – Is it permissible to receive a letter of guarantee and undertake a commitment based on it?

Answer: The receipt of many contracting works, both in the country and abroad, is subject to a bank letter of guarantee. By getting such a letter, if the commitment is

2901. Al-Bukhari, Zakāt, 18, Istiqrāz, 2; Ibn Maja, Sadakat, 11; Aḥmad ibn Ḥanbal, II, 361.

2902. Kamil Miras, *Tecrid-i Sariḥ Tercemesi*, 7th ed., Ankara 1984, VII, 273.

2903. Muslim, Musaḳāt, 128; al-Bukhari, Salam, I, 2, 7; Abū Dawūd, Buyū', 55.

not fulfilled, the bank undertakes to pay a certain amount of money to the employer, in return, it receives a certain commission and charges expenses. It is also possible to block the money, as much as the value of the commitment, instead of getting a letter of guarantee. However, this is not the way an investor would choose. A guarantor, who will be accepted by the other party, can also be shown. However, in large investments, even the closest relative or friend does not want to take such a risk as a guarantor.

In short, the bank undertakes a certain amount of money as a kind of guarantor on behalf of the investing businessman. Being a guarantor is permissible in Islam. This must be done without charging a cost. Because surety is a transaction that gives rewards and is considered an act of benevolence and obedience.²⁹⁰⁴ However, in the modern world, it is not usually possible to find a guarantor who would provide surety in return for a reward in the hereafter, or as an act of benevolence.

There are other services similar to the surety in Islamic jurisprudence. Imamate, being a muezzin, and teaching the Qur'an is among them. As a matter of fact, the first Hanafi jurists said that such services of obedience, which are qualified as part of delivering the message of Islam, should be done without a fee. However, when the times changed and no one did such tasks freely, the later Hanafi jurists issued a *fatwa* that these services could be provided in return for a salary or fee to be received from the state, foundations, or individuals so that religion and society would not be harmed.²⁹⁰⁵ Since surety is also an act of obedience, it is possible to compare the commission and expenses for the letter of guarantee with the fee for other acts of obedience. It is not enough to solve the problem for Muslims to withdraw from all business that requires a letter of guarantee. In short, if a Muslim has to get a letter of guarantee, he will be like hiring a guarantor in return for money.

57 – What is the evidence of a commercial partnership? How many types of partnerships are there?

Answer: There is very limited information in the Qur'an and Sunnah that regulates the issue of "partnership". Below we will list the main ones. In one verse, attention is drawn to the weakest aspect of partnerships as follows, ***"...truly many are the partners (in business) who wrong each other: Not so do those who believe and work deeds of righteousness, and how few are they?"***²⁹⁰⁶

The following is stated in a sacred hadith, ***"Allah Almighty says that I make a third with two partners as long as one of them does not cheat the other, but when he cheats him, I depart from them."***²⁹⁰⁷

2904. Al-Sarakhsī, *Mabsūt*, XX, 120.

2905. See al-Kāsānī, *ibid*, IV, 184; *al-Fatawā al-Hindiyya*, IV, 448; Ali Haydar, *ibid*, I, 919.

2906. Sad, 38: 24.

2907. Abū Dawūd, *Buyū'*, 26.

Before Islam, people were doing business by establishing partnerships with each other. In fact, the Prophet (saw) made such a trade partnership with Khadija (r. anha) in his youth, and his honesty and success in this business were effective in their marriage. The following is stated in the hadith, “When Muhammad was sent as a Prophet, people were doing business as partners and the Prophet (saw) approved it.”²⁹⁰⁸ “In the company, the profit-sharing is done according to the agreement by the partners. Bearing the loss happens according to the capital ratios.”²⁹⁰⁹

The “conditions of master agreement” determined and approved by the partners of a partnership are binding for the managers and partners provided that they do not conflict with the Islamic provisions. This is because a believer has an obligation to abide by the promises he has made and the agreements he has made, as long as the other party does not break them. Various verses in the Qur’an require this such as, “**O you who believe! Fulfill (all) obligations.**”²⁹¹⁰, and “**And be true to every promise for, verily you will be called to account for every promise which you have made!**”²⁹¹¹ The following hadith of the Prophet determines a general principle in this regard, “...And the Muslims will be held to their conditions, except the conditions that make the lawful unlawful, or the unlawful lawful.”²⁹¹²

In Islam, partnerships are generally divided into two property partnerships and contractual partnerships. Property partnership means sharing of a property by more than one person by way of inheritance, donation, and testament. Here, each partner cannot dispose of the common property unless the other’s permission is granted.

Contractual partnerships, on the other hand, are partnerships formed by a contract and are of eight types.

Types of Partnerships:

(1) *Mufāwāḍa* partnership:

If two or more persons have made a partnership contract on full equality and allocate all their assets that can be the capital for their partnership, if the amount of capital and the ratio of participation in profit and loss are determined equally, such a type of company is called “*mufāwāḍa* partnership”. This type of partnership is a partnership that can be established between brothers and capital owners who trust each other very much, and whose blessings are mentioned in the hadiths.²⁹¹³ In such a partnership, the partners are both agents and guarantors of each other.²⁹¹⁴ This is a stronger type of company than the

2908. Abū Dawūd, *Buyū’*, 35; Aḥmad ibn Ḥanbal, III, 367.

2909. Al-Zaylaī, *Naṣb al-Rāya*, III, 475.

2910. Al-Mā’ida, 5: 1.

2911. Al-‘Isrā, 17: 34.

2912. Al-Bukhari, *Ijarah*, 14; al-Tirmidhī, *Aḥkām*, 17. The last sentence exists only in al-Tirmidhī’s narration.

2913. See Ibn Maja, *Tijārāt*, 83.

2914. See al-Kāsānī, *Badāyī’*, VI, 60 ff.; Ibn Abidīn, *Radd al-Mukhtār*, III, 369 ff.

Collective companies practiced today because the responsibility of the partners covers all the assets that can be the capital of the company.

(2) *Inān* partnership:

It is the establishment of a partnership between two or more people to trade with equal or different amounts of capital and to share the profits between them. Here, the partners share the profit according to the conditions they have determined among themselves, and in principle, they bear the loss according to their capital ratio. The partner, who runs the business of the company or works in the company, may receive a share of the profit instead of a salary or may receive an advance salary as a deduction against the year-end profit. According to the Shafi'is, the person working in the company works for a salary.

Since the shares of the partners are the entire assets of the company, it is necessary to calculate the capital and profit amount of the company with the "revaluations" to be made at the end of the period. If these real values are reflected on "stocks", a real market or stock market value emerges. If the principal is initially set to gold or a stable currency, calculating the real profit is not difficult.

(3) Credit partnership (*Wujūh* partnership):

It is based on the principle of sharing the profits of two or more people who do not have capital but have a reputation in the society, by buying and selling goods on credit or by selling goods in cash. Here, each partner gets a share of the profit to the extent that he participates in the risk of loss.

(4) Labor partnership (*ṣanāyī* or *abdān* partnership):

It is the type of partnership that two or more people will establish by combining their business and profession or enterprise ability instead of goods and capital. In the event that two contractors or two tailors combine and undertake contracting works together, the work undertaken by one binds the other and they share the profit at the end of the period, and if there is a loss, they bear it together.

(5) Labor-capital partnership (*Muḍāraba*):

It is the type of partnership where one party joins it by his labor and the other party joins it by his capital. While the profit-sharing rates are determined by the contract, only the party who provides the capital bears the loss. However, if there is a loss, the party who provides labor will waste his efforts because he will not receive anything. If there is the intention, fault, or negligence of the operator (the party providing his labor) in the case of a loss, he must personally bear the loss as well. In *muḍāraba*, if the capital provider has set some conditions such as the type of trade to be made, and limitations regarding the place and duration of the business, the operating party must comply with them. In addition, the capital provider always has the right to audit whether the operator complies with the conditions of the agreement.

Today's Islamic financial institutions work on the basis of labor-capital (*muḍāraba*) partnerships. The institution, as an operator (*muḍārib*), operates the deposited savings in interest-free ways according to their maturity periods and receives approximately 20% of the profit obtained at the end of the period. The remaining 80% is distributed to the depositors in proportion to their capital.

(6) Agriculture partnership (*Muzāra'a*):

It is the partnership established by providing land by one partner and the labor from the other, based on the principle of sharing the product to be produced in proportions freely determined by the parties. In addition to the land owner and the operator, such partnerships can also be established with the addition of a third party or financial institution that undertakes the operating costs. In such a case, the person or institution that gives the agricultural loan will receive a fruitful and *ḥalāl* profit, as it will receive a share of the product to be produced instead of interest.

(7) Vineyard-garden partnership (*Musāqat*):

It is a type of partnership between the owner of an orchard and the person who will undertake the irrigation and maintenance of this orchard to share the product to be produced. As a third partner, a capital owner or financial institution can also be joined in such a partnership. Since the product will be shared, and if there is no product, the partners will bear the loss according to the rate of sharing the product, so there is no interest here either.

(8) Tree planting partnership (*Mughārasa*):

A partnership agreement can also be made on tree species that do not have fruit but only use timber such as oak, poplar, pine, etc.²⁹¹⁵

In conclusion, taking into account the types and characteristics of the partnerships mentioned above, in a partnership to be established between Muslims, utmost attention should be paid not to include clauses that make the lawful unlawful or the unlawful lawful while the company's articles of association are being prepared. However, in today's trading companies, some common applications allow partners to infringe on each other's rights, such as dividend distribution, stock value, purchase and sale, capital increase, company management, interest-bearing loans, conglomeration, trade relations among holding companies, transfer, termination or liquidation of the company. It should be the goal of the Muslim businesspersons to ask the view of an expert about the Islamic rulings on such practices.

58 – How to obtain large loans for investment in Islam?

Answer: In Islam, it is possible to obtain short-term and small loans through *qarḍ al-ḥasan* (interest-free loan). Non-commercial needs, short-term problems of those with

2915. For more information see Hamdi Döndüren, *İslami Ölçülerle Ticaret Rehberi*, Istanbul 1998.

limited and fixed incomes, and temporary and short-term economic financing of those who are engaged in trade can be met in this way.

In Islam, the principle of “profit-sharing” has been introduced for long-term and large loans. This is because, without mutual benefit, wealthy people cannot be expected to help each other constantly. Partnerships such as *muḥāwāḍa*, *inān*, *muḍāraba*, *wujūh* and *abdān* partnerships are suitable for providing all kinds of commercial loans in Islam. Especially “*muḍāraba*” constitutes the basis of Islamic banking today. *Muḍāraba* means labor-capital partnership. One party provides its labor and entrepreneurial abilities, and the other one provides capital and financing. They share the profit obtained at the end of a certain period according to the agreed profit-sharing ratios.

Since the operator participates in the partnership with only his labor, he only bears the loss that will occur without intent, fault, or negligence in the form of not being able to receive the reward of his labor. The loss is covered first out of the profit, if this is not enough, then out of the principal. An Islamic bank model emerges when an enterprising person or organization collects the savings of many people, employs them in the trade business, and distributes a share of the profits to them.²⁹¹⁶

Those who are engaged in agriculture can also establish partnerships based on sharing the product to be produced, by providing the land or planted trees by one party and the labor and capital by the other party, using the methods of agricultural partnership, such as vineyard-garden partnership (*musāqāt*) and tree planting partnership (*mughārasa*).

Providing the necessary financing for the business by a third person or institution, the product to be produced can also be shared by three partners. If the agricultural loans to be given to the peasants are provided by the method of getting a share from the product, it is possible to earn an income much higher than the interest due to the fertility of the soil. When these partnership types will be tested by applying them in the commercial and agricultural sectors and audited with statistical information, clearer results will emerge.

59 – While the negative effects of interest rates are not clearly seen in countries with a strong economy, what is the reason for its negative effects in developing countries such as Turkey?

Answer: The labor-capital (*muḍāraba*) partnership that we mentioned above was transferred to Europe under the name of “*commenda*” after the 10th century CE and to countries such as America, Japan, and Canada under the name of “Venture capital” after the middle of the 20th century.²⁹¹⁷ This method is an advanced financing model that provides financing for the latest technological innovations in the aforementioned advanced economies. For instance, in the USA and some developed countries, scientists have started to implement their projects, which are considered discoveries and inventions

2916. See Hamdi Döndüren, *Günümüz Ekonomik Problemlerine İslami Yaklaşımlar*, p. 87 ff.

2917. Hamdi Döndüren, “İslam Bankacılığı ve Reform Önerileri”, *İslami Araş. Der.*, vol. VI, no. 1, year, 1992; Çiller- Çizakça, *Türk Finans Kesiminde Sorunlar ve Reform Önerileri*, pub. by. İSO, İst. 1989, p. 152.

and which give rise to patent rights, through “labor-capital partnership (*muḍāraba*)” instead of selling and transferring them. In 1957 in the USA, it was observed that capital owners increased their principal amount “five thousand times” in dollar terms in 15 years from such an investment, and “233 times” after 5 years in an investment made in the computer field in 1961.²⁹¹⁸

In short, the method of investing the savings of the people directly into new production and employment areas in an interest-free way is one of the most distinctive features of advanced economies. According to the determination of Islamic Banking expert Aḥmad al-Najjar, while the rate of use of finance based on a “profit-loss” basis has reached 90% in the USA today, investments through interest-bearing loans have decreased to 10%. Considering that the use of interest-bearing loans in the banking sector in our Turkish economy is around 90%, it is clearly observed that savers are directed to risk-free annuity areas by intermediaries, not to areas that will directly create employment. This is also the reason why there is such a big difference between the dollar-Turkish lira exchange rate 75 years ago and today’s exchange rate in Turkey.

As a result, economically developed countries have turned to the risk capital method instead of interest-bearing loans in the new world order. This model is nothing but the labor-capital (*muḍāraba*) partnership that Islam practiced centuries ago.

60 – Is it permissible to trade in the stock market and stocks?

Answer: The stock market is defined as “a continuous marketplace established and supervised by the state, operating within the rules of private law, where the parties come together to buy and sell goods with commercial value”. The stock market was born and developed in the form of commodity and industrial stock exchanges, agricultural products exchanges, and gold exchanges, but today, the “stock exchange” has come to the forefront where valuable documents such as stocks, bonds, treasury bills, and foreign exchange documents are bought and sold.

Interest-bearing debt securities such as bonds and treasury bills, whether public, individuals or companies, cannot be seen as permissible according to Islamic law because they are in the nature of lending and borrowing with interest. This is also the case for FX-indexed bonds and debt securities.

As for the buying and selling of company stocks, it is necessary to evaluate their situation according to the assets of the company that they represent. In short, if the activity, production, and trade of the company are legitimate in terms of Islamic principles a believer can become a partner in it. This can be achieved today by owning stocks.

However, in today’s joint-stock company understanding, it is observed that individuals and intermediary institutions affect the stock market prices by disrupting the supply and demand balance in the stock market, in a way that is disconnected from the

2918. H. Döndüren, *İslami Ölçülerle Ticaret Rehberi*, p. 98, 99.

assets they represent. Therefore, we would like to briefly evaluate the Islamic approach to “stock value” below:

When a partner wants to leave the company, if the company’s property is divisible, his share can be given as property. If it cannot be divided, his share will be valued and it can be sold to someone else. There is no doubt that what is being sold here is not the paper of the stock, but the property it represents. By preserving this principle, stock trading is permissible.

Moreover, there is no doubt that the company’s production and trade areas should be in legitimate areas. However, today, there are gaps between the stocks of some companies and holdings from 15-20 years ago and the value of the assets they represent. Although the company built new factories, made investments, and multiplied its assets by hundreds of thousands of times with retained earnings, this wealth was generally not reflected in stocks. Bills are circulating in the free market, which finds customers several times their nominal value.

According to Islam, the purpose of the partnership is to make a profit. Even if only one partner is claiming the right to profit at the end of the year, he or she must be given the dividend. This is because his livelihood may depend on it. If the other partners do not receive profits, it will be added to their principal and their shares will grow. The growing assets of the companies should be valued through revaluation and reflected in the stocks in certain periods. Selling a stock dating from 20 years ago with a nominal value of one million liras, for a hundred times its nominal value, that is, for 100 million liras will not be sufficient today because its real value perhaps is fifty billion liras today in terms of real goods. Islam has brought more realistic solutions based on property in this regard.

Actually, in advanced economies, there is a close relationship between the real value of the stock and the value of the company’s assets. This situation also minimizes “the informal economic values.”

However, it should be noted that the reasons that push the investor to the informal economy should also be eliminated by the administration. An excessive amount of corporate tax, VAT, and a few types of taxes collected directly or indirectly from the same property push entrepreneurs to the informal economy.

In the final declaration of the Stock Exchange Seminar convened in 1988 with the initiative of the Islamic Fiqh Academy affiliated to the Organization of the Islamic Conference and the 8th Term meeting of the said Academy held in Jeddah in 1992, the following resolution was issued in summary: “As a rule, stocks are permissible as there is participation in profit and loss, but their ruling is closely related to whether the commercial transactions and purposes of the issuing company are legitimate or not. In the event that the company earns through religiously unlawful means such as interest, liquor production and trade, black marketeering, cheating, lying, and deception, it is not

permissible to buy and sell their shares and generate income from them, as it is *ḥarām* and means participating in what is wrong.”²⁹¹⁹

61 – Are there any special conditions to be complied with in the sale of gold, silver, or foreign currency (*ṣarf* contract)?

Answer: *Ṣarf* literally means to exchange money, spend it, and turn it over. As an Islamic legal term, it refers to the exchange of gold, silver, or other cash currencies with their own or other currencies. In the sources of Islamic law, the subject of *buyū'* (sale) and the subject of *ṣarf* are examined under separate headings. The reason for this is that although there is a wide free area within the subject of *buyū'* (sale) such as deferred sales, salam, and right to choose, it is required that two prices of a *ṣarf* contract must be exchanged at the spot without a deferral.

The following is stated in the hadith, “Do not sell gold and silver in exchange for cash.”²⁹²⁰ Accordingly, in the exchange of gold, silver, or money, both prices must be delivered before the parties leave the assembly. Otherwise, due to the deferral, “*riba al-nasī'a*” emerges. In the time of Umar, Malik Ibn Aws (ra) made a bargain with Talha Ibn Ubaydullah (ra) to convert one hundred dinars of gold into silver. Talha, who received the gold coins, told Malik ibn Aws to wait till his storekeeper came from the forest. Umar (ra) was listening to their bargain and intervened by saying, “By Allah! You should not separate from Talha till you get the money from him, for Allah’s Messenger (saw) said, ‘The selling of gold for gold is *riba* (usury) except if the exchange is from hand to hand and equal in amount, and similarly, the selling of wheat for wheat is *riba* (usury) unless it is from hand to hand and equal in amount, and the selling of barley for barley is usury unless it is from hand to hand and equal in amount, and dates for dates, is usury unless it is from hand to hand and equal in amount. If the genera differ, then sell as you wish as long as the payment is made hand to hand.’”²⁹²¹

When the genera are the same, the quantities must be the same. In fact, one of the Companions wanted to buy a gold-embroidered necklace in exchange for gold coins after the conquest of Khaybar. The Prophet (saw) commanded him to take the gold in the necklace out and sell the gold part of the necklace with the same amount of gold coins, and the rest of the necklace at an agreed value.²⁹²²

Accordingly, when a customer, who wants to sell his old gold and buy new gold should instead come to a money changer who must buy the old gold first by calculating its monetary value and then sell the new gold with that money. Otherwise, the excess in the exchange of gold of the same type becomes interest or what is known as usury.

Every currency in the market, including foreign currency types, creates a genus in itself. All currencies are considered a special genus in themselves and can only be

2919. Komisyon, *Ilmihal*, II, 450.

2920. Al-Bukhari, *Buyū'*, 78; Muslim, *Musaqāt*, 81, 83; al-Tirmidhī, *Buyū'*, 24.

2921. Al-Bukhari, *Buyū'*, 76.

2922. Muslim, *Musaqāt*, 17.

exchanged on the spot. For the most important criterion that removes such transactions from being an interest-bearing one is that payment of any or both of two sides of the prices is not tied to a future date. Accordingly, different currencies such as the Turkish lira, dollar, pound, and euro are exchanged with each other at the current market rate of the day and at the spot.

62 – Is paper money in circulation today considered money from a religious perspective?

Answer: According to Islamic economics, there are four types of things that have economic value.

- a) Coins minted in gold and silver. These can only be the selling price.
- b) Those that can be both the selling price and the goods sold. Fungible (*mithlī*) goods fall into this group. Standard commodities such as wheat, barley, rice, iron, and cement, which are bought and sold by volume or weight, are of this nature.
- c) Non-fungible commodities such as clothes, animals, land, houses, flats, and shops. These may only be goods sold. Since they are not standard, they cannot be a liability debt. Therefore, they are not suitable as the sales price.
- d) Things that are accepted as sales price (*thaman*) due to the value given to them by the state or society, although they are not basically sales prices. Their value is nominal. *Fals* and paper money are of this nature.

In the time of the Prophet, only gold or silver coins were used in the Hijaz. The currency unit of gold was dinar (approximately 4 gr.), while the currency unit of silver was dirham (2.8 gr.). From the time of the Umayyads (661-750 CE), coins called *fals*, a mixture of copper, nickel, and tin began to spread, to be used in small purchases and satisfy the small money need of the market. While gold and silver coins were circulating in the market with their real metal value, *fals* were traded at face value. Abu Yusuf indexed these coins to the gold or silver money in that region and said that the loss of value would not be interest.

Paper money has a long history. The Austrian economist Dobretsberger states that it was determined that banknotes were in circulation in Egypt around 1600 BCE. In this country, the people handed over the gold, jewelry, and grain they had to the state treasury and warehouses to be in safe storage, and in return, a receipt was given to them stating the value of the commodities that they had entrusted to them. Traders accepted these receipts in place of goods and money. In fact, such documents were circulating in Phoenicia and Mesopotamia as well.²⁹²³ This practice coincides with the period when the Prophet Yusuf (*as*), who is described in the Qur'an in Surah Yusuf, was in charge of the treasury and economic affairs of the state. Yusuf (*as*) stored the surplus products in the hands of the people in the seven years of abundance, and the troubles of the years of

2923. Feridun Ergin, *İktisat*, p. 569.

famine were overcome in this way.²⁹²⁴ Receipts supported by a fungible (standard) good must also be a kind of representative money.

Paper money became widespread in the 17th century by means of the practice found in England and Sweden. The people started to give their gold and valuables to the state warehouses and later to the money changers, and the receipts called “goldsmith’s notes” given by the money changers to the depositors were used in place of money.²⁹²⁵

In the Ottoman State, in the second half of the 19th century, paper money called “*kaime*” was printed with the value of one gold lira (approximately 7 gr.) as one hundred kuruş. However, when *kaime* began to lose value against gold in a short time, debtors began to prefer to pay their debts to both the state and individuals with this *kaime* instead of gold. Thereupon, in the *fatwās* and decrees, it was requested that the debt be paid in full amount if it was to be paid in gold lira, and if it was to be paid by *kaime*, it was demanded that it be paid over that day’s gold rate.²⁹²⁶ Here, the difference arising from the depreciation of *kaimes* against the gold lira is not considered interest or usury.

In the beginning, there was clarity in applying the gold provisions to the paper money on which the amount of gold it represented was written. Since the second half of the 20th century, the link between paper money with gold has been broken and it has been accepted that there is no need to place block tons of gold in central banks because paper money gets its value from the economic power of the state. A period of uncertainty has begun for paper money, as inflation indices are not sound and vary from region to region and even from city to city.

According to Abu Yusuf (d. 182/798), in borrowings made with money that gains a nominal value other than its real value in the market, (*fals*) the decrease or increase in the value of money (inflation and deflation) should be taken into account when paying the debt. This difference is calculated by indexing to a “stable money” based on the “delivery date” for borrowed money and the “date of sale” for debt arising from shopping. Abu Yusuf used it as the base for indexing the silver coin (*dirham*) that he considered stable in his own time. Today, since silver has lost a significant amount of value, gold is used as a base for indexing. Since silver has lost a significant amount of value today, the gold variety should be taken as the basis for indexing. We supplicate to Allah Almighty to bring Muslim jurists and economists, who understand this issue well, to a common view.

Our book is completed and ends here with praise to Allah and blessings and greetings to Muhammad. We have tried, with our effort and time, to present the provisions of Allah and His Messenger regarding the acts of worship and the various daily issues that the society constantly encounters and Allah knows best.

2924. See Yusuf, 12: 47 ff.

2925. Ergin, *ibid*, 560, 670.

2926. See Abdülaziz Bayındır, “Paranın Değer Kaybetmesiyle Ortaya Çıkan Problemler ve İslam Hukukuna Göre Çözüm Yolları”, İstanbul 1983, p. 27 ff.; Hamdi Döndüren, *Çağdaş Ekonomik Problemlere İslami Yaklaşımlar*, p. 41-43.

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